



## TEMPORARY CERTIFICATE OF OCCUPANCY PROCEDURE (COMMERCIAL PROJECTS ONLY)

COMMUNITY DEVELOPMENT DEPARTMENT • BUILDING DIVISION

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### PURPOSE

The purpose of this policy and procedure is to ensure that all Temporary Certificates of Occupancies (TCO) for Commercial Projects are processed in a uniform and consistent manner.

### DEFINITIONS

- **Temporary Occupancy.** Occupancy of a structure/space for a temporary period of time not to exceed 180 days due to extraordinary circumstances that delay the completion of the entire scope of work under the building permit.
- **Bond.** A deposit/payment made to the Building Division to be refunded upon completion of all conditions and inspections.

### POLICY

It is the policy of the Building Division to protect and assist the community during the construction and development of property to achieve a safe and acceptable working and living environment for the citizens of Cupertino.

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 Cupertino Municipal Code Section 16.02.100 which states in 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.”*

The Temporary Certificate of Occupancy can apply to most occupancy classifications but must be requested in writing by the property owner and contractor by completing the Cupertino TCO application form. If approved, the owner will be permitted to occupy the entire structure or a specific area of the structure for a period of time agreed upon while completing the construction. Each TCO granted shall be for a maximum duration of 180 days.

The City of Cupertino shall authorize a Temporary Certificate of Occupancy on a case-by-case basis for *Commercial Projects Only*, using the following criteria/standards:

- All construction activity is inspected/approved by the City in the immediate vicinity of the area proposed for occupancy including activity overhead and access and egress from the area of alteration.
- All life safety aspects of construction are inspected/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.
- A compliant accessible path of travel shall be provided to each area proposed for occupancy.
- All special inspections required for the scope of work shall be completed and approved by the Cupertino Inspection staff prior to granting a TCO.

### **TCO PROCEDURE (SIX STEPS)**

**Step #1:** Obtain the Cupertino temporary certificate of occupancy application (see attached) and work with assigned field inspector to fill in the required information.

**Step #2:** TCO inspection shall be scheduled for all departments/divisions/districts that have conditions on the permit required prior to final (Fire, Public Works, Planning, Sanitary) and resulted as "Passed" in the permit system (Accela).

**Step #3:** The Final Mechanical, Final Electrical, and Final Plumbing inspections can now be scheduled with the Building Division (408-777-3228). *These inspections must be passed before moving to the next step.*

**Step #4:** Upon obtaining the Final MEP inspections and TCO approvals from the other authorities, a separate TCO inspection is required to be scheduled with the Building Division. The assigned city inspector will review the request and perform the site inspection to determine if a Temporary Certificate of Occupancy can be issued.

**Step #5:** Once all the TCO inspections are passed and entered into the permit system (Accela), the completed TCO form and letter listing all the outstanding items/conditions can be sent to [permitcenter@cupertino.org](mailto:permitcenter@cupertino.org) for the TCO fee and bond to be entered into the permit system for payment.

**Step #6:** Once the fee and bond are paid a Temporary Certificate of Occupancy will be granted and noted in the permit system and the official certificate will be emailed to the requestor.

## **TCO BOND AND FEE**

**A refundable bond/deposit is required for a Temporary Certificate of Occupancy.**

The amount of the bond/deposit is 1% of the valuation of the project with a minimum amount of \$5,000 and a maximum of \$10,000.

**Temporary Certificate of Occupancy fee.** The current fee for each TCO and any requested TCO extensions is **\$517.00**.

**A Temporary Certificate of Occupancy will be issued for a six-month time period for each permit/structure.**

## **TCO EXPIRATION**

The expiration date of the TCO shall be specified on the form and official certificate. All outstanding items/conditions 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 cannot 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/bond.

Any questions about the TCO procedure, please email the building inspection staff at [buildinginspectors@cupertino.gov](mailto:buildinginspectors@cupertino.gov).