



GEORGE MADER: Shaping the character of Portola Valley. Page 3

The Almanac

THE HOMETOWN NEWSPAPER FOR MENLO PARK, ATHERTON, PORTOLA VALLEY AND WOODSIDE

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{SEE SECTION 2}



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Shaping the character of Portola Valley

George Mader recognized for 'distinguished leadership' by planners

By Dave Boyce
Almanac Staff Writer

It will never be obvious to the casual observer, but for as long as Portola Valley remains the town it is today, a green, semi-rural, tasteful, hillside enclave of upscale homes, it will be stamped with the mark of George Mader, and he doesn't even live there.

The Northern California section of the American Planners Association has awarded Mr. Mader its 2010 Distinguished Leadership - Professional Planner Award.

As noted in the letters of support (included with the nomination papers written by Planning Manager Leslie Lambert), Mr. Mader, the town planner since 1965, was critical to home-building in Portola Valley, with all its complications amid wooded hills and meandering creeks along the dangerous San Andreas fault.

How many towns have geologists on staff? Portola Valley, Woodside and Los Altos Hills do, in part due to Mr. Mader's service on the Geologic Hazards Committee, which served all three towns. Mr. Mader lives in Ladera with his wife, Almanac reporter Marjorie Mader.

Former Planning Commissioner Linda Elkind said Mr. Mader is responsible for:

- Clustering houses on easily developed parcels and leaving the more difficult parcels as open space.

- Plant-species-distribution lists useful in finding habitats



Photo by Virginia Bacon

George Mader, the town planner for Portola Valley, has received a "distinguished leadership" award from a professional planners group.

to be valued and to be concerned about in wildfires.

- Insisting that residents listen to each other and be schooled on the need for creek-bank protection.

Former town councilman and planning commissioner Richard Merk notes Mr. Mader's influence in protecting property values, establishing a tradition of structures being subordinate to the land, and protecting the night sky from light pollution.

Added Geology Committee chair Sheldon Breiner: "(George) knows his craft very well and how to apply it in a town such

as ours, which takes pride in striving to be in the leading edge of sustainability, appropriate design for a rural town in a high tech world and how to do so with many independently minded residents."

"Perhaps no one understands Portola Valley as well as George Mader," said town historian Nancy Lund in her letter. "And perhaps no one is more responsible for the way the town has emerged as a leader in environmental preservation and in reducing geologic risk for residents." ■

Alan Mendelson receives lifetime achievement award

Alan Mendelson of Atherton, a law partner in the Silicon Valley office of Latham & Watkins LLP, received a lifetime achievement award from the American Liver Foundation at its annual 'Salute to Excellence' gala March 13 at the Palace Hotel in San Francisco. The award honors those who have made outstanding contributions to biotechnology and medical innovation.

Mr. Mendelson is co-chair of

his firm's Emerging Companies Practice Group. For more than 25 years, he has advised emerging companies, encouraging their growth, while helping bring



Alan Mendelson

drugs and medical devices to market.

A member of the Board of Trustees of the UC Berkeley Foundation, Mr. Mendelson is president of the California Alumni Association Board of Directors, and member of the Board of Overseers Visiting Committee of Harvard Law School. He received his bachelor degree from UC Berkeley in 1969 and his law degree from Harvard University in 1973.

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Local News

MENLO PARK | AHERTON | WOODSIDE | PORTOLA VALLEY

Downtown plan: Is Menlo Park changing direction?

Some property owners see the end of small-town Menlo Park as they know it; planners maintain that the plan is in line with the city's guiding principles.

By Sean Howell
Almanac Staff Writer

Here's a question you probably haven't spent much time pondering: How did the parking plazas in downtown Menlo Park come to be?

If you've gotten past the overwhelming fact of their sheer presence and put some thought to the topic, you may have come to the conclusion that they're relics, an accident of history: space that city planners paved over because

This is the first of several articles taking a closer look at a recently released long-term plan for Menlo Park's city center.

they didn't know what else to do with it. In meetings during the laborious project to come up with a plan for the city's downtown over the last several years, the plazas were often the first thing residents participated brought up. What are we going to do with all that space?

Those residents might be surprised to learn that an earlier generation of city leaders viewed those plazas as the backbone of the city's downtown, the space



Rendering courtesy, city of Menlo Park.

A rendering of the downtown area under Menlo Park's new plan shows parking garages, private development, and a covered marketplace on what is now surface parking.

that allowed the shops and restaurants to spring up in the first place. The small-town feel that many cherish was a deliberate effort from the beginning, with city planners in the mid-1940s opting to nurture a quaint, friendly downtown, rather than

turn it into the suburban shopping centers popular at the time. (That's according to "Menlo Park: Beyond the Gate," released in 2000 by the city's historical association.)

The city widened Santa Cruz Avenue, and made way for busi-

nesses to replace old houses between El Camino Real and University Drive. Between 1945 and 1964, the city acquired the land that the parking plazas currently occupy. It did so with the cooperation of some property owners, who paid assessments for

the land and the construction of the plazas — and over the bitter resistance of several others, who filed lawsuits to prevent the city from condemning and claiming their land, according to news

See **DOWNTOWN**, page 6

Menlo Park imposes terms on many city employees Everest drops lawsuit against district

By Sean Howell
Almanac Staff Writer

Amid projections of budget deficits and rising pension costs, Menlo Park's City Council voted unanimously May 4 to impose terms that include a two-tier pension system on non-safety and non-management city employees represented by the Service Employees International Union (SEIU).

The new system would reduce the maximum pension payment to new non-police employees from 81 percent of the highest annual salary to 60 percent of the average of the three highest consecutive salaries,

and would increase retirement age from 55 to 60. It would go into effect in 2011 at the earliest, assuming that another union, representing middle-management employees, agrees to the system, or that the city imposes it on that other union.

The new pension formula would apply only to new hires.

Public agencies can impose terms only after declaring negotiations to be at an impasse, and after working with a mediator to reach an agreement. Several efforts to reach an agreement failed, leaving line-level workers represented by the SEIU without a contract for six months

See **IMPOSE**, page 8

By Dave Boyce
Almanac Staff Writer

Negotiators for the Sequoia Union High School District and Everest (charter) Public High School have been talking for months about settling a lawsuit, filed by Everest in July 2009, over the legality of the district's offer of a school site in East Palo Alto.

The lawsuit was the cap on an iceberg of bitterness that had formed during a yearlong effort by Everest, a popular alternative to the district's traditional schools, to obtain a charter and find a home in Redwood City.

And now, suddenly, it's over. The district has agreed to provide Everest with facilities in Redwood City that meet the school's wishes for the

next four years, Everest representatives have withdrawn the lawsuit, and both sides are paying their own attorney fees.

Why now? "I think it was a case of getting together the right people in the right room at the right time," Olivia Martinez, president of the Sequoia district governing board, told The Almanac. "We sat down and got the thing taken care of."

Not invited to the meetings were the lawyers, who had been doing the negotiating.

Representing the Sequoia district were Ms. Martinez, board member Alan Sarver, and Jim Lianides, who takes over as superintendent in July.

The Everest team, Ms. Martinez said, had Everest Executive Director Jon Deane, Diane Tavenner, the

chief executive of Everest's parent corporation the Summit Institute, and three Summit Institute board members.

"It was a face-to-face discussion, without the attorneys, that (led to) the breakthrough," Ms. Martinez said. The teams also had in common fresh eyes and a shared responsibility of serving district children, Ms. Martinez said. "Everybody was tired of the contentiousness," she added.

Ms. Tavenner, in an interview, credited "many people in both organizations," but called Ms. Martinez "a huge factor for making this happen."

"It was a great example of two sides working together to get a posi-

See **EVEREST**, page 8

Does downtown plan change direction for Menlo Park?

DOWNTOWN

continued from page 5

articles from the time.

The historical association credits the effort to remake Menlo Park's downtown to no less a luminary than Charles Burgess, the mayor from 1945 to 1955 (with a brief break in the early 1950s), who also arranged to purchase the land that the Civic Center now sits on. Menlo Park's parking plazas were cited in a 1953 U.S. Chamber of Commerce publication as an example of how cities could provide off-street parking, according to the San Francisco Chronicle.

The strenuous objections to the 2010 plan by several downtown property owners — some whose parents helped pay for the parking plazas, which according to Nancy Couperus cost nearly \$1 million — might make more sense in this context. The property owners, including Mark Flegel, Richard Draeger and Ms. Couperus, have vociferously opposed the idea that the city would remove any surface parking, saying that doing so would break with the longstanding tradition of providing convenient parking to local businesses, and to the Sunday farmers' market.

The plan would eliminate just over half of the surface parking spaces in the plazas, though the total spaces in the downtown area would increase. One-third of the plazas would go to parking garages, and one-fifth to private development, parks, a public marketplace, and pedestrian amenities. While some property owners don't like the plans for garages, the proposal to lease parts of the city's hard-won parking plazas to private developers is what really sets property owners on edge — especially the ones who have been around for a while.

"A parking structure at least falls under the same overall

intent" as the plazas, Richard Draeger, co-owner of Draeger's market, said in an interview. "For a reversion of that surface parking to mixed-use (buildings), I don't know where that comes from. It's really a change in direction, to be honest."

The explanation for the changes by city planners is relatively simple. Residents said they wanted a "vibrant," happening downtown area with more people; that means providing for housing and pedestrian amenities; more people means parking garages; and all of that means less surface parking.

The increased supply provided by the garages could also allow the city to extend the current two-hour limit in some areas, allowing people to shop for longer — something favored by many of the people who participated in the community workshops, Associate Planner Thomas Rogers said.

"What we have today in parking supply is somewhat limited," said Arlinda Heineck, head of the city's planning department (the plan would provide for between 250 and 550 additional spaces in the downtown area, depending on whether one of the garages were topped with housing). "We're trying to look ahead and understand the future needs of our city, the constraints we're operating under, and our options for addressing" the parking issue.

The city insists that the plan still provides for plenty of convenient parking, and that wider sidewalks and other pedestrian amenities will make Menlo Park more attractive to shoppers. The garages would be designated primarily for employees, who currently take up much of the space meant for customers,

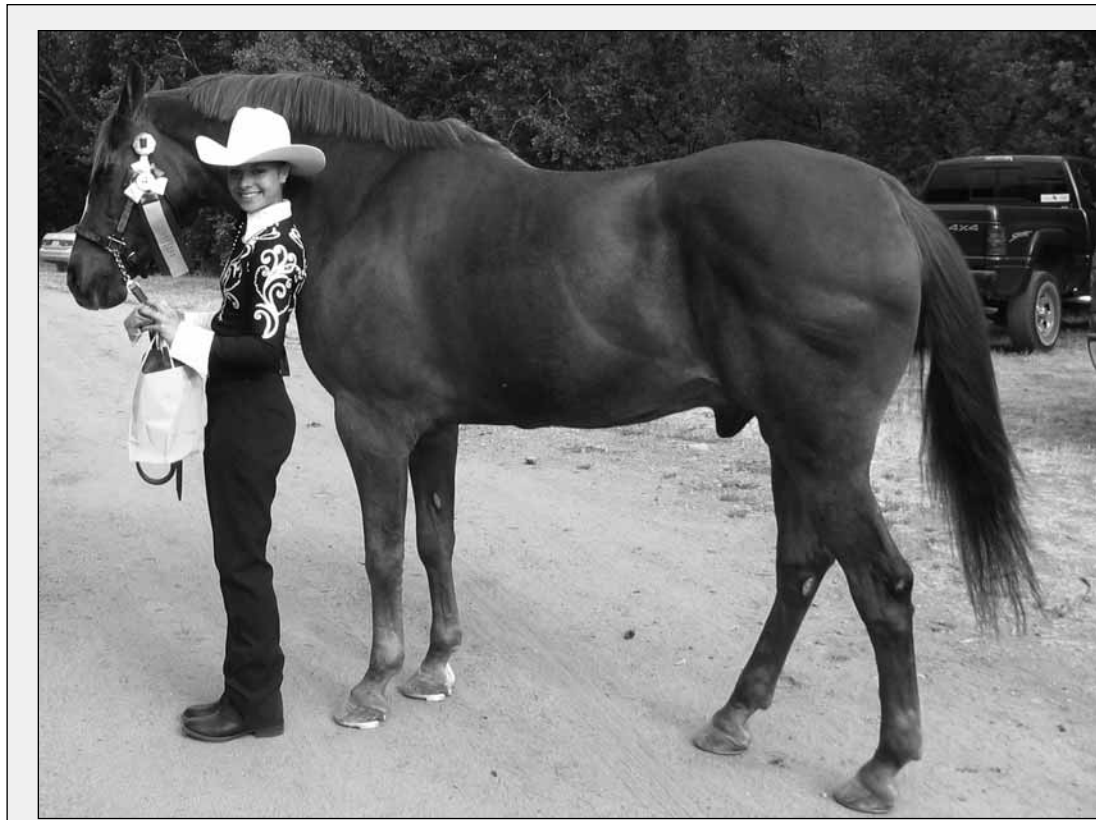


Photo by Susan Danrich

Looking good at 35

Guinness, said to be one of the oldest horses in the area, celebrated his 35th birthday May 1 with a gathering at Webb Ranch. He is shown, accompanied by Sara Hansen, in a 2009 horse show competition at Webb Ranch, where he won first place in the "Antiques" class for horses over 20. Guinness is owned by Linda Larsen and has been taken care of by Susan Danrich for the past 15 years.

and would be designed to mesh with the rest of the downtown, according to city officials.

"This was all vetted through

'To me, you can't do all of these things they're proposing, and retain that (historical character). It's just going to be really, really different.'

DOWNTOWN PROPERTY OWNER NANCY COUPERUS

community workshops," Mr. Rogers said. "This is not just change for change's sake."

While the city did not set out to come up with a plan that necessarily meshed with existing policies, Mr. Rogers said that he found a lot of overlap when he sat

down to detail the plan's compliance with the 1994 general plan. That plan encourages open space, housing in the downtown area, and measures that would strengthen the connection between the downtown area and El Camino Real — all key aspects of the new plan, according to Mr. Rogers.

Ms. Couperus, on the other hand, sees a break with tradition, and a threat to downtown businesses.

"To me, it doesn't align (with the general plan)," she said. "I look at the main goal, to maintain the small-town atmosphere and character of the downtown. To me, you can't do all of these things they're proposing, and retain that. It's just going to be really, really different."

The natural question at this point might be: What would Charles Burgess say? Would he chide the city for covering over some of the surface parking, and turning its back on its small-town ethos? Or would he congratulate it on planning for the future and putting the land he helped acquire to a new use?

Would he urge the city to push the plan through as he did his own plan, even if it means rancor and lawsuits? Or would he scoff at city leaders for their lack of political acumen, in going to the residents before the landowners?

It's impossible to say. Mr. Burgess died young, in 1957. But those debates will likely play out over the next several months, as the plan nears a vote of the City Council in December. ■



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SamTrans' new outreach for seniors

Faced with budget deficits that have led to service cuts and fare hikes in recent years, SamTrans is working harder to entice senior citizens to take the bus.

The transit district launched a federally funded, volunteer-led program in the fall, with 10 volunteers working one-on-one with senior citizens and people with disabilities to plan public transportation trips,

SamTrans said in a press release. The volunteers also accompany seniors on those trips to show them the ropes.

The volunteers work out of several Peninsula locations, including the Little House Activity Center and the Menlo Park Senior Center.

Visit samtrans.com/seniors for more information on the transit district's senior programs.



Photo by Dave Boyce/The Almanac

A curtain made of white plastic tubing hangs above Alambique Creek as it enters the Portola Road estate of Tom and Stacey Siebel. The point is to keep household dogs on the property, but the fence was built without a permit, town staff said.

Fence across stream draws scrutiny

By Dave Boyce

Almanac Staff Writer

If it is nothing else, the massive redwood-post-and-wire-mesh fence that lines the Portola Road property of Tom and Stacey Siebel in Woodside is imposing. It could also be considered beautiful, expensive and elegant, except for an out-of-character stretch that crosses Alambique Creek.

Lengths of white plastic tubing hang down side-by-side over the stream like a curtain. This section of fence has an industrial look, perhaps because it did not get normal scrutiny: this section was built without a fence permit, apparently over the Christmas/New Year holiday, Public Works Director Paul Nagengast said in an interview.

The town is “in active code-enforcement mode” on this section, Town Manager Susan George said. The municipal code notes that “no structure, including a fence, shall be permitted within the stream corridor.”

Because this fence intrudes on a waterway, the Department of Fish and Game and regional water

WOODSIDE

boards may also have concerns, Mr. Nagengast said.

Asked to comment, Mark Mongiello, a property spokesman, said in an e-mail: “We repaired an existing, non-conforming, 30-year-old wire fence that was determined by biologists to be an environmental hazard, impeding water flow and fish and wildlife migration. In consultation with biologists, the structure was modified, consistent with environmental best practices, to ensure that water and biology flow freely.”

The plastic curtain hangs down to just above the current stream surface and swings up if an animal pushes against it, thus allowing passage into the property.

The tubing does not swing in the other direction, which prevents the Siebels’ dogs from escaping, Mr. Nagengast said.

Fence problems

The Siebels’ fence is developing a record in town offices. In an August 2009 letter, town

Community Preservation Officer Gratien Etchebehere notified the Siebels’ property manager, Mr. Mongiello, that, in places, the fence is topped with horizontal wires that violate the town’s 6-foot height limit. A notice of violation has been filed by the town with the San Mateo County Recorder’s Office.

Now Mr. Etchebehere has written again. “The proximity of the PVC fence to the roadway culvert creates a significant health and safety concern regarding the potential for debris becoming lodged in the fencing and damaging the culvert or causing upstream property flooding,” he said in an April 30 letter to the Siebels’ address.

The close proximity of the fence to the culvert may make debris difficult to remove, he added.

The Siebels had 20 days to meet with town staff to avoid another violation notice. Until the violations are corrected, the town will not issue permits for any home improvements the Siebels may want to pursue, Mr. Etchebehere said.

Local vendors caught selling alcohol to minors

Three local vendors, including the Sharon Heights Safeway, were caught selling alcohol to minors by Menlo Park police Saturday, May 1, according to the police department.

Police sent teenagers to try to buy alcohol from 17 different stores in the city. Workers at three of the venues — the Rock of Gibraltar at 1022 Alma Street, the Sharon Heights Safeway, and the Chevron at 3600 Alameda de las Pulgas — sold alcohol to the police decoy, police said.

The city received a grant from the state to carry out the operation, holding an “education seminar” for all vendors with liquor licenses in the city several days before the city sent the decoys around, according to police.

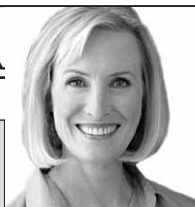
The vendors will face a small fine, and/or community service hours, according to police. Penalties could also include a large fine and suspension or revocation of the liquor license, pending review by the state Department of Alcoholic Beverage

Control, police said.

While state and federal law has plenty to say about entrapment, the California Supreme Court has ruled that “minor decoy” programs are not illegal, according to Officer James Luevano. The state stipulates that the minor “must have the appearance of a minor, cannot wear clothing or jewelry that would make them look older, and must answer truthfully if asked their age,” Officer Luevano wrote in a press release.

REAL ESTATE Q&A

by Monica Corman



Appraisers Have The Last Word

Q: I was one of several buyers who made an offer on a home recently. My offer was the highest but they chose a lesser offer because it was all cash and the seller feared the property would not appraise at full offering price. How real is this concern about appraisals?

A: Multiple bidding has occurred on numerous properties in the past few months but unlike the “bubble” period of a few years ago, the offers are more restrained. Buyers and sellers are aware of the fact that if there is a loan on the property that it will have to appraise at the offering price, and unless there are strong comparables to support the price, there is a risk that the appraiser won’t be able to find this value. Unless a buyer has additional cash to make up

the difference between the appraised value and the offering price, he or she will not be able to complete the transaction. Sellers are wary of this potential for a shortfall in appraised value and sometimes choose the buyer who has the most cash and the lowest loan amount when deciding who to sell to.

A survey of one of the largest lenders in the area showed that about one appraisal in ten falls short of the purchase price amount. This means that nine out of ten appraisals are fine but some sellers are very cautious and don’t want to risk even a ten percent chance that the deal will fall apart. They would rather be safe with less money. This will likely be the case until the economy rises out of recession.

For answers to any questions you may have on real estate, you may e-mail me at mcorman@apr.com or call 462-1111, Alain Pinel Realtors. I also offer a free market analysis of your property. www.MonicaCorman.com



Presented by
Mark Schmidt
Licensed Optician



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Mark Schmidt is an American Board of Opticianry and National Contact Lens Examiners Certified Optician licensed by the Medical Board of California. He can be easily reached at Menlo Optical, 1166 University Drive, Menlo Park. 650-322-3900.

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Menlo Park, Portola Valley parcel taxes pass easily

By Dave Boyce
and Renee Batti

Almanac staff writers

■ SCHOOLS

Although revenues from the measures aren't expected to completely make up for shortfalls in their budgets, the Menlo Park City and Portola Valley school districts will have an easier time of balancing the books after residents overwhelmingly passed new parcel tax measures on May 4.

In the case of the Menlo Park district, a number of teachers, librarians and other staff members were especially thankful for the passage of Measure C. "Following the special board meeting on May 10, I should be able to rescind the preliminary layoff notices of teachers and other certificated employees and mitigate the reduction of services by classified and administrative employees," Superintendent Ken Ranella wrote in a May 5 e-mail.

In the K-8 Menlo Park district, 76 percent of voters approved Measure C, a seven-year, \$178 annual parcel tax.

In Portola Valley, another K-8 district, 78 percent of voters approved Measure D, a four-year, \$168 annual parcel tax.

Both measures required a two-thirds yes vote to pass. Ballots in the all-mail elections had to be received by 8 p.m. Tuesday, May 4.

Even with Measure C's passage, the Menlo Park district will still need to make \$300,000 in budget cuts for the coming school year, and about that much in cuts for the 2011-12 school year, Mr. Ranella said in March.

Jeff Child, board president in the Menlo Park district, said the tax is expected to bring in \$1.4 million a year, substantially reducing an anticipated \$2 million deficit. He noted that the district expects 5 percent enrollment growth in the

2010-11 school year.

At the board's May 10 special meeting, Mr. Ranella was expected to introduce a multi-year plan for the use of Measure C revenue. The meeting occurred after The Almanac's press time.

Portola Valley

"We are so thrilled that the community showed such support," Portola Valley School District board President Judith Mendelsohn said in an interview. The tax revenues "will certainly make a difference in the amount of budget cuts we'll make next year."

The district had cut the budget by \$1 million for the 2009-10 school year and was looking at more cuts of about \$550,000 for 2010-11, Ms. Mendelsohn said. Parcel tax revenue, even with exemptions from it requested by elderly homeowners, should bring in \$345,000, she said.

Vote count

In the Menlo Park district, 5,767 voted for Measure C and 1,804 were opposed, according to the report released May 4 by the county elections office.

In the Portola Valley district, 1,942 voted vote Measure D and 561 were opposed.

The county reported that a total of 10,085 ballots were cast in the two school districts, 48 percent of the registered voters in the districts.

The Menlo Park tax is in addition to \$565 in annual parcel taxes paid by property owners in the district, which includes much of Menlo Park and Atherton.

Property owners in the Portola Valley district currently pay a \$290 annual parcel tax that passed in 2004 and lasts for 10 years. ■

where to locate the school. The district, by law, was required to provide facilities but would not give any ground on Everest's preferences.

Everest rejected a site in East Palo Alto and found a Redwood City building that the district claimed had dangerous toxicity problems. Everest then stole a march on the district by arranging a two-year lease at another Redwood City site, an unoccupied office building on Main Street in Redwood City.

The Sequoia district has agreed to several stipulations, all of which appear to keep Everest in Redwood City.

■ The district will pay \$220,000 to Everest — \$30,000 for tenant improvements at Main Street, and about \$190,000 to rent the building



Serenity now

Natalie pets her pony Serenity after a recent riding lesson at the Horse Park at Woodside.

Photo by Michelle Le

IMPOSE

continued from page 5

and counting.

In explaining their votes, council members said they were chastened by bleak revenue projections, and concerned about the city's long-term commitments to the state pension fund. The council in 2007 voted to increase pension payments from a maximum of 60 percent to 81 percent of highest salary; the new benefit applied retroactively to all non-police employees.

Though the pension system the council voted to impose is similar to the terms in a citizen-led initiative petition filed May 3, council members said that they were not responding to that initiative drive.

The city's costs for pension benefits have risen from about \$1.75 million in the 2004-05 fiscal year to about \$4.25 million in the current fiscal year, a figure that represents nearly 13 percent of the city's annual operating budget.

Pension costs are projected to rise to about \$5.75 million in the 2014-15 fiscal year, though that estimate is based on several assumptions about city salaries and investment returns on the state fund that might not hold true, according to city Personnel Direc-

tor Glen Kramer.

Currently, about 75 percent of public pensions for state employees are funded by returns on investment, Mr. Kramer said, with municipalities and employees sharing the rest. The state fund, run by the California Public Employees System, or CalPERS, has traditionally enjoyed a high rate of return, but took a 23 percent hit during the recession, according to Mr. Kramer.

"I don't have much faith in the CalPERS system, as it stands; it's too volatile for me," Mayor Rich Cline said in an interview, adding the system leaves the city and taxpayers with all the risk if the fund's investments don't pan out. "I haven't seen the formula fixed, to a point that I feel confident" that the city's share of the cost won't increase again, he said, maintaining that the council is doing what it can to mitigate that risk.

Mr. Cline also defended the council's 2007 decision to increase benefits, saying that low employee morale and a competitive hiring market, along with strong revenue projections, informed his vote.

City workers and union representatives turned out en masse to the May 4 council meeting, holding yellow signs throughout and urging council members not to impose terms.

While some argued that their retirement benefits should not decrease because municipal workers didn't cause the recession, the more general feeling was that the city was turning its lowest-paid workers into scapegoats for residents seeking an outlet for populist, recession-related anger. Speakers said the city had rejected proposals that would save more money now, in favor of ill-defined long-term benefits.

"How do you justify making front-line workers suffer sooner than middle managers?" asked Renee Morales, a liaison between city workers and the SEIU. "Workers have stepped up many times — we get it! And to claim that we don't see a need to curb

costs is just plain wrong."

Mr. Morales and other union representatives have also expressed confidence that the CalPERS fund will continue its historical high rate of return, saying the recent downturn in the fund is only temporary.

Even with rising pension costs, it remains to be seen how the two-tier system would affect the city's bottom line, should it implement it in 2011 or 2012. City Manager Glen Rojas acknowledged that reducing pension benefits could force the city to increase salaries, but noted that the city has more control over salary costs, whereas it is locked in to pension payments.

Regardless, the two-tier system won't change those payments for 10 or 15 years, because of the way the state allocates them, according to city officials.

Mr. Rojas complimented city workers for their civil tone at the May 4 meeting.

"They were probably pretty hot and angry, but they did a really good job of presenting themselves in a professional manner," he said. "I was proud of it."

Note

In last week's Almanac, a story cited Menlo Park Councilwoman Kelly Fergusson as saying that moving to a two-tier pension system may not save the city money. But the story did not note that her remarks were made in the context of a discussion about a voter initiative aimed at scaling back pension costs, rather than the City Council's action.

It's the initiative process that she thinks would cost the city money, she said — not the concept of a two-tier pension system in general — because the initiative could entail legal and other processing-related costs for the city.

At the May 4 council meeting, Ms. Fergusson said she supported the city's move to a two-tier pension system because it would control long-term costs, and would allow the city more flexibility in budgeting. ■

EVEREST

continued from page 5

tive result," Mr. Deane said in an interview.

Sequoia board member Chris Thomsen credited Ms. Martinez and Mr. Sarver. "They took the lead and did wonderful work on behalf of the board and the district," he said.

Home in Redwood City

The running battle between Everest and the district had gone from board room to board room as Everest was denied a charter by the Sequoia district and the county Board of Education, but given one by the state board.

Then the struggle began over

High-speed-rail options get gruff response

By Renee Batti

Almanac News Editor

■ **ATHERTON**

It wasn't even two minutes into his planned half-hour presentation that Dominic Spaethling appeared to abandon all hope of reaching the 30-minute mark.

His job was to give Atherton residents and officials an overview of high-speed rail alternatives for laying tracks along the Caltrain right-of-way in and near Atherton. It was a very tough job.

Mr. Spaethling, a regional manager for the California High-Speed Rail Authority, was nearly shouted down from the podium during the May 4 informational meeting in Atherton's Holbrook-Palmer Park by residents who demanded hard facts about the rail authority's intentions for the local portion of the rail system, which will run from Los Angeles to San Francisco.

The residents' shouting and catcalls were a clear sign that confidence in the rail authority's openness and willingness to abide by community wishes is minimal at best.

About 60 to 75 people from Atherton and nearby communities attended the meeting, and before the presentation began, they studied displays showing alternative methods of running the tracks through the Midpeninsula, which include an aerial viaduct, at-grade-level tracks along the existing Caltrain grade, a covered trench and tunnel, and a deep-bore tunnel.

The meeting was billed as a review of the rail authority's Preliminary Alternatives Analysis Report, which found that a four-track, grade-separated rail

system shared by the high-speed train and Caltrain "is feasible and the preferred (high-speed train) alternative between San Francisco and San Jose on the Peninsula," according to a summary presented at the meeting.

A number of residents challenged the rail authority's assertion that the Caltrain right-of-way, rather than other routes such as along Interstate 280 or U.S. 101, is the best way for the high-speed trains to traverse the Peninsula.

As Mr. Spaethling attempted to explain the reasoning behind choosing the Caltrain route, one resident angrily demanded that the program presenters "treat us like adults and intelligent people. Tell us *why* the 101 is not being considered. Tell us *why* the Altamont Pass (between the Livermore and San Joaquin valleys) is not being considered."

Other routes, Mr. Spaethling responded, were ruled out due to constrained right-of-way and environmentally sensitive land, among other factors.

To the question about why the train couldn't stop in San Jose for riders to board Caltrain and continue to San Francisco, Mr. Spaethling noted that state Proposition 1-A, which in 2008 authorized the spending of \$9 billion to launch the high-speed rail project, specified that the train would run from Los Angeles to San Francisco.

Residents appeared to be unhappy with prospects of at-grade, aerial and shallow-trenched tracks running through their town. The cost of the deep-bore tunnel is projected at seven times the cost of at-grade tracks,

according to the rail authority.

Juan de Leon, a resident of nearby North Fair Oaks, noted that the rail authority, in a presentation to his community, presented only one possibility for laying tracks in that portion of the Peninsula: at-grade.

Turning to the rest of the audience, Mr. de Leon said, "I'm here to ask for your help." He called the lack of options in the North Fair Oaks community, "where poor people live," a social justice issue.

Residents expressed concern about the amount of right-of-way the train would need, and about how the value of the properties would be calculated in reimbursing residents for taking their land. Mr. Spaethling said the rail authority will have "a much better idea of which properties will be affected" when the draft environmental impact report is completed in December.

Although there was no real enthusiasm by residents for any of the options presented, when asked for a hand-show of support, the deep-bore tunnel option won out. But another alternative of stacking high-speed rail and Caltrain tracks through a covered trench sparked some interest when Atherton resident Loren Gruner suggested creating a park-like covering that would include paths for bicyclists and pedestrians, connecting towns along the Peninsula.

Go to cahighspeedrail.ca.gov for the full Preliminary Alternatives Analysis Report and, under the Library tab, click on the San Francisco to San Jose link.

E-mail prp@caltrain.com to be put on the project mailing list or to comment on the report. ■



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Bathroom remodeling starts fire at Belle Haven house

By Dave Boyce

Almanac Staff Writer

Firefighters think that hot solder ignited the paper backing of wall insulation in a one-alarm fire that partially destroyed a one-story, three-bedroom home being remodeled at 1131 Menlo Oaks Drive in Menlo Park's Belle Haven neighborhood on Friday, May 7.

One of two contractors working in the house at the time suffered minor smoke inhalation injuries and a scratch from one of three cats he had gone back in to rescue, said Chief Harold Schapelhouman of the Menlo Park Fire Protection District.

"That's admirable, but it

almost cost him," Chief Schapelhouman said of the contractor's rescue effort. "Those contractors got out in the nick of time. ... The fire just got big very fast because of the spread in the attic."

The couple who bought the home two months ago were away. The fire caused about \$150,000 in damage to the structure and \$10,000 to the contents, the chief said.

The contractors had been sweating solder onto a pipe and some dripped through a hole where the pipe came through the wall, the chief said.

Firefighters got the call at 3:56 p.m., arrived three minutes later and had it controlled by 4:15, Chief Schapelhouman

said. In all, about 15 firefighters were involved.

"This one was what I call a bread-and-butter fire," Chief Schapelhouman said, referring to the routine way of fighting it. Firefighters got on the roof and cut out a big hole to allow hot gases and smoke to escape and improve the visibility inside, where other firefighters could then pull the ceiling down and get at the flames in the attic, the chief said.

The contractors had "bailed out of the front door," called 911, and one of them went back in for the cats, all of which are considered safe, the chief said.

The home will be unlivable for a number of months, he said. ■

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Menlo Park redevelopment agency is in for big hit

By Sean Howell
Almanac Staff Writer

■ MENLO WATCH

The state of California will be allowed to take at least \$4.1 million from Menlo Park's redevelopment fund, following a ruling in Sacramento Superior Court on Tuesday, May 4.

The ruling by Judge Lloyd Connelly denied the contention by the California Redevelopment Association that the money grab was unconstitutional.

The state Legislature in July 2009 passed a bill that would take \$1.7 billion from redevelopment agencies statewide in 2009-10, and \$350,000 in 2010-11. Menlo Park's share would be \$3.4 million in the current fiscal year, and \$700,000 in 2011-12.

The city will be able to cover the payments out of its approximately \$13 million redevelopment fund reserve, but that reserve could run dry quickly if the state continues to take money from redevelopment agencies — an event City Manager Glen Rojas said he thinks is likely.

The city uses the fund to cover a variety of operations, such as graffiti abatement, land-use planning, and streetscape improvements, as well as major capital improvements project, such as building affordable housing developments and parks.

Also at the May 4 meeting, the council voted to support potential state legislation that would make it easier for cities to use redevelopment funds to provide incentives for "green" businesses. Councilman John Boyle abstained in that vote, saying he didn't have enough information on the bill to make a decision.

State law allows for the creation of redevelopment agencies to help blighted areas, with a portion of property tax revenues from within the redevelopment zone set aside for bight-eradication

projects. Menlo Park's oddly shaped zone incorporates the Belle Haven neighborhood and parts of the "light industrial" zone, and extends as far west as Middlefield Road.

Incumbents retain commission posts

Henry Riggs and Jack O'Malley have been re-appointed to the Menlo Park Planning Commission, where they will be joined by Ben Eiref.

Mr. Riggs and Mr. O'Malley, first appointed by the Winkler-Duboc-Jellins council in 2004 and 2006, respectively, were re-appointed to four-year terms on the commission at the May 4 council meeting. Mr. Eiref, who sits on the oversight committee for the downtown/El Camino Real planning process, will join them, replacing term-out commissioner Melody Pagee.

Mr. Riggs and Mr. Eiref won unanimous support of the council on the first vote, while Mr. O'Malley received three of five votes after several run-offs involving other candidates. Councilwoman Kelly Fergusson and Councilman Heyward Robinson supported Kenneth Baker in the final run-off.

To be re-appointed, commission members need the support of three of the five council members.

The commission considers use permits and variances, and makes recommendations to the City Council on major development projects. Other than the council, it is the city's only state-licensed, decision-making body.

Commissioners are limited to two full, four-year terms. Mr. Riggs has served one full and one partial term, having finished the

Continued on next page

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Commission votes for Bohannon project

By Sean Howell
Almanac Staff Writer

Menlo Park's Planning Commission voted 4-3 at its May 3 meeting in favor of a major development project proposed by the Bohannon Development Co. near the intersection of Marsh Road and Bayfront Expressway.

The project includes three eight-story office buildings and a 230-room hotel with a sports club, as well as several large parking garages. It would total nearly 1 million square feet, roughly the size in floor area of the Sun Microsystems campus at the end of Willow Road.

The commission's recommendation will go to the City Council, which is scheduled to hold a public hearing on the project May 25. Under the current schedule, the council could approve the project at a subsequent meeting June 15.

Among other things, the commission recommended that the council ask the Bohannon Development Co. to "identify" 5 to 10

acres within Menlo Park that would be suitable for housing, and to ask the company to provide an annual in-lieu fee at the rate of \$1.40 per square foot of office space that's built. That would amount to nearly \$1 million per year for city coffers in addition to the \$1.4.-to-1.7 million the city already anticipates in annual tax revenue, assuming the project is built.

"That, I think, is a very significant addressing of what the increase in value of the land would be, especially considering the fact that there is really no increase in value unless someone puts cash in up front, and takes the very significant risk involved in developing this property," said Henry Riggs, the commission member who made the motion.

Vince Bressler, John Kadvan, and Melody Pagee dissented in the vote, saying that the city needed to spend more time evaluating the project. The vote fell along the same lines as the commission's recommendation on the new Burgess

Gymnasium in June 2009.

"I think a million dollars a year is a pretty small fraction of the incremental increase in cash flow potential that exists here," Mr. Bressler said, referring to Mr. Riggs' motion. "And I think we need a process to really thoroughly air this out. And I definitely can't support this unless that's part of what we're talking about here."

Not agree

The Bohannon Co. has since told the city that it would not agree to pay the in-lieu fee.

The company did, however, agree to several other terms recommended by the commission, including modifying the project's design to reduce the footprint of parking garages that are part of the development proposal, and checking in more often with the Planning Commission to review architectural plans.

Mr. Kadvan said he thought the commission was overlooking the central issue of planning for the city's waterfront land, especially when it comes to dealing with prominent overhead power lines that stretch along the Bayfront.

"I'm really dismayed at the lack

Bohannon negotiations continue

Menlo Park's negotiators will check in with the City Council at its meeting Tuesday, May 11, offering more detail and some new information on the preliminary terms of an agreement with the Bohannon Development Co. over the rights to develop a major office/hotel project.

The council at its April 6 meeting agreed to the basic tenets of an agreement with the Bohannon Co. over the proposed project. The revised terms include stricter penalties if the company fails to reduce vehicle trips to and from the site below a certain threshold, a provision that could increase the city's sales tax receipts during construction, and a commitment from the development

company to pay an impact fee that would benefit the Fire Protection District, should the city institute such a fee.

The Bohannon company agreed to cooperate with possible plans to put underground power lines that now stretch along Menlo Park's waterfront, but only in the event that the work does not affect the construction schedule, and that the costs are "borne by others," according to the staff report.

The meeting begins at 7 p.m. in the council chambers, located in the Civic Center complex.

Go to menlopark.org and follow links to the City Council page and the May 11 agenda, to view the staff report.

of urban planning that's going on here," he said, maintaining that the city was too focused on monetary benefits, and calling the process "design-by-spreadsheet." "If we don't think about this now ... if (the) council doesn't talk about it, it's just ... I just don't get it."

Commission members who voted in favor of the project praised its aesthetics, and

commended developer David Bohannon for his dedication to working with the city.

"This is a very attractive project," Mr. Riggs said. "If it goes forward, I think we will be proud of it. Our whole town will be proud of it."

"There's just so much that speaks for this project being good for the town," said commission chair John O'Malley. ▀

Continued from previous page

remainder of Ms. Fergusson's term after she was elected to the council.

Eight people volunteered for the commission.

"It goes against our best interest to turn away volunteers," Mayor Rich Cline said. "I do want to relay the gratitude of this council and the city overall, it's a huge help and really the lifeblood of what makes the city tick."

Rail suit filed

Menlo Park, Atherton, and a coalition of environmental groups filed a new legal challenge against the California High-Speed Rail Authority on May 6, seeking to force the agency to reconsider its Bay Area alignment for the controversial rail line.

In the suit, filed in Sacramento County Superior Court,

See **MENLO WATCH**, page 12

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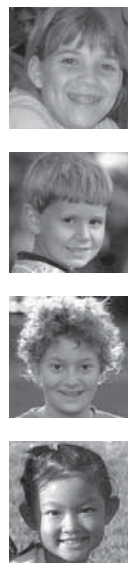






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■ POLICE CALLS

This information is from the Atherton and Menlo Park police departments and the San Mateo County Sheriff's Office. Under the law, people charged with offenses are considered innocent until convicted.

ATHERTON

Robbery report: Man robbed of his Prada wallet by three men traveling in older blue Ford Mustang, Selby Lane, May 2.

MENLO PARK

Residential burglary reports:
 ■ Refrigerator, sofa set, TV, shoes, DVDs and video games, with estimated total value of \$5,800, stolen, 1200 block of Madera Ave.,

May 1.

■ Attempted break-in, 500 block of Arbor Road, May 4.

Commercial burglary reports:

■ Front window smashed and \$150 cash register and \$500 in cash stolen, Tony's Pizza at 820 Willow Road, May 3.

■ Three laptop computers stolen with estimate of \$1,460 total value, Goodwin Proctor LLP at 135 Commonwealth Ave., April 30.

■ Coin-operated laundry machines broken into and \$200 in coins stolen, 700 block of Pierce Road, May 5.

Assault with deadly weapon report: Woman said someone rammed her vehicle while she was inside it and that she suffered no injuries, Willow Road and O'Brien Drive, May 6.

Fraud reports:

■ Counterfeit \$100 bills discovered, Safeway supermarket at 525 El Camino Real, May 6.

■ Unauthorized charges of \$375 made to debit card, 200 block of Hedge Road, May 5.

Grand theft reports:

■ Blue cruiser bicycle valued at \$500 stolen, Willow Road and Coleman Ave., May 6.

■ Computer valued at \$2,500 stolen, 2200 block of Sharon Road, May 2.

Auto burglary report: Purse and wallet valued at \$250 stolen, Bayfront Expressway and Marsh Road, May 1.

Stolen vehicle report: Silver 2000 Toyota Corolla stolen, 1300 block of Almanor Ave., May 5.

Ex-supervisor charged with annoying a child

A misdemeanor charge has been filed against the Belle Haven Child Development Center supervisor arrested April 13 for sending unwanted letters and gifts to a 13-year-old girl, according to the San Mateo County District Attorney's Office.

Jose Adalberto Lopez of San Mateo, 55, was charged Thursday, May 6, with annoying a child, a spokesperson with the district attorney's office said.

Mr. Lopez is scheduled to be arraigned May 18. The maximum penalty is a \$1,000 fine, one year in prison, or both, according to California Penal Code.

The city has announced Mr. Lopez's pending retirement from the post, effective May 14.

MENLO WATCH

continued from page 11

the plaintiffs allege that the rail agency withheld crucial information about how it arrived at its ridership estimates. They seek to re-open an earlier suit filed in 2008, contending that the rail agency did not adequately analyze the impacts of the project before it decided to run high-speed trains along the Caltrain corridor.

The original court ruling de-certified the environmental analysis document, but by and large did not fault the agency's environmental review of the Peninsula segment of the route.

Gun buy-back program nets 10 firearms

A total of 10 guns were turned in at a firearm buy-back event on May 1 in Menlo Park, according to police.

Held at Mt. Olive church in Belle Haven, the event was sponsored by the police department, the church, and the Crime Prevention Narcotics & Drug Education Center. People who turned in guns received a \$50 gift certificate for each.

Guns can be turned in to the police department "24 hours a day, seven days a week," police said in a press release. ■

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WHAT'S YOUR VIEW?

All views must include a home address and contact phone number. Published letters will also appear on the web site, www.TheAlmanacOnline.com, and occasionally on the Town Square forum.

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Action on the pension front

Menlo Park residents concerned about the escalating cost of public employee compensation and benefits got a lift last week when the City Council imposed terms on non-safety and non-management city employees represented by the Service Employees International Union (SEIU).

The council's action, which included a reduction in pension benefits for new employees, occurred just a day after a group of citizens submitted petitions signed by 3,124 people to put a pension-reducing initiative on the November ballot.

The near dead-heat in the push for pension reform came amid growing cries in Menlo Park to reduce the rapidly rising costs of public employee pensions, which stand in sharp contrast to private sector benefits that have dwindled for many years, including during the economic downturn. This negative environment created a fertile field for volunteers who on May 3 presented 3,124 signatures to Menlo Park City Clerk Margaret Roberts, far more than the 1,882 signatures needed to force the council to either OK the initiative or put it on the November ballot.

Both measures would establish a so-called "two-tier" pension system, meaning new workers can retire at age 60 with a maximum of 60 percent of pay after 30 years of work, rather than at age 55 with a maximum of 81 percent of pay. The council can impose the lower benefit in late 2011 if the city negotiates the same deal with middle-management employees

when their contract expires in 2011 or the council imposes the terms on those employees.

The May 3 imposition also freezes salaries, and could bump up employees' contributions to future pension and health care costs.

The initiative differs from the council's action in a significant way: If approved by voters in November, the initiative will force the city to obtain voter approval for any enhancement of pension benefits.

Since the pension provisions apply to new employees only, they would not reduce pension costs immediately. It will take several years before the city will realize savings.

And while the initiative deals with a group of workers who earn an average of about \$66,000 a year, it does not apply to pensions of police officers, who earn an average of more than \$100,000 a year and can retire at age 50 after 30 years of service at a maximum of 90 percent of their highest pay. We suspect the initiative supporters wanted to avoid the near-certain backlash if they included police pensions in their reform, but in the process missed reducing more than half of the city's pension obligations.

Still, it is time for Menlo Park and most other cities in California to rein in out-of-control pension costs. Perhaps the initiative will resonate with other jurisdictions that are struggling to meet their growing pension obligations, showing them that residents can take control of the process. In this effort, about 100 volunteers were concerned enough to get out and do something about it. Maybe they will notice in Sacramento.

EDITORIAL

The opinion of The Almanac

LETTERS

Our readers write

School board president says thank you

Editor:

On behalf of the Board of Education of the Menlo Park City School District, I would like to express our appreciation to the community for its strong support and passage of Measure C, with 76.2 percent voting "yes."

These are challenging times for public education in California, and as you know, the economic decline of the state has significantly impacted funding for education. Recent reports estimate that 23,000 teachers in the state have received layoff notices. It will take many years for impacted districts to recover from the severe reductions of educational programs and services that they have had to implement. I am proud that our community voted to invest in the future of our schools.

The passage of Measure C will help to mitigate the district's financial challenges, which include significant growth in enrollment and a projected decline in state funding and property taxes. The additional revenue generated from Measure C will help ensure that the district can continue to have reasonable class



Menlo Park Historical Association

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In the early 1900s, what is now the Vallombrosa Center at 250 Oak Grove Ave. in Menlo Park was the home of Edward Whiting Hopkins, nephew of transcontinental railroad builder Mark Hopkins. In 1947 the central 10 acres of the large estate was purchased by the Catholic Church and today is a retreat facility for men and women.

sizes at all grade levels and that our students will continue to benefit from the enrichment services that have set our district schools apart.

I would like to recognize the extraordinary efforts of the Measure C campaign chairpersons. Rebecca Bloom, Shari Conrad, Dana Hayse and Carla Posthauer provided exceptional leadership and mobilized numerous volunteers to actively campaign for this

important measure. Thanks to their efforts, voter turnout was higher than any other parcel tax or bond election in the history of the district.

Despite the passage of Measure C, some reductions in expenditures will still be needed in order to balance our budget. The board is committed to ensuring strong fiscal management and oversight as we move forward. We encourage

community members to attend our board meetings and comment as we make decisions regarding our budget and educational programs.

The board, the superintendent and I are grateful for the community's strong commitment to keeping our schools strong.

**Jeff Child, president
Menlo Park City School District
Board of Education**

See **LETTERS**, next page

LETTERS

Continued from previous page

City should build in protections on Bohannon project

Editor:

Those members of the Menlo Park City Council who might be beguiled by the prospect of added municipal revenue from the Bohannon Gateway project should be reminded that any future revenue from the project is a potential, not a promise.

The hotel and other buildings might get built and then again they might not. We won't know for the term of the development agreement — 10, 15 or possibly even 20 years.

Since the market outlook at present is not promising and we certainly don't need another automobile dealer mall fiasco, the council should at an absolute minimum, even if it is otherwise inclined to approve the proposed rezoning and development agreement, insist upon a significant up-front payment in exchange for what is in effect Bohannon's long-term control

over planning for the affected area.

In addition, so as to avoid being confronted with obligations that would offset any future revenue from the project by far, the council should insist that Bohannon specify how it will arrange for construction of any additional housing units required by ABAG as a result of additional jobs created by the development — without cost to the city or impact to the existing density of any existing zone.

Finally, the council should insist upon a non-assignability clause that would preclude Bohannon from selling or creating derivatives out of whatever rights it is given.

Anything short of the foregoing will represent the sale of valuable development rights to Bohannon for the proverbial mess of pottage.

James R. Madison
Holly Avenue, Menlo Park

Look out for bright orange vests and fenders

Editor:

Thank you, Menlo Park, for the weather, which has enabled our family to get around this full-service town by bikes quick-

er than in our van.

With six kids, we always have an errand to run, a child to deliver! With an autistic daughter, we have been taught that taking even just one day off from biking to school can cause a backslide in her biking skills, so we try not to.

We don our fenders, rain gear and vests to bike even on the drippiest of days. Fortunately for us, Menlo Park has wonderful weather year-round and there is no season that a little wardrobe modification can't prepare for.

Michelle Daher
O'Conner Street, Menlo Park

Not much good to say about Arizona law

By Trish Hooper

It's difficult to imagine the effects of Arizona's new law trying to make sure that "illegals" are kept out of their state, or picked up by police, who now have a license to use racial profiling, within the state.

This new law increases the underlying racism which seems to have replaced the message held with such pride by the Statue of Liberty, a gift from France: "Give me your tired, your poor, your huddled masses yearning to be free. ... I lift my lamp beside the golden door."

The message of "freedom, democracy, and international friendship" is put aside as this vaunted compassionate country loses its bearings. Urged on by hate-mongers and the shrill voice of "Gotcha!" plus cries of "down with the government," we're teetering on the brink of a new brand of isolationism.

When John McCain insists that drugs are pouring into the state of Arizona, does he question why? Who buys the drugs and for what purpose? Look at the gangs of druggies in our schools, in the malls, "around the corner," and remember that most of the drug users are local pale-skinned buyers looking for any kind of high without having to work for an education, or

find a job they "like."

Most Central American workers come to this country to work, to make enough money to send back to their families so that their lives can be improved. To work

toward citizenship, pay the taxes the Tea Party crowd hates, learn to speak American, and all too often, continue to do the work on our farms and in our orchards and our communities that we whites haven't the will to tackle.

Our latest census may prove what many Arizonians don't want to admit; we're in the minority group now. Our lack of success in eradicating our own ghettos of poverty, bad schooling and permissive behaviors is in the limelight. How can we improve our country without imposing negative laws against many countries to our south? A good start would be supporting President Obama, and rejecting the Party of NO which is not representative of this republic.

Trish Hooper lives on Portola Road in Portola Valley



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