"Park" is in the name

Mayor Burgess & MP's Big Yellow Taxi

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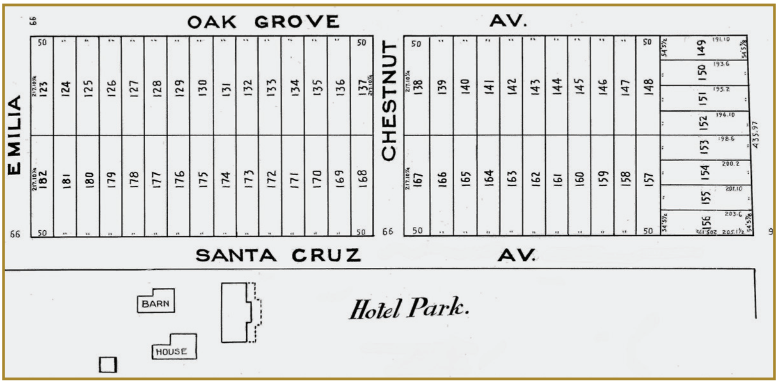
(This June 2025 edition updates the number of *change.org* petition signatures, adds information from Menlo Park's March 4, 2025 City Council meeting and its open records response on parking plaza appraisals of the same date, and includes material about the City's ongoing RFQ process. This edition also makes corrections and punctuation, editing, style, and layout changes.)

Mayor Burgess & MP’s Big Yellow Taxi

“Park” is in the name

Commentary by Michael Giudicessi



Credits and sources

Big Yellow Taxi (words and music by Joni Mitchell, ©1970 by Siquomb Publishing Corp.)

City of Menlo Park public records including housing element, downtown housing materials, real estate title reports, Plaza 1, 2, and 3 RFQ materials, and a YouTube screenshot of and transcript from the January 14, 2025 City Council meeting.

Redwood City Tribune, *Palo Alto Times Tribune*, the *Almanac,* and other newspapers of record.

San Mateo County public records.

Menlo Park Historical Association newsletters, cover inset photograph, and photographs of Charles P. Burgess and Americo Ciardella.

To the women and men who helped to put up the parking lots.

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Preface

MENLO PARK—In 1970, Canadian Joni Mitchell released *Big Yellow Taxi*, the song with the well-known refrain:

Don't it always seem to go
That you don't know what you've got
Till it's gone
They paved paradise
And put up a parking lot.

Contrary to that theme, Menlo Park reveres longtime Mayor Charles P. Burgess precisely ***because*** he put up parking lots along Santa Cruz Avenue before his death in 1957.

The community now risks losing three north-side parking plazas as the Menlo Park City Council considers leasing them to developers for $1 per year as sites for construction of high-density, low-income apartments.

To do that, the City Council may rely on a state law contrivance to declare that the 556 spots on parking plazas 1, 2, and 3 qualify as "exempt surplus property."

Many question how those heavily used plazas could fit as “surplus” under literal and common-sense meanings of the word. They ask how abandonment of downtown parking will serve the public interest.

Furthermore, to abandon the lots, the City inherently must dismiss contributions of homeowners and merchants who aided in the Santa Cruz Avenue revival after World War II by surrendering homes and gardens and paying taxes into a special assessment district.

As an offshoot, the City well might dash the vision and goal of Mayor Burgess for a vibrant downtown business district designed around and supported by ample off-street parking to the rear of both sides of Santa Cruz Avenue.

“Some worry the City Council will follow staff guidance despite public sentiment expressed by 116 downtown merchants and 3,806 change.org petitioners who oppose abandonment of the plazas as surplus land.”

Some worry the City Council will follow staff guidance despite public sentiment expressed by 116 downtown merchants and 3,806 *change.org* petitioners who oppose abandonment of the plazas as surplus land.

Others fear a reduction of Santa Cruz Avenue parking will drive shoppers elsewhere, just as, according to City Council minutes from 1955, Menlo Park worried about losing business to the Stanford Shopping Center because its construction was “going on apace.”

Meanwhile, no one has mentioned paying reparations to descendants of those who sold homesteads to the City under duress or lost land when Menlo Park used its condemnation powers. Plus, the City dismisses the idea that businesses specially taxed to finance the Santa Cruz Avenue parking plazas should have a say in whether their use should revert to private housing.

As a substitute, City presentations emphasize regional affordable housing “elements” and state mandates over personal sacrifice and visionary leadership.

So, a trio of council members soon could vote to disregard history and public opinion by enabling the City to make a fast development deal that cedes valuable and useful downtown land.

And, if they go ahead, Menlo Park may learn that by ***taking away*** parking lots:

Don't it always seem to go
That you don't know what you've got
Till it's gone.

Part One

Putting the parking in Menlo Park

Charles P. Burgess put the parking in Menlo Park. His public works and guiding hand provide context to the uproar created by Menlo Park's proposal to abandon Santa Cruz Avenue parking plazas.

Mayor Burgess served on the City Council from 1942 until his death in 1957, and as mayor most years from 1945 to 1955.

A 1962 *Palo Alto Times* report that Lyman Wear quoted in his 2010 Menlo Park Historical Association article "A Man of Vision, Charles P. Burgess," noted, "The dominant figure in Menlo Park civic affairs and the man chiefly credited for shaping the city in the post-war years was Charles P. Burgess."

That is why the City named a 9.31-acre park and swimming pool after him, *against* his wishes. A street near Burgess Park likewise bears his name.

Mayor Burgess built his reputation largely by reshaping what old plat maps call the Town of Menlo. Starting in the mid-1940s, Mayor Burgess forged merchants scattered along Santa Cruz Avenue into an interdependent business district serving Menlo Park and beyond.

A 1997 article in the historical association's *Gate Post* notes, "In 1948, Menlo Park gained nationwide interest when the town embarked on the program of providing free, municipal parking facilities."

Assessing his role, the *Times* and Wear articles credit Mayor Burgess with "revitalizing the downtown area," widening and improving Santa Cruz Avenue west of El Camino Real in 1947 to make it "the main downtown street," and setting up "one of the first extensive municipal off-street parking lot programs on the Peninsula."

According to Wear, the pastor who delivered the eulogy at the mayor's funeral remarked, "He is the best example I've seen of the effect of one man's life upon a community. More than to any other man, we owe the advantages of this community to Chuck Burgess."

Mayor Burgess was powerful and smart. As a municipal bond analyst and broker, he knew how to use public financing to pay for Menlo Park improvements. Even so, as one 1948 news article reported, when he "launched the idea of shifting the main axis of the downtown business

> *[M]ore than 50 downtown landowners gave up property in the quest for municipal progress.*

district from El Camino Real to Santa Cruz Avenue," he and his council needed land and, specifically, land to park cars.

To get that land, they asked neighbors to cooperate or capitulate. Couples, widows, and siblings transferred land to the City. Some deeded homesteads and moved away.

They did so at the City's behest, seeing little choice except to take what had been offered as just compensation.

Title reports for plazas 1, 2, and 3 obtained through public records requests to the City show that more than 50 downtown landowners gave up property in the quest for municipal progress. That group made up owners of *just the north part* of land now occupied by the eight downtown plazas.

Over the course of 20 years or so, Menlo Park cajoled, bargained, and used eminent domain powers to secure the land needed for all eight plazas.

A December 1947 deed from the Menlo Park Presbyterian Church to the City shows how the government used condemnation as a threat and liens as a cudgel.

That deed transferred land at Santa Cruz Avenue and Chestnut Street pursuant to this church council resolution:

> Resolved that the President . . . and Secretary of this Board be hereby authorized to borrow

> against this Church property a sum not exceeding $12,000 for the purpose of meeting the foregoing assessment, and that they be hereby authorized to execute all necessary documents to effect the loan and settle the assessment. Including the conveyance to the City of Menlo Park of land ***under threat of condemnation***, the value of which is to be credited against the assessment. Motion carried. (Emphasis added.)

Three years later, the Presbyterian Church moved to the corner of Santa Cruz Avenue and Johnson Street, where it now is known as the Menlo Church.

The tone sometimes grew heated, such as when council member Edward Church remarked at an August 1951 meeting, "We sit here not to do what is best for the property owners but what is best for Menlo Park."

Council member Arthur Cobbledick adopted a more conciliatory tone during a March 1953 meeting, where according to the minutes, he "remarked there are a lot of historical blunders and that we should profit by the blunders of the past" and the City Council should accept that as to neighborhood shopping, many people use cars even when they live "only two blocks away."

As the number of parking plazas grew, not all landowners eagerly accepted what the City offered, including a group who held out when the building of plazas expanded to the south side of Santa Cruz Avenue. The Bishop, Leon, Artino, and Garibaldi properties, among others, worked their way through eminent domain negotiations or trials in condemnation court.

For plazas 1, 2, and 3—the sites the City now proposes to classify as surplus land—neighbors who sold land to Menlo Park or granted it easements included:

H. Taylor and Mary Peery
Amelia E. Morey
Rose A. Broggi
A. Gordon and Julia M. Bowles
Abbie Weeden Driscoll
Harry J. and Olga Straver
Katherine Peery
Frankie Milles Dunn
Agnes A. Bracesco

Americo and Delphine Ciardella

Fernando and Teodolinda Paletti
Georgia B. Bickford
Angelo and Maria Boccoleri
Laverne Bradbury
Charles Anthony and Louise M. Brady
Katherine R. MacLean
Daniel B. and Marguerite O. Rost
Albina Generelli

Francis H. and Victoreen T. Kappeler
Suzanne Perry
David C. and Dalma M. Bergesen
Mary Maloney
California Pacific Title Insurance Company, as successors in interest to H.H. and Isabelle MacDonald
Chuck Can Su and Chuck Jan Su
Eleonora N. Romani
Vivian E. Gleason
Anglo-California National Bank of San Francisco
Elizabeth M. Buck
R. John and Elizabeth Glenn
Bank of America National Trust & Savings Association
A. Gordon and Julia M. Bowles
John and Jennie L. Zafferano
Antonio and Emma Zafferano
The Menlo Park Presbyterian Church
Luke Tighe
Mark J. & Ivy M. Loughlin
Edward J. and Helen Derry
Elizabeth McBride
Jimmy Lao
H. E. and Grace L. Foley
J-R Company, a partnership, composed of Joseph Valverde, Joseph R. McLoughlin, and Othal T. Ross

Early on, financing the parking plazas fell on merchants. As the *Times Tribune* reported, the City assessed "store owners whose businesses are serviced by the increased parking space" to fund development costs. Perhaps that led Mayor Burgess to say in 1948, as plaza 1 took shape, "The real heroes of the project are the assessed property owners who put up the money for the whole thing."

The City later secured more parking through additional special assessment districts, and even by requiring that new stores building next to plazas had to provide parking space equal in size to their floor area. According to a Jan. 10, 1955 news report, "The parking area is deeded to the city and becomes *tied* with the adjacent parking plaza." (Emphasis added.) If the new store refused to deed the land, the City required it to provide twice as much parking.

Some recall that the City made promises along the way. For instance, at the Jan. 14, 2025 meeting of the City Council, Mark Flegel recounted how the City's carrot-and-stick approach included a promise that future changes to the parking plazas would need voter approval:

> Our family settled in Menlo Park over 70 years ago. My father [Arthur] [started] a retail business and was a property owner in downtown.
>
> I had the privilege, at a young age, of meeting Mayor Burgess and Mayor Lawson. These were two visionary people in Menlo Park. It's because of Mayor Burgess that you're sitting where you are sitting, that we're in this building right now because of him. He put

together the purchase of 26 to 28 acres that became the Civic Center. He also had the vision of developing Santa Cruz Avenue in that area as the business district for Menlo Park. He created the Central business district and set up the assessment district.

And how did he get the property owners to agree? Well, he persuaded them because he was a man of vision for the downtown, but one of his assurances that was agreed to by the city and by the property owners, a hundred of them in the downtown area, many of them on Oak Grove and Menlo, who had houses and not buildings, not commercial buildings, was that the parking plazas, as he called them, would forever be parking plazas for the businesses, except if 51% or more would vote for a change.

"[C]heck the history of the city, and to avoid any legal problems, have the vote."

So, I charge you to . . . check the history of the city, and to avoid any legal problems, have the vote. . . . [N]one of the property owners at the time would have agreed to anything other than that these would remain as plazas unless the majority voted for any change.

Others assert that government code sections restrict Menlo Park from leasing or repurposing the plazas from the parking usage that special assessments funded unless 51% of the landowners in the district taxed for the improvements sign a petition approving the change in use.

Despite these arguments, today Menlo Park denies owing anything to those who paid assessments or deeded land, claiming the public already "received the long-term benefit of the financed improvements."

Mayor Burgess might assess things differently.

First, he distinguished residential neighborhoods from business districts. Thus, in a January 1953 meeting of the City Council, he observed, "The Council wants to achieve a good business section and residential section and a good place in which to live."

Then, at the Oct. 25, 1955 meeting when Mayor Burgess resigned that office, he assessed the City, the City Council, and the people of Menlo Park by saying:

> Our reputation has been achieved primarily from the solid accomplishments of the City Government. The development of a substantial central business district with free off-street parking plazas from the muddy Santa Cruz Avenue of old homes of the middle 1940s was such an accomplishment.

* * *

> [Speaking to his fellow council members]:
> Yours is the responsibility for recognizing and foreseeing the needs of the community. No one else is in as good a position to do this. Yours is the responsibility for getting these things done. There is no other leadership, no other persons who must bear the blame of missed opportunities or failure to do what should be done.
>
> You are the experts. The technical people we employ are only assistants, and the exercise of final judgment and decision is yours. Our city is a business, and yours is the responsibility for running it so that it flourishes.

His leadership and vision did not shrink to orders from Sacramento, threats from splintered interest groups, or pressure to move precipitously. He did not let staff members decide policy or practice. He made the hard choices but in a way that accommodated the majority view while providing residents with what they needed most.

That is why he put the parking in Menlo Park.

PART TWO

A dead end for downtown?

Just a generation or two later, street signs and a park keep the Burgess name alive around Menlo Park. Still, the Santa Cruz Avenue business district and its parking plazas provide the visual reminder of his work and the lasting tribute to the venerated mayor's foresight.

Meanwhile, pressure from state regulators to satisfy new and low-income housing quotas leaves area officials rushing to meet deadlines, seemingly no matter where they look to build and irrespective of cost and consequence.

By one news account, Menlo Park "is required by the state to plan to add 2,946 units of housing between 2023 and 2031, with at least 740 of those units designated for very low-income housing." Similarly, the City's current state-certified housing element states "the total units needed are 3,830 units, with 2,161 affordable units from the very low, low, and moderate income categories."

Despite the perceived urgency, nothing requires the City to plan and put housing downtown or to replace Santa Cruz Avenue parking plazas with apartment towers.

Recognizing this, Menlo Park catalogued 82 private and public parcels throughout town as potential building sites. Then, the City's staff narrowed the list to the three publicly-owned plazas on the north side of Santa Cruz Avenue as the targeted locations.

According to the *menlopark.gov* website, the City hopes one or more developers will "build at least 345 affordable housing units" on those three plazas, displacing all current surface parking spots.

"Enter the lawyers, who say they have a means to give developers the Santa Cruz Avenue parking lots."

Before using public land in this manner, Menlo Park needs a way to abandon the parking plaza land. Enter the lawyers, who say they have a means to give developers the Santa Cruz Avenue parking lots.

The lawyers advise that the City Council can adopt a resolution approved in form by a state housing official that declares parking plazas 1, 2, and 3 are "*exempt surplus property.*" They add that Menlo Park then can give, sell, or lease those locations to private developers to build low-income housing.

That mechanism, the lawyers further say, allows the City "to streamline the process for affordable housing development on the parking lots."

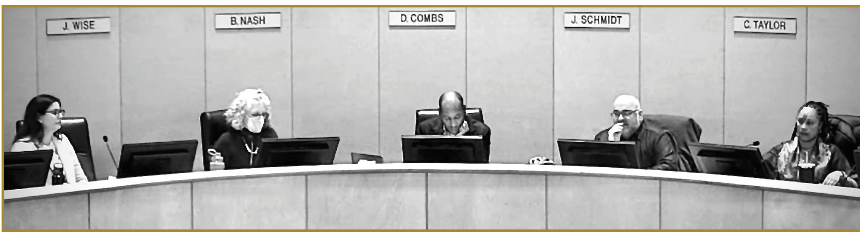
"The key word in that surplus land designation is 'exempt' because it allows the City Council to ignore whether the parking plazas are used or useful."

The key word in that surplus land designation is "exempt" because it allows the City Council to ignore whether the parking plazas are used or useful.

No matter the legality, the public legitimately can question how City Council members reasonably could find that the community neither wants nor needs parking plazas 1, 2, and 3. Moreover, "supporting" charts in the City's housing element document provide little evidence that the public is willing or able to end reliance on plazas 1, 2, and 3.

Instead, the documentation asserts that "similar developments in neighboring jurisdictions" and staff conclusions support that the City (a) "can potentially find that the existing use on the plazas is likely to be discontinued" and (b) the "value of the land as a residential use and the opportunity for new affordable housing downtown provides a public benefit that exceeds the value as surface parking facilities."

Those assessments flip the rationale the City expressed when it built the plazas. For example, a 1955 council resolution justified the taking of private property for parking lots then under development based in part on a finding that the project "is planned and located in a manner which will be most compatible with the *greatest* public good and the *least* private injury." (Emphasis added.)



On Jan. 14, the five-member City Council reviewed the surplus land question in what *The Almanac* described as a tense, six-hour meeting where "about 250 people turned out to listen to and comment on the City Council's discussion of the City's plans to place affordable housing on downtown parking lots, with another 200 or so attending on Zoom." According to *The Almanac*:

> Following four hours of public comment from 104 commenters, and two hours of council discussion, the council opted for a compromise: its members voted unanimously to proceed with releasing a request for developer qualifications, but to hold off on declaring the three city-owned parking lots just off Santa Cruz Avenue as exempt surplus land.

On Jan. 29, the City issued a request for quotations (RFQ) to gauge developer interest and qualifications. RFQ responses were due on March 31.

The RFQ asked how developers propose to enhance the City's well-being and provide affordable housing. It sought innovation in the design of low-rent apartments and financial and environmental sustainability. It said the City will lease plazas 1, 2, and 3–ground worth $20 million or more–"for base rent of $1.00 per year, plus additional rent arising from insurance and operational costs."

Nothing guarantees the City will enforce developer promises across the expected 50-year land leases for the apartment towers, much as some at City Hall appear willing to flout pledges made when the City developed the plazas.

Plus, considering how affordable housing laws can negate zoning and design limitations, the City may lack the power to limit the height and density of what goes atop the "surplus" property the City would contribute. City documents back this up by showing that developers could build 10-story buildings housing hundreds of tenants.

Then there is the question of Menlo Park's financial ability to accommodate an influx of 1,200 or more tenants, the strain they would concentrate on schools and infrastructure, and the congestion they would add to Oak Grove Avenue and area traffic. Plus, the likelihood of a financial squeeze only increases should the City approve low-income rental housing developers who qualify as a tax-exempt entity or other organizations eligible for property tax welfare exemptions.

Staff charts called "site sheets" also omit assessed valuations of the locations in question, thereby masking the true cost of leasing "surplus" property to developers. This occurs because the county does not assess public lands.

So, rather than estimating a market value or relying on independent appraisals, the site sheets show only that the San Mateo County assessor places zero-dollar values on the 2.28 acres in plaza 1, the .56 acre in plaza 2, and the 1.99 acres in plaza 3.

"The site sheets further boast about 'substantial evidence that the existing use [parking] is likely to be discontinued during the planning period.'"

The site sheets further boast about "substantial evidence that the existing use [parking] is likely to be discontinued during the planning period" based on what they characterize as a "quantitative approach to findings."

Verifiable evidence or reliable studies to back that up is scant, and presentation materials simplistically conclude – as to all eight Santa Cruz Avenue plazas–that:

- **Obtaining "clear title" imposes the only real obstacle to transferring the land to developers to build apartments.** Thus, the City site sheets declare "Once the city clears title to the parking lots (there may be underlying easements), the land can be *donated or leased* to an affordable-housing developer." (Emphasis added.)

- **It is about the City, not the residents.** So, the site sheets posit that a finding of reduced use of the parking plazas can rest on the circular fact "The landowner (the City of Menlo Park) has a strong interest to redevelop this site for housing."

Tellingly, the site sheets lack valuations of the three plazas the City might abandon. Nevertheless, by showing assessed values for comparable locations, they allow imputation of a value for the 4.83 acres in plazas 1, 2, and 3.

For example, City housing element documents name the privately-owned parking lot at 1008 University Drive as an alternate development location.

*"[T]he **taxable** value alone of the 4.83 acres on plazas 1, 2, and 3 might exceed **$20 million**."*

The site sheet for that parking lot, owned by Draeger's Market, shows the .56-acre parcel carries an assessed valuation of $2,330,219, or $4,161,105 per acre. Using that per acre figure as a benchmark, the *taxable* value alone of the 4.83 acres on plazas 1, 2, and 3 might exceed *$20 million*.

A recent sale nearby also shows how the real value of the parking plazas could run significantly higher. The City's website lists construction of an apartment building at 1220 Hoover Street consisting "of three stories constructed over a ground-level parking garage" as under review.

Online information indicates that in September 2021, the developer paid more than $3.5 million for that ¼-acre site, which is one block from parking plaza 1. The county's current assessed *land* value for the parcel stands at $3.64 million, or $14.5 million per acre. At that level, the market value of plazas 1, 2, and 3 could approach $70 million.

Real estate appraisals could resolve lingering questions or bad math about land values. However, the City's principal planner never replied to a Jan. 18 email seeking market values of plazas 1, 2, and 3.

Then, on March 4, the City Clerk replied to a Feb. 10 public records request for appraisals of "parking plazas 1, 2, and 3, individually or as a package, and any other assessments or valuations of the current market worth of each." She first stated, "The City is required to determine whether the request, in whole or in part, seeks copies of disclosable public records." She then reported, "Consistent with that, the City has conducted a search and *found no records responsive to your request*." (Emphasis added.)

Without that information, Menlo Park residents are left to guess the actual value of *their* 4.83 acres of north-side parking, just as they will have to take it on faith that the City is correct when it asserts that converting the three plazas into high-density housing will "provide a public benefit that exceeds the value as surface parking facilities."

The community likewise lacks facts upon which it may measure the propriety of any contribution of nearly five acres of municipal land to private developers without first knowing the true extent of the City's subsidy.

The city appears undeterred. At a March 4 study session, the City Council *declined* to seek alternate site analysis, saying it would review RFQ responses before considering using other public lands. In June, the City Council picked six developer teams to invite to participate in a Request For Proposal process the City hopes to launch in the second half of 2025.

So, the fight persists as signs and banners downtown cast the issue as one posing an existential risk.

Draeger Market family members said as much during the Jan. 14 City Council meeting. Tony Draeger said,

> Tonight, as a Menlo Park resident of 50 years and a downtown business owner, I strongly oppose the high-density housing that's proposed for the downtown parking lots. This development will negatively impact the downtown businesses which rely on close, convenient parking and it will alter the city's tax base. . . . The opposition to this is about 10 to one. So, you have to ask yourselves, who are you supporting? Are you representing the 300 people who signed the petition in favor of this, or the 3,000 people who signed the petition opposed to this?

Richard Draeger added critical facts:

> [W]e've been struggling with parking for years and years. This proposal represents a removal of parking of approximately 556 parking spaces for 345 housing units with no real

> parking requirement for those units. . . . We're fully in support of the housing element [and] of this site being considered. We believe, in fact, that this should be a ballot initiative, and the voters should make this decision.

Despite sustained opposition, the issue stays alive–with no hint of a public vote. Yet, November 2024 San Mateo County election results may portend the outcome anyway: locally and statewide voters rejected Propositions 5 and 33, which would have made it easier for cities to fund affordable housing and impose residential rent controls.

Doubt also lingers about the City's diligence because, among other things, it did not study parking needs before proposing the surplus land vote. The City instead says the potential amount of replacement public parking "is subject to change based on a downtown parking management study c*urrently underway* . . . ." (Emphasis added.)

Property owners such as Kevin Cunningham, who co-owns the Coffeebar building, equate a delay in securing replacement parking to a deprivation of "oxygen." "When you take that away, thinking you're going to . . . give it back, you're going to be dealing with a skeleton. It's dead."

A 2024 study by the City does say replacement parking could come from "stand-alone" structures "funded through an assessment district, collection of parking fees, and/or other potential sources."

Put another way, the City may look to the public, patrons, and landowners to pay a second time for Santa Cruz Avenue parking.

This all breeds anxiety that the City Council will:

- *Reject alternate sites like the Civic Center campus,*
- *Imperil downtown by freezing commercial lease renewals and the ability to attract new tenants,*
- *Ignore true costs and replacement parking needs,*
- *Reject the "plea" of 116 downtown businesses,*
- *Dismiss the opposition of 3,806 change.org petitioners, who in part fear "Towering structures and dense development will forever destroy the village charm of our downtown,"*
- *Move forward without adjacent landowner consents, a ballot referendum, or reparations, and*
- *Find plazas 1, 2, and 3 are surplus property.*

This atmosphere differs from that when Mayor Burgess ran the show. As one council member said when responding to a citizen complaint in 1953, "We are operating for the good of the community and not for any segment. We are trying to operate with the majority."

Whether the current council members hold to that value may reduce to the difference between *may* and *should*; while they *may* make a surplus land declaration, abandon parking plazas, and move ahead with downtown high-density housing, as democratic representatives, *should* they?

And, if they do, the 2002 version of *Big Yellow Taxi* by the Counting Crows may echo through Burgess Park:

Why you wanna give it all away?
'Cause you're giving it all, giving it all away, yeah, yeah.

Don't it always seem to go
That you don't know what you've got
Till it's gone

About the author

Michael Giudicessi lives in Iowa. He regularly visits Menlo Park, staying at his family's home near downtown. Giudicessi received a journalism degree from the University of Missouri and a law degree from the University of Iowa.

The author seeks accuracy in this commentary on current government and public issues. If you find a factual error, please send your suggested correction to *giudicessi@iabar.org* for possible use in any future versions.