

Biscuits and Blues wins ruling on plumbing

By Justin Phillips

A Jack in the Box restaurant in San Francisco's Union Square neighborhood has been ordered by a San Francisco Superior Court judge to fix its faulty plumbing, which for several months last year leaked water and feces onto Biscuits and Blues, the old-school music venue below it that has remained closed for almost a year.

The order is part of a temporary injunction issued by the court on Monday. It comes roughly 10 months after the building at Geary and Mason streets began to have plumbing issues. According to the filing, Jack in the Box "must stop any leaks from the refrigerators and freezers up to and including unplugging the appliances." It goes on to say Biscuits and Blues "continues to suffer irreparable harm" while the 24-hour burger joint operates.

The order does not specifically state which repairs need to be made or whether Jack in the Box will be forced to temporarily close.

"I'm more excited now about what's happening than I have been in a while," said Steven Suen, owner of Biscuits and Blues. "I feel like this could be the official start of our count-down to when we're finally back in business."

Biscuits and Blues, which closed last April, opened in 1995 and is one of the oldest blues bar and restaurants in San Francisco, where the number of similar venues has been shrinking. What first drove the Jack in the Box location and Biscuits and Blues to court was



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Biscuits and Blues owner Steven Suen in August inspects damage caused by flooding from Jack in the Box above. The nightclub closed in April but hopes to reopen.

a disagreement about who would pay to fix the plumbing. Biscuits and Blues said it was Jack in the Box's responsibility. The fast-food restaurant owner said it was the duty of the landlord, and the landlord said the Jack in the Box operator should pay for the work.

Jack in the Box Inc., which does not own the restaurant but was later added to the lawsuit as a defendant, and the legal representatives for the San Francisco franchisee did not immediately respond to requests for comment.

As the court battle raged, Suen said Biscuits and Blues teetered on the brink of a per-

manent closure. Over nine months, Suen said he has canceled more than 100 shows. He said all 16 of his employees have left to find other work. In late 2019, Suen said he was losing as much as \$250,000 each month.

But simply fixing the plumbing and changing appliances as the injunction orders won't address all of the building's issues, according to Gordon J. Calhoun, who represents the franchisee of Union Square's Jack in the Box, Saeed Khan. During a Jan. 29 court hearing, Calhoun said the plumbing in the building was more than 20 years old and repairing it

would require structural work on the building's foundation, which would cost hundreds of thousands of dollars and take roughly two years to complete.

But according to a Jan. 28 letter from Tony Sanchez-Corea, a local building inspector who reviewed the property at the request of Biscuits and Blues, the damage at the location "is fairly minor in nature and could not reach a level requiring a seismic or foundation upgrade."

Alexander Hamilton of the Versant Law Group, a representative for Meiyan Enterprises Inc., the landlord of the property that houses both Jack

in the Box and Biscuits and Blues, said during the Jan. 29 hearing that he wanted to see "both tenants able to operate and remain in place."

Despite the doors being closed to Biscuits and Blues, Suen said he spends his time functioning as though the business were to reopen tomorrow. He was scouting blues talent in Memphis during Super Bowl weekend. Later this year, he plans to attend a blues music awards show for the same reason. He's also working on upgrading the payment system at the bar and restaurant.

Since music venue mainstays in the city like Bissap Baobab, Elbo Room and Hemlock Tavern are either closing, moving or being sold, the local blues community has rallied to support Biscuits and Blues. Roughly 20 people have attended each court hearing for the business over the past nine months.

Chris Siebert, a piano player and bandleader for Lavay Smith and Her Red Hot Skillet Lickers, performed regularly at Biscuits and Blues for 25 years until it closed. Both Siebert and Smith sat in the audience at the Jan. 29 hearing.

"It's just incredibly frustrating to see what has been happening. There's just so many people that care about this place," Siebert said while leaving the hearing. "You've been seeing honest, hardworking people being stonewalled by a big corporation."

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