

Not Yet Adopted

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 2901 Middlefield Rd. 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 \_\_\_\_\_, 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 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.
- (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 establish two new PC ordinances to govern the Middlefield Parcel and Ellsworth Parcel, respectively.
- (d) The rezoning recommended by the PTC 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) maintain trash enclosure and pickup from Sutter Avenue,
  - (iv) the 35-foot sight triangle at the intersection of Ellsworth Place and Middlefield Road shall not be obstructed by plants, fences, or other objects taller than 1 foot, and
  - (v) add a 3’6”-wide swath of paving alongside Ellsworth Place beginning at the Middlefield Road curb line and extending to the location of an existing utility pole guy-wire to increase the perceived width of Ellsworth Place.

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- (e) The PTC recommended concurrent adoption of a companion ordinance (Ordinance No. XXXX) to designate the remaining 6,493 square foot parcel currently owned by Handa at 702 Ellsworth as 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 perceived width of Ellsworth Place,
  - (ii) the 35-foot sight triangle at the intersection of Ellsworth Place and Middlefield Road shall not be obstructed by plants, fences, or other objects taller than 1 foot,
  - (iii) the 25-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.
  
- (f) The Planning and Transportation Commission, after duly noticed public hearings on June 28, July 12, and August 9, 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.
  
- (g) 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.
  - (iv) The existing use and improvements are generally remaining unchanged and are compatible with existing and potential uses on adjoining sites or within the general vicinity.
  - (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:

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
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	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 2901-2905 Middlefield Road from PC-2343 to "PC-XXXX." The subject property and revised zoning designation is shown on the map labeled Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 3. Development Plan

Those certain plans entitled PROPOSED PC AMENDMENT TO PC 2343, DATED 1967, 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 a 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 in accordance with Section 5(b) of this ordinance.

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,

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Architectural Review approval under Section 18.76 of the Palo Alto Municipal Code, as it is amended from time to time.

(b) Parking and Loading Requirements. One covered parking space shall be provided for each of the 12 residential apartments. In addition, four uncovered spaces and a truck delivery space shall be provided on the 2901-2905 Middlefield property, accessible from Ellsworth Place, as shown on the Development Plan.

(c) Trash Enclosures and Pickup. Trash enclosures and pickup shall be maintained with access from Sutter Avenue, and not from Ellsworth Place.

(d) Development Schedule. The parking lot striping on 2901-2905 Middlefield Road shall be immediately implemented upon the effective date of this ordinance. Construction of the improvements to Ellsworth Place shall be completed within twelve (12) months of the effective date 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 15061(b)(3) because it can be seen with certainty that minor changes to the parking configuration at 2901-2905 Middlefield Road and construction of a single-family home pursuant to Ordinance No. XXXX will not result in a significant impact on the environment. The City Council finds that this ordinance is additional categorically exempt under Section 15303 of the CEQA Guidelines, as it requires only a minor change to an existing facility.

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

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Asst. City Attorney

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Planning and Development Services