

# TNDC-led protest torpedoes lingerie lounge

PHOTO: CARL ANGEL



## Appeals board: Too risque to be retail

at 50 Mason. It's that connection, says Hunt's lawyer, Joe Wood, that has created the misguided perception of King's Court holding court in an illegal pleasure palace.

The dispute chronicled in the TNDC press release began when Hunt started altering the interior of the space in May 2001.

A member of Adopt-A-Block noticed workers constructing a stage speared by brass poles and partitions that created booths. But no permits were posted on the site, nor had there been a change-of-use permit filed for the space, long occupied by Moler Barber College, said Mullin.

The news was reported at a Lower Eddy/Leavenworth Task Force meeting and

view that Hunt's architect, Zachary Nathan, arrived at the window and requested a building permit for a space that would include an adult bookstore. Zoning prohibits an adult business so close to other X-rated facilities, so Miller denied the request.

But the architect soon returned, explaining that he'd made a mistake — the proposed work was not to establish an adult bookstore. The actual use would be general retail with lingerie sales. The revised request made it across the counter. In hindsight, Miller said, he was "misled" into approving the permit.

Kenneth Chin, a city Enforcement Team planner, said that because the unit is relatively new, other planners weren't accustomed to checking whether a proposed permit for work was on the team's hot list. But now, he said, planners know the new routine of pulling up an extra "tab" on the computer screen [there are 11 other tabs].

Wood, Hunt's lawyer, told *The Extra* in a phone interview that the architect had made an honest mistake: He'd described the business as an adult bookstore because he assumed that the 50 Mason use was the same as Hunt's business at 141 Mason.

Planning correctly denied a permit for an adult bookstore, Wood said, because other adult uses are within 1,000 feet. But the site would actually be "a retail lingerie store with occasional modeling of the merchandise by clothed models," Wood said, so the permit was properly issued.

Now, Wood believes, the neighborhood has wrongly decided, based on Hunt's background, that he was going to open up an adult entertainment business on the premises.

"The neighbors shouldn't assume, as they apparently have, that law enforcement will not do its job [to close an illegal business] and that suspicions should therefore dictate city permitting policy," said Wood.

Hunt has spent much time and money (about \$50,000, according to Wood) on the project, and the construction is almost complete.

Mullin worries that if the business opens, it will be much harder to shut it down, even if it's improperly zoned. Planner Chin confirms that closing a going operation is a lengthy process.

On Dec. 17, Zoning Administrator Lawrence Badiner wrote Department of Building Inspection Director Frank Chiu that he had learned about the improperly issued building permit. He

asked Chiu to revoke the permit and issue a stop-work order until the adult-entertainment-or-not issue could be resolved.

On Feb. 7, Wood wrote to the Board of Permit Appeals requesting reinstatement of the building permit on the ground that "someone has an unfounded belief about what's going on in Mr. Hunt's mind." Hunt knows the laws, Wood argued, and "does not intend for his lingerie models to engage in ANY presentations falling within the legal definition of adult entertainment."

The board heard that appeal Feb. 20 and voted unanimously, 5-0, to uphold the revocation of the permit. At the hearing Wood argued that neighbors were leaping to wrong conclusions about the intended use of the space, and that his client had naively started construction illegally without a permit in May.

It was "stupid," Wood said, "but there was no subterfuge about it."

He argued that the intended use did not fall under the "adult entertainment" classification in city police codes, so it wasn't in the Department of Building Inspection's jurisdiction to issue a stop-work order for 50 Mason. He also said that his client had the right to risk a business venture (recently renamed King's Court Lingerie, according to Brad Paul), even if neighbors believe it's unlikely to succeed.

Wood answered a volley of questions about Hunt's business plans from Commissioners Carole Cullum and John E. McNemey III. One or two models, he said, will model lingerie to customers. They must be 18 or older, get past a bouncer, and pay a \$1 or \$2 cover charge at the door. And no, his client hadn't done a market study. But, he countered, the business' sign will draw neighboring high-end hotel patrons and its location near BART also will attract clients.

Badiner defended the permit revocation. King's Court would be adult entertainment, he said: "I think Brad Paul said it best [during the public comment period]. 'If it looks like a duck, walks like a duck, quacks like a duck, flies like a duck and smells like a duck... it's a duck.'"

If King's Court Lingerie opens and turns out to be an adult entertainment facility, added McNemey, it will be too late. "If we let the toothpaste out of the tube," he said, "it's not going back in."

Wood said he wasn't sure what his client's next step for would be. They're considering taking the issue to the next level and arguing against the decision in Superior Court. ■

Marjorie Beggs contributed to this report.

The dispute is over use of the old Moler Barber College at 50 Mason St.

Mason Street, from Ellis to Turk, epitomizes the Tenderloin's balancing act between red-light district and tourist destination. Low-budget SROs and highrise hotels are neighbors. Smoke shops selling drug paraphernalia and shoeshine stalls catering to busy executives are within spitting distance.

Various types of adult entertainment have for decades shared the two-block stretch, but new ones can't move in: A zoning moratorium allows only one such facility every 1,000 feet.

Some merchants and nonprofits, spearheaded by Tenderloin Neighborhood Development Corp. (TNDC), fear a new sex business may be trying to sneak in under official radar. At dispute is King's Court, a yet-to-open business slated for the old Moler Barber College at 50 Mason. Is it adult entertainment or allowable retail?

Critics call the proprietor's description of King's Court as a retail store a sham. Customers would pay a cover charge, entitling them to ask the working cadre of Courtesans, as critics might come to call them, to model lingerie. Presumably, the modeling would motivate customers to purchase said wares. Some beg to differ.

"A retail lingerie shop with live models' IS adult entertainment any way you look at it," said Brad Paul, former staff member of the Lower Eddy/Leavenworth Task Force, in a TNDC press release.

Kathleen Mullin, manager of TNDC's Façade Improvement Program, told *The Extra* that TNDC has a "particular" interest in 50 Mason because it owns the Ambassador Hotel directly across the street. The proposed business, she said, "is dumping on the neighborhood. There are a lot of families and children that live here — more than 5,000 children in the Tenderloin."

On the other side of the dispute, a neighboring landlord, who requested anonymity, said, "I personally don't have

a problem with [King's Court]. Everybody's entitled to make a living." He objected to TNDC attempting to "monopolize neighborhood plans."

At a Feb. 12 Tenderloin Futures Collaborative meeting that included an update on 50 Mason, resident John Burkett said that he and his neighbors are much more concerned with the drugs and battering on the street than with a sex business — if that's what King's Court would be.

"I say let he who is without sin cast the first stone," Burkett said. "TNDC, my beloved TNDC, rents a ground floor space to the Tea Room [a few doors down Eddy Street] and Cecil [Williams of Glide] collects \$8,000 a month from Chez Paree. Look, we need something on that street that pays taxes."

Burkett also questioned whether sex businesses affect children adversely. "I see the kids poke their heads in [adult bookstores] and run away titting," he said.

At the Tea Room, customers can pay to see nude male dancers. Also, a block away, at 141 Mason, a book and video store advertises, "Adults only XXX open 24 hours." Next door, a larger-than-life neon leg clad in glowing fishnet stockings and a gaudy high heel juts out, advertising the Chez Paree with "live on stage naked girls."

Mullin said that the morals issue, though not unimportant, was overshadowed by the way the King's Court proprietor — allegedly a zoning scofflaw — was trying to get his business up and running.

Joel Hunt is the owner of B+T Entertainment at 141 Mason. Hunt also is the lessee



became a topic of some concern, though the Task Force did nothing about it. The Rev. Glenda Hope of Network Ministries encouraged the Collaborative to take it on.

With Mullin as spokeswoman and main organizer, TNDC then took the reins of the effort to keep King's Court from opening and filed a formal complaint — with the Department of Building Inspections and City Planning's zoning department — against what appeared to be plans to open an adult entertainment business.

In June, Planning issued a stop-work order. Then, in a letter dated July 2, 2001, TNDC, along with Hope, Midge Wilson of the Bay Area Women's and Children's Center, and Holger Gantz of the Hilton Hotel, wrote to Planning, objecting to the use planned for 50 Mason.

The city fined Hunt for starting work without a permit, told him that concerned parties had to be notified of any future permit request, and that they would kick any such request up to the Enforcement Team, a high-level division Planning established last April to keep close watch on contentious construction projects.

In December, Mullin was walking by 50 Mason and saw construction had resumed, yet TNDC hadn't been notified. Mullin called Planning and found out that Hunt had gone "through the back door," she said. An employee at the over-the-counter window at Planning, the first stop for uncontested projects, had approved the permit.

The employee, Jim Miller, told *The Extra* in a phone inter-

# WORKING TOGETHER FOR THE FUTURE OF DISTRICT 6

Dear Neighbor,

It is not only recently that District 6 has been an integral part of some of San Francisco's most heated issues and contentious debates. We once again find our neighborhood home to the most pressing issues of the day — homelessness, crime, economic hardship — which only underscores the necessity to make our voices heard in the upcoming election.

For many years, the District 6 Democrats have supported the most qualified and hardworking candidates to fight for the needs of our neighbors and businesses. As the election approaches and times have gotten tough, the time is now for us to work together for the future of District 6.

The District 6 Democrats urge you to take the attached recommendations with you to the polls when you vote this March 5th.

Warmest Regards,  
Fredrick Holson  
President

## SAN FRANCISCO BALLOT MEASURES:

**NO on A: Bestnet Bouffé Voting Campaigning, ball ideas, opens the door to fraud.**

**YES on B: Cost of Living Benefits For hardworking City Employees.**

**YES on C: Non-US Citizen Commission Participation Every year deserves a voice.**

**NO on D: Placing Commission & Board of Appeals**

**YES on E: Domestic Partner Benefits**

**YES on F: Citizen Panel Oversight**

**YES on G: Outdoor Commercial Advertising Keep San Francisco Beautiful.**

## STATE PROPOSITIONS:

**YES on Prop 40: Clean Water & Air, Safe Neighborhood Parks & Coastal Protection**

**YES on Prop 41: Voting Modernization**

**YES on Prop 42: Transportation Congestion Improvement Act**

**YES on Prop 43: Right to Have Your Vote Counted**

**YES on Prop 44: Campaigns and Unprofessional Conduct**

**YES on Prop 45: Local Voter Petitions for Term Limit Extensions**



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Fearless, Feisty, Effective.



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# VOTE MARCH 5, 2002

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