



# SAN FRANCISCO PLANNING DEPARTMENT

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April 26, 2010

Marsha Garland  
Garland Public & Community Relations  
535 Green Street  
San Francisco, CA 94133

**RE: 1268 Grant Avenue  
Block: 0145 Lot: 032**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Dear Ms. Garland:

This letter is in response to your letter of March 31, 2010 regarding the development of an Other Entertainment use on the second floor of the King of Thai Noodle Restaurant at 1268 Grant Avenue. The property is located within the North Beach Neighborhood Commercial District and is authorized for use as a Full Service Restaurant and a bar but has never received authorization from the Planning Commission or Planning Department for an entertainment use.

Planning Code Section 790.38 defines Other Entertainment as a retail use, other than adult entertainment, which provides live entertainment, including dramatic and musical performances, and/or operates as a dance hall which provides amplified taped music for dancing on the premises. Other entertainment also includes a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades. Entertainment activities including karaoke, live entertainment, and billiard tables are considered Other Entertainment under this definition.

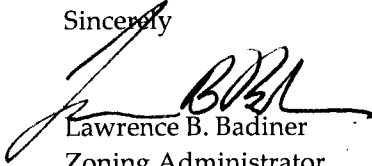
Other Entertainment uses require Conditional Use authorization from the Planning Commission to operate in the North Beach Neighborhood Commercial District. In addition, Other Entertainment uses are not permitted on the second floor of buildings in that district. However a Zoning Administrator's interpretation from August 8, 1998 states that up to two pool tables, occupying less than 1/3 of the total occupiable floor area will be considered accessory within any lawfully existing bar and/or restaurant. Under this interpretation the King of Thai Noodle Restaurant at 1268 Grant Avenue could have up to two pool tables provided the space occupied by the tables does not exceed 1/3 of the total occupiable floor area of the restaurant.

Marsha Garland  
Garland Public & Community Relations  
535 Green Street  
San Francisco CA 94133

April 26, 2010  
1831 Grant Avenue

If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely



Lawrence B. Badiner  
Zoning Administrator

cc: Rick Crawford, Planner

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N/E M. LUELLEN

BLK 0145/LOT 032

ID# 8855

**GARLAND PUBLIC & COMMUNITY RELATIONS**

**535 Green Street**

**San Francisco, CA 94133**

**Phone: 415/956-0279; E-Mail: marshagarland@att.net**

CK # 1130 \$549.50  
(CitiBank)

March 31, 2010

RECEIVED

APR 5 2010

Craig Nikitas  
San Francisco City Planning  
1560 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: 1268 Grant Avenue, King of Thai Noodle House

Dear Mr. Nikitas:

Recently King of Thai Noodle was issued an entertainment permit for karaoke on the ground floor at the above establishment. Now the owner would like to add two pool tables to the second floor. The owners, Anthony and Saranya Chaichana, have applied to the Entertainment Commission for such a permit.

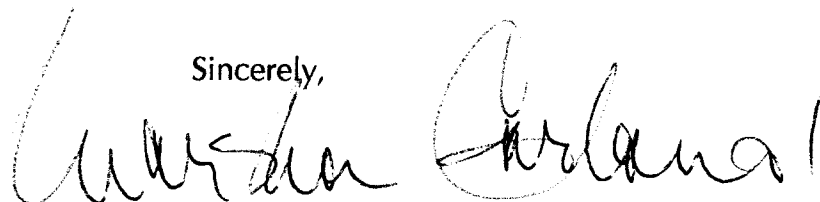
Various people in city government and in the community are now weighing in on this issue with very differing points of view as to whether or not two pool tables will be allowed on the second floor of the above location.

Consequently, the owners are asking for a letter of determination. Enclosed is a check for \$549.50 from the owners in payment for such a letter. Attached are copies of various e-mails, which give background of the confusion.

As far as we know, there is a pool table permit issued for The Boardroom at 1609 Powell Street, which is on the second floor. The magic question is can you have two pool tables if they don't exceed 33% on a floor that also has a bar according to the NCD code.

If you have any questions, please call Stefano Cassolato at 875-0818 or me at 531-2911.

Sincerely,



Marsha Garland

Thank you  
Craig!

E-Mail History:

March 26, 2010 Marsha Garland to Larry Badiner:

We are requesting a determination to have two pool tables on the second floor of 1268 Grant Avenue, known as the King of Thai Noodle House. They are seeking an entertainment permit for billiards on the second floor. When they filed the application with the Entertainment Commission, a planning referral did not accompany their filing. When Stefano Cassolato went to 1660 Mission Planning Counter, Stefano was instructed that as long as the two pool tables did not exceed 33% of the floor space that it could qualify under "other entertainment".

When we discovered that the police department was going to disapprove this was the e-mail we received from Permit Office Steve Matthias. See below.

Hello Marsha,

I will research your questions and get back to you. On another note, you and Stephano requested the planning code section for King Cha Cha. The section is 722.48. The section prohibits a bar and pool tables on the second floor and requires a conditional use permit for karaoke on the first floor. Do they have their conditional use permit?

Thanks,

Officer Steve Matthias SFPD #1977  
Central Station Permit Officer

In addition, when Nancy Shanahan was contacted this is the response we received from her. See below.

Marsha:

Thank you for your email. As you know, "other entertainment" uses in the North Beach NCD are only allowed on the first floor with a conditional use authorization approved by the Planning Commission – and per the Planning Code are not allowed at all on the second floor. It's unclear why the Entertainment Commission would be considering these uses prior to a Planning Department referral.

Thanks again for your email.

Nancy

When we contacted a senior planner, this is the response we got. Please see

below.

Marsha:

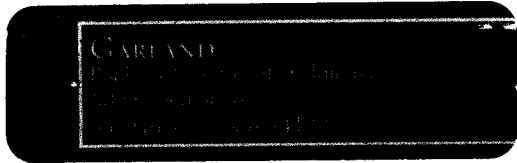
Section 722.48 of the Planning Code references "Other Entertainment" in the NB NCD. As such, it's a "C" at or below the ground floor & "NP" above. The reference Section is 790.38 which says that it includes "billiard parlors". A full-service restaurant is permitted as a "C" at or below the second floor of a building & "NP" above & a bar is permitted at or below the ground story only, also as a "C". There's something about more than two pool tables constituting a billiard parlor. There's also something about the change of use of an existing non-conforming use (which the subject use may be????). There's also something in the Code about accessory uses. Let's talk about this & see what we've got. Then I can get you a definitive answer. I'm on the PIC every day from 2:45 - 5:00 & a second time on Fridays (tomorrow!) at 10:15 - 12:30. Monday I'll be away attending an all-day training session so I won't be at the PIC. My desk 'phone # is as below.

Best,

--

Jim  
Leonard James MILLER, Planner III  
Planning Department, CCSF  
1650 Mission Street, #400  
San Francisco, CA 94103-2480

(415) 558-6344 (direct)  
(415) 558-6409 (FAX)  
Jim.Miller@sfgov.org



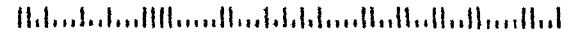
SAN FRANCISCO CA 94103  
01 APR 2010 PM 5:11



APR 02 2010

Craig Nikitas  
SF City Planning  
1650 ~~1560~~ Mission St. 4th floor  
SF CA 94103

94103+2513



**KING CHACHA THAI RESTAURANT, INC.**  
1268 GRANT AVE  
SAN FRANCISCO, CA 94133  
(415) 391-8222

1130

EZShield<sup>SM</sup> Check Fraud Protection for Business  
90-7118-3211

PAY TO THE ORDER OF City and SF City Planning DATE 3/29/10

Five hundred forty nine and 50/100 \$ 549.50

DOLLARS

**CITIBANK**  
CITIBANK, N.A. BR. #17  
475 SAN MATEO AVE  
SAN BRUNO, CA 94066

FOR \_\_\_\_\_

S. Nikitas MP

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