

Old Empress loses— board won't rehear case

by Anne Marie Jordan

Travelers won't be dropping their bags in the lobby at 144 Eddy St. any day soon. Not after the Board of Appeals voted at its June 19 meeting not to rehear the case in spite of attorney Andrew Zacks' assertion that there's been some hanky-panky in the whole deal.

Owner Vijay Patel was a "victim" of discrimination, according to Zacks. In a June 13 letter to the appeals board, he says that the nearby Bijou and Metropolis hotels had parallel histories of up-and-down tourist occupancy. The law is that if any hotel in the North of Market Street Special Use District abandons its tourist rooms for more than three consecutive years, those rooms are lost forever to the transient trade and convert to long-term residential use.

At issue are 58 of the 88 rooms in the former Empress Hotel. Ironically, the city building department approved permits to renovate. The remodeling project cost Patel and backers more than \$1.5 million. A corporation called West Cork LLC leased the property, planning to market to Irish tour groups.

The luck of the Irish... Because the board refused to rehear the appeal, use of 144 Eddy is a done deal. No chance of tourist use — unless the

owner takes his case to Superior Court or higher.

If so, Randy Shaw and his Tenderloin Housing Clinic will be packed and ready to go; they squelched Patel's original plan of a mixed-use venue of both tourist and residential rooms. Shaw took the city agencies to task for even thinking of such a trip.

The appeals board vote means 144 Eddy cannot be a tourist destination. The 3-2 decision denied Patel and Zacks a chance for a rehearing.

Appeals board President Arnold Chin, John McInerney and Allam El Qadah voted to look at this case again. Commissioners Sabrina Saunders and Carole Cullum held firm to the board's January decision. For the board to rehear the issue, a 4-1 count was necessary. Transient use had been "abandoned," the board determined, so the hotel could not claim the rooms for tourists.

Shaw claimed that, according to the city's tax records, the property was abandoned as a tourist hotel; therefore, by law, the 58 tourist rooms from before reverted to long-term residential use.

If owner Vijay Patel complies with the city's decision regarding his property at 144 Eddy St., there will be 88 units on the long-term housing market. ■

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