

## INSIGHT

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EMILY HOEVEN

## NIMBY lunacy hits Menlo Park

Most Californians are intimately familiar with stories of cities going to comically absurd lengths to block new housing.

Sausalito tried to argue it could build affordable units on underwater eelgrass. La Cañada Flintridge in Los Angeles County flirted with bankruptcy to fight its first multifamily development in more than a decade. And Woodside attempted to declare itself a mountain lion sanctuary to avoid duplexes.

But the affluent city of Menlo Park is bucking the trend. At least it's trying to.

This month, the city issued a request for proposals to transform three downtown city-owned parking lots into at least 345 units of affordable housing near public transit and local businesses. Since the city already owns the lots, it won't have to worry about land acquisition costs — making it easier for the projects to pencil out, Mayor Drew Combs told me.

But this is California, where no good housing deed goes unpunished.

A coalition of residents and small businesses called Save Downtown Menlo is suing to stop the development, alleging that the city lacks legal authority to repurpose the parking lots and that reducing parking would cause “serious and irreparable harm.” It's also collecting signatures for a ballot measure to require voter approval to repurpose the downtown lots. The group announced this week that it already had 66% of the necessary signatures.

“Hoping to squeeze large apartment buildings into narrow, heavily used downtown parking lots ... is not a path to success,” Save Downtown Menlo organizer Alex Beltramo told me in an email. When I pointed out that the Menlo Park City Council has pledged to replace most, if not all, of the 556 parking spaces that would be impacted, Beltramo argued it wouldn't be sufficient



Lea Suzuki/S.F. Chronicle

**The city of Menlo Park plans to build affordable housing on downtown parking lots it owns near public transit and shops. A group called Save Downtown Menlo is suing to stop the development.**

for residents and shoppers and replacing surface lots with parking garages would be “more difficult to navigate and far less convenient.”

The question, of course, is whom it would be less convenient for.

Making space for workers who otherwise couldn't afford to live nearby is a no-brainer.

So, who would actually be inconvenienced?

Most likely wealthy shoppers from Portola Valley, Woodside and Atherton who drive to downtown Menlo Park and “absolutely believe they're entitled to their parking spot in front of their store,” Karen Grove, co-founder of Menlo Together, a group that advocates for affordable housing, sustainability and economic justice, told me.

Marlene Santoyo, a part-time Menlo Together organizer, told me she doubts that there would be as many businesses opposed to the project if it weren't affordable housing.

“They don't think low-income people can afford their

coffee, can afford their pastries, can afford them as clients, when that is clearly not true,” she said.

All this is a clear example of why state lawmakers need to pass more robust housing laws, such as state Sen. Scott Wiener's SB79 to legalize dense housing near major transit stops and other bills to exempt most infill housing and infrastructure from frivolous reviews and lawsuits under the California Environmental Quality Act. (Gov. Gavin Newsom is seeking to accomplish the latter objective via a state budget trailer bill and is haggling with lawmakers over the details ahead of a Monday deadline.)

Even though the Menlo Park project would benefit the environment — it's close to transit and would save many residents from soul-draining, climate-polluting commutes — Save Downtown Menlo's lawsuit alleges that it violates CEQA and the city's general plan, which are “standard fare challenges you'd see in almost

any case objecting to new housing,” said Chris Elmen-dorf, a UC Davis School of Law professor and state housing law expert.

Furthermore, most Menlo Park residents have made it obvious time and again that they support increased development.

In 2014, a measure to limit downtown development was defeated with about 62% of the vote. In 2022, the same percentage of voters defeated a measure that would have prevented the City Council from rezoning land designated for single-family homes.

Even Mayor Combs, the City Council member perhaps most willing to strike a compromise with Save Downtown Menlo, described the situation as “frustrating.”

He's being nice. The effort is unhinged.

One of the main allegations in the group's lawsuit, for example, is that Menlo Park doesn't technically own the parking lots because they were paid for by assessments on

nearby property owners. Only a majority vote of those property owners, the lawsuit contends, could allow the lots to be repurposed.

When I ran this by Darien Shanske, a UC Davis School of Law professor and expert on taxation and local government law, he described the allegations as “crazy,” noting that California law gives significant leeway to local policymakers to repurpose property paid for by an assessment district.

“I am not sure if this complaint was just drafted to be a nuisance, or by ChatGPT, or both,” Shanske told me in an email. “For my part, the city should not be intimidated and should proceed.”

The irony is that Save Downtown Menlo's efforts — if successful — could lead to the city being forced to approve even bigger, denser projects. If Menlo Park were to backtrack on its plan to redevelop the parking lots, the state could revoke approval for its housing plan — opening it up to the builder's remedy, which permits developers to bypass local zoning rules for projects with affordable units, a spokesperson for the state Department of Housing and Community Development told me.

David Lanferman, the attorney who filed the lawsuit on behalf of Save Downtown Menlo, filed a similar lawsuit against Palo Alto, which is also seeking to transform a downtown parking lot into affordable housing. He did not respond to my request for comment.

Ultimately, logic may not be the point here. The goal seems to be making it harder to do things that should be simple — like building housing.

The state can't act fast enough. It's still far too easy for a vocal minority of people to hold up projects that would benefit the vast majority of a community.

*Emily Hoeven is a columnist and editorial writer for the Opinion section.*