



**CITY OF NEWPORT BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director  
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending January 29, 2016

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**ZONING ADMINISTRATOR ACTIONS  
JANUARY 28, 2016**

- Item 1: 600 Newport Center Drive Sign Modification Permit No. MD2015-011 (PA2015-217)  
Site Address: 600 Newport Center Drive
- Action: Approved by Resolution No. ZA2016-004                      Council District 5
- Item 2: Juice Served Here Minor Use Permit No. UP2015-045 (PA2015-203)  
Site Address: 3418 Via Lido
- Action: Approved by Resolution No. ZA2016-005                      Council District 1

**APPEAL PERIOD:** An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

## RESOLUTION NO. ZA2016-004

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2015-011 FOR AN ADDITIONAL SECONDARY TENANT WALL SIGN AND INCREASED LOGO AND LETTER HEIGHT FOR BOTH SECONDARY TENANT SIGNS LOCATED AT 600 NEWPORT CENTER DRIVE (PA2015-217)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the Irvine Company, with respect to property located at 600 Newport Center Drive, and legally described as Parcel 3, Block D in Resubdivision 1016 requesting approval of a modification permit.
2. The applicant proposes an additional secondary tenant wall sign. The Planned Community regulations allow two primary tenant signs and one secondary tenant sign. The application also requests approval to increase the letter and logo height for both secondary signs. The height of the letters would be a maximum of 24 inches and the logo would be a maximum of 30 inches where the North Newport Center Planned Community Development Plan (PC) sign standards limits text to 16 inches for secondary tenant signs.
3. The subject property is located within the North Newport Center Planned Community (PC-56) Zoning District and the General Plan Land Use Element category Mixed-Use Horizontal (MU-H3).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on January 28, 2016, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15311, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 11 (Accessory Structures).
2. Class 11 consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to signs.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050 (Modification Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

1. The subject property is located within Block 600 of the North Newport Center Planned Community (PC-56) Zoning District. The wall signs will be accessory to the existing wellness center and fitness center use.
2. The proposed wall signs will be located on the west and south side of the ground floor of a parking garage. The west side is above the main entrance for the tenant (Kinetic) which faces the courtyard that is significantly setback from the street and any other property. The south side is facing Newport Center Drive across from Fashion Island. The surrounding office area, consisting of much taller and more visible buildings including Fashion Island, contain signs that are greater in quantity and size.
3. The proposed signs, in addition to the primary tenant signs (4 signs total), are proportional in quantity and size to the parking garage structure when compared with the surrounding development in the Newport Center office area and Fashion Island.
4. The proposed signs are an appropriate size and scale for the size of the parking garage/commercial building upon which they are allocated.

Finding:

- B. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding:

1. The tenants of the subject building are situated on the ground floor of a parking garage which is unique in the Newport Center office area as most of the surrounding tenants are within buildings which are much taller with greater visibility.
2. The main entry for Kinetic is located on the west side of the building facing the courtyard and not visible from the street. A sign is necessary here for pedestrians after they park their vehicles in the parking structure or for foot traffic from the surrounding office buildings.

3. Identification is also required on the south side of the building facing Newport Center Drive which is the main public-right-of way through the Newport Center area.
4. There are existing mature trees located along the west and south sides of the building in front of both sign locations further hindering visibility and requiring additional size to adequately fulfill the purpose of the signs and meet the needs of the location.

Finding:

- C. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

1. The general purpose and intent of the North Newport Center Planned Community as it pertains to signs is to provide each sign user with an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs.
2. A strict application of the sign standards established by the North Newport Center Planned Community limits secondary tenants to one wall sign with a smaller size. This would result in inadequate identification due to the unique physical layout of the building. Both tenants are on the ground floor of a parking garage and Kinetics' main entry is on the courtyard which is not visible from a street frontage. Kinetic has a street frontage side along Newport Center Drive which is the main road through the Newport Center area.
3. Additionally, there are existing mature trees that surround the west and south side of the building where Kinetic is located. These trees require additional size for the signs to be visible.
4. The additional sign and increased size for both signs provide adequate identification of the building from Newport Center Drive and the entrance to Kinetic from the courtyard.

Finding:

- D. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

1. The alternative would be one 16-inch sign; however, the additional wall sign and the additional size for both signs will provide positive benefit to pedestrians and visitors to the site by providing increased visibility for the entrance and for the location for vehicles from Newport Center Drive.

2. Another alternative is to provide signage on the landscape wall along Newport Center Drive which is permitted by the PC regulations; however, this would not adequately identify the location of Kinetic.
3. Section 20.52.050 (Modification Permits) of the Zoning Code specifies that a modification permit may be granted to increase the allowed number of signs and the allowed size of signs. The location of the tenant within the corner space of the ground floor of a parking garage with an entrance from an interior courtyard and a street frontage on Newport Center Drive warrants the increase in the quantity of signs and the increase in the size of the signs. They will not detract from the building's exterior.
4. The proposed wall signs will provide adequate identification for the entrance to Kinetics. The signs will also provide additional visual direction for pedestrian traffic walking from the parking structure, for vehicles on the surrounding public roadways and from a greater distance without detracting from the development's overall aesthetic.

Finding:

- E. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

1. Approval of the application to allow an additional secondary tenant wall sign and an increase in size for both secondary tenant wall signs does not change the density or intensity of the existing use. The proposed signs will provide adequate identification for the unique layout of the tenant within the ground floor of the parking garage.
2. The location of the additional sign above the main entrance adjacent the courtyard does not impact the surrounding properties.
3. The size of the signs is well within the scale of signs in the surrounding area and will not adversely affect or be detrimental to persons, property, or improvements in the surrounding neighborhood.

**SECTION 4. DECISION.**

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2015-011 subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 28<sup>TH</sup> DAY OF JANUARY, 2016.**

BY:



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL****PLANNING**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. This Modification Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
4. One additional secondary tenant wall sign shall be allowed for a total of two secondary tenant wall signs.
5. The secondary tenant wall signs shall have a maximum logo height of 30 inches and a maximum letter height of 24 inches.
6. This Modification Permit shall become null and void should the tenant space be subdivided into two smaller suites.
7. The applicant is required to obtain all applicable permits from the City's Building Division. The construction plans must comply with the most recent, City-adopted version of the California Building Code.
8. A copy of the Resolution, including conditions of approval (Exhibit "A") shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
9. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code.
10. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly

or indirectly) to City's approval of the 600 Newport Center Drive Sign Modification including, but not limited to, Modification Permit No. MD2015-011 (PA2015-217). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

## RESOLUTION NO. ZA2016-005

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2015-045 FOR A FOOD SERVICE, EATING AND DRINKING ESTABLISHMENT LOCATED AT 3418 VIA LIDO (PA2015-203)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Kirsten Bunger on behalf of Juice Served Here, with respect to property located at 3418 Via Lido, and legally described as Lot 6 in Tract 1235 requesting approval of a minor use permit.
2. The applicant requests a minor use permit to allow a 1,013-square-foot food service, eating and drinking establishment (Juice Served Here) within an existing commercial tenant space. The proposed establishment includes 514 square feet of interior net public area, a 250-square-foot outdoor patio area, and seating for 22 patrons. No late hours (after 11:00 p.m.) or alcohol service are proposed as part of this application.
3. The subject property is located within the Mixed-Use Water Related (MU-W2) Zoning District and the General Plan Land Use Element category is Mixed Use Water Related (MU-W2).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed Use Water Related (MU-W).
5. A public hearing was held on January 28, 2016, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15301, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities).
2. This exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The proposed project involves alterations to the interior floor plan of an existing commercial tenant space with no expansion of use. A 124-square-foot portion at the rear of the building will be converted into an outdoor patio consisting of 250 square feet.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

A. *The use is consistent with the General Plan and any applicable specific plan.*

#### Facts in Support of Finding:

1. The MU-W2 General Plan land use designation applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. Although the subject property and adjacent development does not include residential uses, the proposed eating and drinking establishment is consistent with the visitor-serving land uses intended for the MU-W2 (Mixed-Use Water Related) land use designation of the General Plan.
2. Eating and drinking establishments are common in the vicinity and the proposed use will be complimentary to nearby commercial and residential uses.
3. The project site is not located within a Specific Plan area.

#### Finding:

B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

#### Facts in Support of Finding:

1. The MU-W2 zoning district applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. Eating and drinking establishments located in the MU-W2 zoning district that are within 500 feet of a residential zoning district and classified as Food Service, No Alcohol, No Late Hours, require the approval of a minor use permit. The property is located approximately 420 feet from a residential zoning district.
2. Section 20.48.090D.2 (Eating and Drinking Establishments, Outdoor Dining) of the Zoning Code states that appropriate barriers shall be placed between outdoor dining areas and parking, pedestrian, and vehicular circulation areas. A decorative barrier is provided to define the separate areas.
3. The proposed use and required parking is consistent with the Lido Marina Village Parking Management Program authorized under Planning Commission Resolution No. 1966.

4. As conditioned, the proposed project will comply with Newport Beach Municipal Code standards for eating and drinking establishments.
5. The eating and drinking establishment is consistent with the Lido Marina Village Design Guidelines. The renovation of the existing establishment will improve the pedestrian streetscape.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The subject property is located in a relatively dense commercial village area with multiple uses within a short distance of each other. Lido Marina Village is conducive to a significant amount of walk-in patrons. No on-site parking is available for the subject property but adequate parking is provided in the Lido Marina Village parking structure and adjacent streets (Central Avenue and Via Oporto) as authorized under the approved Parking Management Program for Lido Marina Village (Planning Commission Resolution No. 1966).
2. The surrounding area contains various business office, retail, and visitor serving commercial uses including eating and drinking establishments. The proposed establishment is compatible with the existing and permitted uses within the area and serves as a visitor-serving use that benefits the area
3. The operational conditions of approval will promote compatibility with the surrounding uses. No late hours or alcohol service are proposed limiting any potential impacts.
4. The proposed use will not necessitate high levels of lighting or illumination and all outdoor lighting must conform to Newport Beach Municipal Code Section 20.30.070 (Outdoor Lighting).
5. The existing common trash storage area located approximately 150 feet to the west is adequate to accommodate the proposed food service use and is conveniently located where materials can be deposited and collected, and does not impede with parking spaces.

Finding:

- D. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. The project site is located within an existing commercial building that has been used for nonresidential purposes. The design, size, location, and operating characteristics of the use are compatible with the surrounding Lido Marina Village development.
2. Adequate public and emergency vehicle access, public services, and utilities exist for the site which is accessible from both Via Lido and a street at the rear.
3. The design of the tenant improvements will comply with all Building, Public Works, and Fire Codes, and will require Orange County Health Department review and approval.

Finding:

- E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The project includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The limited hours reduce impacts to surrounding land uses and sufficient parking is available in the area to accommodate the eating and drinking establishment. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance within the facility, adjacent properties, surrounding public areas, or sidewalks, during business hours, if directly related to the patrons of the establishment.
2. The applicant is required to obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.
3. The tenant improvements should have a positive impact on the area and may promote further revitalization of commercial properties located in Lido Marina Village. The eating and drinking establishment will serve the surrounding community.

## SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2015-045, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the

Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 28TH DAY OF JANUARY, 2016**

BY:



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL****PLANNING**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. This Minor Use Permit may be modified or revoked by the Zoning Administrator if it is determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
5. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new minor use permit.
6. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
7. The hours of operation shall be limited between 7:00 a.m. and 10:00 p.m., daily.
8. The "net public area" of the establishment shall not exceed 514 square feet for the interior of the subject facility.
9. The accessory outdoor dining shall be used only in conjunction with the related adjacent establishment. The outdoor dining patio shall be limited to 250 square feet in area.
10. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. A building permit is required to allow the change in use to an eating and drinking establishment. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.

11. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
12. The height of the boundary wall of the accessory outdoor dining area shall be marked on the approved plans. Fences, walls, or similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all weather enclosure.
13. There shall be no dancing allowed on the premises, no live entertainment, and no service of alcohol unless an amendment to this Minor Use Permit or the processing of a new minor use permit is first approved.
14. All proposed signs shall be in conformance with any approved Comprehensive Sign Program for the project site and provisions of Chapter 20.67 of the Newport Beach Municipal Code.
15. All lighting shall conform with the standards of Section 20.30.070 (Outdoor Lighting). The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
16. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

17. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
18. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agent.
19. No outside paging system shall be utilized in conjunction with this establishment.

20. All trash shall be stored within the existing common trash enclosure or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
21. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
22. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
23. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
24. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
25. Storage outside of the building, in the front or at the rear of the property, shall be prohibited, with the exception of the required trash container enclosure.
26. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
27. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
28. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Juice Served Here including, but not limited to, Minor Use Permit No. UP2015-045 (PA2015-203). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and

other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.