PURPOSE

The City of Cupertino is committed to keeping our residents and staff safe in times of crisis. In an effort to keep our Building and Planning inspection process moving, Cupertino is utilizing standard video conferencing software to provide virtual inspections for essential activities while building and zoning inspectors comply with the County’s Shelter-in-Place order. The purpose of this policy is to identify the types of construction projects that are deemed essential as per the order issued by the County of Santa Clara Public Health Agency on March 31, 2020 to further limit certain business activities. The order has been extended to May 3, 2020 and provides additional clarification on the types of construction that is allowed while the Shelter-in-Place order is active.

REQUIREMENTS

Below is a summary of excerpts from the Shelter-in-Place order issued by Santa Clara County of March 31, 2020 that pertains to construction:

- Most Construction – residential and commercial – is prohibited. Exceptions are made for healthcare facility construction directly related to the COVID-19 response; affordable housing; public works projects when designated as essential by the lead governmental agency; shelters and temporary housing; projects necessary to provide critical services to certain vulnerable individuals; construction necessary to secure an existing construction site; and limited essential residential or business repairs.

- Construction is restricted to the following types of projects:
  - Projects immediately necessary to the maintenance, operation, or repair of essential infrastructure. This means that construction related to essential infrastructure is not allowed if the infrastructure will not be ready for an extended period of time.
  - Projects associated with healthcare operations, but only if the construction is directly related to the COVID-19 response.
  - Affordable housing, including multi-unit or mixed-use development with at least 10% income-restricted units. Other residential construction is not permitted.
  - Projects immediately necessary to provide critical non-commercial services to those experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs.
Construction strictly necessary to ensure that a site that is shut down under this Order is safe and secure.

Construction or repair necessary to ensure that a residence or a building containing essential businesses is safe, sanitary, and habitable if that work cannot be reasonably delayed.

ESSENTIAL INSPECTIONS

In an attempt to limit the spread of the coronavirus in our community, the only inspections allowed will be for the limited essential residential and commercial construction as defined by the Order issued by Santa Clara County, Department of Public Health. This is to ensure that each residence and essential business will remain safe and to prevent the further spread of COVID-19.

Inspections that pertain to the essential construction projects listed above will be reviewed and approved on a case-by-case basis and shall be approved by the Director of Community Development or designee prior to scheduling the inspection.

PROCEDURES

Permits/Plan Review:
Non-essential building permits will not be issued during the shelter in place order. Essential construction will be evaluated case-by-case. To qualify your project as essential construction, a ‘COVID-19 Essential Work Request’ form shall be submitted to the Building Division for review and approval. A justification letter can be attached to the form. The form shall be signed by both the owner of the property and the licensed contractor responsible for the building permit except a licensed contractor signature will not be required if the permit is taken out as owner-builder.

Construction and Essential Inspections:
To request a building inspection for essential construction during the Shelter-in-Place order, please call the Building Division staff at (408) 777-3228. Online inspection scheduling has temporarily been placed on hold.

To request a zoning inspection for your project, please contact the project planner directly by emailing planning@cupertino.org or by calling (408) 777-3308.

Essential Inspections will be provided only for those projects where:
1. The Scope of Work on permit includes “COVID-EP” at the beginning; or
2. A ‘COVID-19 Essential Work Request’ form is approved and filed with your project.
For a copy of the COVID-19 Essential Work Request form, please email permitcenter@cupertino.org.

Furthermore, all essential construction activities shall practice social distancing and follow all COVID-19 protocols and guidelines stated in the Santa Clara County order.

Filing a Complaint:
To file a complaint about non-essential construction taking place, please contact the Santa Clara County Sheriff’s office at (408) 868-6600.