

**CHICK FIL A MOTION:**

**Regarding Neighborhood Concerns About Chick-fil-A and calls for an immediate re-hearing of their Conditional Use Permit (CUP) to be pulled or modified. [Case no. ZA 2017-4754(CU) (SPPA)(SPP)] 17660 West Ventura Blvd Encino – Tarzana Planning Area, CEQA: ENV-2017-4755-CE, Legal Description – PR. Lot 5; Block1; Tract 2955**

***Motion:* Letters to be sent to Franklin N. Quon (Associate Zoning Administrator), and Paul Koretz-Councilman-CD5, Joan Pelico (COS), Field Deputies - Aviv Kleinman, and Chris Givens.**

**The Encino Neighbor Council Ply U Committee having received voluminous written and heard oral testimony formally requests:**

- 1. Request that the Zoning Administrator immediately schedule the Plan Approval Review Public Hearing without any further delays.**
- 2. Request that the Zoning Administrator determine that the above-stated findings were made based on false representations and erroneous information provided by both the Applicant and the City’s Department of Transportation (DOT) and that substantial evidence supports the following findings today:**

**CUP Finding 2:**

**The project has not enhanced the built environment in the surrounding neighborhood and has not performed a function or provided a service that is essential or beneficial to the community, city or region.**

**CUP Finding 3:**

**The project's location, size, height, operations and other significant features has not been compatible with and has adversely affected and further degraded adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

**CUP Finding 7:**

**That despite whatever data was provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project has created significant traffic hazards and caused significant traffic congestion and disruption of vehicular circulation on adjacent streets.**

- 3. Request the Zoning Administrator to impose the following new findings and conditions:**

**New Findings:**

**There is substantial evidence that the Applicant's Drive Thru access has created significant traffic hazards and caused significant traffic congestion, disruption of vehicular circulation on White Oak Avenue and other adjacent residential streets; blocking of residential driveways; and dangerous U-Turns which are required to access the Drive Thru from Ventura Boulevard.**

**New Condition 49:**

**"The Applicant shall have 90 days to redesign the Drive Thru so that vehicular access from Ventura Boulevard does not require U-Turns or pulling in and backing out of driveways."**

**New Condition 50:**

**"Between the hours of 11:30 A.M. to 2:30 P.M and 5:00 P.M. to 8:00 P.M., the Applicant shall arrange with the Department of Transportation (DOT) to have traffic control officers paid for by Chick-fil-A on the east side of White Oak Avenue to ensure that driveways are not blocked by vehicles in line for the Drive Thru." The ENC requests as part of this stipulation Chick Fil-A be responsible for the salary and maintenance of these traffic officers Monday through Sunday. the ENC also requests vigorous enforcement of all traffic laws in the area around Chick-fil-A and White Oak Ave.**

**New Condition 51:**

**“Failure of the Applicant to strictly comply with all conditions of approval, including but not limited to the new conditions 49 and 50, shall result in the Zoning Administrator scheduling a further public hearing for revocation of this Conditional Use Permit for the Drive Thru.”**

- 4. That Councilmember Paul Koretz and the Planning Department initiate and impose a “Q” condition on the zoning for the subject property that prohibits any drive-thru use should Chick-fil-A.**
  
- 5. After 90 Days is given to Chick-fil-A to fix problems with their drive-thru another public hearing will take place within 10 Days of the 90 deadline to determine the success or failure of Chick-fil-A adjustments to the drive-thru window.**