



City & County of San Francisco

REHEARING REQUEST FOR APPEAL NO. 23-068

Ed Van Roden, Appellant(s) seeks a rehearing of **Appeal No. 23-068** which was decided on **January 31, 2024**. This request for rehearing will be considered by the Board of Appeals on Wednesday, **February 21, 2024**, at **5:00 p.m.** at **San Francisco City Hall in Room 416**. **The parties can also attend via the Zoom video platform, but in-person attendance is strongly encouraged.**

Pursuant to Article V, § 9 of the Rules of the Board of Appeals, the **response** to the written request for rehearing must be submitted by the opposing party and/or Department no later than **10 days from the date of filing, on or before 4:30 p.m. February 15, 2024**, and must not exceed six (6) double-spaced pages in length, with unlimited exhibits. The brief shall be double-spaced with a minimum 12-point font size. An electronic copy should be e-mailed to: boardofappeals@sfgov.org; julie.rosenberg@sfgov.org; tina.tam@sfgov.org, kevin.birmingham@sfgov.org, matthew.green@sfgov.org and elvr23@hotmail.com

You or your representative **MUST** be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from each side will be allowed. Except in extraordinary cases, and to prevent manifest injustice, the Board may grant a Rehearing Request only upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if known at the time, could have affected the outcome of the original hearing.

Based on the evidence and testimony submitted, the Board will make a decision to either grant or deny your request. Four votes are necessary to grant a rehearing. If your request is denied, a rehearing will not be scheduled and the decision of the Board will become final. If your request is granted, a rehearing will be scheduled, the original decision of the Board will be set aside, and after the rehearing, a second decision will be made. Only one request for rehearing and one rehearing are permitted under the Rules of the Board.

Requestor,

Signature: Via Email

Print Name: Ed Van Roden, appellant

Dear Board of Appeals,

I did not feel that I received a fair hearing, for Appeal 23-068, due to the fact that no one on board nor the representatives from DBI and Planning at the hearing know or understand the ADA laws and regulations. None of my arguments were questioned by the board or responded to, by my neighbor or her team.

It was quite frustrating to see the gentleman from DBI scramble for answers and incorrectly state the law around Title 24 (the California Building Code).

Most of the questions from the board were about the confusion on what business type was on which floor. This was not correctly resolved as they did not address the access the retail space on the second floor. Unfortunately, the board did not know or have all of the ADA legal knowledge to make an informed decision. This case should have been continued to when the correct subject matter experts are available to properly review and understand the laws.

Under Title 24 (California Building Code) the disability access is triggered when the valuation threshold is exceeded. This is the case at 3516 Sacramento Street as the amount of work she is doing is significantly higher than the valuation threshold that it is treated as new construction.

“In addition to Title 24, California has civil rights laws – Unruh Civil Rights Act and the California Disabled Persons Act – that protects the right of individuals with disabilities to the full use and enjoyment of all business establishments. Both laws provide that any violation of the ADA is a violation of state law” (See Exhibit 1)

The owner at 3516 Sacramento Street filed for two exceptions to avoid having to comply with adding an elevator for ADA requirements. The first is for Technical Infeasibility. Given the fact that she is adding a story on the top level, the walls have to be opened up on the perimeter

from the highest level to the lowest level and then a new foundation has to be constructed to support the new level. This often involves a structural moment frame installed in the garage. This is an invasive process in general but very common. I suspect her reason is budgetary rather than structural. Adding an elevator typically cost roughly \$50k but that does not include the cost to redo all the walls on the interior that surround a new elevator so the cost increases. (See Exhibit 2)

The second exception she is claiming is under 11B 206.2.3. You will see that under 11B 206.2.3 Exception 1.2 "Any other privately funded multistoried building that is not a shopping center, shopping mall...". You will see that the California definition of a shopping center is "only one or more sales or rental establishments or stores." By the states definition her building would be considered a shopping center that does not qualify for the exception. (See Exhibit 3)

I am also quite surprised that the board nor DBI seemed to have any concerns over starting the work under permit 202108025569 over 5 weeks before the permit was issued or the other parking and ongoing permit violations.

I am requesting a Rehearing Request so that the right subject matter experts can be available in order to help provide their input on the complicated ADA laws and exceptions in order to have fair decision.

Thank you,

Edward L van Roden

Exhibit 1: Title 24 California State Building Code and California Civil Rights Laws

California State Building Code – Compliance with **Title 24 (the California Building Code)** and its disability access requirements is triggered when premises are renovated or newly constructed. All construction work must comply with the disability access requirements of Title 24. In addition, when renovating your premises you must make the building's main entrance, the primary route to the renovated area, and any bathrooms, drinking fountains, signs or public telephones serving the renovated area accessible. But if the cost of your construction project is under the "valuation threshold" -- a dollar amount that is set annually and is currently \$147,863.00 – your obligation to do such additional access work is capped at 20% of your construction costs.

California Civil Rights Laws – In addition to Title 24, California has civil rights laws – the **Unruh Civil Rights Act and the California Disabled Persons Act** -- that protect the right of individuals with disabilities to the full use and enjoyment of all business establishments. Both laws provide that any violation of the ADA is a violation of state law. Plaintiffs often file lawsuits in state court under the Unruh or Disabled Persons Act, rather than under the ADA, because state laws allow plaintiffs to recoup three times their actual damages, and in the event that no actual damages are sustained, plaintiffs may recover statutory damages.

Exhibit 2: Technical Infeasibility

Approval of Technical Infeasibility Request form from the plans and the very weak justification for not being able to put in an elevator.

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION



Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Director

APPROVAL OF TECHNICAL INFEASIBILITY REQUEST (page 2)

APPROVAL OF TECHNICAL INFEASIBILITY REQUEST

To be used where it is technically infeasible to meet the prescriptive requirements of the code within the scope of work of an alteration or within an existing path of travel to the area of work of an alteration or addition, as per CBC section 11B-202.3

- 1. Site Address: 3516 SACRAMENTO ST
- 2. Floor: 2ND / 3RD
- 3. Permit Application No.: 202108025569
- 4. Request No.: _____
- 5. Existing Use: B, M
- 6. Proposed Use: RETAIL / OFFICE
- 7. Existing Occupancy: B, M
- 8. Proposed Occupancy: B, M

9. Description of proposed alteration element or path of travel upgrade for which technical infeasibility approval is requested:
DUE TO STRUCTURAL REQUIREMENTS PROVIDING AN ELEVATOR TO THE THIRD FLOOR WILL BE TECHNICALLY INFEASIBLE BECAUSE IT WILL REQUIRE THE ALTERATION OF LOAD BEARING MEMBERS.
CBC 11B-202.3. In alterations, where the enforcing authority determines compliance with applicable requirements is technically infeasible, the alteration shall provide equivalent facilitation or comply with the requirements to the maximum extent feasible. See CBC Chapter 2, section 202, *Technically Infeasible*

- 10. This alteration is technically infeasible due to:
 - It would require removal or alteration of a load bearing member that is an essential part of the structural frame
 - other existing physical or site constraints

11. Detailed description of the technical infeasibility. (provide details, documents and drawings if required or requested by staff) COMPROMISED STRUCTURAL

PROVIDING AN ELEVATOR TO THE UPPER 2ND & 3RD FLOORS WOULD REQUIRE THE ALTERATION OR RELOCATION OF A LOAD-BEARING MEMBER THAT IS AN INTEGRAL PART OF THE STRUCTURAL FRAME

- 12. Compliance with the regulations will be provided to the maximum extent feasible. (give description)
THE SAME RETAIL SERVICES AND EXPERIENCES PROVIDED ON THE 2ND AND 3RD FLRS WILL BE PROVIDED IN THE SPECIFICALLY DESIGNATED SPACE ON THE GROUND FLR

(For the re-use of this form.) I have verified that the above stated compliance is still in effect and is the maximum degree of compliance possible. Applicant initials THW and date 10/10/23

FOR THE DEPARTMENT OF BUILDING INSPECTION STAFF USE ONLY

This technical infeasibility request is:
 APPROVED (FOR THIS PERMIT ONLY) DENIED

Plans reviewed by (print name): _____
Signature of the Plans Examiner: _____ Date: _____



Approved for the following reason(s):

Denied for the following reason(s):

*Signature of the Group Supervisor: _____ Date: _____
 Approved for re-use Supervisor initials _____ and Date _____

If your Request for Approval of Technical Infeasibility has been denied, the plans examiner shall inform you reasons for denying that request. In addition, the plans examiner's group supervisor shall provide you second opinion regarding the denial.

If your Request for Approval of Technical Infeasibility has been denied, you may file an appeal with the Appeals Commission. Please refer to the Access Appeals Commission Information Guide, available at Customer Services desk, for complete information on this process.

Exhibit 2: Technical Infeasibility - Continued

Architect and Structural Engineer comments who reviewed the plans. They feel that this is a common situation and the inclusion of an elevator would not be that much more work.

✕ < >

Re: APPEAL FILED NO. 23-068 @ 3516-3518 SACRAMENTO STREET

AH Arne Halterman <arne@haltermanengineering.com> ← ↶ ↷ ...
To: You Mon 1/22/2024 1:46 PM

Start reply with:

Hi Ed,
I agree with your architect. She is doing major structural work, and the inclusion of an elevator would not be that much more work. Obviously, if she were to illustrate a new elevator going through a steel beam, then that would be a major issue. However, there appear to be lots of locations within the building footprint where she could simply cut some floor joists and re-support them on the new elevator stud walls; technically these joists are "load bearing", but that is a weak argument to make.


If you are looking for a more formal peer review regarding the overall design, I could do that too.

Best,
Arne

Arne Halterman, S.E.

HALTERMAN ENGINEERING
www.haltermanengineering.com
415-676-9390

Exhibit 3: California Definition of Shopping Center

All Q [Login](#) | [Signup](#)

[Corada Pro](#) [ADA Product Certification](#) [Products](#) [Documents](#) [Resources](#) [Shop](#)

[MORE INFO...]
*You must [sign in](#) to view [MORE INFO...]

2019 California Standards for Accessible Design Guide (effective January 1, 2020 with July 1, 2021 amendments)

2019 California Standards for Accessible Design Guide (effective January 1, 2020 with July 1, 2021 amendments)
/ CHAPTER 2 DEFINITIONS / SECTION 202 DEFINITIONS
/ SHOPPING CENTER (OR SHOPPING MALL)

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SHOPPING CENTER (OR SHOPPING MALL). [DSA-AC] *One or more sales or rental establishments or stores. A shopping center may include a series of buildings on a common site, connected by a common pedestrian access route on, above or below the ground floor, that is either under common ownership or common control or developed either as one project or as a series of related projects. For the purposes of this section, "shopping center" or "shopping mall" includes a covered mall building.*

DSA **Advisory Definition of SHOPPING CENTER (or SHOPPING MALL).** The California definition for *SHOPPING CENTER* is quite different from the federal definition. Federal ADA Regulations defines a shopping center or shopping mall as a building housing five or more sales or rental establishments. However, California accessibility provisions define a *shopping center* as only one or more sales or rental establishments or stores. ■

Exhibit 3: 11B 206.2.3 Multistory building and facilities Exception 1.2

Menu



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Sign In



11B-206.2.3 Multistory buildings and facilities.

At least one accessible route shall connect each story and mezzanine in multistory buildings and facilities.

Exceptions:

1. The following types of privately funded multistory buildings do not require a ramp or elevator above and below the first floor:
 - 1.1. Multistoried office buildings (other than the professional office of a health care provider) and passenger vehicle service stations less than three stories high or less than 3,000 square feet (279 m²) per story.
 - 1.2. Any other privately funded multistoried building that is not a shopping center, shopping mall or the professional office of a health care provider or a terminal, depot or other station used for specified public transportation or an airport passenger terminal and that is less than three stories high or less than 3,000 square feet (279 m²) per story if a reasonable portion of all facilities and accommodations normally sought and used by the public in such a building are accessible to and usable by persons with disabilities.
2. **Reserved.**
3. In detention and correctional facilities, an accessible route shall not be required to connect stories where cells with mobility features required to comply with *Section 11B-807.2*, all common use areas serving cells with mobility features required to comply with *Section 11B-807.2*, and all public use areas are on an accessible route.
4. In residential facilities, an accessible route shall not be required to connect stories where residential dwelling units with mobility features required to comply with *Sections 11B-809.2 through 11B-809.4*, *residential dwelling units with adaptable features complying with Sections 11B-809.6 through 11B-809.12*, all common use areas serving residential dwelling units with mobility features required to comply with *Sections 11B-809.2 through 11B-809.4*, *all common use areas serving residential dwelling units with adaptable features complying with Sections 11B-809.6 through 11B-809.12*, and public use areas serving residential dwelling units are on an accessible route.

**BRIEF SUBMITTED BY THE PERMIT HOLDER(S) FOR
REHEARING REQUEST**

3516 Sacramento Street

– Response to Re-Hearing Request Brief from Appellant Re; Appeal No. 23-068

Dear Board of Permit Appeals,

This letter responds to the appellants brief for a rehearing request for Appeal No. 23-068, dated 2/5/24.

1. ADA – Technical Infeasibility & ***Disruption of Critical Structural Members***

If a project exceeds a certain cost valuation, in 2023 it is \$200,399.00, then the entire building must comply with accessibility requirements as required by the California & San Francisco Building Code unless there is a financial hardship or technical infeasibility is granted by Senior-level Management of Building Department.

Level 1 is fully accessible compliant – there is no debate there.

Level 2 & Level 3 retail spaces (only 1 retail space will be located at these levels after project is complete) require accessibility compliance based on the value of construction. Office spaces are exempt. Since these levels are located above sidewalk level, vertical access is required.

However, **Vertical access has been exempted based on a technical infeasibility and equivalent facilitation.**

Technical infeasibility was granted after an evaluation of the existing structural system of the second floor (framing directly above the ground level)– see figure 1 that shows the critical structural members that were installed – steel moment frames and Engineered PSL girder beams.

You can see how disruptive a new commercial elevator would be to install inside the blue lines – it is impossible to fit a commercial elevator shaft without disrupting critical structural elements or foundations supports. Figure 1 shows all of the critical structural members (whether they are steel moment frames or engineered girder beams – shown in blue). Figure 2 shows the completed foundations with massive grade beams and spread foundations for the retaining walls. An elevator shaft generally requires a deep pit – which would require excavating through critical spread foundations supporting retaining walls. This could compromise the foundation system. This has been validated by structural engineers in the city as well as ADA experts within the city. The structural engineer hired by the appellant has never reviewed these plans so his statement should be invalidated.

This technical infeasibility is a very standard process that is common throughout San Francisco Building. For instance, the mandatory accessible business entry (ABE) program requires all commercial businesses in San Francisco to meet accessible entry standards – From the Technical Services Department I have been told that hundreds of buildings in San Francisco have applied and were granted this technical infeasibility.

2. *Allegations of Work without Permit*

The debate that works was performed without a permit is incorrect. There has always been an active building permit to perform structural work on the building. This has been enforced by building inspectors for years. Ultimately this permit at hand is a revision to the previously approved 2000 permit which has held an active status since 2000.

Margie Rogerson, Permit Holder

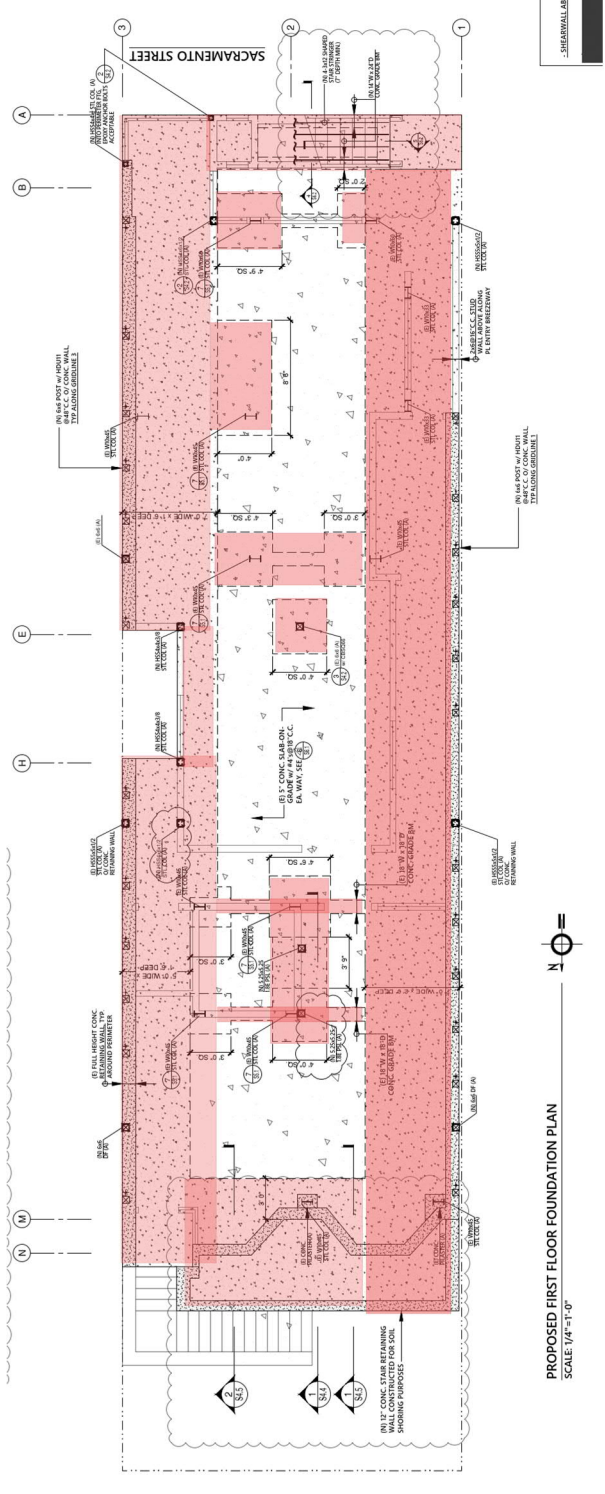
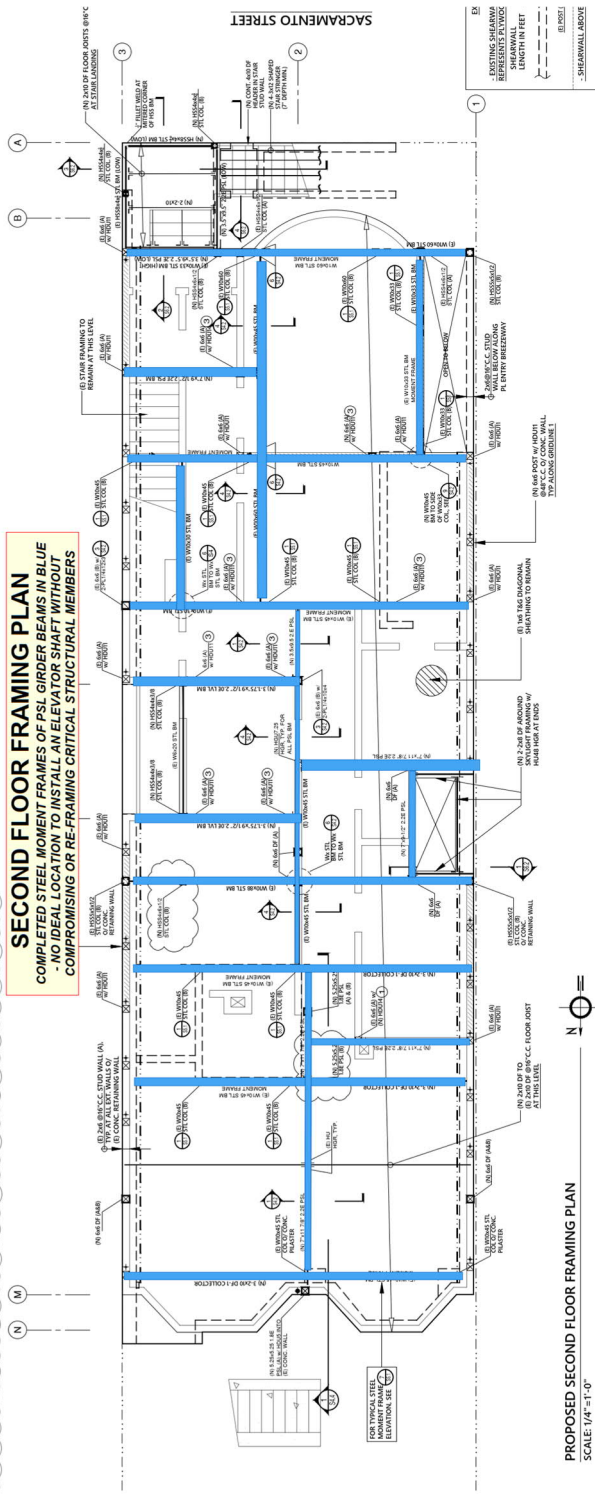


Figure 1 (Left): Existing Structural Framing System – Beams Shown in Blue

Figure 2 (Right): Existing Structural Foundation System – Foundations Shown in Red

DOCUMENTS SUBMITTED FOR THE JANUARY 31, 2024 HEARING

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
ED VAN RODEN, _____)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION, _____)
PLANNING DEPARTMENT APPROVAL Respondent

Appeal No. **23-068**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on December 12, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the issuance on December 4, 2023, to Margaret Rogerson, of an Alteration Permit (revision to Building Permit Application No. 2000/0614/2628; response to Planning Enforcement Case No. 2020-001795ENF to correct proposed building height to comply with required zoning height limit; remove approved ground level garage and expand retail space) at 3516-3518 Sacramento Street.

APPLICATION NO. 2021/08/02/5569

FOR HEARING ON January 31, 2024

Address of Appellant(s):

Address of Other Parties:

Ed Van Roden, Appellant(s) 3508 Sacramento Street San Francisco, CA 94118	Margaret Rogerson, Permit Holder(s) c/o Mohamed Salem, Attorney for Permit Holder(s) m.f.salem@comcast.net
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Date Filed: December 12, 2023

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 23-068

I / We, **Ed Van Roden**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2021/08/02/5569** by the **Department of Building Inspection** which was issued or became effective on: **December 4, 2023**, to: **Margaret Rogerson**, for the property located at: **3516-3518 Sacramento Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **January 18, 2024, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org, matthew.greene@sfgov.org, goldberrys@aol.com, alex@altosengineer.com and purearch@cs.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **February 1, 2024, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and elvr23@hotmail.com.

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, February 7, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant:

Signature: Via Email

Print Name: Ed Van Roden, appellant

My concern is that the plans for 3516 Sacramento Street, permit # [202108025569](#), to comply with a Notice of Violation is going from two stories of commercial space to three stories of commercial space and adding a fourth floor residence. There should be some kind of elevator or vertical access with all of these upgrades to meet ADA compliance. Also, do the new stairs meet the ADA requirements? How would someone in a wheel chair get to any floors? There are already about 30 stairs just to enter the building from the sidewalk. As you will see below this is triggered when premises are renovated or newly constructed. **California State Building Code** – Compliance with [Title 24 \(the California Building Code\)](#) and its disability access requirements is triggered when premises are renovated or newly constructed. All construction work must comply with the disability access requirements of Title 24. In addition, when renovating your premises you must make the building's main entrance, the primary route to the renovated area, and any bathrooms, drinking fountains, signs or public telephones serving the renovated area accessible. But if the cost of your construction project is under the "valuation threshold" -- a dollar amount that is set annually and is currently \$147,863.00 -- your obligation to do such additional access work is capped at 20% of your construction costs. **California Civil Rights Laws** – In addition to Title 24, California has civil rights laws -- the [Unruh Civil Rights Act and the California Disabled Persons Act](#) -- that protect the right of individuals with disabilities to the full use and enjoyment of all business establishments. Both laws provide that any violation of the ADA is a violation of state law. Plaintiffs often file lawsuits in state court under the Unruh or Disabled Persons Act, rather than under the ADA, because state laws allow plaintiffs to recoup three times their actual damages, and in the event that no actual damages are sustained, plaintiffs may recover statutory damages. I have been chasing DBI about ADA requirements for these plans for over a year. On August 25, 2023, I met with Thomas Fessler from DBI. He said the plans were all over the place and they would need some kind of vertical access. I was quite surprised to see these plans approved with no vertical access required. In addition, permit # 2022-0528-3035 did not have any plans to remove and rebuild the stairs which they had done prior to this permit even getting approved on December 4th.

Unfortunately, my neighbor has been abusing the system for years using permits from 1999 to use as she wishes. It has been difficult for DBI to keep track of all of these changes and requirements.

Permit Details Report

Report Date: 12/12/2023 2:47:00 PM

Application Number: 202108025569

Form Number: 3

Address(es): 1010 / 006 / 0 3516 SACRAMENTO ST
 1010 / 006 / 0 3518 SACRAMENTO ST

Description: REVISION TO BPA# 200006142628. RESPONSE TO PLANNING ENFORCEMENT 2020-001795ENF. CORRECT PROPOSED BUILDING HEIGHT TO COMPLY WITH REQUIRED ZONING HEIGHT LIMIT. REMOVE APPROVED GROUND LEVEL GARAGE & EXPAND RETAIL SPACE.

Cost: \$222,700.00

Occupancy Code: R-3,B,M

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
8/2/2021	TRIAGE	
8/2/2021	FILING	
8/2/2021	FILED	
12/4/2023	APPROVED	
12/4/2023	ISSUED	

Contact Details:

Contractor Details:

Addenda Details:

Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CPB		8/2/21	8/2/21	8/2/21	8/9/21	8/9/21	LEI ALVINA		ELECTRONIC SUBMISSION. BB# 252-849-216. 7/30/2021: Emailed applicant for original approved ref dwg/permit app, payor info, add revision scope of work on drawings. 8/2/2021: Emailed applicant for clarification and remind them that expired permits need to be renewed prior to this permit issuance. Filing fee invoice sent to owner. 8/2/2021: Updated Form 3/DWGS to BB. Pending Filing Fee. Emailed CES/BID-INSP for complaint sign-off. 8/9/2021: Filing fee paid. CES sign-off. Pending BID-INSP sign-off, resent email to BID-INSP. 8/9/2021: Signed-off by BID-INSP. To PPC.
BID-INSP		8/9/21	8/9/21			8/9/21	GREENE MATT		ok to process.
CES		8/2/21	8/2/21			8/2/21	GREENE EDWARD		ok tp process eg
CP-ZOC		8/10/21	12/17/21	8/13/21	9/9/21	12/6/22	GRETEL GUNTHER	Approved	9/9/21 - Documents received. Routed to manager for planner assignment. Add the following document(s) to the Bluebeam session and notify Erica.Russell@sfgov.org: 1. A completed Project Application. Approve revision to BPA No. 2015-0331-2468 for a

									4th floor vertical addition with a (n) dwelling unit. Legalize: existing retail sales and service use (d.b.a. Goldberry) at the 2nd floor. Designate the front commercial space only at the 3rd floor as a legal nonconforming general office use and the rear commercial space only at the 3rd floor as a legal nonconforming non-retail professional service use, per plans. At the 3rd floor, approve one commercial space only as accessory office to the 2nd floor retail sales and service use, per plans. Legalize: removal of a projecting sign at the 3rd floor and storefront alterations at the ground floor, window changes to the north and west facades. Replace front stairs like-kind. Child Care Impact Fee applied. -G.G.
CP-NP		9/26/22	9/26/22	9/26/22	9/29/22	12/6/22	GRETEL GUNTHER		9/26/22: Emailed 311 cover letter. Vlad 9/29/22: Mailed 311 notice on 10/10/22-11/9/22
BLDG		12/15/22	1/9/23			1/9/23	WONG IRENE		SUPERVISOR COMMENTS: NO WORK PERFORMED BY IRENE WONG. ADDITIONAL "BLDG" STATION ADDED BY M.WALLS. 2/14/23
BLDG		12/15/22	2/23/23			2/23/23	WALLS MARK		UNDER SUPERVISOR REVIEW. MGW 2/17/23 RE-ASSIGNED. MGW
BLDG		7/18/23	7/18/23	7/18/23		9/27/23	OSPITAL JOSEPH	Issued Comments	met with applicant and architect Phone disussion with architect regarding Path of Travel requirements 7/18/2023 EPR: Additional comments issued, Disregard 7/14/2023 approval
BLDG	1	9/26/23	10/3/23			10/13/23	OSPITAL JOSEPH	Approved	
BLDG		7/18/23	9/27/23			9/29/23	OSPITAL JOSEPH	Issued Comments	
BLDG	2	11/7/23	11/7/23			11/7/23	OSPITAL JOSEPH	Approved	
BLDG		2/23/23	2/24/23	4/25/23		4/27/23	BARNES JEFF		Approved In BB session 735-176-192 email to Alexander Santos & AOR chip@f36design.com response to valuation email to be updated prior to up-load into BB session. review 4/27/2023 Meeting W/AOR chip & A santos, REV3 comments issued, waiting for REV4 in A PDF to email review meetingw/ AOR 03/31/2023 teams meting w/AOR Chip. & alex Santos
BLDG		7/13/23	7/14/23			7/14/23	OSPITAL JOSEPH		Stamped new AB-009 and Approved for Jeff Barnes

PAD-STR		3/22/23	5/5/23	6/30/23		7/14/23	HUANG VIVIAN		approved in BB REV7 comment to discuss with engr comment in BB
PAD-STR		10/24/23	10/24/23			10/24/23	HUANG VIVIAN	Issued Comments	floor LL M/B = 75/50psf
PAD-STR	1	11/7/23	11/7/23			11/7/23	HUANG VIVIAN	Approved	approved REV12
MECH		12/15/22	1/23/23	1/23/23	7/12/23	6/28/23	TAN (PETER) JIA JIAN		1/23/2023: Issued comments in Blue Beam Session 735-176-192. Awaiting for the applicant's response. peter.j.tan@sfgov.org
MECH		7/12/23	7/12/23			7/12/23	TAN (PETER) JIA JIAN		7/12/2023: Approved. MEP under separate permit
MECH		10/17/23	10/17/23			10/17/23	SHAIKH MOHSIN	Approved	10/17/23 Reviewed R11, added Title-24 for commercial. Approved for Peter Tan.
MECH-E		1/20/23	1/25/23	1/25/23	7/14/23	6/28/23	JACOBO MARCO		comments 1/23.
MECH-E		6/28/23	6/28/23	6/28/23	7/14/23	6/28/23	JACOBO MARCO		comments emailed to alexander santos 6/28.
MECH-E		7/14/23	7/14/23			7/14/23	JACOBO MARCO		Electrical deferred for separate MEP permit.
MECH-E		10/23/23	10/23/23			10/23/23	JACOBO MARCO	Approved	Electrical deferred for separate MEP permit.
SFPUC		12/15/22	1/5/23			1/5/23	GARCIA JOBEL		EPR - Capacity Charge not applicable. No change in meter size, not enough fixtures added to warrant a larger meter. -1/05/23.
DPW-BSM		12/15/22	12/19/22			12/19/22	DENNIS RASSENDYLL		12.19.22 Approve. EPR (Full) - No alteration or construction of City Right-of-Way under this permit . -RD
CP-ZOC		7/17/23	7/17/23			7/17/23	GRETEL GUNTHER		07/17/23 - Re-stamp (R7) in Bluebeam complete. -G.G.
DPW-BSM		7/18/23	7/26/23			7/26/23	DENNIS RASSENDYLL		Restamped EPR (Full) - No alteration or construction of City Right-of-Way under this permit . -RD
SFPUC		7/18/23	7/19/23			7/19/23	GARCIA JOBEL		RESTAMP - EPR - Capacity Charge not applicable. No change in meter size, not enough fixtures added to warrant a larger meter. -07/19/23.
SFPUC		10/24/23	10/24/23			10/24/23	GARCIA JOBEL	Approved	RESTAMP - EPR - Capacity Charge not applicable. No change in meter size, not enough fixtures added to warrant a larger meter. -10/24/23.
CP-ZOC		10/16/23	10/16/23			10/16/23	GRETEL GUNTHER	Approved	10/16/23 - Re-stamp (R10) in Bluebeam complete. Planning Enforcement Fee stamp applied to Form 3. -G.G.
CP-ZOC		10/23/23	10/23/23			10/23/23	GRETEL GUNTHER	Approved	10/16/23 - Re-stamp (R11) in Bluebeam complete. -G.G.
CP-ZOC		11/7/23	11/7/23			11/7/23	GRETEL GUNTHER	Approved	11/7/23 - Re-stamp (R12) in Bluebeam complete. -G.G.
DPW-BSM	2	11/8/23	11/13/23			11/13/23	DENNIS RASSENDYLL	Approved	11.13.2023 Approve. EPR- No alteration or construction of City Right-of-Way under this permit . -RD
SFPUC	2	11/8/23	11/9/23			11/9/23	GARCIA JOBEL	Approved	RESTAMP - EPR - Capacity Charge not applicable. No change in meter size, not enough fixtures added to

									warrant a larger meter. -11/9/23.
DFCU		11/13/23	11/13/23			11/13/23	LUU SARAH	Administrative	11/13/23: Child care fee prepared for collection.
PPC		8/9/21	11/13/23			11/14/23	PHAM ANH HAI	Administrative	11/14/23 08:22 AM Invite sent to CPB to close out permit; HP 11/13/23: Email sent to DFCU for fee assessment; HP 11/8/23: Invite sent to BSM & PUC to review and stamp REV12 drawing; HP 7/18/23: Invite sent to BSM & PUC to review and stamp REV7 drawing. Email sent to BLDG supervisor to sign AB-005 on Sheet A0.12; HP 12/15/22: Invite sent to BLDG, MECH, BSM & PUC to start electronic plan review; HP 8/10/21: Invite sent to applicant to join BB session; HP 8/10/21: Bluebeam session created, invite sent to DCP to start electronic plan review; HP
CPB		11/14/23	11/17/23			12/4/23	CHEUNG DEREK	Administrative	12/4/23: KEVIN BIRMINGHAM OK TO PROCESS FOR ISSUANCE. ISSUED TO OWNER ON BB. -DC 12/1/23: issuance fee sent to owner. -dc 11/30/223: Emailed PPC to reopen BB session to invite Planner Joseph Ospital to docs. al 11/28/2023: SFUSD fee included to issuance fee.ay

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
12/14/2023	AM	VS	IVR Scheduled	REINFORCING STEEL	1
12/12/2023	AM	VS	IVR Scheduled	OK TO POUR	1
12/8/2023	PM	CS	Clerk Scheduled	OK TO POUR	1

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
12/12/2023	Robert Power	OK TO POUR	REINFORCING STEEL
12/8/2023	James Kelly	OK TO POUR	NO ENTRY/NO PROGRESS

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	
0			VP3	CF2R-PLB-22-H - HERS VERIFIED SINGLE DWELLING UNIT HOT WATER SYSTEM DISTRIBUTION	
0			4	REINFORCING STEEL AND PRETRESSING TENDONS	reinforcing steel
0			5A1	SINGLE PASS FILLET WELDS < 5/16"	
0			18A	BOLTS INSTALLED IN EXISTING CONCRETE	
0			18C	PULL/TORQUE TESTS PER SFBC SEC.1607C & 1615C	
0			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	

0			20	HOLDOWNS	
0			24A	FOUNDATIONS	
0			24B	STEEL FRAMING	
123					

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

[Online Permit and Complaint Tracking](#) home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Contact SFGov Accessibility Policies
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BRIEF SUBMITTED BY THE APPELLANT(S)

January 10, 2024

Appeal No.: 23-068

Appeal Title: Van Roden vs. DBI, PDA

Subject Property: 3516-3518 Sacramento Street

Permit Type: Alteration Permit

Permit No.: 2021/08/02/5569

Dear Board of Appeals,

My concern is that the plans for 3516 Sacramento Street, permit # [202108025569](#), which is a permit to comply with a Notice of Violation is going from two stories of commercial space to three stories of commercial space and adding a fourth floor residence.

There should be some kind of elevator or vertical access with all of these upgrades to meet ADA compliance.

Also, do the new stairs meet the ADA requirements? How would someone in a wheel chair get to any floors? There are already about 30 stairs just to enter the building from the sidewalk.

As you will see below this is triggered when premises are renovated or newly constructed.

California State Building Code – Compliance with [Title 24 \(the California Building Code\)](#) and its disability access requirements is triggered when premises are renovated or newly constructed. All construction work must comply with the disability access requirements of Title 24. In addition, when renovating your premises you must make the building's main entrance, the primary route to the renovated area, and any bathrooms, drinking fountains, signs or public telephones serving the renovated area accessible. But if the cost of your construction project is under the "valuation threshold" -- a dollar amount that is set annually and is currently \$147,863.00 – your obligation to do such additional access work is capped at 20% of your construction costs.

California Civil Rights Laws – In addition to Title 24, California has civil rights laws – the [Unruh Civil Rights Act and the California Disabled Persons Act](#) -- that protect the right of individuals with disabilities to the full use and enjoyment of all business establishments. Both laws provide that any violation of the ADA is a violation of state law. Plaintiffs often file lawsuits in state court under the Unruh or Disabled Persons Act, rather than under the ADA, because state laws allow plaintiffs to recoup three times their actual damages, and in the event that no actual damages are sustained, plaintiffs may recover statutory damages.

I have been chasing DBI about ADA requirements for these plans for over a year. On August 25, 2023, I met with Thomas Fessler from DBI. He said the plans were all over the place and that there should be some kind of vertical access and the need to update some of the bathrooms. I had a follow up meeting with Joseph Ospital, since he was reviewing the ADA requirements for DBI, on September 21, 2023. He said that he was working with the architect to ensure they would meet the necessary ADA requirements. I reminded him that he needed to look at the plans in their entirety not subsets of different plans that were approved over 20 years ago. I was quite surprised to see these plans approved with no vertical access required. (see exhibit 1).

There is also a services business now on the third floor of the building which is illegal.

In addition, permit #202211096208 that was used for the parking permit # 23-2-239299 from 10/23/23 through 11/23/23 was to reinstall the sprinkler system. This permit had no plans let alone to remove and rebuild the stairs and create a new entrance. In permit 202108025569 it shows the “NON-COMFORMING STAIR (BEYOND) TO BE REMOVED”.

They started removing the stairs over a month prior to this permit even getting approved on December 4th. (See Exhibit 2)

My neighbor also posted the signs for three parking spaces versus the two that they had paid for. She also used it for her personal use for her black Volvo station wagon. (See Exhibit 3)

Unfortunately, my neighbor has been abusing the system for years using permits from 1999 to use as she wishes. It has been difficult for DBI to keep track of all of these changes and requirements. I am certain that there has been a lot of work done without permits over the years. She has also accumulated over 40 Notice of Violations in the process. (See Exhibit 4)

Please help stop this ongoing abuse. My request is to enforce the ADA requirements as per California State Building Code Title 24 and to have an inspection audit of all of the work that has been completed over the last several years to determine if there was an active permit in place or not.

Regards,

Edward van Roden

Exhibit 1: Emails with DBI regarding ADA requirements for 3516 Sacramento St.

From: Ospital, Joseph (DBI) <joseph.ospital@sfgov.org>
Sent: Tuesday, September 19, 2023 2:25 PM
To: Ed van Roden <elvr23@hotmail.com>
Cc: Walls, Mark (DBI) <mark.walls@sfgov.org>
Subject: RE: 3516 Sacramento - Plans - ADA Review

Good afternoon Ed,

The best time/day for me is Thursday 9/21/2023 at 2PM. Please confirm.

JOSEPH OSPITAL, CASp #830
Senior Building Inspector

Permit Services - Department of Building Inspection
(628) 652-3546

From: Ed van Roden <elvr23@hotmail.com>
Sent: Tuesday, September 19, 2023 11:13 AM
To: Ospital, Joseph (DBI) <joseph.ospital@sfgov.org>
Subject: Re: 3516 Sacramento - Plans - ADA Review

Hi Joseph,

Please let me know which day this week may work to meet in the afternoon.

Thanks,
Ed

From: Ed van Roden <elvr23@hotmail.com>
Sent: Monday, September 18, 2023 9:18 AM
To: Ospital, Joseph (DBI) <joseph.ospital@sfgov.org>
Subject: Re: 3516 Sacramento - Plans - ADA Review

Hi Joseph,

I can meet Tuesday through Friday this week between 12pm-5pm.

Please let me know which day and time will work best for you.

Thanks,
Ed

From: Ospital, Joseph (DBI) <joseph.ospital@sfgov.org>
Sent: Monday, September 18, 2023 8:20 AM
To: Ed van Roden <elvr23@hotmail.com>
Subject: RE: 3516 Sacramento - Plans - ADA Review

Mr. van Roden,

Please provide me with three dates and times you may be available to come to DBI and meet. Please note that my availability is limited.

JOSEPH OSPITAL, CASp #830
Senior Building Inspector
Permit Services - Department of Building Inspection
(628) 652-3546

From: Ed van Roden <elvr23@hotmail.com>
Sent: Friday, September 15, 2023 5:27 PM
To: Ospital, Joseph (DBI) <joseph.ospital@sfgov.org>
Subject: Fw: 3516 Sacramento - Plans - ADA Review

Hi Joseph,

Please let me know if we can schedule a time to discuss the plans for ADA requirements.

I had met with Tom Fessler who said that there should be some kind of vertical access and the need to update some of the bathrooms.

Let me know a good time that we can talk.

Thanks,
Ed
415-298-0028

From: Fessler, Thomas (DBI) <thomas.fessler@sfgov.org>
Sent: Friday, September 15, 2023 2:38 PM
To: 'Ed van Roden' <elvr23@hotmail.com>
Subject: RE: 3516 Sacramento - Plans - ADA Review

Hi Ed,

PA#202108025569 is under review by Inspector Ospital. Plan review concerns should be directed to him. Inspector Ospital is well aware of the codes regarding accessibility requirements.

Thank You

THOMAS FESSLER

Senior Building Inspector
Permit Services - Department of Building Inspection
(628) 652-3721

SFDBI.org

[Sign up for our customer email list](#)

From: Ed van Roden <elvr23@hotmail.com>
Sent: Friday, September 15, 2023 10:46 AM
To: Fessler, Thomas (DBI) <thomas.fessler@sfgov.org>
Cc: Gunther, Gretel (CPC) <gretel.gunther@sfgov.org>; Ospital, Joseph (DBI) <joseph.ospital@sfgov.org>; O'Riordan, Patrick (DBI) <patrick.oriordan@sfgov.org>; Duffy, Joseph

(DBI) <joseph.duffy@sfgov.org>; Greene, Matthew (DBI) <matthew.greene@sfgov.org>
Subject: Re: 3516 Sacramento - Plans - ADA Review

Hi Tom,

I am following up to understand the next steps regarding the proper ADA requirements for 3516 Sacramento St.

Please let me know.

Thanks,
Ed

From: Ed van Roden <elvr23@hotmail.com>
Sent: Tuesday, August 29, 2023 5:15 PM
To: Fessler, Thomas (DBI) <thomas.fessler@sfgov.org>
Cc: Gunther, Gretel (CPC) <gretel.gunther@sfgov.org>; joseph.ospital@sfgov.org <joseph.ospital@sfgov.org>; Patrick O'Riordan <patrick.oriordan@sfgov.org>; Joseph Duffy <Joseph.Duffy@sfgov.org>; Matt Greene <matthew.greene@sfgov.org>
Subject: Re: 3516 Sacramento - Plans - ADA Review

Hi Tom,

Thank you for taking the time to meet with me to review the plans for 3516 Sacramento Street.

As we discussed, these plans are all over the place and need a second review for ADA requirements as there is no vertical access for the three floor of commercial space and a fourth-floor residence. The bathrooms also need to be updated for ADA requirements as well.

I appreciate your help in having these plans reviewed.

I look forward to hearing the next steps.

Regards,
Ed

From: Ed van Roden <elvr23@hotmail.com>
Sent: Tuesday, August 22, 2023 9:27 AM
To: Greene, Matthew (DBI) <matthew.greene@sfgov.org>; Duffy, Joseph (DBI) <joseph.duffy@sfgov.org>; Patrick O'Riordan <patrick.oriordan@sfgov.org>
Cc: Gunther, Gretel (CPC) <gretel.gunther@sfgov.org>; joseph.ospital@sfgov.org <joseph.ospital@sfgov.org>
Subject: Re: 3516 Sacramento - Plans - Third Request

Hi Patrick,

I have been trying to schedule a meeting to review the ADA requirements for 3516 Sacramento Street.

Unfortunately, no one has responded to any emails or phone calls to date.

Please let me know whom I can meet with to review these requirements listed below.

<https://sfosb.org/ada-requirements-and-your-small-business>

California State Building Code – Compliance with [Title 24 \(the California Building Code\)](#) and its disability access requirements is triggered when premises are renovated or newly constructed. All construction work must comply with the disability access requirements of Title 24. In addition, when renovating your premises you must make the building's main entrance, the primary route to the renovated area, and any bathrooms, drinking fountains, signs or public telephones serving the renovated area accessible. But if the cost of your construction project is under the "valuation threshold" -- a dollar amount that is set annually and is currently \$147,863.00 -- your obligation to do such additional access work is capped at 20% of your construction costs.

California Civil Rights Laws – In addition to Title 24, California has civil rights laws -- the [Unruh Civil Rights Act and the California Disabled Persons Act](#) -- that protect the right of individuals with disabilities to the full use and enjoyment of business establishments. Both laws provide that any violation of the ADA is a violation of state law. Plaintiffs often file lawsuits in state court under the Unruh or Disabled Persons Act, rather than under the ADA, because state laws allow plaintiffs to recoup three times the actual damages, and in the event that no actual damages are sustained, plaintiffs may recover statutory damages.

Thanks,

Ed

415-298-0028

From: Ed van Roden <elvr23@hotmail.com>

Sent: Wednesday, August 16, 2023 5:38 PM

To: Greene, Matthew (DBI) <matthew.greene@sfgov.org>; Duffy, Joseph (DBI) <joseph.duffy@sfgov.org>

Cc: Gunther, Gretel (CPC)

<gretel.gunther@sfgov.org>; joseph.ospital@sfgov.org <joseph.ospital@sfgov.org>

Subject: Re: 3516 Sacramento - Plans

Hi Matt,

Please let me know who I can meet with to review the latest plans regarding ADA requirements for 3516 Sacramento Street.

Thanks,

Ed

From: Ed van Roden <elvr23@hotmail.com>
Sent: Wednesday, August 9, 2023 11:52 AM
To: Greene, Matthew (DBI) <matthew.greene@sfgov.org>; Duffy, Joseph (DBI) <joseph.duffy@sfgov.org>
Cc: Gunther, Gretel (CPC) <gretel.gunther@sfgov.org>; joseph.ospital@sfgov.org <joseph.ospital@sfgov.org>
Subject: Re: 3516 Sacramento - Plans

Hi Matt,

I hope you are well.

It appears that there has been some activity on Application Number: 202108025569.

I am able to understand the different coding with the online view if these plans have been reviewed for ADA requirements as I see nothing in the plans.

My concern is that she is adding three stories of retail space and a fourth story for residential.

Shouldn't there be some kind of elevator with all of these upgrades to meet ADA compliance? Also, do the new stairs meet the ADA requirements? How would someone in a wheel chair get to any floors?

There are already about 30 stairs just to enter the building from the sidewalk.

Who from DBI will be reviewing these plans to address ADA requirements? As you will see below this is triggered when premises are renovated or newly constructed.

<https://sfsob.org/ada-requirements-and-your-small-business>

California State Building Code – Compliance with [Title 24 \(the California Building Code\)](#) and its disability access requirements is triggered when premises are renovated or newly constructed. All construction work must comply with the disability access requirements of Title 24. In addition, when renovating your premises you must make the building's main entrance, the primary route to the renovated area, and any bathrooms, drinking fountains, signs or public telephones serving the renovated area accessible. But if the cost of your construction project is under the "valuation threshold" -- a dollar amount that is set annually and is currently \$147,863.00 -- your obligation to do such additional access work is capped at 20% of your construction costs.

California Civil Rights Laws – In addition to Title 24, California has civil rights laws -- the [Unruh Civil Rights Act and the California Disabled Persons Act](#) -- that protect the right of individuals with disabilities to the full use and enjoyment of a business establishment. Both laws provide that any violation of the ADA is a violation of state law. Plaintiffs often file lawsuits in state court under the Unruh or Disabled Persons Act, rather than under the ADA, because state laws allow plaintiffs to recover three times the actual damages, and in the event that no actual damages are sustained, plaintiffs may recover statutory damages.

Please let me know.

Thanks,

Ed

415-298-0028

From: Greene, Matthew (DBI) <matthew.greene@sfgov.org>
Sent: Friday, October 21, 2022 2:19 PM
To: Ed van Roden <elvr23@hotmail.com>; Duffy, Joseph (DBI) <joseph.duffy@sfgov.org>
Cc: Gunther, Gretel (CPC) <gretel.gunther@sfgov.org>
Subject: RE: 3516 Sacramento - Plans

Ed,

This permit application hasn't been assigned to a DBI plan checker yet. The Planning Department is in the middle of their review.

Once it's time for Building Inspection review, it will be assigned to an available Plan checker. They are assigned randomly, not by geographic area. So, I can't say at the moment who will be checking the accessibility requirement on the plans..

Matt Greene
Acting Chief Building Inspector
Department of Building Inspection
49 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
(628) 652-3637

From: Ed van Roden <elvr23@hotmail.com>
Sent: Thursday, October 20, 2022 7:26 PM
To: Duffy, Joseph (DBI) <joseph.duffy@sfgov.org>; Greene, Matthew (DBI) <matthew.greene@sfgov.org>
Cc: Gunther, Gretel (CPC) <gretel.gunther@sfgov.org>
Subject: Re: 3516 Sacramento - Plans

Hi Joe and Matt,

I am following up on my email from last week.

Can you please let me know what the process is to review the plans for 3516 Sacramento St.?

Please let me know.

Thanks,
Ed
415-298-0028

From: Ed van Roden <elvr23@hotmail.com>
Sent: Friday, October 14, 2022 6:29 PM
To: Joseph Duffy <joseph.duffy@sfgov.org>; Matt Greene <matthew.greene@sfgov.org>
Cc: Gunther, Gretel (CPC) <gretel.gunther@sfgov.org>
Subject: Fw: 3516 Sacramento - Plans

Hi Joe and Matt,

I hope you are both doing well.

My neighbor at 3516 Sacramento Street is planning to add retail space and an additional floor to her building.

Who from DBI will be reviewing these plans to address ADA requirements? As you will see below this is triggered when premises are renovated or newly constructed.

<https://sfosb.org/ada-requirements-and-your-small-business>

California State Building Code – Compliance with [Title 24 \(the California Building Code\)](#) and its disability access requirements is triggered when premises are renovated or newly constructed. All construction work must comply with the disability access requirements of Title 24. In addition, when renovating your premises you must make the building's main entrance, the primary route to the renovated area, and any bathrooms, drinking fountains, signs or public telephones serving the renovated area accessible. But if the cost of your construction project is under the "valuation threshold" -- a dollar amount that is set annually and is currently \$147,863.00 -- your obligation to do such additional access work is capped at 20% of your construction costs.

California Civil Rights Laws – In addition to Title 24, California has civil rights laws -- the [Unruh Civil Rights Act and the California Disabled Persons Act](#) -- that protect the right of individuals with disabilities to the full use and enjoyment of all business establishments. Both laws provide that any violation of the ADA is a violation of state law. Plaintiffs often file lawsuits in state court under the Unruh or Disabled Persons Act, rather than under the ADA, because state laws allow plaintiffs to recoup three times the actual damages, and in the event that no actual damages are sustained, plaintiffs may recover statutory damages.

As you know, my neighbor has been using loopholes and working the system to do whatever she wants for over 20 years.

How will anyone in a wheelchair be able to access any floor of her building, which are businesses for the public?

Please let me know as I am trying to catch this before he plans get approved by Planning. Will DBI review these plans prior to them being able to receive a permit?

I look forward to hearing from you, so I can determine if I need to formally appeal the permit.

Regards,

Ed

415-298-0028

Exhibit 2: Doing Work Prior to Permit Approval

From: Ed van Roden <elvr23@hotmail.com>
Sent: Wednesday, December 6, 2023 9:10 AM
To: Robert Power <robert.power@sfgov.org>; Matt Greene <matthew.greene@sfgov.org>
Cc: Patrick O'Riordan <patrick.oriordan@sfgov.org>; christine.gasparac@sfgov.org
<christine.gasparac@sfgov.org>
Subject: Re: 3516 Sacramento St Permits Meeting

Hello Matt,

I am trying to determine if the permit being used for the existing work covers the work they are actually doing. It has been close to a month with no response to emails and phone calls.

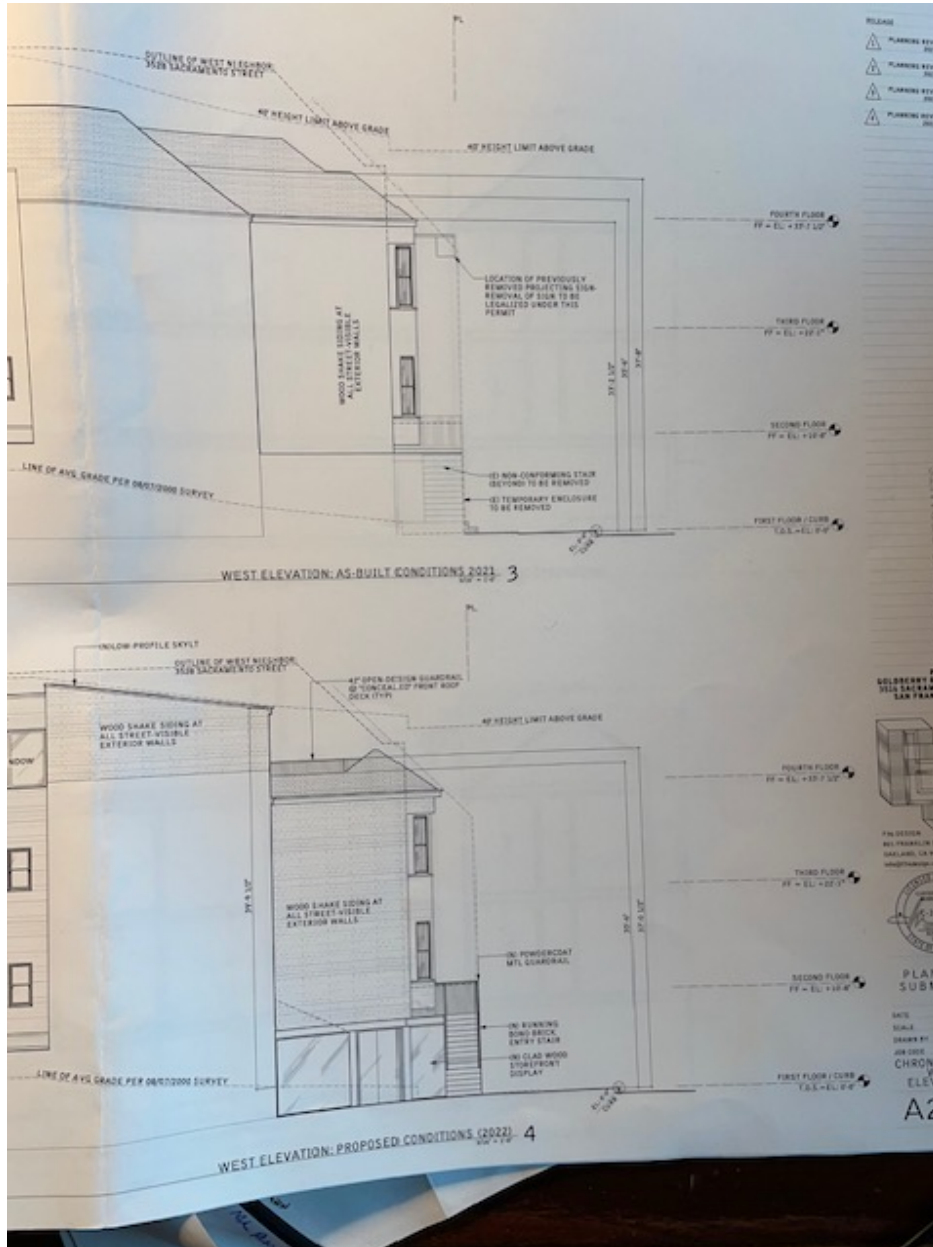
Please let me know if I can meet with in order to go through the multiple permits they have.

Thanks,
Ed

From: Ed van Roden <elvr23@hotmail.com>
Sent: Thursday, November 30, 2023 5:00 PM
To: Robert Power <robert.power@sfgov.org>; Matt Greene <matthew.greene@sfgov.org>
Cc: Patrick O'Riordan <patrick.oriordan@sfgov.org>; christine.gasparac@sfgov.org
<christine.gasparac@sfgov.org>
Subject: Re: 3516 Sacramento St Permits Meeting

Hi Matt,

I see in the plans that were sent out to the neighbors for Permit # 202108025569 that they will be correcting the non conforming stairs. This permit is has not been issued yet.



They appear to be abusing the permit system with DBI again.

Please let me know when we can meet to review which permit they are using for this work as I am not seeing anything online

Thanks,
Ed
415-298-0028

From: Ed van Roden <elvr23@hotmail.com>
Sent: Thursday, November 16, 2023 11:56 PM
To: Robert Power <robert.power@sfgov.org>
Cc: Patrick O’Riordan <patrick.oriordan@sfgov.org>; Matt Greene <matthew.greene@sfgov.org>
Subject: Re: 3516 Sacramento St Permits Meeting

Hi Robert,

I am following up on which permit is used to completely remove the front stairs and change them.

Please consider this a formal complaint until you are able to identify which active permit this falls under.

Unfortunately, my neighbor has abused the system and is using permits from 1999! She also have over 40 NOVs and has on several occasions not followed the plans that were submitted which has been a nightmare for all neighbors with damage to our properties.

I look forward to hearing from you.

Thank you,
Ed

From: Ed van Roden <elvr23@hotmail.com>
Sent: Tuesday, November 14, 2023 12:46 PM
To: Robert Power <robert.power@sfgov.org>
Cc: Patrick O’Riordan <patrick.oriordan@sfgov.org>; Matt Greene <matthew.greene@sfgov.org>
Subject: Re: 3516 Sacramento St Permits Meeting

Hi Robert,

Thank you for your call today.

As we discussed, please share the permit number for the work to completely remove their front stairs. While they have many different permits open at all times the stair removal appears to be linked to permit number [202108025569](#) which is to comply with a NOV.

I look forward to hearing from you.

Regards,
Ed
415-298-0028

From: Ed van Roden

Sent: Saturday, November 11, 2023 12:19 PM

To: Robert Power <robert.power@sfgov.org>

Cc: Patrick O'Riordan <patrick.oriordan@sfgov.org>; Matt Greene <matthew.greene@sfgov.org>

Subject: 3516 Sacramento St Permits Meeting

Hi Robert,

Please let me know a good time this week we can meet and review the current permits for 3516 Sacramento St.

For instance, the work on moving their front exterior stairs is not showing on any approved or active permits. The only permits that I see that includes changing the entrance to the stairs is related to application number 202108025569. This permit has not been approved. They have boarded up the stairs and have started jack hammering the stairs.

Please suggest a day and time that works best for you.

Thanks,

Ed

415-298-0028

Photo of the stair debris in the dumpster on November 1, 2023. Again, this is over month the permit # 202108025569 was approved on December 4, 2023.



Exhibit 3: Parking Permit Abuse in November 2023



Exhibit 4: History of Permit Abuse

BAY AREA

Fight over construction parking comes to City Hall

Lizzie Johnson

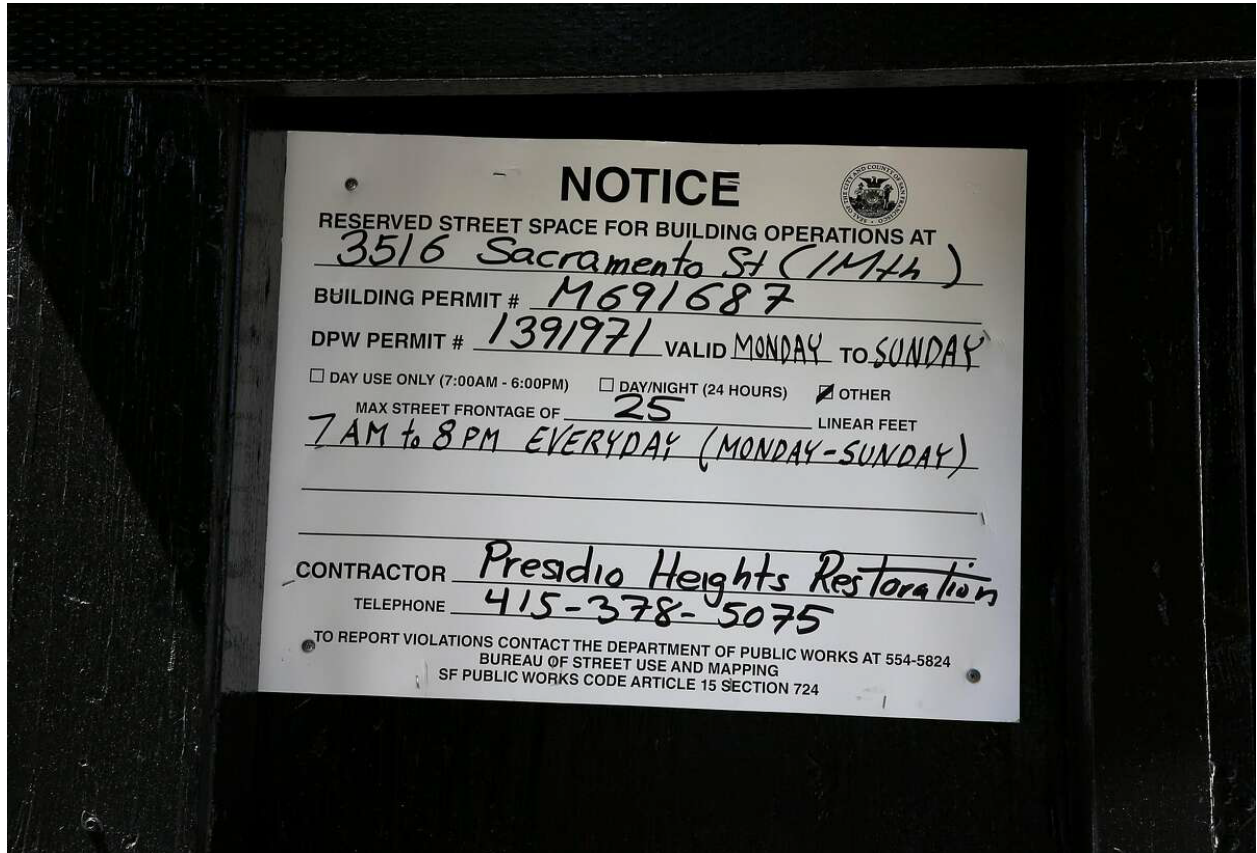
June 7, 2016 Updated: June 8, 2016 8:42 a.m.



1of2A woman pushes a stroller past the construction permitted area outside 3516 Sacramento St. in San Francisco, California, on Tuesday, May 31, 2016. Connor Radnovich/The

••

Chronicle



The brown wood shake building at the corner of Sacramento and Laurel streets hasn't had many renovations in recent years. But that hasn't stopped its owner from taking out multiple street parking permits.

In the past 15 years, the owner of the Goldberry Building in Presidio Heights has applied for and received at least 20 city construction parking permits. Yet little construction has been completed on the property since March 2000, records show. Plans to create a single-dwelling unit on the third floor and a garage have moved at a glacial pace, and multiple permits for the project have expired, city records show.

Meanwhile, the building owner and a contractor, Presidio Heights Restoration, have exploited a city loophole to use those parking spaces for their personal use, a half-dozen neighbors and city officials say. That's because there are no limits to renewing the parking permits as long as construction is ongoing — even if it takes more than 15 years. Calls by The Chronicle to both building owner Margaret Rogerson and Presidio Heights Restoration were not returned.

Under new legislation pushed by Supervisor Mark Farrell, which the Board of Supervisors will take up next month, limits would be placed on renewing parking permits at the same address within a three-year period. It also gives officials more

authority to deny permit renewals if a resident appears to be taking advantage of the system. If the legislation gets the majority vote, it would go into effect in about 10 weeks — and apply retroactively to the Presidio Heights property.

The marked off area beside a dumpster in the construction permitted area outside 3516 Sacramento St. in San Francisco, California, on Tuesday, May 31, 2016. Connor Radnovich/The

Chronicle

“Somebody in my district was able to essentially have their own parking spot for over 10 years by abusing the system,” said Farrell, who represents Presidio Heights. “That needs to stop. This legislation makes sure we don’t have some of the rampant abuses that I have seen in neighborhoods throughout San Francisco. Parking is a precious commodity and is a huge concern to neighbors.”

The Department of Building Inspection issues construction permits, while Public Works or the Municipal Transportation Agency give the OK to block off street parking for the project. On Sacramento Street, the parking permits issued for work on the Goldberry Building have lasted an average of 3.9 months. There is normally a six-month limit for a parking permit, but, recently, permits have been limited to one month on Sacramento Street. A new application must then be submitted so the departments can check on construction progress.

“Right now, if you wanted to get street space, you could apply for a permit and we would issue one,” said Jerry Sanguinetti, manager of the Public Works’ Bureau of Street Use and Mapping. “You could pull one after the other, assuming you have work that is ongoing. People can use that to essentially create private parking.”

More scrutiny

The proposed system would tie permits more closely to the work going on at the building itself — inspections would be more regular and renewal requests would get more scrutiny, Sanguinetti said.

“To see those signs up that say ‘24/7 No Parking,’ and then see that no one is there and no work is being done is disheartening,” he said. “We want to address the issues where construction isn’t actually happening so we can open that space up for people to park and close any loopholes that people use for private parking.”

It’s welcome news to Presidio Heights neighbors, who have filed more than a dozen complaints against the commercial building on Sacramento Street. A black Volvo station wagon is a regular fixture in front of the building, but construction crews and equipment are rarely around, they say.

“There’s been perpetual construction with minimal workmen for 10 years running,” said Greg Linsky, who lives nearby. “The overwhelming majority of the time, there are no workmen-like trucks, just a single station wagon parked there.”

‘Going on for years’

It’s been a never-ending project, said Price Cobbs, a retired psychiatrist who lives on the block.

“In the time that they have had their permits, you could have built two buildings on the same property,” Cobbs said. “There’s a ‘No parking’ sign that won’t let you park in those spaces Monday through Sunday from 7 a.m. to 7 p.m. It has been going on for years and years and years. I can’t even pinpoint when it started at this point.”

But soon, city officials say, that project should start wrapping up, or they’ll open the street parking spaces back up to the public.

Lizzie Johnson is a San Francisco Chronicle staff writer. Email: ljohnson@sfchronicle.com Twitter: [LizzieJohnsonn](https://twitter.com/LizzieJohnsonn)



Written By [Lizzie Johnson](#)

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

January 17, 2024

TO: San Francisco Board of Appeals <boardofappels@sfgov.org>

cc: "Rosenberg, Julie (BOA)" <julie.rosenberg@sfgov.org>; "Teague, Corey (CPC)" <corey.teague@sfgov.org>; "Tam, Tina (CPC)" <tina.tam@sfgov.org>; "Greene, Matthew (DBI)" <matthew.greene@sfgov.org>; Ed Van Roden <elvr23@hotmail.com>

Appeal No.: 23-068
Appeal Title : Van Roden vs. DBI, PDA
Subject Property: 3516-3518 Sacramento Street
Permit Type: Alteration Permit
Permit No.: 2021/08/02/5569

Response Brief of Margaret Rogerson, Permit Holder

Edward Van Roden, Appellant disputes the decision by DBI and PDA to issue the above permit.

Margaret Rogerson, the Permit Holder responds to the Appeal as follows:

I. The Building and Stairs

The building has always been a 3-story commercial building with a planned fourth story residence. There are only 17 stairs from the side walk to the second floor entrance.

II. Compliance with ADA and DA of Title 24

The permitted plans have been approved on December 4, 2023 after revision to comply with the requirements of ADA and DA of Title 24 at the request of Joseph Ospital, senior plan checker of BID (Building Inspection Department) with speciality in ADA and DA of Title 24. The approved plans are in EXHIBIT A sent in a separate email by "We Transfer" and are made a part thereof. The approved plans are in compliance with the requirements of ADA and DA of Title 24 as evidenced below:

1. Sheets A0.0 (page 1), A0.7 (page 6), A0.8 (page 7) and A0.9 (page 8) address ADA with the certificate of compliance on Sheet A0.7 (page 6).
2. Sheets A0.10 (page 9) and A0.14 (page 13) address DA of Title 24. Sheet A0.14 (page 13) with title block DA check list addresses all DA issues, and refers to Sheets A0.12 (page 11) and Sheet A 4.0 (page 34).
3. On Sheet A1.2 (page 16) note: "THIS SPACE SHALL PROVIDE THE SAME SERVICES BY THE SAME TENANTS AS PROVIDED IN THE UPSTAIRS RETAL SPACE". Also see items 16 through 21 of Notes addressing DA issues and accessible entrance.
4. Sheet A4.0 (page 34) shows bathroom compliance with ADA and hand rails extension on the stairs.

Please note that Thomas Fessler, with whom Appellant met on August 25, 2023, is from TSD (Technical Service Division) and not a plan checker; and the plans were still being revised until approved on December 4, 2023.

III. Black Volvo Station Wagon

This wagon, mentioned by Appellant, has commercial plates, and is used to transport construction materials.

IV. Restraining Order and Police Report

Attached in EXHIBIT B is Restraining Order against Appellant resulting from his threats to Permit Holder described in attached Police Incident Report.

///

V. Conclusion

Based on the above and approved plans, the approved plans are in full compliance with ADA and DA of Title 24. Therefore, Margaret Rogerson, the permit holder respectfully requests the Board of Appeals to uphold the decision by DBI and PDA to issue the above permit.

Respectfully submitted,

Alex Santos, Project Civil Engineer, License # C 84144

Luis Robles, Project Architect, License # C 21700

Margaret Rogerson, Permit Holder

EXHIBITS

A (53 pages of permit approved plans) sent in a separate email by "We Transfer"

B (Restraining Order and Police Report) attached

EXHIBIT A

Please use this link to review the plan-set.

<https://studio.bluebeam.com/share/ygvkxd> <https://studio.bluebeam.com/share/ygvkxd>

EXHIBIT B

(Restraining Order and Police Report)

attached

Elder or Dependent Adult Abuse Restraining Order After Hearing

Clerk stamps date here when form is filed.

ENDORSED FILED San Francisco County Superior Court

AUG 17 2023

CLERK OF THE COURT BY: ANGELICA SUNGA Deputy Clerk

Fill in court name and street address:

Superior Court of California, County of SAN FRANCISCO 400 MCALLISTER ST. SAN FRANCISCO, CA 94102

Court fills in case number when form is filed.

Case Number: CCH-23-585890

Person in 1 must complete items 1, 2, and 3 only.

1 Elder or Dependent Adult Seeking Protection

a. Full Name: Margaret Helen Rogerson
Name of person asking for the protection, if different (This is the person named in item 3 of the request (form EA-100).)
Full Name: Edward Van Roden
Lawyer for person named above (if any for this case):
Name: Mohamed Salem State Bar No.: 148626
Firm Name: Mohamed F. Salem
b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)
Address: PO Box 1522/980 Vernal Avenue
City: Mill Valley State: CA Zip: 94942
Telephone: Fax:
Email Address:

2 Restrained Person

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: Edward Van Roden *Age: Date of Birth:
*Race: Caucasian Height: 5'11" Weight: 225 Hair Color: Brn Eye Color: Brn
*Gender: [X] M [] F [] Nonbinary Home Address: 3508-3510 Sacramento St
City: San Francisco State: CA Zip: 94118
Relationship to Protected Person: Next Neighbor

3 Additional Protected Persons

In addition to the elder or dependent adult named in 1, the following family or household members or conservator of the elder or dependent adult named in 1 are protected by the orders indicated below:

Table with columns: Full Name, Gender, Age, Lives with Person in 1?, Relation to Person in 1. Includes checkboxes for Yes/No.

Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

4 Expiration Date

This Order, except for any award of lawyer's fees, expires at

Time: 9:00 [X] a.m. [] p.m. [] midnight on (date): August 17, 2026

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

5 Hearing

- a. There was a hearing on (date): Aug 17, 2023 at (time): 9:00 AM in Dept.: 505 Room: 505
(Name of judicial officer): Honorable Gail Dekreon made the orders at the hearing.
- b. These people were at the hearing:
- (1) The elder or dependent adult in need of protection
 - (2) The lawyer for the elder or dependent adult (name): Mohamed Salem
 - (3) The person in ① asking for protection (if not the elder or dependent adult)
 - (4) The lawyer for the person in ① asking for protection (name): _____
 - (5) The person in ②
 - (6) The lawyer for the person in ② (name): _____
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on (date): _____ at (time): _____.

To the Person in ②:

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. You must **not** do the following things to the elder or dependent adult named in ①
- and to the other protected persons listed in ③:
 - (1) Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
 - (4) Other (specify): _____
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

7 Stay-Away Orders

- a. You **must** stay at least 20 yards away from (check all that apply):
- (1) The elder or dependent adult in ①.
 - (2) Each person in ③.
 - (3) The home of the elder or dependent adult.
 - (4) The job or workplace of the elder or dependent adult.
 - (5) The vehicle of the elder or dependent adult.
 - (6) Other (specify): 3 yards stay away when both parties are in mutual residence
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.



8 **Move-Out Order**
You must immediately move out from and not return to (*address*):

and must take only the personal clothing and belongings you need.

9 **Order for Counseling or Anger Management**

a. The person in item **2** is ordered to attend:

clinical counseling for _____ (*specify number*) sessions; or

an anger management course
provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).

b. The person in item **2** must schedule clinical counseling or enroll in an anger management course by (*date*): _____, or if no date is listed, within 30 days after this order is made. The person in item **2** is ordered to file written proof of scheduling or enrollment with the court.

c. Written proof of completion of the ordered number of clinical counseling sessions or written proof of completion of the court-ordered anger management course must be filed with the court by (*date*): _____, or the person in item **2** must appear for a court date on (*date*): _____ at (*time*): _____ in Dept.: _____ Room: _____

10 **No Firearms (Guns), Firearm Parts, or Ammunition**
This Order must be granted unless the abuse is financial only.

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

c. If you have not already done so, you must:

- Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms and Firearm Parts*, for the receipt.)

d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

This is a Court Order.



10 e. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in 2 is not required to relinquish this firearm (specify make, model, and serial number of firearm): _____

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling a firearm.

11 Financial Abuse

This case does not does involve solely financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

12 Possession and Protection of Animals

a. The person in 1 is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.

(Identify animals by, e.g., type, breed, name, color, sex.)

b. The person in 2 must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

13 Specific Debts

The court finds (decides) that the following debts were incurred as a result of financial abuse of the person in 1 by the person in 2.

<u>Money Owed To:</u>	<u>For:</u>	<u>Amount:</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Additional debts are attached at the end of this Order on Attachment 13.

14 Lawyer's Fees and Costs

You must pay to the person in 1 the following amounts for lawyer's fees costs:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional amounts are attached at the end of this Order on Attachment 14.

This is a Court Order.



15 Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 15.

To the Person in 1 :

16 **Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof of service form into CARPOS.
- b. The clerk will transmit this Order and its proof of service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof of service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 16.

17 **Service of Order on Restrained Person**

- a. The person in 2 personally attended the hearing. No other proof of service is needed.
- b. The person in 1 was at the hearing. The person in 2 was not.
 - (1) Proof of service of form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form EA-110 except for the end date. The person in 2 must be served with this Order. Service may be by mail.
 - (2) Proof of service of form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are different from the orders in form EA-110. Someone—but not anyone in 1 or 3—must personally serve a copy of this Order on the person in 2.

18 **No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this Order, they will do so for free.

19 Number of pages attached to this Order, if any: _____

Date: August 17, 2023

Judicial Officer

GAIL DEKREON

This is a Court Order.



Warning and Notice to the Restrained Person in 2:

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

If the court grants the orders in item 10 on page 3 (unless item 10e on page 4 is checked), you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 10b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item 10. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Order

This order *starts* on the date next to the judge's signature on page 5. The order *ends* on the expiration date in item 4 on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.



Instructions for Law Enforcement

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.



(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Elder or Dependent Adult Abuse Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: AUG 17 2023 Clerk, by Clerk of the Court, Deputy

This is a Court Order.

**San Francisco Police Department
INCIDENT REPORT**

230502769

Report Type: **Initial**

230502769

I N C I D E N T	Incident Number 230-502-769	Occurrence From Date / Time 07/19/2023 13:00	Occurrence To Date / Time	Reported Date / Time 07/19/2023 14:37	CAD Number 232001971	
	Type of incident ELDER ADULT OR DEPENDENT ABUSE (NOT EMBEZZLEMENT OR THEFT) 15041 BATTERY 04134					
	Location of Occurrence: 3508 SACRAMENTO ST			At Intersection with/Premise Type SIDEWALK		District RICHMOND
	Confidential Report? <input type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>	Domestic Violence? <input type="checkbox"/>
	Location Sent / On View: 3508 SACRAMENTO ST			At Intersection with		Reporting District RICHMOND

O F F I C E R	I declare under penalty of perjury, this report of <u>6</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved. PROP 115 CERTIFIED 5 Year/Post							
	Reporting Officer CALVO-PEREZ, JOSE C	Star 4259	Station Richmond Station	Watch 0600-1600	Date 07/19/23 21:23			
	Reviewing Officer MITCHINSON, MARK	Star 1546	Station Richmond Station	Watch 1500-0100	Date 07/19/23 21:24			
	OIC MORALES, WILLIAM A	Star 1903	Station Co G	Watch 3	Date 07/19/23 21:32			
	Related Case --	Related Case --	Re-assigned to Copies to 5F200 5G200	Assigned to 5F200 Add'l Copies	Assigned by JC 4259			

R / V I C T I M	Code R/V 1	Name (Last, First Middle) ROGERSON, MARGARET HELEN	Alias	Email GOLDBERRYS@AOL.COM						
	Home Address [REDACTED]	City SAN FRANCISCO	State CA	Zip Code 94118-						
	Night Phone Type	Work Address	City	State Zip Code						
	DOB Unk. <input type="checkbox"/>	or age between and	Race W	Sex F	Height 4'11	Weight 96	Hair Color GRY	Eye Color GRE	ID Type DL CA	Jurisd. ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input checked="" type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star 4259	Follow-up Form YES <input checked="" type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject KNOWN			
	School (if Juvenile)	Injury/Treatment COMPLAINT OF PAIN TO LEFT SHOULDER	Other Information/If Interpreter Needed Specify Language							
	Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#					

R / V I C T I M	Code R/V 2	Name (Last, First Middle) BARAHONA, JUAN	Alias	Email						
	Day Phone Type	Home Address 23 CARLETON AVENUE	City DALY CITY	State CA	Zip Code 94015-					
	Night Phone Type	Work Address	City	State	Zip Code					
	DOB Unk. <input type="checkbox"/>	or age between and	Race H	Sex M	Height 5'7	Weight 175	Hair Color BLK	Eye Color BRO	ID Type DL CA	Jurisd. ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input checked="" type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject KNOWN			
	School (if Juvenile)	Injury/Treatment N/A	Other Information/If Interpreter Needed Specify Language							
	Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#					

**San Francisco Police Department
INCIDENT REPORT**

230502769

Report Type: **Initial**

R / 1 W I T N E S S	Code R/W 1	Name (Last, First Middle) REVOLORIO, EDISON	Alias			Email						
	Day Phone [REDACTED]	Type [REDACTED]	Home Address 220 PENINSULA AVENUE	City SAN MATEO	State CA	Zip Code 94401-						
	Night Phone	Type	Work Address	City	State	Zip Code						
	DOB [REDACTED]	Unk <input type="checkbox"/>	or age between and	Race H	Sex M	Height 5'6	Weight 168	Hair Color BLK	Eye Color BRO	ID Type DL CA	Jurisd. [REDACTED]	ID No. [REDACTED]
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input checked="" type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject KNOWN					
	School (if Juvenile)			Injury/Treatment N/A	Other Information/If Interpreter Needed Specify Language							
	Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#							

B O O K E D	Code B 1	Name (Last, First Middle) VANRODEN, EDWARD LAWRENCE	Alias			Email			
	Day Phone (000) 000-0000	Type Unknown	Home Address 3508 SACRAMENTO STREET	City SAN FRANCISCO	State CA	Zip Code 94118-			
	Night Phone	Type	Work Address	City	State	Zip Code			
	DOB Unknown <input type="checkbox"/>	[REDACTED]	or age between and	Race W	Sex M	Height 5'11	Weight 165	Hair Color BRO	Eye Color BRO
	SFNO	J/D# (if Juvl)	ID Type/Jurisdiction/Number DL CA [REDACTED]	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number				
	Booking Charge(s) N/W 368(b)(1) P.C. / 242 P.C.				Booking Location COUNTY JAIL #1 - 7TH STREET SHERIFF'S FACILITY				
	Warrant #	Court#	Action#	Dept#	Enroute to				
	Warrant Violation(s)							Bail (\$)	
	Citation#	Violation(s)			Appear Date/time	Location of Appearance			
	<input checked="" type="checkbox"/> CA Form Booked Copy Attached	Mirandized: Star <input type="checkbox"/>	Date	Time	CWB Check MCCONNELL	Star 44			
	Book/Cite Approval SGT. MITCHINSON	Star 1546	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (if Juvenile)	Statement <input type="checkbox"/>			
	Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos								
	Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#				

P R O P E R T Y	Code/No EVD 1	Item Description DOCUMENTS	Brand			Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value
	Seized by (Star) 4259	From Where 3508 SACRAMENTO ST (3508 SACRAMENTO ST)					
	Additional Description/Identifying Numbers EMERGENCY PROTECTIVE ORDER Submitted at: G - Richmond						

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PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 2	DOCUMENTS						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
						2		
PROPERTY	Seized by (Star)		From Where					
	4259		3508 SACRAMENTO ST (3508 SACRAMENTO ST)					
	Additional Description/Identifying Numbers							
CITIZEN'S ARREST FORMS Submitted at: G - Richmond								
PROPERTY	Code/No	Item Description			Brand		Model	
	BWC 1	BODY WORN CAMERA FOOTAGE			TASER		AXON BODY 3	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
						2		
PROPERTY	Seized by (Star)		From Where					
	4259		EVIDENCE.COM					
	Additional Description/Identifying Numbers							

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NARRATIVE

On 07/19/2023 at approximately 1450 hours, I was in full uniform and driving a marked SFPD patrol vehicle. I responded to 3516 Sacramento Street regarding a threats related incident. 3G4A Ofc. Magayanes #1796 responded as backup.

The caller in SFPD CAD #232001971, later identified as (B1) Edward Vanroden, called 911 and advised the following:

CONSTRUCTION GOING ON AT BLDG NEXT DOOR & WORKERS ARE COMING ONTO RP'S PROPERTY, RP IN VERBAL W/ONE OF THE EMPLOYEES, CURSING HER SAYING "I CAN PULL A GUN ON YOU ON MY PROPERTY!"

The victim, later identified as (R/V1) Margaret Rogerson, then called 911 and advised the following:

OCC'D 10 AGO RP WAS PUSHED BY NABOR, WHO RESIDES IN NEXT DOOR PREM NABOR: "ED VAN RODEN" WMA, 50'S, LSW: BLU SHIRT, BLU JEANS, UNKN WEAPONS RP WILL BE IFO 3516 SACRAMENTO FOR 909 // REFD 408

Vanroden then called 911 again and advised the following:

ANOTHER CALL...CONSTRUCTION HAPPENING ON THE BLDG, AND THEY ARE COMING ONTO THE RP'S PROPERTY AND NOW RP WANTS THEM REMOVED SINCE THEY ARE TRESPASSING

Upon my arrival, we made contact with Rogerson, who relayed the following in essence: Rogerson stated that she is the owner of 3516 Sacramento Street. Rogerson stated that she is having work done on the east side of her building and hired two foremen (R/V2) Juan Barahona and (R/W1) Edison Revolorio to carry out the construction. Rogerson stated that she has had previous disputes with the resident of 3508 Sacramento Street named Edward Vanroden regarding the property line between their two buildings. Rogerson stated that although the two buildings are adjacent to one another, there is a small alleyway between them which the San Francisco Building Department confirmed to belong to Vanroden's property. Rogerson stated that the only way to work on the east wall of her building would be to stand in Vanroden's alleyway, so she had Barahona contact him for permission to use the alley to work on her wall, which he granted. Rogerson stated that at approximately 1300 hours, Barahona called her to advise that Vanroden had told him to get off his property. Rogerson stated that she called her lawyer to ask what she should do regarding the unfinished work before she came to the alley to take a look. Rogerson stated that Vanroden came out of the alleyway door and she tried to tell him that it would be better to let the workers finish. Rogerson stated that Vanroden said: "Get off my property!" and pushed her left shoulder with an unknown hand, causing her to lose her balance but she did not fall to the ground.

Rogerson showed me a video that Barahona had taken and sent to her, which depicts a verbal argument apparently following the push wherein Vanroden asks Rogerson to exit the alley and she complies. I recorded the argument with my body worn camera. Rogerson stated that before or after the video was recorded, Vanroden told her: "I'm gonna shoot you, I can shoot you. If you're on my property I can shoot you and I can kill you and you're on my property." Rogerson stated that she felt afraid Vanroden might return with a gun and carry out his threat. Rogerson complained of pain to her left shoulder but declined medical treatment. I did not observe any swelling or bruising on Rogerson. Rogerson expressed her wish to press charges against Vanroden.

I observed a male matching the description of Vanroden exiting 3508 Sacramento Street. I asked the male if his name was Ed and he replied: "Yes." Due to the nature of the call, the verbal threat of a firearm, and possibility that Vanroden might be armed, I conducted a cursory pat search for weapons with negative results. Ofc. Magayanes and I asked Vanroden what happened, and he replied in essence that he had a years long dispute with Rogerson regarding previous incidents where she had trespassed on his property to do construction on her building, which caused damage to his own building. Vanroden stated that on the morning of 07/19/2023 he gave Rogerson and her

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workers permission to do construction in his alley but changed his mind. Vanroden stated that Rogerson told him she was going to continue anyway. When I asked how a firearm had been mentioned during the incident, Vanroden stated: "She goes, 'I can be in here.' I said 'No, it's private property. I said 'could shoot you if I wanted to.' So it wasn't... it was just to scare her off, not to... it was just to scare her, not to... to make her realize, she's on my property. I don't own a gun. I've never owned a gun my whole life."

I handcuffed Rogerson, and checked the cuffs for property degree of tightness. Ofc. Magayanes transported Vanroden to Richmond station while I continued my investigation.

I made contact with Barahona, who relayed the following in essence: Barahona stated that he and (R/W1) Revolorio were hired by Rogerson to work on her building at 3516 Sacramento Street. Barahona stated that Rogerson asked him to contact Vanroden, the resident of 3508 Sacramento Street to ask him permission to use the alley on his property to do construction on Rogerson's building. Barahona stated that Vanroden told him: "Go for it." Barahona stated that he began stripping shingles off the east side of 3516 Sacramento Street and at approximately 1300 hours Vanroden told him to get off his property. Barahona stated that he told Vanroden that he thought they had reached an agreement. Barahona told him that Vanroden replied that he didn't want him on the property because of the repairs he'd had to do to his own building's wall in the past. Barahona stated that Vanroden told him to leave the job unfinished. Barahona stated that he felt the unfinished wall was unsafe and he contacted the fire department to send a building inspector to confirm. Barahona stated that at Rogerson's request and out of concern for Vanroden's property, she asked him to nail any remaining panels into the wall. Barahona stated that Vanroden became irate and threw water at him. Barahona stated that Rogerson came into the alley and Vanroden approached her and grabbed her left shoulder with his right hand and pushed her forcefully, causing her to almost lose her balance and fall. Barahona stated that he began to record the incident with his phone and told Vanroden not to push her. Barahona stated that after the recording Vanroden told Rogerson: "I'll shoot you if you don't go out of my property." Barahona stated he did not wish to press charges against Vanroden.

I made contact with Revolorio, who is primarily a Spanish speaker. I am a department certified Spanish speaker. Revolorio relayed the following in essence: Revolorio stated that he and Barahona were hired by Rogerson to work on her building at 3516 Sacramento Street. Revolorio stated that Vanroden and Barahona had a discussion while Vanroden was at his residence's window. Revolorio stated that Vanroden emptied a pot of water onto Barahona as he was working in the alley between the two buildings. Revolorio stated that Vanroden then exited the alleyway door, walked past Barahona as he was perched on ladder working, grabbed Rogerson by her left arm with his right hand, and threw her against the east wall, causing her to almost fall down. Revolorio stated that Vanroden then told them that he would shoot them all if they did not exit the alley. Revolorio stated that Vanroden repeated his threat in Spanish. Revolorio stated that he feared for his safety but was not injured during the incident.

Rogerson, Barahona, and Revolorio observed me place Vanroden into my patrol vehicle and all independently stated that he was the suspect involved in the incident. Rogerson signed a Citizen's Arrest form for the arrest of Vanroden, which I seized as evidence. I took three photographs of Rogerson, Barahona, and Revolorio. I provided Rogerson and Barahona a Victim of Crimes Form, a Marsy's Card, and a Follow-Up Form with a case number.

At Richmond Station, we conducted a warrants checks and firearms query of Vanroden with negative results. Ofc. Magayanes contacted McConnell #44 at CWB, who confirmed Vanroden had no outstanding wants or warrants for his arrest. I contacted Campbell #1149 at DOC who advised the incident did not meet criteria for SVU to respond. Vanroden requested to sign a Citizen's Arrest Form against Rogerson for trespassing, which I seized as evidence. Due to the fact that Vanroden initially gave Rogerson permission to use the alley and then decided to take matters into his own hands by using unreasonable force against a non threatening smaller female who could reasonably be perceived as an elder, I declined to issue Rogerson a trespassing citation.

It should be noted the Rogerson is seventy five years old, 4'11 and 96 pounds and is obviously visibly elderly. Vanroden is 5'11 and 165 pounds. Rogerson was also in the company of a service dog and stated that she suffers from post traumatic stress disorder. Rogerson, Barahona, and Revolorio all expressed concern that Rogerson had lost her balance due to the force of the push/throw and almost fell to the cement sidewalk. Based on their statements, it is my belief that if Rogerson had fallen to the sidewalk, she would have suffered a great bodily injury at minimum.

I contacted Commissioner Slavitt, who granted Rogerson an EPO protecting her from Vanroden. I served Vanroden

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his copy of the EPO, explained the terms and provisions to him, and provided him a copy. After conferring with Sgt. Mitchinson #1546, we determined that due to the conditional nature of Vanroden's threatening language, his statements did not meet the criteria for 422 P.C. Based on Rogerson's age, complaint of pain and her statement, Barahona's statement, and Revolorio's statement, I determined that probable cause existed to charge Vanroden with 368(b)(1) P.C. and 242 P.C. With the approval of Sgt. Mitchinson, Vanroden was booked on aforementioned charges at Richmond Station.

I electronically attached the photographs to this report. I booked the (E1) Citizen's Arrest Forms and (E2) EPO as evidence at Richmond Station. I forwarded a copy of the EPO to Rogerson and ID Bureau. I notified social worker Guo #4142 at APS of the incident. I uploaded my (BWC1) body worn camera footage at Richmond Station. I forwarded a copy of this report to General Works and APS.

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