

***Regular Meeting of the
Abatement Appeals Board***

July 15, 2026

Agenda Item C1

Appellant Statement

June 24, 2026

Via E-mail (dbi.commission@sfgov.org)

APPELLANT'S STATEMENT

Appeal No.:	6954
Hearing:	July 15, 2026; 9:30 a.m.
Director's Order No.:	202309727-A
Appellant:	544 & 550 S 6th Street, LLC (via Missy Cantor)
Property Address:	2960 Polk Street, San Francisco

2960 Polk Street ("Property") is a four-story building constructed in 1925, with twelve residential units over first-floor parking and a no-longer-operational elevator. That elevator is the subject of this appeal.

Appellant 544 & 550 S 6th Street, LLC ("Appellant") purchased the Property in July 2024 from an owner group comprised of two family trusts and an LLC ("Prior Owners"), the three of which were comprised of relations within the family that had owned the building for forty-plus years. Despite Prior Owners having included substantial elevator-related-paperwork in its pre-sale disclosure package provided to Appellants – including a Cal. OSHA elevator-decommissioning certification and documents regarding the below-noted rent-reduction claims/proceedings – Prior Owners withheld DBI's June 2023 Notice of Violation ("NOV"), DBI's follow-up warning letter, and any other documents regarding that unresolved NOV. Further, Prior Owners did not verbally advise Appellants of this unresolved NOV.

In 2020, Sellers contracted with Kone Elevators to perform a modernization project on the elevator. Kone mobilized at the Property in September 2020. Soon thereafter Kone identified structural conditions that warranted substantial expansion of the modernization project's scope. Sellers opted to discontinue the project due to massive cost increases due to the necessary project expansion and, instead, decided to put the elevator out of commission. On or about August 16, 2023, the elevator was "[d]ecommissioned and placed out of service" by way of a Cal. OSHA "State

of California Notice of Conveyance Compliance Form.”

In the few years before Appellant purchased the Property, there were two out-of-service elevator complaints made to CCSF by tenants that were investigated by DBI: the first, in December 2021 (a year after the Kone’s cessation of modernization project), described by DBI as “elevator not in service”; and the second, in mid-2023, for potential un-permitted work related to the Kone’s terminated elevator-modernization project.

At the time of the first tenant complaint regarding the non-operating elevator and during the pendency of the associated NOV – the (prior) in-place version of San Francisco Housing Code Section 713, governing which buildings are required to have an operable elevator, did not apply to the Property as it was shorter than 50 feet, above which the code section applied and below which it did not. The inapplicability of Section 713 was relayed by DBI to the tenant-complainant on September 13, 2022, in conjunction with DBI’s September 15, 2022 “CASE ABATED” determination.¹

The second/follow-up tenant complaint regarding the non-operating elevator is the subject of the immediate Appeal. Following DBI’s inspection of the elevator, DBI mailed to Prior Owners and posted at the Property a Notice of Violation, dated June 27, 2023, based on alleged unpermitted elevator work, described by DBI in the NOV as “WORK WITHOUT A PERMIT” and “OBSERVED PARTIAL REMOVAL OF ELEVATOR WITHOUT A PERMIT.” To the best of the undersigned’s and Appellant’s knowledge, DBI has provided no specific written notice as to what specific work it contends was performed without a required permit. All Appellant is aware of in terms of Kone’s pre-project-shutdown activity is that it mobilized for the project at the Property, loading in materials and setting up a remote shop in the garage to facilitate project work.

DBI issued and mailed a Final Warning Letter, dated August 31, 2023, to Prior Owners. Based on DBI’s online Complaint Data Sheet, the subject NOV lied dormant as between DBI and property owner until or within a few days after DBI on January 10, 2025 mailed to Appellant and

¹ See Exh. A, p. 2, final notations dated September 13 and 15, 2022.

posted at the property a Director’s Hearing Packet, dated January 9, 2025 and advising of a hearing set for January 21, 2025. This was the first time Appellants learned of the subject NOV.

Of timely note, Housing Code Section 713, was updated in December 2024 – adding subsection (b), stating “Buildings that have an existing elevator, regardless of the height of the building, shall maintain at least one operable elevator for residential occupants’ use.”

Armed with no information about the specific bases for allegations of unpermitted work, Appellant’s retained consultants SF Permitting to appear at the January 21, 2025 Director’s Hearing on Appellant’s behalf. An Order of Abatement (OOA) was issued the day after the hearing, ordering NOV-curative work to be approved by DBI and completed within 30 days.

Following issuance of the OOA, SF Permitting promptly began working with DBI Permit Services on resolving the NOV. From the get-go until late-2025, numerous DBI personnel worked with SF Permitting on developing an acceptable building-plan set that remediated certain elevator-related issues² that, upon required CCSF approvals and execution of the work, would purportedly allow for abatement of the December 2021 NOV without need to restore the elevator to service, which, at present, would cost \$750,000–\$1,000,000 due to elevator shaft structural elevator-shaft issues identified by Kone. This is not financially feasible for Appellant. Even as late as November 2025, Mauricio Hernandez, DBI Chief Building Inspector, noted the option for resolution of the NOV without elevator-service restoration based on long-running permitting efforts to devise an acceptable remedial-work plan.³ It was not until December 2025 that DBI Chief Building Inspector Mark Walls relayed DBI’s firm position that nothing short of “reinstat[ing] the elevator to the original working conditions or better per the 2022 SFHC Section: 713 (b)” could resolve the NOV.⁴ As a result, the Appeal Hearing was put back onto ABB’s calendar.

I was retained by Appellant in late-2025 and spoke with Kone’s San Francisco office early this year in an effort to get information on work performed by Kone at the Property. Despite being

² E.g., drywalling over the (locked down) elevator doors on each floor and capping off in a certain manner no-longer-in-use electrical lines that had serviced the elevator.

³ See Exh. B, pp. 3-4, November 21, 2025 email from Mr. Hernandez to Appellant counsel.

⁴ See Exh. B, p. 1, December 11, 2025 email from Mr. Walls to Simon Yip of SF Permitting.

told the project manager for the subject project would call me in the next few days, I did not hear from him, nor did Kone respond to my follow-up messages. Following on Appellant counsel's ignored efforts, Prior Owner's recently retained counsel contacted Kone – expecting its cooperation would be forthcoming as counsel represented the party that directly contracted with Kone in 2020. Kone responded it would not cooperate absent a subpoena. Due to the lack of subpoena power in ABB proceedings, Appellant and Prior Owners' counsel were unable to obtain critical information about Kone's project work, including permitting considerations.

Affirmative Defenses

Non-retroactivity: Housing Code Section 713, updated by amendment and effective November 24, 2024, does not retroactively apply to the subject 2023-issued NOV because the 2024-amended code section – adding subsection (b) – does not expressly state Section 713 applies retroactively.⁵ Further, Section 713 is not included in the list Housing Code Section 206 (titled “Retroactive Provisions”) specifying which particular Housing Code sections apply retroactively.

Laches applies to prevent a party from bringing a claim against another if they waited an unreasonable amount of time to seek relief, and that delay caused unfair disadvantage or prejudice to the targeted party. Here, DBI took nineteen months from alleging unpermitted-work in the June 27, 2023 NOV to setting the Director's Hearing for January 21, 2025. During that unusually long time period (by DBI's own standards) the Code Advisory Committee was actively working on updated language for an amended Housing Code Section 713 – particularly the new subsection (b). Had DBI been even vaguely diligent in moving the NOV to a Director's Hearing, Appellant would have received an OOA requiring abatement of unpermitted work within 30 days. Stated otherwise, subsection (b)'s operational-elevator requirement would not have been “in play” during Director's Hearing/OOA-issuance process – as subsection (b) was not in effect until November 2024 – but for DBI's lack of diligence in timely setting that hearing. This has resulted in substantial and unconscionable prejudice and material damage to Appellant – which is now facing

⁵ See *Myers v. Philip Morris Companies, Inc.* (2002) 28 Cal. 4th 828, 841, California Supreme Court.

upwards of \$1,000,000 in elevator recommissioning work due to DBI's inexplicable delay in getting this matter to a Director's hearing.

Lack of Due Process: Appellant is not aware of any documents issued by DBI in relation to the NOV that describe specifically what work was purportedly performed without a required permit. For all Appellant knows, the NOV was issued in error because DBI's inspector incorrectly considered Kone's mobilization/project-preparation activity as requiring a permit.

Selective enforcement: There are hundreds, if not thousands, of buildings in San Francisco with non-operational elevators as of subsection (b) going into effect in November 2024. It is apparent from April and May 2023 Code Advisory Committee documents that 2960 Polk Street was the model property subsection (b) was intended to "capture"⁶ and that the June 2023 tenant complaint – echoing the 2021 tenant complaint that the elevator remained out of service following termination of Kone's modernization project – was aimed to relitigate elevator inoperability in anticipation of the amendment of Housing Code Section 713 adding subsection (b). Ironically, DBI mailed and posted the Notice of Director's Hearing a mere six weeks after subsection (b) went into effect. Appellant respectfully requests that DBI provide data along with its Statement due next week as to the number of buildings currently potentially in violation of subsection (b); how many NOV's total have been issued based on subsection (b); and how many of those NOV's have been set for a Director's Hearing or completed same.

Respectfully submitted,

David F. Mangini, Esq.

⁶ See Exh. C.

COMPLAINT DATA SHEET**Complaint Number:** 202185093Owner/Agent: OWNER DATA
SUPPRESSED

Date Filed:

Owner's Phone:

Location: 2960 POLK ST

Contact Name:

Block: 0476

Contact Phone:

Lot: 017

Complainant: COMPLAINANT DATA
SUPPRESSED

Site:

Rating: 4 Years

Occupancy Code:

Received By: Susan Huang

Division: HIS

Complainant's

Phone:

Complaint

Source: OFFICE VISIT

Assigned to

HIS

Division:

Description: Elevator is not in service.

Instructions:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	DANG	6337	3	

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
12/09/21	CASE OPENED	Dang	CASE RECEIVED		Susan Huang 09-DEC-21	RMD
01/07/22	GENERAL MAINTENANCE	Dang	TELEPHONE CALLS	Insp. Moy contacted complainant and scheduled initial inspection.	Christina H. Dang 07-JAN-22	HIS
01/24/22	GENERAL MAINTENANCE	Dang	INSPECTION OF PREMISES MADE	Inspector Moy investigated the complaint at the subject property and observed violations of the San Francisco Housing Code which are delineated within the Notice of Violation identified by Complaint Tracking #202185093.	Christina H. Dang 25-JAN-22	HIS
01/24/22	GENERAL MAINTENANCE	Dang	FIRST NOV SENT		Christina H. Dang 25-JAN-22	HIS
01/24/22	GENERAL MAINTENANCE	Dang	BLDG POSTED & TENANTS NOTIFIED AS PER NOTIFICATION REQMENTS	Unit : ;# of postings left on building: 1;Locations : ;Unit #s mailed posting: 1.	Christina H. Dang 25-JAN-22	HIS
01/25/22	GENERAL MAINTENANCE	Dang	TELEPHONE CALLS	Insp. Moy attempted to contact owner/owner rep. cannot leave message.	Christina H. Dang 25-JAN-22	HIS
02/28/22	GENERAL MAINTENANCE	Dang	REINSPECTION 1	Insp. Moy reinspected premise and all violations outstanding and not completed.	Christina H. Dang 28-FEB-22	HIS
02/28/22	GENERAL MAINTENANCE	Dang	FINAL WARNING LETTER ISSUED		Christina H. Dang 28-FEB-22	HIS
02/28/22	GENERAL MAINTENANCE	Dang	FINAL WARNING LETTER SENT		Christina H. Dang 28-FEB-22	HIS
04/04/22	GENERAL MAINTENANCE	Dang	REINSPECTION 2	Insp. Moy reinspected premise and all violations outstanding and not completed.	Christina H. Dang 04-APR-22	HIS
04/04/22	GENERAL MAINTENANCE	Dang	REFER TO DIRECTOR'S HEARING		Christina H. Dang 04-APR-22	HIS
05/05/22	GENERAL MAINTENANCE	Dang	DIRECTOR HEARING NOTICE POSTED	Insp. Moy posted DH on premise.	Christina H. Dang 05-MAY-22	HIS

05/19/22	GENERAL MAINTENANCE	Lawrie	DIRECTOR'S HEARING DECISION	The owner was represented, a 30-day Order of Abatement was issued.	James Lawrie 19-MAY-22	HIS
06/02/22	GENERAL MAINTENANCE	Dang	ORDER OF ABATEMENT ISSUED		Christina H. Dang 06-JUN-22	HIS
06/06/22	GENERAL MAINTENANCE	Dang	ORDER OF ABATEMENT POSTED	Insp. Moy posted OA on premise.	Christina H. Dang 06-JUN-22	HIS
06/23/22	GENERAL MAINTENANCE	Dang	TELEPHONE CALLS	Insp. Moy attempted to contact owner/owner rep. Left message.	Christina H. Dang 23-JUN-22	HIS
06/27/22	GENERAL MAINTENANCE	Dang	TELEPHONE CALLS	Insp. Moy attempted to contact owner/owner rep. Left message.	Christina H. Dang 27-JUN-22	HIS
07/01/22	GENERAL MAINTENANCE	Luton	TELEPHONE CALLS	Spoke with Owner's attorney regarding request for jurisdiction.	Matthew Luton 01-JUL-22	HIS
07/11/22	GENERAL MAINTENANCE	Lawrie	TELEPHONE CALLS	Left message with complainant explaining "jurisdiction".	James Lawrie 11-JUL-22	HIS
07/12/22	GENERAL MAINTENANCE	Lawrie	CASE UPDATE	Request for Jurisdiction filed (AAB)	James Lawrie 08-AUG-22	HIS
09/13/22	GENERAL MAINTENANCE	Dang	REINSPECTION 3	Insp. Moy spoke to complainant about Housing Code 713 is not in violation.	Christina H. Dang 15-SEP-22	HIS
09/15/22	GENERAL MAINTENANCE	Dang	CASE ABATED		Christina H. Dang 15-SEP-22	HIS

COMPLAINT ACTION BY DIVISION**NOV (HIS):** 1/26/2022**NOV (BID):**

Inspector Contact Information

[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.

David Mangini

From: Walls, Mark (DBI) <mark.walls@sfgov.org>
Sent: Wednesday, February 4, 2026 9:29 AM
To: David Mangini; Simon Yip
Cc: Hernandez, Mauricio (DBI); Francis, Chris (DBI)
Subject: Re: Mauricio-FW: NOV/Appeal -- 2023.09727; 2960 Polk St.

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Morning Mr. Mangini,

To begin with, this is currently with the Code Enforcement Services Division (CES) as an active case for the referenced N.O.V. for work performed without a building permit. Additionally and to my understanding, the district supervisor’s office has inquired and requested updates on the current enforcement action. I do not have a specific point of contact from the supervisors office pertaining to this matter.

Regards,

Mark G. Walls
Chief Building Inspector
Permit Services - Department of Building Inspection
(628) 652-3752
[SFDBI.org](#)
[Sign up for our customer email list](#)

From: David Mangini <david@mangini.law>
Sent: Monday, February 2, 2026 11:59 AM
To: Walls, Mark (DBI) <mark.walls@sfgov.org>; Simon Yip <simon@sfpermitting.com>
Cc: Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>; Francis, Chris (DBI) <chris.francis@sfgov.org>
Subject: RE: Mauricio-FW: NOV/Appeal -- 2023.09727; 2960 Polk St.

Mark-

Good morning.

Following on the voicemail I just left you, I would appreciate your getting back to me on who in the Board of Supervisors offices is pushing DBI on this matter so I can follow up with them on this matter.

Thak you very much.

Cheers,

David Mangini, Esq.
MANGINI Inc.
415.515.2795
[mangini.law](#)

From: Walls, Mark (DBI) <mark.walls@sfgov.org>
Sent: Thursday, December 11, 2025 5:22 PM
To: Simon Yip <simon@sfpermitting.com>
Cc: David Mangini <david@mangini.law>; Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>; Francis, Chris (DBI) <chris.francis@sfgov.org>
Subject: RE: Mauricio-FW: NOV/Appeal -- 2023.09727; 2960 Polk St.

Afternoon Simon,

Although this building is not covered under Chapter 11-A in the San Francisco Building Code, it is mentioned in the San Francisco Housing Code as follows:

“Section 713: (b) Buildings that have an existing elevator, regardless of the height of the building, shall maintain at least one operable elevator for residential occupants’ use.”

My position and recommendation for your client on this notice of violation is:
Obtain a Building Permit to Comply with the Notice of Violation and reinstate the elevator to the original working conditions or better per the 2022 SFHC Section: 713 (b), as stated above.

Note: I have taken the liberty and updated the BPA language in PTS accordingly.

Please contact me should you have any questions.

Thank you,

Mark G. Walls
Chief Building Inspector
Permit Services - Department of Building Inspection
(628) 652-3752
[SFDBI.org](#)
[Sign up for our customer email list](#)

From: Simon Yip <simon@sfpermitting.com>
Sent: Wednesday, December 10, 2025 1:00 PM
To: Walls, Mark (DBI) <mark.walls@sfgov.org>
Cc: David Mangini <david@mangini.law>
Subject: Mauricio-FW: NOV/Appeal -- 2023.09727; 2960 Polk St.

Afternoon Mark.

I hope you are well.

Just wanted to circle back with you about this project as we did not have time to discuss this on our call last week.

As directed by Mauricio (see below email thread), I was instructed to engage you to seek approval for permit 202504224935.

Do let me know your availability to discuss next steps.

Application Number: 202504224935
Form Number: 8
Address(es): 0476 /013 /0 2960 POLK ST
Description: COMPLY NOV 202309727- DECOMMISSIONED ELEVATOR TO BE REMOVED
Cost: \$8,000.00
Occupancy Code: R-2
Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
4/22/2025	TRIAGE	
4/22/2025	FILING	
4/22/2025	FILED	

Contact Details:

Contractor Details:

Addenda Details:

Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Review Result	Hold Description
INTAKE		4/22/25	4/22/25			4/22/25	MASOUD HAMIDI	415-999-9999	Administrative	
BLDG		5/9/25	5/9/25			5/9/25	JONES DAVID	628-652-3780	Issued Comments	Plan reviewer to discuss with OTC manager, DMJ 05/09/2025;
BLDG								628-652-3780		
BLDG	1							628-652-3780		
SFFD								628-652-3472		
CPB								628-652-3240		

Best

Simon



SF PERMITTING, INC.
P.O. BOX 14039, SF, CA, 94114
OFFICE: (415) 814-9888
MOBILE: (415) 515-2552

From: Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>
Sent: Friday, November 21, 2025 8:35 AM
To: David Mangini <david@mangini.law>
Cc: Simon Yip <simon@sfpermitting.com>
Subject: Re: Mauricio-FW: NOV/Appeal -- 2023.09727; 2960 Polk St.

Hello David,

I have reviewed both the State decommission form and **Ordinance No. 245-24**.

Based on that review, I want to clarify that **Section 713(b)** applies to all R-1 and R-2 residential buildings that have an existing elevator. The ordinance states:

“Buildings that have an existing elevator, regardless of the height of the building, shall maintain at least one operable elevator for residential occupants’ use.”

Because **2960 Polk Street is an R-2 occupancy** and historically had an elevator, this ordinance applies to the property. The State’s decommission approval confirms only that the elevator was taken out of service under State conveyance safety rules—it **does not replace local habitability requirements and does not serve as a building permit authorizing removal**.

Since the elevator was partially removed without a DBI permit, **NOV #202309727 remains valid**. To resolve the violation, the owner must obtain one of the following:

- 1. **A permit to restore the elevator to operable condition;** or
- 2. **Continue seeking approval for PA 202504224935** and work with Plan Check Chief Building Inspector **Mark G. Walls**, Chief Building Inspector, Permit Services – DBI
(628) 652-3752
mar.wall@sfgov.org

I am also aware that, at one point, either the owner or the permit expediter may have been in contact with the District Supervisor’s office regarding this issue. I am not certain whether their office provided any input, but that may be another avenue the owner can pursue if they are seeking additional guidance.

Please let me know if you would like to discuss the permit options or next steps.

Sincerely,

Thank You,
Mauricio E. Hernandez
Chief Building Inspector for
Code Enforcement Division &
Complaint Investigation Team
49 South Van Ness Av Suite#400
San Francisco, CA 94103
Desk#(628)652-3440

From: Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>
Sent: Wednesday, November 19, 2025 9:16 AM
To: David Mangini <david@mangini.law>
Cc: Simon Yip <simon@sfpermitting.com>
Subject: Re: Mauricio-FW: NOV/Appeal -- 2023.09727; 2960 Polk St.

Hello,

Thank you for checking in.

At this time, we are still reviewing the case details internally. If we need any additional information or documentation from the owner, I will reach out . Once our review is complete and we are ready to discuss next steps, I will contact you to schedule a follow-up call.

Best regards,

Thank You,
Mauricio E. Hernandez
Chief Building Inspector for
Code Enforcement Division &
Complaint Investigation Team
49 South Van Ness Av Suite#400
San Francisco, CA 94103
Desk#(628)652-3440

From: David Mangini <david@mangini.law>
Sent: Tuesday, November 18, 2025 7:23 PM
To: Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>
Cc: Simon Yip <simon@sfpermitting.com>
Subject: RE: Mauricio-FW: NOV/Appeal -- 2023.09727; 2960 Polk St.

Mauricio-

I’m checking in to see if you need anything further from owner’s side while revisiting this matter?

Please let us know when you’re ready to talk again and we can set a further call – or just email us if there is anything noteworthy to pass along.

Thank you.

Cheers,

David Mangini, Esq.
MANGINI Inc.
415.515.2795
mangini.law

From: David Mangini
Sent: Friday, November 14, 2025 12:35 PM
To: Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>

Cc: Simon Yip <simon@sfpermitting.com>
Subject: RE: Mauricio-FW: NOV/Appeal -- 2023.09727; 2960 Polk St.

Mauricio-

Per our call in the 11:00 hour:

1. Attached is DIR/OSHA’s elevator decommissioning certification, dated August 16, 2023.
2. As to scope of elevator contractor’s work in conjunction with certification, they removed the elevator’s motor and cables, lowered the cab to the ground floor springs, and permanently pinned the doors on each floor shut except the roof door, which was padlocked.
3. Attached is the set of permitting plans submitted to DBI many months ago, for the sealing off elevator door openings.

Once you’ve had a chance to digest this information, please email me and we can speak again.

Thanks, and GO NINERS!

Cheers,

David Mangini, Esq.
MANGINI Inc.
415.515.2795
mangini.law

From: Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>
Sent: Thursday, November 13, 2025 12:05 PM
To: David Mangini <david@mangini.law>
Cc: Simon Yip <simon@sfpermitting.com>
Subject: Re: Mauricio-FW: NOV/Appeal -- 2023.09727; 2960 Polk St.

Hello David,

Friday 11:30 works for me

Thank You,
Mauricio E. Hernandez
Chief Building Inspector for
Code Enforcement Division &
Complaint Investigation Team
49 South Van Ness Av Suite#400
San Francisco, CA 94103
Desk#(628)652-3440

From: David Mangini <david@mangini.law>
Sent: Wednesday, November 12, 2025 7:05 PM
To: Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>
Cc: Simon Yip <simon@sfpermitting.com>
Subject: Mauricio-FW: NOV/Appeal -- 2023.09727; 2960 Polk St.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Mauricio-

Thanks for getting back to me this afternoon.

Owners’ permitting representative, Simon Yip of SF Permitting (cc’d), and I are available for a further call in the next two days:

Thurs.: 10:00-11:00, 2:00-4:00; and

Fri.: 9:30-11:30.

Please let us know when works for you.

Many thanks.

Cheers,

David Mangini, Esq.
MANGINI Inc.
415.515.2795
mangini.law

From: David Mangini
Sent: Wednesday, November 12, 2025 1:50 PM
To: 'mauricio.hernandez@sfgov.org' <mauricio.hernandez@sfgov.org>
Subject: RE: NOV/Appeal -- 2023.09727; 2960 Polk St.

Mauricio-

Following on my voicemail a few minutes ago and below emails, please ring me at your convenience to discuss this matter.

Thank you very much.

David Mangini, Esq.
MANGINI Inc.
415.515.2795
mangini.law

From: David Mangini
Sent: Sunday, November 9, 2025 12:27 PM
To: 'mauricio.hernandez@sfgov.org' <mauricio.hernandez@sfgov.org>
Subject: RE: NOV/Appeal -- 2023.09727; 2960 Polk St.

Mauricio-

I am following up on my below Nov. 5 email and voicemail.

Is there a good time tomorrow (Mon.) to talk?

Thank you.

Cheers,

David Mangini, Esq.
MANGINI Inc.
415.515.2795
mangini.law

From: David Mangini
Sent: Wednesday, November 5, 2025 1:15 PM
To: 'mauricio.hernandez@sfgov.org' <mauricio.hernandez@sfgov.org>
Subject: NOV/Appeal -- 2023.09727; 2960 Polk St.

Mauricio-

Following on my voicemail a few minutes ago, can you please call me at convenience to discuss this pending NOV/appeal I’ve recently been retained on to represent owners? (I’ve attached owner’s appeal filing for reference.)

I understand from the Abatement Appeals Board that the City Attorney’s Office is not assigned (yet) on this matter, so I am reaching out directly to you.

Thank you very much.

Cheers,

David Mangini, Esq.
MANGINI Inc.
415.515.2795
mangini.law

ATTACHMENT A

ATTACHMENT TO CODE ADVISORY COMMITTEE ITEM x.0 (for April 12, 2023)

The existing Housing Inspection Administrative Code Section 713. Elevators. is written in such a way that it allows, possibly even encourages, the abandonment of existing elevators in R-1 and R-2 Occupancies that are 50 feet or less, thus rendering **previously accessible buildings inaccessible**. This Section, as written, is contradictory with established accessibility thresholds for elevators in buildings ≥ 3 stories (or $\geq 3,000\text{sf}$) required to be elevator accessible. (It is also grossly inconsistent with San Francisco's ubiquitous 40 foot height limit).

Existing

SAN FRANCISCO HOUSING CODE SEC. 713. ELEVATORS.

In all R-1 and R-2 Occupancies, with building heights exceeding 50 feet, which are required to have an operable elevator per the [Fire Code](#), said buildings shall have at least one operating elevator for the residential occupants use.

Proposed revision to

SAN FRANCISCO HOUSING CODE SEC. 713. ELEVATORS.

In all R-1 and R-2 Occupancies ~~with building heights exceeding 50 feet,~~ *in existing elevator buildings three stories or greater*, which are required to have an operable elevator per the [Fire Code](#), said buildings shall have at least one operating elevator *maintained* for the residential occupants use.

Background:

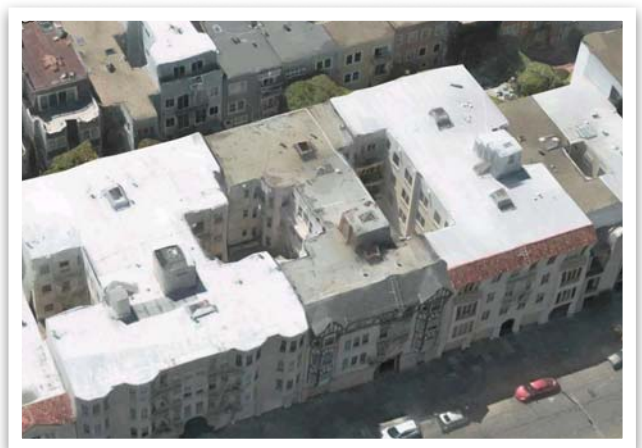
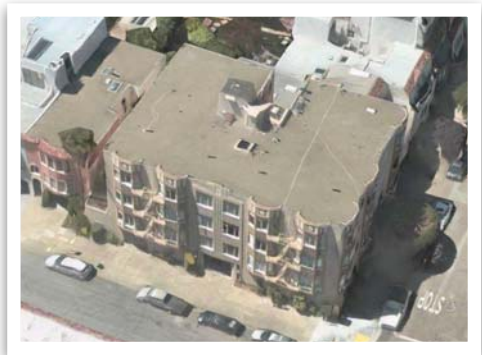
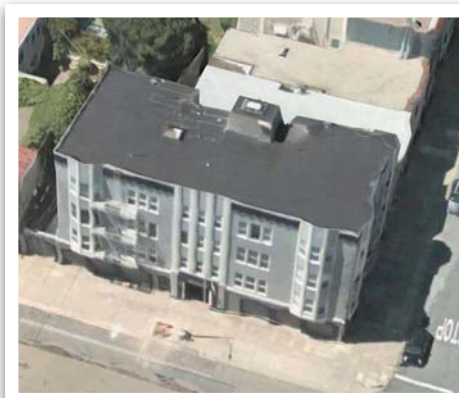
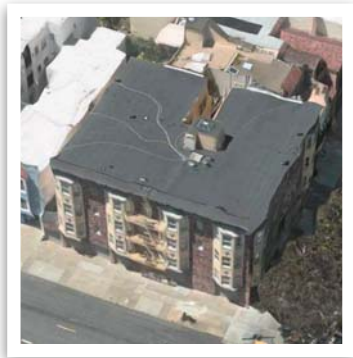
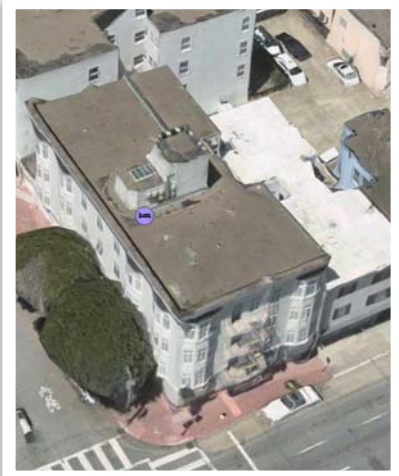
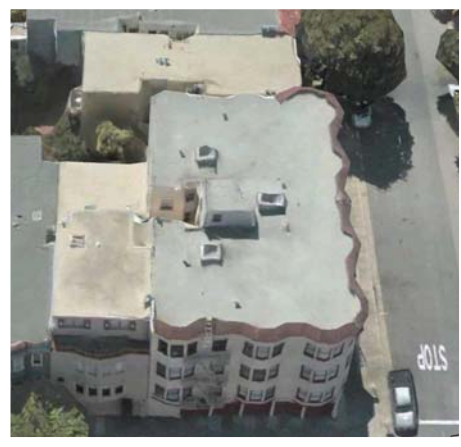
Complaint: This Item and Attachment are submitted by James Heron Architect, and are based on personal experience. Mr. Heron and his wife rent an apartment in a 4-story privately-owned 12-unit elevator building at 2960 Polk Street (Mr Heron has a physical disability resulting from a childhood injury). Two years ago, the Building Owners began a **voluntary** elevator “modernization” project. The work began with a reputable contractor (KONE), but after several months, the work stopped and the Owners informed the Tenants that

“it would present an undue financial burden to restore the elevator to working order”.

Order of Abatement: Mr. Heron filed a complaint with Housing Inspection Services, a Notice of Violation was issued, and the subsequent Director's Hearing resulted in a formal “Order of Abatement” to repair the elevator. The Owner's lawyers, however, successfully appealed the Order of Abatement, invoking Section 713. 50-foot loophole.

Context:

In San Francisco, Elevator Buildings less than 50 feet are not unusual, particularly for larger apartment buildings on corner lots - fronting on two streets, a generally larger footprint, combining multiple parcels. (This is the case with the building at 2960 Polk.)



ATTACHMENT A

ATTACHMENT TO CODE ADVISORY COMMITTEE (CAC) ITEM (for May 10, 2023)

The existing Housing Inspection Administrative Code Section 713. Elevators. is written in such a way that it allows, possibly even encourages, the abandonment of existing elevators in R-1 and R-2 Occupancies that are 50 feet or less, thus rendering **previously accessible buildings inaccessible**. This Section, as written, not only conflicts with current minimum accessibility thresholds, it is also inconsistent with the City Fire Code, which requires elevator maintenance without regard to building heights. (It is also grossly inconsistent with San Francisco's ubiquitous 40 foot height limit).

Existing

SAN FRANCISCO HOUSING CODE SEC. 713. ELEVATORS.

In all R-1 and R-2 Occupancies, with building heights exceeding 50 feet, which are required to have an operable elevator per the [Fire Code](#), said buildings shall have at least one operating elevator for the residential occupants use.

Proposed revision to

SAN FRANCISCO HOUSING CODE SEC. 713. ELEVATORS.

In all R-1 and R-2 Occupancies ~~with existing elevators, with building heights exceeding 50 feet,~~ which are required to have an operable elevator per the [Fire Code](#), said buildings shall have at least one operating elevator *maintained* for the residential occupants use.

Background:

Complaint: This Item and Attachment were submitted by James Heron Architect, and are based on personal experience. Mr. Heron and his wife rent an apartment in a 4-story privately-owned 12-unit elevator building at 2960 Polk Street (Mr Heron has a physical disability resulting from a childhood injury). Two years ago, the Building Owners began a **voluntary** elevator “modernization” project. The work began with a reputable contractor (KONE), but after several months, the work stopped and the Owners informed the Tenants that

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