Appeal of Conditional Use Permit Approval for Chick-fil-A Drive Through at 1962 West El Camino Real, Mountain View
July 30, 2012

Line 1, Name of Appellant:
Bruce England
On behalf of a group of Mountain View residents
328 Whisman Station Drive
Mountain View, CA 94043
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Line 2, Address of Property Involved:
1962 El Camino Real West, Mountain View, CA

Line 3, Applicant:
Chris Gebhart (Kerr Project Services) for Chick-fil-A

Line 4, Agent for Applicant:
Chris Gebhart (Kerr Project Services) for Chick-fil-A

Line 5, Action Originally Requested:
Request for a Conditional Use Permit and Development Review Permit to allow a 4,433 square foot fast-food restaurant (Chick-fil-A) with drive through, a Heritage Tree Removal Permit to remove three heritage trees, and a Sign Permit for a new monument sign and building wall signs to replace an existing 4,200 square foot restaurant (Sizzler) on a 0.74-acre site.

Line 6, Decision of Zoning Administrator:
Approved on July 11, 2012

Line 7, Statement of Appeal:
We are filing this appeal of the Chick-fil-A Conditional Use Permit for a proposed drive through as part of a new business project proposal, and strictly for this permit approval, for the following reasons:

Clear negative impacts on neighboring residents, current and future, and on entire community
- Included in the draft denial ZA prepared for the July 11 hearing, “The location, size, design and operating characteristics of the proposed drive-through use are not compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity.” Likely future developments in the area will include increased residential density due to infill and population growth. And, as it is reasonable to assume that multi-tenant building will predominate in the areas adjacent to the project location, renters, who represent the majority of the city’s population, will be most impacted by what is allowed at the location (for example, idling cars, their headlights, and loud sound systems the business can not assume they will be able to control to a reasonable level). It is worth noting that renters might be hesitant to take any action related to the property they live out of concern that there could be reprisals from landlords, property managers, or property owners.
• The proposed drive through is too close to the property line (that is, the setbacks are not large enough).
The following image shows clearly how close the project location is to the nearest adjacent properties (where the boxes indicate, from lower-left to upper-right, the most directly impacted parts of 1966 – 1970 West El Camino Real and 1969 Latham Street):

• The drive through inclusion is inconsistent with:
  ▪ Grand Boulevard Initiative goals
  ▪ Greenhouse gas emissions reduction goals
  ▪ Zero waste goals
    Purchases made by food-service drive-through customers increase the net amount of generated waste. For example, bags, boxes, napkins, and condiments are generally included with drive-through purchases are not included for customers who eat in the premises.
• 2030 General Plan visioning and Environmental Sustainability Task Force recommendations
  Those who live and work in Mountain View expressed repeatedly preferences for increased emphasis on walkability and bikeability over car and other vehicle transit through infrastructure improvement prioritization. Increasing the number of approved drive throughs in our city from 26 to 27 moves in exactly the wrong direction. Likewise, the Environmental Sustainability Task Force included recommendations that would direct the City to make similar priority changes.
Missing information, or material submitted too late for the public to review or comment on

- No formal noise-impact report was provided or publicly available.
  Noise details were provided only verbally at the hearings with new information on paper at the July 11 hearing. Paper copies were provided at this hearing only for the zoning administrator and the planner.
- No light impact report was provided or publicly available.
- No air-quality impact report was provided or publicly available.
- The Transportation Impact Analysis (TIA) was available only in hard copy; neither the applicant nor the City posted a PDF version for reasonable public access.
- Comments against the CUP approval during the initial June 27 ZA hearing were not explicitly referenced during the July 11 hearing.
- No records regarding who Chick-fil-A or the City contacted for outreach were publicly available.
- It is unclear if the City noticed anyone, and, if they did, we assume it was property owners or managers only, and not tenants.
- Both the staff report and articles in the Mountain View Voice indicated that the drive through would not be approved. The Voice also said (twice) that Chick-fil-A intended to pull the Mountain View project altogether. Jointly, this information could easily have compelled those with objections to the drive through to not attend the final hearing.
- The CUP approval was granted in part due to perceived neighbor support. However, only one immediate neighbor spoke at the July 11 hearing.

Additional reasons

- Although Chick-fil-A claims omitting the drive through at the Mountain View location is not an option for them, they did open a location in Birmingham, AL in November 2011 with no drive through included.
- Heritage tree removal is part of the project plans, and one or more of these might be due specifically to the drive through inclusion.
- Information in the media indicated both that Chick-fil-A planned to abandon plans for Mountain View and that Clark Avenue signal additions were part of the project. Neither of these is true, and, regardless of where the information came from or that the City cannot be held responsible for what is reported in the media, the public could have been effectively misinformed about project factors and impacts and therefore affected in their responses and levels of support.

Accordingly, we urge Council to revert the ZA decision to the denial drafted ahead of their July 11 hearing plus any other conditions that Council deems appropriate. The denial text prepared for that hearing is as follows:

The Conditional Use Permit for the drive-through component associated with the fast-food restaurant is denied based upon the following findings:

A. The proposed drive-through component associated with the fast-food restaurant is a conditionally permitted use within the CRA Zoning District. The proposed drive through does not represent a compatible use for the property due to the close proximity of the use to residential uses;
B. The location, size, design and operating characteristics of the proposed drive-through use are not compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity, based on the light, noise and exhaust caused by the proposed use; and
C. The size, configuration and proximity of the property to residential uses precludes the establishment of a drive-through use on the property while still maintaining a superior site design.