

ORDINANCE NO. 2956

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING ZONING AMENDMENT NO. A-039-2024 AND AMENDING CHAPTER 5.40 OF TITLE 5 AND CHAPTERS 9.04 AND 9.18 OF TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO POOL ROOMS, BILLIARD PARLORS AND POOL HALLS, AND INCIDENTAL AMUSEMENT DEVICES

CITY ATTORNEY SUMMARY

This ordinance approves an amendment to Title 9 (Land Use) of the Garden Grove Municipal Code to clarify and eliminate inconsistencies in the definitions and references pertaining to billiard parlors and pool halls; to update and clarify the special operating conditions and development standards that apply to billiard parlors and pool halls in the mixed-use zoning districts; and to expressly permit billiard parlors and pool halls as an incidental use to a "full service dine-in eating establishment/restaurant" in the CC-2 (Civic Center Main Street) Zone, subject to compliance with specified special operating conditions and development standards and approval of a conditional use permit. This ordinance also makes minor amendments to Chapter 5.40 of Garden Grove Municipal Code pertaining to the regulation of pool rooms to make the regulations consistent with the definitions and regulations for billiard parlors and pool halls in the Land Use Code and to clarify the circumstances under which businesses that contain pool tables as an incidental, rather than a primary, use are exempt from the requirement to obtain a separate permit from the Police Chief and to comply with other specified regulations in Chapter 5.40 that generally apply to pool rooms and pool halls.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, HTB, Inc. submitted a request for approval of a Zoning Text Amendment to Title 9 (Land Use) of the Garden Grove Municipal Code pertaining to billiard parlors and pool halls to facilitate the operation of an incidental billiard parlor with eight (8) pool tables to an existing CC-2 (Civic Center Main Street) zoned restaurant located on the west side of Main Street, between Garden Grove Boulevard and Acacia Parkway, at 12941 Main Street, Assessor's Parcel No. 089-213-12 (the "Property"); and

WHEREAS, the proposed Zoning Text Amendment No. A-039-2024 would update portions of Chapters 9.04 and 9.18 of Title 9 of the Garden Grove Municipal Code to clarify and eliminate inconsistencies in the definitions and references pertaining to billiard parlors and pool halls; to update and clarify the special operating conditions and development standards that apply to billiard parlors and pool halls in the mixed-use zoning districts; and to conditionally permit billiard parlors and pool halls as an incidental use to a "full service dine-in eating establishment/restaurant" in the CC-2 (Civic Center Main Street) Zone, subject to specified special

operating conditions and development standards; and

WHEREAS, the City of Garden Grove is also proposing a text amendment to Chapter 5.40 of the Garden Grove Municipal Code pertaining to the regulation of pool rooms to make the regulations consistent with the definitions and regulations for billiard parlors and pool halls in the Land Use Code and to clarify the circumstances under which businesses that contain pool and similar gaming tables as an incidental, rather than a primary, use are exempt from the requirement to obtain a separate police permit and to comply with other specified regulations in Chapter 5.40 that generally apply to pool rooms and pool halls; and

WHEREAS, following a public hearing held on June 20, 2024, the Garden Grove Planning Commission adopted Resolution No. 6090-24 recommending the City Council to approve Zoning Amendment No. A-039-2024; and

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the Project was held by the City Council on August 13, 2024, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of August 13, 2024, and considered all oral and written testimony presented; and

WHEREAS, this ordinance is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines (14 Cal. Code Regs., Section 15301); and

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution No. 6090-24 and makes the following findings regarding Zoning Amendment No. A-039-2024:

- A. Amendment No. A-039-2024 is internally consistent with the goals, policies, and elements of the General Plan.
- B. Amendment No. A-039-2024 is deemed to promote the public interest, health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds that the above recitals are true and correct.

Section 2. Zoning Amendment No. A-039-2024 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated herein and in Planning Commission Resolution No. 6090-24, a copy of which is on file in the City Clerk's Office and incorporated herein by reference with the same force and effect as if set

forth in full.

Section 3. Section 5.40.110 (Incidental Use) of Chapter 5.40 (Pool Rooms) of Title 5 (Business Operation Taxes, Permits and Regulations) of the Garden Grove Municipal Code is hereby amended as follows (additions in ***bold/italicized/underlined*** text; deletions in ~~strikethrough~~ text):

5.40.110 Incidental Use

A. Operation of a pool room **or pool hall** with a total of **two** ~~three~~ or fewer pool, billiard, bagatelle, snooker, bumper, or similar game tables **as an** ~~is a permitted incidental use in conjunction with operation of a~~ **bona-fide restaurant, bar, or other similar** ~~business or business licensed for sale of alcoholic beverages for consumption on premises~~ **legally** established pursuant to this Code, ~~and is exempt from the provisions of Sections 5.40.010, 5.40.020, 5.40.030, and 5.40.040,~~ **and 5.40.070** of this chapter. **However, the businesses shall be subject to the provisions of Sections 5.40.050, 5.40.060, and 5.40.080 of this chapter.**

B. **Operation of a pool room or pool hall in conjunction with another business or use that requires approval of a conditional use permit pursuant to Title 9 of this Code, where the pool room or pool hall is accessory and subordinate to the primary business use and occupies not more than 30% of the gross floor area of the building structure housing such primary business or use, is exempt from the provisions of Section 5.40.010, of this chapter. However, the business shall be subject to all other provisions of this chapter.**

Establishment and operation of a pool room **or pool hall** ~~with a total of three or fewer pool or billiard tables in conjunction with a primary business that requires a conditional use permit shall also be subject to the requirement of a conditional use permit. Such incidental use may be set forth as a condition on the face of the conditional use permit for the primary use. No additional conditional use permit fee shall be required when the incidental use is requested at the time of application for the primary business.~~

Section 4. Section 5.40.120 (Incidental Use) of Chapter 5.40 (Pool Rooms) of Title 5 (Business Operation Taxes, Permits and Regulations) of the Garden Grove Municipal Code is hereby amended as follows (additions in ***bold/italicized/underlined*** text; deletions in ~~strikethrough~~ text):

5.40.120 Pool Room Definition

A. "Pool room" **or "pool hall"** means a business which ~~primary purpose is to offer~~ **s** to the public a building structure or portion thereof in

which are located one or more tables designed or used for play of the game of pool, billiards, bagatelle, snooker, bumper pool, or similar games.

B. The terms "pool room" **and "pool hall"** shall not include any residential dwelling unit that contains a table for the play of pool, billiards, and similar games, for which no pecuniary compensation is required or given for such play.

Section 5. Subsection C. of Section 9.04.060 (Definitions) of Chapter 9.40 (General Provisions) of Title 9 (Land Use) of the Garden Grove Municipal Code is hereby amended to delete the following duplicative and outdated definition for "'Pool hall' or 'billiard parlor'" (deletions in ~~strikethrough~~ text).

~~"Pool hall" or "billiard parlor" means a building, structure or portion thereof in which are located one or more tables designed or used for play of pool, billiards, bagatelle, snooker, bumper pool, or similar games, or any establishment required to obtain a permit under Section 5.40.020 of this code.~~

The existing definition for "'Billiard parlor' or 'pool hall'" set forth in subsection C. of Section 9.04.060 reading as follows shall remain unchanged:

"Billiard parlor" or "pool hall" means a building, structure or portion thereof in which are located three or more tables designed or used for play of pool, billiards, bagatelle, snooker, bumper pool or similar games, or any establishment required to obtain a permit under Chapter 5.40 of this code.

Section 6. Subsection C. of Section 9.04.060 (Definitions) of Chapter 9.40 (General Provisions) of Title 9 (Land Use) of the Garden Grove Municipal Code is hereby amended to revise the definition of "Incidental amusement device(s)" as follows (additions in ***bold/italicized/underlined*** text; deletions in ~~strikethrough~~ text):

"Incidental amusement device(s)" means any place of business containing not more than nine ***total*** amusement devices, including, but not limited to, pinball, air hockey, video games, ***and no more than two*** pool tables ~~and~~ ***or*** billiard tables, for use by the public at a fee, when incidental to the primary use on the premises.

Section 7. Table 9.18-1 (Use Regulations for Mixed-Use Zones) in Section 9.18.020.030 (Uses Restricted to Indoor) of Section 9.18.020 (Uses Permitted) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of the Garden Grove Municipal Code is hereby amended as follows to establish "Billiard Parlor / Pool Hall" as a conditionally permitted incidental use to a full-service dine-in eating establishment in the Civil Center Main Street (CC-2) zone (additions in ***bold/italicized/underlined*** text; deletions in ~~strikethrough~~ text):

**Table 9.18-1
 Use Regulations for the Mixed-Use Zones**

P = Permitted. Use permitted by right								
C = Conditional Use. Use eligible for consideration under the conditional use procedures and permitted only if the conditional use permit is approved, subject to the specific conditions of such permit.								
I = Incidental Use. Use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by a conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.								
[-] = Not a permitted use.								
Permitted Uses	GGMU-1, -2, -3	CC-1	CC-2	CC-3	CC-OS	NMU	AR	Additional Regulations and Comments
...								
Recreation, Amusement, Entertainment								
...								
Billiard Parlor /Pool Hall	C	[-]	[-] I*	[-]	[-]	C	[-]	See Section 9.18.030.100 (Billiard Parlor /Pool Hall). <u>In the CC-2 zone, billiard parlors and pool halls are only allowed as an incidental use to a full-service dine-in eating establishment/restaurant.</u>
...								

Section 8. Section 9.18.030.100 (Billiard/Pool Hall) of Section 9.18.030 (Specific Uses – Special Operating Conditions and Development Standards) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of the Garden Grove Municipal Code is hereby amended as follows (additions in ***bold/italicized/underlined*** text; deletions in ~~strikethrough~~ text):

9.18.030.100. Billiard Parlor/Pool Hall.

A. Conditional Use Permit Required. Billiard parlors and pool halls, **either as a primary or incidental use**, shall require a conditional use permit and be subject to the requirements set forth in Chapter 5.40 (Pool Rooms) of the Municipal Code. In addition, a conditional use permit for a billiard parlor or pool hall shall be considered to be null and void if the establishment ceases operation for 30 or more consecutive days.

B. Location Restrictions.

1. Billiard **parlors** and pool halls shall not be permitted to be located within 200 feet of any "R" zoned property or any PUD established exclusively for residential use, any property containing a

residential use, or any building owned and occupied by a public agency.

2. Billiard ***parlors*** and pool halls shall not be permitted in a location which would tend to produce a hazard or nuisance to other permitted uses and activities in the vicinity, including such considerations as noise, late night operations, loitering, and public safety.

C. Waiver of Distance and Location Provisions. ~~For a residential/commercial mixed use development project as defined in this title, a~~ Any property owner or his or her authorized agent may, as part of the conditional use permit process, apply to the hearing body for a waiver from any of the distance and location provisions contained and/or cross-referenced in this section. The hearing body, through the hearing process for the conditional use permit, may grant a waiver to any distance or location provision ~~for a residential/commercial mixed use development~~ if the following findings can be made:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;
2. That the proposed use will not unreasonably interfere with the use and enjoyment of neighboring property or cause or exacerbate the development of urban blight;
3. That the use will not interfere with the operations of other businesses or uses ***in the vicinity of*** ~~on~~ the site;
4. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation or revitalization; ~~nor will it interfere with any program being carried out pursuant to the community redevelopment law;~~
5. That the establishment complies with all other distance and pedestrian and vehicular requirements of this code; and
6. That all applicable regulations of this code will be observed.

D. Access. With the exception of emergency access, all pedestrian and vehicular access to a billiard parlor or pool hall shall be oriented toward a principal, major, or primary arterial street, such as Garden Grove Boulevard, Magnolia Street, and Brookhurst Avenue, **except in the CC-2 zone, primary access and entry may be oriented toward Main Street.** Access via a secondary arterial or local residential street shall be

prohibited. Arterials and local residential streets are defined in the City's General Plan Circulation Element.

E. Doors. Doors of the establishment shall be kept closed at all times during the operation of the establishment except in the case of an emergency or to permit deliveries.

F. Conditions on Use. The hearing body shall have the authority to impose conditions on a billiard ***parlor*** or pool hall to ensure compliance with the provisions of this section and to mitigate against potential nuisance or public safety concerns. Those conditions may include, but are not limited to, restricting hours of operation, requirements for security lighting and cameras, requirements for private security, monitoring of parking lots, and background checks of operators and employees.

G. Denial. The hearing body shall have the authority to deny a conditional use permit application for a billiard ***parlor*** or pool hall if the hearing body finds, based on evidence on the record, that approval of such a use would result in an undue concentration of uses with the potential to create adverse conditions within the surrounding area with respect to noise, traffic, late night activities, calls for police services, and other public health, safety, and welfare concerns.

H. The following additional special conditions shall be applicable to eating establishments/restaurants with incidental billiard parlors and pool halls located within the CC-2 zone:

1. For purposes of this section, "full service dine-in eating establishment/restaurant" is defined as an establishment that contains a customer dining area as well as sufficient space and equipment for a full restaurant kitchen. The kitchen shall be open and preparing food during all hours the establishment is open, and shall provide a full menu of food items typically offered in restaurants. Take-out establishments or establishments that only serve items such as sandwiches, salads, snacks or microwave items shall not be deemed to satisfy this definition.

2. Incidental Use: Billiard parlors and pool halls shall be permitted only in conjunction with a full service dine-in eating establishment/restaurant. Billiard and pool playing activities shall not be utilized as a stand-alone use, primary use or as an attraction to draw customers to the establishment.

3. Conditional Use Permit. A conditional use permit shall be required.

4. Food Service. Food service shall be provided during all hours of operation. The kitchen shall be open and preparing food during all hours the establishment is open, and shall provide a full menu of food items typically offered in restaurants.

5. Hours of Operation; Security. The hours of operation may be limited and security measures may be required through the conditional use permit.

6. Windows. Windows shall be kept clear at all times and provide an unobstructed view of the dining and pool playing areas from the public right-of-way.

Section 9. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

Section 10. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect on the date that is thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 27th day of August, 2024.

/s/ STEVE JONES
MAYOR

ATTEST:

/s/ TERESA POMEROY, CMC
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, TERESA POMEROY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on August 13, 2024, with a vote as follows:

AYES: COUNCIL MEMBERS: (6) BRIETIGAM, DOVINH, KLOPFENSTEIN,
NGUYEN-PENALOZA, TRAN, JONES
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (1) O'NEILL

and was passed on August 27, 2024, by the following vote:

AYES: COUNCIL MEMBERS: (7) BRIETIGAM, O'NEILL, DOVINH, KLOPFENSTEIN,
NGUYEN-PENALOZA, TRAN, JONES
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE

/s/ TERESA POMEROY, CMC
CITY CLERK