

APPLICATIONS

RESTAURANT BEVERAGE PROGRAM Administrative Clearance



THIS SECTION TO BE COMPLETED BY CITY PLANNING STAFF

Case Number: _____

Application Type: _____

Case Filed with (Print Name): _____ Date Filed: _____

THIS SECTION TO BE COMPLETED BY THE APPLICANT

*File this Application Form and other application materials online
via the City Planning Online Application portal (<https://plncts.lacity.org/oas>).*

Missing, incomplete or inconsistent information will cause delays.

All terms in this document are applicable to the singular as well as the plural forms of such terms.

A. SITE INFORMATION

PROJECT LOCATION

Street Address¹: 13947 Foothill Blvd, Sylmar, CA 91342 Unit/Space Number: Ste 108

Legal Description² (Lot, Block, Tract): 13947 W FOOTHILL BLVD, Sylmar, CA 91342

Assessor Parcel Number: 2504020023 Total Lot Area: 24,287.3 (sq ft)

B. PROPOSED PROJECT

PROJECT DESCRIPTION

Present Use: El Chocherita Pollos A La Brasa - Eat in place

Restaurant Name: Boga Incorporated

Restaurant Operator: Luis R Boga Jr

Brief description of the characteristics and operation of the restaurant (size, indoor/outdoor area, number of seats, hours of operation, beer/wine or full line of alcoholic beverages):

El Chocherita is a peruvian restaurant family-owned and oparetes in the city Sylmar.

8 tables - 32 seats

Open from Tuesday to Sunday from 11 AM to 8 PM. Not alcohol sold yet.

1 Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

2 Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

C. RESTAURANT BEVERAGE PROGRAM (RBP) PROVISIONS

Each item below corresponds to a provision in LAMC Sections 12.22 A.34 and 12.22 A.35, pursuant to Ordinance No. 187402. See Los Angeles Municipal Code (LAMC) Sections (or Ordinance No. 187402) for full text of each provision and the requirements therein. Please respond to each question below and/or provide your initials where indicated to acknowledge the requirement.

ELIGIBILITY CRITERIA

1. Is the restaurant located in an RBP-General area or in an RBP-Alcohol Sensitive Use Zone? Check One.

RBP-General (RBP-A) RBP-Alcohol Sensitive Use Zone (RBP-B)

2. Does the restaurant prepare food onsite and serve food for on-site consumption for the full duration of the restaurant's operating hours? Does the restaurant offer an assortment of foods? YES NO

Food Service Hours: From 11AM am/pm To 8 PM am/pm

Copy of Menu (submit online) Copy of Certificate of Occupancy (submit online)

3. What California Department of Alcoholic Beverage Control (ABC) license type does/will the restaurant have/seek?

ABC License Type No. 41

ABC License Type Name On Sale Beer % Wine

ABC License No. NA Existing Pending

4. Has the site or restaurant been subject to nuisance abatement or revocation proceedings?

YES NO If Yes, provide the Case No(s): _____

5. Indicate the number indoor and/or outdoor seats provided at tables, counters and/or bars:

Indoor Seats: 32 at Tables 7 at Counters 0 at Bars = 34 Total Indoor Seats

Outdoor Seats: 0 at Tables 0 at Counters 0 at Bars = 0 Total Outdoor Seats

All seating is noted and numbered on floor plan and/or site plan

6. Choose all applicable location(s) within which outdoor seating is located:

Private Property Public Right-of-Way (sidewalk, street, alley, other)

N/A (no outdoor seating)

If within the public right-of-way, has a Revocable permit been issued by the Bureau of Engineering(BOE) / Department of Public Works (DPW)?

YES NO Pending

If Yes, provide copy of a Revocable Permit, including plan and conditions (submit online)

7. Does the restaurant offer drive-through service (i.e., sell and dispense food to an individual in a vehicle)? YES NO

8. Is the restaurant within a hotel or motel building (i.e., a building containing six or more guest rooms)?

YES NO If Yes, indicate number of guestrooms within building: _____

9. Is there a Main Conditional Use Permit (MCUP) on the site? YES NO

If Yes, provide Case No. _____

If Yes, is the restaurant included in the MCUP? YES NO

10. Indicate what time the restaurant will open and close.

Open 11 AM (am/pm) Close 8 PM (am/pm)

Restaurant is not used after the close time, except for cleaning and maintenance. LB (initials)

11. Will wait staff deliver all food and drinks to tables? YES NO

12. Will the restaurant have pool tables or billiard tables? YES NO

13. Will the restaurant offer patron dancing or adult entertainment (such as "adult cabaret" or other activities listed in LAMC Sections 12.24 W.18 and 12.70, respectively)?
Check all that apply.

N/A Dancing: _____ Adult Entertainment: _____

14. Will the restaurant require purchase of a minimum number of drinks, including at special times of the day? YES NO Only at unique times (list): _____

15. Will the restaurant charge admission (or a "cover charge"), including at special times of the day? YES NO Only at unique times (list): _____

16. The restaurant will not offer pre-purchased tickets or tokens that can be exchanged for alcoholic beverages at the restaurant as part of an organized event. LB (initials)

- 17. All alcoholic beverages will be served to customers by an employee of the restaurant. Lb (initials)
- 18. The restaurant will not sell distilled spirits by the bottle. If the restaurant will sell wine or champagne by the bottle, such bottles will not be larger than 750 milliliters. Lb (initials)
- 19. Employees, while working, will not accept any alcoholic or non-alcoholic beverage from any customer. Lb (initials)
- 20. Employees, while working, will not sit with or otherwise spend time with customers. Lb (initials)

21. May anyone of any age enter and be served within all areas of the restaurant?

- YES, persons of all ages may be served in all areas of the restaurant
- NO, persons of _____ years of age will not be allowed to enter and/or be served within the _____ area(s) of the restaurant.
- If No, age-restricted areas are shown on the floor plan

22. Does the restaurant have a Business Tax Registration Certificate (BTRC)?

- YES NO If Yes, provide the BTRC No. 0003390140-0001-9

#23-24 FOR RBP-ALCOHOL SENSITIVE USE ZONE (RBP-B) ONLY

Additional Eligibility Criteria

23. Outreach has been conducted with Certified Neighborhood Councils (CNC), Business Improvement Districts (BID), or other community organizations regarding the restaurant's proposed sale and dispensing of alcoholic beverages. Check all that apply.

- Presentation to CNC(s) (list): Sylmar Neighborhood Council
- Presentation to BID(s) (list): _____
- Presentation to other community organization(s) (list): _____
- Written summary or flyer for outreach presentation(s), including restaurant name, contact information, opening date, menu, and type of alcohol to be sold (submit online)
- Proof of outreach conducted (a meeting agenda or a letter attesting to presence before a Board) (submit online)

24. The restaurant's gross annual sales of alcohol will not exceed 45 percent of the restaurant's total sales. Lb (initials)

DEVELOPMENT STANDARDS AND OPERATIONS

1. Will the restaurant share tables and seating with one or more other restaurants?

Check all that apply

Shared indoor seating Shared outdoor seating No shared seating

2. If the restaurant will include a bar (with or without seating), will the bar be fixed or portable (i.e., movable to various locations within the interior and/or exterior of the restaurant)?

Fixed bar(s) Portable bar(s) No bar(s)

If applicable, bar details are shown on interior elevation/details or on floor plan

3. Will the restaurant include booths and/or private dining rooms? Check all that apply.

Booth seating is provided

YES NO

If Yes, booth heights are equal to or less than 48 inches in height as measured from the floor to the top of the booth partition(s)

YES NO

Private dining room(s) are provided

YES NO

If Yes, private dining room partitions between private dining room(s) and the main restaurant area will be transparent across at least 50% of the partition surface area that is up to six feet above the floor

YES NO

If applicable, booth and/or private dining room partition details i.e., dimensions and materials are shown on interior elevation/details or floor plan

4. Is the restaurant site adjacent to or across an alley from an agricultural ("A") or residential ("R") zoned lot?

YES NO

Does the restaurant provide outdoor seating?

YES NO

If Yes, is there an enclosed building between any restaurant outdoor seating and the A or R lot(s)?

YES NO

If Yes, where is outdoor seating located? Check all that apply.

Ground floor at front, side and/or rear of restaurant space/building Roof

Balcony and/or terrace at upper level(s) Sidewalk Alley or other roadway

If Yes, adjacent A and R lots are shown on site plan and all outdoor seating and buildings are shown on floor plan and site plan

5. The restaurant will provide outdoor food and beverage service only to seated patrons. LB (initials)

6. Will the restaurant offer live entertainment, karaoke, or disc jockeys? Check all that apply.
 Live entertainment Karaoke Disc jockey None

7. Will the restaurant install television monitors or screens in any outdoor area? YES NO

8. Will the restaurant install speakers or otherwise provide music in outdoor areas? YES NO

9. The restaurant may provide ambient music at a low volume indoors that is not audible outside of the building and will not provide other indoor entertainment. LB (initials)

10. The restaurant will maintain any music, sound or noise within the noise limits allowed under the Citywide noise regulations in LAMC Sections 112.06 or 116.01. LB (initials)

11. A City-issued placard that identifies the restaurant as authorized under and subject to the RBP regulations must be posted in a location that is visible to the public, including being visible from outside the restaurant. Indicate where the restaurant will post this placard, below.

Window Door Other (specify): _____

Placard location is shown on floor plan and/or site plan

12. A copy of Ordinance No. 187402, creating the RBP and the RBP-Alcohol Sensitive Use Zone, will be retained on the restaurant premises at all times and, upon request, will be presented to the Los Angeles Police Department (LAPD), the Department of Building and Safety (LADBS), and/or the California ABC. LB (initials)

13. The restaurant will not close more than 50% of the restaurant for any private event, maintaining the rest of the restaurant available to the public at the same time of any private event. LB (initials)

14. For any private event, the restaurant will follow the same RBP standards, including hours of operation. LB (initials)

15. Provide the telephone number and email address for receiving complaints and concerns regarding restaurant operations:

Telephone No. (818) 465 - 2035 Email Address: elchochoTapallosalabresa@gmail.com

This contact information for complaints and concerns must be posted as follows: on the restaurant website or other internet-based media; as an 8.5" x 11" sign at the restaurant entry; and, as an 8.5" x 11" sign at the restaurant's customer service desk, front desk, or reception area.

Website address or other internet-based media: instagram.com/elchocherita_pollosalabrasa/
www.elchocherita.online

Sign locations are shown on floor plan

16. **The restaurant will maintain a written log of complaint calls and emails, identifying the date, nature of the complaint and how it was resolved. The restaurant will respond to complaints within 24 hours. The written log will be kept at the restaurant and available to the City upon request.** Lb (initials)

SECURITY

1. **The restaurant will maintain interior lighting levels that make all objects and persons discernible.** Lb (initials)

Interior average surface illumination is equal to or greater than 2.0 footcandles (21.5 lx) YES NO

Interior lighting locations are noted on a lighting plan and/or floor plan

2. **The restaurant will maintain exterior lighting locations and levels that make faces and clothing of persons discernible during evening hours. Exterior lighting will be directed onto the site without being disruptive to persons on adjacent properties.** Lb (initials)

Exterior average surface illumination is equal to or greater than 0.2 footcandles (2.15 lx) YES NO

Exterior lighting locations are noted on a lighting plan and/or site plan

3. **The restaurant will maintain a camera surveillance system to monitor and record interior, entrance, exit, and exterior areas of the premises. The restaurant will maintain camera recordings for at least 30 days. The camera recording may be used by the LAPD.** Lb (initials)

MONITORING

1. **The restaurant will maintain outside areas surrounding the premises and the site, including the surrounding rights-of-way, free of debris and litter.** Lb (initials)

2. **The restaurant will monitor customer and employee behavior for the purpose of identifying and preventing behavior on the premises that disturbs surrounding residents, businesses, and property owners.**

LB (initials)

3. **The restaurant will make concerted efforts to stop behavior on the premises that disturbs adjoining and surrounding residents, property owners and business.**

LB (initials)

Steps to stop customer and/or employee behavior on the premises that disturbs adjoining and surrounding areas include but are not limited to:

Request that the persons involved cease such behavior

LB (initials)

Contact the LAPD or other law enforcement agency

LB (initials)

Avoid or remove conditions that facilitate loitering or other nuisance activity, such as outdoor furniture or temporary uses or installations

LB (initials)

4. **The restaurant will maintain the property free of graffiti.**

LB (initials)

Steps will be taken within 24 hours to address the presence of graffiti, including but not limited to:

Remove the graffiti

LB (initials)

Paint over the graffiti in a color that matches the surrounding surface

LB (initials)

5. **The restaurant will maintain trash and recycling bins that are closed, locked, and of adequate size to hold all waste material when closed.**

LB (initials)

Management of waste material includes:

All trash and recycling bins have lids that fully close

LB (initials)

All trash and recycling bins have a lock mechanism

LB (initials)

No trash or recycling bin will be over filled such that the lid does not fully close

LB (initials)

Trash and recycling bin locations, and any trash enclosure structure, are shown on the floor and/or site plan

6. **The restaurant will not allow loitering within areas under the control of the restaurant and will post signs indicating, "No Loitering or Public Drinking."**

LB (initials)

The size of the "No Loitering" sign is: 4 in x 6 in Other: _____

How many entrances/exits and other locations have "No Loitering" signs posted? 2

Copy of sign with content and sign dimensions (submit online)

Sign locations are shown on the floor and/or site plan

7. The restaurant will maintain an electronic age verification device on the premises

2b (initials)

The device will be available for use during operational hours

2b (initials)

The device will be maintained in operational condition

2b (initials)

All employees will be trained in how to use the device

2b (initials)

8. Per California Labor Code 6404.5, the restaurant will prohibit the smoking of tobacco or any non-tobacco substance within enclosed areas of the restaurant.

2b (initials)

9. One or more on-duty managers be on the premises at all times during business hours and will be trained in their responsibility to monitor the premises and ensure compliance with local and State laws and regulations, including:

The restaurant will have one or more managers on-duty during business hours with authority over the restaurant's activities.

2b (initials)

The restaurant's on-duty manager(s) will monitor the premises.

2b (initials)

The restaurant's on-duty manager(s) will ensure compliance with all applicable State laws, Municipal Code requirements and conditions imposed by the California ABC.

2b (initials)

The restaurant will discourage illegal and criminal activity on the premises and any exterior area under its control.

2b (initials)

10. All employees will complete the training program(s) required by the California ABC and/or LAPD within six months of the administrative clearance, and all new hires will complete such training within three months of their employment, including:

Within six months of receiving administrative clearance, all employees will enroll in the training program(s) required by California ABC and/or LAPD, such as California ABC's Restaurant Beverage Service (RBS) training program.

2b (initials)

Within three months of employment, all new hires will enroll in the training program(s) required by California ABC and/or LAPD.

2b (initials)

The restaurant will obtain a list of the restaurant employees from California ABC and/or LAPD who have completed the required training and the restaurant will maintain the list(s) on the premises and available to the City upon request.

2b (initials)

ADMINISTRATION

1. **The following RBP Administrative Clearance application materials will be submitted online, as applicable:**

RBP Application Form	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Floor Plan	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Site Plan	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Copy of Certificate of Occupancy	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Copy of Restaurant Menu	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Copy of "No Loitering" Sign	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Copy of flyer or summary prepared for outreach presentations, if in an RBP-Alcohol Sensitive Use Zone	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <input type="checkbox"/> N/A
Proof of outreach conducted (a meeting agenda or a letter attesting to presence before a Board), if in an RBP-Alcohol Sensitive Use Zone	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <input type="checkbox"/> N/A

2. **Following confirmation of RBP eligibility and payment of City fees, a Department of City Planning Covenant and Agreement (CP-6770) with applicable Exhibit (CP-7846 or CP-7847) will be provided to the restaurant owner/operator, who must sign and record it with the County Recorder's Office. After recordation, the restaurant owner/operator shall provide a certified copy of the recorded Covenant and Agreement to City Planning.** LB (initials)
3. **Following Administrative Clearance authorizing the sale and dispensing of alcoholic beverages for on-site consumption, the City will conduct inspections to verify compliance with the requirements and standards of LAMC Section 12.22 A.34 for RBP-General Administrative Clearances or LAMC Section 12.22 A.35 for RBP-Alcohol Sensitive Use Zone Administrative Clearances, including one inspection within the first 24 months of the administrative clearance and a second inspection within 36 months of the first inspection. The restaurant will be notified in writing of any deficiency or violation and the requirements to correct or eliminate the deficiency or violation.** LB (initials)
4. **City Planning will notify the following entities which serve the area where the restaurant is located of the restaurant's application for Administrative Clearance pursuant to LAMC Section 12.22 A.34 or LAMC Section 12.22 A.35: the City Council District office, the LAPD Vice Unit, and the Certified Neighborhood Council (if any).** LB (initials)

5. If the City issues three citations within any two-year period for violations of LAMC Sections 12.22 A.34 or 12.22 A.35, the administrative clearance will cease and authorization to sell and dispense alcoholic beverages for on-site consumption may be pursued through a Conditional Use application.

Lb (initials)

6. A new application must be submitted, and a new Administrative Clearance must be obtained by the restaurant when any of the following changes occur:

Lb (initials)

- (1) a change in the alcohol license type issued by California ABC;
- (2) a modification to the floor plan, including, but not limited to, floor area or number of seats; or
- (3) a change in owner or operator of the subject restaurant.

#7, #8 AND #9 FOR RBP-ALCOHOL SENSITIVE USE ZONE (RBP-B) ONLY

Additional Administration Provisions

7. One year after issuance of the Administrative Clearance (the "provisional period"), City Planning will review the number of validated complaints that the City received related to the restaurant's compliance with LAMC Section 12.22 A.35.

Lb (initials)

8. If the restaurant has received five or more validated complaints during the provisional period, the Administrative Clearance will cease and authorization to sell and dispense alcoholic beverages for on-site consumption may be pursued through a conditional use application.

Lb (initials)

9. If the restaurant has received four or fewer validated complaints during the provisional period, the restaurant may continue to operate per the Administrative Clearance and will continue to be subject to the provisions of LAMC Section 12.22 A.35.

Lb (initials)

PROJECT TEAM INFORMATION (Complete all applicable fields)

APPLICANT³

Same as Restaurant Operator

Name: Luis R Boga Jr

Company/Firm: Boga Incorporated

Address: 13947 Foothill Blvd Unit/Space Number: ste 108

City: Sylmar State: CA Zip Code: 91342

Telephone: 818 465 2035 E-mail: Lboga@gmail.com

Are you in escrow to purchase the subject property?: YES NO

PROPERTY OWNER OF RECORD

Same as applicant Different from applicant

Name (if different from applicant): _____

Address: _____ Unit/Space Number: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

AGENT/REPRESENTATIVE NAME: Jonathan Guanilo Ibarra

Company/Firm: Elite Management Solutions Inc

Address: 300 E. Esplanade Dr Unit/Space Number: Ste 1760

City: Oxnard State: CA Zip Code: 93030

Telephone: 818 3087024 E-mail: jguanilo@elitemanagesolutions.com

OTHER (RESTAURANT OPERATOR): _____

Name: _____

Company/Firm: _____

Address: _____ Unit/Space Number: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

Primary Contact for Project Information (Select only one)

Owner Applicant Agent/Representative Other: _____

³ An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

PROPERTY OWNER AFFIDAVIT

Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** An LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.
 - a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
 - b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
 - c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
 - d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.
The City requires an original signature from the property owner with the "wet" notary stamp.
A Notary Acknowledgment is available for your convenience on following page.*

Signature: _____ **Date:** _____

Print Name: _____

Signature: _____ **Date:** _____

Print Name: _____

SPACE BELOW FOR NOTARY'S USE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE '1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____

(Insert Name of Notary Public and Title)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

APPLICANT DECLARATION

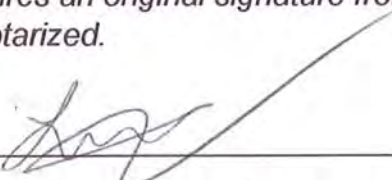
A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.

- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
- b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
- c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
- d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
- e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
- f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
- g. I understand that if this application is denied, there is no refund of fees paid.
- h. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions")), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but is not limited to, the payment of all court costs and attorneys' fees,

all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.

- i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.

Signature:  _____ **Date:** 6/24/22

Print Name: LUIS R BOZA JR