

Hello City Council Members,
City Of Palo Alto

We are writing to you regarding the property at 700 Ellsworth pl Palo Alto. We are the current owners of this property which we purchased in Nov 2022.

Some background info of this property is given below

- **Before buying this lot, we checked with city of palo alto planning if this lot is buildable and we were clearly told that it is zoned R1 and is buildable.** We even discussed few building options with Emily Foley in Planning Department. Ken Hayes (from Hayes Architectural) also did some conceptual plans and exchanged e mails with the city planning who confirmed to him that this lot is buildable. See attached the e mails exchanged by Ken Hayes with city planning.
In short, the city has on multiple occasions confirmed to us that this lot is buildable. However, when we recently submitted all the plans for new construction project, we were told this property is assigned as a guest parking to apartments at 2901 Middlefield rd. As per the city officials, the zoning of R1 in their records for this lot was incorrect and the correct zoning should have been PC.
- Also, our attorney told us that there should have been some covenants and restrictions recorded in county records stating there is some parking restrictions on this lot. But none was recorded. **So our title was also clean**

We request the city council to pls approve this lot as R1 and let us build our new home here. The plans for the new home are attached. All other lots on this street have got a single family home. This seems to be an obvious candidate for a new single family home to match the neighborhood. This not only improves the neighborhood, but also ensures our investment of \$1.1 Million so far does not go down the drain.

Also, it does not look like anyone from the apartments is really parking on this lot. A property fence was installed by National construction around this property boundary for us on Dec 12th 2022. Since then, no one has ever called us saying they are missing the parking.

Also, given what all happened and it was none of our fault, is there a way city can help me expedite this process of zoning change? We understand resources are tight, but we are paying about 9K interest cost every month and about 1K property tax. We have already spent about 50K to get all plans done. (they were submitted, but got rejected). This is a very unique situation and huge amount of my money is at stake.

We have also CCed our Attorney, Harry price, in this e mail. Also, CCed is Jeff Guinta who is the architect for this project.

Thanks and Regards

nitin handa
Nitin Handa

priyanka handa
Priyanka Handa

127-35-152

Parcel Report for APN :

127-35-152

Net Lot Size:

Can't assess due to creek, flag lot, or ROW easement configuration.

Zone Dist: **R-1**

Comp Plan Des: **SF**

Flood Zone: **X**

LOMA: **no**

FEMA Map Panel: **0017H**

HMP Request: **no**

Parking District: **none**

SCCA* YR Built: **0**

SCCA* Eff. YR Built: **0**

Historic Status:

none

Traffic Imp. Dist: **none**

Easements: **Yes, see PW: PUE**

Near Creek: **Yes, may require SCVWD review.**

Substandard: **Yes, see zoning code for possible requirements.**

Flag Lot: **no**

ADU/JADU: **See Muni Code 18.42.040**

FAR:

Can't assess due to creek, flag lot, or ROW easement configuration.

Max Building Height:

Can't assess due to creek, flag lot, or ROW easement configuration.

Max Lot Coverage:

Can't assess due to creek, flag lot, or ROW easement configuration.

Special Setbacks: **24' along Middlefield Rd**

Minimum Setbacks:

Front: **If no special setback, 20', or,
if avg. contextual setback > 30',
the avg. contextual setback.**

Rear: **20'**

Interior Side(s): **6'**

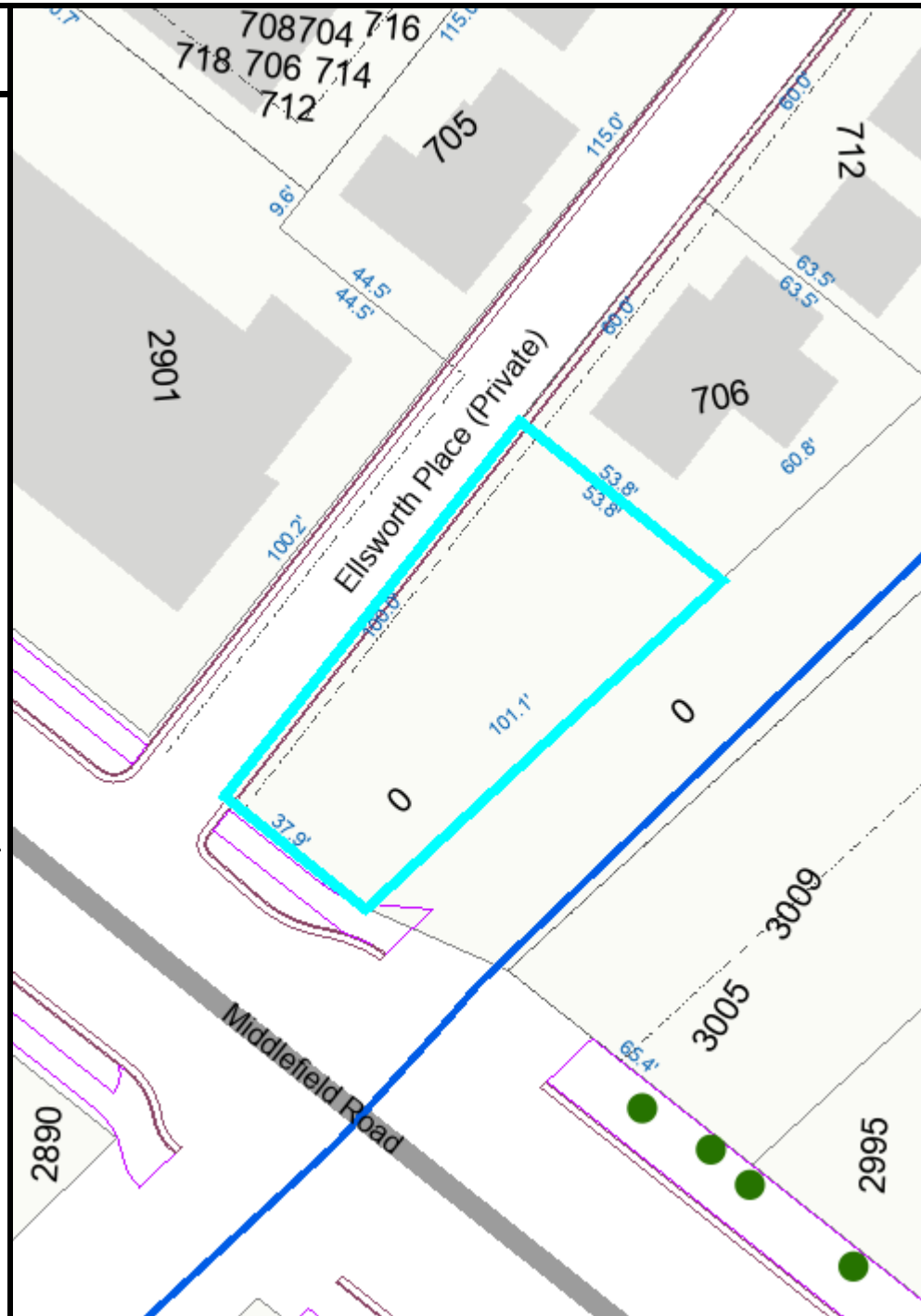
Street Side: **If no special setback, 16'**

Comments: **none**

* Source of year built data is the Santa Clara County Assessor

Click below link for data details or navigate to

https://www.cityofpaloalto.org/gov/depts/pln/current/parcel_reports.asp

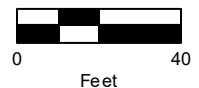


The City of
Palo Alto



127-35-152

This map is a product
of the
City of Palo Alto GIS



Nitin Handa

From: Josh Rubin <josh@joshuarubin.com>
Sent: Monday, October 3, 2022 8:42 PM
To: Nitin Handa
Subject: Ellsworth
Attachments: PO-Natural Hazard Disclosure JCP Report (2).pdf; color map (2).pdf; 366bb270fba444fd8802f86e951a9383 (2).pdf; MIDDLEFIELD-TOPO-24X36-SIGNED (3).pdf; Preliminary Report - CA (1) (2).PDF; FILE_9207 (2).pdf

Sent: Tuesday, December 7, 2021 9:07 AM
To: Hayes, Ken <khayes@thehayesgroup.com>
Cc: PlannerOnDuty <planner@CityofPaloAlto.org>
Subject: FW: Middlefield parcel

Hello Ken,

Thanks for reaching out. Interesting/surprising to find a vacant residential parcel in Palo Alto. One less Yes, for this corner lot the front property line (shortest of the two street fronting lines) is Middlefield, and report. If there is no variance request, and it is one story above grade observing height limit and setback, the planner on duty to help further on this as needed. I am not aware of rules for substandard residential.

Note that last night, the Council adopted an interim urgency ordinance following SB9 for R1 and RE zones.

From: Ken Hayes <khayes@thehayesgroup.com>
Sent: Tuesday, December 7, 2021 7:48 AM
To: French, Amy <Amy.French@CityofPaloAlto.org>
Subject: Middlefield parcel

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments.

Hi Amy,

We are about to start design a single family home on this parcel.

Given the dimension and area of the parcel, in accordance with PAMC 18.12.040C(1)(A), it is considered a non-conforming lot size are considered non-conforming. The subject parcel is less than 50' wide (it appears the average width is 45.5') and

Non-conforming parcels are permitted single-story development only, (basements excepted?) with a maximum roof peak height. If the lot width, the street-side setback is only 10'. A single-family use requires two off-street parking spaces, one of which must be

Can this project have a basement? Matadero creek is bordering the long side of the property. Also, does this require any one story, and maybe a basement if permitted.

Thanks,

Ken Hayes, AIA

President

Begin forwarded message:

From: "Foley, Emily" <Emily.Foley@CityofPaloAlto.org>

Subject: RE: Middlefield parcel

Date: December 7, 2021 at 10:18:59 AM PST

To: "French, Amy" <Amy.French@CityofPaloAlto.org>, "Hayes, Ken" <khayes@thehayesgroup.com>

Hi Ken,

I am the Planner on Duty this morning. This parcel is not in a flood zone, so it is allowed to have a basement. The height to one story and 17ft. A house that does not require a variance or HIE will require only a building permit.

Please let me know if you have any additional questions.

Thanks,

Emily



Emily Foley, AICP

Associate Planner

Planning and Development Services Department

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Josh Rubin

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