

**Council File 12-1661/DIR 2012-1288-RV-PA1-1A/10023-27 S. Figueroa St./NEW
PROPOSED CONDITIONS OF APPROVAL**

Ibaraki, Kathlyn S. <Ki2@jmbm.com>

Aug 13, 2019 1:53 PM

Posted in group: **Clerk-PLUM-Committee**

Chair Marqueece Harris-Dawson and Members of the PLUM Committee,

Please find attached Neill Brower's Aug. 12, 2019 letter regarding the subject matter. Thank you.

Kathlyn Ibaraki for Neill Brower

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August 12, 2019

BY EMAIL

Hon. Chair Marqueece Harris-Dawson and
Members of the Planning and Land Use
Management Committee
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012
Attn: Rita Moreno, Legislative Asst.
Andrew Choi, Legislative Asst.
(plumcommittee@lacity.org)

Re: New Proposed Conditions of Approval
Council File 12-1661
DIR-2012-1288-RV-PA1-1A
10023-27 S. Figueroa Street

Dear Chair Harris-Dawson and Members of the PLUM Committee:

Our office represents Nick Benetatos, owner and operator of Tam's Burger No. 6, and appellant in the above-referenced case. While this appeal remained pending, staff of Council District 8 facilitated a series of discussions with our client and the Los Angeles Police Department ("LAPD") to formulate conditions of approval in lieu of a full-time security guard. We are pleased to report an agreement among those parties and request the following agreed-upon changes to the conditions of approval:

Please *insert* the following conditions into those approved by the Zoning Administrator in her March 14, 2019 letter of determination:

- **Add new Condition 13.a:** "A total of 5 surveillance cameras which will cover the south parking lot (pedestrian area and vehicle parking area), all ingress/egress points, drive through and walk-up windows and the pedestrian area located on the east side of the property line. Line of sight will include sidewalk area. LAPD will have remote access to the exterior cameras. Tam's shall keep all exterior cameras in good working order.
- **Add new Condition 10.a:** "Improve and provide additional lighting on the south and east sides of the property which will include the rear and side parking area and pedestrian area. Angle of lighting shall be directed towards the property, not off-site, and shall be adjustable at the discretion and request of the LAPD."

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- **Add New Condition 12.h:** “A sliding gate will be constructed on the west side of the parking lot, extending from the Tams drive thru menu to the west fence line adjacent to the north/south alley between 101st Street and Century Boulevard. This sliding gate shall remain closed at all times with the exception of permitting employee parking, loading and unloading of deliveries, and trash pick up. This gate and the gate facing the alley to the south of the property shall be constructed of a fine steel mesh that substantially conforms to the illustration attached hereto as Exhibit A, to the satisfaction of Council District 8.”
- **Add new Condition 12.i:** “The eastern-most driveway along 101st Street, shall be closed, limiting ingress to the site from the western-most driveway along 101st Street.”
- **Add new Condition 12.j:** “Signs shall be posted throughout the site, as determined by LAPD, with language indicating that the premises is under LAPD surveillance.”

Please modify the following conditions:

- **Condition 12.a:** “The business owner/operator shall retain a minimum of one California State licensed uniform security guard from 5 p.m. ~~8:00 a.m.~~ until the business is closed for the day.” and
- **Condition 20:** Substitute the first two paragraphs with the following: “The steel mesh gate and fence required by Condition 12.h shall be installed within 30 days of this approval, and are intended to secure the area for employee parking and to screen the trash bins on-site.”

We would like to thank Council District 8 for its efforts, and for facilitating our constructive discussions with LAPD. Please contact our office with any questions or concerns.

Sincerely,



NEILL E. BROWER of
Jeffer Mangels Butler & Mitchell LLP

NB:neb

cc: (via email)

Luci Ibarra, Chief Deputy, Planning and Land Use Policy, Council District 8
Albizael Del Valle, Deputy District Director, Council District 8
Isaias Benavides, Field Deputy, Council District 8
Aleta James, Associate Zoning Administrator, Department of City Planning
Matthew Lum, Department of City Planning

Exhibit A

Example of Steel Mesh Fencing

