

ORDINANCE NO. _____

Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code (the Zoning Map) to Rezone the Property at 702 Ellsworth Place from Planned Community Ordinance 2343 (PC-2343) to Planned Community Ordinance XXXX (PC-XXXX).

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations.

(a) On February 2, 2023, Dewey Land Company LLC (“Dewey”) and Handa Developer’s Group/RRP (“Handa”) applied to amend Planned Community Ordinance 2343 (“PC-2343”) to apply solely to the property at 2901-2905 Middlefield Road, APN 127-35-194, (“Middlefield Parcel”) and rezone the property at 702 Ellsworth Place, APN 127-35-152, (“Ellsworth Parcel”) from Planned Community to Single Family Residential (R-1).

(b) At a March 13, 2023 study session, the City Council considered the prescreening application and indicated the project applicants should proceed with a formal PC rezoning application to the Planning and Transportation Commission for a recommendation.

(c) On June 28, 2023, July 12, 2023, and August 9, 2023 the Palo Alto Planning and Transportation Commission (“PTC”) held a series of public hearings to consider the application. The PTC recommended that PC-2343 be amended to remove the Ellsworth Parcel and to adopt two new PC ordinances to govern the Middlefield Parcel and Ellsworth Parcel, respectively, along with a corresponding amendment to Section 18.08.040 of the Palo Alto Municipal Code (Zoning Map).

(d) The amendment recommended by the PTC would remove the approximately 6,493 square foot parcel currently owned by Handa at 702 Ellsworth from PC-2343 and redesignate it as a separate PC, for the purpose of constructing a single-story, single-family residence. The PTC recommended the following conditions:

- (i) the development plan shall include a 2’6”-wide swath of pavement alongside Ellsworth Place beginning at the Middlefield Road curb line and extending to the proposed walkway to the single-family residence to increase the width of Ellsworth Place,
- (ii) the 35-foot sight triangle at the intersection of Ellsworth Place and Middlefield Road shall not be obstructed by new plants, fences, or other objects taller than 1 foot,
- (iii) the 24-foot special setback from Middlefield Road shall be observed,
- (iv) the setback from the creek shall be determined by a slope stability analysis,
- (v) and a 6-foot setback shall apply to the rear property line, except with respect

to a detached garage.

(e) The PTC recommended concurrent adoption of a companion ordinance (Ordinance No. XXXX) to reduce the area of the Planned Community PC-2343 from approximately 26,386 sf to approximately 19,893 square feet to encompass 2901-2905 Middlefield Road, a 12-unit apartment building currently owned by Dewey.

(f) The City Council held public hearings on September 18, 2023 and ~~November 6-December 11, 2023~~ to consider the PTC's recommendation and additional public input, and made further amendments to those recommendations regarding the width of Ellsworth Place and the sight triangle at the southeast corner of the intersection of Ellsworth Place and Middlefield Road, as set forth below.

- (g) The Council, after due consideration of the PTC's recommendations, finds:
- (i) The site is so situated and the uses proposed for the site are of such characteristics that the application of general districts or combining zoning districts will not provide sufficient flexibility to allow the proposed development; the City's conventional zoning district RM20 would not permit the existing 12 unit structure on the proposed 0.46 acre site.
 - (ii) Amendment to the existing Planned Community PC-2343 will provide public benefits expected to result from the Project, including expanded ingress and egress for the existing residences on Ellsworth Place through additional easements, that, when combined, would result in a 26-foot wide non-exclusive asphalt easement over a distance of approximately 100 feet extending from Middlefield Road eastward along the first 37 feet of Ellsworth Place, an additional 5 foot long by 30 inch wide easement on 702 Ellsworth Place, and the construction of an additional dwelling unit.
 - (iii) The Council further finds that the Project provides public benefits, as described above, that are of sufficient importance to make the Project, as a whole, one with reasonable public benefit.
 - (iv) The proposed single-family residence is compatible with existing and potential uses on adjoining sites or within the general vicinity, which are typically single- family residences and one 12-unit apartment complex.
 - (v) The use permitted and the site development regulations are consistent with the following Palo Alto Comprehensive Plan policies and are, on balance consistent with the goals and purposes of the Comprehensive Plan:

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|--------------|---|
| Policy L-1.1 | Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern. |
| Policy L-1.2 | Hold new development to the highest development standards in order to maintain Palo Alto's livability and achieve the highest quality development with the least impacts. |

| | |
|--------------|---|
| Policy L-1.3 | Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures. |
| Policy L-1.4 | Avoid negative impacts of basement construction for single-family homes on adjacent properties, public resources, and the natural environment. |
| Policy L-1.5 | Design buildings to complement streets and public spaces; to promote personal safety, public health and well-being; and to enhance a sense of community safety. |
| Policy L-1.6 | Discourage the use of fences that obscure the view of the front of houses from the street. The use and improvements on the site are remaining unchanged from existing conditions, which are compatible with existing and potential uses on adjoining sites. |

SECTION 2. Amendment of Zoning Map.

Section 18.08.040 of the Palo Alto Municipal Code, the "Zoning Map," is hereby amended to rezone the certain property known as 702 Ellsworth Place from PC-2343 to "PC-XXXX." The subject property and revised zoning designation is shown on the map labeled Exhibit "A 1," attached hereto and incorporated herein by reference.

SECTION 3. Development Plan

Those certain plans entitled Proposed Development Plan 702 Ellsworth, a copy of which is attached hereto as Exhibit "B1" and incorporated herein, are hereby approved as the Development Plan for the subject property.

SECTION 4. Uses.

(a) Permitted Uses. The permitted uses within the PC boundary shall be limited to a single story single- family residence with no basement.

SECTION 5. Site Development Regulations.

(a) Compliance with Development Plan. All improvements and development shall be substantially in accordance with the Development Plan, except as modified herein and depicted in Exhibit 1 attached hereto.

- (i) Any exterior changes to the single-family residence or any new construction not specifically permitted by the Development Plan or by these site development regulations shall require an amendment to this Planned Community Zone or, if eligible, Architectural Review approval under Section 18.76 of the Palo Alto Municipal Code, as it is amended from time to time.
- (ii) The development plan shall include a 2-foot, 6-inch-wide swath of asphalt pavement alongside the southern edge of Ellsworth Place beginning at the Middlefield Road curb line and extending eastward approximately 100 feet ~~approximately 42 feet to the proposed walkway to the single-family~~

residence, to increase the width of Ellsworth Place.

- (iii) This additional paved area shall remain clear of obstructions.
- (iv) Prior to final inspections for any structure on the site, Handa shall prepare and record an ingress and egress easement over this additional paved area to the other properties on Ellsworth Place.
- (v) The sight triangle at the southeast corner of the intersection of Ellsworth Place and Middlefield Road shall ~~extend to the southernmost corner of the property along Middlefield Road and shall~~ not be obstructed by new impediments taller than 1 foot, except for the installation of an additional sign stating “No Delivery Trucks Over 24’ long” below or above the existing ‘No Outlet’ sign located within the Middlefield Road right of way between the sidewalk and Handa’s the 702 Ellsworth Place property line and a maximum 3-foot tall fence of a grated or similar design that maintains visibility through the sides of the sight triangle adjacent to Ellsworth Place and Middlefield Road.
- (vi) The property owner shall maintain the vegetation in the Middlefield right of way planting strip between the curb and sidewalk at a height no taller than 1 foot.
- (vii) The 24-foot special setback from Middlefield Road shall be observed.
- (viii) The setback from the creek shall be determined by a slope stability analysis, but no less than 6 feet.
- (ix) A 6-foot setback shall apply to the rear property line, except with respect to a detached garage.

(b) Logistics Plan. A logistics plan shall be submitted for City approval prior to the issuance of a building permit for the construction of the new residence at 702 Ellsworth. The logistics plan shall address construction staging, construction worker parking, and material deliveries during site preparation and construction. It shall also include best practices for dust mitigation, stipulate permitted construction activities, hours and noise requirements, and include contact information for construction-related complaints. The property owner shall provide a \$5,000 deposit to offset City’s enforcement costs reasonably incurred in responding to construction-related complaints that may arise from this project. If the deposit account balance falls to \$1,000 or lower, the deposit account balance shall be replenished to \$5,000. Any funds remaining in the deposit account shall be refunded to property owner upon issuance of the certificate of occupancy for the residence.

(c) Development Schedule. Construction of the improvements to Ellsworth Place shall be completed within twelve (12) months of the effective date of this ordinance. Construction of other improvements shall be completed within twenty-four (24) months of the effective date of this ordinance.

(d) Minor Variations in Project. Minor changes to the Project may be approved by the Director, according to the provisions of Palo Alto Municipal Code Section 18.76.020(b)(3)(D) for architectural review. “Minor” changes do not include changes in land use.

SECTION 6. The City Council finds that this ordinance is categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3) because it can be seen with certainty that construction of a single-family home pursuant to will not result in a significant impact on the environment. The City Council finds that this ordinance is additionally categorically exempt under Section 15303 of the CEQA Guidelines, as it approves construction of a new single-family residence.

SECTION 7. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

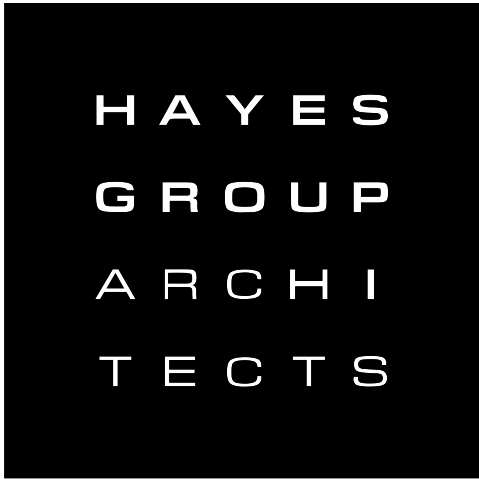
APPROVED:

Chief Assistant City Attorney

City Manager

Director of Planning and
Development Services

EXHIBIT 1



HAYES GROUP ARCHITECTS, INC.
2657 SPRING STREET
REDWOOD CITY, CA 94063
P: 650.365.0600
F: 650.365.0670
www.thehayesgroup.com

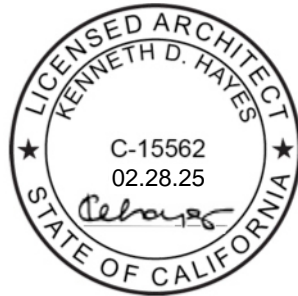
PROJECT ADDRESS:
702 ELLSWORTH PLACE
PALO ALTO CA 94306

ISSUANCE:

| NO. | DESCRIPTION: | DATE: |
|---------------------------------|--------------|------------|
| PTC SUBMITTAL | | 07.26.2023 |
| 2901 CITY COUNCIL MODIFICATIONS | | 12.14.2023 |
| PROPOSED PC ORDINANCE | | 01.08.2023 |

DRAWING CONTENT
702 Ellsworth PC
Ordinance Site plan

STAMP



JOB NUMBER:

2202.00

SCALE:

AS NOTED

DRAWN BY:

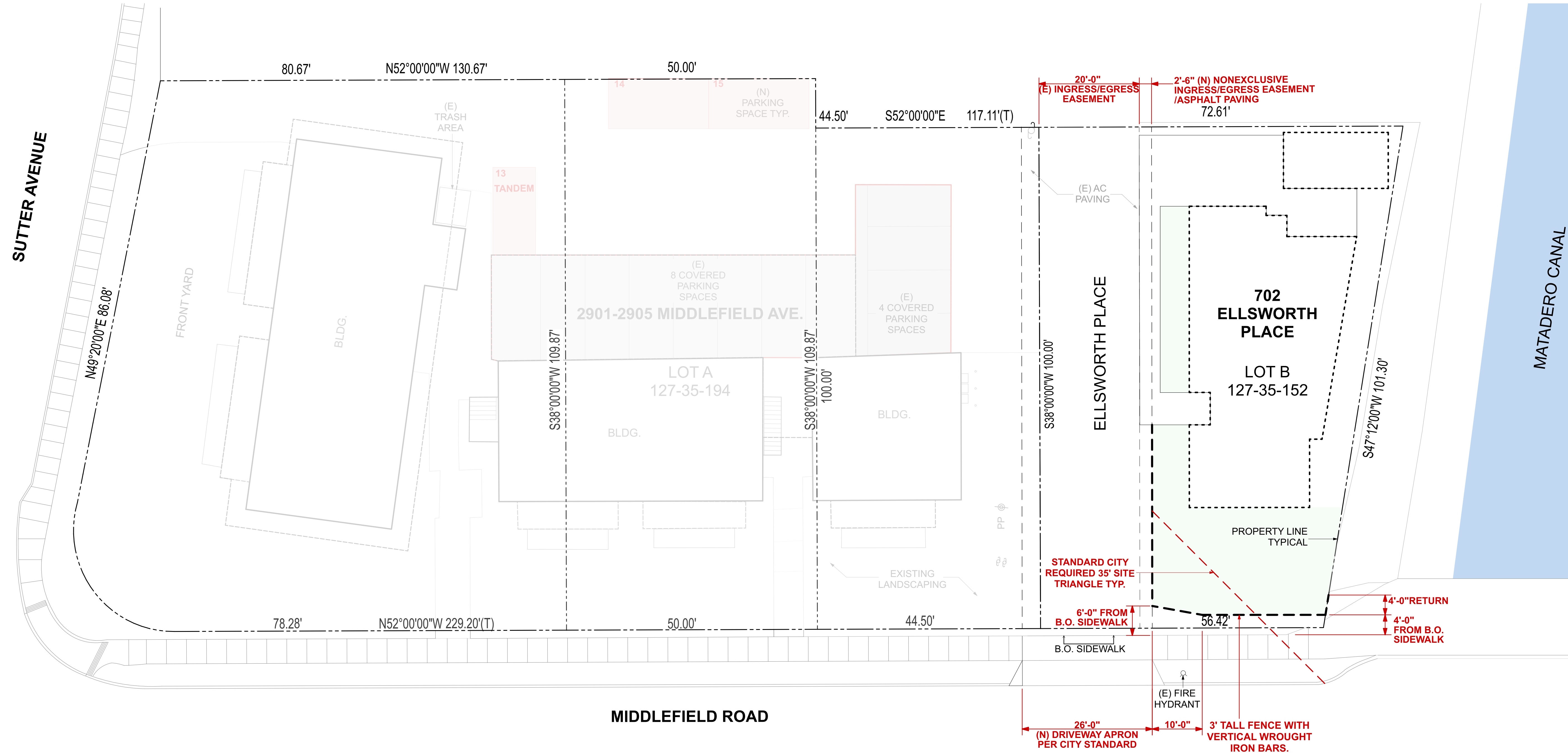
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DRAWING NUMBER

All drawings and written materials contained herein constitute the original & unpublished work of the Architect and the same may not be duplicated, used or disclosed without the written consent of the Architect.
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MIDDLEFIELD ROAD

702 ELLSWORTH PC ORDINANCE SITE PLAN
SCALE 3/32" = 1'-0"