

**MINUTES  
SARATOGA CITY COUNCIL  
AUGUST 10, 2005**

The City Council noticed closed session item was cancelled.

Conference With Legal Counsel – Existing Litigation (Gov't Code Section 54956.9(c): (1 case) – Thompson Pacific Construction v. City of Saratoga (Santa Clara County Superior Court Action No. 104 CV021639)

Mayor King called the Special City Council meeting to order at 7:00 p.m. and lead the Pledge of Allegiance.

**ROLL CALL**

PRESENT: Councilmembers Aileen Kao, Nick Streit,  
Vice Mayor Norman Kline, Mayor Kathleen King  
ABSENT: Councilmember Ann Waltonsmith  
ALSO Lorie Tinfow, Assistant City Manager  
PRESENT: Richard Taylor, City Attorney  
Cathleen Boyer, City Clerk  
John Livingstone, Community Development Director  
John Cherbone, Public Works Director

**REPORT OF CITY CLERK ON POSTING OF AGENDA FOR AUGUST 10, 2005**

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of August 10, 2005 was properly posted on August 5, 2005.

**ORAL COMMUNICATIONS**

No one requested to speak at tonight's meeting.

**COUNCIL DIRECTION TO STAFF**

None

**COMMUNICATIONS FROM COMMISSIONS**

None

**COUNCIL DIRECTION TO STAFF**

None

**ANNOUNCEMENTS**

None

**CEREMONIAL ITEMS**

**1. APPOINTMENT AND OATH OF OFFICE – HERITAGE PRESERVATION COMMISSION**

**STAFF RECOMMENDATION:**

Adopt resolution and administer Oath of Office to Ernest Brookfield.

**RESOLUTION: 05- 050**

**STREIT/KLINE MOVED TO ADOPT RESOLUTION APPOINTING ERNEST BROOKFIELD TO THE HERITAGE PRESERVATION COMMISSION. MOTION PASSED 4-0-1 WITH WALTONSMITH ABSENT.**

Cathleen Boyer, City Clerk, administered the Oath of Office to Ernest Brookfield.

**SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

**2. MOTOR VEHICLE (MV) RESOLUTION PROHIBITING LEFT TURNS AT THE INTERSECTION OF ALOHA AVENUE AND HIGHWAY 9**

**STAFF RECOMMENDATION:**

Adopt resolution.

**RESOLUTION: MV-244**

**KLINE/STREIT MOVED TO ADOPT RESOLUTION TO PROHIBIT LEFT TURNS AT THE INTERSECTION OF ALOHA AVENUE AND HIGHWAY 9. MOTION PASSED 4-0-1 WITH WALTONSMITH ABSENT.**

**PUBLIC HEARINGS**

**3. APPEAL FILED BY STARBUCKS COFFEE COMPANY OF A PLANNING COMMISSION -DENIAL OF A CONDITIONAL USE PERMIT TO LOCATE A COFFEE SHOP AT 14410 BIG BASIN WAY, UNIT D (CORINTHIAN CORNERS)**

**STAFF RECOMMENDATION:**

1. Conduct the Public Hearing.
2. Make all of the findings for the issuance of a conditional use permit stated in Municipal Code Section [MCS] 15-55.070.
3. Approve the appeal by Starbucks Coffee Company with conditions by adopting the attached resolution.

**RESOLUTION: 05-052**

John Livingstone, Community Development Director, presented staff report.

Director Livingstone explained that at its July 27, 2005 meeting, the Planning Commission conducted a public hearing on the application for a Conditional Use Permit by Starbucks Coffee Company to locate a coffee shop in a 1,334 square foot tenant space within the Corinthian Corners commercial complex at the southwest corner of Big Basin Way and Saratoga-Los-Los Gatos Road. Director Livingstone stated that four Planning Commissioners were present at the meeting and the outcome was a failed motion with 2-2 evenly split vote. Two of the Commissioners were unable to support the Conditional Use Permit because of concerns regarding traffic and public safety.

Director Livingstone explained Municipal Code Section 2-15.0650 explaining the process when there is an evenly split vote.

Director Livingstone continued his discussion including economical development considerations, hours of operation, signage, conditional use permit findings, and correspondences regarding this application.

Councilmember Streit asked Director Livingstone to elaborate on the parking around the proposed Starbucks.

Director Livingstone explained that there are 200 parking spaces available for public use in Parking District #3, 10 public spaces in the Saratoga Fire District Headquarters parking lot, and on street parking in front of Starbucks on both sides of the street.

Vice Mayor Kline asked about the traffic flow around the proposed Starbucks.

Director Livingstone responded that the City's Traffic Engineer provided a report regarding the left turn movement and summarized that it was safe and would not create any additional hazards.

Councilmember Kao asked why the traffic report provided by Fehr & Peers suggested a raised median.

Director Livingstone explained that a raised median is a traffic-calming device – and could be looked at later after further evaluation.

Referring back to the traffic report, Councilmember Kao asked what type of additional signage was being recommended.

Director Livingstone explained that a "Keep Clean" sign was recommended in the report.

Mayor King opened the public hearing and invited public comment.

Zeden Jones, Construction Manager and Representative for Starbucks, explained the philosophy of Starbucks and employee benefits. Mr. Jones stated the only amendment they would like to propose is the front sign – solid metal instead of an illuminated sign. Mr. Jones stated that this particular Starbucks would have 14 interior seats and 8 exterior seats.

Amber Reed, Development Manager for Starbucks, stated that the proposed location is perfect for a Starbucks and commended Mr. Nasir for the renovations he has made to the building. Ms. Reed stated that Starbucks will be a good neighbor and will make a positive contribution to the City. Ms. Reed stated there are many articles supporting the fact that Starbucks stimulate business areas. Using the Starbucks in downtown Willow Glen as an example, Ms. Reed stated that independent coffee shop across the street still does a good business.

Pam Paine stated that she was the Operations Manager for Starbucks. Ms. Pain stated that store managers are encouraged to support local charities.

Jason Pepe noted that he was the Store Manager at the Starbucks located in Argonaut Shopping Center. Mr. Pepe described all several ways Starbucks have given back to the community.

The following people requested to speak on this item:

Amit Ball noted that he doesn't support the proposed Starbucks in the Village. Mr. Ball stated that Starbucks would create more traffic but not more foot traffic.

John Machado stated that he was a Saratoga resident and a real estate agent in the Town of Los Gatos. Mr. Machado stated that he has 22 years of experience specializing in shopping centers. Mr. Machado stated that he supports the proposed Starbucks because it would be an excellent draw to bring in other business to the Village.

Mary Petron Bottega stated that she does not support the proposed Starbucks in the Village.

Nancy Carson stated that she has been a volunteer at the Butterpaddle for 11 years. Ms. Carson stated that she supports the proposed Starbucks in the Village.

Doug Cates stated that he does not support the proposed in the Village.

Sarah Yip noted that she was a friend to the owners of the International Coffee Exchange. Ms. Yip stated her friend's livelihood is in jeopardy if Starbucks open in the Village. Ms. Yip stated that Ms. Chao is a single parent with four daughters to support.

Joseph Masek noted that he was the owner of the Plumed Horse and supported Starbucks.

Lin Fong Chao stated that she is the owner of the International Coffee Exchange and presented to the City Council 1,000 signatures opposing the proposed Starbucks in the Village.

Jaleela Al-Saadoon noted that she does not support the proposed Starbucks in the Village.

Carol Atkin noted that she does not support the proposed Starbucks in the Village.

Mike Atkin noted that he does not support the proposed Starbucks in the Village.

Jennie King noted that she does not support the proposed Starbucks in the Village.

Jill Hunter noted that she is on the City's Planning Commission and unfortunately missed the meeting for the Starbucks application. In her opinion during the Planning Commission hearing, Mrs. Hunter stated that more questions should have been asked in regards to the traffic study. Mrs. Hunter stated that the study should be done during the peak hours.

Le Ann Hernandez noted that she supports Starbucks application and will welcome them into the Village. Ms. Hernandez stated that the Town of Los Gatos has a lot of coffee houses that co-exist with one another and thrive.

Joseph Guilardi noted that he has watched the Village become a ghost town and has not seen any revitalization plans to rejuvenate businesses. Mr. Guilardi stated that he supports Starbucks and noted that they will attract other business to the Village.

Deborah Cunnington stated that she has studied the traffic study performed by Fehr & Peers and has found it inconclusive, inconsistent and contradictory. Ms. Cunnington stated that the northbound traffic has not been addressed. Ms. Cunnington stated that this is where the risk and liability lies for the City. Ms. Cunnington stated that because of the potential increased traffic motorists would divert through residential and school zones.

Robert Bledsoe noted that he was the owner of Florentines. Mr. Bledsoe stated that he doesn't think Starbucks will generate foot traffic in the Village and suggested that they relocate in the vacated Patrick James building.

Ethan Amezcua urged the Council to deny the appeal.

John Teter noted that he is against Starbucks in the Village and noted that there isn't enough evidence regarding traffic to approve the use permit.

Jim Sorden reflected on the current traffic on Highway 9 and Big Basin Way. Mr. Sorden stated that he feels the traffic study in the report was ridiculous.

Teresa Acosta noted that she does not support the proposed Starbucks in the Village.

Sherry Keogh noted that she was the owner of Uncorked and was present tonight to express her support for Starbucks in the Village. Ms. Keogh stated that Starbucks represents success and if the City does not allow them into the Village it will look as if businesses are not welcome in Saratoga.

Klaus Pache stated that he has owned the Plumed Horse since 1975. Mr. Pache stated that competition is good for businesses. Mr. Pache stated that he supports Starbucks application.

James Kardach stated that Starbucks would be a good improvement to the Village. Mr. Kardach stated that traffic has increased in the Village not because of business but because of the increased number of residents in Saratoga. Mr. Kardach stated that he supports Starbucks.

Andrea Chao stated that her mother is the owner of the International Coffee Exchange and urged the Council to deny the appeal.

Michael Shadman noted that he owned real estate in the Village and is a Saratoga resident. Mr. Shadman stated that businesses have been suffering for long time in the Village. Mr. Shadman stated that he supports Starbucks. Mr. Shadman stated that he feels Starbucks will bring energy, new businesses, and foot traffic into the Village.

Bob Cancelleri stated that Starbucks would help the existing coffee houses not hurt them. Mr. Cancelleri stated the he support Starbucks.

Ken Czworniak stated that he does not support Starbucks in the Village.

Francisco stated that he supports Starbucks.

Loren Cook stated that she does not support Starbucks. Ms. Cook stated that you can't compare the Village to Burlingame, Los Gatos, or Campbell.

Mayor King declared a five-minute break at 9:00 p.m.

Mayor King reconvened the meeting at 9:00 p.m.

Mike Fitzsimmons stated that his family was the previous owners of Corinthian Corners. Mr. Fitzsimmons stated that there is no draw at that corner of the Village. Mr. Fitzsimmons stated that he supports Starbucks and feels that it will increase foot traffic in the Village.

Bill Cooper stated that he is the owner of Bella Saratoga. Mr. Cooper stated that he is well aware that we need to revitalize the Village. Mr. Cooper stated that he is not against Starbucks but against the location. Mr. Cooper suggested relocating further into the Village. Mr. Cooper pointed out that the current location would increase the congestion at that intersection. Mr. Cooper stated that any business that would produce traffic should not be located at that particular corner.

Chuck Page mentioned that he was a former Saratoga Planning Commissioner. Mr. Page stated that he supports Starbucks.

Mike Hochleitner stated that he lives one block from the Village. Mr. Hochleitner pointed out that no one has been concerned whether or not Starbucks will be a successful in the Village. Mr. Hochleitner noted that he doesn't think Starbucks will create the amount of traffic people are complaining about.

Juliette Bloxham stated that she is the owner of Divine Wear and owns the property across the street. Ms. Bloxham stated that her end of the Village is decaying- it looks like a ghost town.

Doug Helmuth stated that Saratoga is unique in the Bay Area and we should pay close attention to what business we bring into the Village. Mr. Helmuth stated that he opposes Starbucks locating in the Village. Mr. Helmuth proceeded to explain that he goes out of his way to support local businesses.

Diane Sawny stated that she is a District Manager for Starbucks. Ms. Sawny stated that Starbucks would be a good neighbor if allowed to open in the Village.

Sassan Teymouri stated that he supports Starbucks and feels their name will bring success into the Village. Mr. Teymouri stated that when he goes into the Village after 5:00 p.m. nothing is open to get coffee and has to go to Los Gatos. Mr. Teymouri stated that he thinks the Village is a ghost Town and we need Starbucks.

Dale Allen stated he hears two sides to this issue that Starbucks is an evil empire and the other that Starbucks is going to be the savior of our community. Mr. Evans stated that there are several issues with the traffic flow that haven't been resolved or addressed.

Len Babiarz noted that he is a resident of Scotts Valley and supports Starbucks in the Village. He noted that he was recently turned down to open a sandwich shop

Nasser Hiekali noted that he owns the property in which Starbucks would like to be a tenant in. Mr. Hiekali noted that he purchased the property in 2004 and since that time during the remodel he has tried to capture the essence of the City. Mr. Hiekali stated that the key to a successful downtown is a mix of international businesses and privately owned businesses.

Mahnaz Khazen noted that she recently purchased two buildings in the Village and one of her tenants is already hurting for business. Ms. Khazen stated that it is hard to find quality tenants that sell quality products. Ms. Khazen asked why are people penalizing Starbucks for being a success. Ms. Khazen noted that she fully supports Starbucks in the Village.

Rogelio Sanchez and Guillermo Alvarez noted that they were the owners of Blue Rock Shoot. Mr. Sanchez and Mr. Alvarez urged the Council to deny Starbucks appeal. Mr. Sanchez and Mr. Alvarez stated that it would not be fair to them if another coffee house opened.

Melvin Cook referred to the July 22, 2005 Planning Commission meeting. Mr. Cook noted that he felt there were many issues regarding traffic and pedestrian safety that have not been resolved and could open up potential liability to the City. Mr. Cook spoke in regards to legacies and the decisions that Council must make in regards to this issue.

Peter Marra noted that he does not support Starbucks in the Village. Mr. Marr noted that the staff report does not address liability, safety, traffic and the location of the Saratoga Fire Station. Mr. Marra also questioned who was going to maintain Blaney Plaza if Starbucks is allowed to open in the Village.

David Horn noted that he would like to open a bike shop in the Village but after listening to all the testimony this evening he is extremely discouraged. Mr. Horn pointed out that people want the Village revitalized but don't want people to come to the Village.

Paul Hernandez noted that he thinks the Village does not need another coffee shop. Mr. Hernandez noted that he is concerned with the potential increase of traffic and the potential danger.

Dave Lou stated that he has heard that some of the Councilmembers have already made up their mind to approve the appeal and requested that the ones that haven't please deny the appeal. Mr. Lou submitted another petition with 17 more signatures against Starbucks. Mr. Lou stated that he does not support Starbucks.

Joseph Masek stated that he is the owner of Le Michele. Mr. Masek stated that he is in favor of Starbucks.

Elizabeth Lara noted that she has lived in Saratoga all of her life. Ms. Lara stated that Saratoga is very unique because we haven't brought in chains. Ms. Lara stated that Starbucks is not going to bring in more people into the Village just more traffic.

Amber Reed, Real Estate Manager for Starbucks, thanked everyone for their comments. In regards to the comments about increased traffic, Ms. Reed stated that they would work with the City to address any problems. Ms. Reed stated that Starbucks takes pride in the fact that they make every effort to fit into each community.

Mayor King thanked all the speakers and closed the public hearing.

Councilmember Streit commended Mr. Hiekali to have taken the financial gamble purchasing Corinthian Corner. Councilmember Streit stated that one of the problems in the Village is that the property owners do not want to reinvest in the Village. The Village does need to be revitalized. The City has tried – hired a Economic Development Coordinator who ended up going to Town of Los Gatos and help Patrick James come to the Village and they eventually left. Councilmember Streit pointed out that the people/residents aren't supporting the Village – it's a ghost town. Councilmember Streit stated that the City has tried to work with property owners and business owners and nothing has worked. In regards to comments made by one of the speakers who said that the increased traffic caused by Starbucks would interrupt the Fire District, Councilmember Streit pointed out that the traffic lights at that particular intersection have an interrupter on it. Councilmember Streit stated that he sees no reason to deny the Starbucks appeal and will vote to approve the project.

Councilmember Kao thanked everyone for attending tonight's meeting. Councilmember Kao stated that one of the Council's goals is to support and revitalize the Village and other commercial areas in Saratoga. Councilmember pointed out that the Village needs an anchor store and Starbucks will encourage people to come to the Village. Councilmember Kao noted that she would support the appeal and approve the project.

Vice Mayor Kline thanked Mr. Hiekali for taking the risk and buying the property in the Village. Vice Mayor Kline noted that his office is on the corner of Saratoga-Sunnyvale and Saratoga Avenue and looks out to Big Basin Way. Vice Mayor Kline stated that parking is not an issue in the morning in the Village, whereas traffic will always be a problem- it's a state highway. His concern is the speed and would like to find a way to slow the cars down along that road. Vice Mayor Kline noted that it is in his opinion that the International Coffee Exchange will continue doing a good business and might even benefit from Starbucks. Vice Mayor Kline stated that he would support the appeal and approve the project.

Mayor King stated that she spends more money and more time in the Village than anyone one resident. Mayor King thanked the Planning Commission for their work on this project. Mayor King stated that she feels that the Council cannot tell property owner that they can't open a successful business on their property. Mayor King stated that she supports the appeal.

**STREIT/KLINE MOVED TO APPROVE THE APPEAL BY STARBUCKS COFFEE COMPANY LOCATED AT 14410 BIG BASIN WAY, UNIT D INCLUDING THE ORIGINAL WOOD SIGN.** MOTION PASSED 4-0-1 WITH WALTONSMITH ABSENT.

### **OLD BUSINESS**

None

**NEW BUSINESS**

None

**CITY COUNCIL ITEMS**

None

**OTHER**

None

**CITY MANAGER'S REPORT**

None

**ADJOURNMENT**

There being no further business Mayor King adjourned the meeting at 10:25 p.m.

Respectfully submitted,

Cathleen Boyer, CMC  
City Clerk