



City Hall  
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OFFICE OF THE CITY CLERK

March 3, 2005

Greg Pinn  
Pinn Brothers Construction, Inc.  
1475 Saratoga Avenue, #250  
San Jose, CA 95129

Re: Consider Application No.(s) U-2004-01, ASA-2004-02, EA-2004-02, Greg Pinn (Pinn Brothers Construction), 20128 Stevens Creek Boulevard (former Adobe Lounge), APN 369-03-001:

- a) Negative Declaration
- b) Revised Use Permit for a mixed-use retail (2,395 square feet) and residential condominium (23 units) development and for the demolition of an abandoned restaurant building
- c) Revised design for an Architectural and Site Approval for a mixed-use retail (2,395 square feet) and 23 condominium units

Dear Mr. Pinn:

At its March 1, regular meeting, the Cupertino City Council granted a Negative Declaration, accepted the revised Use Permit subject to staff recommendations listed below, and approved the revised design for Architectural and Site approval subject to the conditions set forth in the Use Permit:

- The approval is based on the current revised plan set and revised project of 2,395 square feet of retail space and 23 residential condominiums, and
- That applicable development fees be commensurately adjusted to reflect the reduced scope of the project;
- And the use permit conditions of approval be amended to restrict the commercial building space to only a retail-use.

- o The building permit plans shall substantially conform to the rendering submitted at the City Council meeting as determined by the Design Review Committee in consultation with the architectural advisor.

The Use Permit conditions are as follows:

**SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.**

**1. APPROVED EXHIBITS**

Approval is based on the plan set entitled: "ADOBE TERRACE, A MIXED USE DEVELOPMENT, 20128 Stevens Creek Blvd., Cupertino, CA. 95072" dated 9/17/04 and consisting of eighteen sheets labeled A-0.0 through A5.0, A5.1, A6.0, C1 through C6, L-P1 through L-P4, except as may be amended by the conditions contained in this approval. On sheet L-P4, entry arbor "A" is approved.

**2. NOTICE OF FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS**

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

**3. HEART OF THE CITY LANDSCAPE IMPROVEMENTS**

The applicant shall amend building plans to provide Heart of the City landscape improvements that include:

- a) A sidewalk width of six feet,
- b) Appropriate sidewalk transitions to adjacent properties to the satisfaction of the Director of Public Works. In general, such sidewalk transitions should be poured as separate pieces of concrete, so they may be more easily modified when abutting properties redevelop with Heart of the City landscape improvements.
- c) Flowering Pears in the frontage landscape strip shall be 36" box size trees.

**4. BICYCLE PARKING**

The applicant shall install bicycle-parking facilities in accordance with the City's parking ordinance.

**5. DEMOLITION REQUIREMENT**

All existing structures on the site shall be removed prior to concurrently with project construction. The developer shall assume the responsibility to obtain all required demolition permits in accordance with City Ordinances.

**6. DEVELOPMENT ALLOCATION**

The applicant shall receive an allocation of 29 residential units from the Heart of the City and/or Undesignated residential development pools of the Residential Development Priorities Table of the Cupertino General Plan.

**7. PEDESTRIAN INGRESS/EGRESS EASEMENT**

The applicant shall record an appropriate deed restriction and covenant running with the land, subject to approval of the City Attorney and providing for the benefit of the abutting residential property to the rear of the subject parcel, an easement for pedestrian ingress and egress from the benefitting parcel to Stevens Creek Boulevard.

**8. CUPERTINO SANITARY DISTRICT APPROVAL**

The project may significantly affect surrounding sanitary sewer facilities. The applicant shall participate in a flow study if necessary to determine the impact of the proposed project on the existing sanitary sewer system and make off-site improvements if necessary.

**9. BELOW MARKET RATE UNITS**

The applicant shall comply with the requirements of the Housing Mitigation Manual.

**10. DESIGN REVISIONS**

The applicant shall revise the plans to: 1) provide additional building detailing on the east elevation of the building, 2) modify the underground garage to provide adequate backup space for the end parking stalls, 3) evaluate the possibility of moving one or more of the grade-level handicapped parking stalls to the underground parking garage, and 4) evaluate the possibility of providing an interior stairway from the garage to the ground level near the front of the project.

**SECTION IV. CONDITIONS ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT****11. STREET WIDENING**

Street widening, improvements and dedications shall be provided in accordance with City Standards and specifications and as required by the City Engineer.

**12. CURB AND GUTTER IMPROVEMENTS**

Curbs and gutters, sidewalks and related structures shall be installed in accordance with grades and standards as specified by the City Engineer.

**13. STREET LIGHTING INSTALLATION**

Street lighting shall be installed and shall be as approved by the City Engineer. Lighting fixtures shall be positioned so as to preclude glare and other forms of visual interference to adjoining properties, and shall be no higher than the maximum height permitted by the zone in which the site is located.

**14. STREET TREES**

Street trees shall be planted within the Public Right of Way and shall be of a type approved by the City in accordance with Ordinance No. 125.

**15. GRADING**

Grading shall be as approved and required by the City Engineer in accordance with Chapter 16.08 of the Cupertino Municipal Code. 401 Certifications and 404 permits maybe required. Please contact Army Corp of Engineers and/or Regional Water Quality Control Board as appropriate.

**16. DRAINAGE**

Drainage shall be provided to the satisfaction of the City Engineer.

**Pre and Post-development calculations must be provided to identify if storm drain facilities need to be constructed or renovated.**

**17. UNDERGROUND UTILITIES**

The developer shall comply with the requirements of the Underground Utilities Ordinance No. 331 and other related Ordinances and regulations of the City of Cupertino, and shall coordinate with affected utility providers for installation of underground utility devices. Ordinance No. 331 requires all overhead lines to be underground whether the lines are new or existing. The developer shall submit detailed plans showing utility underground provisions. Said plans shall be subject to prior approval of the affected Utility provider and the City Engineer.

**18. IMPROVEMENT AGREEMENT**

The project developer shall enter into a development agreement with the City of Cupertino providing for payment of fees, including but not limited to checking and inspection fees, storm drain fees, park dedication fees and fees for undergrounding of utilities. Said agreement shall be executed prior to issuance of construction permits.

The Architectural and Site conditions are as follows:

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**Please review conditions carefully. If you have any questions regarding the conditions of approval, please contact the Department of Community Development at 408-777-3308 for clarification. Failure to incorporate conditions into your plan set will result in delays at the plan checking stage. If development conditions require tree preservations, do not clear the site until required tree protection devices are installed.**

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*Any interested person, including the applicant, prior to seeking judicial review of the city council's decision in this matter, must first file a petition for reconsideration with the city clerk within ten days after the council's decision. Any petition so filed must comply with municipal ordinance code §2.08.096.*

Sincerely:



Grace Schmidt  
Deputy City Clerk

cc: Community Development