

Item # 6: Appeal No. 20-072 @ 5024 and 5030 3rd Street

Rescheduling Request made by the Appellant and emailed to the Planning Department on January 23, 2021 (the rescheduling request form is dated January 22, 2021).



HEARING DATE RESCHEDULING REQUEST

INSTRUCTIONS

REQUESTING PARTY:

- Fill out Section 1 of this form and deliver a copy by hand, email or fax to the Board office.
- Send a copy to all other parties to the appeal. No action will be taken by the Board until responses from the other parties are received.

RESPONDING PARTY:

- Fill out Section 2 of this form and return it to the Board office by hand, email, or fax.
- Send a copy to the requesting party.

SECTION 1

Name(s) of Requesting Party: Lady Benjamin Philip Diaz Cannon

Appeal No(s): APPEAL 20-072 Jurisdiction Request Rehearing Request

Subject Property Address: 5030 3rd st

Phone: 707.235.8663 Email: ben@6by7.net Fax: _____

Current Hearing Date: 02/20/2021

*Proposed New Date: 06/23/2021

**Please check the Board of Appeals Calendar at: www.sfgov.org/boa to confirm upcoming Board meeting dates.*

Reasons for requesting this rescheduling:

*No response on discovery, need to obtain either administrative order, subpoena, or court order.
or incorrect response*

Signature

01/22/2021
Date

SECTION 2

Name(s) of Responding Party: Planning DEPT.

Phone: _____ Email: _____ Fax: _____

Response to Rescheduling Request [check one]:

- Agree
- Disagree
- Alternate date proposed: _____

Signature

Date

THIS AREA IS FOR BOARD USE ONLY

DISAPPROVED APPROVED, NEW HEARING DATE: _____

By: Julie Rosenberg 2-2-21

From: [Rosenberg, Julie \(BOA\)](#)
To: [Lady Benjamin PD Cannon](#)
Cc: [Sanchez, Scott \(CPC\)](#); [BoardofAppeals \(PAB\)](#); [Longaway, Alec \(BOA\)](#)
Subject: RE: APPEAL 20-072
Date: Monday, February 1, 2021 10:33:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Hello Lady Benjamin: Please prepare a one-page, double-spaced statement explaining why you want the matter rescheduled to a later date (also indicate the date based on our calendar posted at <https://sfgov.org/bdappeal/file/9969>). Scott Sanchez will have an opportunity to respond with his own statement.

Given that your hearing is next week, **please send me your statement by 9 am tomorrow 2/2/21.**

For your information, the Board of Appeals and Scott Sanchez are not subject to CCP 170.6.

Thank you,

Julie

Julie Rosenberg
Executive Director, San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103

Please note that the Board's physical office is closed to the public until further notice.

From: Lady Benjamin PD Cannon <ben@6by7.net>
Sent: Monday, February 1, 2021 9:57 AM
To: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>
Cc: Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; BoardofAppeals (PAB) <boardofappeals@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>
Subject: Re: APPEAL 20-072

Hi Julie, in that case, I'm afraid that I'd like to ask President Honda for a new hearing date via your office. As indicated, the rent board delivered discovery for the wrong address, I'm not sure what more proof Mr. Sanchez needs, but I'd say that he's already indicating prejudice before the hearing, and I'd like to exercise my rights under CCP 170.6 to disqualify him on that basis.

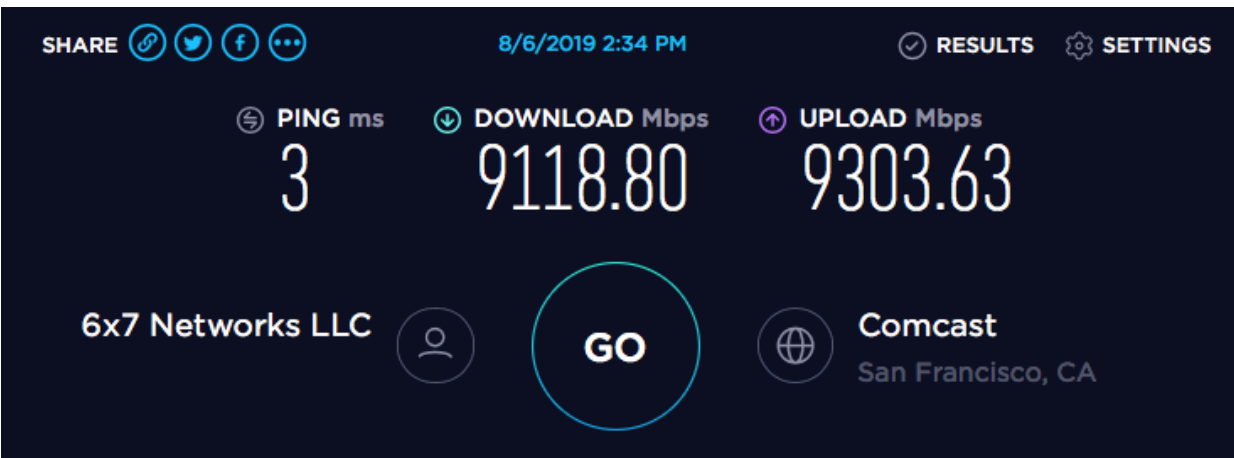
Thank you for your time and help with this matter.

—L.B.

Lady Benjamin PD Cannon, ASCE
6x7 Networks & 6x7 Telecom, LLC
CEO

ben@6by7.net

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On Jan 28, 2021, at 10:50 AM, Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org> wrote:

Hello Lady Benjamin: Your appeal is still scheduled to be heard on February 10, 2021 as Scott Sanchez has not yet agreed to reschedule the matter. Will you be providing him with the requested information?

Please note that if Mr. Sanchez does not agree to reschedule the matter, you can ask President Honda (through me) for a new hearing date. You would need to submit a one page double-spaced statement explaining why you need the matter rescheduled. Mr. Sanchez would have an opportunity to respond to your request with his own one-page statement.

Thank you,

Julie

Julie Rosenberg
Executive Director, San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103

Please note that the Board's physical office is closed to the public until further notice.

From: Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>
Sent: Tuesday, January 26, 2021 1:46 PM
To: Lady Benjamin PD Cannon <ben@6by7.net>
Cc: BoardofAppeals (PAB) <boardofappeals@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>
Subject: Re: APPEAL 20-072

Hello Lady Benjamin,

Thank you for the email. Can you please provide more details on the pending records requests, including when those requests were made and what information you are seeking and how that relates to your case?

Regards,

Scott F. Sanchez
Deputy Zoning Administrator
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7384 | www.sfplanning.org
[San Francisco Property Information Map](#)

Due to COVID-19, San Francisco Planning is not providing any in-person services, but we are operating remotely. Our staff are [available by e-mail](#), and the Planning and Historic Preservation Commissions are convening remotely. The public is [encouraged to participate](#). Find more information on our services [here](#).

From: Lady Benjamin PD Cannon <ben@6by7.net>
Date: Tuesday, January 26, 2021 at 1:24 PM
To: Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>
Cc: BoardofAppeals (PAB) <boardofappeals@sfgov.org>, Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>
Subject: Re: APPEAL 20-072

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

Hello Mr. Sanchez, the problem here remains obtaining discovery.

In one instance, records for the wrong property (556 5th ave returned, 5030 3rd & 5024 3rd st requested) have been sent to us by the city. In over 90% of cases, we have received no response of any kind at all. We are preparing applications for Court Orders to compel the discovery, will you oppose those?

—L.B.

Lady Benjamin PD Cannon, ASCE
6x7 Networks & 6x7 Telecom, LLC
CEO
ben@6by7.net
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<image001.png>
<image002.png>

On Jan 26, 2021, at 1:07 PM, Sanchez, Scott (CPC) <scott.sanchez@sfgov.org> wrote:

Hello Lady Benjamin,

I didn't receive a response to my email yesterday, so I wanted to follow up to confirm that you received it. At this point, we have not agreed to the rescheduling request and the item remains on calendar for February 10th.

Regards,

Scott F. Sanchez
Deputy Zoning Administrator

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7384 | www.sfplanning.org
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From: Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>

Date: Monday, January 25, 2021 at 10:04 AM

To: Lady Benjamin PD Cannon <ben@6by7.net>, BoardofAppeals (PAB) <boardofappeals@sfgov.org>

Cc: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>

Subject: Re: APPEAL 20-072

Hello Lady Benjamin,

Thank you for the email. Can you please provide more information on the pending records requests, including when those requests were made and what information you are seeking and how that relates to your case? When the Planning Department agreed to the last rescheduling request almost 2 months ago, we agreed to a onetime continuance to allow you time to file a brief. The deadline for the brief was last Thursday (1/21); however, you did not submit a brief and you did not submit the rescheduling request until Friday (1/22) – after the deadline to file the brief.

Regards,

Scott F. Sanchez
Deputy Zoning Administrator

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7384 | www.sfplanning.org
[San Francisco Property Information Map](#)

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From: Lady Benjamin PD Cannon <ben@6by7.net>

Date: Saturday, January 23, 2021 at 2:41 PM

To: BoardofAppeals (PAB) <boardofappeals@sfgov.org>

Cc: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>, Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>

Subject: Re: APPEAL 20-072

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

Ah, thank you, I've attached it here.

—L.B.

Lady Benjamin PD Cannon, ASCE
6x7 Networks & 6x7 Telecom, LLC
CEO

ben@6by7.net

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<image001.png>

<image002.png>

On Jan 22, 2021, at 4:30 PM, BoardofAppeals (PAB)
<boardofappeals@sfgov.org> wrote:

Dear Lady Benjamin,

Thank you for filling out the rescheduling request form. You must send this request form to the other party for their response. In this case it would be Scott Sanchez. I have cc'ed Scott Sanchez on this email chain. Please feel free to contact me if you have any questions.

Best,
Alec Longaway

Alec Longaway
Legal Process Clerk, San Francisco Board of Appeals
49 South Van Ness, Suite 1475
San Francisco, CA 94103
Work PH: 1-628-652-1152
Cell: 1-415-746-0119

From: Lady Benjamin PD Cannon <ben@6by7.net>
Sent: Friday, January 22, 2021 4:24 PM
To: BoardofAppeals (PAB) <boardofappeals@sfgov.org>
Subject: Re: APPEAL 20-072

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

—L.B.

Lady Benjamin PD Cannon, ASCE
6x7 Networks & 6x7 Telecom, LLC
CEO

ben@6by7.net

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<image001.png>

<image002.png>

On Jan 22, 2021, at 2:56 PM, BoardofAppeals (PAB)
<boardofappeals@sfgov.org> wrote:

Thank you.

Alec Longaway
Legal Process Clerk, San Francisco Board of Appeals
49 South Van Ness, Suite 1475
San Francisco, CA 94103
Work PH: 1-628-652-1152
Cell: 1-415-746-0119

From: Ben Cannon <ben@6by7.net>
Sent: Friday, January 22, 2021 2:21 PM
To: BoardofAppeals (PAB) <boardofappeals@sfgov.org>
Cc: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Charliejad@yahoo.com;
Mejia, Xiomara (BOA) <xiomara.mejia@sfgov.org>
Subject: Re: APPEAL 20-072

Thank you Alec, I will fill it out this weekend.

Ms. Lady Benjamin PD Cannon, ASCE
6x7 Networks & 6x7 Telecom, LLC
CEO
ben@6by7.net

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company in the world."

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Sent from my iPhone via RFC1149.

On Jan 22, 2021, at 1:09 PM, BoardofAppeals (PAB)
<boardofappeals@sfgov.org> wrote:

Dear Lady Benjamin,

For your appeal to rescheduled you will need to fill-out the attached form and submit it to the other parties for their approval or disapproval of this request to rescheduled. Also, Please submit this form to the Board office. All request forms can be submitted via email.

Please feel free to contact me if you have any questions.

Best,
Alec Longaway

Alec Longaway
Legal Process Clerk, San Francisco Board of Appeals
49 South Van Ness, Suite 1475
San Francisco, CA 94103
Work PH: 1-628-652-1152
Cell: 1-415-746-0119

From: Lady Benjamin PD Cannon <ben@6by7.net>
Sent: Friday, January 22, 2021 9:42 AM
To: Sullivan, Katy (BOA) <katy.sullivan@sfgov.org>
Cc: BoardofAppeals (PAB) <boardofappeals@sfgov.org>
Subject: Re: APPEAL 20-072

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

Hello, be advised that we still have not received discovery from the city and will need to reschedule the hearing to accommodate the discovery, we may also need to obtain a Court Order.
—L.B.

Lady Benjamin PD Cannon, ASCE
6x7 Networks & 6x7 Telecom, LLC
CEO
ben@6by7.net
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FCC License KJ6FJJ

<image001.png>
<image002.png>

<Hearing Date Rescheduling Request
Form_9_3_2020_v2.pdf>

From the desk of Lady Benjamin PD Cannon, ASCE
5030 3rd st San Francisco, CA 94124
ben@6by7.net
707.235.8663

Office of the President
Julie Rosenberg
Executive Director, San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
julie.rosenberg@sfgov.org

BY EMAIL ONLY

10:31am

RE: APPEAL 20-072

Ms. Rosenberg,

I write you in regards to your e-mail requesting a one-page typewritten request to extend the hearing date for my appeal in the above encaptioned matter. I apologize that this letter is late, I received the request at approximately 10:30am for a response no later than 9am. In the interest of getting this out the door promptly, I will be forgoing detailed research as to dates and times of correspondence.

As I indicated in my previous e-mail, in obtaining discovery from the city regarding 5030 3rd st, 5024 3rd st unit 5, and any other units at 5024-5030 3rd st, the City returned to us documents relating to another property altogether, miles away from the subject property.

Additionally, we have not obtained any evidence or documents or witnesses as to the alleged "internet exchange" at 5030.

We now need to obtain either an administrative or a court order to compel the disclosure of the relevant documents, and require more time to do so.

After repeated written requests, Mr. Scott Sanchez has refused to allow time to conduct discovery, depriving me of my rights under the Constitution. As I can see no reason otherwise, I am forced to conclude that his actions have been undertaken with oppression and malice, and I have asked on that basis that he be removed from oversight of any actions against me.

From the desk of Lady Benjamin PD Cannon, ASCE
5030 3rd st San Francisco, CA 94124
ben@6by7.net
707.235.8663

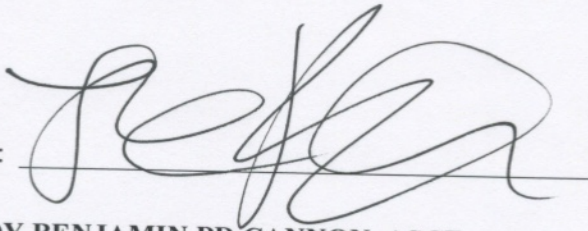
Given the COVID global pandemic and the fact that courts are not holding in-person hearings and are backed up with “serious life and death” matters, we are requesting the hearing date be extended to October 20, 2021 so that we may conduct discovery under the law.

Sincerely,

Ms.

Lady Benjamin PD Cannon, ASCE

Signature:



Date:

10/27/2021

By: LADY BENJAMIN PD CANNON, ASCE

Title: CEO



cc:
counsel
file

Item # 6: Appeal No. 20-072 @ 5024 and 5030 3rd
Street

Rescheduling Request made by the Appellant which
was forwarded to the Planning Department on
February 4, 2021.



HEARING DATE RESCHEDULING REQUEST

INSTRUCTIONS

REQUESTING PARTY:

- Fill out Section 1 of this form and deliver a copy by hand, email or fax to the Board office.
- Send a copy to all other parties to the appeal. No action will be taken by the Board until responses from the other parties are received.

RESPONDING PARTY:

- Fill out Section 2 of this form and return it to the Board office by hand, email, or fax.
- Send a copy to the requesting party.

SECTION 1

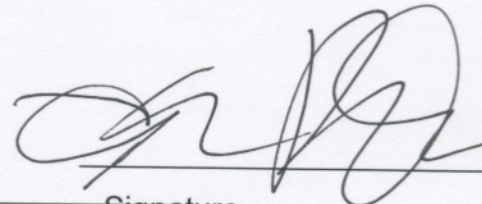
Name(s) of Requesting Party: Lady Benjamin PD Cannon
 Appeal No(s): 20-072 Jurisdiction Request Rehearing Request
 Subject Property Address: 5030 3rd st and 5024 3rd st
 Phone: 7072358663 Email: ben@6by7.net Fax: _____

Current Hearing Date: 02/10/2021

*Proposed New Date: 10/06/2021

*Please check the Board of Appeals Calendar at: www.sfgov.org/boa to confirm upcoming Board meeting dates.

Reasons for requesting this rescheduling:
To secure legal representation from Arent Fox LLP

 02/10/2021

 Signature Date

SECTION 2

Name(s) of Responding Party: Scott Sanchez
 Phone: 628.652.7384 Email: scott.sanchez@sfgov.org Fax: _____

Response to Rescheduling Request [check one]:

Agree

See email for response.

Disagree

Alternate date proposed: _____

 2/4/21

 Signature Date

THIS AREA IS FOR BOARD USE ONLY

DISAPPROVED APPROVED, NEW HEARING DATE: _____

By: Julie Rosenberg Date: 2-5-21

From: [Sanchez, Scott \(CPC\)](#)
To: [Rosenberg, Julie \(BOA\)](#); [Lady Benjamin PD Cannon](#)
Cc: [Longaway, Alec \(BOA\)](#)
Subject: Re: APPEAL 20-072
Date: Thursday, February 4, 2021 4:59:24 PM
Attachments: [5030 3rd Street \(Appeal No. 20-072\).pdf](#)
[image001.png](#)
[image002.png](#)

Hello Julie,

Thank you for the email. The Planning Department respectfully disagrees with the Appellant's latest request to reschedule this item.

On December 3, 2020, the Planning Department agreed to continue this item two months (from December 9, 2020 to February 10, 2021) to allow the Appellant time to file a late brief; however, they failed to submit a brief by the January 21, 2021 deadline.

On January 22, 2021, the Appellant requested another continuance citing an unspecified pending public records request; however, they never responded to the Planning Department's request for details on the pending records requests (including the dates those requests were made and the relevance of the information being sought to this case). Given the lack of response and insufficient justification, the Planning Department did not agree to the rescheduling request.

The Appellant's latest continuance request seeks to further delay this enforcement case (which was opened in December 2018) by an additional 8 months (from February 10, 2021 to October 6, 2021). While the Appellant's stated reason is "to secure legal representation from Arent Fox LLP", it is the Planning Department's understanding that the Appellant already has legal representation (Jason Hain of Eviction Defense) who has actively represented the Appellant through this process.

Given these facts, the Planning Department cannot agree to this rescheduling request and would ask that the Appellant make this request directly to the Board of Appeals at the duly scheduled public hearing on February 10, 2021.

Regards,

Scott F. Sanchez
Deputy Zoning Administrator
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7384 | www.sfplanning.org
[San Francisco Property Information Map](#)

Due to COVID-19, San Francisco Planning is not providing any in-person services, but we are operating remotely. Our staff are [available by e-mail](#), and the Planning and Historic Preservation Commissions are [convening remotely](#). The public is [encouraged to participate](#). Find more information on our services [here](#).

From: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>
Date: Thursday, February 4, 2021 at 4:27 PM
To: Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>, Lady Benjamin PD Cannon <ben@6by7.net>
Cc: Longaway, Alec (BOA) <alec.longaway@sfgov.org>
Subject: FW: APPEAL 20-072

Scott: I am forwarding you this request from Lady Benjamin.

Julie Rosenberg
Executive Director, San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103