



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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April 7, 2011

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Certify Mitigated Negative Declaration ND-09-08 and approve Site Plan Review for conversion of the closed theater space from the AMC Pine 16 movie theaters into 69 residential units, located at 250-270 Pacific Avenue within the Downtown Planned Development District (PD-30) (District 2).

APPLICANT: Carlos Losada for Meruelo Group  
For Tweedy Properties, LLC  
9550 Firestone Blvd., Suite 105  
Downey, CA 90241  
(Application No. 0706-16)

## DISCUSSION

The Pine Square development is an existing seven-story mixed-use building located on the block bounded by Pine Avenue on the east, Pacific Avenue on the west, 3<sup>rd</sup> Street on the north, and Broadway on the south (see Exhibit A – Location Map). The development consists of ground-floor retail and restaurant space, including a retail courtyard on Pine Avenue, with a closed 16-screen movie theater above, and 142 residential apartment units in four-and-a-half levels on top. The original project was entitled in 1990; the movie theater closed in 2010 and is now vacant.

The applicants propose to convert the theater space from the closed AMC Pine Square 16 movie theaters into 69 residential apartment units on two levels. The unit mix will consist of 26 studio units on each level (52 total), 4 one-bedroom units on each level (8 total), and 9 two-bedroom two-level town home units. This will create 112,079 square feet of new residential space from the existing high-ceilinged one-level theater envelope. The existing 142 residential apartment units, located on four-and-a-half levels above the theater envelope, will remain. The existing retail spaces on Broadway, Pine Avenue, and 3<sup>rd</sup> Street also will remain. A small amount of floor area from the former theater box offices (approximately 538 square feet) will be converted into new commercial retail space, bringing the total leasable on-site commercial space to 37,240 square feet. The existing 400 on-site parking spaces in the existing three-level at-grade and subterranean parking structure will be maintained and will provide all parking necessary to meet on-site demands, according to a parking study provided with the application. The applicants will be required to expand a restricted residents-only parking area within the lower levels of the garage and designate parking spaces to each of the new dwelling units, exclusive of other users. Also,

the existing residential interior courtyards will be relocated down two levels, from the bottom of the current lowest residential level to the bottom of the lowest new residential level (See Exhibit B – Plans).

The applicants also propose an architectural re-facing of the existing building, with the most extensive changes coming to the exterior of the large two-story volume of the theater envelope. Openings in this box will be created for the windows, doors, and balconies of the new dwelling units. Additional façade materials and effects will be applied to the new residential levels, with the street level receiving new planters and spaces for art displays. The existing upper residential apartment levels will be repainted to match the new scheme. Staff supports the idea of an architectural renewal of the existing building, since the existing development and theater box in particular are architecturally inadequate at present. The applicants' execution of this exterior re-facing, however, is merely adequate and could be improved through the inclusion of more building materials (less use of stucco), and greater architectural relief and rhythm to the new façade.

The Planning Commission held a study session on this project on May 6, 2010. The Commission expressed serious concerns about the quality and design of the project, including the following:

- Extremely long unit depth, precedent and market feasibility of such units
- Garage entrance/exit flow and impact on pedestrian environment
- Lack of pedestrian-friendliness in the overall execution of the project
- Inadequate existing configuration of the Pine Avenue retail courtyard and need for changes
- Proposed color scheme of the project

The shuttered theater space represents a significant development opportunity for the downtown area, and a lengthy vacancy could have a negative impact upon downtown. Staff supports the concept of conversion and adaptation of this theater space into another use, including the possibility of conversion to residential. The addition of high-quality residential units in the downtown will spur further demand for supportive rentals services and will contribute to a more active downtown environment. As such, staff is supportive of the conversion of this space for residential use, but will continue to recommend that new residential uses be of the highest design integrity and that new residential uses maintain economic sustainability to ensure lasting positive impact on the downtown. Therefore, staff believes additional improvements to the design are warranted. Staff believes that the retail courtyard on the Pine Avenue frontage generally is not viable as quality leasable retail, and that persistence of this space in its current configuration will be a detriment to the future success of retail in general on Pine Avenue. Staff has discussed with the applicants various options for reconfiguration of this Pine Avenue retail courtyard, but the applicants have elected not to pursue any significant changes to this area.

The applicants have attempted to address some, but not all, of these issues. A different color scheme has been submitted that is more to staff's satisfaction, and the applicants have made an effort to increase pedestrian friendliness along the Pacific Avenue frontage using landscaping, art displays, and permeable surfaces. The applicants also have agreed to reverse the garage entrance and exit lanes on the 3<sup>rd</sup> Street garage entrance to eliminate crossing-traffic conflicts. However, the applicants have rejected the request to keep open the Pacific Avenue garage entrance and close the Broadway garage entrance (while keeping the loading dock and utility

area). The Commission indicated, and staff agrees, that this would significantly improve the pedestrian environment on Broadway without having a negative impact on Pacific Avenue. Similarly, the applicants have not been able to provide precedent or a convincing market analysis showing that the proposed 70-foot-deep, one-window residential units will be viable on the market. The applicants also have rejected the call articulated by the Commission and staff for a fundamental reconfiguration of the Pine Avenue retail courtyard to make it into well-functioning, desirable retail space, although they do propose minor landscaping and façade improvements to that area.

Due to the continuing inadequacies of the project as currently submitted, staff has crafted a set of conditions of approval that will specifically address each of these ongoing issues. Staff has also included in these conditions a requirement that the project must return to the Planning Commission for final approval of the design and endorsement of the solutions to be offered by the applicants. Subject to these stipulations, staff recommends that the Commission certify the Negative Declaration and approve the Site Plan Review permit, subject to said conditions of approval (see Exhibit C – Findings and Conditions of Approval).

### **PUBLIC HEARING NOTICE**

Public hearing notices were distributed on March 21, 2011, as required by the Long Beach Municipal Code. A public hearing notice regarding adoption of ND-09-08 was published in the Long Beach Press-Telegram on March 24, 2011, as required by the Long Beach Municipal Code. Staff has received no comments or inquiries on the item at the time of writing of this report.

### **ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Mitigated Negative Declaration was prepared for the proposed project and is presented to the Planning Commission for consideration and certification (Exhibit D – ND-09-08).

Staff received two letters of comment on the Negative Declaration within the 30-day circulation period. One, from the California Department of Toxic Substances Control (DTSC), contains largely standard language advising staff on ways to deal with toxic contamination at the site. Staff believes that the Negative Declaration already provides for adequate mitigation of any hazardous or toxic materials encountered; further, most of the DTSC comments are inapplicable, as the project does not involve excavation of the site. Staff also received a letter from the South Coast Air Quality Management District (SCAQMD). This letter states "The draft MND concludes in Section III that potential construction air quality impacts would be less than significant but does not quantify the project's construction or operation air quality impacts. Because this information has not been included in the Draft MND, the lead agency has therefore not demonstrated that the proposed project will not generate significant adverse regional, localized or greenhouse gas (GHG) emission impacts that may trigger further analysis OR MITIGATION pursuant to CEQA." Staff is of the position that since the expected impact is "Less Than Significant," further analysis is not required to investigate the potential significance of said impacts. Also, staff believes the mitigation measures included in the Negative Declaration are adequate to prevent any significant air quality impacts without further analysis. Additionally, since the project work involves an interior

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remodeling and exterior re-facing of the building, any impacts will be much smaller than the demolition, grading, excavation, and new construction impacts typically anticipated by AQMD.

Respectfully submitted,



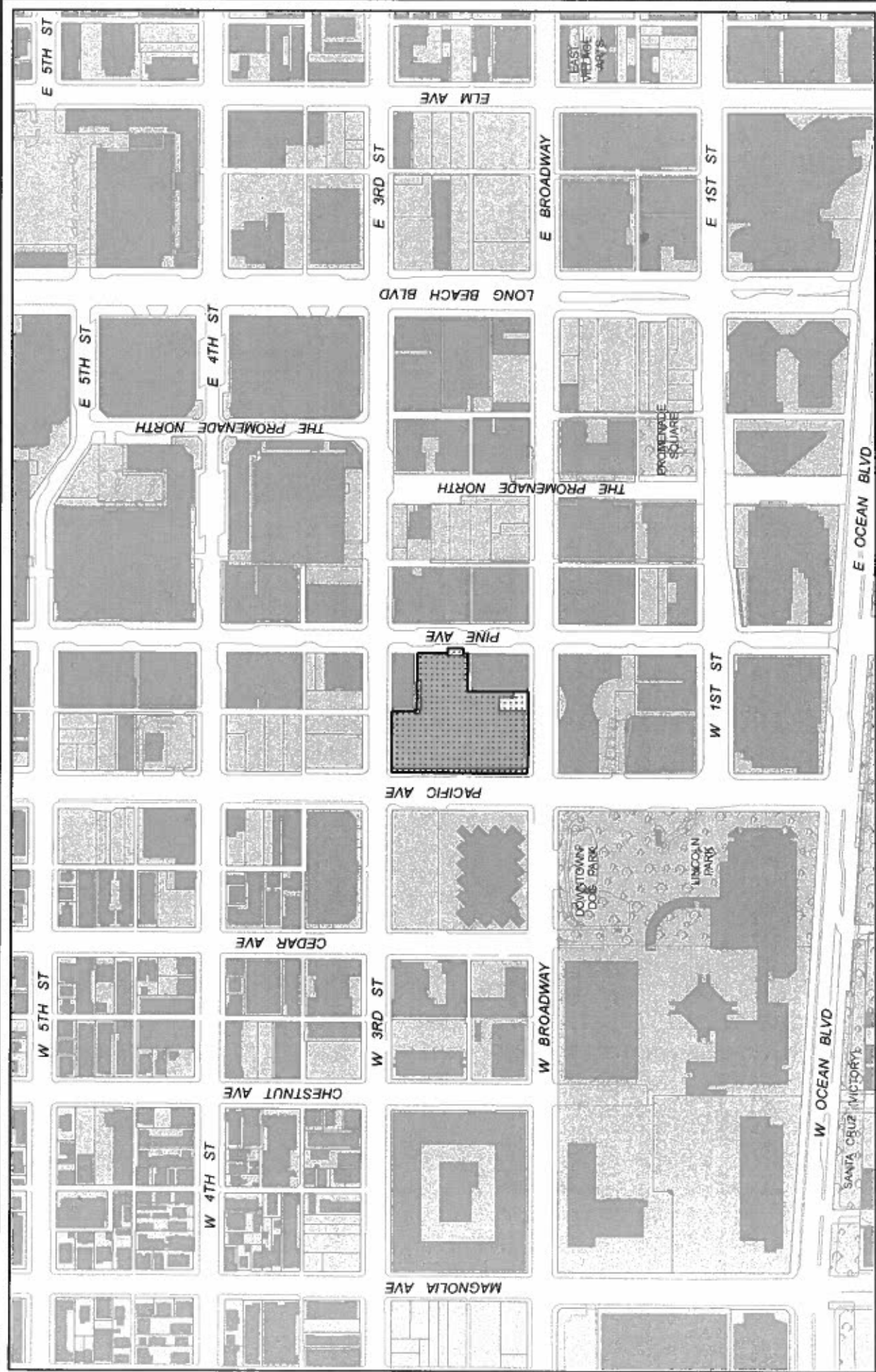
AMY J. BODEK, AICP *for*

DIRECTOR OF DEVELOPMENT SERVICES

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Attachments	Exhibit A – Location Map
	Exhibit B – Plans
	Exhibit C – Findings and Conditions of Approval
	Exhibit D – Mitigated Negative Declaration ND-09-08



# Exhibit A



**Subject Property:**  
 250 - 270 Pacific Ave  
 Application No. 0706-16  
 Council District 2  
 Zoning Code : PD-30



**FINDINGS**  
**250-270 Pacific Avenue**  
**Application No. 0706-16**  
**April 7, 2011**

**Site Plan Review**

Pursuant to Section 21.25.506 of the Long Beach Municipal Code, the site plan review committee or the planning commission shall not approve a site plan review unless the following findings are made. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings.

The findings from the Zoning Regulations, which must be answered, are presented in bold. Staff's answer to each finding, describing how the project does (positive finding) or does not (negative finding) comply, is below.

- 1. THE DESIGN IS HARMONIOUS, CONSISTENT AND COMPLETE WITHIN ITSELF AND IS COMPATIBLE IN DESIGN, CHARACTER AND SCALE, WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED;**

The existing seven-story building consists of subterranean and at-grade garages, with ground-level and second-level commercial retail space, second-level movie theaters, and four-and-a-half levels of apartments above. The existing building received Site Plan Review approval from the Planning Commission in August of 1990. The project, as proposed, would not necessarily be harmonious, consistent, and complete within itself, nor compatible in design, character, and scale with neighboring structures and the community in which it is located. Any changes to the existing building (the design of which likely would not be approved by the Planning Commission today, and likely would not meet staff's current application of these findings) have the potential to aggravate the unsatisfactory architectural condition of the existing development if not carefully executed. However, staff has included a number of conditions of approval that will address these deficiencies, including pedestrian friendliness and the street-level environment, exterior paint schemes, architectural fenestration for the new dwelling units, unit depths, and configuration of the Pine Avenue retail courtyard. With these conditions of approval, staff finds that the project will be consistent with and meet the intent of this finding.

- 2. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES ADOPTED BY THE PLANNING COMMISSION OR SPECIFIC PLAN REQUIREMENTS, SUCH AS THE DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE DOWNTOWN DESIGN GUIDELINES, PD GUIDELINES OR THE GENERAL PLAN;**

The project, as proposed, does not meet the majority of design requirements established by the Downtown Planned Development District ordinance, PD-30, located in Division VIII(D) and (E) of that ordinance. These provisions include building proportion and scale, building exterior design, public streetscape, active pedestrian uses, and building exterior materials; also addressed are quality of living environments and units, windows, openings, and natural light, and bicycle parking. Through imposition of conditions of approval addressing these issues, staff believes these standards can be met. No other design guidelines, specific plan requirements, or multifamily requirements apply. The General Plan offers no specifications for development in Land Use District No. 7 and refers instead to the Planned Development District assumed to be adopted for each area designated LUD No. 7.

**3. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE DESIGN IS POSSIBLE;**

The will not result in the removal of significant mature trees, and no street trees will be lost as a result of this project.

**4. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THIS ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT; AND**

Upon return to Planning Commission for final endorsement of the project design per conditions of approval, the applicants will be required to comply with all public improvement requirements found by the Public Works Department to apply to this project. Likely impacts of the proposed development would generally involve increased pedestrian traffic and usage of public sidewalks; an essential nexus would exist between this impact and any sidewalk, parkway, lighting, and street tree improvements likely to be required under the Zoning Regulations. Other public improvements, such as street dedication and widening, are not anticipated to be required.

(continued)

**5. THE PROJECT CONFORMS WITH ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT), WHICH REQUIREMENTS ARE SUMMARIZED IN TABLE 25 1 AS FOLLOWS:**

**Table 25-1  
 Transportation Demand Management Ordinance Requirements**

TDM Requirements	New Nonresidential Development		
	25,000+ Square Feet	50,000+ Square Feet	100,000+ Square Feet
Transportation information area	*	*	*
Preferential carpool/vanpool parking		*	*
Parking designed to admit vanpools		*	*
Bicycle parking		*	*
Carpool/vanpool loading zones			*
Efficient pedestrian access			*
Bus stop improvements			*
Safe bike access from street to bike parking			*
Transit review	For all residential and nonresidential projects subject to EIR		

The proposed project is under 25,000 square feet of new non-residential development and will be exempt from TDM requirements.



## **CONDITIONS OF APPROVAL**

**250-270 Pacific Avenue**

**Application No. 0706-16**

**April 7, 2011**

### **Special Conditions:**

1. This Site Plan Review approval is for the conversion of the vacant Pine Square movie theaters into 69 new residential apartment units located at 250-270 Pacific Avenue, in PD-30 Downtown Core. This approval also allows the architectural re-facing of the existing building façade, conversion of 538 sq. ft. of theater box office space into commercial space, reconfiguration of the Pine Avenue retail courtyard area, and installation of pedestrian-friendly streetscape, art showcases, and landscaping along the perimeter of the development.
2. The following conditions shall require the revision of plans, and such revisions shall be subject to the approval of the Planning Commission at a future hearing prior to the issuance of any building or demolition permits:
  - a. The automobile garage entrance/exit on 3<sup>rd</sup> Street shall be reconfigured so that incoming and outgoing automobile traffic does not cross paths.
  - b. In the interest of providing a more pedestrian-friendly and safe environment around the project perimeter, it is requested that the automobile garage entrance/exit on Broadway be closed and walled, so that automobiles may not enter or exit from this location (however, the loading and utility dock may remain, as well as an access door into the building for loading and utility purposes). It is further requested that the Pacific Avenue automobile garage entrance/exit shall be maintained, used, and kept open as a functioning garage entrance/exit. If the applicant believes said configuration is not feasible, it shall be the responsibility of the applicant to demonstrate infeasibility by providing for a traffic engineering study and analysis, which shall be conducted and prepared to the satisfaction of the Director of Development Services.
  - c. The pedestrian entrance on Broadway adjacent to the loading dock shall be improved to bring the entrance closer to the sidewalk and create a more inviting pedestrian environment.
  - d. Dark, tinted, or smoked glass at street level shall be prohibited, and any such existing glass shall be replaced with transparent, low-reflectivity glass, to the satisfaction of the Director of Development Services.

- e. High-quality exterior finishing materials shall be used throughout the project, to the satisfaction of the Director of Development Services. A new sample board of the final materials to be used shall be provided upon the project's return to Planning Commission for final design approval. Use of foam details or elements shall be prohibited.
  - f. The largest structurally-feasible windows and sliding glass doors shall be used for the exterior wall(s) of each new dwelling unit, to the satisfaction of the Director of Development Services. Use of vinyl windows and doors shall be prohibited. Cost of materials shall not be considered as a feasibility issue.
  - g. To ensure the provision of adequate light and air for each new dwelling unit, and to avoid the creation of deep dwelling units with a natural light source at only one end, no habitable space in any new dwelling unit shall be more than 25 feet from a window, to the maximum extent feasible to the satisfaction of the Director of Development Services. Measures to meet this condition may include the use of skylights, light tubes, glass entry doors, transom windows, windows or windowed doors onto the interior courtyard, and windows, skylights, or light tubes into the interior corridors. The interior natural lighting design shall be subject to a third-party peer review, to be conducted and prepared at the applicants' expense to the satisfaction of the Director of Development Services.
  - h. Usable open space shall be provided for each new dwelling unit to the standards specified in PD-30 Division IV(J).
  - i. A minimum of 30 square feet of accessory storage space shall be provided in each new dwelling unit. This space shall be composed of a separate storage room. Cabinets, coat closets, and bedroom closets inside the unit shall not be considered to meet this requirement.
  - j. Dedicated bicycle parking capable of accommodating one bicycle for every four dwelling units (including the 69 new and 142 existing units) shall be provided to the satisfaction of the Director of Development Services.
3. The developer shall comply with and provide for all public improvement requirements under Chapter 21.47 (Street Improvements) found to be necessary for this project by the Director of Public Works or his designee. These requirements shall be incorporated into these conditions of approval upon this project's return to the Planning Commission for final design approval.
  4. The developer shall submit a complete package for a sign program for the project, to be reviewed by the Planning Commission upon the project's return for final design approval.

**Standard Conditions – Plans, Permits, and Construction:**

5. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
6. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
7. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
8. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
9. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
10. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan must be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
11. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
12. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
13. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
14. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.

15. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
16. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
17. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
18. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the approval of the Director of Development Services. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. Turf shall be limited to less than 50% of the total landscaped area. The turf shall not be composed of bluegrass, fescue, rye, or other grasses with high water needs. 50% or more of the planted area (as measured in square feet of landscape) shall be comprised of drought-tolerant plants, to the satisfaction of the Director of Development Services.
19. All landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted with drought tolerant plant materials and shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
20. All landscaping irrigation systems shall use high efficiency sprinkler nozzles. The models used and flow rates shall be specified on the landscaping plan. For residential-type or small-scale sprinkler systems, sprinkler head flow rates shall not exceed 1.00 GPM and shall be of the rotating type. Where feasible, drip irrigation shall be used instead. If an in-ground irrigation system is to be installed, such system shall be controlled by an automatic self-adjusting weather-based irrigation controller.
21. Permeable pavement shall be utilized where feasible, to the satisfaction of the Director of Development Services. Public right-of-way improvements shall be exempt from this requirement. If the feasibility of using permeable pavement is uncertain, it shall be the developer's responsibility to demonstrate that a given application of permeable pavement is not feasible, to the satisfaction of the Director of Development Services.

22. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
23. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
24. Low-flow fixtures shall be used for all lavatory faucets, kitchen faucets, showerheads, toilets, and urinals. Toilets may be either low-flow or dual flush. Maximum flow rates for each fixture type shall be as follows: lavatory faucet – 2.75 GPM, kitchen faucet – 2.20 GPM, showerhead – 2.00 GPM, toilet – 1.3 GPF, dual flush toilet – 0.8/1.6 GPF, urinal – 1.0 GPF. Plans submitted for review shall specifically identify such fixtures and flow rates.
25. For commercial food service facilities, low-flow pre-rinse sprayers with average flow rates of no more than 2.0 GPM shall be used. Flow rates shall be specified on plans.
26. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed

**Standard Conditions – General:**

27. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
28. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
29. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.

30. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
31. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
32. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
33. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
34. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
35. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash and debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
36. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
37. Any graffiti found on site must be removed within 24 hours of its appearance.
38. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
39. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
40. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.

41. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.