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, Planning, and Public Works inspection process operational, 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. The order has extended the Shelter-in-Place mandate until May 3, 2020 and provides additional clarification on the type 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.

  Essential Infrastructure includes utilities (including water, sewer, gas, and electrical), roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).
- 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.*
- Shelters and temporary housing, but not including hotels or motels.
- 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.
- Public works projects if specifically designated as an Essential Governmental Function by the City or lead governmental agency.
- 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 City will only conduct inspections for the essential residential and commercial construction as defined by the Order issued by Santa Clara County, Department of Public Health. Work on all other construction projects must cease pursuant to the Order. This is to ensure that each residence and essential business will remain safe and to help prevent the further spread of COVID-19.

Requests for 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 Building Official, the City Engineer or approved designees prior to scheduling the inspection.

**PROCEDURES**

**Permits/Plan Review:**
Construction permits for non-essential construction will not be issued during the shelter in place order. Essential construction will be evaluated on a case-by-case basis. To qualify your project as essential construction, a ‘COVID-19 Essential Construction Permit and Inspection Request’ form shall be submitted to the Building Division, or the Public Works Department as appropriate, 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 permit. A licensed contractor signature will not be required if the construction permit is taken out as owner-builder.
Construction and Essential Inspections:

BUILDING 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.

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

PUBLIC WORKS INSPECTIONS
After having your Essential Work Form approved, please contact the Public Works Inspector at (408) 205-6326 to request an inspection of Public Works essential construction work.

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 Construction Permit and Inspection Request’ form is approved and filed with your project.

For a copy of the ‘COVID-19 Essential Construction Permit and Inspection 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. A copy of the order is available here: (https://www.sccgov.org/sites/phd/DiseaseInformation/novel-coronavirus/Pages/order-health-officer-033120.aspx)

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.