

ELLSWORTH PLACE - SINCE 1937

.....

KEEP THE PARKING LOT A PART OF PC-2343

.....

OUR SAFETY AND CIRCULATION DEPEND ON IT

REGARDING: Applications: 23PLN-27, (23PLN-00027, 23PLN-00025)

March 13, 2023

Ellsworth Place has very humble beginnings and was originally shaped by a combination of necessity and affordability. This small subdivided parcel started as the retirement property of a hard-working couple from San Francisco, Eugene G., and Katherine Emerson, who purchased the larger portion of parcel 71 of the C.M. Wooster Company's Subdivision of the Clarke Ranch around 1937. This area was still a part of the unincorporated Santa Clara County area of Mayfield, California.

The ambiguity of right of way on Ellsworth Place begins after the widow Katherine Emerson's death in 1956. According to the minutes of the Palo Alto City Council meeting on March 1, 1967, this issue was resolved back then. However, ingress/egress rights of way are not the only issue being reopened from 56 years ago, as the issues of whether or not a house should be built on the 702 lot, and the circulation of vehicles in/out of Ellsworth Place onto Middlefield Road are also mentioned. The residents of Ellsworth Place have been experiencing intrusion into the flow of our lives ever since the parking lot was sold on November 7, 2022, and the chain link fence went up around the parking lot shortly thereafter. The Ellsworth Place Neighbors are against the lifting of PC-2343 from the parking lot R1 parcel, which was once known as 702 Ellsworth Place prior to the building of the apartments at 2901 Middlefield Road. The parking lot is integral to the circulation of both the Ellsworth Place homes and the Sutter-Arms Apartments, which both depend on the narrow 20' road of Ellsworth Place to exist. Ellsworth Place intersects Middlefield Road with a narrow driveway approach, and we have been having safety issues ever since the chain link fence was installed. We look forward to all of the issues being brought forth again over circulation and right-of-way being resolved in a way that is both safe for our community and also puts the issues to rest for good.

The recent hostility coming from the apartment owners and developers has strengthened the community of neighbors and homeowners on our private street. Given we are some of the most purchasable "affordable housing" to be found in Palo Alto (other than condominiums), we realize this makes us an easy target for developers, many of whom do not care to know anything about the properties they affect. Instead, they care only about the millions of dollars from their developments, squeezing the largest homes they can onto a property, whether the space allows for it or not. We strongly disagree with allowing a home to be built on the parking lot, and we do not wish to fall victim to these predatory tactics.

The parking lot is a part of the needed circulation for our street. Back in 1967, it was designed to function as an integral part of the apartment plan, in harmony with the Ellsworth Place community. In the City Council Minutes of March 1, 1967, Ray T. Lindsay is noted as saying, "...development of the 12 units proposed would be in keeping with the General Plan for that area, that the design would complement the area and be for the good of the community and the City." This says to the residents of Ellsworth Place that the design of the 2901 Middlefield Road apartments was also taking Ellsworth Place the street into consideration as well, which depends on Ellsworth Place to access carports and their non-carport parking spaces. And this design had served the neighborhood well for over 53 years, up until the fence went up on the parking lot in December 2022.

The parking lot provided enough circulation room for the flow of vehicles between the apartments and Ellsworth Place residents and provided a transition into the traffic on Middlefield Road. By day, when there are fewer cars parked in the eight spaces, it provides a safe place for trucks to both temporarily park and also turn around before exiting Ellsworth Place onto a very busy stretch of Middlefield Road, situated directly across the street from Keys School. At night, it provides parking for the apartments, and is full almost every night when the apartments are fully rented. For safety reasons, there is no parking on Ellsworth Place, as cars parking on Ellsworth will block the ability of cars to pass, including emergency service vehicles. Furthermore, relying on Sutter Avenue for overflow parking is not sustainable as it becomes full every night when all of the apartments on Sutter Ave. are fully rented, plus it too is the overflow parking area for the homes on Ellsworth Place.

The parking lot fence is dangerous and violates the PC-2343 agreement, making it illegal per City Ordinances. It is currently placed approximately 4' in from the actual property line, not including the road, and it has been hit more than once by vehicles, which has pushing it back another approximately 2' in the center, as can be seen in how the fence has been pushed back from the line drawn on the asphalt that the fence was placed upon. This fence creates a disruption to the circulation of vehicular traffic on Ellsworth Place and has been a safety hazard since it went up in December 2022. It is in violation of City Ordinance PC-2343. **For safety reasons, we want the fence removed.**







The fence is set back 4-feet from the parcel property line

OR-1810

The original PC-1810 ordinance talks about widening the Middlefield driveway approach to Ellsworth Place. It also talks about widening Ellsworth Place in general, but that would further deteriorate the parking situation on our street, and was likely a statement made prior to most of the existing homes already solving their own parking needs by creating parking spaces on their individual lots with suitable pavers, which form front yards in place of landscape, or houses have driveways large enough to hold multiple cars to accommodate house guests. Some of us also allow our neighbors to use our on-property parking for special occasions like a party, and our overflow parking is also on Sutter Ave.



The photo above and below show the pavers installed on the private parcels of Ellsworth Place. The photo above shows the pavers being used by a homeowner to park their car off of Ellsworth Place, thereby keeping the roadway clear. These pavers along with wide, long or multiple driveways have been built onto private property to solve for personal parking issues.



PROPOSED CHANGE OF DISTRICT OF PROPERTY LOCATED AT 2865-2875, 2901 and 2905 MIDDLEFIELD ROAD, AND 701 AND 703 ELLSWORTH PLACE, PALO ALTO, FROM R-3-G TO R-3-P.

REMAINS R-2'S
SAN CARLOS CT
REMAINS R-3:G
250'
SUTTER AVE
REMAINS R-3:G
ELLSWORTH PL
CANAL
REMAINS N-1:S
REMAINS A-R
MATADERO
REMAINS R-1
MIDDLEFIELD ROAD
ZONE OF INTEREST
CHANGE R-3:G To R-3:P
ZONE CHANGE BOUNDARY
EXISTING ZONE BOUNDARY
SCALE
0 100 200

Daily Palo Alto Times and Palo Alto News and Palo Alto Shopping Review (Palo Alto, California) · Sat, May 31, 1958 · Page 15
<https://www.newspapers.com/image/839067431>

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LEGAL ADVERTISING**LEGAL ADVERTISING**

City of Palo Alto
NOTICE OF HEARING

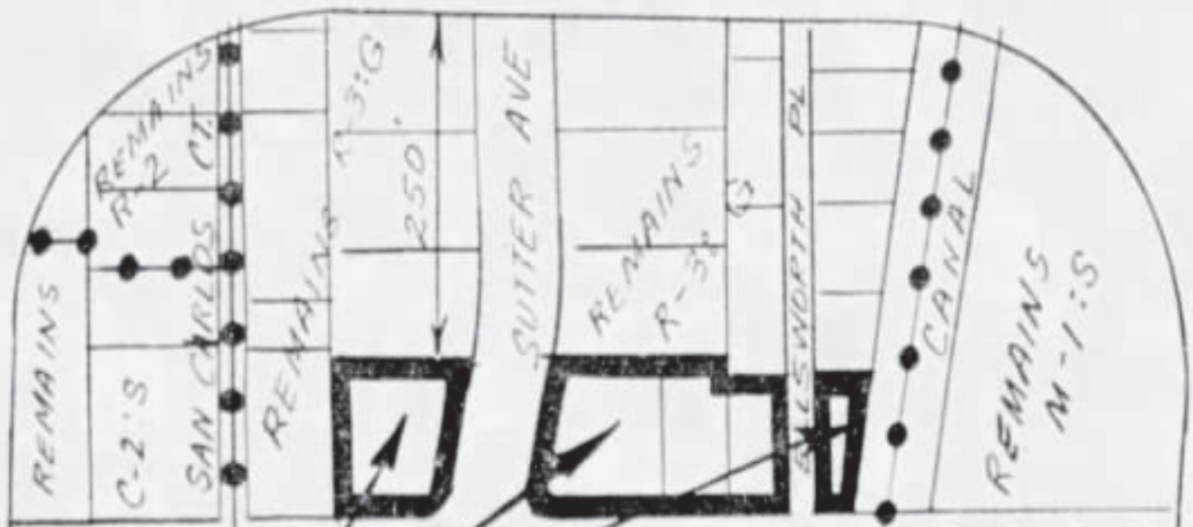
NOTICE OF PUBLIC HEARING UPON APPLICATION OF DR. STEWART MITCHELL, JACK DYMOND, MR. AND MRS. GEORGE L. DAWN AND HELEN M. KENNY FOR A CHANGE OF DISTRICT OF THE PROPERTY LOCATED AT 2865-2875, 2901 and 2905 MIDDLEFIELD ROAD, AND 701 AND 702 ELLSWORTH PLACE, PALO ALTO, FROM R-3-G TO R-3-P OR SUCH OTHER DISTRICT AS THE PLANNING COMMISSION MAY RECOMMEND.

NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of the City of Palo Alto will hold a PUBLIC HEARING on Wednesday, the 11th day of June, 1958, at 7:30 p.m. in the Council Chambers at the City Hall, 1313 Newell Road, Palo Alto, California, at which time and place all persons interested or their agents will be heard upon the application on file in the City Planning Department of Dr. Stewart Mitchell, Jack Dymond, Mr. and Mrs. George L. Dawn and Helen M. Kenny for a change of district of a portion of Lot 71, C. M. Wooster Company's Subdivision of the Clarke Ranch, otherwise known as 2865-2875, 2901 and 2905 Middlefield Road, and 701 and 702 Ellsworth Place, Palo Alto, from R-3-G to R-3-P or such other district as the Planning Commission may recommend.

WINIFRED KIDD,
City Clerk

Palo Alto, California.

PROPOSED CHANGE OF DISTRICT OF PROPERTY LOCATED AT 2865-2875, 2901 and 2905 MIDDLEFIELD ROAD, AND 701 AND 702 ELLSWORTH PLACE, PALO ALTO, FROM R-3-G TO R-3-P.



P.A. planners OK office buildings

Plans for two small office buildings at Middlefield Road and Sutter Avenue and a zoning change to permit construction were given a recommendation for approval by the Palo Alto Planning Commission this week.

The action followed a public hearing at which no one spoke against the rezoning from garden apartment to planned community use to permit professional office buildings.

The request will go to the city council for final action. If it is approved, construction will start within 12 months, according to a schedule submitted by the developers.

The property has been zoned for garden apartments for several years but has not been developed.

Two units will be constructed on one side of Sutter Avenue and three on the other. A small parcel across Ellsworth Place from the larger building will be about 5,100 square feet.

The commission required a change in the plot plan to widen a driveway to Middlefield Road and to allow room for possible widening of Ellsworth Place in the future.

The application is a joint request by Dr. Stewart Mitchell, Jack Dymond and Mr. and Mrs. George L. Dawn.

The following was taken from the recorded minutes of that City Council meeting, which are posted just below. Notice it says, "...be approved subject to modifying the driveway to Middlefield Road..."

Zone Change and P-C Development Plan, Middlefield Road and Ellsworth Place

A report was received from the Planning Commission unanimously recommending that the properties of Dr. Stewart Mitchell, et al, at 2865-2875 Middlefield Road, 2901-2905 Middlefield Road, and 701-702 Ellsworth Place be rezoned from R-3-G to P-C, and that the P-C development plans as submitted by the applicants be approved subject to modifying the driveway to Middlefield Road and with the understanding that the developer is cognizant of the fact that Ellsworth Place may be widened and improved in the future. The Commission also recommended a development schedule of 12 months in which to start construction, with 24 months from date of approval for completion.

On motion of Marshall and Rodgers, a proposed ordinance amending the Zon. Map to provide for this zone change and approving the P-C development plans and schedule as recommended by the Planning Commission was accepted for first reading.

The widening of the Ellsworth Place driveway at Middlefield Road never occurred, even though the apartments were allowed to be built at a higher density that would have been allowed without the amended Ordinance PC-2343, as approved on April 3, 1967. The current Ellsworth Place residents have complained for years about how narrow the entrance to our street is and how it affects the circulation and safety of our street and the neighborhood by making the entering and exiting of Ellsworth Place dangerous to vehicles and pedestrians alike. The driveway approach is often disregarded by other vehicles as being only a parking lot, and it is too narrow to pass two cars at the same time. The widening of Middlefield Road driveway approach where it intersects with Ellsworth Place is wanted by the Ellsworth Place neighbors, and we would like the entrance to our street to be more visible, to look like it is an actual street with curbs instead of a narrow driveway that many people drive right past without noticing.

Our street entrance is also in close proximity to the exit driveway for Winterlodge, and the driveway for Keys School is directly across Middlefield Road from our street entrance. This is in a section of Middlefield that narrows at the Matadero Creek overpass with the sidewalk curving to follow, thereby creating a blind spot for pedestrians to be seen by vehicles exiting Ellsworth Place onto Middlefield Road. Additionally, Ellsworth place has an incline to reach Middlefield Road, and Middlefield has a decline created by its overpass. This section of sidewalk is also used by bicycles because there is not a bike lane on Middlefield Road in this area.



(The photos above and below are from Google Maps, February 2022)



And while these sections of road look fairly flat in photos, the overpass at Matadero Creek creates enough incline to launch a speeding car all the way to the Safeway parking lot, as happened in 2005 when a high school kid drove his car too fast down this section of Middlefield Road, launching off of the Matadero Creek overpass and crashing into the Safeway parking lot. The following is quoted from Palo Alto Online, May 17, 2005.

“Driving at an estimated 100 mph northbound on Middlefield Road, the Volkswagen Passat driven by Jenkins went airborne as it hit the hump of the Matadero Creek bridge, Ryan said. “It ... didn’t touch down for 100 feet down the road — that’s 150 feet per second, 400 feet from the south.”

So the overpass of Matadero Creek has a greater incline and decline than it shows in the photos. To really understand what Middlefield Road does here, and how the Middlefield Road driveway approach to Ellsworth Place is situated with a sidewalk blind spot and other driveway obstacles of neighboring businesses and schools, one has to make a site visit!



(The photo above is from Google Maps, January 2023)

(The photo below is from Google Maps, February 2022)





(The photo above is from Google Maps, March 2023)

The Ellsworth Place street entrance has a driveway approach and is located where Middlefield Road decreases in size from four lanes with street parking and no bike lane, down to only 70' wide with no shoulder, no street parking, and no bike lane. The sidewalk on Middlefield Road has a blind corner where it curves to follow the narrowing of Middlefield Road, just before it crosses Ellsworth Place. This section of road has a downward slope as it descends from the Matadero Creek overpass, and Ellsworth place has a slight incline as it connects with Middlefield Road. Regardless if one is turning right or left out of Ellsworth Place onto Middlefield Road, these obstacles are always a problem. Auto accidents have already occurred here, as well as near-misses with pedestrians, including a teen on a skateboard rolling down the sidewalk from Matadero Creek overpass!

Thankfully, there has been no direct contact with pedestrians and cyclists and cars...yet, as our residents quickly learn to be extremely cautious when coming and going from Ellsworth Place. However, there has been more than one fender bender here. As one homeowner recounts:

I've lived on Ellsworth Place for more than 10 years, and raised 3 kids. We drive to school every day at 8:10 am and have had many near misses when turning out of Ellsworth Place onto Middlefield Road. One time I had an actual fender bender. The police were called, but they told us to exchange information and would not come out to the accident. The other driver was a Keys School parent and they said, "I did not see you! Where did

you come from?” (Ellsworth Place Resident, March 2023.)

The homeowner was told the police would not come out to the site to file a report, and that they were to exchange information with the other driver. So a report was never filed for this accident or any others that have occurred here. And thankfully, all pedestrian issues have been near misses so far. However, since the fence has gone up, the residents of Ellsworth Place have become increasingly worried about entering and exiting our street, and we fear this will become ever worse if a structure were to be built close to the road, where the parking lot is, thereby making the approach to our street even narrower than it is now.

Ellsworth Place residents are also still worried about overflow parking. As one of our longest residents. John K. Abraham recently stated in an email,

“...While I cannot attend meetings I fully support the basic position for Ellsworth Place—Namely we do not want to be victims of spillover parking from the Apartment complex. We are all affected, not just the residents near Middlefield. We are 400 feet away from the nearest hydrant and Fire trucks would need all the help they could get in case of an emergency.”

There is a strong fear that emergency crews will be unable to quickly reach the residents at the end of our 523-foot long street. We have spoken with the Palo Alto Fire Department about this concern, and were assured a fire truck will fit down the 20 foot wide street, that this is the minimum size needed to fit a fire truck. This gives us some peace of mind, however it increases the importance of keeping our street clear of on-street parking, and to also make sure that the 20 foot wide road is kept clear of parked cars.

And while developers are pointing to bicycles as being the answer to removing parking spots, not everyone can ride a bicycle for reasons including age, mobility, and injury, and not everything people do is within a mile or so of this location. Palo Alto has limited shopping within its city limits. The stores that are here, outside of grocery and pharmacy, are all higher end retail, and located over two miles from Ellsworth Place. All big-box stores are located in the nearby cities of Mountain View and Redwood City, much farther away. The CalTrain station is a 30-minute walk away according to Google Maps. It is also very dangerous to ride a bike from this area of Midtown because there are no bike lanes on this section of Middlefield Road. The cyclists who do ride bikes here are mostly kids going to and from Midtown Shopping Center and their schools and homes, and they have to use the sidewalks. Commuting cyclists know to either “take the lane” or avoid this section of Middlefield Road altogether.



(Photo from Google Maps, January 2023)

And while some of us would like to have bike lanes on this section of Middlefield Road, about ten years ago, two Ellsworth Place residents inquired about this idea with the Palo Alto Bicycle Coalition and were told to “NOT BRING IT UP!” Apparently, getting bike lanes installed on this section of Middlefield Road, between Loma Verde and Midtown Shopping Center is a hotbed of contention. The lanes are narrow as it is, and Middlefield has become the alternative route to 101 with traffic speeds to match!

PC-2343

The City of Palo Alto Ordinance PC-2343 of 1967 was restructured from OR-1810 of 1958

Returning to the topic of PC-2343, when the developer could not pre-sell the professional buildings, nine years later he asked for an amendment to OR-1810, to return four of the original six parcels of land back to being zoned for garden apartments. Due to the housing density of his plans to build a 12-unit apartment complex on too small of a land space, the “Planned Community” or PC was created to allow for them to be built. This information was extracted from the City Council Minutes discussing PC-2343 held on March 13, 1967.

Additionally, during the City Council meeting of March 1, 1967, the subject of ingress and egress was discussed for the existing Ellsworth Place homes. (These homes were built between c. 1937 - 1949, with the majority being constructed during the post WWII housing boom.) This issue on ingress/egress was resolved then, proving all thirteen of the homes on Ellsworth Place have, “A NON-EXCLUSIVE right of way for ingress and egress...” written into their deeds.

(Excerpt taken from the City Council Minutes of 3-1-67, page 3)

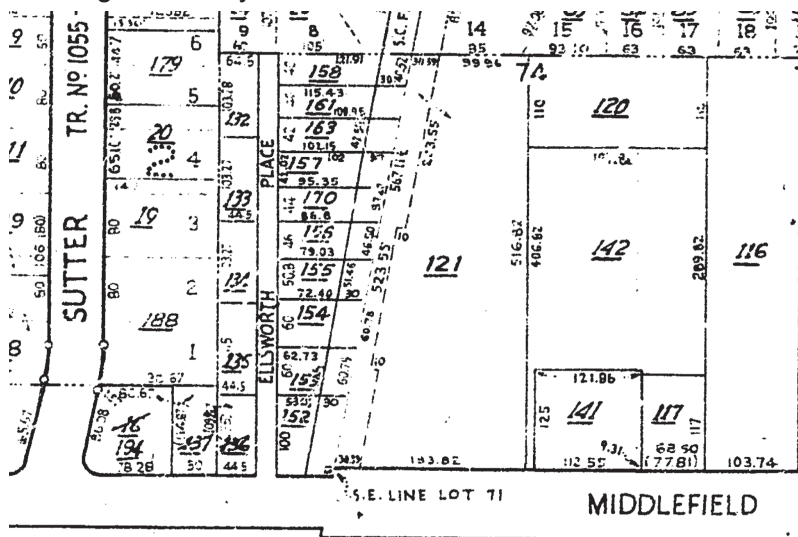
To a question by Chairman Stromquist concerning the right of way of Ellsworth Place, the Planning Officer answered that Ellsworth Place is a private right of way and is encumbered with easements and could not be built on; that setbacks would depend on the front, rear and side of the property as determined by the Building Inspector.

George Cody, architect representing the applicant, said the R-3:G use is based on the overall consideration of the total property and the 12 units would use up the number of units permitted for the land area; that in addition it would be very difficult and very uneconomical to develop the land between Ellsworth Place and the canal in any way.

Bringing this up again 56 years later is farcical. Nevertheless, title insurance companies have agreed to open claims for the Ellsworth Place homeowners, and chain-of-title searches are being done. Additionally, Cross Land Surveying, Inc. has confirmed our parcels are not landlocked, and that half of the road is still written into the deed of house #741. We are continuing to research this and have more information coming in every day. Please read the attached letter provided by Kristy D. Comerer of Cross Land Survey, Inc., which has been submitted separately.

Also discussed was the fact that, "it would be very difficult and very uneconomical to develop the land between Ellsworth Place and the canal in any way." The Ellsworth Place Residents agree with this statement! The land being referred to as, "between Ellsworth Place and the canal" is the parking lot, and it has been an integral part of the circulation between the houses on Ellsworth Place and the Apartments which also use Ellsworth Place!

Adding to this confusion, we recently learned Santa Clara County Assessor has considered Ellsworth Place to belong to the City of Palo Alto as far back as 1968!



This is a section of the 1968 127-35 Parcel map, which shows how Ellsworth Place flows into Middlefield Road. According to the SCC Assessors Mapping Department,

“On our Assessor’s Map, I looked back to the oldest map that we have, from 1968, and it appears that since then, your parcels have always been shown with Ellsworth Place shown as that right of way (Street). At some point before 1968 there must have been a document that granted those portions of the street to the City of Palo Alto for the Assessor’s Office to represent it the way that it is on our map. From our map it looks like the City of Palo Alto owns the road, since it isn’t called out to be private (there would be a notation and how the line is represented would be different).”

Given Santa Clara County Assessors has the road as belonging to the City of Palo Alto since their 1968 map, was this changed after the studies done for the Ordinance PC-2343 of 1967 confirmed ingress/egress for all homes of Ellsworth Place? The history of our deeds is a bit hard to follow, but it can be done, and we are receiving more information daily on it.

In conclusion, the Ellsworth Place homeowners and tenants ask you to look out for our safety and for the safety of the Midtown neighborhood by keeping the current PC-2343 in place as it was written in 1967 and approved by City Council. We also want the PC-2343 to be fully implemented by widening and improving the driveway approach entrance/exit to Ellsworth Place as it intersects with Middlefield Road. This should have been done when the apartments were built fifty-six years ago, per the instructions of Ordinance PC-1810, which had section 2 amended to become PC-2343, thereby allowing the apartments to exist.

We are continuing to pull information together, but have only had since February 9, 2023, to start working on this process of information gathering, and to also learn about this whole process surrounding the creation of PC-2343 and how it directly impacts all 13 home (15 address) here on Ellsworth Place. The developers have been at this since October 2018 when they cut the trees down! We strongly feel that we have not been treated fairly in this process so far, and ask for fair treatment going forward in the Planning Department and Commission processes. We love our street and the Midtown Neighborhood!

We appreciate your looking out for all of Ellsworth Place and our Midtown Neighborhood as a whole.

-The Ellsworth Place Neighbors