

**MILPITAS PLANNING COMMISSION AGENDA REPORT**

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Category: Public Hearing

Report Prepared by: Tiffany Kunsman

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

Notices Mailed On: 10/12/07 Published On: 10/11/07 Posted On: 10/12/07

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**TITLE: CONDITIONAL USE PERMIT NO. UP2007-24 & “S” ZONE AMENDMENT NO. SA2007-54**

Proposal: A request to renovate and add exterior modifications to an existing 8,941 square foot suite (unit # J-1) to allow for the change of use from retail to a restaurant and bar serving a full range of alcoholic beverages indoors, located within the Great Mall.

Location: 1350 Great Mall Drive

APN: 086-24-060

**RECOMMENDATION: Approve with conditions.**

Applicant(s): Elephant Bar Restaurant, 142141 Fire Stone Blvd. # 315, LA Mirada, CA 90638

Property Owner(s): Grgg Goodman, EVP., 447 Great mall Dr., Milpitas, CA 95035

Previous Action(s): General Plan Amendment, Rezone, “S” Zone Approval, Conditional Use Permit, EIA’s, and various amendments and conditional uses permitted.

Environmental Info: Categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities)

General Plan Designation: General Commercial

Present Zoning: General Commercial with an “S” Combining District (C2-S)

Existing Land Use: Multi-Tenant Commercial Building

Agenda Sent To: Applicant and Owners (as noted above)

Attachments: Plan and Applicant’s letter dated January 21, 2007

PJ No. 2500

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## BACKGROUND

In 1955 the subject site, designated Manufacturing, had a Ford auto assembly plant that operated on this site until 1983. A General Plan Amendment was approved by the City in 1993 to change the subject site from Manufacturing to General Commercial. Within that same year, the Planning Commission approved the conversion of the existing auto assembly plant to a regional shopping mall; now known as the Great Mall. The Great Mall opened in 1994.

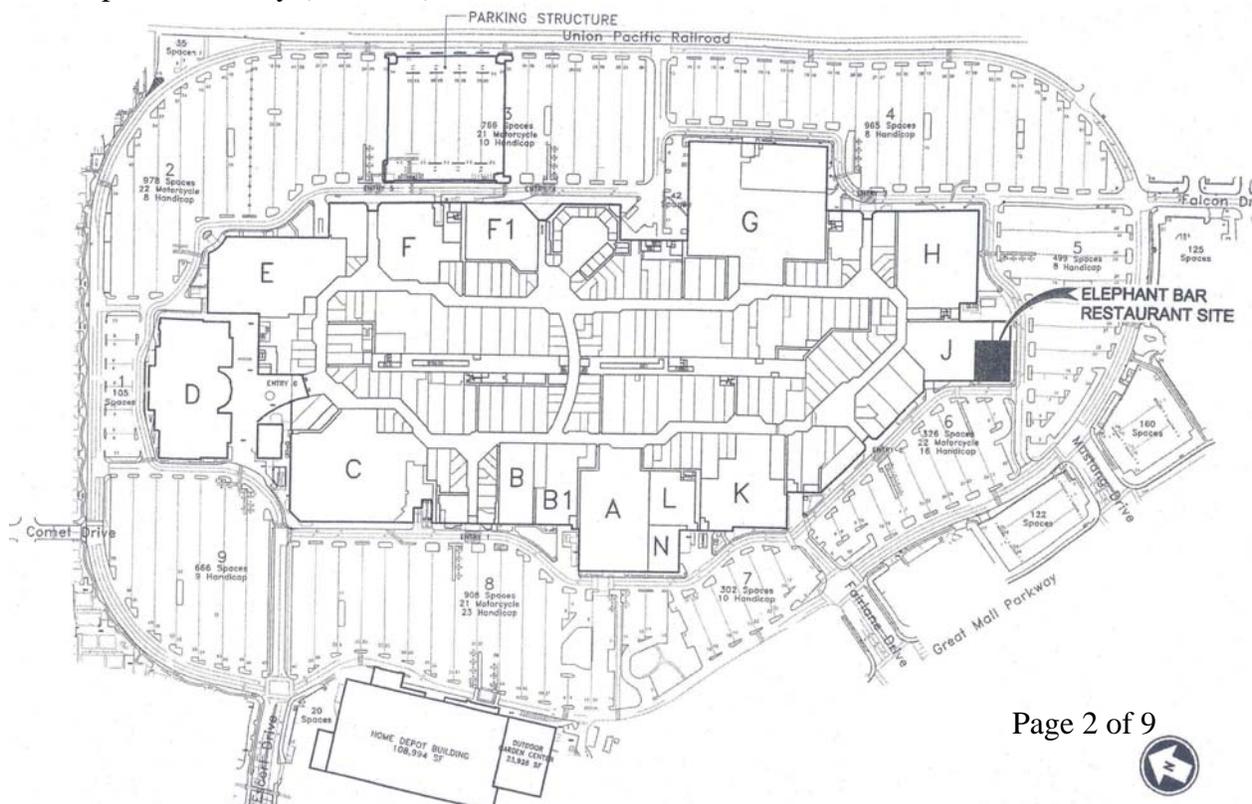
March 24, 1993, The Planning Commission approved a Conditional Use Permit (No. 1167) which acts as a blanket use permit for all restaurants within the Great Mall. August of 1999, there was a Conditional Use Permit for a parking reduction (No. 1166) changing the allowable seats for restaurants at the Great Mall.

In 2004 the Planning Commission approved a Conditional Use Permit Amendment (UA2004-8) and an Addendum to the Environmental Impact Assessment (EIA No. 749) for parking modifications affecting Kohl's, and modifications to existing conditions of approval related to the re-use of the 60,000 square feet of gross leaseable area (GLA).

Since then, there have been many subsequent entitlements approvals including but not limited to exterior modifications such as new store frontages and signs.

## SITE DESCRIPTION

The Great Mall is one of the regional malls in the Bay Area. It extends over 103 acres of land located on the east side of South Main Street, just west of Union Pacific Railroad tracks, and just north of Great Mall Parkway. The General Plan and Zoning designate this site as General Commercial with a "S" combining district for site and architectural review (C2-S). Surrounding zoning includes: Multi-Family High Density to the north (R3), Heavy Industrial to the east (M2), Multi-Family Very High Density with a Transit Oriented Development Overlay (R4-TOD) to the south, and Heavy Industrial/Multi-Family Very High Density with a Transit Oriented Development Overlay (R4-TOD)/Multi-Family High Density with a Transit Oriented Development Overlay (R3-TOD) to the west.



## **PROJECT APPLICATION**

This project application is submitted pursuant to- Title XI, Chapter 10, Section 319.03-1 (General Commercial, Conditional Uses – Restaurants) and Section 57 (Conditional Uses Permitted by Commission) of the Milpitas Zoning Ordinance. The applicant is requesting approval to renovate and add exterior modifications to an existing 8,941 square foot suite (unit # J-1) to allow for the change of use from retail to a restaurant and bar serving a full range of alcoholic beverages indoors, located within the Great Mall.

## **PROJECT DESCRIPTION**

The applicant is proposing to renovate a portion of an existing retail suite resulting in two suites located on the southeast end of the Great Mall. The new suite will consist of 8,941 square feet and change the use from retail to restaurant. Elephant Bar is an upper end family style restaurant with a full service bar that is open from 11:00a.m. to 11:00 p.m. Elephant bar is proposing 307 seats with a bar and minor exterior changes to the façade of the building. See images below.

South Elevation



West Elevation



The project proposes to include along the sphere shaped façade on the west elevations a band of diamond shaped metal work standing 16” inches in height, protrude away from the building about 5” inches, and will be lit with “halo effect” lighting that lights the metal work around the sphere. The “halo effect” style of lighting is meant to light up the building for aesthetic purposes and will not create a bright light that may obstruct neighboring tenants.

Elephant bar is also proposing site improvements by adding 24” box trees and shrubbery along the base of the façade of the building. (*See elevations above*)

**Site layout and access**

Commercial:

The Great Mall has a total of five entrances, one off Montague Expressway, two off Great Mall Parkway, and two off S. Main Street. There are two entrances very close to the proposed location of Elephant Bar; one being of Montague Expressway and the other is off Great Mall Parkway.

**Parking**

Commercial:

March 24, 1993, The Planning Commission approved a Conditional Use Permit (No. 1167) which acts as a blanket use permit for all restaurants within the Great Mall. The purpose of the blanket use permit is to calculate how many restaurants, taking into account the size of each restaurant, can be incorporated within the Great Mall and still have an adequate amount of parking by using the Urban Land Institute (ULI) shared parking methodology. It was determined that allowing a maximum amount of seats for all restaurants will control how many restaurants are allowed with an adequate amount of parking. *For the purpose of defining a seat, the Zoning Ordinance states that one chair or barstool is equal to one seat, 24” inches of bench equals one seat, then presume to use the ratio 1 parking space per every 3 seats.* The Conditional Use Permit allows for a maximum number of 2,740 restaurants seats at the Great Mall. August of 1999, there was a Conditional Use Permit for a parking reduction (No. 1166) changing the allowable seats for restaurants at the Great Mall from a maximum of 2,740 seats to 1,900 seats. Please see chart below.

**Great Mall Restaurant Tally for Use Permit No. 1167**

| Tenant Name                                                             | Amount of Seats | Total allowable seats = 1,900 – restaurant seats |
|-------------------------------------------------------------------------|-----------------|--------------------------------------------------|
| Dave and Busters                                                        | 718             | 1,182                                            |
| Fujisan Sushi                                                           | 66              | 1,116                                            |
| Outback Stake House                                                     | 310             | 806                                              |
| Coconut Grove                                                           | 84              | 722                                              |
| Starbucks                                                               | 38              | 684                                              |
| Cyberhunt<br>(modifications to seat supply per use permit UP2002-16)    | 33              | 651                                              |
| Putting Edge<br>(modifications to seat supply per use permit UP2002-44) | 15              | 636                                              |
| Elephant Bar *                                                          | 307             | 329                                              |
| <b>Total Surplus Seats</b>                                              |                 | <b>329</b>                                       |

\* Note: The above chart includes the proposed Elephant Bar Restaurant seats.

Referring to the chart on the previous page, the total amount of unallocated seats including the proposed Elephant Bar is 329 seats. According to the blanket Use Permit (No. 1167), the maximum amount of seats translates to the maximum amount of available parking for restaurants. Staff's position for the Elephant Bar's proposal of 307 seats meets the requirements for the allowed maximum amount of seats and therefore has an adequate amount of parking spaces.

Elephant Bar understands during the \*Holiday Seasons that parking is more impacted at the Great Mall and is willing to work with the City's Transportation Planner on a "Holiday Parking Incentive" program for their employees. This program requires all employees to park within the parking structure at the Great Mall during the Holiday Seasons. This will allow customers to park freely around the Great Mall and puts employees in the underutilized Great Mall Parking Structure.

*\*Holiday Seasons: From November 22<sup>nd</sup> until December 31<sup>st</sup>.*

## **NOISE**

The proposed Elephant Bar hours of operation are 11:00a.m. to 11:00p.m. It is not expected to create a noise level that would obstruct neighbors because all seating is indoors and the Great Mall Security patrols the parking lot areas throughout the night. The location of the new restaurant is on the southeastern portion of the site with West Valley College directly across the parking lot, and Courtyard Marriott motel to the southeast. Based on this information, staff's position is that this proposal will not create a substantial level of noise giving a negative impact on neighboring and adjacent tenants.

## **NEIGHBORHOOD/COMMUNITY IMPACT**

The project is expected to have a positive community impact by generating additional business and increasing patronage at the shopping center. Based on this, staff's position is that this proposal will not have a negative community impact because the project is located within an existing commercial center and the parking requirements are satisfied with the existing on-site parking spaces.

## **CONFORMANCE WITH GENERAL PLAN**

The project conforms to the General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with the following General Plan Implementing Policies.

*Implementing Policy 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.*

*Implementing Policy 2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance.*

Analysis: The proposed project is consistent with Implementing Policy 2.a-G-1 in that the new restaurant location will serve the neighboring tenants and other residential/industrial uses surrounding the area. The proposed project is consistent with Implementing Policy 2.a-I-3 in that the new restaurant promotes a strong economy through the balance of supporting neighboring customers.

## **CONFORMANCE WITH THE ZONING ORDINANCE**

The proposed project is located in the General Commercial (C2) zoning district and is conditionally permitted with a Conditional Use Permit. The project does not propose any building or site modifications that impact development standards for setback, height, FAR, landscaping, and parking. The use is consistent with the proposed and intent of the Industrial Park district and provides a restaurant use that would serve adjacent uses including neighboring residents.

## **CONFORMANCE WITH CEQA**

Planning Staff conducted an environmental assessment in accordance with the California Environmental Quality Act (CEQA). This Project is categorically exempt from further environmental review pursuant to Class 1, Section 15031 (“Existing Facilities”) of the CEQA Guidelines.

## **RECOMMENDATION**

Close the Public Hearing. Approve Conditional Use Permit No. UP2007-24 and “S” Zone Amendment No. SA2007-54 based on the Findings and subject to the Special Conditions of Approval listed below.

## **FINDINGS**

1. The proposed use is consistent with the City of Milpitas General Plan in terms of land use because the business is compatible with the neighboring service businesses, encourages economic pursuits and promotes business within the City.
2. The proposed restaurant is consistent with the City of Milpitas Zoning Ordinance because the proposed use is a conditionally permitted use in the General Commercial (C2) zoning district.
3. As conditioned, the proposed restaurant will not be detrimental or injurious to the public health, safety, and general welfare to adjacent future tenants or the surrounding community because the proposed use will not generate additional traffic or a parking deficit is an ancillary use for the neighboring school and motel.

## **SPECIAL CONDITIONS**

1. This Conditional Use Permit approval is for an 8,941 square-foot Elephant Bar Restaurant at 1350 Great Mall Drive with office hours starting at 11:00a.m. to 11:00p.m., as depicted on the approved plans dated received August 27, 2007. Any modification to the approved plans, addition of seating, or change in nature of the operation shall require review and approval by the Planning Commission of an amendment to this Conditional Use Permit. The Planning Division staff may approve minor changes, as per Sec. 42-10-2 of the Milpitas Zoning Ordinance, to approved plans. (P)
2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved plans. (P)
3. 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 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. (P)

4. Prior to building permit issuance, the applicant shall submit to the Planning Division a program assigning restaurant staff responsibility for complying with the following guidelines. The restaurant shall adhere to the following guidelines in perpetuity:
  - a. Keep garbage dumpsters clean inside and out; replace very dirty dumpsters with new, clean ones.
  - b. Double or triple bag waste to prevent leaking.
  - c. Please, do not drop or throw, waste-filled bags, to prevent leaking.
  - d. Keep the ground under and around the garbage dumpsters swept.
  - e. Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach. (P)
5. The business owner shall hold training sessions to instruct their employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all State and local health and sanitation standards (refer to the County of Santa Clara Department of Environmental Health at (408) 729-5155 for their guidelines). Prior to building permit final, the business owner shall submit an outline of the format and number of training sessions to the Planning Division to address; training in preparation of opening, for new employees, and for annual recurring training. (P)
6. Washing of containers and equipment shall be conducted in the kitchen area such that wash water may drain into the sanitary sewer. (P)
7. Pursuant to the City Noise Ordinance (Section V-213-3), all amplified sound systems such as restaurant music that can be heard out side of the restaurant toward the parking area shall cease by 10:00 p.m. due to proximity to neighboring tenants and or residences. In addition, during the event hours if music is played, the volume shall be maintained at a level that is not disruptive to neighboring businesses and residences. (P)
8. Prior to building permit issuance, the applicant shall submit tenant improvement plans that incorporate the following requirement: All floor drains, trash compactors, and indoor or covered mat and equipment washing areas shall drain to the sanitary sewer. (P)
9. Prior to building permit issuance, the applicant shall submit the “Holiday Parking Incentive” program for the Elephant Bar employees as mentioned in the Memorandum prepared by Joseph J. Oliva III, Principal Transportation Planner.
10. If at the time of application for building permit there is a project job account balance due to the City for recovery of fees, review of permits will not be initiated until the balance is paid in full. (P)
11. Prior to serving alcoholic beverages at the Elephant Bar, managers and staff serving alcohol shall attend a Responsible Beverages Service Training program and implement

- the policies and procedures preventing alcohol sales and services to minors and intoxicated persons. (P)
12. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
  13. No sign(s) are approved with this Conditional Use Permit. All signs shall comply with the Approved Sign Program for the Great Mall sign program and shall be reviewed in accordance with the City's Zoning Ordinance. (P)
  14. Applicant/property owner shall be responsible for the trash collection and recycling services account. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with Allied Waste Services/BFI for commercial services:
    - a. Maintain an adequate level of service for trash collection.
    - b. Maintain an adequate level of recycling collection.
    - c. Maintain a Tallow account and keep the tallow bins clean. (E)
  15. After the applicant has started its business, the applicant shall contact Allied Waste Services/BFI 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, x-264. (E)
  16. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)
  17. 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)
  18. It is the applicant's responsibility to obtain any necessary encroachment permits or approvals from affected agencies or private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
  19. If the existing services (water, sewer and storm) are not adequately sized to serve this additional development, plans showing new services must be submitted and approved prior to building permit issuance. (E)
  20. Prior to building permit issuance, applicant must pay all applicable development fees, including but not limited to, treatment plant fee, plan check and inspection deposit, and 2.5% building permit automation fee. (E)

21. In accordance with Chapter 6, Title VIII (Ord. No. 240 of Milpitas Municipal Code, the developer shall:

- i) Design the landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape adjacent to existing or future recycled water distribution lines.
- ii) Design the irrigation system in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance the City will submit the plans to the Department of Health Services (DOHS) for approval; this approval requires additional processing time. The owner is responsible for all costs for designing and installing site improvements, connecting to the recycled water main, and processing of City and Department of Health Services approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain copies of design guidelines and standards.
- iii) Protect outdoor eating areas (if any) from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for washing eating areas, walkways, pavements, and any other uncontrolled access areas. (E)

22. 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)

23. Grease trap shall be located outside of City right-of-way and easement. (E)

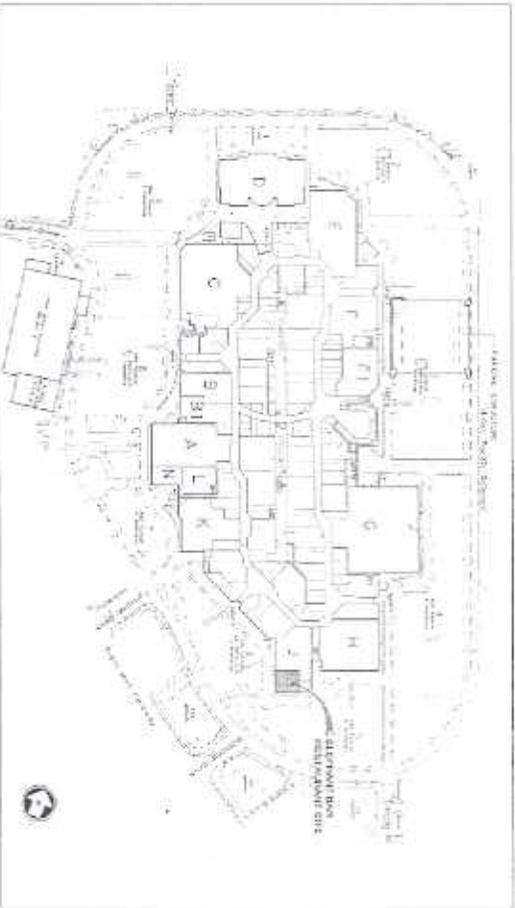
Planning = (P)

Engineering = (E)



THE GREAT MALL OF THE BAY AREA  
 4477 GREAT MALL DRIVE, (SPACE J1)  
 MILPITAS, CA 95035

DEVELOPMENT KEY PLAN N.T.S.



SHEET INDEX

- 0 - TITLE SHEET
- 1 - SITE PLAN
- 2 - FLOOR PLAN
- 3 - BUILDING RELATIONS
- 4 - ROOF PLAN

PROJECT DATA

**PROJECT DESCRIPTION**  
 RENOVATION OF A NEW 100,000 SQ. FT. STORE RESTAURANT,  
 INCLUDING SITE AND LANDSCAPE WORK.

**NAME OF DEVELOPER**  
 1100 sq. ft. / 7 DAYS A WEEK

**LANDLORD**  
 THE MILLS CORP.  
 1000 MILLS DRIVE  
 MILPITAS, CA 95035  
 TEL: (408) 346-0012  
 DONOR: BIRCH WILZ

**ARCHITECT**  
 STOR ARCHITECTS  
 1000 MILLS DRIVE  
 MILPITAS, CA 95035  
 TEL: (408) 444-1180  
 FAX: (408) 444-1180  
 CONTACT: STOR ARCHITECTS

**GENERAL CONTRACTOR**  
 ELEPHANT BAR RESTAURANT  
 1000 MILLS DRIVE  
 MILPITAS, CA 95035  
 TEL: (408) 407-3144  
 FAX: (408) 407-3146  
 CONTACT: RAYMUND BIRCH

VICINITY MAP



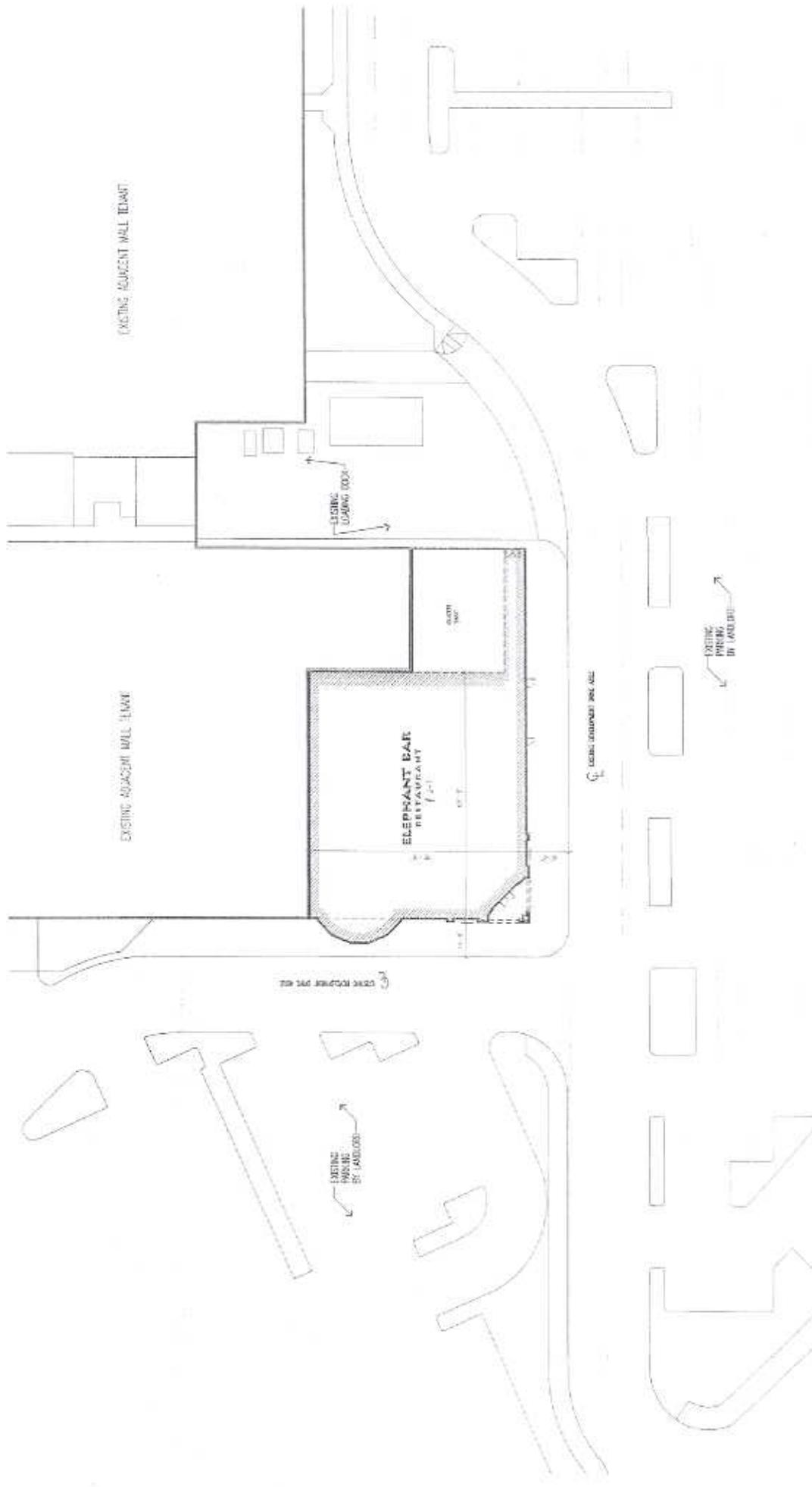
TITLE SHEET



SCHEER TAVAKI DENNEN RILEY ARCHITECTS  
 21804 Avenida Las Bolas  
 Costa Mesa, California 92626  
 (714) 442-1800  
 ARCHITECTURE - INTERIOR DESIGN

0106





SCHEER TANAKA DENNEY RILEY ARCHITECTS  
 71904 Alford Loop 200  
 Costa Mesa, California 92626  
 (714) 441-8900  
 ARCHITECTURE • INTERIOR DESIGN



07/06



SITE PLAN



1"=30'-0"

DATA

FLOOR AREA TABULATION

| ITEM     | AREA     | % TOTAL AREA |
|----------|----------|--------------|
| MEANS    | 233 SF   | 3%           |
| STAIR    | 125 SF   | 2%           |
| BAR      | 1,225 SF | 17%          |
| RESTROOM | 2,140 SF | 29%          |
| STORAGE  | 216 SF   | 3%           |
| OFFICE   | 73 SF    | 1%           |
| OTHER    | 2,129 SF | 29%          |
| TOTAL    | 6,941 SF | 100%         |

SQUARE FOOTAGE:

MEANS: 233 SF

INTERIOR SEATING CAPACITY:

RESTROOM: 20

OFFICE: 10

STAIR: 10

TOTAL: 40

MIRROR TABLE COUNT:

1 TYPE (CORNER): 1 x 20

4 TYPES: 41 x 100

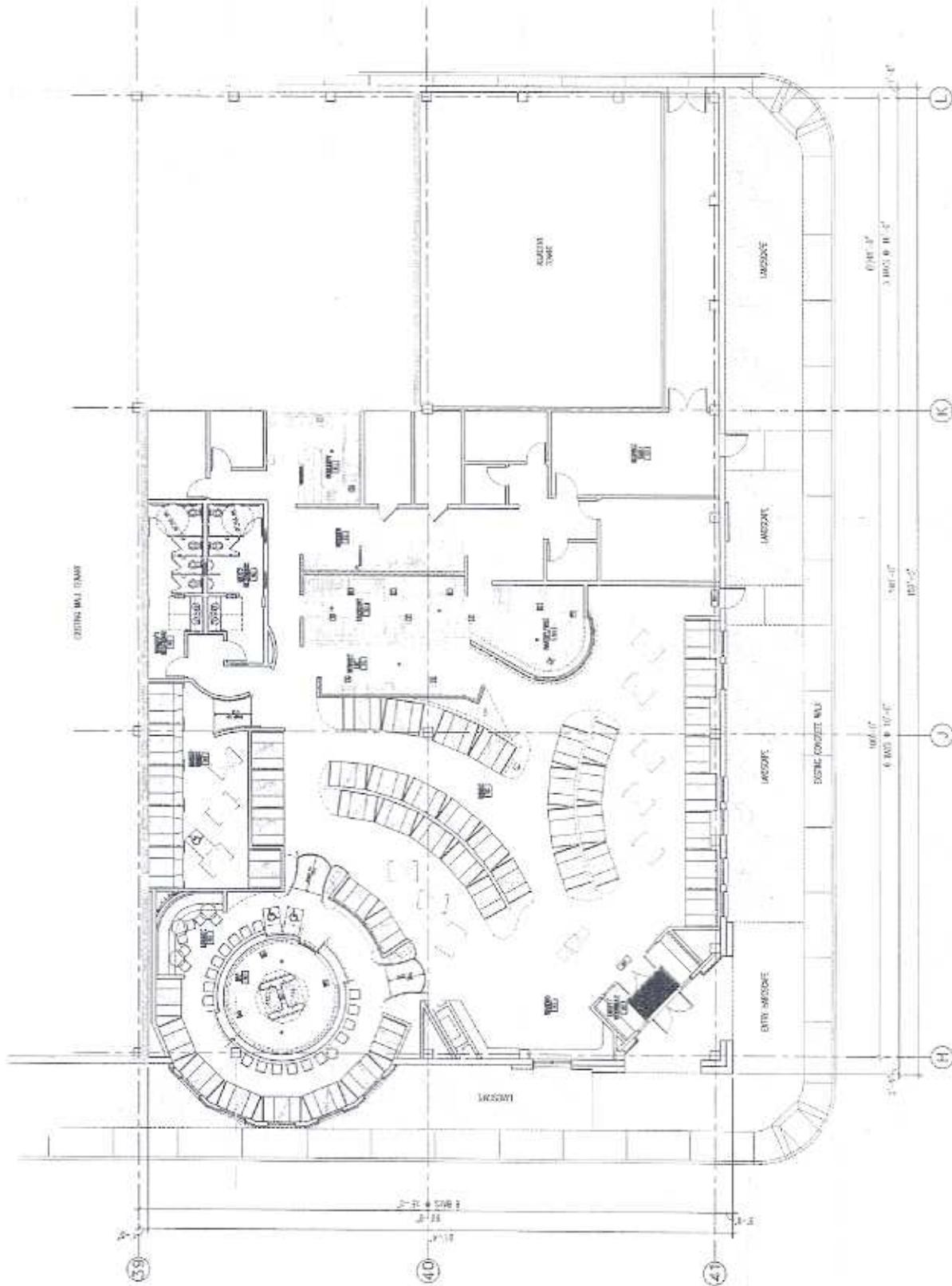
2 TYPES: 17 x 100

TOTAL: 66 x ALL SEATS

SERVICE YARD/CORRIDOR:

SERVICE YARD: 333 SF

SERVICE CORRIDOR: 479 SF



2

SCHERER & BENTLEY ARCHITECTS  
 21004 Airport Loop Drive  
 Costa Mesa, California 92626  
 (714) 441-1580  
 ARCHITECTURE - INTERIOR DESIGN



**ELEPHANT BAR RESTAURANT**  
 21004 Airport Loop Drive  
 Costa Mesa, CA 92626  
 The Great Mall of the Bay Area  
 Milpitas, CA

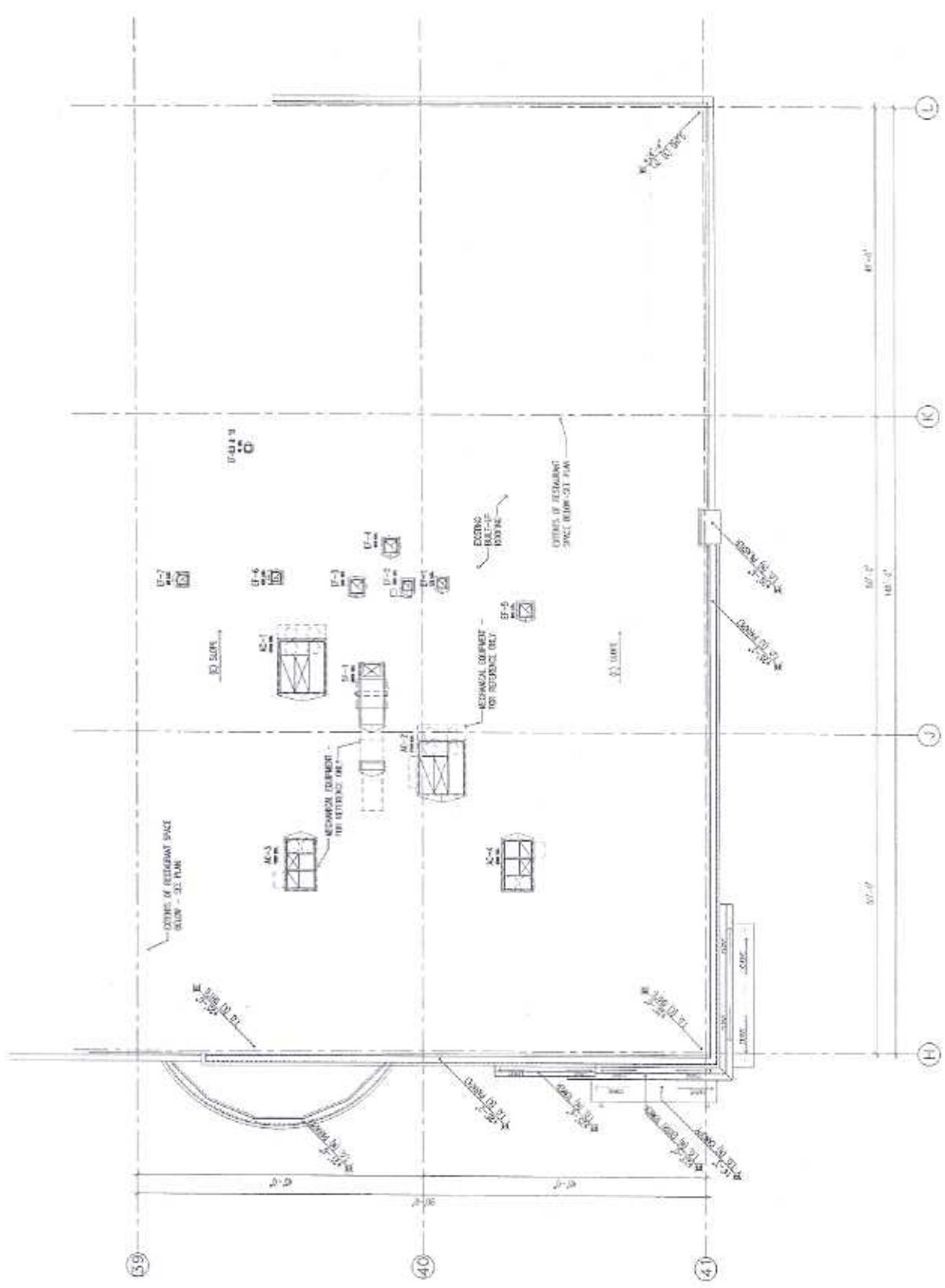
FLOOR PLAN



1/8" = 1'-0"

07/06



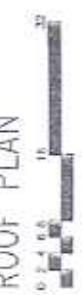


4

SCHEER TIMMALSCHNEIDER ARCHITECTS  
 375X Alameda Drive  
 Costa Mesa, California 92626  
 (714) 444-1835  
 ARCHITECTURE - INTERIOR DESIGN



ROOF PLAN



1/8"=1'-0"

0/04



# MEMORANDUM

*Economic Development Department – City Manager’s Office*

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**To:** Tiffany Kunsman, Planning Division  
**From:** Joseph J. Oliva III, Principal Transportation Planner  
**Subject:** Elephant Bar Restaurant  
**Date:** September 20, 2007

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This memorandum is in regards to the application submitted for a Use Permit for the Elephant Bar Restaurant located at the Great Mall of the Bay Area. The project location is at the southern 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 locate a 307-seat restaurant/bar in an 8,700 square foot tenant space at the Great Mall. The Milpitas Zoning Ordinance requires one parking space per three seats (102 spaces) plus 10 percent for employee parking (10) for a total of 112 parking spaces. The 8,700 square foot tenant space would require one parking space per 1,000 square feet (44 spaces) if the site were developed as retail uses. Therefore, the current application would require 68 additional parking spaces than a retail use.

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 adjacent to the Elephant Bar indicate capacity is available nearby. 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 Elephant Bar 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



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

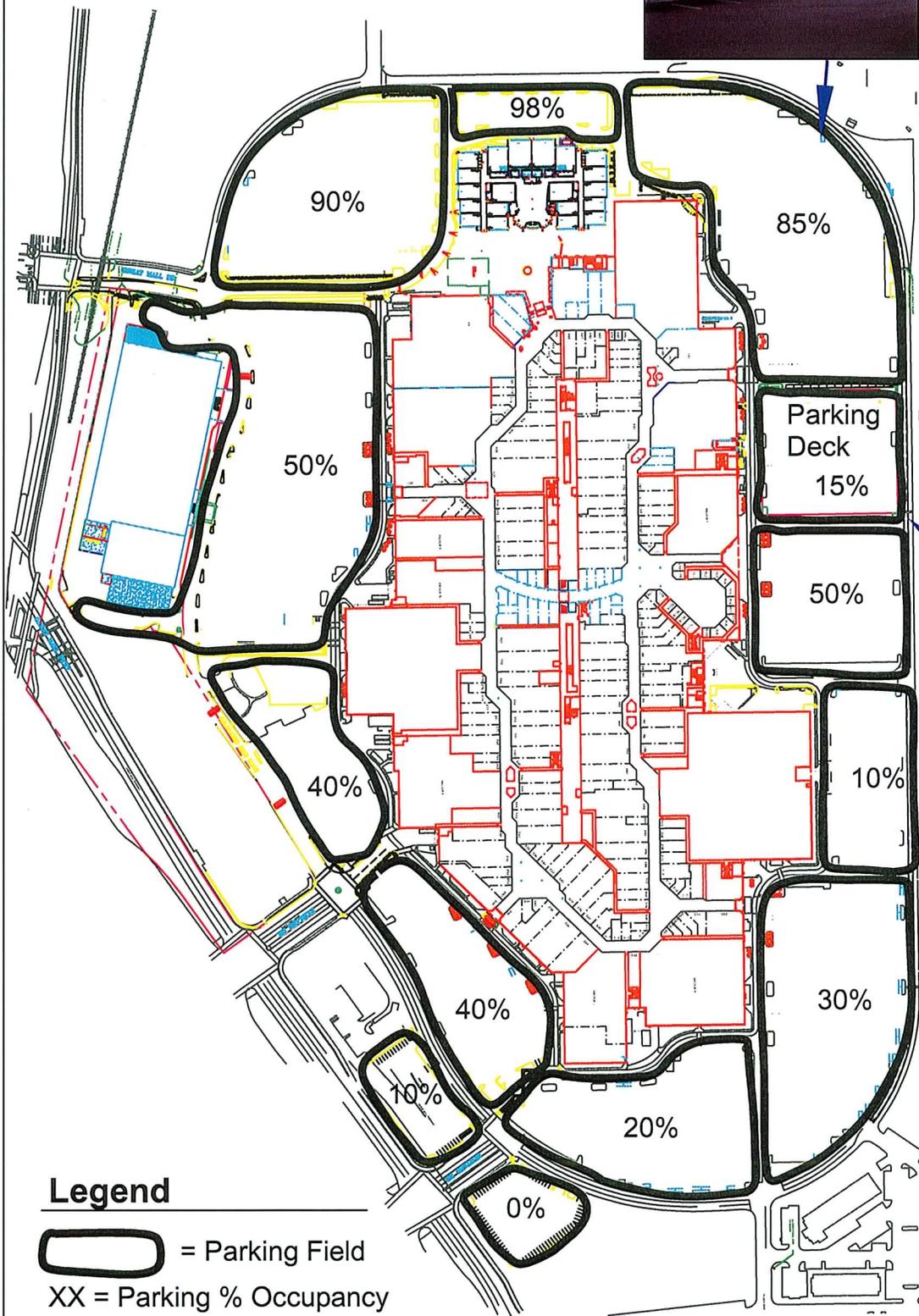
Attachments: Table 1, Figures 1 – 3

**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**

