

Date: October 10, 2007 Planning Commission Meeting

Item No. 3

**MILPITAS PLANNING COMMISSION AGENDA REPORT**

---

Category: Public Hearing

Report Prepared by: Cindy Hom

Public Hearing: Yes:  X  No: \_\_\_\_\_

Notices Mailed On: 9/28/07 Published On: 9/27/077 Posted On: 9/28/07

---

**TITLE: CONDITIONAL USE PERMIT AMENDMENT NO. P-UA2007-6**

Proposal: A request to increase the banquet seating capacity from 617 seats to 718 seats for Dave and Buster's.

Location: 940 Great Mall Drive

APN: 086-24-055

**RECOMMENDATION: Approval subject to conditions**

Applicant: RHL Design Group, 3001 Douglas Blvd. Roseville, CA 95661

Property Owner: The Mills Group Inc, P.O. Box 6120, Indianapolis, IN, 46206

Previous Action(s): "S" Zone Approval, Sign Program, Conditional Use Permits and Amendments, EIR and Supplemental EIR for the Great Mall

General Plan Designation: General Commercial

Present Zoning: General Commercial with an "S" Zone Overlay (C2-S)

Existing Land Use: Regional Shopping Center

Agenda Sent To: Applicant & Owner  
Cari Chancelor, Dave and Buster's, 2481 Manana Drive, Dallas TX, 75220

Attachments: Plans  
Planning Commission Resolution No. 168  
Letter from Hexagon dated, September 18, 2007  
Memo from Joe Oliva dated, October 2, 2007

---

**BACKGROUND**

From 1955 to 1983, the Ford Motor Company operated an auto assembly plant on the site. In 1993 the City approved a General Plan Amendment to re-designate the site from Manufacturing to General

Commercial. In that same year the Planning Commission approved the conversion of the auto assembly plant into a value-oriented regional shopping mall, which opened in 1994.

In 1999, the City approved an “S” Zone application for a tower (never built), an “S” Zone Amendment for building modifications and a new sign program, as well as Conditional Use Permits (CUP) for a cinema, arcade, bar, restaurants, parking reduction, billiards and a tower bar and restaurant (the latter never built).

In 2004, the Planning Commission approved Conditional Use Permit Amendment No. UA2004-8, UA2004-8 and Addendum to EIA No. 749 for a parking modification Kohl’s at the Great Mall and modification to existing conditions of approval related to the re-use of the 60,000 square feet Gross Leaseable Area (GLA).

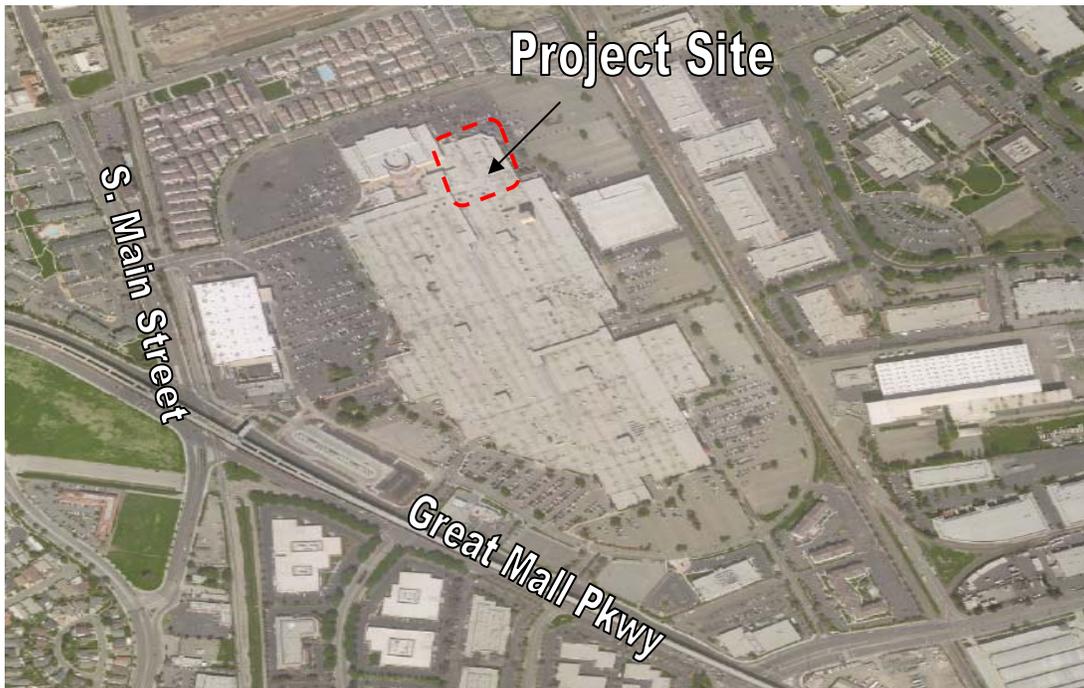
Subsequent approvals have occurred for exterior modifications that include new storefronts for Kohl’s Department Store, Neiman Marcus Last Call, Great Mall signage, and CUP approvals for installation of wireless telecommunication antennas.

Dave and Buster’s opened under a previously approved, “blanket” CUP approval (Use Permit No. 1167.18), which was for a restaurant, bar, arcade and billiards.

### Site Description

The Great Mall of the Bay Area is a regional shopping mall on approximately 103 acres, located east of South Main Street, west of the Union Pacific Railroad tracks, north of Great Mall Parkway and Montague Expressway and south of Curtis Avenue.

The Great Mall has a zoning designation of General Commercial with an “S” Zone overlay (C2-S). Neighboring land uses to the Great Mall shopping center include high-density residential uses to the north and west, industrial and office park uses to the east and south. Provided below is an aerial photo of the project site:



## THE APPLICATION

The application is submitted pursuant to Section 57 (Conditional Use Permit), Section 19.03-1 (General Commercial, Conditional Uses, Arcades) of the zoning ordinance. The applicant is requesting increase the banquet seating capacity from 617 seats to 718 seats by converting the billiard tables to dining area to accommodate special corporate and holiday events only. An amendment to Use Permit No. 1167.18 is required, because the applicant is increasing the restaurants seats from what was originally approved.

## PROJECT DESCRIPTION

### *Floor Plan*

The applicant is proposing no physical changes to the existing floor plan. The only areas affected by the CUP amendment request are the billiard areas located to the left and right of the main front entrance as shown on Sheet A2 (Floor Plan). The applicant is proposing to convert the billiard tables to dining area for special corporate and holiday events only. The existing layout of the space includes an entertainment (midway) area containing arcade games, Winner's Circle" or ticket redemption area, party rooms, bar and dining area.

### *Parking*

Parking provisions for the Great Mall, which includes Dave and Busters, is covered by a blanket use permit for restaurants. Parking is based on number of seats which is limited to 2,740 seats. Dave and Buster's is requesting an addition of 101 seats to accommodate special corporate and holiday events. Currently, on-site parking is provided by the existing Great Mall parking lot that surrounds the mall and a parking structure located near the food court entrance (east). A parking analysis is provided on page three of this report.

## ISSUES

### **Conformance with the General Plan**

The proposed project complies with the City's General Plan in terms of land use. The proposed project does not conflict with any General Plan Policies, and is consistent with the following:

*Guiding Principle 2.a-G-1:* Maintain a land use program that balances Milpitas' regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center.

Comment: Dave and Buster's is one of the regional attractions for the Great Mall and Milpitas. It is a 65,079 square foot entertainment and restaurant complex that features casual dining, amusements games, and billiards. The proposed additional banquet seating will help accommodate the increase demand for banquet services for special corporate and holiday events.

*Implementing Policy 2.a-I-3:* Encourages pursuits, which will strengthen and promote development through stability and balance.

Comment: The project encourages economic pursuits and promotes a stable and balance development by providing a wide range of services and compatible uses within the Great Mall.

### **Conformance with the Zoning Ordinance**

The proposed restaurant/bar/arcade/billiards facility is a conditional permitted use in the General Commercial Zoning District (C2-S). The purpose and intent of the General Commercial District is to "provide for a wide range of retail sales and personal and business services accessed primarily by the

automobile.” The project, with recommended conditions of approval, complies with the City’s zoning ordinance development standards for the General Commercial district.

**Parking**

The Great Mall is approved with a “blanket” CUP Permit approval (Use Permits No. 1167.18, 1167.20-1167.24) for six restaurants which includes Dave and Buster’s. Required parking for the restaurant uses is based on Urban Land Institute (ULI) shared parking methodology. The premise of this methodology is that different types of uses have different peak hour parking demands. Using the URI’s shared parking methodology, it was determined that the maximum number of restaurant seats at the Great Mall is limited to 2,740 seats. The table below clarifies the parking allocation for restaurants at the Great Mall.

<b>Restaurant Parking for the Great Mall:</b>		
<b>2,740 total seats approved in 1999 (not including in-line* restaurants)</b>	<b>Seats allocated for use</b>	<b>Seats remaining unallocated</b>
1999 Existing Restaurants (Fresh Choice, Mayflower, Florentine, Grain D’Or, Johnny Rockets, Burger King)	840	1,900
New/Future Restaurants (6)		
<b>1. DAVE AND BUSTER’S</b>	<b>718**</b>	1182
2. Fujisan Sushi	66	1116
3. Starbucks	38	1078
4. Outback Steakhouse	310	768
5. Coconut Grove	84	684
6. (unallocated)		
Modifications to Seat Supply		
1. Cyberhunt	33	651
2. Putting Edge	15	636
Total unallocated seats remaining as of 10/10/07.		<b>636</b>

\* In-line restaurants include those in the Food Court and those located in the Mall not listed above. (ex. McDonalds, Subway, Wetzels Pretzels)

\*\* Seating total is based on existing and new seating (617 + 101).

Dave and Buster's new seating would require allocation of 101 of the unallocated seats based on the request. The table above indicates that with the proposed additional seating for Dave and Busters, the mall will still have 636 restaurant seats unallocated for the remaining restaurant (Use Permits No. 1167.20).

The additional 101 seats will generate a parking demand of (37) parking spaces based on the Zoning Ordinance parking requirements of 1 space per 3 seat, plus 10% for employee parking. The (37) parking spaces have been accounted for under the "blanket" CUP for the 2,740 restaurant seats. The applicant provided a parking study that surveyed the parking supply and demand during the peak periods for Dave and Buster's. Based on the parking study dated September 18, 2007 by Hexagon Transportation Consultants, the Great Mall has sufficient parking supply to accommodate the proposed parking demand. The study indicated the following:

- Parking demand at the Great Mall peaked at 75% of capacity.
- Parking demand for the parking field in front of Dave and Busters peaked at 85% of capacity with at least 140 vacant spaces available during all of hours of the day and vacant spaces were observed in the parking structure near the food court entrance.
- Based on the last holiday parking survey in 2004, there was a 10% parking vacancy during the highest hour of the parking demand. Vacant spaces were mainly located on the back side of the mall and within the parking structure.

Staff does not anticipate a negative impact on parking because the additional parking demand of 37 parking spaces can be sufficiently accommodated based on the 75% occupancy of the on-site parking spaces during the peak periods. However, during the holiday season the parking demand increases and results in an approximate 10% vacancy of parking spaces. As conditioned, the Great Mall participates in a holiday season parking management program. *Staff recommends* as a condition of approval, Dave and Buster's actively participate in the mall's holiday parking management program to ensure patron parking is available in the closest parking fields.

## Noise

Dave and Buster's is located on the north side of the property and is adjacent to the Parc Metropolitan residential development. Due to its proximity to residential, noise is a potential concern. As part of the CUP amendment approval for Dave and Busters in 2002, the follow measures were implemented to help address the noise complaints:

- Police Department worked with all businesses on the north side of the mall to obtain security plans and update existing plans to achieve reduced noise disturbances in the parking lot.
- Great Mall Security patrols the area to ensure patrons vacate the area after businesses are closed.
- The Great Mall modified operations of the parking maintenance to minimize disturbances to nearby residents.
- Century Theatres modified carpet-cleaning schedules.

- Storm drains were fitted with gaskets and delivery trucks were instructed routinely to not use Comet Drive.
- The Fire Chief has issued a written policy to fire personnel to refrain from using Comet Drive in non-emergencies.

Dave and Buster's operating hours are: Sunday to Wednesday from 11:30am to 12:00am; Thursdays from 11:30am to 1:00am; Fridays and Saturdays from 11:30am to 2:00am. Staff has received public comments regarding the proposal and the potential impact on noise such loud cars and people congregating in the parking lot. *Staff recommends* as a condition of approval that the applicant provide parking lot monitors and/or additional patrol staff in the northern parking field near Dave and Buster's and the Century Theatres to ensure patrons are not disruptive and vacate the premises once the establishment closes at 2:00am.

### **Neighborhood/Community Impact**

As a whole, the proposed expansion is expected to continue the positive impact of Dave and Buster's by providing a complementary use to the existing retail and other entertainment uses currently located in the Great Mall. Based on this and recommended conditions of approval, staff concludes that this proposal has no greater impact than the existing Dave and Buster's and other businesses at the mall.

### **Public Comments**

Staff has received two e-mail stating opposition to the proposed project because of noise disturbances from patrons in the parking lot. Copies of the comments are included as attachments.

### **Conformance with CEQA**

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 ("Existing Facilities", ~ minor alteration of existing public or private structures ~ involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination) of the California Environmental Quality Act (CEQA) Guidelines.

### **RECOMMENDATION**

Close the Public Hearing. Approve Conditional Use Permit Amendment No. P-UA2007-6 subject to the Findings and Special Conditions of Approval listed below:

### **FINDINGS**

1. The proposed project is consistent with the City of Milpitas Zoning Ordinance and General Plan in terms of land use and development standards for General Commercial zoning because the expansion provides a range of services and strengthens development.
2. As conditioned the proposed project will not be detrimental or injurious to the public health, safety, and general welfare to adjacent future tenants or the surrounding community because the increased parking demand of 37 parking spaces can be sufficiently accommodated by the 140 vacant spaces that are available even during peak periods. As conditioned, the applicant is required to submit a security plan to the City to ensure the safety of patrons to the facility and minimize disturbance to neighboring residents and participate in the Mall's holiday parking management program.

3. The proposed use, as conditioned, will not impact parking at the Great Mall Shopping Center because restaurants at the mall are allocated a total of 1,900 seats. The Dave and Buster's expansion will not add seats to the mall above the 1,900-seat limit.
4. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines.

### **SPECIAL CONDITIONS**

1. This Use Permit Amendment No. P-UA2007-6 approval is for increased banquet seating capacity from 617 seats to 718 seats for Dave and Buster's located at the Great Mall Shopping Center as shown on approved plans dated October 10, 2007, except as may be otherwise modified by these conditions of approval. Any addition of seating, entertainment area, or change in nature of the operation shall require review and approval by the Planning Commission of an amendment to this Use Permit. Minor changes, as per Sec. 42-10-2 of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff. (P)
2. The revised seating for this restaurant is 718 seats, as stated on plans dated October 10, 2007. The maximum take-out area is 30 square feet. (P)
3. All previous conditions of approval for the site shall remain in full force and effect except as amended here. (P)
4. The applicant shall comply with all conditions of Planning Commission Resolution No. 168 (attachment), a resolution of standard conditions for commercial development. (P)
5. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)
6. Prior to issuance of a certificate of occupancy for this use, a sign measuring at least 8½ inches by 11 inches, with a lettering height of at least 3 inches, shall be placed in a conspicuous location near the restaurant front entrance stating "Maximum seating: 718, as per Use Permit Amendment No. P-UA2002-2 granted by the Planning Commission on October 10, 2007." (P)
7. Prior to issuance of a building permit, the applicant shall submit a final security plan to the approval of the Police Department. The plan shall be reviewed by the Police Department and amended by Dave and Buster's when deemed necessary by the Police Department. (PD)
8. If a new entertainment use locates at the mall, which requires mitigation, then Dave and Buster's shall contribute a fair share towards improvements designed for mitigation. (P)
9. The applicant provide parking lot monitors and/or additional patrol staff in the northern parking field near Dave and Buster's and the Century Theatres to ensure patrons are not disruptive and vacate the premises once the establishment closes at 2:00am. (P)
10. Dave and Buster's shall actively participate in the Great Mall's holiday parking management program by implementing strategies to insure the available parking supply closest to Dave and Buster is utilized to the greatest extent possible. Examples include but are not limited to Employee incentive programs for carpooling, using public transportation, and/or utilizing the parking structure to ensure adequate surface parking for patrons near Dave and Buster's. The applicant shall submit a Holiday Transportation Demand Management plan for staff review and approval prior to building permit issuance. (P)

11. Exterior exit doors shall be provided with a continuous, unobstructed path of exit travel to a public way. (F)
12. It is the responsibility of the developer to obtain any necessary encroachment permits and approvals from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
13. Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)
14. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers, including but not limited to construction activities, to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
15. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. (E)
16. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "X". (E)

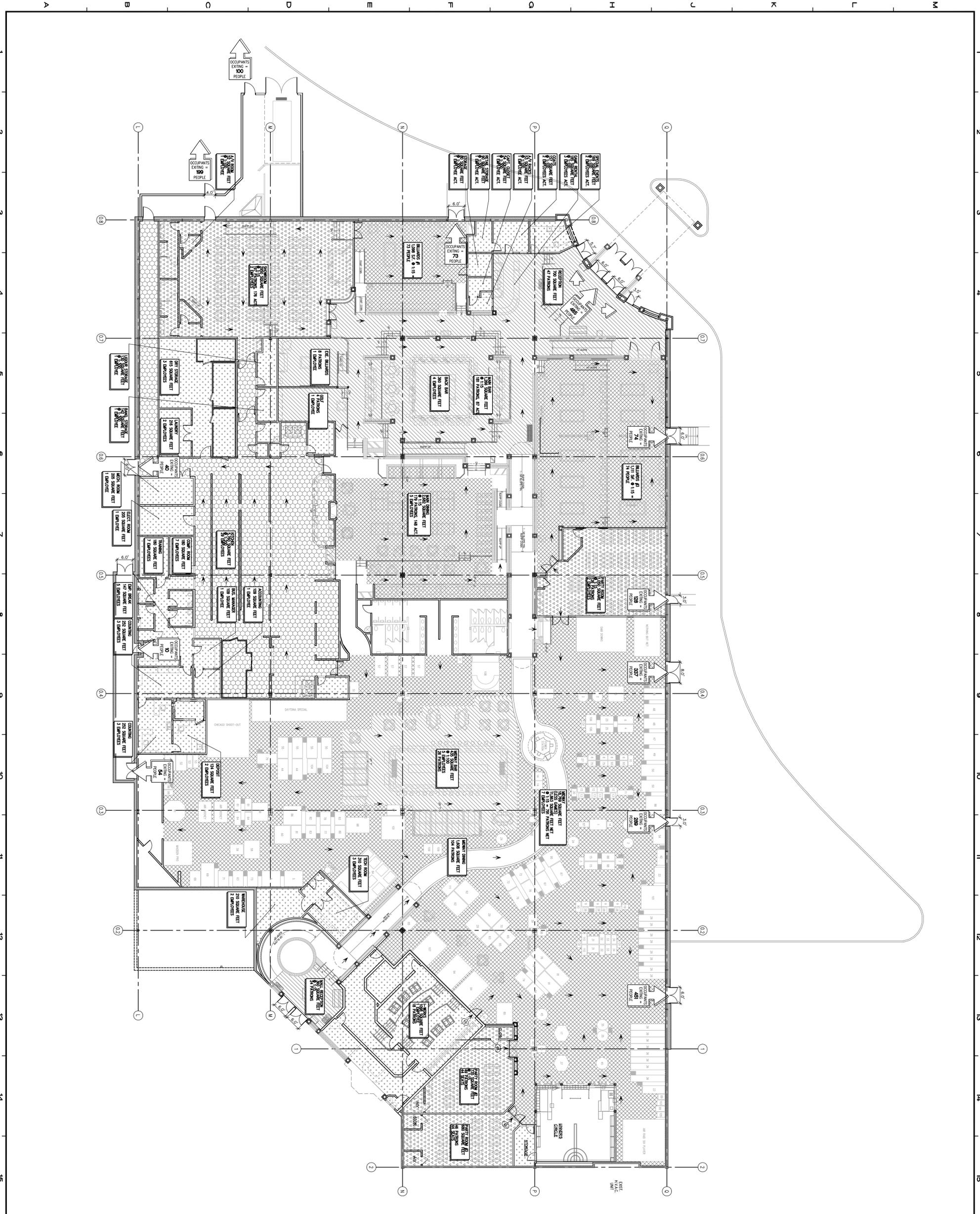
(P) = Planning Division

(PD) = Police Department

(F) = Fire Department

(E) = Engineering Division





**SCOPE OF WORK**  
 AMEND USE PERMIT TO CHANGE OCCUPANCY  
 LOAD FROM 2039 TO 2140

**AREA OCCUPANCIES**

- A2.1 LARGE ASSEMBLY  
4370 S.F.
- A3 SMALL ASSEMBLY  
6197 S.F.
- B KITCHEN  
5760 S.F.
- B OFFICES, STORAGE, ETC.  
8427 S.F.

**EXISTING CAPACITIES**

EXIT REQUIREMENTS BASED ON THE RATIO OF 2 / 10" EXIT WIDTH  
 (900") TOTAL EXIT CAPACITY 4500 PERSONS  
 2140 OCCUPANTS

**63,554 TOTAL SQUARE FEET**

08/08/07 SUBMITTAL TO CITY  
 REVISIONS/ALTERATIONS

**EXTING PLAN  
 PLANNING SUBMITTAL**

DAVE AND BUSTERS  
 940 CHEAT MALL DRIVE  
 MILPITAS, CA

**RHL** ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES  
 3001 DODD GARDEN BLVD. STE. 210 ROSELAND, CA 95661 (916) 771-2555  
 BRANK F. ZIYA, ARCHITECT JAMES H. RAY, CIVIL ENGINEER

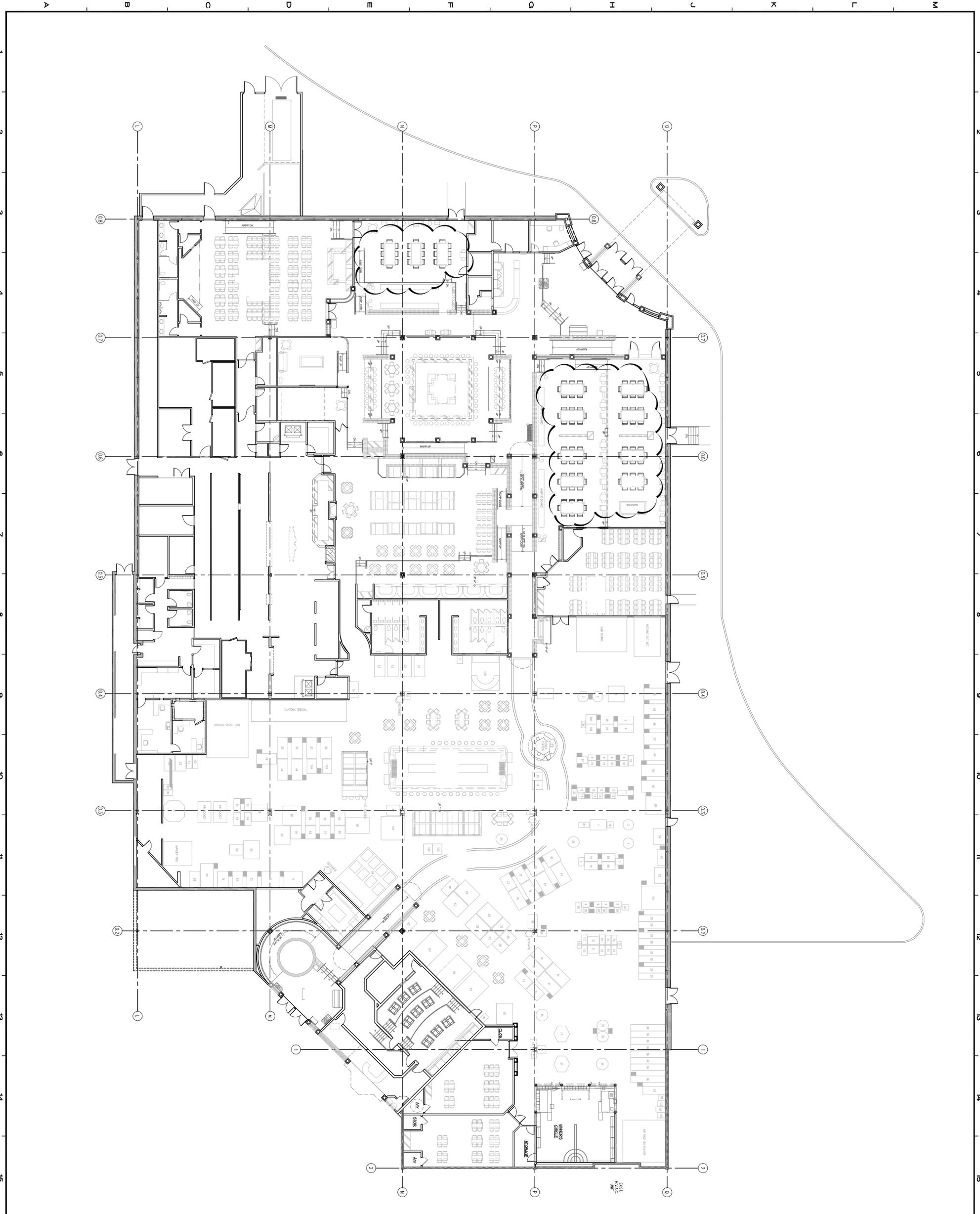
**D&B** DAVE AND BUSTERS  
 2001 RIVERWOOD DRIVE, SUITE 100  
 MILPITAS, CA 95035 (408) 938-8888

DO NOT USE FOR CONSTRUCTION UNLESS INITIALLED AND DATED

RHL JOB NUMBER: RST0700410  
 DRAWING CREATED: 3/01/07

MGR: \_\_\_\_\_  
 DATE: \_\_\_\_\_

**A1**



**SCOPE OF WORK**  
 AMEND USE PERMIT TO CHANGE OCCUPANCY  
 LOAD FROM 2039 TO 2140

**PROPOSED SEATING**  
 SEE CLOUDED AREAS FOR PROPOSED SEATING. THE BILLIARD TABLES ARE ONLY SET AS SHOWN DURING SPECIFIC BANQUET EVENTS AS MENTIONED IN THE PROJECT DESCRIPTION  
 CLOUDED AREAS INDICATE THE SCOPE OF THE REQUEST FOR A USE PERMIT AMENDMENT. ALL OTHER AREAS TO REMAIN UNCHANGED

DATE	REVISIONS/ALERTS/NOTES	BY	CHK
08/08/07	SUBMITTAL TO CITY		

**FLOOR PLAN  
 PLANNING SUBMITTAL**  
 DAVE AND BUSTERS  
 940 GREAT MALL DRIVE  
 MILPITAS, CA



**RHL** ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES  
 3001 DODD GARDEN BLVD. STE. 210 ROSELILLE, CA 95068 (916) 771-2555  
 BRANK F. ZIEM, ARCHITECT JAMES H. RAY, CIVIL ENGINEER

DO NOT USE FOR CONSTRUCTION  
 UNLESS INITIALED AND DATED: MGR: \_\_\_\_\_ DATE: \_\_\_\_\_

RHL JOB NUMBER: RST0700410  
 DRAWING CREATED: 3/01/07  
**A2**

# City of Milpitas

Planning Division

455 E. Calaveras Blvd., Milpitas CA 95035

(408) 586-3279

## RESOLUTION NO. 168

### **A RESOLUTION REGARDING STANDARD CONDITIONS FOR COMMERCIAL DEVELOPMENT**

WHEREAS, THE CITY PLANNING COMMISSION regards the site appearance of commercial development as being important to community pride,

WHEREAS, CERTAIN "STANDARD" CONDITIONS having consistently been required by the Planning Commission for commercial developments,

WHEREAS, THE CITY PLANNING COMMISSION wishes to aid developers in the preparation of the Site Plans for commercial developments, and to aid the Commission and staff in reducing the number of special conditions,

THEREFORE, BE IT RESOLVED, that the City Planning Commission shall require the following items to be noted on all plans submitted with building permit applications for all commercial developments:

1. Prior to issuance of a building permit, a landscape plan shall be submitted to and approved by the Planning Commission. Said plan shall indicate location and type of trees (deciduous or evergreen), shrubs and ground cover, including sizes and quantities. The applicant is encouraged to utilize mature trees at key areas or focal points on the site to compliment the existing or proposed on-site structures. The landscape plan shall comply with City Council Ordinance No. 238 (An ordinance of the City of Milpitas regulating efficient water use for new or rehabilitated landscapes and existing landscapes).
2. All planter areas shall be serviced by a sprinkler head or drip system.
3. All required landscaping shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance.
4. Prior to issuance of an occupancy permit on this site, the required landscaping shall be planted and in place.
5. All landscaped planters adjacent to vehicle parking areas or travel lanes shall be contained by a full depth (6" above AC to bottom of structural section of adjacent paving) concrete curb. Where landscape planters abut a public street, a 24-inch deep water barrier shall be installed behind the curb. Plans indicating the curb elevations along public streets shall be approved by the City Engineer prior to construction.
6. All driveway approaches installed in the public right of way shall conform to Public Works Department standards.
7. Any public improvements on the frontage of the subject property that are now or that become damaged during construction shall be restored to the satisfaction of the City Engineer.

8. All on-site public and employee parking, accessways, driveways, loading or similar areas intended for public use shall be paved in accordance with MMC, Title II, Chapter 13, Section 18 as required for commercial developments.
9. All roof-top equipment shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for any roof-top equipment which projects above the height of any existing parapet wall or screen, detailed architectural plans for the screening of this equipment and/or a line-of-sight view analysis demonstrating that the equipment will not be visible from surrounding view points shall be reviewed and approved as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles.
10. In the event that a fill of over 18 inches above the natural grade is required at the rear or side property line, a grading plan shall be reviewed and approved by the Planning Commission prior to the issuance of a grading permit.
11. On-site utility transformers, boxes, etc. located at the front of the site shall be placed underground (subsurface vaults) or be located at the rear of the property and screened from public view in a manner to the approval of the Planning Commission. For new or relocated transformers or utility boxes on existing developed sites, refer to Section XI-10-42.10-2 of the Milpitas Municipal Code.
12. The applicant shall make changes as noted on Engineering Services Exhibit "S" and return one revised set of exhibit "S" and five sets of civil engineering drawings showing all proposed utilities to the Land Development Engineer for plan check.
13. Sidewalks in street rights-of-way shall be in accordance with Standard Drawing No. 426, and shall include 4'x4' tree wells with irrigation bubbler heads connected to the City's water system. The specific tree type and interval shall be determined by the Engineering Division. Trees shall be planted in accordance with Standard Drawing No. 448 (15 gallon minimum size).
14. Whenever on-site drainage is directed to the street right-of-way, either a connection to an underground system or through curb drains shall be installed. A plan of the system, as it affects the street right-of-way, shall be approved by the City Engineer prior to construction.
15. Any work within the City's right of way requires an encroachment permit from the Engineering Division of the Public Works Department.
16. All survey monumentations shall be protected in place. Any disturbed or covered monument shall be reset by a registered civil engineer or land surveyor at the direction of the City Engineer.
17. Site distance areas as indicated on the City standard drawing shall not be obstructed. Overall cumulative height of the grading, landscaping and signs within the sight distance area shall not exceed 2 feet.

Planning Commission Resolution No. 168 adopted September 14, 1966

Latest amendment: May 27, 1998 (effective date: Oct. 15, 1998)



September 18, 2007

Mr. Joe Oliva  
City of Milpitas  
455 E. Calaveras Avenue  
Milpitas, California 95035

**Subject:** *Great Mall of the Bay Area Parking Monitoring Study for Dave and Busters Expansion*

Dear Mr. Oliva:

As you are aware, Hexagon has been retained by Dave and Busters to conduct a parking study at the Great Mall of the Bay Area. Dave and Busters is requesting a use permit to expand their seating from 617 seats to 718 seats. The purpose of this analysis is to determine whether there is sufficient parking at the mall to accommodate the proposed seating capacity increase.

### **Work Scope**

To help determine existing parking conditions at the Great Mall of the Bay Area, the mall parking lots were surveyed on the following days:

- **July Friday Evening, 5:00 PM to 11:00 PM.** This period represents typical Friday evening conditions at the mall during the non-holiday season.
- **July Saturday, 3:00 PM to 9:00 PM.** This period represents typical Saturday conditions at the mall during the non-holiday season. It includes the period where the parking generation at the mall transitions from primarily retail uses to primarily entertainment uses.
- **July Sunday, 12:00 PM to 6:00 PM.** This period represents typical Sunday conditions at the mall during the non-holiday season. Based on historical data, the overall weekend parking demand at the Great Mall peaks on Sunday afternoon.

Surveys were conducted once per hour during the times noted above.

### **Parking Survey Results**

The survey results for the overall mall parking demand are summarized in Table 1. Figures 1 through 3 provide a graphic representation of the data during Dave and Busters' peak periods of parking demand. More detailed information is presented below.

**July Friday Evening Demand, 5:00 PM to 11:00 PM.** At the Great Mall, overall parking demand rises in the early evening until 8:00 PM, when demand peaks. After this time, demand begins a gradual decline until 11:00 PM, when the survey finished. During the period of peak demand, the mall parking fields were approximately 61% full. Parking demand was very heavy on the north side of the mall between Home Depot and the Century Theaters. Elsewhere onsite, parking was easily locatable in nearly all parking fields. In front of Dave and Busters, the parking demand peaked at 9:00 PM, when the

parking field was approximately 85% occupied. At this time, there were approximately 140 vacant parking spaces in the parking field immediately adjacent to Dave and Busters, and approximately 800 vacant spaces in the nearby parking structure.

**July Saturday Demand, 3:00 PM to 9:00 PM.** At the Great Mall, overall parking demand rises in the early afternoon until 5:00 PM, when demand peaks. After this time, demand begins a gradual decline until 9:00 PM, when the survey finished. During the period of peak demand, the mall parking lot was approximately 70% full. Parking demand was very heavy on the front side of the mall between Home Depot and the mall's southwest entrance. These areas were nearly 100% occupied and vehicles were observed waiting for spaces to open. On the backside of the mall, parking was easily locatable in most parking fields. In front of Dave and Busters, the parking demand peaked at 9:00 PM, when the parking field was approximately 80% occupied. At this time, there were approximately 180 vacant parking spaces in the parking field immediately adjacent to Dave and Busters, and approximately 820 vacant spaces in the nearby parking structure.

**July Sunday Demand, 12:00 PM to 6:00 PM.** At the Great Mall, overall parking demand rises in the early afternoon until 4:00 PM, when demand peaks. After this time, demand begins a gradual decline until 6:00 PM, when the survey finished. During the period of peak demand, the mall parking lot was approximately 75% full. Parking demand was very heavy on the front side of the mall between Home Depot and the mall's southwest entrance. These areas were nearly 100% occupied and vehicles were observed waiting for spaces to open. On the backside of the mall, parking was easily locatable in most parking fields. In front of Dave and Busters, the parking demand peaked at 5:00 PM, when the parking field was approximately 50% occupied. At this time, there were approximately 450 vacant parking spaces in the parking field immediately adjacent to Dave and Busters, and approximately 500 vacant spaces in the nearby parking structure.

Before this survey, the most recent non-holiday season parking surveys at the Great Mall of the Bay Area were conducted in October of 2004. During those surveys, Friday parking demand peaked at 63% of occupancy, and weekend parking demand peaked at 79% occupancy. Thus, the current non-holiday parking demand at the mall is slightly lower than the historical data.

### **Impact of Proposed Increase in Seating Capacity**

Dave and Busters is proposing to increase their seating capacity by 101 seats. The City of Milpitas parking code for restaurants requires 1 parking space for every 3 seats, plus 10% for employee parking. Thus, the proposed seating increase would correspondingly increase parking demand in front of Dave and Busters by approximately 37 vehicles. During the parking surveys conducted in July of 2007, there were at least 140 parking spaces available in the parking field immediately adjacent to Dave and Busters during all hours of the day. There also were hundreds of additional parking spaces available in the parking structure located to the south. Thus, there would be plenty of available parking spaces to accommodate the proposed increase in seating capacity at Dave and Busters during the non-holiday season.

During the holiday season, the mall experiences a considerable increase in parking demand. However, based on the parking surveys conducted during the 2004 holiday season, 10% of the mall's parking spaces are still vacant during the highest hours of parking demand. Nearly all of these vacant spaces are located on the back side of the mall, inside the existing parking structure. Thus, it would be more difficult for Dave and Busters patrons to locate parking spaces during the holiday season. The City of Milpitas currently requires the Great Mall to implement a holiday parking management program. The purpose of the plan is to insure that the available parking supply is utilized to the greatest extent. In conjunction with the proposed increase in seating, the City is requesting that Dave and Busters be an active participant in the mall's holiday season parking management program. For example, Dave and Busters could provide incentives for employees to park on the top floor of the parking structure between Thanksgiving and New Years, thereby increasing the available parking supply for patrons in the closest parking fields.

### **Conclusion**

The Great Mall of the Bay Area currently has sufficient parking supply to accommodate its non-holiday season parking demand. Based on new parking surveys conducted in July of 2007, parking demand at the Great Mall peaked at 75% of capacity. In front of Dave and Busters, parking demand peaked at 85% of capacity, during which, there were approximately 140 vacant spaces. The proposed seating increase at Dave and Busters would increase parking demand by approximately 37 spaces. Thus, during the non-holiday season, there would be sufficient parking supply in front of Dave and Busters to accommodate this increase. During the holiday season, it would be more difficult for Dave and Busters patrons to locate parking spaces, but vacant parking stalls would still be available within a reasonable walk in the adjacent parking structure.

This concludes our analysis. If you have any questions, please do not hesitate to call.

Sincerely,

HEXAGON TRANSPORTATION CONSULTANTS, INC.



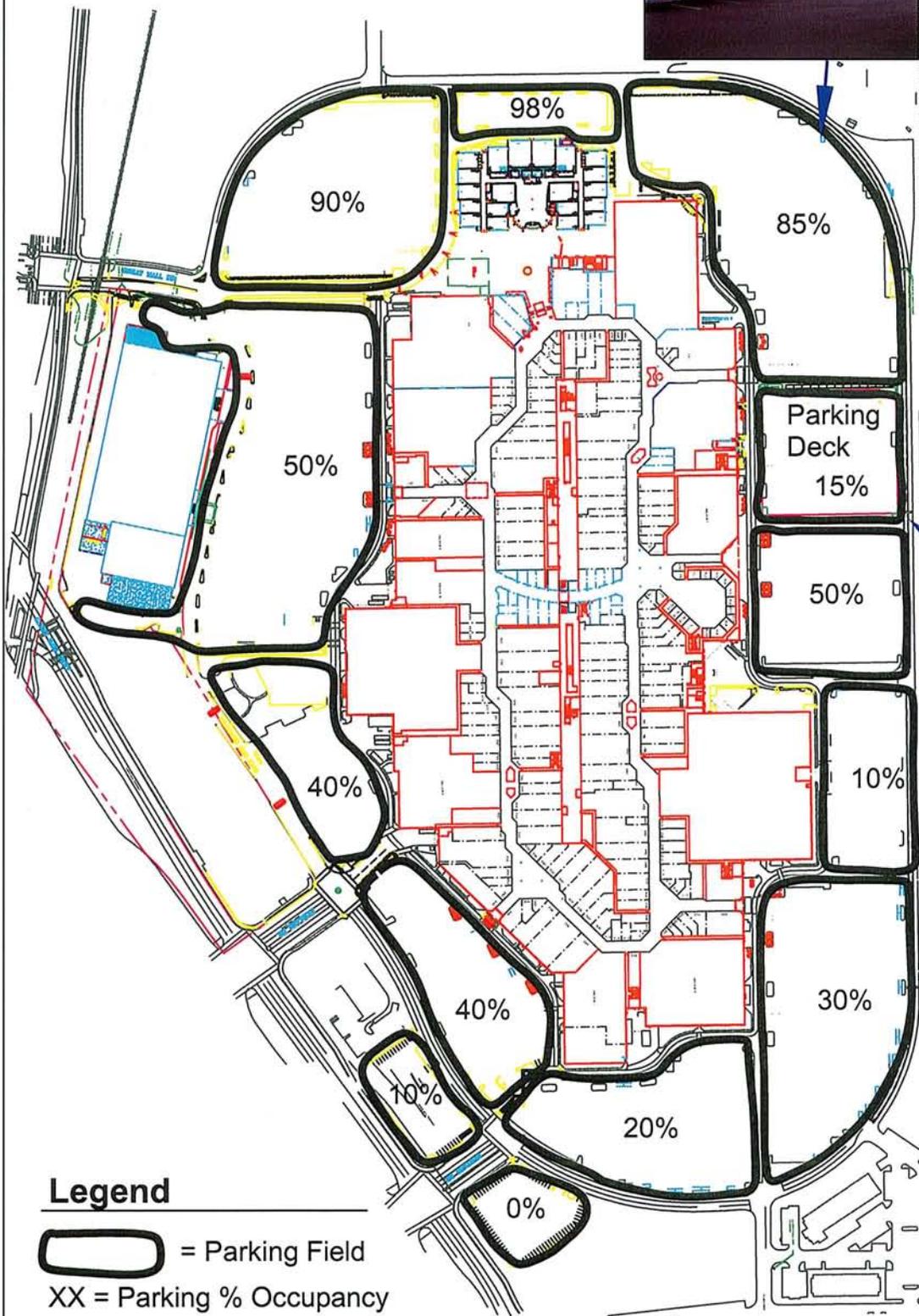
Brett Walinski P.E.  
Principal

Attachments: Table 1, Figures 1 – 3

**Table 1  
Great Mall Parking Surveys - Non Holiday Season**

Time	Friday Evening 7/13/07			Saturday Afternoon 7/14/07			Sunday Afternoon 7/15/07				
	Demand*	Supply*	% Occupancy	Time	Demand*	Supply*	% Occupancy	Time	Demand*	Supply*	% Occupancy
5:00 PM	2,815	6,705	42%	3:00 PM	4,425	6,705	66%	12:00 PM	2,475	6,705	37%
6:00 PM	3,050	6,705	45%	4:00 PM	4,573	6,705	68%	1:00 PM	3,277	6,705	49%
7:00 PM	3,788	6,705	56%	<b>5:00 PM</b>	<b>4,668</b>	<b>6,705</b>	<b>70%</b>	2:00 PM	4,236	6,705	63%
<b>8:00 PM</b>	<b>4,090</b>	<b>6,705</b>	<b>61%</b>	6:00 PM	4,451	6,705	66%	3:00 PM	4,823	6,705	72%
9:00 PM	3,180	6,705	47%	7:00 PM	4,279	6,705	64%	<b>4:00 PM</b>	<b>5,014</b>	<b>6,705</b>	<b>75%</b>
10:00 PM	1,710	6,705	26%	8:00 PM	4,081	6,705	61%	5:00 PM	4,563	6,705	68%
11:00 PM	1,602	6,705	24%	9:00 PM	2,912	6,705	43%	6:00 PM	4,156	6,705	62%

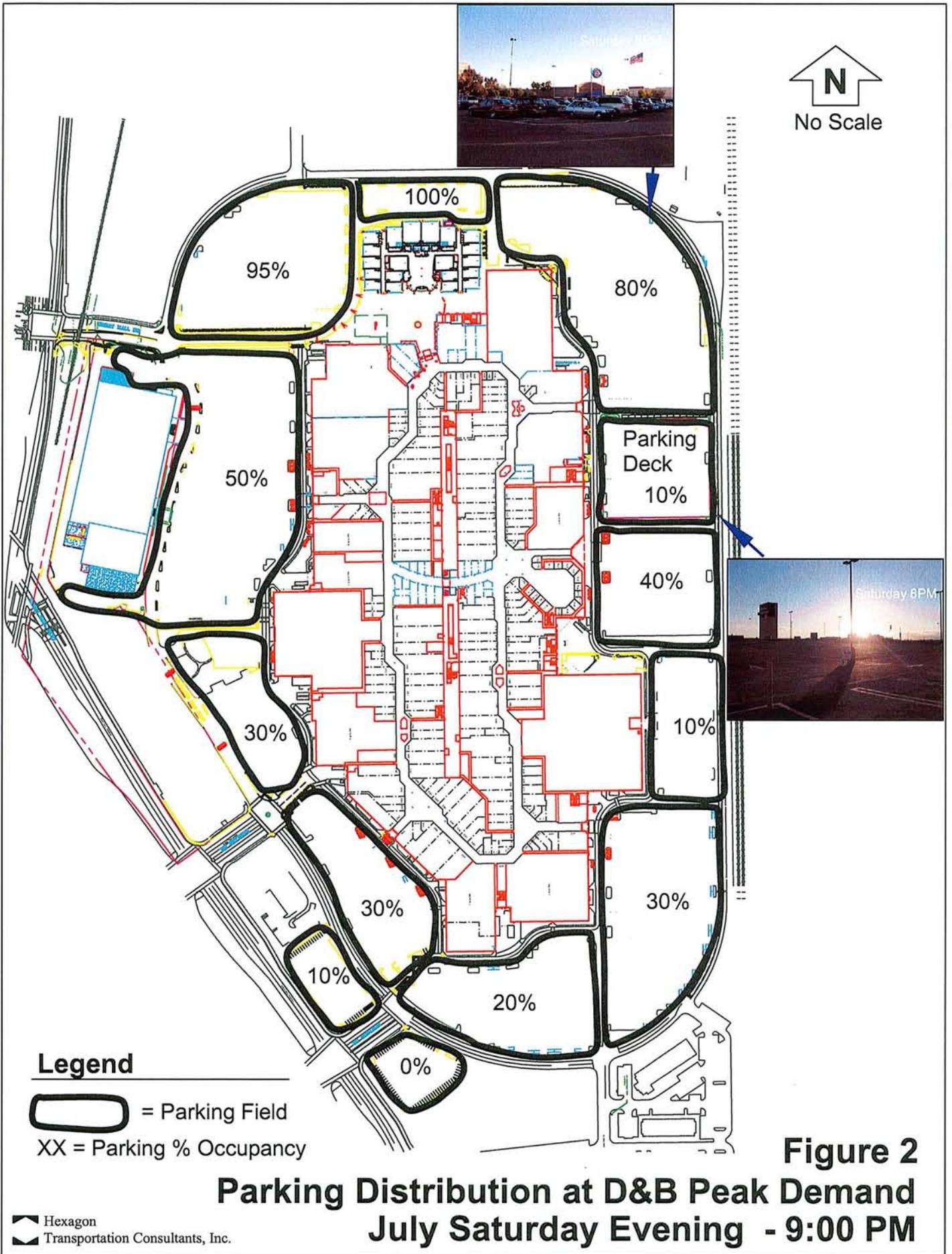
\* Does not include handicapped or motorcycle spaces  
Peak Hour in **BOLD**

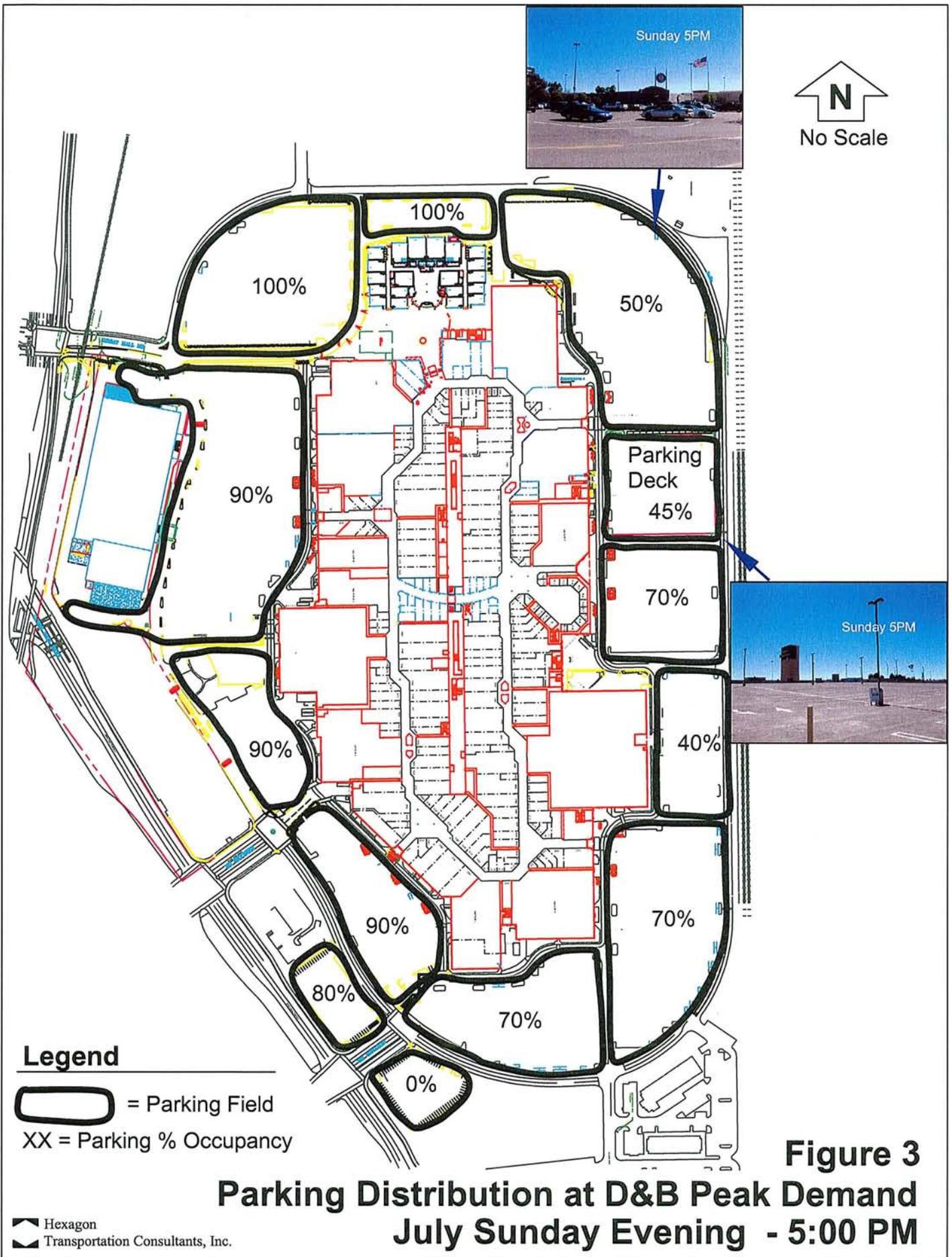


**Legend**

-  = Parking Field
- XX = Parking % Occupancy

**Figure 1**  
**Parking Distribution at D&B Peak Demand**  
**July Friday Evening - 9:00 PM**





# MEMORANDUM

*Economic Development Department – City Manager’s Office*

---



**To:** Cindy Hom, Planning Division  
**From:** Joseph J. Oliva III, Principal Transportation Planner  
**Subject:** Dave and Buster’s Use Permit  
**Date:** October 2, 2007

---

This memorandum is in regards to the application submitted for a Use Permit Amendment for the Dave & Busters Restaurant located at the Great Mall of the Bay Area. The project location is at the northern end of the Great Mall. A comprehensive Parking Accumulation Study was prepared by Hexagon Transportation Consultants, Inc. that measured hourly parking demand for the entire Great Mall on Friday July 13<sup>th</sup>, Saturday July 14<sup>th</sup> and Sunday July 15<sup>th</sup> 2007.

The application is to increase the occupancy inside the Dave & Busters Restaurant from 617 to 718 seats, resulting in an increase of 101 seats. The Milpitas Zoning Ordinance requires one parking space per three seats (34 spaces) plus 10 percent for employee parking (3) for a total of 37 parking spaces.

A supplemental Environmental Impact Report (SEIR) was prepared and certified by the City Council in 1998 that evaluated the traffic and parking impacts of converting a portion of the Great Mall from retail to “Entertainment” uses. The “Blanket Use Permit” that resulted cleared the way for converting retail space to restaurant space. This development proposal is covered within the number of restaurant seats allocated to the “Blanket Use Permit” for the Great Mall.

The Hexagon study documented a maximum parking utilization of 75 percent. Therefore nearly 1,700 parking spaces are available during peak non-holiday times. Also, the parking fields south and east of the Restaurant and the existing parking structure have excess capacity during peak parking periods. The peak holiday season (Thanksgiving to Christmas) is when parking demand at the Great Mall increases significantly. The Great Mall is required to implement mitigation measures to maximize parking supply during the holiday season. The mitigation measures included in the Holiday Parking Management Plan are installing Changeable Message Signs (CMS’s) at major mall entrances directing patrons to available parking, assigning personnel to direct patrons into parking spaces and securing additional off-site parking for mall employees.

The Dave & Busters Restaurant should be required to offer an employee “Holiday Parking Incentive” program to all their employees between Thanksgiving and Christmas. This program would offer incentives such as cash, raffle prizes or time off for employees who park in the parking structure during the holiday peak parking period. Milpitas Transportation Planning Staff would be available to assist the applicant in preparing this program.

Attachment: Great Mall of the Bay Area Parking Study prepared by Hexagon Transportation Consultants

Cc: Diana Whitecar, Economic Development Director  
Felix Reliford, Acting Planning and Neighborhood Services Director  
Sheldon Ahsing, Senior Planner  
Janice Spuller, Assistant Transportation Planner



John W. Johnson  
*Co-President  
Architect*

Brian F. Zita  
*Co-President  
Architect*

John B. Hicks  
*Vice President*

*Regional Managers*

Brad A. Gubser  
Jesse E. Macias  
Roy W. Pedro  
Alan K. Shimabukuro  
John W. Strobel

Established 1966

*Offices*

ANAHEIM, CA  
BELLEVUE, WA  
CAMAS, WA  
DENVER, CO  
MARTINEZ, CA  
PETALUMA, CA  
ROSEVILLE, CA  
SCOTTSDALE, AZ

October 5, 2007

Ms. Cindy Horn  
Staff Planner,  
City of Milpitas  
455 East Calaveras Blvd.  
Milpitas, CA 95035-5479

**RE: User Permit Amendment No. UA2007-6**

Dear Ms. Horn:

The purpose of the application is to amend the special use permit to allow Dave and Buster's to convert the billiards area for parties.

Dave & Buster's operates 50 stores across the US. They are similar in design and function. They vary in size from 30,000 square feet to 70,000 square feet, but the major uses are duplicated in each unit. The largest functional area is the Midway, the electronic and skill game section. The games are in one large room called the Midway. In addition to games, there is a sizable portion of the space dedicated to food and beverage sales and consumption. There is a bar with fixed stools, booths, tables with movable chairs and tables between most of the games. Food service is available throughout the Midway via a constantly circulating wait staff. Many customers eat at the tables between the games as well as the more traditional seating areas. Food and beverage service accounts to more than 50% of the revenue. There are approximately 200 gaming positions in the Midway. Some are multi-player, but most are single player.

Over the almost 25 years of operating these stores, Dave & Buster's has learned optimum use of the spaces. The Midway is one of these primary spaces. Dave & Buster's has evolved their game offerings as the technology has evolved, but there is a basis to providing the best possible atmosphere to the dining and gaming customers. Controlling the occupant load is one of the critical components.

Since there are only 200 gaming positions in the Midway, it is important not to overcrowd the Midway. With too many people in the Midway, no one has fun. The games are invariably being used and often time, there is a



Ms. Cindy Horn  
City of Milpitas  
October 5, 2007  
Page 2

waiting list at the more popular games. When there is a smaller load in the Midway, everyone has a better time.

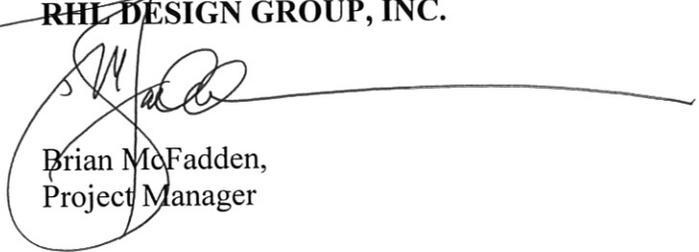
Universally, the restaurant or the un-concentrated assembly use, at 15 square feet more accurately matches the D&B Midway use. Once we remove the space occupied by large items such as games, the resultant occupied load is an accurate representation of safe and a space that is not over-crowded.

The assembly use designated for gaming floors (keno, slots, etc.) does not apply to the D&B Midway use. The casino or similar use is a high density machine placement, which is usually 5 times the number of player positions than found in D&B. There is no ongoing food service in the gambling areas. The casino use at 11 square feet/person covers the game positions of about 1,100, which matches a casino's game density. Dave & Buster's has only 200 gaming positions and certainly doesn't need 1,100 people in the Midway to use only 200 games. With the casual nature of Dave & Buster's with full food service, the restaurant or un-concentrated use at 15 square feet per person is the appropriate application for the Midway use.

Dave & Buster's is capable of exciting 4500 people, but would not serve D&B well and would represent over-crowding. The occupant loads are based upon the 15sflperson as the true measure of the intended use.

Respectfully submitted on behalf of Dave & Buster's.

Sincerely,  
**RHL DESIGN GROUP, INC.**



Brian McFadden,  
Project Manager

Cc: Cari Chancellor- Dave & Buster's

---

**From:** pdavallou@yahoo.com  
**Sent:** Monday, October 01, 2007 8:55 PM  
**To:** Cindy Hom  
**Subject:** [BULK] No way would I want Dave Busters to increase its capacity

**Importance:** Low

Dave and Busters has brought so much corruption into our community like you never would think unless you lived right there at the Parc Metropolitan. No way should Dave and Busters increase it's capacity which would equate to more corruption. I live facing Dave and Busters and if you could see how many people who come straight from Dave and Busters go down to our flood zone area park and party. The yelling and shouting and the breaking of bottles and cars racing are usually at their worst on Thursdays thru Saturdays. Anyways I say no way should Dave and Buster should be allowed to increase it's capacity. I hope I have made my point clear and believe me I am not the only one that feels that way, but our whole block does. So for the sake of the people and not for more revenue for the city please do not allow this request of Dave and Busters to go thru. Thank you.

Perry Davallou

```
<html><body leftmargin="0" topmargin="0"><a href="http://www.eworldbusinesscard.com/305839_c4d3a.ewp"></a><br><font size="-4"  
style='font-size:6.0pt'><br></font><font face="Arial" size="2"><a  
href="http://www.eworldbusinesscard.com/305840_6ca35.ewp">Get Your Own Free Email Business  
Card</a> | </font><font face="Arial" size="-2"><a  
href="http://www.eworldbusinesscard.com/305841_fb8ca.ewp">Add to an online address  
book</a></font><br><font face="Arial" size="2"><a  
href="http://www.eworldbusinesscard.com/305842_0ca82.ewp">Click to See Sender's  
Card</a></font><br><font face="arial" size="-4" style='font-size:1.0pt'>  
http://www.eworldbusinesscard.com/305842_0ca82.ewp</font><br><br></body></html>
```

---

Luggage? GPS? Comic books?

Check out fitting gifts for grads at Yahoo! Search [http://search.yahoo.com/search?fr=oni\\_on\\_mail&p=graduation+gifts&cs=bz](http://search.yahoo.com/search?fr=oni_on_mail&p=graduation+gifts&cs=bz)

---

**From:** jl8888 [jl8888@gmail.com]  
**Sent:** Sunday, September 30, 2007 1:36 PM  
**To:** Cindy Horn  
**Cc:** 'Jack'  
**Subject:** A request to increase banquet seating capacity

Hi Cindy,

We are not available to attend public hearing on 10 October, 2007.

We DO NOT want Dave and Buster's request to increase banquet seating capacity.

Best regards,

Jack

10/5/2007