



OFFICE OF THE CITY CLERK

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366

Re: Consider a modification to an existing Use Permit (U-2004-01) to amend the conditions to allow commercial office uses where only retail had been allowed, Application No. M-2009-07, Catherine Chen (Cupertino Adobe, LLC), 20130 & 20132 Stevens Creek Boulevard, APN 369-03-001

At its October 6, 2009 meeting, the Cupertino City Council approved the modification to the use permit to allow 50% commercial office and 50% retail, but only for the current property owner. (If the property ownership changes, the user permit would revert back to 100% retail use). This letter will serve as your official approval.

The Use Permit conditions are as follows unless modified above:

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. MODIFICATION TO USES ALLOWED

The City Council Action Letter dated March 3, 2005 pertaining to application no. U-2004-01 is hereby modified to allow in the commercial building space, General Commercial uses as defined and as limited in Cupertino Municipal Code Section 19.56 (General Commercial (CG) zoning district).

2. COVENANT RECORDATION

A covenant shall be submitted for review and approval by the City and shall be recorded on the property, stating that this property is under a Planned Development Zone of the City of Cupertino. Purchasers of the property should check with the City of Cupertino to find out the specific restrictions under the Planned Development Zone and related permits.

The covenant shall be recorded prior to issuance of final occupancy of the vacant tenant space.

3. 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.

That the subconclusions upon which the findings and conditions specified in this Resolution are based and contained in the Public Hearing record concerning Application M-2009-07, as set forth in the Minutes of the Planning Commission Meeting of September 8, 2009 and are incorporated by reference herein.

**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: Catherine Chen  
10555 S De Anza Blvd #125  
Cupertino, CA 95014

Cupertino Adobe, LLC  
20130 & 20132 Stevens Creek Blvd  
Cupertino, CA 95014

Community Development