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## Planning & Transportation Commission Staff Report

**From: Jonathan Lait, Planning and Development Services Director**  
**Lead Department: Planning and Development Services**

**Meeting Date: June 28, 2023**  
**Report #: 2305-1418**

### **TITLE**

2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC 2343) and to apply the R-1 Zoning to 702 Ellsworth Place to Enable the Development of a Single-Story, Single-Family Residence

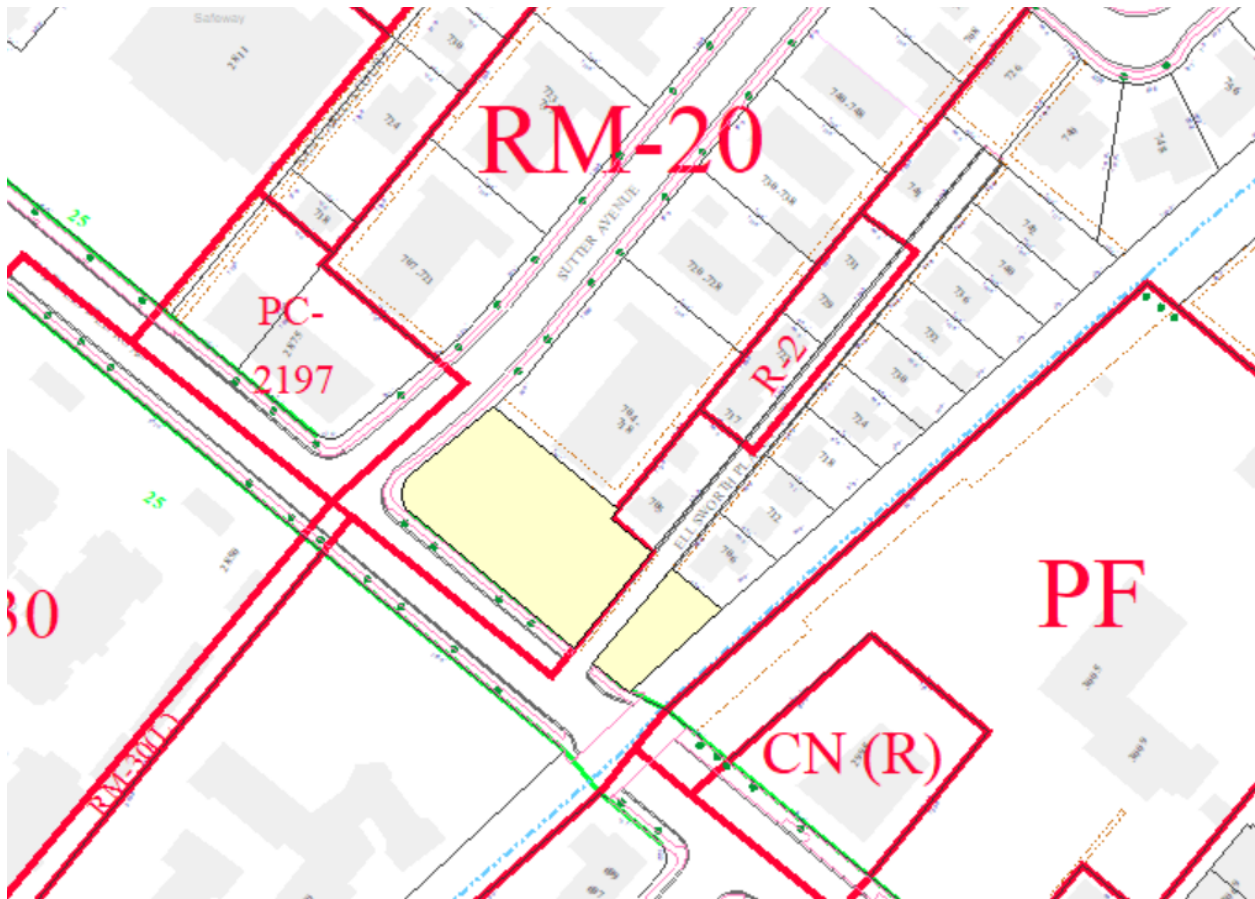
### **RECOMMENDATION**

Staff recommends the Planning and Transportation Commission (PTC) recommend City Council adopt the attached ordinance (Attachment A), approving the applicants' request to modify the 1967 Planned Community (PC), PC 2343, to remove the 702 Ellsworth Place property from the underlying PC boundary and restore the former R-1, single family residential zoning of the 702 Ellsworth Place parcel.

### **BACKGROUND/PROJECT DESCRIPTION**

#### Zoning and City Records

When the City Council approved the Planned Community project for this site back in 1967, it appears the City's zoning map was never updated to reflect that decision. As a result, the R-1 zoning of 702 Ellsworth Place and RM-20 zoning of 2901 Middlefield Road has continued to be shown on zoning maps over the past several decades. The zoning map has consistently shown Ellsworth Place as a 20-foot-wide private street. Below is an excerpt of the zoning map as it appears today with the subject parcels highlighted (parcels south, north, and east of Ellsworth Place are zoned R-1 except for two R-2 zoned lots):



In 2017, the properties (totaling 26,386 square feet or 0.6 acre) were sold to a new owner, Dewey Land Company LLC (Dewey). At the time, 2901 Middlefield Road was shown on the City's zoning map as an RM-15 zoned parcel.<sup>1</sup> In late 2022, Dewey sold 702 Ellsworth Place (6,493 square feet) to Handa Developer's Group/RRP (Handa); Handa purchased the property with the intent to redevelop it as a single-family home. Residents familiar with the site history raised concerns when they learned 702 Ellsworth Place had been sold to a separate owner. The applicant prepared a request letter (Attachment J) that provides the back story and purposes of the requested rezoning. The applicant, staff, and residents have researched the Ellsworth Place ownership and easements, discussed in this report.

The prescreening report for the March 13, 2023 City Council meeting (item 2 on the agenda<sup>2</sup>) informed the Council that:

- Zonings of RM20 and R1 for the subject parcels have been incorrectly shown on the City's zoning maps for decades.
- When the City implemented its online property parcel records, the subject property (2901-2905 Middlefield Road and 702 Ellsworth Place) did not include information about the applicable PC zoning designation on the parcel report.

<sup>1</sup> On April 1, 2019, the City amended the RM-15 zone to be RM-20.

<sup>2</sup> Link to March 13, 2023 Council agenda including public correspondence from March  
<https://cityofpaloalto.primegov.com/Portal/Meeting?meetingTemplateId=1091>

- The online parcel records were updated early 2023 to reflect the PC 2343 zoning.
- Real estate professionals, developers, and property owners rely in part on this online information to make decisions about property acquisition and development.
- Staff consults these records when providing information to the public.
- It was not until residents filed a code enforcement complaint concerning fencing placed around 702 Ellsworth Place in anticipation of future home development that research began and uncovered this mapping error.
- Staff engaged with area residents, Handa, and Dewey regarding the PC process.

Note: The Council packet for March 13, 2023 contains correspondence (including the San Carlos Neighborhood letter, Attachment H of item 2, and several other public comment letters, noted as ‘item 2 public comments’).

#### PC Review Process – Planning and Transportation Commission and Architectural Review Board

As set forth in Chapter 18.38, the PTC is requested to conduct an initial review of the PC application; PAMC Section 18.38.060 sets forth the required findings for approval of a PC or PC amendment:

- (a) The site is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the proposed development.
- (b) Development of the site under the provisions of the PC planned community district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts. In making the findings required by this section, the planning commission and city council, as appropriate, shall specifically cite the public benefits expected to result from use of the planned community district.
- (c) The use or uses permitted, and the site development regulations applicable within the district shall be consistent with the Palo Alto Comprehensive Plan and shall be compatible with existing and potential uses on adjoining sites or within the general vicinity.

These Chapter 18.38 findings are to be supplemented by findings in PAMC Section 18.80.070, which require the PTC to determine whether the proposed rezoning “would be in accord with the purposes of this title [18] and in accord with the Palo Alto Comprehensive Plan.” Draft findings are provided in Attachment A.

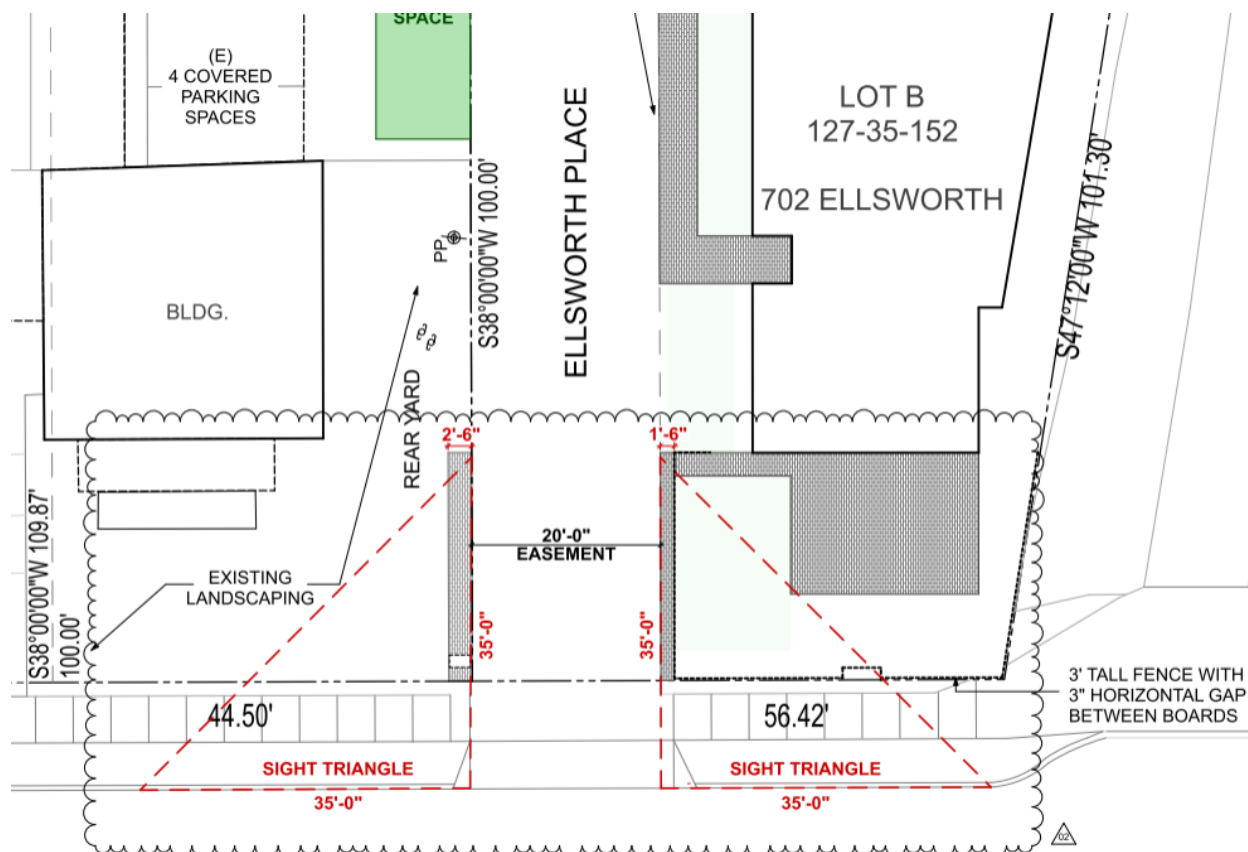
If the PTC acts favorably, a PC development plan is submitted to the architectural review board (ARB) for review - *‘except in the case of single-family and accessory uses’*. Staff do not anticipate that this application will require review by the ARB as it primarily involves a newly proposed single-family use and reconfiguration of the existing accessory use of parking.

#### Proposed Planned Community Amendment and R-1 Rezoning

The proposed draft rezoning ordinance/zoning map amendment ordinance is provided as Attachment A. Annotations are provided to indicate areas of discussion for the PTC. The existing PC 2343 Ordinance is attached to this report as Attachment B.

The applicant's letter (Attachment J) describes the proposal; the letter, on pages 5 and 6 characterizes a number of project features as possible "public benefits," which have been required for PCs since 1978.

To address the neighbors' concerns about the street width, the applicants have proposed providing pavers to increase the perceived width of Ellsworth Place. The sketch below is provided to illustrate this:



To change the PC, the existing PC boundary and ordinance would be amended to:

- Remove the PC designation and restore the R-1 zoning of the 702 Ellsworth Place parcel, thereby removing the guest parking located on 702 Ellsworth Place from the PC;
- Provide current code required parking on 2901 Middlefield Road by restriping the asphalt paving to indicate: (1) four uncovered parking spaces, and (2) a delivery truck space;
- Enable development of a single-story, single-family home on the 702 Ellsworth parcel, with vehicular access from Ellsworth Place.

Preliminary plans<sup>3</sup> were shared with Council in the March 13, 2023 prescreening report, showing concept plans for a new home. Staff provided comments to Handa on the plan set relative to R-1 zone standards in March 2023. Handa proposes that the three-foot tall front yard fence would be created with gaps to assist with visibility at the corner of Middlefield Road and Ellsworth Place.

The as-built planting plan (Attachment F) shows where six Western Redbud trees were added to replace canopy removed from the PC via the removal of two oak trees that grew on the 702 Ellsworth Place parcel in 2017-2018. The applicant's most recent letter (Attachment J) provides some history regarding the tree removal. Staff found no evidence of permits for tree removals in 2017-2018 in the City's records that would have otherwise been required to document the issue and resolve the change on site.

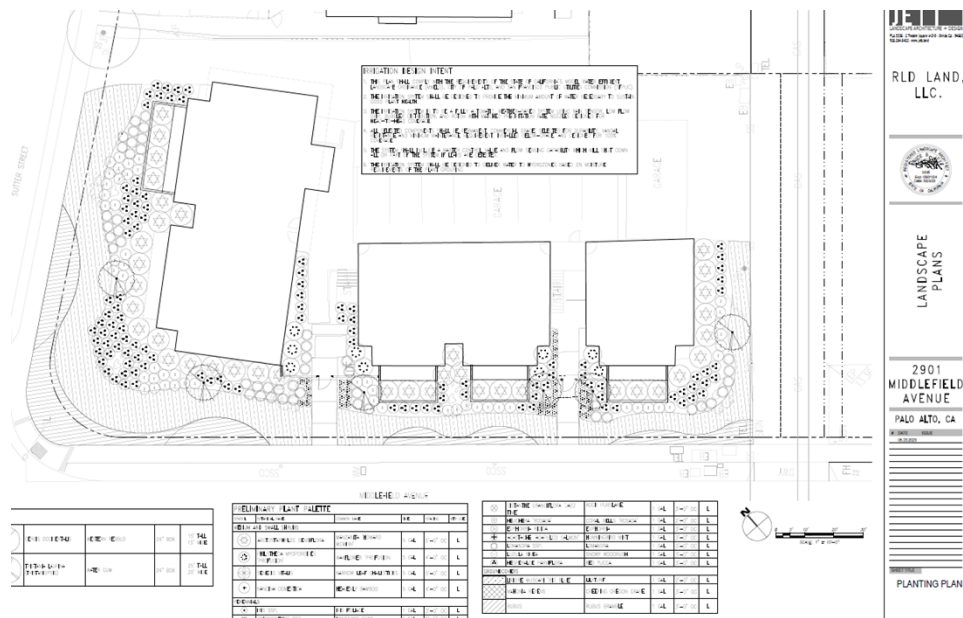
#### Code Enforcement Response

Following the Council prescreening meeting, staff issued a notice of violation for Handa to remove the fence around the parking lot and remove the dirt piles that were temporarily stored on the parcel. Handa removed the fence and dirt piles, so the lot continues to provide parking spaces for guests of 2901-2905 Middlefield Road. Staff also followed up with Urban Forestry (UF) staff regarding the assertion that protected trees were removed with verbal approval from UF staff via a site visit discussion in 2018. The UF staff are no longer employed with the City of Palo Alto. Staff speculates that the tree removal may have been okayed based on the assumption of R1 zoning of 702 Ellsworth as shown in the parcel report; the trees may have been located within the buildable area of an R1 lot impeding a home construction.

Tree canopy replacement for the removed trees on 702 Ellsworth has been implemented on Dewey's property. As-built landscape plans (Attachment F) submitted May 31, 2023 indicate six Western Redbud trees were planted in recent years. Urban Forestry staff reviewed the plan to ensure canopy replacement has been successful. These site improvements should have gone through an architectural review. Staff is evaluating the landscape plan against architectural review findings as part of this application.

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<sup>3</sup> Link to preliminary plans from February 2023 showing new home concept:  
<https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Current-Planning/Projects/2901-Middlefield-Road>



### Ellsworth Place Private Street and Easement

Neighbors have noted a desire for the City to take ownership of the private street to improve its condition, address drainage problems and maintain the street. Ellsworth Place is neither owned nor maintained by the City. Moreover, it does not appear the adjacent property owners own the private street either. Similar conditions exist at other locations in the City, dating from development that occurred on formerly unincorporated land before annexation. The issue concerning drainage and maintenance of Ellsworth Place is unlikely to be resolved associated with the PC amendment.

## **DISCUSSION**

### Zoning Development Standards Compliance

An analysis of the original PC site area and reduced PC site area is provided below.

Original PC2343	Proposed Amended PC2343	Proposed One-Story Home
Site area: 26,386 sf (.6 Acre)	Site area: 19,893 sf	Site area: 6,493 sf – 2,000sf easement area = 4,493 sf
Building area: ~7,775 sf	~7,775 sf	~1,695 sf living area +231 sf garage = 1,926 sf
Ellsworth Place: 2,000 sf deducted to calculate FAR	NA	2,000 sf easement deducted from lot area to calculate FAR
FAR: 0.32:1	FAR:0.39:1	FAR: 0.428:1 (after easement removed)
Private Open Space: 2.861 sf	No change	NA
Unit Count: 12: 4 2-bedroom, 4 1-bedroom, 4 studio units	No change still 12 units	1 unit added to total
Density: 12 units/.6 acre = 20 units/acre	12 units/.456 acre = 26 units/acre	(13 units on original .6 acre = 21.66 units/acre)
Parking: 12 covered spaces + 8 guest parking spaces	12 covered spaces + 3 uncovered spaces + reserve or loading	2 spaces (one covered plus one uncovered)

As noted, the apartment building's floor area ratio (FAR) based on the approved development plan for PC 2343 was 0.32:1 FAR. The private street area was removed from lot area for the purpose of calculating this FAR. With the proposed removal of Handa's parcel from the PC site, the FAR increases to 0.39:1 on the reduced-sized PC apartment building site. The unit per acre density increases as well.

The draft PC ordinance (Attachment A) notes the result of the PC amendment is to increase the total units within the former PC boundary by one unit (Handa's single-family residence). The increase in FAR for the apartment site is noted, as is the residential density and relevant Comprehensive Plan policies, in the event the City Council wishes to approve the proposed rezoning.

As noted, to address the neighbor concerns regarding the width of Ellsworth Place, Dewey and Handa offered to widen the private street paving and formalize the easement access to the 13 residential properties adjacent to Ellsworth Place. The site plan shows widening as follows:

- Dewey offers a pavement extension 2'6" wide by 35 feet (from Middlefield curb) adjacent to Ellsworth Place pavement (see Attachment D).
- Handa offers a pavement extension 1'6" wide by 35 feet (from Middlefield curb) adjacent to Ellsworth Place pavement (see Attachment D).

These offers would result in a 24-foot-wide private street for the western-most 35 feet of the street (from Middlefield). The City Council could require these property owners to provide an easement across this portion of their properties to improve the Ellsworth Place road safety.

#### Parking for Apartment Building and Delivery Vehicles



As shown in the site plan, Dewey plans to provide four additional parking spaces on the apartment building site, two of which would be in tandem layout, to ensure the parking spaces provided for the tenants of the apartment building meet the current parking requirements.

Guest parking spaces are no longer required for multi-family residential development in the current code, following local amendments that eliminated visitor parking requirements several years ago. As well, Dewey proposes allowing for a delivery vehicle space with dimensions 10' x 30' as shown on the apartment building site.

#### Visibility at Corner for Bicyclists/ Traffic Study

The applicant obtained a report prepared by a qualified transportation consultant (Attachment E) that studied the intersection of Ellsworth Place and Middlefield Road. The report was uploaded to the City's online permit system.

The report was reviewed by the Office of Transportation (OOT) staff, who noted the analysis provided in the report is satisfactory, and cited a clarification needed about a statement referring to neighbor comments. OOT staff thought the text may be neighbors' feedback about bicycle riding on the sidewalk but clarified that bicycle riding on the sidewalk may not be illegal in this location; it is illegal in the Downtown Business District and California Ave Business District.

#### Setback Requirement for 702 Ellsworth Place Home

Handa proposes to set the home back 24 feet from Middlefield to meet the 24-foot special setback at this location on Middlefield Road, and 10 feet from the existing edge of the Ellsworth Place pavement. The municipal code defines corner lots as parcels that are abutting two or more streets (both public and private). As a result, 702 Ellsworth Place would be considered as a standard corner lot and would have a 16-foot street-side setback along the shared property line with 2901 Middlefield Road. However, the proposed setback is 30 feet from the street-side lot line.

#### **FISCAL/RESOURCE IMPACT**

The recommendation in this report has no significant fiscal or budgetary impacts.

#### **STAKEHOLDER ENGAGEMENT**

In February, prior to the Council prescreening, staff received correspondence from Ellsworth Place neighbors and met onsite with several Ellsworth Place neighbors. Discussion included potential issues and solutions related to delivery truck parking for Ellsworth Place, visibility at the intersection of Ellsworth Place and Middlefield Road, and the status of deeds, easements, and street ownership. Staff and Council also received correspondence from neighbors on Sutter Avenue. The correspondence sent by neighbors prior to the Council prescreening is found via the March 13th Council agenda item 2 (link: <https://cityofpaloalto.primegov.com/Portal/Meeting?meetingTemplateId=1091>). Attachment K is February correspondence from an Ellsworth Place neighbor that includes several photos. Recent correspondence from the community will be provided to the PTC with the packet.



## **ENVIRONMENTAL REVIEW**

The proposed rezoning is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines, Section 15303 (New Construction or Conversion of Small Structures), because it consists solely of new construction of a single-family residence and reconfiguration of accessory parking uses.

## **ALTERNATIVE ACTIONS**

The PTC could alternatively recommend:

*Alternative 1:* Denial of the application, retaining PC2343 zoning on Ellsworth Place.

*Alternative 2:* Amendment of PC 2343 to add single-family residential use to the list of permitted or conditionally permitted uses of the PC zone. The single-family residence would then be added to the “Development Plan” for the PC; future changes to the structure would require Architectural Review, or in the event of a significant change, a zoning amendment.

## **ATTACHMENTS**

Attachment A: Draft Ordinance to Amend PC 2343 and Rezone 702 Ellsworth to the R1 Zone

Attachment B: PC2343 Ordinance

Attachment C: Project Location

Attachment D: PC Amendment Request Plans Including Site Changes to 2901-2905 Middlefield

Attachment E: Traffic Study

Attachment F: As Built Planting Plan for 2901-2905 Middlefield

Attachment G: Plotted Easement

Attachment H: Easement Documents 1939

Attachment I: Applicant Correspondence (prior letter to City Council)

Attachment J: Applicant Correspondence (recent)

Attachment K: Neighbor correspondence (February/March 2023)

## **AUTHOR/TITLE:**

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