

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Southwest corner of Chapman Avenue and Brookhurst Street at 12141 Brookhurst Street
HEARING DATE: April 4, 2013	GENERAL PLAN: Residential/Commercial Mixed Use 2
CASE NO.: Site Plan No. SP-474-13 and Conditional Use Permit No. CUP-365-13	ZONE: NMU (Neighborhood Mixed Use)
APPLICANTS: Rachas, Inc. and 12151 Brookhurst, LLC	CEQA DETERMINATION: Exempt
PROPERTY OWNER: 12151 Brookhurst, LLC	APN: 133-111-06

REQUEST:

The applicants are requesting Site Plan approval to expand an existing multi-tenant commercial building located within an integrated commercial shopping center from 35,262 square feet to 36,918 square feet, in conjunction with a request for Conditional Use Permit approval to establish a 36,918 square foot fitness center (Chuze Fitness).

BACKGROUND:

The subject property is part of an integrated commercial shopping center that is located at the southwest corner of Chapman Avenue and Brookhurst Street. The shopping center is made up of several properties with different owners that maintain reciprocal access and parking agreements for the joint use of the parking field. The property maintains a General Plan Land Use designation of Residential Commercial Mixed Use 2 and is zoned NMU (Neighborhood Mixed Use). The shopping center includes a CVS pharmacy, restaurants, offices, a vacant building previously occupied by Von's Pavilion, and a variety of retail uses. The specific tenant space under application is located toward the south end of the commercial center and includes the vacant tenant space formerly occupied by TJMaxx as well as some smaller retail spaces that face Brookhurst Street.

The applicants are proposing to combine the subject tenant spaces, which total 35,262 square feet, and expand them in order to provide a 36,918 square foot tenant space for the establishment of a fitness center (Chuze Fitness). Chuze fitness was started in 2008 and according to their website, there are currently seven establishments in San Diego County, one establishment in Cypress, California, and three in Tucson, Arizona.

In order to facilitate the establishment of Chuze Fitness, the applicants are requesting approval of Site Plan to expand the subject tenant space and a

Conditional Use Permit to establish the fitness center. Title 9 of the Municipal Code requires Site Plan approval for any addition to a commercial building that exceeds 10% of the existing building area or 1,000 square feet, whichever is less, as well as approval of a Conditional Use Permit in order to operate a health club/fitness center in the City.

DISCUSSION:

The applicants are proposing to combine and expand the subject tenant spaces from 35,262 square feet to 36,918 square feet. The proposed expansion of the tenant space will include (i) adding approximately 1,300 square feet to the northeast side of the building and 356 square feet to the east side of the building; and (ii) improving the easterly building façade to match the façade of the building located north of the subject tenant space by providing a more enhanced elevation with varied parapet heights, a triangular shaped building pop-out, and a covered walkway in front of the building pop-out. The entry to the tenant space will be located at the northwesterly side of the space with the main access from the parking field located west of the tenant space, where the former TJMaxx entry was located.

Along with the expansion of the building, the applicants are proposing to establish a Chuze Fitness center. The fitness center will consist of an indoor pool, a cardio and weight training area, workout rooms, a child day care for patrons using the center, cinema workout room, tanning rooms, hydro massage rooms, an employee break room, steam rooms, and men's and women's locker and shower rooms.

The facility will operate from 5:00 a.m. to 10:00 p.m. Monday through Thursday, and from 5:00 a.m. to 9:00 p.m. on Friday, and 7:00 a.m. to 7:00 p.m. Saturday and Sunday. The fitness center will maintain between six to twelve employees along with an average of 3 personal trainer/class instructors a day during operating hours. Fitness classes that will be provided include Zumba, Pilates, cycling, boot camp, etc.

The shopping center has sufficient on-site parking to accommodate a fitness center at this location. The proposed addition to the building and the conversion of the tenant spaces into a fitness center will not require the applicant to increase the number of parking spaces that are provided for the entire shopping center. Based on the entire building square footage of the shopping center (including the vacant Von's Pavillions property), existing on-site uses, and the proposed use with the building addition, City Code requires a minimum of 1,512 parking spaces to serve the site. The shopping center properties, which all maintain reciprocal access and parking agreements with each other, contains an aggregate of 1,532 parking spaces.

The Community Development Department and the Police Department have reviewed the request and will support the proposal.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Approve Site Plan No. SP-474-13 and Conditional Use Permit No. CUP-365-13, subject to the recommended conditions of approval.



Karl Hill
Planning Services Manager



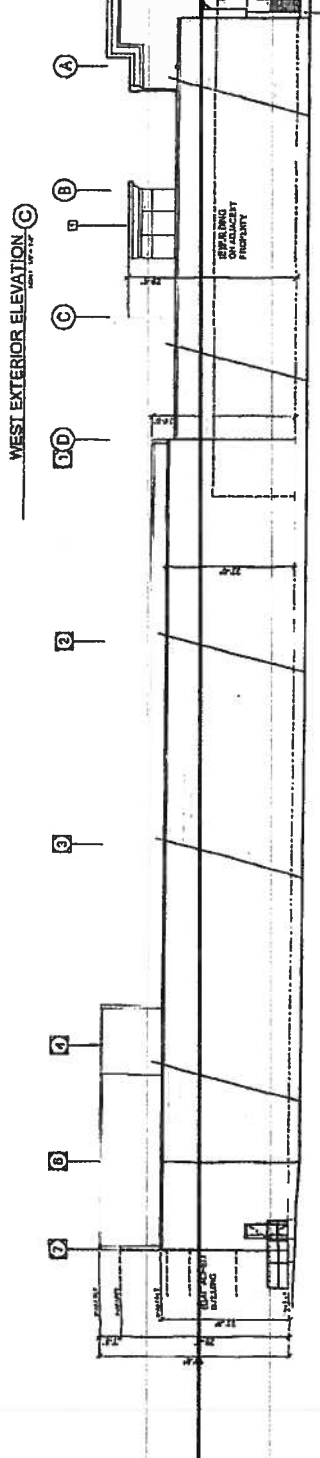
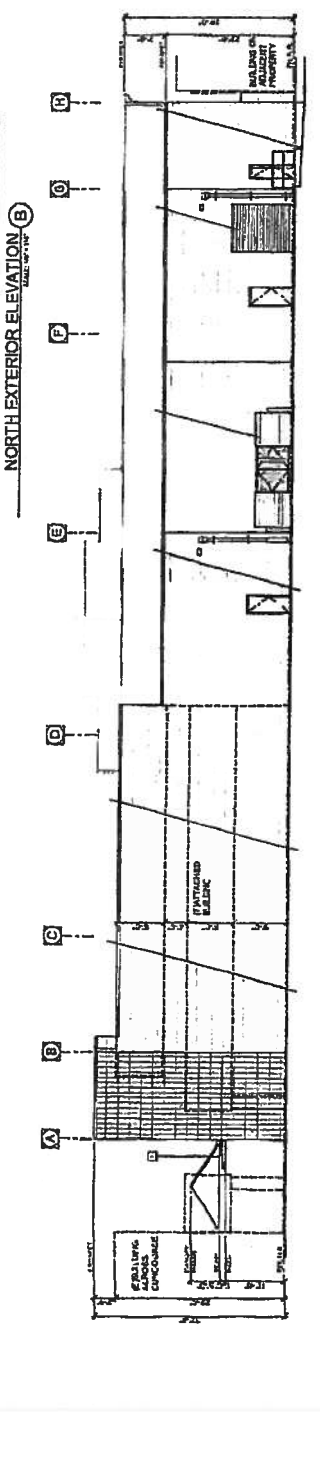
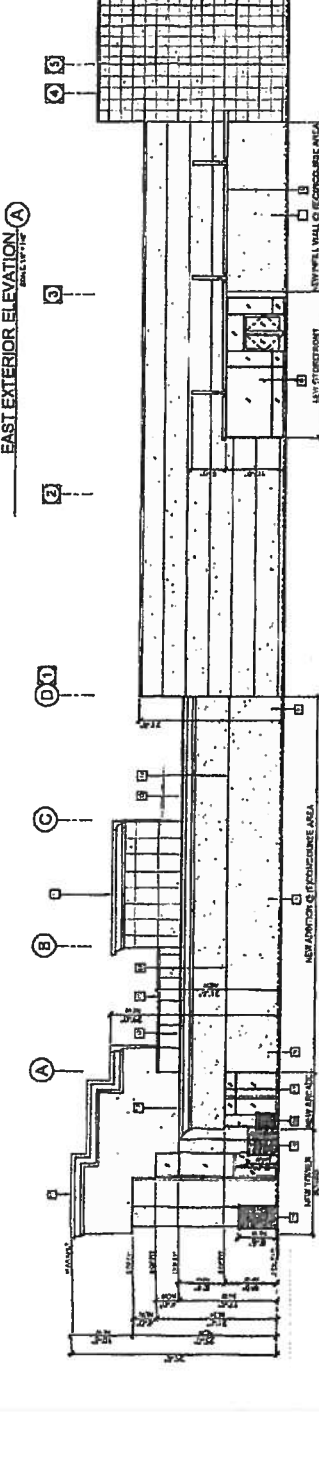
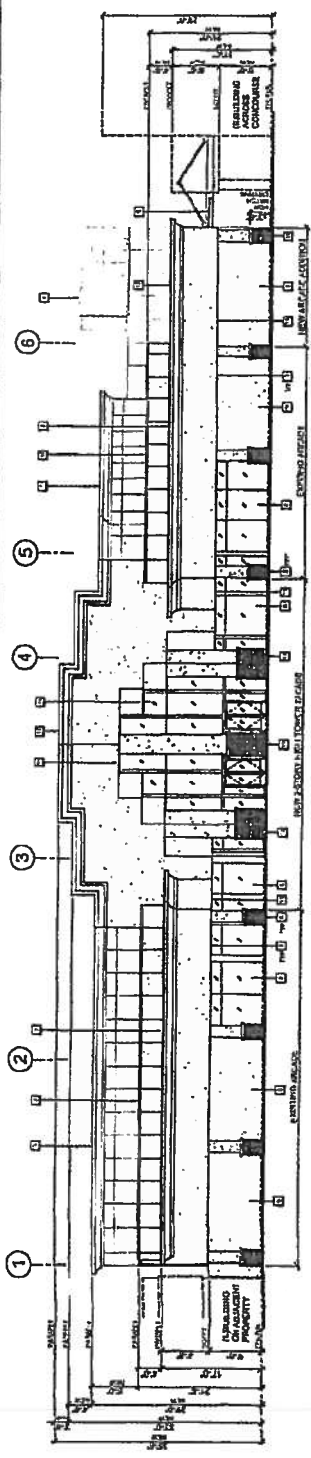
By: Lee Marino
Senior Planner

GENERAL NOTES

1. ALL MATERIALS SHALL BE OF THE QUALITY AND GRADE SPECIFIED IN THE SCHEDULE AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
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EXTERIOR FINISHES

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- KEYNOTES**
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Sony L. Mascarenas, ARCHITECT
Architecture + Planning + Interiors
30028 Couples Ave., Marina, CA 92253
Mobile: 951.326.4955

CHUZE FITNESS CENTER
Pavilion Plaza Shopping Center
12145 Brockhurst Street, Garden Grove, CA

EXTERIOR ELEVATIONS

Project: CHUZE FITNESS CENTER
Sheet: EXTERIOR ELEVATIONS
Date: 10/15/2010
Scale: AS SHOWN



**CHUZE FITNESS
GARDEN GROVE
OVERALL FLOOR PLAN**

PROJECT NUMBER	1000000000
DATE	08/20/2014
SCALE	AS SHOWN
DESIGNER	PO DESIGN STUDIO INC
CLIENT	CHUZE FITNESS
PROJECT ADDRESS	1000000000
PROJECT CITY	1000000000
PROJECT STATE	1000000000
PROJECT ZIP	1000000000
PROJECT PHONE	1000000000
PROJECT FAX	1000000000
PROJECT EMAIL	1000000000

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A2.0
SHEET 4 OF 22

SUBJECT STRUCTURE INFO
 BUILDING COMPLETION YEAR: 2014
 NUMBER OF FLOORS: 1
 FLOOR AREA: 34,544 SQ. FT.

TENANT SPACE INFO
 FLOOR AREA: 34,544 SQ. FT.
 POSITIONS: 2
 TYPE OF FLOOR: 1 - GYM/FITNESS

FLOOR AREA OCCUPANCY

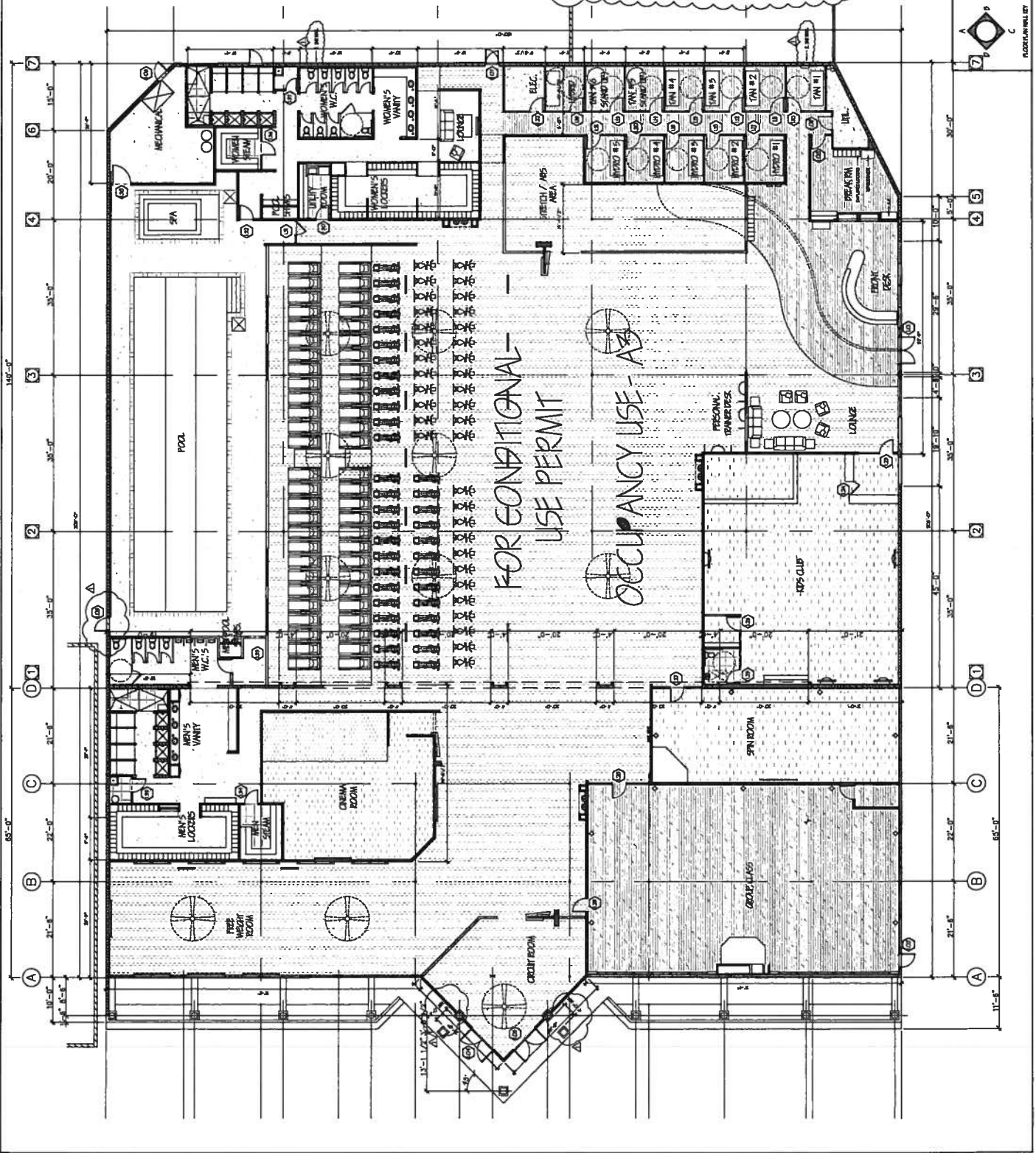
AREA NAME	AREA TYPE	AREA CODE	AREA NO.	AREA AREA (SQ. FT.)	AREA PERCENTAGE (%)	AREA OCCUPANCY
POOL	POOL	01	1	11,000	31.8	1
GYM	GYM	02	1	23,544	68.2	1
RECEPTION	RECEPTION	03	1	100	0.3	1
LOBBY	LOBBY	04	1	100	0.3	1
STAIR	STAIR	05	1	100	0.3	1
ELEVATOR	ELEVATOR	06	1	100	0.3	1
MECHANICAL	MECHANICAL	07	1	100	0.3	1
RESTROOM	RESTROOM	08	1	100	0.3	1
WASHROOM	WASHROOM	09	1	100	0.3	1
STORAGE	STORAGE	10	1	100	0.3	1
OFFICE	OFFICE	11	1	100	0.3	1
CONFERENCE	CONFERENCE	12	1	100	0.3	1
TRAINING	TRAINING	13	1	100	0.3	1
LOCKER	LOCKER	14	1	100	0.3	1
RESTROOM	RESTROOM	15	1	100	0.3	1
WASHROOM	WASHROOM	16	1	100	0.3	1
STORAGE	STORAGE	17	1	100	0.3	1
OFFICE	OFFICE	18	1	100	0.3	1
CONFERENCE	CONFERENCE	19	1	100	0.3	1
TRAINING	TRAINING	20	1	100	0.3	1
LOCKER	LOCKER	21	1	100	0.3	1
RESTROOM	RESTROOM	22	1	100	0.3	1
WASHROOM	WASHROOM	23	1	100	0.3	1
STORAGE	STORAGE	24	1	100	0.3	1
OFFICE	OFFICE	25	1	100	0.3	1
CONFERENCE	CONFERENCE	26	1	100	0.3	1
TRAINING	TRAINING	27	1	100	0.3	1
LOCKER	LOCKER	28	1	100	0.3	1
RESTROOM	RESTROOM	29	1	100	0.3	1
WASHROOM	WASHROOM	30	1	100	0.3	1
STORAGE	STORAGE	31	1	100	0.3	1
OFFICE	OFFICE	32	1	100	0.3	1
CONFERENCE	CONFERENCE	33	1	100	0.3	1
TRAINING	TRAINING	34	1	100	0.3	1
LOCKER	LOCKER	35	1	100	0.3	1
RESTROOM	RESTROOM	36	1	100	0.3	1
WASHROOM	WASHROOM	37	1	100	0.3	1
STORAGE	STORAGE	38	1	100	0.3	1
OFFICE	OFFICE	39	1	100	0.3	1
CONFERENCE	CONFERENCE	40	1	100	0.3	1
TRAINING	TRAINING	41	1	100	0.3	1
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RESTROOM	RESTROOM	43	1	100	0.3	1
WASHROOM	WASHROOM	44	1	100	0.3	1
STORAGE	STORAGE	45	1	100	0.3	1
OFFICE	OFFICE	46	1	100	0.3	1
CONFERENCE	CONFERENCE	47	1	100	0.3	1
TRAINING	TRAINING	48	1	100	0.3	1
LOCKER	LOCKER	49	1	100	0.3	1
RESTROOM	RESTROOM	50	1	100	0.3	1
WASHROOM	WASHROOM	51	1	100	0.3	1
STORAGE	STORAGE	52	1	100	0.3	1
OFFICE	OFFICE	53	1	100	0.3	1
CONFERENCE	CONFERENCE	54	1	100	0.3	1
TRAINING	TRAINING	55	1	100	0.3	1
LOCKER	LOCKER	56	1	100	0.3	1
RESTROOM	RESTROOM	57	1	100	0.3	1
WASHROOM	WASHROOM	58	1	100	0.3	1
STORAGE	STORAGE	59	1	100	0.3	1
OFFICE	OFFICE	60	1	100	0.3	1
CONFERENCE	CONFERENCE	61	1	100	0.3	1
TRAINING	TRAINING	62	1	100	0.3	1
LOCKER	LOCKER	63	1	100	0.3	1
RESTROOM	RESTROOM	64	1	100	0.3	1
WASHROOM	WASHROOM	65	1	100	0.3	1
STORAGE	STORAGE	66	1	100	0.3	1
OFFICE	OFFICE	67	1	100	0.3	1
CONFERENCE	CONFERENCE	68	1	100	0.3	1
TRAINING	TRAINING	69	1	100	0.3	1
LOCKER	LOCKER	70	1	100	0.3	1
RESTROOM	RESTROOM	71	1	100	0.3	1
WASHROOM	WASHROOM	72	1	100	0.3	1
STORAGE	STORAGE	73	1	100	0.3	1
OFFICE	OFFICE	74	1	100	0.3	1
CONFERENCE	CONFERENCE	75	1	100	0.3	1
TRAINING	TRAINING	76	1	100	0.3	1
LOCKER	LOCKER	77	1	100	0.3	1
RESTROOM	RESTROOM	78	1	100	0.3	1
WASHROOM	WASHROOM	79	1	100	0.3	1
STORAGE	STORAGE	80	1	100	0.3	1
OFFICE	OFFICE	81	1	100	0.3	1
CONFERENCE	CONFERENCE	82	1	100	0.3	1
TRAINING	TRAINING	83	1	100	0.3	1
LOCKER	LOCKER	84	1	100	0.3	1
RESTROOM	RESTROOM	85	1	100	0.3	1
WASHROOM	WASHROOM	86	1	100	0.3	1
STORAGE	STORAGE	87	1	100	0.3	1
OFFICE	OFFICE	88	1	100	0.3	1
CONFERENCE	CONFERENCE	89	1	100	0.3	1
TRAINING	TRAINING	90	1	100	0.3	1
LOCKER	LOCKER	91	1	100	0.3	1
RESTROOM	RESTROOM	92	1	100	0.3	1
WASHROOM	WASHROOM	93	1	100	0.3	1
STORAGE	STORAGE	94	1	100	0.3	1
OFFICE	OFFICE	95	1	100	0.3	1
CONFERENCE	CONFERENCE	96	1	100	0.3	1
TRAINING	TRAINING	97	1	100	0.3	1
LOCKER	LOCKER	98	1	100	0.3	1
RESTROOM	RESTROOM	99	1	100	0.3	1
WASHROOM	WASHROOM	100	1	100	0.3	1

EXITING REQUIREMENT
 EXIT WIDTH: 36" MIN.
 EXIT SIGN: 36" X 24" MIN.
 EXIT LIGHT: 36" X 24" MIN.

PLUMBING FIXTURE REQ'S
 PLUMBING FIXTURES: 1000
 PLUMBING FIXTURES: 1000
 PLUMBING FIXTURES: 1000

PERMEATION CALC.
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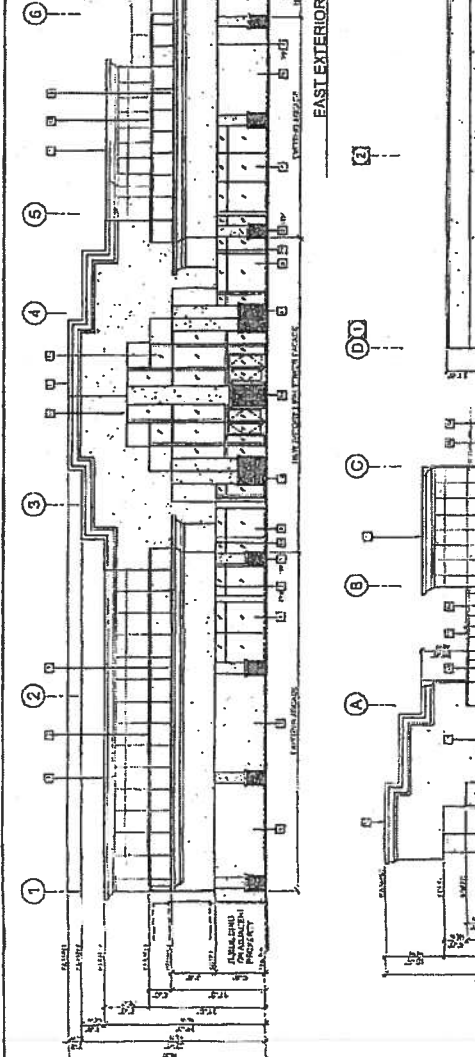
CONDITIONAL USE PERMIT NOTES
 1. ALL WALL PENETRATIONS IN BATHS SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING:
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GENERAL NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS INDICATED OTHERWISE.
2. FINISHES TO BE SHOWN ON THIS DRAWING ARE TO BE USED UNLESS OTHERWISE NOTED.
3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
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EXTERIOR FINISHES
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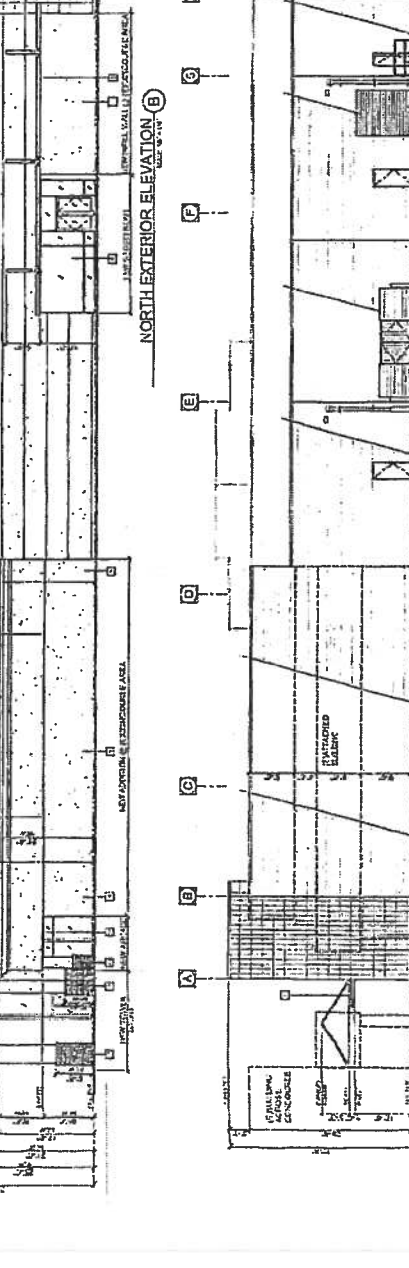


EAST EXTERIOR ELEVATION

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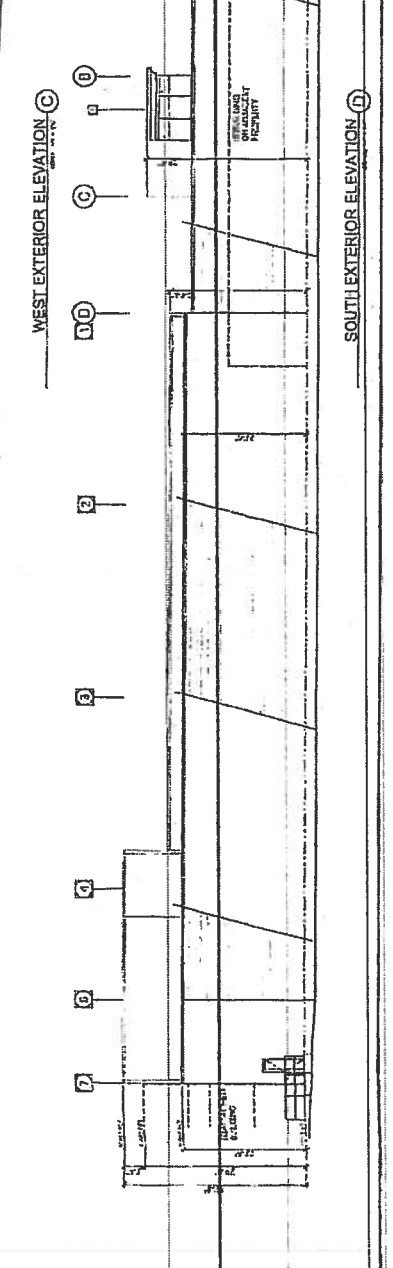


NORTH EXTERIOR ELEVATION

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EXTERIOR FINISHES
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WEST EXTERIOR ELEVATION

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EXTERIOR FINISHES
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SOUTH EXTERIOR ELEVATION

RESOLUTION NO. 5790-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-474-13 AND CONDITIONAL USE PERMIT NO. CUP-365-13 FOR PROPERTY LOCATED AT 12145 BROOKHURST STREET, PARCEL NO. 133-111-06.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on April 4, 2013, approved Site Plan No. SP-474-13 and Conditional Use Permit No. CUP-365-13 for a property located at the northwest corner of Chapman Avenue and Brookhurst Street, at 12145 Brookhurst Street, Parcel No. 133-111-06.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-474-13 and Conditional Use Permit No. CUP-365-13 the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Rachas, Inc. and 12151 Brookhurst, LLC.
2. The applicants are requesting Site Plan approval to expand an existing multi-tenant commercial building located within an integrated commercial shopping center from 35,262 square feet to 36,918 square feet, in conjunction with a request for Conditional Use Permit approval to establish a 36,918 square foot fitness center (Chuze Fitness).
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Article 19, 15301 (Existing Facilities), of the California Environmental Quality Act.
4. The property has a General Plan Designation of Residential Commercial Mixed Use 2 and is zoned NMU (Neighborhood Mixed Use).
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on April 4, 2013, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter at its meeting on April 4, 2013, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The subject property is part of an integrated commercial shopping center that is located at the southwest corner of Chapman Avenue and Brookhurst Street. The property maintains a General Plan Land Use designation of Residential Commercial Mixed Use 2 and is zoned NMU (Neighborhood Mixed Use). The shopping center includes a CVS pharmacy, restaurants, offices, and a variety of retail uses. The specific tenant space under application is located toward the south end of the commercial center and includes the vacant TJMaxx tenant space as well as some smaller retail spaces that face Brookhurst Street.

The applicants are proposing to combine the subject tenant spaces, which total 35,262 square feet, and expand them in order to provide a 36,918 square foot tenant space for the establishment of a fitness center (Chuze Fitness).

In order to facilitate the establishment of Chuze Fitness, the applicants are requesting approval of Site Plan to expand the subject tenant space and a Conditional Use Permit to establish the fitness center. Title 9 of the Municipal Code requires Site Plan approval for any addition to a commercial building that exceeds 10% of the existing building area or 1,000 square feet, which ever is less as well as approval of a Conditional Use Permit in order to operate a health club/fitness center in the City.

The facility will operate from 5:00 a.m. to 10:00 p.m. Monday through Thursday, and from 5:00 a.m. to 9:00 p.m. on Friday, and 7:00 a.m. to 7:00 p.m. Saturday and Sunday. The fitness center will maintain between six to twelve employees along with an average of 3 personal trainer/class instructors a day during operating hours. Fitness classes that will be provided include Zumba, Pilates, cycling, boot camp, etc.

The shopping center has sufficient on-site parking to accommodate a fitness center at this location. The proposed addition to the building and the conversion of the tenant spaces into a fitness center will not increase the parking requirement for the proposed use.

The site has a General Plan designation of Residential Commercial Mixed Use and zoning designation of NMU (Neighborhood Mixed Use). Fitness centers are conditionally permitted in the NMU zone.

FINDINGS AND REASONS:Site Plan

1. The Site Plan is consistent with the General Plan and complies with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances.

The proposed plan for the expansion of the an existing 35,262 square foot multi-tenant commercial building to 36,918 square feet complies with the development standards of the Municipal Code.

The proposed building expansion for the establishment of a fitness center is being constructed on the north and east side of the existing building. The building additions will meet all the requirements of the NMU (Neighborhood Mixed Use) zone and will not require the creation of additional parking, since the parking for the entire center with the new addition will exceed the Code's minimum parking requirement by 20 spaces. Additionally, the expansion of the building, which is considered an improvement to the integrated shopping center, along with the establishment of the proposed fitness center, is consistent with the goal of the General Plan to enhance and maintain the properties within the City.

2. The proposed development does not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

The proposed additions to the existing building, along with the establishment of a fitness center, will meet all the requirements of the NMU (Neighborhood Mixed Use) zone and will not require the creation of additional parking since the parking for the entire center with the new addition will exceed the Code's minimum parking requirement by 20 parking spaces.

The Garden Grove Engineering Division has reviewed the plans, and has determined that with the incorporation of the conditions of approval, the proposed site design will not have a detrimental impact to essential on-site facilities.

3. The development, as proposed, will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels.

Provided the conditions of approval are adhered to for the life of the project, there will be no adverse affect to essential public facilities, such as, streets and alleys, utilities, and drainage channels.

4. The development will not adversely impact the Public Works Department's ability to perform its required function.

The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval and mitigation measures to minimize any adverse impacts.

5. The development will have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The proposed expansion will be integrated with the design of the existing building, using the same colors, materials, and roofing. The expansion of the building will not require the creation of additional parking. There is ample parking on-site to serve the shopping center.

6. Through the planning and design of buildings and building placement, the provision of open space landscaping and other site amenities will attain an attractive environment for the occupants of the property.

The proposed additions have been designed to architecturally integrate with the existing architectural style of the building and will not reduce the amount of landscaping that is currently on site. Nor will the additions reduce the pedestrian access to other tenants and buildings located adjacent to the subject building.

Conditional Use Permit:

1. The use is consistent with the City's adopted General Plan.

The subject properties have a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and are zoned NMU (Neighborhood Mixed Use). The City's General Plan encourages the revitalization of underutilized multi-tenant commercial developments with uses like the proposed fitness center that will meet the needs of the areas present and potential clientele. Fitness centers are conditionally permitted in the NMU zone and provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

2. The requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The proposed establishment of a fitness center along with expansion of the existing tenant space will not adversely affect the persons who reside or work in the surrounding area since the expansion of the tenant space is in areas of the existing shopping center that will not have an impact on existing tenants or the surrounding neighborhood. Additionally, the proposed use is complimentary to the existing on-site uses and the conditions of approval will minimize potential impacts to the adjoining areas. Finally, the proposed project will not impact the parking that is available to the existing tenants located with the shopping center since there is ample on-site parking to support the proposed use and existing on-site uses. Therefore, the proposed expansion will not adversely affect the health, peace, comfort or welfare of people in the surrounding areas.

The establishment of a fitness center will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided that conditions of approval are adhered to for the life of the project. The fitness center is compatible with the existing retail, restaurant, and office uses that are located within the center. In addition, there is sufficient on-site parking available to accommodate the proposed use. The use, as proposed, will be harmonious with the persons who work and live in the area.

Fitness centers are conditionally permitted in the NMU zone. The conditions of approval for the use will ensure the public health, safety, and welfare. The proposal will not adversely affect the use and enjoyment of adjacent properties.

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The property is currently improved with an integrated shopping center. With the exception of the exterior building modifications and the minor expansion of the subject tenant space, there will be no substantial change to the site layout or features. The subject tenant space have been used for commercial purposes in the past and the change in use is similar in nature and can be accommodated within the integrated shopping center without requiring additional parking, screening, loading or landscaping.

4. That the proposed site is adequately served: by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

The site is located at the southwest corner of Chapman Avenue and Brookhurst Street and maintains access to both public streets. The Garden Grove Engineering Division has reviewed the plans, and has determined that with the incorporation of the conditions of approval, the proposed project will not have a detrimental impact to the adjacent streets. Both streets are improved to carry the kind and quantity of traffic generated by the proposed fitness center and the existing uses located within the subject integrated shopping center.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

The Site Plan, and Conditional Use Permit possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.

In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-474-13 and Conditional Use Permit No. CUP-365-13.

ADOPTED this 4th day of April, 2013

/s/ JENNIFER CABRAL
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on April 4, 2013, by the following votes:

AYES:	COMMISSIONERS:	ALEJANDRO, ALLRED, CABRAL, LAZENBY, MARGOLIN, NGUYEN, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is April 25, 2013.

EXHIBIT "A"

Site Plan No. SP-474-13 Conditional Use Permit No. CUP-365-13

12145 Brookhurst Street

CONDITIONS OF APPROVAL

General Conditions

1. The applicant and each owner of the property shall execute and record against the property a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office. Proof of such recordation is required within 30 days of this approval. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicants, Rachas, Inc. and 12151 Brookhurst, LLC, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission. All Conditions of Approval herein shall apply to Site Plan No. SP-474-13 and Conditional Use Permit No. CUP-365-13.
2. Approval of this Site Plan and Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications which do not change the intent of the project may be approved by the Community Development Director.
3. The approved site plan, floor plan, and building design with colors are an integral part of the decision approving this Site Plan and Conditional Use Permit. There shall be no change in the site plan, floor plan, building design and/or colors as revised without the approval of the Community Development Department. Any change in the site plan, and/or floor plan, which has the effect of expanding or intensifying the use, shall require approval from the Planning Commission.
4. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Section. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting

FINAL

Site Plan No. SP-474-13 & Conditional Use Permit No. CUP-365-13
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system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences.

5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Work's Engineering Division

Conditions 7 through 9 shall be required if any remediation or reconstruction of the existing parking lot (in excess of 50 cubic yards of area) to the east of the existing building is needed as a result of the construction of the proposed new 733 square foot exterior structure on the east side of the existing building shell, described on the conceptual site plan as "New Tower Area."

6. A grading plan prepared by a registered Civil Engineer is required. The plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements.
7. The applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards. Parkway culverts shall be constructed per Orange County RDMD Standard Plan 1309 (Type B).
8. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including soil compaction, saturations, permeability, and groundwater levels.

Conditions 10 and 11 shall be required if 5,000 or more square feet of the existing parking lot is remediated or reconstructed as a result of the construction of the

proposed new exterior structure on the east of the existing shell, described on the conceptual site plan as "New Tower Area."

9. Prior to issuance of any grading or building permits or prior to recordation upon subdivision of the land if determined to be applicable by the City building Official, the applicant shall submit to the City for review and approval a Preliminary Non Priority Water Quality Management Plan (NNP). Should it be determined that a final Water Quality Management Plan (WQMP) is required, a WQMP shall be submitted that:
 - Addresses Site Design BMPs such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;
 - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP;
 - Incorporates Treatment Control BMPs as defined in the DAMP;
 - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs;
 - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs;
 - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
10. Prior to grading or building permit closeout and/or issuance of a certificate of use or certificate of occupancy, the applicant shall:
 - Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been implemented, constructed and installed in conformance with approved plans and specifications;
 - Demonstrate that applicant has complied with and/or is prepared to implement all non-structural BMPs described in the Project WQMP;
 - Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site;
 - Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all post-construction BMPs;

- Demonstrate that the applicant has agreed to and recorded an agreement or another legal instrument approved by the City Attorney that shall require the property owner, successors, tenants (if applicable), and assigns to fund, operate and maintain in perpetuity the post-construction BMPs described in the Project WQMP and O&M Plan.

Public Work's Water Services Division

11. If required, new water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City Standards.
12. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and larger water services 3" and larger, shall be installed by contractor with class A or C-34 license, per City waters standards and inspected by approved Public Work's inspection.
13. If required, a Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. Landscape systems shall also have an RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation is complete. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results shall be submitted to Public Work's Water Service Division. Property owner must open a water account upon installation of an RPPD device.
14. Owner shall dedicate all rights to underground water without right to surface entry.
15. Any new or existing water valve located within the new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
16. Fire service shall have above ground backflow device with a double check valve assembly, per City Standard B-773. The device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results submitted to the Public Work's Water Service Division. The device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division. If the

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- existing fire service connection is vaulted, then it shall be brought up to the current City standard, per City Standard B-773.
17. The location and number of fire hydrants shall be as required by the Public Work's Water Service Division and the City's Fire Department.
 18. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Any existing units shall be removed.
 19. If required, owner shall install a new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" minimum diameter, extra strength VCP with wedgelock joints.
 20. The contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

Fire Department

21. An exiting plan shall be provided to the Building Division for review and approval. The applicant shall install exit signs on all doors. Emergency lighting shall be shown on the electrical plans submitted to the City for review and approval prior to issuance of building permits.
22. Plans submitted for review and approval shall include an occupancy calculation. The applicant shall post an interior sign indicating the maximum occupancy load and location of the signs as subject to the Fire Department approval.
23. Fire sprinkler system is required throughout the building per the California Fire Code and adopted City standards (NFPA). NFPA 13R compliant system is required throughout with a density and configuration as required by that standard shall be provided per NFPA 13. Sprinkler systems shall meet further City water standards as determined by the fire and water departments (i.e., testable above ground double check valves, fire flow water meters if required). If the building is fire sprinklered, the applicant shall submit plans to show the placement of each wall in relation to the sprinkler heads.
24. Smoke/CO alarm system shall be provided and interconnected; interconnectivity shall exist with fire sprinkler system also, as per NFPA 72.

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Life safety and fire sprinkler alarm system shall comply with NFPA 72 requirements.

25. The required fire access shall be provided to the building, as approved by the Fire Department.

Police Department

26. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
27. Hours of operation shall be permitted Monday through Thursday from 5:00 a.m. to 10:00 p.m., Friday from 5:00 a.m. to 9:00 p.m., and Saturday and Sunday from 7:00 a.m. to 7:00 p.m.
28. There shall be no customers or patrons in or about the premises when the establishment is closed.
29. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
30. No massage with the exception of the hydro-massage beds shall be allowed in the hydro-massage rooms at any time. If the use changes to include massage services in the treatment rooms, such as massage performed by a licensed physical therapist, the rooms shall be modified to include windows to provide visibility into each room from the corridor. The Police Department shall approve the size and location of each window. The windows shall remain free of materials, including blinds, curtains, and plants, that will limit or decrease visibility into the treatment rooms from the corridor.

Community Development Department

31. Approval of this Site Plan and Conditional Use Permit only authorizes expansion of an existing multi-tenant commercial building located at 12141 Brookhurst Street (APN: 133-111-06) within an integrated retail center from 35,262 square feet to 36,918 square feet and the establishment of a 36,918 square foot fitness center to include an indoor pool, a cardio and weight training area, work out rooms, a child day care for patrons using the center, a cinema work out room, tanning rooms, hydro massage rooms, and men's and women's locker and shower rooms.

32. No outside storage or displays shall be permitted at any time.
33. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the fitness center's entrance, and shall also be visible to the public.
34. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
35. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
36. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
37. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
38. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
39. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification or application.
40. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
41. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

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42. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community Development Department, Planning Division. No advertising material shall be placed thereon.
43. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
44. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort.
45. Any modifications to existing signs or the installation of new signs shall comply with the established sign program for the shopping center and shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
46. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
 - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays may work same hours, but subject to noise restrictions as stipulated in section 8.47.010 of the Municipal Code.
47. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters and the use of low-sodium parking lot lights to ensure compliance with Title 24.
48. An agreement or agreements between the owner(s) of the subject property and the owner(s) of the other properties within the integrated shopping center providing for reciprocal parking and access for all uses within the shopping center shall be maintained in full force and effect for so long as Site Plan No. SP-474-13 and Conditional Use Permit No. CUP-365-13 remain in effect. The uses authorized by this Permit shall be permitted to be

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maintained on the property only if on-site parking in a minimum amount as required by the Garden Grove Municipal Code is available and provided.

49. A copy of the Resolution approving Site Plan No. SP-474-13 and Conditional Use Permit No. CUP-365-13 shall be kept on the premises at all times.
50. The Conditional Use Permit shall be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
51. The applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-474-13 and/or Conditional Use Permit No. CUP-365-13. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

Building Services Division

52. The building plans, including any grading and site development plans and all construction activity shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove, and the latest edition of the California Building Standard Code.
53. The change in occupancy shall require compliance with California building Code (CBC Section 3408.4 and Table 1604.5) and shall require structural justification due to the change in occupancy.