

ORDINANCE NO. _____

Ordinance of the Council of the City of Palo Alto Amending Planned Community Ordinance 2343 (PC-2343) and Amending Section 18.08.040 of the Palo Alto Municipal Code (the Zoning Map) to Rezone the Property at 702 Ellsworth from Planned Community to Single Family Residential (R-1) Zoning.

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

SECTION 1. Findings and Declarations.

- (a) On _____, Dewey Land Company LLC (“Dewey”) and Handa Developer’s Group/RRP (“Handa”) applied to amend Planned Community (“PC”) Ordinance 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) The proposed rezoning would reduce the area of the Planned Community PC 2343 from 26,386 sf to **19,893 square feet** to encompass 2901-2905 Middlefield Road, a 12-unit apartment building currently owned by Dewey, and amend the development plan for the PC to:
 - (i) restripe the tenant parking facility to assign four uncovered parking spaces to meet current code requirements for tenant parking spaces,
 - (ii) provide a truck delivery space,
 - (iii) and add a 2’6”-wide swath of asphalt paving alongside a 35-foot length of Ellsworth Place beginning at the Middlefield Road curb line **to increase the drivable width of Ellsworth Place.**
- (c) The proposed rezoning would designate the remaining **6,493 square foot** parcel currently owned by Handa at 702 Ellsworth as R-1, for the purpose of constructing a single-story, single-family residence. Handa proposes to add a 1’6”-wide swath of paving/pavers alongside a 35-foot length of Ellsworth Place beginning at the Middlefield Road curb line **to increase the drivable width of Ellsworth Place.**
- (d) The City Council at its March 13, 2023 study session 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.
- (e) The Planning and Transportation Commission, after a duly noticed public hearing held June 28, 2023, made the findings set forth below and recommended that Section 18.08.040 (the Zoning Map) of the Palo Alto Municipal Code be amended.

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- (f) The Council, after due consideration of the 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 PC2343 will provide public benefits expected to result from the Project, including an expanded public access easement over the first 35 feet of 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.

Relevant Comprehensive Plan policies are cited below:

- 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.

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 2901-2905 Middlefield Road from PC-2343 to " PC-XXXX", and to rezone the certain property known as 702 Ellsworth Place from PC-2343 to R-1. The subject properties and revised zoning designations are shown on the map labeled Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 3. Development Plan

Those certain plans entitled ... a copy of which is attached hereto as Exhibit "B" 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 the following:

(i) 12-unit apartment building: The existing apartment building shall remain on the 2901-2905 Middlefield site within the PC boundary. Covered and uncovered parking for the tenants shall be provided as per current parking requirements in Chapter 18.52.

SECTION 5. Site Development Regulations.

(a) Compliance with Development Plan. All improvements and development shall be substantially in accordance with the Development Plan.

(i) Any exterior changes to the apartment building 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.

(b) Tree Protection. The as built landscape plan shows trees planted to replace canopy that was removed in 2018 on the 702 Ellsworth Place property. These trees shall not be removed or destroyed without the prior approval of the City of Palo Alto in accordance Chapter 8.10.

(c) Parking and Loading Requirements. 12 covered parking spaces for 12 apartment units. The plans indicate striping for four uncovered spaces and a truck delivery space to be provided on the 2901-2905 Middlefield property, accessible from Ellsworth Place.

(d) Development Schedule. The parking lot striping on 2901-2905 Middlefield Road shall be immediately implemented upon approval of this ordinance.

(e) 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 15303 (New

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Construction or Conversion of Small Structures), because it consists solely of new construction of a single-family residence and reconfiguration of accessory parking uses.

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

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

City Manager

Asst. City Attorney

Director of Planning and Development Services