



TEMPORARY CERTIFICATE OF OCCUPANCY PROCEDURE

COMMUNITY DEVELOPMENT DEPARTMENT • BUILDING DIVISION

ALBERT SALVADOR, P.E., C.B.O., BUILDING OFFICIAL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

(408) 777-3228 • building@cupertino.org

BACKGROUND

The Building Division's policy and procedure on considering and approving requests for Temporary Certificate of Occupancy (TCO) for a portion of a building is as follows: The authority for the Building Official to issue a TCO for a portion of a building prior to its full completion is authorized by the 2016 California Building Code Section 111.3, which states in pertinent part:

"The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid."

This Temporary Certificate of Occupancy applies to all occupancy classifications including single family residences, and must be requested in writing by the owner of the property through a TCO application form. If approved, an owner will be permitted to make use of any specific portion or all of their facility for a period of time agreed upon by both the owner of the property and the City while completing the remaining construction work. Along with the required refundable deposit, the cost of the temporary certificate of occupancy is listed below.

The City of Cupertino can authorize a Temporary Certificate of Occupancy on a case-by-case basis, using the following standards:

- All construction activity is approved by the City in the immediate vicinity of the area proposed for occupancy including activity overhead and access to and egress from the area. All ingress and egress to the area proposed for occupancy shall be approved.
- All life safety aspects of construction are approved in the immediate vicinity of the area proposed for occupancy such as fire protection, fire prevention, fire alarms, means of egress, emergency lighting, emergency vehicle access and similar safety features.
- Electrical work must be approved or at the very least, covered in the immediate vicinity of the area proposed for occupancy.
- Sanitary facilities are approved serving the area proposed for occupancy.
- Heating and cooling facilities are approved in the immediate vicinity of the area proposed for occupancy.
- There shall be an accessible path of travel to every area proposed for occupancy.
- A TCO fee for a six month time period shall be paid to the Building Department for each building permit.
 - Except unusual circumstances deemed by the Building Official.
 - Multi-unit buildings such as apartments or office space with separate addresses or permit numbers will be regarded as a single project for the purposes of a Temporary Certificate of Occupancy.

PROCEDURE AND FEES

- 1) Schedule a final mechanical, final electrical and final plumbing inspections with the building department in advance of a TCO inspection. These 3 inspections must be inspected by a building inspector and passed before a TCO inspection can be scheduled.
- 2) Signature approvals from all other Departments and Agencies (i.e. Planning, Public Works, Fire, etc.) shall be obtained on a completed Temporary Certificate of Occupancy Form. Applications can be obtained at the permit counter or online in the 'Building Forms & Fees' link at:
<http://www.cupertino.org/our-city/departments/community-development/building>

The applicant shall indicate why temporary occupancy is needed and the expected time period to complete the remaining items.

Upon obtaining the signature approval from all other Departments and Agencies and final mechanical, final electrical and final plumbing have been inspected and passed, a TCO inspection can then be requested. The Senior Building Inspector and/or appropriate inspector(s) will review the request and, based on the inspection report and correction list identified in the final inspection, determine if a Temporary Certificate of Occupancy can be issued. The applicant will be notified should additional items need to be completed before a Temporary Certificate of Occupancy can be issued.

- 3) When all items are approved and firm dates are established for completion of all outstanding items, the Temporary Certificate of Occupancy form will be signed. The applicant will be directed to take the form the City Hall and pay for the Bond or Refundable Deposit and TCO fee.
- 4) A refundable deposit is required for a Temporary Certificate of Occupancy. A refundable deposit is required for a Temporary Certificate of Occupancy. The amount of the bond is 1% of the valuation of the project. The minimum bond is \$5,000 and the maximum \$10,000.
- 5) All Special Inspections must be completed prior to the request. All Special Inspections must be completed and approved by the City of Cupertino prior to issuing a Temporary Certificate of Occupancy.
- 6) TCO fees will be charged. The Temporary Certificate of Occupancy fee of \$343.00 for a six (6) month time period can be paid at the public counter. The TCO form will be signed verifying payment is made.
- 7) A Temporary Certificate of Occupancy will be issued for a six month time period for each permit. The expiration date of the TCO shall be specified on the form. All outstanding items shall be attached to the TCO form. If all outstanding items are not completed by the expiration date, the TCO will expire, the refundable deposit will be forfeited and a code enforcement case along with an administrative citation and fees may result. If the applicant can not complete all outstanding conditions within the allotted TCO time period, an extension may be requested for review and approval, however, the request shall be made prior to the expiration date of the TCO to avoid forfeiture of deposit.