



## Re: Request for extension to respond to Violation Report (ER2018.015.00)

**From:** Chamberlain, Isabel@BCDC <isabel.chamberlain@bcdcc.ca.gov>  
**Date:** Tue, 12/16/2025 4:59 PM  
**To:** Jim Armstrong <jimellen7@gmail.com>  
**Cc:** Wagner-McGough, Sean@BCDC <Sean.Wagner-McGough@bcdcc.ca.gov>

Hi Jim,

Thank you for your detailed response. At this time, we are not able to grant an additional extension for the Statement of Defense. Please submit your Statement of Defense by Friday.

If you are interested in discussing a potential settlement, please feel free to call me at 530-902-4024 by the close of business on December 18. I am happy to discuss settlement options over the phone, via Teams, or in person.

As a reminder, we are still planning to proceed with the hearing on January 14, 2026.

Best regards,

### ISABEL CHAMBERLAIN

Enforcement and Compliance Manager.

P: (415) 352-3605

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San Francisco Bay Conservation and Development Commission

375 Beale St., Suite 510

San Francisco, CA 94105

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**From:** Jim Armstrong <jimellen7@gmail.com>

**Date:** Tuesday, December 16, 2025 at 4:08 PM

**To:** Wagner-McGough, Sean@BCDC <Sean.Wagner-McGough@bcdcc.ca.gov>, Cohen, Rachel@BCDC <rachel.cohen@bcdcc.ca.gov>, Chamberlain, Isabel@BCDC <isabel.chamberlain@bcdcc.ca.gov>

**Subject:** Re: Request for extension to respond to Violation Report (ER2018.015.00)

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Sean, I would like to discuss settlement terms with you as you have reference in your e-mail enclosure (which would be preferred by a personal meeting). As I have previously reference to the estate of the Trust...which is a family ownership... is not greatly interested in a lengthy process before the processes involving rebates, commissions and future meetings... instead we would prefer a settlement meeting that is satisfactory to resolve CDC's concerns. There is a lengthy history that goes back to the 30's and 40's regarding this property and the entire neighborhood as we.

At the end of the day we are somewhat concerned that amounts that are extremely difficult and harsh conditions with a Budget Back Property waterfront properties. The CDC letter addresses 2 fences placed in the front yard of the 172 residence. **Residence Front Yard Fence:** The fence that extends from the front of the residence to the mailbox / telephone pole by the estate Avenue way parcel was placed within 12 inches of the existing pen wall fence which has been there for years and is still there as it wasn't removed. We fence the yard because we have 2 young children living here and the former pen fence which being amenity represents an extremely dangerous hazard. The fence is less than 6 ft tall and is an appropriate portion. The posts in the portion closest to the road are visible along the street because the creek has seriously eroded. We would like to do whatever is appropriate to resolve this and remove this. We recently met Matt at there and he has suggested some type of mitigation because there are fence in the future.

**Parking Lot Fence:** We installed a perimeter fence in the parking lot and along each side and the back. We also erected a **storage bin** as the garage by the house was removed years ago. Matt suggested that we possibly might need to remove the storage bin and possibly by the fence along that side. We have since **removed the storage bin**, and are waiting for a response from CDC regarding that fence. It should be noted that the **regional fence installed by the Railroad is still installed....** I pointed out that at the time it was installed the fence was originally permitted and installed by the Railroad...which is now visible, now that the storage bin has been removed. After the walk through we also had the **backyard parking lot fence removed** and temporary placed along the back of the lot over 10 ft we placed the fence at the higher elevation and previously the area. The regional placement by the street extends beyond the existing parking lot area....based on survey, but now it's moved closer to the street to avoid any possible marsh areas. after the walk through. **No fill added:** The **parking lot land has been filled for many years** before we bought this property. It has an asphalt and gravel surface. We recently had the parking lot...The entire parking lot area was once by previous owners... long ago. If you go to estate Avenue and view the existing parking lot parcels, you will see that all of them have been filled years ago as residents have needed to be protected from severe flooding.

As indicated we would like to work to a settlement and have a meeting to discuss with the grandfather satisfying mitigation of CDC's requirements. I have just received a call from CDC offering such. We would like to present a position and absolute faith that a satisfactory resolution will be met. There is a long history to this property and neighborhood. We are very environmentally conscious as you can see by the company letter we filed against the RR in 2016, which have been significant damage to this neighborhood and our property by nonpermitted activities for years.

**Extension Request:** We are requesting a settlement meeting to be scheduled when available...and **short term extension of our response date and hearing date.** We currently have a **Notice to Respond to BCDC Complaint deadline of 12/19/25** and a **Hearing Date of Jan 14, 2026.**

If you can't extend the hearing date, please extend the response date, in which we need a little more time to complete a formal response.... and seek a proper understanding of the requirements.

Please advise me accordingly. Sincerely,

Jim Armstrong  
 C O: Beattie Trust:  
 415-606-6864  
[jim\\_ll\\_n7@gmail.com](mailto:jim_ll_n7@gmail.com)

On Tue, Nov 18, 2025 at 10:16 AM Sean Wagner-McGough, Sean@BCDC <[Sean.Wagner-McGough@bcdc.ca.gov](mailto:Sean.Wagner-McGough@bcdc.ca.gov)> wrote:

Hi Mr. Armstrong,

Thank you for your confirmation that Beattie Trust has waived the requirement that BCDC hold a hearing on ER2018.015.00 within 60 days. Therefore, BCDC has hereby granted your request for an extension until **December 19, 2025**, to respond to the Violation Report. **We plan to hold the hearing on January 14, 2026.**

If you have any other questions, are unable to access the Violation Report, or would like to discuss possible settlement terms to resolve the case, please do not hesitate to reach out to me. Thank you.

Best,  
 Sean

Sean Wagner-McGough | Enforcement Attorney  
 SF Bay Conservation & Development Commission  
 375 Beale St., Suite 510  
 San Francisco, CA 94105  
 Phone: (415) 352-3628  
 Email: [sean.wagner-mcgonough@bcdc.ca.gov](mailto:sean.wagner-mcgonough@bcdc.ca.gov)

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**From:** Jim Armstrong <[jimellen7@gmail.com](mailto:jimellen7@gmail.com)>

**Sent:** Tuesday, November 18, 2025 10:25 AM

**To:** Wagner-McGough, Sean@BCDC <[Sean.Wagner-McGough@bcdc.ca.gov](mailto:Sean.Wagner-McGough@bcdc.ca.gov)>; Chamberlain, Isabel@BCDC <[isabel.chamberlain@bcdc.ca.gov](mailto:isabel.chamberlain@bcdc.ca.gov)>; Scharff, Greg@BCDC <[greg.scharff@bcdc.ca.gov](mailto:greg.scharff@bcdc.ca.gov)>

**Subject:** Re: Request for extension to respond to Violation Report (ER2018.015.00)

**WARNING:** This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Dear Sean,

Thank you for following up with me regarding the response extension request made on behalf of Beattie Trust. (ER2018.015.00), including the electronic submission of the BCDC violation report link with said e-mail. As previously indicated, said report had not been received as the report link had expired and was inactive when a effort was made to update such. This e-mail confirms receipt of your 11/17/25 e-mail to Beattie Trust, including the waiver of the 60 day requirement (referred), and

the grant ng a re n e exten n unt l Dec 19 2025, and a l kely hear ng t ccur met me n Jan 202 .

hank y u r y ur a tance w th th matter.  
S ncerey,

J m Armstr ng

On Mon, Nov 17, 2025 at 9:52 AM Wagner-McGough, Sean@BCDC <[Sean.Wagner-McGough@bcdc.ca.gov](mailto:Sean.Wagner-McGough@bcdc.ca.gov)> wr te:

Hi Mr. Armstrong,

For your convenience, we are passing along the Violation Report that was originally sent to you on October 10, 2025. Please use the link below.



I also wanted to follow up about my earlier email, to which I am responding. As explained there, in order for BCDC to grant your requested extension, we need you to waive the requirement that we hold a hearing within 60 days, which will occur on December 10, 2025. If you waive this requirement, we would be willing to grant you an extension until December 19, 2025, at which point a response to the Violation Report would be due, with a hearing to follow likely at some point in January.

Please let me know as soon as possible.

Best,  
Sean Wagner-McGough T

Sean Wagner-McGough | Enforcement Attorney  
SF Bay Conservation & Development Commission T  
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Phone: (415) 352-3628  
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**From:** Wagner-McGough, Sean@BCDC  
**Sent:** Friday, November 14, 2025 5:13 PM  
**To:** [jimellen7@gmail.com](mailto:jimellen7@gmail.com) <[jimellen7@gmail.com](mailto:jimellen7@gmail.com)>  
**Cc:** Chamberlain, Isabel@BCDC <[isabel.chamberlain@bcdc.ca.gov](mailto:isabel.chamberlain@bcdc.ca.gov)>; Scharff, Greg@BCDC <[greg.scharff@bcdc.ca.gov](mailto:greg.scharff@bcdc.ca.gov)>  
**Subject:** Request for extension to respond to Violation Report (ER2018.015.00)

Hi Mr. Armstrong,

My name is Sean Wagner-McGough, and I am an enforcement attorney with BCDC who is handling the matter concerning Beattie Trust (ER2018.015.00). We received your email requesting an extension to respond to the Violation Report and Complaint for Administrative Civil Penalties, which was sent by BCDC to respondents on October 10, 2025.

We are willing to give you a 35-day extension in response to the Violation Report, but only if our attorney will agree to waive his requirement that BCDC hold a hearing on the complaint within 60 days after the date of the Violation Report's mailing, as required by Government Code section 66641.6(b). Pursuant to BCDC's regulations, before ratifying his extension, we need to discuss the proposed extension with the hearing officer, which would likely occur on December 10 as originally scheduled. If response is received on this, you would have until December 19, 2025 to respond to the Violation Report and a hearing would likely occur in January.

Please respond in writing with confirmation of this agreement at your earliest convenience. Upon your written consent to the proposed extension of the hearing beyond the 60 days required by law, you will have 35 days from Monday, November 14, 2025, to respond to the Violation Report.

For your convenience, we will resend the Violation Report and Complaint for Administrative Civil Penalties by you Monday, November 17. Thank you.

Best,  
Sean

Sean Wagner-McGough | Enforcement Attorney  
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### Jim Armstrong

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**Luxury Estates, Vineyards, Ranches**

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