



**CUPERTINO**  
 10300 Torre Ave  
 Cupertino, CA 95014-3255  
 PH: (408) 777-3354  
 FX: (408) 777-3333

# Department of Public Works

## Encroachment Permit Application

Permit # PW-2023-0112  
 Revised 7/2018

Location of Work 21267 Stevens Creek Blvd Building Permit # BLD-2021-0382  
(permit only valid for work on Mary Ave)

Type of Work: check all that apply

- Sidewalk   
  Driveway Approach   
  Curb & Gutter   
  Street Light   
  Curb Ramp  
 Paving   
  Utility Trench   
  Monitoring Well   
  Pool   
  Fiber Cable   
  News Rack  
 Signs and markings  
 Other: Concrete Median. Per approved plans BLD-2021-0382

**Caution: Existing fiber along Mary Ave & Stevens Creek Blvd. May be extremely shallow (6" or less). See page 2 for special conditions & attached fiber map.**

**PERMITTEE:**

Name: [REDACTED]  
 Address: [REDACTED]  
 Phone: [REDACTED]  
 Start Date: 1/03/2022  
 # of Working days: 1 - 2 Months

**CONTRACTOR:**

Name: Joseph J. Albanese  
 Address: 851 Martin Ave., Santa Clara CA 95050  
 24 hr. Contact: Jesus Diaz  
 24 hr. Phone: 408-710-7866  
 Contractor's Lic. No.: 299880  
 City Business Lic. No.: 400110

**ATTACH THE FOLLOWING TO APPLICATION:**

- 1) Written Description of Work
- 2) Engineer's Cost Estimate
- 3) Detailed Traffic Control Plan including plan of existing pavement delineation (traffic stripes, pavement markings, and pavement markers) and signs
- 4) Project Plans and Specifications
- 5) Contractors Insurance Certificate (Insurance requirements listed on reverse)

Permittee Signature: [REDACTED] Date: 12/2/2022  
 Contractor Signature: [REDACTED] Date: 12/2/2022

**(CITY USE ONLY)** Expiration Date: 8/22/2023

Permit Fee \$ 3,304.00 Bond \$ Paid Type of Bond:  Cash  Paper  Certificate of Deposit

Receipt #: 321476

Bond Retention Schedule See record PW-2021-0188

Approved By: Tiffany Cardenas 2/22/2023

**SEE REVERSE FOR PERMIT CONDITIONS**

\*Work hours subject to change if traffic control and construction work create traffic impact.

**SPECIAL CONDITIONS:**

- Work hours limited to Monday – Friday:  7:00 a.m.  ~~8:00~~<sup>9:00</sup> a.m. to  4:30 p.m.  6:00 p.m.
- Work hours in pavement limited to:  8:00 a.m.  9:00 a.m. to  3:30 p.m.  4:30 p.m.
- Any violation of working hours shall result in “STOP WORK” notice
- Two lanes of traffic to be maintained at all times
- Permanent paving must be installed **WITHIN 5 WORKING DAYS** after completion
- Pavement delineation or signs damaged during construction shall be replaced in kind
- Pavement section shall match existing
- Street Cut Moratorium Applies (CMC 14.08.040)
- Slurry Seal Required  Half Width  Full Width  Other
- All Trenching shall be backfilled to a minimum of 95% relative compaction
- Trench plates in the travel way shall be traffic rated, properly secured and shall be recessed upon request
- If trench is 3’ of less from Lip of Gutter, contractor shall repave to Lip of Gutter.
- Jobsite shall be properly posted 48 hours in advance. Barricades must bear the name and phone number (24 hour number) of the contractor or utility performing work. All signs attached to barricades must show the days and dates when work will be performed. Parking may not be restricted on Saturday or Sunday.
- BMP Sheet Attached
- Potholes and bore pits shall be filled to grade with cutback at end of each work day:
- Other If fiber is cut, cable needs to be replaced between existing splice enclosures, or between splice enclosure and termination panel, and OTDR testing required following fiber cable replacement to confirm signal loss is within acceptable limits (less than 0.1dB).  
No splicing allowed between existing splice enclosures. Coordinate with other contractors doing work in the area.

**General Conditions:**

- 1) The Public Works Inspector of the City of Cupertino, (408) 205-6326 or (408) 777-3354, shall be notified at least 48 hours prior to beginning work in the public Right-of-Way or requesting inspection of work. After the work is completed, notify the Public Works Inspector to schedule a final inspection.
- 2) A copy of this permit must be kept on the job site.
- 3) The applicant shall notify County Communications, (408) 299-2501, at least 24 hours prior to any work in the traveled way section of a street.
- 4) Permittee shall employ construction best management practices which will prevent pollutants such as mud, silt, chemical residue, and washings from concrete saw-cutting from entering storm drains. Brochures are available at the Public Works counter.
- 5) The applicant agrees that if the encroachment for which this permit is issued which shall at any time in the future interfere with the use, repair, improvement, widening, or change of grade of any street, roadway, highway, sidewalk, curb, drain, or Right-of-Way, applicant or his successor or assigns, shall within 14 days after receipt of written notice from the Director of Public Works to do so, at its own expense either remove such encroachment subject to approval from the Director, or relocate to a site which may be designated by the Director. Any encroachment removed by the City will not be replaced.
- 6) To the fullest extent allowed by law, PERMITEE and CONTRACTOR shall indemnify and hold harmless CITY, its City Council, boards and commissions, officers, officials, agents, employees, servants, consultants and volunteers (hereinafter, “Indemnitees”) from and against any liability, loss, damage, expense, and cost (including reasonable legal fees and costs of litigation or arbitration), resulting from injury to or death of any person, damage to property, or liability for other claims, stop notices, demands, causes of actions and actions, arising out of or in any way related to Contractor’s performance or nonperformance of his/her duties under this Agreement, or from negligent acts or omissions or willful misconduct of Contractor, its agents, employees, or subcontractors. Contractor shall, at his/her own cost and expense, defend any and all claims, actions, suits or legal proceedings that may be brought against the City or any of the Indemnitees (with council acceptable to City) in connection with this Permit or arising out of Developer’s performance or nonperformance of his/her duties and obligations hereunder, except to the extent any of the foregoing is caused by the negligence or willful misconduct of the CITY or the CITY’S agents, employees and independent contractors.
- 7) Should the Permittee provide services which are subject to the City’s Franchise ordinance, Permittee agrees to pay any applicable City franchise fee.
- 8) This encroachment permit shall be terminable at the sole discretion of the City upon 30 days written notice to the Permittee.
- 9) The applicant’s contractor shall carry at all times commercial general liability insurance with a combined single limit of \$2.0 million per occurrence; \$4.0 million aggregate; and provide a Certificate of Insurance and Endorsement naming the City as Additional Insured. Insurers must be licensed to do business within the State of California and have a current Best’s Guide Rating of A, Class VII or better or that is otherwise acceptable to the City. Insurance shall be primary and non-contributory.
- 10) All work within the public Right of Way must be completed by a contractor who holds a current Class A or appropriate Class C license and a current City of Cupertino business license.
- 11) Permittee and Contractor shall comply with Chapter 11.32 of the Cupertino Municipal Code “Truck Traffic Routes” (**See attached Truck Traffic Restrictions Map**). **No person shall operate or drive any truck that exceeds a gross weight of three tons between the hours of 7:00 a.m. and 9:30 am or 2:00 p.m. and 4:00 p.m. on the following roadway segments:**
  - a. any roadway which runs contiguous to and is within 500 feet of any public school (excluding Homestead Rd and Bollinger Rd)
  - b. McClellan Road, between Stelling Road and Bubb Road.