



# SB 35, STREAMLINED HOUSING DEVELOPMENT APPLICATION FORM

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

567 EL CAMINO REAL, SAN BRUNO, CA 94066  
TEL: 650. 616. 7074

## Purpose:

Government Code Section 65913.4, also known as Senate Bill 35 (SB 35), from the 2017 Legislative session, requires the City to review qualifying multifamily housing development projects using a ministerial review process. Eligible projects must comply with objective planning standards provided in Government Code Section 65913.4(a) and objective zoning, subdivision, and design standards. Please fill out the SB 35 Application Form below for staff review. NOTE: Any entitlement requests seeking to deviate from objective planning standards, such as zone changes or zone variances, are not eligible for SB 35 Streamlining. For more information on all SB 35 Streamlining requirements and benefits, please review the SB 35 Guidelines available at: [Updated Streamlined Ministerial Approval Process \(ca.gov\)](#)

***Before an SB 35 application can be submitted***, the applicant must submit a notice of intent in the form of a preliminary application that includes all of the information described in Government Code Section 65941.1. The City must then notify California Native American tribes that are traditionally and culturally affiliated with the area of the site to determine if they wish to engage in a scoping consultation. The Native American tribes contacted have 30 days to request a scoping consultation. When applicable, if after the scoping consultation between the City and the local Native American tribes the parties identify potential tribal cultural resources that could be affected by the proposed agreement, the City and local Native American tribe engaged in the consultation must enter an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment before the applicant can proceed with the SB 35 application process. If no tribe requests a scoping consultation within 30 days after receipt of the City's invitation, the applicant may proceed with an SB 35 application.

**STREAMLINED HOUSING DEVELOPMENT (SB 35)  
APPLICATION FORM**

**Instructions.** Please complete and submit the Project Information, Eligibility Requirements, and Application Checklist sections below. SB 35 Applications are reviewed to determine if the proposed project is consistent with all applicable objective standards within 60 days after application submittal for projects of 150 or fewer units, or within 90 days for larger projects. Applications that are inconsistent with applicable objective standards will be denied and may be re-submitted, subject to review within 60 days after re-submittal for projects of 150 or fewer units, or within 90 days for larger projects. Applications consistent with applicable objective planning standards are ministerially reviewed within 90 days after application submittal for projects of 150 or fewer units, or within 180 days for larger projects.

NOTE: STATE LAW DOES NOT ALLOW THE CITY TO ACCEPT AN SB 35 APPLICATION UNTIL THE PRELIMINARY APPLICATION HAS BEEN SUBMITTED AND THE TRIBAL CONSULTATION AND SCOPING PROCESS HAS BEEN COMPLETED.

**SB 35 PROJECT APPLICATION FORM**

**Project Information**

Project Site / Address:	List All Assessor's Parcel Number(s):
General Plan and Zoning Designations:	Proposed Unit Count:
Proposed Residential Square Footage:	Proposed Non-Residential Square Footage:
<p>Proposed Number of Parking Spaces:</p> <p>Is the site within one-half mile of public transit? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Is the site within an architecturally and historically significant historic district? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Are on-street parking permits required but not offered to the occupants of the project? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Is the site within one block of a car share vehicle station? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Proposed Number of Affordable Units: (Number, Percentage of Total Units, and Affordability Level)</p>

Project Site Area in Acres and Square Feet:	Density Bonus Request: <b>Yes</b> <input type="checkbox"/> <b>Density Bonus Request attached (includes any requests for bonus density, parking reduction, concessions/incentives, and waivers)</b> <input type="checkbox"/> (see Density Bonus Request checklist for additional information)  <b>No</b> <input type="checkbox"/>
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**Project Team Information.** The applicant’s contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

**Applicant’s Name** \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Are you in escrow to purchase the property? YES  NO

**Property Owner of Record**       Same as applicant     Different from applicant. If different from applicant, please provide consent of property owner as was required for the preliminary application.

Name (if different from applicant) \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**Optional: Agent/Representative Name** \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**Optional: Other** (Specify Architect, Engineer, CEQA Consultant, etc.) \_\_\_\_\_

Name \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Primary Contact for Project:  Owner  Applicant  Agent/Representative  Other

By my signature below, I certify that the information submitted for the SB 35 Application is true and correct and I consent to the filing and processing of this SB 35 Application.

Applicant Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Property Owner Signature \_\_\_\_\_

(if different from the Applicant)

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

**Statutory Project Eligibility Requirements (use additional pages if required):**

- 1. PRELIMINARY APPLICATION AND TRIBAL SCOPING CONSULTATION PROCESS.** Describe the project’s compliance with the tribal scoping consultation process.

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- 2. NUMBER AND TYPE OF UNITS.** The project must be a multifamily housing development that contains at least two residential units. Describe project’s compliance.

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- 3. AFFORDABILITY.** If more than 10 residential units are proposed, the project may either dedicate a minimum of 10 percent of the project's total units as affordable to households making at or below 80 percent of the area median income or dedicate 20 percent of the units as affordable to households making below 120 percent of area median income, with the average income of the households no more than 100 percent of area median income. The applicant must meet any greater affordable housing standards imposed by an adopted City requirement. Please demonstrate how the proposed affordable units meet this requirement. The applicant must submit an executed "Certificate for Compliance with Eligibility Standards," and commit to record, prior to the issuance of the first building permit, a land use restriction for the required affordable units providing that the housing shall remain affordable to lower or moderate income households for the following minimum durations, as applicable:

- i. 55 years for rental units.
- ii. 45 years for homeownership units.

If the proposed project includes more than 10 residential units, explain the proposed affordability (number of units, percentage of total units, level of affordability).

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- 4. URBAN INFILL.** Is the project located on a legal parcel or parcels within the incorporated City limits with at least 75 percent of the perimeter adjoining parcels that are developed with urban uses? Explain. Note: for purposes of SB 35, “urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any

combination of those uses. Parcels that are only separated by a street or highway shall be considered adjoined.

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5. **ZONED OR PLANNED RESIDENTIAL USES.** Is the project is located on a site that is either zoned for residential use or residential mixed-use development or has a General Plan designation that allows residential or residential mixed-use development? If the multifamily housing development is a mixed-use development, is at least two-thirds of the project's square footage designated for residential use?

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6. **CONSISTENT WITH OBJECTIVE STANDARDS.** Excluding a density bonus or any concessions, incentives, or waivers of development standards or reduction of parking standards granted under the Density Bonus Law (Government Code section 65915), the project must comply with all objective standards. Applicant must demonstrate compliance by submitting the "Statement of Consistency with Objective Standards," as described in the SB 35 Application Checklist (following section).

7. **LOCATION.** Provide evidence to demonstrate the project is located on a site **outside** of any of the following areas. Additional pages may be added for support.

- a. Is the site located in a coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code? Explain.

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- b. Is the site prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by San Bruno's voters? Explain.

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c. Is the site a wetland, as defined by the United States Fish and Wildlife Service? Explain

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d. Is the site identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan? Explain.

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e. Is the site a habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act? Explain.

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f. Is the site under a conservation easement? Explain.

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g. Is the site one that would require demolition of housing that is:

i. Subject to recorded covenant, ordinance, or law that restricts rents to levels affordable to households of moderate, low, or very low income? Explain

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ii. Subject to any form of City rent or price control? Explain.

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iii. Currently occupied by tenants or was occupied by tenants within the past 10 years? Explain.

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**h.** Has the site previously contained housing occupied by tenants that was demolished within the past 10 years? Explain.

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**i.** Does the site require demolition of an historic structure that is on a local, state, or federal register? Explain.

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**j.** Does the site contain housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property? Explain.

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**k.** Is the parcel of land or site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act? Explain.

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**8. Site Hazards.** Provide evidence to demonstrate whether the project is subject to any of the following site hazards. Additional pages may be added for support.

**a.** Is the site in a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code? Explain.

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If yes, has the site been excluded from the specified hazard zones by the City, pursuant to subdivision (b) of Government Code Section 51179, or does the site have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development? Explain.

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- b.** Is the site a hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356? Explain.

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If yes, has the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses? Explain.

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- c.** Is the site in a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist? Explain.

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If yes, does the proposed development comply with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2? Explain.

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- d.** Is the site in a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps promulgated by FEMA? Explain.

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If yes, explain if either of the following are met:

- i. the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
- ii. the site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

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- e. Is the site within a regulatory floodway as determined by FEMA in any FEMA official maps? Explain.

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If yes, has the development received a no-rise certification in accordance with Title 44 of the Code of Federal Regulations Section 60.3(d)(3)? Explain.

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9. **SUBDIVISION.** Does the project include a subdivision of land?

Yes  No

If yes, submit an application for a tentative map or parcel map, demonstrate that all objective subdivision standards in the City's subdivision ordinance are met, and demonstrate that either of the following apply:

- a. The project is financed with low-income housing tax credits (LIHTC) and satisfies the prevailing wage requirements identified under the Prevailing Wage section of this Eligibility Checklist.

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- b. The project is subject to and satisfies the prevailing wage and skilled and trained workforce requirements.

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10. **PREVAILING WAGE.** If the project includes 10 or more units, applicant shall certify compliance with the prevailing wage requirements by submitting an executed "Certificate of Compliance with Prevailing Wage Workforce Requirements."

**11. SKILLED AND TRAINED WORKFORCE.** If the project consists of 75 or more units (or 50 or more units as of 1/1/2022) that are not 100 percent subsidized affordable housing, the applicant shall certify that that it will use a skilled and trained workforce, as defined in Government Code section 65913.4(8)(B)(ii), by submitting an executed "Certificate of Compliance with Skilled Workforce Requirements."

## SB 35 APPLICATION CHECKLIST

**Submittal Requirements.** Full size plans are required (24" x 36"). All information on the plans must be dimensioned and drawn to scale. Plans must be collated, stapled, and folded to approximately 10 x 14 inches. Provide an electronic copy of your application forms, plans, reports, and materials on a flash drive. All plans shall be provided in PDF format.

### Requirements for Submittal

#### 1. SB 35 Application Form

The application form must be signed, and the owner's consent must be included.

#### 2. Filing Fee

Please see most current Master Fees and Charges Schedule, available on the San Bruno City website on the "Budget and Financial Reports" page of the Finance Department section. Certain projects will require the establishment of a reimbursement account and receipt of initial deposit with the City prior to application submittal.

#### 3. Site Plan

- Scale (1/8" = 1' or similar) and north arrow
- Property lines with dimensions. Show the entire lot on one sheet. Note that lots are typically set back several feet from the sidewalk (contact Planning Division staff for setback).
- Existing and proposed buildings and structures. Indicate the use of each structure, dimensions, and distances to property lines. Identify new construction by shading or similar means.
- For two-story projects, show approximate locations and setbacks of neighboring buildings.
- Roof plan showing slopes and eave widths
- Driveways, parking areas, paths and walkways, and any other impervious surfaces
- Rights-of-way and easements
- Significant trees and landscape features. Indicate tree name, trunk diameter, drip line, and intention to remove.
- Project data: (a) lot size in square feet; (b) existing and proposed lot coverage; (c) floor area of existing and proposed buildings; (d) number of covered parking spaces; and (e) impervious surfaces in square feet.
- Legend: (a) project address and description; (b) names, addresses and phone numbers of architect/designer and applicant; (c) date of preparation and any revision dates
- Projects that create or replace 10,000 square feet or more of impervious surface must show preliminary stormwater treatment measures. (Discuss this requirement with a staff member in advance.)

#### 4. Floor Plans

- Scale (1/4" = 1' or similar)
- Include existing and proposed plans.

- Identify existing walls to remain, walls to be demolished, and new walls.
- Identify use of each room (e.g., living room, kitchen, bedroom, garage, etc.).

**5. Elevations** — *Drawings of all sides are required, including those with no proposed changes.*

- Scale (1/4" = 1' or similar)
- Include existing and proposed elevations.
- Label each elevation by its orientation (e.g., north, south, front, rear)
- Label and accurately depict siding and roof materials, trim, windows, doors, gutters and downspouts, and other features such as stairs, balconies, chimneys, and vents.
- Indicate maximum building height (see Municipal Code 12.80.245 for definition).
- For commercial projects, show all signage, including freestanding signs with height and dimensions.

**6. Color and Material Samples**

**7. Landscape Plan**

- Scale (1/8" = 1' or similar) and north arrow
- Existing and proposed trees, shrubs, and ground cover. Include street trees.
- Landscaping features such as planters, paved areas, furniture, and water features
- Plant schedule with the following: (a) Latin and common names; (b) gallon/box size; (c) quantity; (d) mature height and spread; (e) years to maturity; (f) plant characteristics.
- Irrigation lines
- For commercial projects, show all exterior lighting

**8. Photographs and/or photo simulations**

**9. Stormwater treatment information**

- Project Applicant Checklist for NPDES Permit Requirements,
- Impervious Surface Data Collection Worksheet,
- Hydromodification Management Applicability Worksheet, and/or
- Preliminary plans for site specific treatment measures.

**10. Fence Plan**

*If proposed.* Drawn at 1"=20' scale showing the location, height and type of all fences and walls.

**11. Lighting Plan**

*If proposed.* Location and type of exterior lighting, both fixed to the building and freestanding, any and all lights for circulation, security, landscaping, building accent or other purpose.

**12. Sign Plan**

*If proposed.* Plans shall be drawn to scale, at 1" = 20' minimum scale with dimensions, total sign area, colors, materials, sign copy, font styles, sign returns, illumination method, and any other details for all signs. Show dimensioned location and mounting details of signs on building elevations and include a site plan referencing all sign locations and location of ground signs. A colored rendering of all signs shall be provided.

### **13. Statement of Consistency with Objective Standards**

Describe how the proposed project is consistent with all objective zoning, subdivision, and design review standards applicable to the project site, including those standards included in the general plan, San Bruno Municipal Code, the Transit Corridors Plan, the Residential Design Guidelines, and other applicable City documents, including, without limitation, conformance with use requirements, floor area standards, density, setbacks, height standards, lot coverage ratios, landscaping standards, creek setbacks, tree preservation and protection standards, water efficient landscaping requirements, storm water requirements, and common open space, private useable open space, and public open space requirements.

### **14. Subdivision Application**

Projects proposing a subdivision must submit an application for a subdivision containing the information required on the City's standard project application forms.

### **15. Density Bonus Application**

If requesting a density bonus pursuant to Government Code Section 65915, provide a detailed, written request that identifies all requested density bonuses, incentive(s) or concession(s), waivers or modifications to development standards, and/or parking reductions.

### **16. Certificate for Compliance with Eligibility Requirements**

The property owner or the owner's authorized agent must certify under penalty of perjury, on the form provided, that certain threshold eligibility criteria are satisfied.

### **17. Certificate for Compliance with Prevailing Wage**

If applicable, the applicant must certify under penalty of perjury, on the form provided, that the prevailing wage requirements will be met.

### **18. Certificate for Compliance with Skilled and Trained Workforce Requirements**

If applicable, the applicant must certify under penalty of perjury, on the form provided, that the skilled and trained workforce requirements will be met.

**STREAMLINED HOUSING DEVELOPMENT  
CERTIFICATE FOR COMPLIANCE WITH ELIGIBILITY REQUIREMENTS**

\_\_\_\_\_ *Date*

I, \_\_\_\_\_, do hereby certify and declare as follows:

(a) The subject property is located at (address and assessor's parcel number):

\_\_\_\_\_ *Address*

\_\_\_\_\_ *Assessor's Parcel Number*

(b) I am a duly authorized agent or owner of the subject property.

(c) I agree to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(3) and (a)(4).

(d) I certify that the project site has not contained any housing occupied by tenants within 10 years prior to the date written above.

(e) I certify that information submitted to demonstrate compliance with all requirements of Government Code section 65913.4(a) is true and correct to the best of the owner's knowledge.

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

Executed on this day in:

\_\_\_\_\_ *Location*

\_\_\_\_\_ *Date*

\_\_\_\_\_ *Signature, Name (Print) Title*

**STREAMLINED HOUSING DEVELOPMENT  
CERTIFICATE OF COMPLIANCE WITH PREVAILING WAGE REQUIREMENTS**

\_\_\_\_\_ *Date*

If the project includes 10 or more units, I \_\_\_\_\_, a duly authorized agent or owner of the subject property, certify that at least one of the following will be true for the development if the application is approved (check applicable sections):

- a.  The entire development is a “public work” for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code; or
- b.  The development in its entirety is not a public work. All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:
  - i. I shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
  - ii. All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.
  - iii. Except as provided in subclause (v), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.
  - iv. Except as provided in subclause (v), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.
  - v. Subclauses (iii) and (iv) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, “project labor agreement” has the same



meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code

- vi. Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

Executed on this day in:

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*Location* *Date*

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*Signature, Name (Print) Title*

# STREAMLINED HOUSING DEVELOPMENT

## CERTIFICATE OF COMPLIANCE WITH SKILLED AND TRAINED WORKFORCE REQUIREMENTS

\_\_\_\_\_

*Date*

If the project includes 75 or more units, I \_\_\_\_\_, a duly authorized agent or owner of the subject property, certify that a skilled and trained workforce (as defined in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code) shall be used to complete the development if the application is approved and the following shall apply:

- a.** I shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.
- b.** Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.
- c.** Except as provided in subclause (d), I shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. If I fail to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code, I shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.
- d.** Subclause (c) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

Executed on this day in:

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*Location* *Date*

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*Signature, Name (Print) Title*