

From: [Sheri Furman](#)
To: [Council, City](#)
Subject: Study Session on Ellsworth Place
Date: Friday, March 10, 2023 2:21:49 PM
Attachments: [Ellsworth Place MRA.docx](#)

Some people who received this message don't often get email from sheri11@earthlink.net. [Learn why this is important](#)

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Please see the attached letter concerning the March 13 agenda item 2.

Sheri Furman

TO: City Council - City of Palo Alto
FROM: Midtown Residents Association
TOPIC: Ellsworth Place
RECOMMENDATION: Deny PC Change to R1
DATE: Monday, March 13, 2023

The Midtown Residents Association recommends denial of the zone change from PC to R1 for the property 701-702 Ellsworth Place and support the Ellsworth Place residents petition to deny for the following reasons

- 1) This shady real estate deal has so many things wrong with it and there are many unanswered zoning and deed questions.
 - a. Who owns the street? The city? The residents? Who owns the strip adjacent to the proposed development?
 - b. How wide should the street be? Especially at ingress at Middlefield.
 - c. Why in October 2022 was the property owner allowed to cut down 2 heritage oaks plus other trees without a permit on the lot in question? And after the fact, why wasn't the property owner fined.
 - d. What zoning applies to the lot in question? The proposed house uses corner set-back rules designed for 30' wide streets with sidewalks, and it is not appropriate for the cramped conditions of Ellsworth Place.
- 2) This is a sub-standard lot. The new owner's plans for an out of scale house are not consistent with the other small homes along the creek. It would be set too close to the narrow, 20' wide road, which does not have sidewalks, thereby creating a safety hazard. The proposed house uses corner set-back rules designed for 30' wide streets with sidewalks, and it is not appropriate for the cramped conditions of Ellsworth Place. The proposed front setback will affect resident's safety for ingress and egress; i.e, the circulation of the street traffic as it transitions to Middlefield Road. The street is not at code and fire trucks/ambulances cannot access the street. Neither can delivery trucks, which means they currently park on Middlefield creating more of a safety hazard for Ellsworth Place residents.
- 3) We also have concerns about the current utility installations and easements.
- 4) The parking lot – AKA 702 Ellsworth Place allowed sufficient lot size to allow for having 12 units in the apartment complex, while meeting parking needs, and allowing the combined lot to conform with other development standards. The removal of parking will make the apartment complex non-compliant. Lack of parking is not obvious currently since the apartment building has at least 4 vacancies. The submitted plans to gain additionally parking spaces, including a parking space in a driveway, are neither adequate nor compliant.

In summary, we echo residents' concerns: "The **City's job is to enforce city laws**, and the developers and property owners of Hayes Architects, Dewey Land Development, and Handa Developers Group are flagrantly violating our city laws. If there is an ordinance governing a parcel of land, as approved by the City Council, that ordinance stands. **Rezoning to make things less compliant sets the wrong precedent.** There are city rules and regulations in place to handle odd situations, such as allowing older, non-compliant things to remain as they are, and variances to help amend the more unusually shaped lots, but these situations do not apply"

We ask that you deny the zoning change from PC to R1,

Sincerely

Sheri Furman, MRA Chair

Annette Glanckopf, MRA Vice Chair

From: [Kristen Van Fleet](#)
To: [Amy.French@cityofpaloalto.com](#); [Council_City](#); [Kou, Lydia](#); [kou.pacc@gmail.com](#); [Burt, Patrick](#); [Lauing, Ed](#); [Tanaka, Greg](#); [greg@gregtanaka.org](#); [Veenker, Vicki](#); [Stone, Greer](#); [Lythcott-Haims, Julie](#); [Lait, Jonathan](#)
Cc: [Bhanu Iyer](#); [Chin Chong](#); [Gala Beykin](#); [Hanh Nguyen](#); [John Abraham](#); [Natalie Fisher](#); [On Chong](#); [Robert Chen](#); [Robyn Ziegler](#); [Shan Wang](#); [Susan Light](#); [Tsing Xue](#); [Vadim Axelrod](#); [Venketa Kurra](#); [Yevgeny Yoni Khasin](#); [Glanckopf, Annette](#); [yogabear23@aol.com](#); [Mj Wolf](#)
Subject: Re: Add to Packet for March 13, 2023 City Council Meeting
Date: Wednesday, March 8, 2023 5:09:40 PM
Attachments: [ELLSWORTH PLACE - OUR HISTORY - SINCE 1937 - Google Docs.pdf](#)
[Ellsworth Place Ownership Status Report.pdf](#)
[Palo Alto - Apartments 23PLN-00025 - Google Docs.pdf](#)

Some people who received this message don't often get email from kvanfleet@gmail.com. [Learn why this is important](#)

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Regarding: 23PLN-27, 23PLN-00025, 23PLN-00027

Continuing the PDF attachments, please find a total of three more.

Here is a signed version of our first letter, a letter from our surveyor, and some of our history.

-Kristen

On Wed, Mar 8, 2023 at 4:57 PM Kristen Van Fleet <kvanfleet@gmail.com> wrote:

Dear Amy French et. all,

The residents of Ellsworth Place would like to know why all of their letters were not included in "the packet" that went out for the City Council meeting coming up on Monday, March 13, 2023. You had asked us to send them to File number: 23PLN-00025, however the postcards we received last weekend had a different number: Application 23PLN-27. Perhaps this change in the application number has caused confusion. We would like our letters to be added, as we understand this can be done through tomorrow, Thursday, March 9, 2023.

Please also include in the packet the attached PDF, and more PDFs will follow in subsequent emails due to file size. There will be a total of 4 PDFs to be added to "the packet".

Thank you for looking into this matter and correcting it.

Sincerely,

Kristen A Van Fleet
on behalf of The Ellsworth Place Neighbors

ELLSWORTH PLACE - SINCE 1937

.....

Mayfield, Unincorporated Santa Clara County

.....

Annexed by the City of Palo Alto on May 2, 1947

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

In c. 1937, a couple from San Francisco retired to Mayfield and a portion of lot 71 of G.M. Wooster Subdivision of the Clarke Ranch.

Katherine Emerson (McLaughlin) b. 10 Dec 1869, d. 17 Feb 1956

Eugene G Emerson b. abt. 1879, d. 9 Dec 1939

ELLSWORTH PLACE is named for Ellsworth, Maine, the hometown of Eugene G. Emerson, which is named for United States Founding Father Oliver Ellsworth.

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The San Francisco Examiner (San Francisco, California) · Mon, Dec 11, 1939 · Page 11

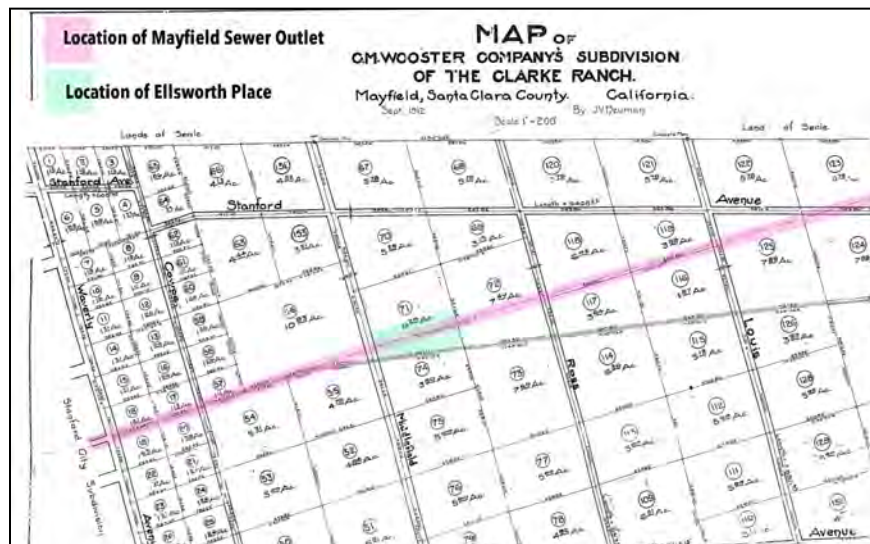
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EMERSON—In Palo Alto, suddenly, December 9, 1939, Eugene G. Emerson, beloved and devoted husband of Katherine Emerson; a native of Ellsworth, Maine. Funeral services will be held today (Monday), at 1 o'clock, at Tinney's, Lytton Ave., opposite City Hall Park, Palo Alto. Interment, private, Holy Cross Cemetery, Colma.

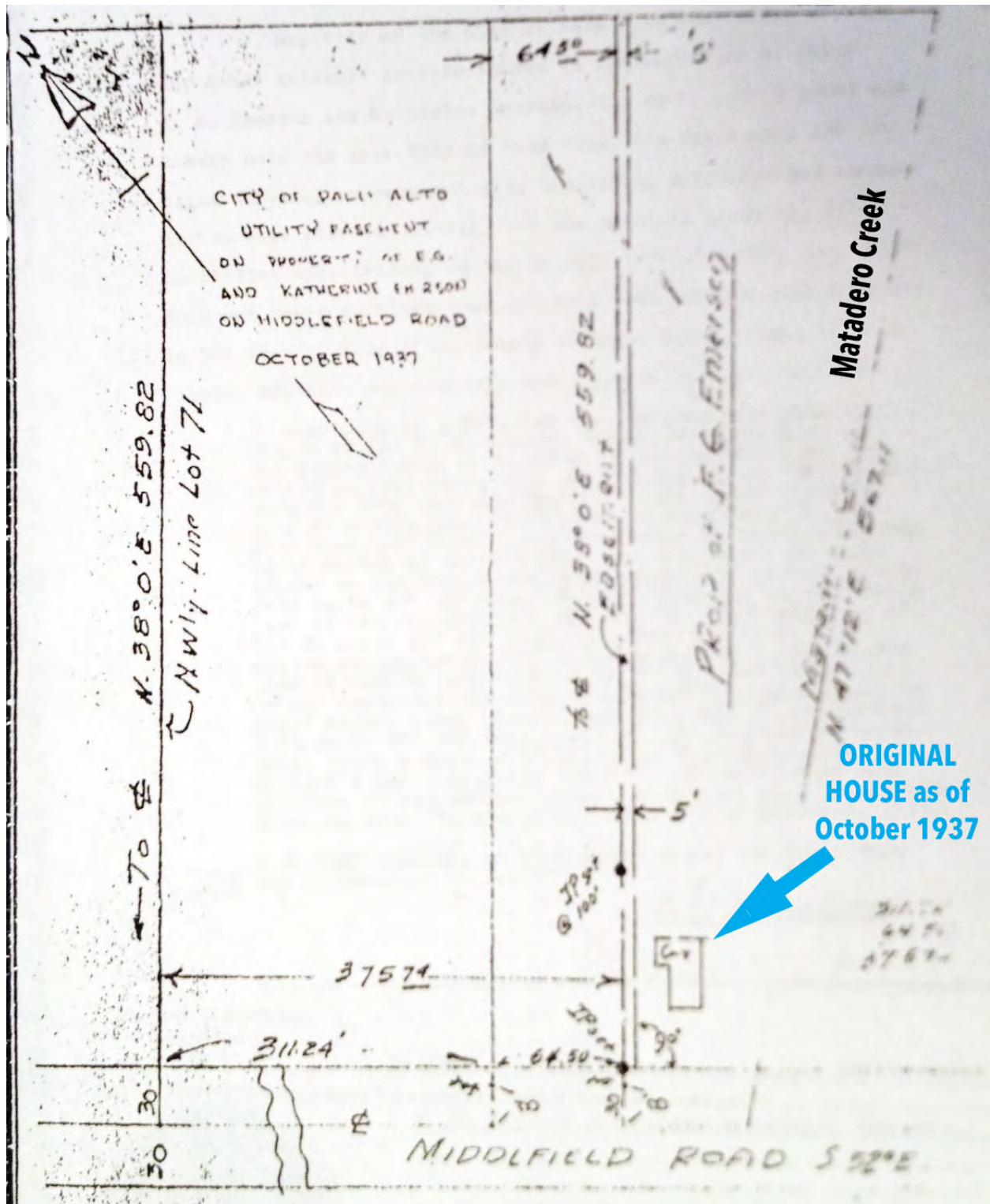
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The Ellsworth Place road follows the Mayfield Sewer Outlet, which is mapped on the 1912 C.M. Wooster Company's Subdivision of the Clarke Ranch Map.



The first house built becomes 702 & 704 Ellsworth Place, and it is referenced on the hand-drawn map shown on page four of the Grant of Easement For Utility Facilities to the City of Palo Alto, dated October 12, 1937. The boundaries of the parcel of land extending to both the centers of Matadero Creek and Middlefield Road.



The first homes of Ellsworth Place mini-subdivision were built in 1938 and include house numbers 701, 705, and 706. They are actual modest homes of less than 900 sq ft in size. After Eugene G. Emerson's death in 1939, according to voter registrations, the 1950s Census Report, Polk's Palo Alto City Directory, and The Daily Palo Alto Times, Katherine Emerson maintains several rental properties on Ellsworth Place, and lives between 701, 702 Ellsworth Place and another property located at 2795 Middlefield Road. She rents these properties along with the 3-Rm apartment of address 704 up until about 1955.

ORIGINAL HOMES of ELLSWORTH PLACE (not including the two duplexes)

House number	lot size in sq f	Year built	House size in sq ft	# of Rooms
701	approx. 4460	1938	approx. 800 - 900	1 bedroom, 1 bath
702 & 704	approx. 4443	c. 1850 - 1937	approx. 1,100 - 1,200	likely 2 bedroom, 1 bath + 3 room attached apartment
705	5,060	1938	approx. 800 - 900	2 bedroom, 1 bath
706	3,480	1938	845	2 bedroom, 1 bath
712	4,020	1946	1,100	2 bedroom, 1 bath
718	3,800	1945	1,112	2 Bedroom, 2 bath
724	3,818	1947	1,010	2 Bedroom, 1 bath
730	3,960	1947	1,017	2 bedroom, 1 bath
732	4,116	1947	984	2 bedroom, 1 bath
736	4,410	1947	1,229	2 bedroom, 1 bath
740	4,480	1949	828	2 bedroom, 1 bath
741	4,656	1949	880	2 bedroom, 1 bath
742	4,357	1947	1,223	3 bedroom, 2 bath

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Daily Palo Alto Times and Palo Alto News and Palo Alto Shopping Review (Palo Alto, California) · Fri, Aug 22, 1952 · Page 17

<https://www.newspapers.com/image/838944570>

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\$70—Unfurn., lv. bdrm, din. and
kitch., bath, garage, yard and
trees. 701 Ellsworth Place,
across Middlefield Rd. from
Hoover School.
1 year old 2-bedrm unfurn. near

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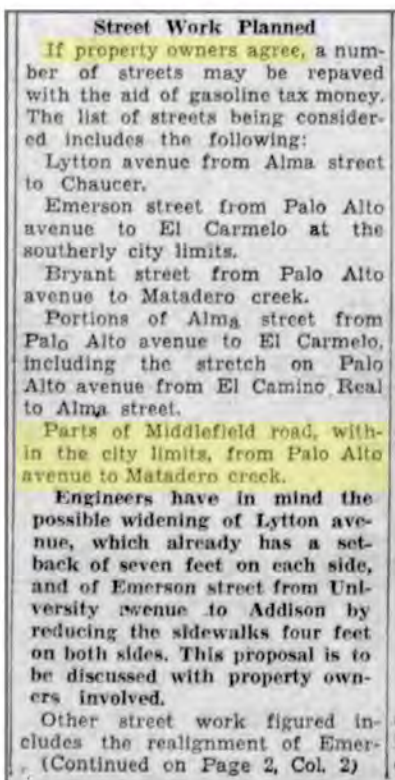
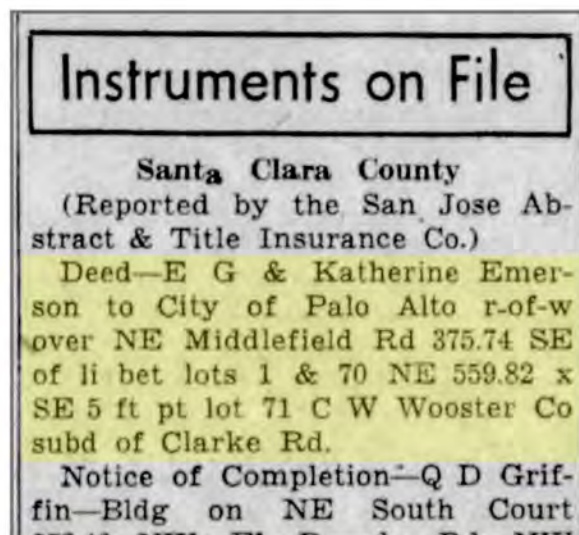
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3-Rm, furn, apt., priv. ent., bath
and shower; rent \$68.50 mo.,
util. incl. No children or pets.
DA. 2-6000 bet. 11 a.m.-7:30
p.m. 704 Ellsworth Place, cor-
ner Middlefield Rd.

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Ellsworth Place is located in an industrial area known as “East of South Palo Alto”. In 1937, the Emersons give “Right-of-Way” over their portion of Middlefield Road to the City of Palo Alto in preparation for improvements in 1938. They later deed it to The City of Palo Alto in 1949.



The view from Ellsworth Place across Matadero Creek is of the Heinz Warehouse Buildings. These buildings were integral for training during WWII.



Flooding was common at the crossing of Middlefield Road and Colorado Ave.



In 1940, a factory for airplane parts opened up where the Safeway in Midtown is located now. This location is a block from Ellsworth Place.

Plane Parts Factory Going Up Here

In addition to helping to train pilots, this community is playing a part in the national defense program: Development of aircraft accessories for the army and navy is proceeding, and it won't be long before production of electrical equipment, engine and flight control improvements will be under way.

Center of this activity is at 2815 Middlefield road, site of the old hammer factory east of the South Palo Alto School, where Jack-Heintz Co., Ltd., is continuing its experimental work and at the same time erecting a large addition to serve as offices and production plant.

In about two months the building operations will be finished, giving a two-story structure facing Middlefield road, and a one-story factory and laboratory, with warehouse in the rear. Total floor space will be 30,000 square feet. The site being developed has a frontage of 140 feet and a depth of 220 feet.

Machinery Is Arriving

Meanwhile, machinery is arriving from the East. By the time full production is reached next year the \$500,000 enterprise will have a payroll of approximately 300, according to Ralph M. Heintz, executive vice president and a graduate in chemical engineering from Stanford with the class of '20. Mr. Heintz is also vice president of Heintz & Kaufman, Ltd., of South San Francisco, manufacturers of radio and aircraft accessories, and of Globe Wireless, Ltd., of San Francisco.

President of the local company is William S. Jack of Cleveland, manufacturer for many years of automotive parts and formerly with the Marquette Metal Products Company and of Pump Engineering Service Corporation.

His son, William R. Jack, who arrived from Cleveland a few months ago, is treasurer.

Local People on Staff

Included in the personnel of the company are several Stanford people and residents of Palo Alto, in addition to Mr. Heintz. They are:

Carlos Odell, production manager.
 Phillip Scofield, chief engineer.
 Miss Vida Volkhardt, junior engineer.
 Mrs. Arnold Keistman, junior draftsman.
 Scott Rice, junior draftsman.
 Roy Mollenberg, junior engineer.
 Millar Clarke, junior engineer.
 Mrs. George H. Kirkbride, executive secretary.

By the middle of September 25 families will arrive from Cleveland to augment the staff of production experts. Other employees will be added, as much as possible from residents of this community, Mr. Heintz said today.

Bergmann's Department Store opened in 1956, two blocks from Ellsworth Place.



This Map shows in green the 30 foot parcel on the Matadero Creek side properties of Ellsworth Place which was deeded to the Santa Clara County Flood Control and Water Conservation District, (now called Santa Clara Valley Water District) in 1957.

Map provided by SCCVW

Today, our single-family, 1940s cottages average 1,114 sq ft in size and sit on substandard lots averaging 4,049 sq ft. All neighbors know one another and help to look out for one another. We do not allow parking on our street to keep it open in case of emergency. We want the driveway onto Middlefield Road widened, as it never happened, but was in the original plan of Ordinance PC-1810. With the increase in delivery vehicles and traffic on Middlefield Road, the parking lot, which was once 702 & 704 Ellsworth, has become integral to the circulation and safety of our street for both the apartments and houses alike. The apartments have a carport and parking spots on their Ellsworth Place side and would not be able to access those spaces without the use of Ellsworth Place.



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KRISTINA D. COMERER, PLS 6766

2210 Mt. Pleasant Road

San Jose, CA 95148

Tel (408) 274-7994

Fax (408) 270-8670

March 6, 2023

Kristen Van Fleet
724 Ellsworth Place
Palo Alto, CA 94306

RE: Status of Ownership of Ellsworth Place, Palo Alto, California

Dear Ms. Van Fleet:

After a review of a few of the legal descriptions for the parcels along Ellsworth Place in Palo Alto, it appears the underlying fee ownership is a private ownership with a 20' wide strip for ingress/egress easement granted to all of the parcels along both sides of the strip. Particularly, reading the legal descriptions for Santa Clara County APN 127-35-152, being Parcel A, Parcel Four as described in the GRANT DEED from The Barry 2009 Revocable Trust, under Instrument dated March 3, 2009, Colleen M. Barry, Daniel F. Barry and Eileen C. Barry to RLD Land LLC, recorded on July 14, 2017 as Document No. 23697519, Santa Clara County records, the legal description for Santa Clara County APN 127-35-132, being Parcel One as described in the GRANT DEED from Melinda L. Su, or her Successor, as Trustee of The Melinda L. Su Trust dated July 7, 2016 to Yevgeny Khasin and Gala Beykin, husband and wife as community property with right of survivorship, recorded on September 21, 2022 as Document No. 25375510 of Official Records, said Santa Clara County records, and the parcel granted in the Gift Deed from Katherine Emerson to Helen M. Kenny, recorded in Book 3418 of Official Records at Page 48, said Santa Clara County records, they cover all of Ellsworth Place in fee. All of the other parcels along Ellsworth Place have a granted right of way over the 20' strip, for ingress and egress, that at least takes them from Middlefield Road to their fee parcel. None of the parcels along Ellsworth Place are "landlocked" based record documents. I am not aware of any City of Palo Alto ordinances that would change this opinion of street ownership and rights of the property owners along it.

Thank you for the documents you have provided. It looks like the documents that granted part of Middlefield Road to the City of Palo Alto were recorded on June 24, 1949 in Book 1808 of Official Records at Pages 227 and 229. I do not have copies of these documents, but they are what are called for in the current deeds for properties along Middlefield Road. If you get a copy of these documents, please forward to me and I will let you know what I think of them.

Very truly yours,

Kristina D. Comer

Kristina D. Comerer, PLS 6766
President



Ellsworth Place Residents Are Against Amending PC-2343

February 23, 2023

File Number: 23PLN-00025

Attention City Planning, City Council, et. all.

The homeowners and tenants of Ellsworth Place vehemently oppose a change to the PC-2343, as written in 1967, which permitted the building of the apartment complex, now known as 2901 Middlefield Road. On April 3, 1967, Lindsay Properties asked for an amendment of Ordinance 1810, titled Ordinance 2343, which included four parcels of land located at 2901 - 2905 Middlefield Road, and 701 - 702 Ellsworth Place. The creation of Ordinance 2343, what is now PC-2343, allowed for the building of the apartments we now refer to as "2901 Middlefield Road". The current amendment sought by the owner of 702 Ellsworth Place (a.k.a. 700 Ellsworth Place), to remove their parcel from the PC would create a non-compliant zoning situation in our neighborhood, significantly increasing density above what the City allows, even if parking and other concerns are addressed.

The zoning for 2901 Middlefield Road was at one point classified as RM-15, and the City Council had to approve the combining of four parcels of property into what became PC-2343, which included a PC laid over the R-1 lot formerly known as 702 Ellsworth Place, which became "the parking lot". The combination of these parcels created sufficient lot size to allow for having 12 units in the apartment complex, while meeting parking needs, and allowing the combined lot to conform with other development standards.

Progressing with the times, the density for lot 2901 Middlefield Road has been increased to RM-20 status. However, by cutting off the R-1 lot formerly known as 702 Ellsworth Place from the PC-2343 agreement with the City of Palo Alto, the apartments have incurred a zoning issue with their density. The single parcel APN: 127-35-194 is a total of 19,893 square feet, per the city's online parcel system, which is 45.7% of an acre (an acre being 43,560 sq ft). Under RM-20 zoning rules, they would only be allowed to have 9 apartment units on the 2901 Middlefield Road parcel. But they have 12 units per the PC-2343 agreement. It is therefore required that the apartments keep all parcels of land together as agreed upon by the PC-2343 ordinance they have with the City of Palo Alto. No other apartment lots on the Sutter Ave block are rated higher than an RM-20.

Removing 702 Ellsworth Place from the PC-2343 agreement creates a non-compliant situation for the existing apartments, making them too dense for their parcel. Finding places to create parking spaces within the property does not change the other non-compliance issues that are now occurring since 702 Ellsworth Place was sold on November 7, 2022.

The City's job is to enforce city laws, and the developers and property owners of Haze Architects, Dewey Land Development, and Handa Developers Group are flagrantly violating our

city laws. If there is an ordinance governing a parcel of land, as approved by the City Council, that ordinance stands. Rezoning to make things less compliant sets the wrong precedent. There are city rules and regulations in place to handle odd situations, such as allowing older, non-compliant things to remain as they are, and variances to help amend the more unusually shaped lots, but these situations do not apply to 2901 Middlefield. Plus, the current RM-20 assigned to the lots comprising 2901 Middlefield Road was once an RM-15, so the parcels creating the PC-2343 ordinance are already getting a 33% increase in the allowable number of units they can contain -- and yet they still would NOT be compliant.

What precedent would be created if the city were to choose to allow these property owners and developers to break their laws? Would every apartment complex, grocery store, and local business think they too can sell off their parking lots to squeeze in homes? We know that the proposed R-1 house for the 702 Ellsworth Place lot is not a part of the latest City Housing Element. Furthermore, as Palo Alto homeowners and tenants, we do not wish to be steamrolled by greedy property developers looking to break peaceful neighborhoods so they can impose their egregious solutions. The proposed “solutions” are not right for the residents of Ellsworth Place, and they are certainly not right for Palo Alto as a city.

Another issue is the apartment owners created the blight on the property when they cut down all the trees on October 8, 2018, including two oak trees, and yet their plan on page two of their proposal reads, “Tree Protection - It’s Part of the Plan!” We have photos of what the parking lot looked like prior to October 8, 2018, when they claimed to be doing “land maintenance” to the City Arborist. The canopies of those raised trees are drawn on the property layout, as shown on page 6 of their proposal presentation.

The first two photos below are from Google Wayback, and were taken on November 2017.

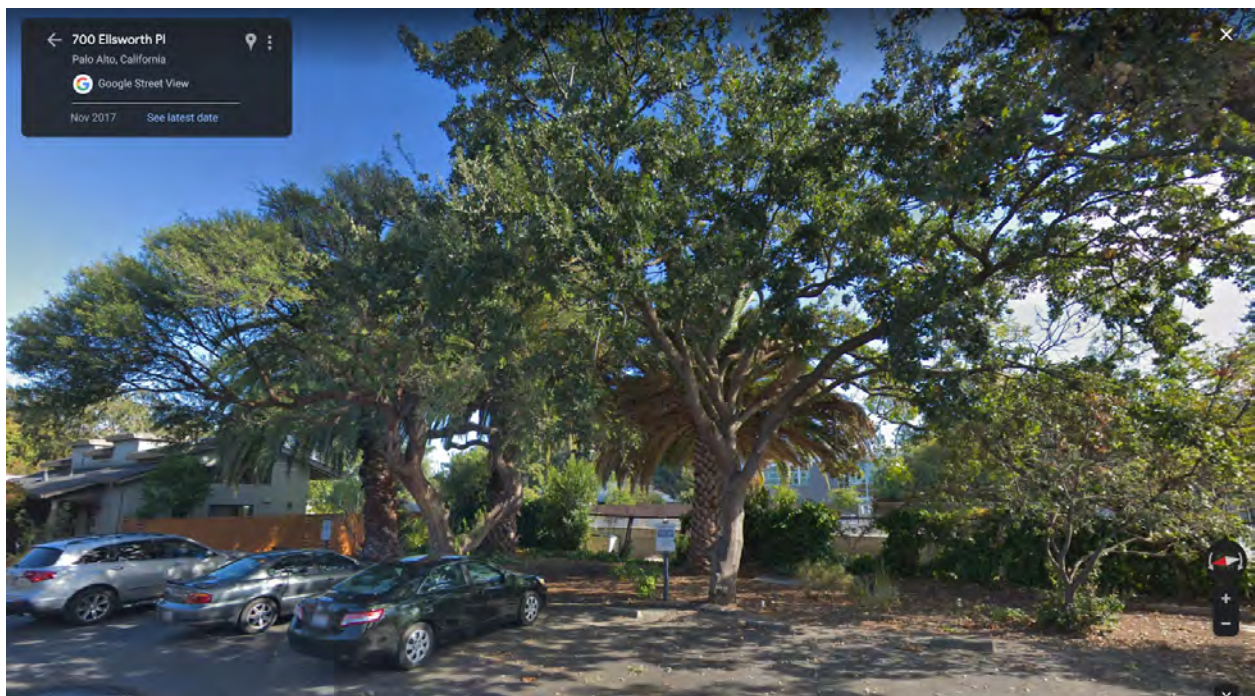




PHOTO BELOW - Taken on October 8, 2018, was taken during their “landscape maintenance”



A CURRENT PHOTO (below) of the parking lot was taken on February 5, 2023



Additionally, the proposed house is out of scale for Ellsworth Place, as the average house size on the even-numbered side of the street is 1,114 sq ft in size on an average lot size of 4,049 sq ft. The proposed house is 1,695 sq ft and would be set too close to the narrow, 20' wide road, which does not have sidewalks, thereby creating safety hazards and making it difficult and dangerous for delivery trucks and residents alike to enter and exit the narrow, slightly sloped driveway that creates the unusual entrance to Ellsworth Place. The proposed house uses corner set-back rules designed for 30' wide streets with sidewalks, and it is not appropriate for the cramped conditions of Ellsworth Place.

The proposed amendment to the PC potentially creates a significant public safety problem, as another issue we have been having ever since the fence went up around the parking lot is the safety of delivery trucks entering and exiting our narrow street. The residents of Ellsworth Place and the apartments have always shared delivery schedules with all the shipping companies and USPS, and our delivery drivers are now struggling to reach us. The UPS driver has resorted to using the bus turn-out on Middlefield Road to access both the apartments and the residents of Ellsworth Place. He shared with Midtown Residence Association that he used to use the parking lot to safely turn around to exit the street, but he is now forced to park in the bus pull-out to reach Ellsworth Place. Other delivery trucks are choosing to maneuver through multiple back-and-forths to turn around so they can safely exit Ellsworth Place, while some are opting to back directly out onto Middlefield Road into traffic that flows 40 - 50 mph. We have many photos and videos showing how dangerous this has become, and attached below are a few of them.

The photos below show a Fed-Ex truck backing into their proposed parking space #15, (there is a video available of this and others doing a similar maneuver), a UPS truck is shown parked in the bus turnout on Matadero Creek, a DHL driver parked alongside the fence after backing into the street, and the USPS truck now parks next to the carports.

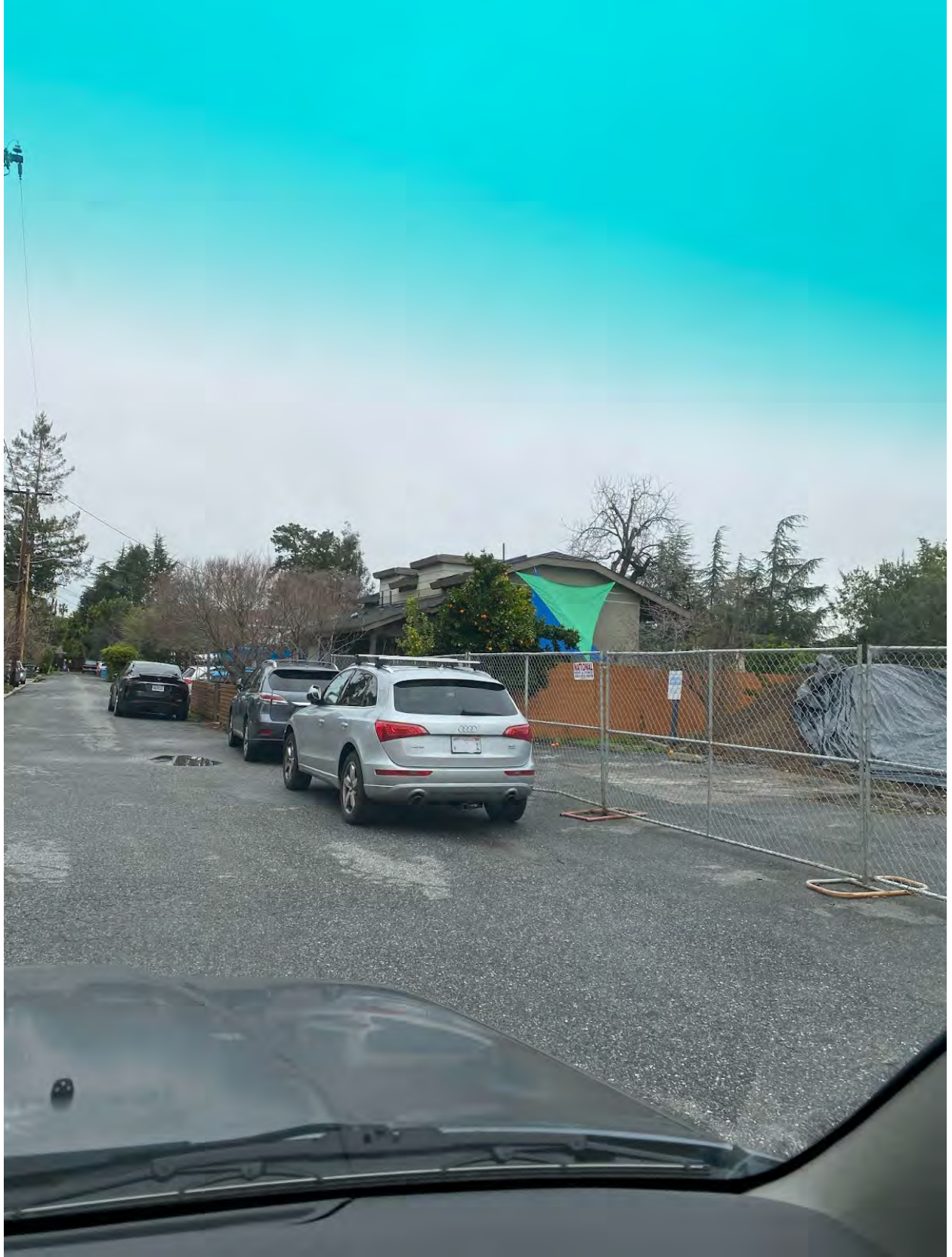








And now we get to the issue of parking. Since the apartments are not fully rented currently, while they are being renovated, not all parking spaces are being used at this time. However, when the apartments were fully rented, every one of the parking spots in the parking lot was filled almost every night, and often on weekends. With conditions as they are now, is common to have cars parked alongside the chain-link fence and in front of house #706. For safety reasons, Ellsworth Place doesn't allow parking on the street due to it being only 20 feet wide, without sidewalks, and a dead-end street, (there is not a cul-de-sac at the end, but simply a hard stop of the 20-foot wide road against the fence). Our residents include nine children, and we range in age from 14 months old to age 85; with a representation of every age group in between. Keeping the street clear is imperative for everyone's safety, as emergency services have only one way in and out of the end of the narrow 550' long road, and the only fire hydrant close by is placed on Middlefield Road, in front of the parking lot!



So as you can see, what has been proposed by the developers and owners of the apartments is not well thought out for compliance with their PC-2343 agreement, and it completely misses on neighborhood safety. Unlike the existing PC-2343, the amended proposal is not right for Ellsworth Place, and the residents of Ellsworth Place do not support it. We hope the City Council will follow the rule of law and protect the homeowners and renters of Ellsworth Place and choose to keep the PC-2343 agreement in place as it was written and voted on in 1967.

Sincerely,

The Ellsworth Place Homeowners & Tenants

Robyn Anne Ziegler

#730

Name Natalie Fisher House # 736

Name John K Abraham House # 736

Name Eisaku House # 705

Karen Van Hout # 724

FWS # 724

Chaoqiang Chen #740

Name Hanh Nguyen # 706

Mich Da # 706

DANIEL
ALBERSON
#731

Tristan Wang # ~~717~~ 717
Albion #731

Bonann Syer #712

Erin #732

UW #718

Kelly Moore #742

ELLSWORTH PLACE - SINCE 1937

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Mayfield, Unincorporated Santa Clara County

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Annexed by the City of Palo Alto on May 2, 1947

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

March 8, 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 property around 1937 when it 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 March 1, 1967, this issue was resolved back then. However, ingress/egress rights of way is 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. We look forward to these issues being resolved in a way that is both safe for our community and also puts the issues to rest for good.

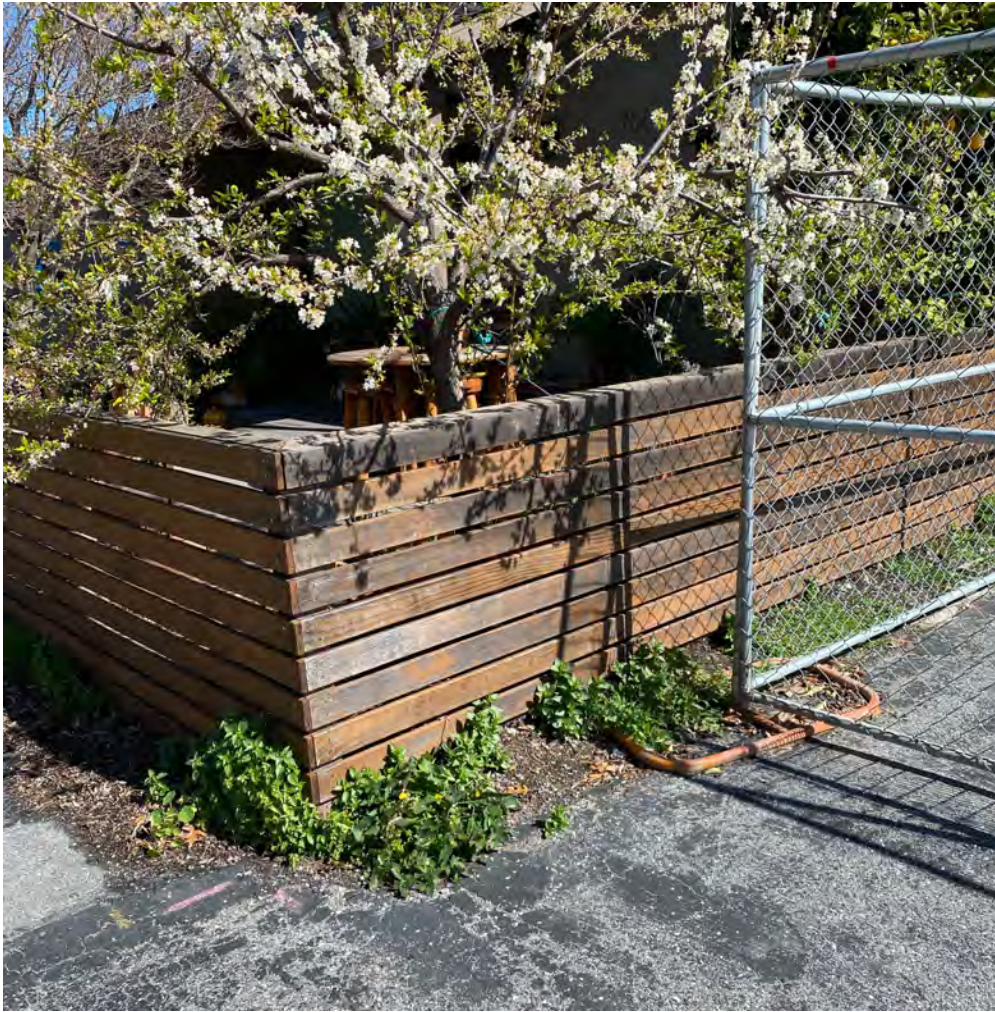
The recent hostility coming from the apartment owners and developers has strengthened the community of neighbors and homeowners on our private street. Given we are some of the most purchasable "affordable housing" to be found in Palo Alto (other than condominiums), we realize this makes us an easy target 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. And the design has served the neighborhood well until the fence went up on the parking lot!

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, it provides a safe place for trucks to both park and to 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. For safety reasons, there is no parking on Ellsworth Place, and Sutter Avenue will quickly run out of room should every apartment building rely on it for their overflow parking.

The parking lot fence is dangerous and violates the PC-2343 agreement, making it illegal per City Ordinances. It is currently placed approximately 3' in from the actual property line, not including the road, and it has been hit by a vehicle, pushing it back another approximately 2' in the center, as can be seen in how the fence has been pushed back from the line on the asphalt. The fence creates a disruption to the circulation of vehicular traffic on Ellsworth Place and has been a safety hazard since it went up in mid-December. It is in violation of City Ordinance PC-2343. **For safety reasons, we want the fence removed.**

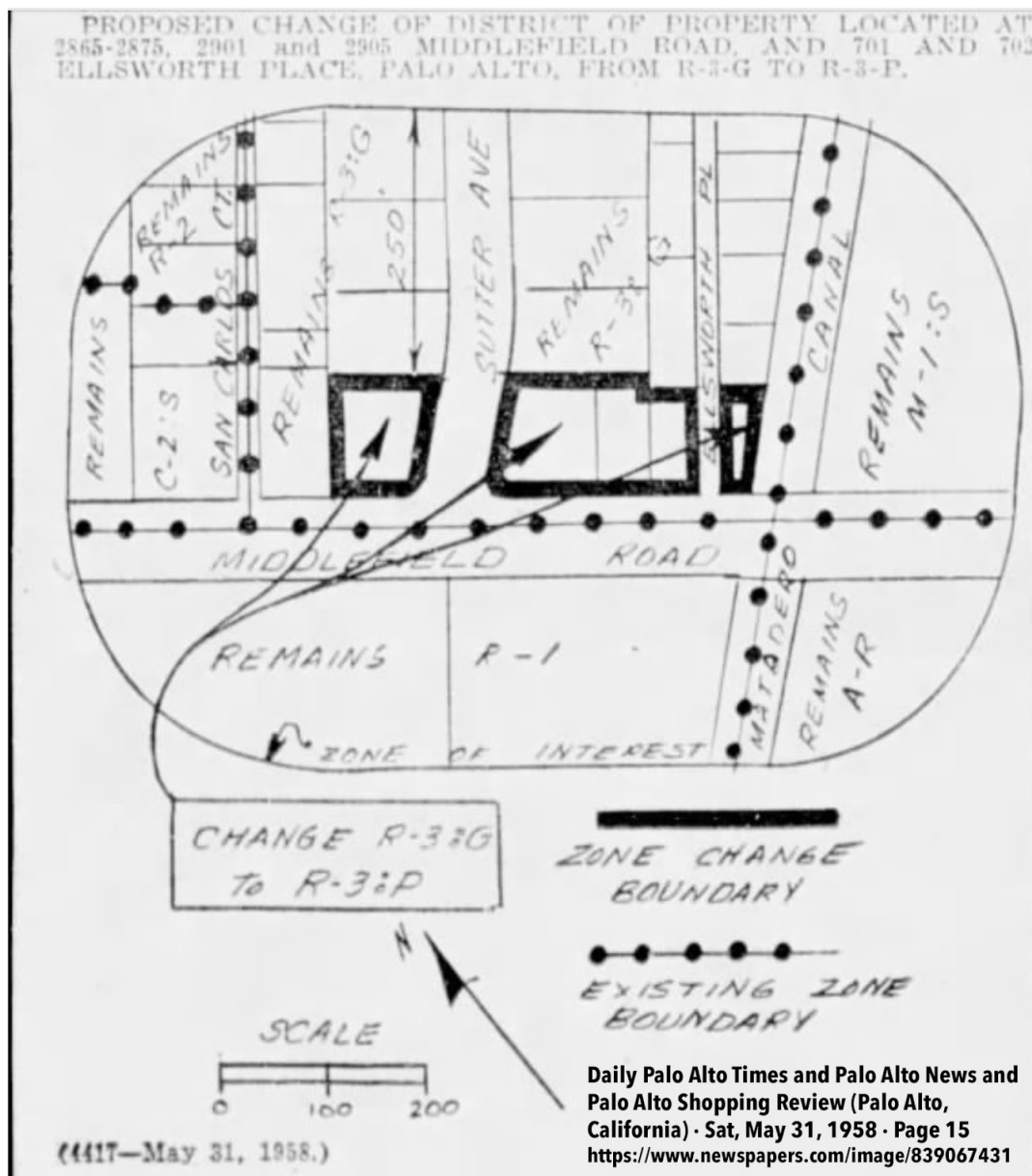




PC-1810

The original PC-1810 ordinance talks about widening the driveway 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 having already solved for their own parking needs by creating parking spaces on their lots with suitable pavers across front yards, or having driveway large enough to hold multiple cars, which can 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 Sutter Ave.

It was printed in the Daily Palo Alto Times and Palo Alto News and Palo Alto Shopping Review on Saturday, May 31, 1958. A map of the affected parcels of land is included.



The developer is asking to change the existing zoning of these already developed parcels of land from R-3-G (Garden Apartments District Regulation) to P-C (Planned Community), with the intention of developing professional buildings on these locations. Information extracted from the City Council Minutes discussing PC-2343 held on March 13, 1967.)

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.

The map shows a street grid with 'SUITER AVE' running vertically on the left and 'ELLSWORTH PL' running vertically on the right. A horizontal street, 'MIDDLEFIELD ROAD', runs across the top. A diagonal line labeled 'CANAL' runs from the top right towards the bottom right. Several lots are outlined. The central lot is labeled '2865-2875', '2901', and '2905'. To its left is a lot labeled '701' and '702'. To the right of the central lot is a lot labeled 'ELLSWORTH PL'. Other labels include 'REMAINS R-2', 'REMAINS R-3-G', 'REMAINS M-1-S', 'C-2'S', and 'SAN CARLOS'. A north arrow is pointing towards the top-left corner of the map.

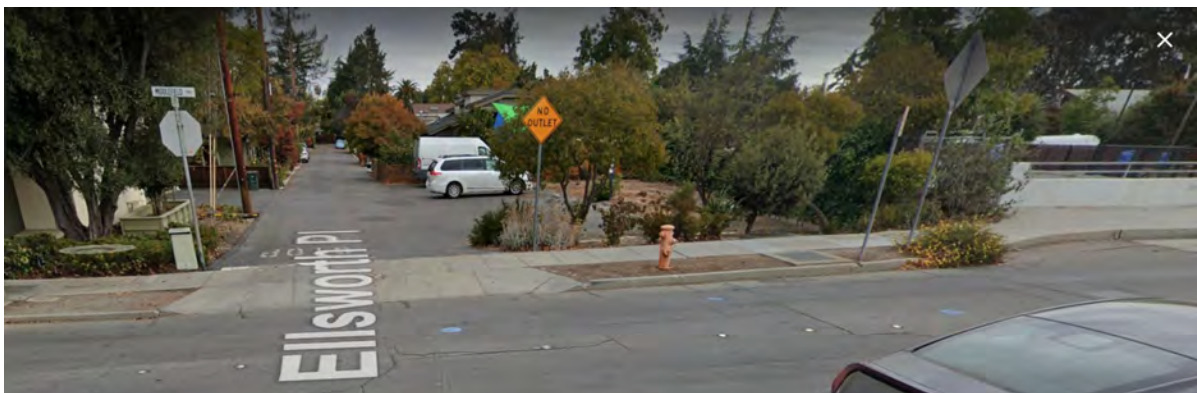
Ordinance 1810 was discussed by Palo Alto City Council on September 8, 1958, and includes the existing developments located at 3865 - 2875 Middlefield Road, 2901 - 2905 Middlefield Road, and 701 - 702 Ellsworth Place. The following was taken from the recorded minutes of that City Council meeting, which 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 in the amended Ordinance-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 widening of Ellsworth Place is wanted by the Ellsworth Place neighbors, who can't pass one another if people are turning into and out of Ellsworth Place at the same time. (The photo below is from Google Maps, February 2022.)



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. And let's not forget about the pedestrians who share the sidewalk on Middlefield Road with bicycles!

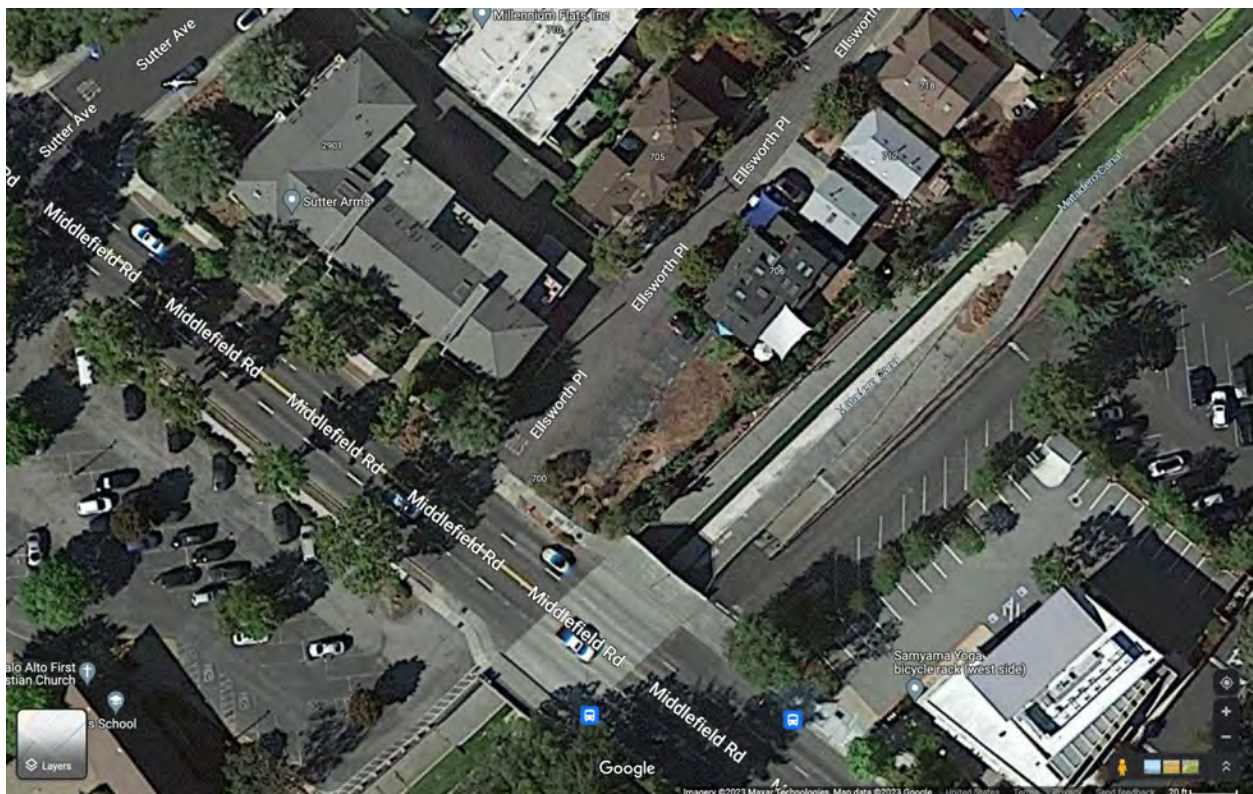


Photos from Google Maps, February 2022.





Photos from Google Maps, February 2022.



The Ellsworth Place street entrance has a driveway 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. 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!

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 and mobility, and not everything people do within a mile or so of this location. 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.

Photos 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!

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

PC-2343

Is approved by Palo Alto City Council on April 3, 1967, as a reworking of ordinance PC-1810, It allows the building of 12 apartments at 2901 - 2905 Middlefield Road, and 701 - 702 Ellsworth Place.

Daily Palo Alto Times and Palo Alto News and Palo Alto Shopping Review (Palo Alto, California)
• Sat, Aug 30, 1958 • Page 12 • <https://www.newspapers.com/image/839148339>

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.

All thirteen of the homes on Ellsworth Place have the following legal descriptions written into their deeds, "A NON-EXCLUSIVE right of way for ingress and egress..."

This issue came up in the City Council meeting of March 1, 1967 when PC-2343 was discussed, and the issue was resolved then. Having it come 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 half of the road is on 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.

(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.

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."

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 providing a widened driveway entrance/exit to Ellsworth Place and it connects to Middlefield Road. This should have been done when the apartments were built fifty-six years ago, per the Ordinance PC-1810 which was amended to become PC-2343.

We are continuing to pull information together, but have only had since February 9, 2023 to start working on the information gathering. The developers have been at this since October 2018 when they cut the trees down! 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!

From: [Bhanu Iyer](#)
To: [Council, City](#)
Subject: Letter To Palo Alto City Council Members Re. Rezoning Application 23PLN-27
Date: Thursday, March 2, 2023 6:11:32 PM

Some people who received this message don't often get email from bhanuiyer9@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear City Council Member,

Re: Rezoning Application 23PLN-27

This is a real estate deal gone wrong. The seller misled the buyer about the use of the land. This should not have even been brought up before the City Council.

The property address of the plot was changed to 700 Ellsworth Place, which does not exist. Historically the correct address is 702 Ellsworth Pl., and information about 702 Ellsworth Pl is available in the city records and dates back to 1937 and earlier.

The correct address of 702 Ellsworth Place, on <https://www.sccassessor.org/online-services/property-search/real-property> website, shows parcel 127-35-152 as a parking lot, and further research shows that it is under "Zoning District PC-2343".

We are vehemently opposed to the development of this property and changes to lifting the current Zoning District PC-2343 from this plot for safety concerns and the increase in density to an already tight and problematic parking situation.

Sincerely,

Bhanu Iyer

Bhanu Iyer
Homeowner
712 Ellsworth Pl
Palo Alto

From: sel@lightahead.com
To: [Council, City](#); Amy.French@cityofpaloalto.com; [Council, City](#); [Kou, Lydia](#); kou.pacc@gmail.com; [Burt, Patrick](#); [Laing, Ed](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#); [Stone, Greer](#); [Lythcott-Haims, Julie](#)
Subject: Re: Your e-mail to City Council was received
Date: Wednesday, March 1, 2023 7:14:39 PM
Attachments: [Palo Alto - Apartments 23PLN-00025 - SIGNED.pdf](#)

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I inadvertently attached the document without the signature page. Here is the complete one.

Sorry!

SEL

From: Council, City <city.council@cityofpaloalto.org>
Sent: Wednesday, March 1, 2023 6:22 PM
To: sel@lightahead.com <sel@lightahead.com>
Subject: Your e-mail to City Council was received

Thank you for your comments to the City Council. Your e-mail will be forwarded to all seven Council Members and a printout of your correspondence will also be included in the next available Council packet.

If your comments are about an item that is already scheduled for a City Council agenda, you can call (650) 329-2571 to confirm that the item is still on the agenda for the next meeting.

If your letter mentions a specific complaint or a request for service, we'll either reply with an explanation or else send it on to the appropriate department for clarification.

We appreciate hearing from you.

Cybersecurity safety note: Official emails from the City of Palo Alto typically end with @cityofpaloalto.org and there are limited exceptions such as surveys or polls that may come from City consultants acting on the City's behalf. Though the City doesn't often solicit donations, City partners, including local foundations such as the Palo Alto Art Center Foundation, Friends of the Palo Alto Library, and Friends of the Palo Alto Junior Museum & Zoo do send out fundraising communications. Please contact the appropriate City department or City Council Member to double check its legitimacy and never share personal information or other secure details via email.

Contact City Departments: <https://www.cityofpaloalto.org/City-Hall/Phone-Directory>

Contact City Council: <https://www.cityofpaloalto.org/City-Hall/City-Council>

Ellsworth Place Residents Are Against Amending PC-2343

February 23, 2023

File Number: 23PLN-00025

Attention City Planning, City Council, et. all.

The homeowners and tenants of Ellsworth Place vehemently oppose a change to the PC-2343, as written in 1967, which permitted the building of the apartment complex, now known as 2901 Middlefield Road. On April 3, 1967, Lindsay Properties asked for an amendment of Ordinance 1810, titled Ordinance 2343, which included four parcels of land located at 2901 - 2905 Middlefield Road, and 701 - 702 Ellsworth Place. The creation of Ordinance 2343, what is now PC-2343, allowed for the building of the apartments we now refer to as "2901 Middlefield Road". The current amendment sought by the owner of 702 Ellsworth Place (a.k.a. 700 Ellsworth Place), to remove their parcel from the PC would create a non-compliant zoning situation in our neighborhood, significantly increasing density above what the City allows, even if parking and other concerns are addressed.

The zoning for 2901 Middlefield Road was at one point classified as RM-15, and the City Council had to approve the combining of four parcels of property into what became PC-2343, which included a PC laid over the R-1 lot formerly known as 702 Ellsworth Place, which became "the parking lot". The combination of these parcels created sufficient lot size to allow for having 12 units in the apartment complex, while meeting parking needs, and allowing the combined lot to conform with other development standards.

Progressing with the times, the density for lot 2901 Middlefield Road has been increased to RM-20 status. However, by cutting off the R-1 lot formerly known as 702 Ellsworth Place from the PC-2343 agreement with the City of Palo Alto, the apartments have incurred a zoning issue with their density. The single parcel APN: 127-35-194 is a total of 19,893 square feet, per the city's online parcel system, which is 45.7% of an acre (an acre being 43,560 sq ft). Under RM-20 zoning rules, they would only be allowed to have 9 apartment units on the 2901 Middlefield Road parcel. But they have 12 units per the PC-2343 agreement. It is therefore required that the apartments keep all parcels of land together as agreed upon by the PC-2343 ordinance they have with the City of Palo Alto. No other apartment lots on the Sutter Ave block are rated higher than an RM-20.

Removing 702 Ellsworth Place from the PC-2343 agreement creates a non-compliant situation for the existing apartments, making them too dense for their parcel. Finding places to create parking spaces within the property does not change the other non-compliance issues that are now occurring since 702 Ellsworth Place was sold on November 7, 2022.

The City's job is to enforce city laws, and the developers and property owners of Haze Architects, Dewey Land Development, and Handa Developers Group are flagrantly violating our

city laws. If there is an ordinance governing a parcel of land, as approved by the City Council, that ordinance stands. Rezoning to make things less compliant sets the wrong precedent. There are city rules and regulations in place to handle odd situations, such as allowing older, non-compliant things to remain as they are, and variances to help amend the more unusually shaped lots, but these situations do not apply to 2901 Middlefield. Plus, the current RM-20 assigned to the lots comprising 2901 Middlefield Road was once an RM-15, so the parcels creating the PC-2343 ordinance are already getting a 33% increase in the allowable number of units they can contain -- and yet they still would NOT be compliant.

What precedent would be created if the city were to choose to allow these property owners and developers to break their laws? Would every apartment complex, grocery store, and local business think they too can sell off their parking lots to squeeze in homes? We know that the proposed R-1 house for the 702 Ellsworth Place lot is not a part of the latest City Housing Element. Furthermore, as Palo Alto homeowners and tenants, we do not wish to be steamrolled by greedy property developers looking to break peaceful neighborhoods so they can impose their egregious solutions. The proposed “solutions” are not right for the residents of Ellsworth Place, and they are certainly not right for Palo Alto as a city.

Another issue is the apartment owners created the blight on the property when they cut down all the trees on October 8, 2018, including two oak trees, and yet their plan on page two of their proposal reads, “Tree Protection - It’s Part of the Plan!” We have photos of what the parking lot looked like prior to October 8, 2018, when they claimed to be doing “land maintenance” to the City Arborist. The canopies of those raised trees are drawn on the property layout, as shown on page 6 of their proposal presentation.

The first two photos below are from Google Wayback, and were taken on November 2017.

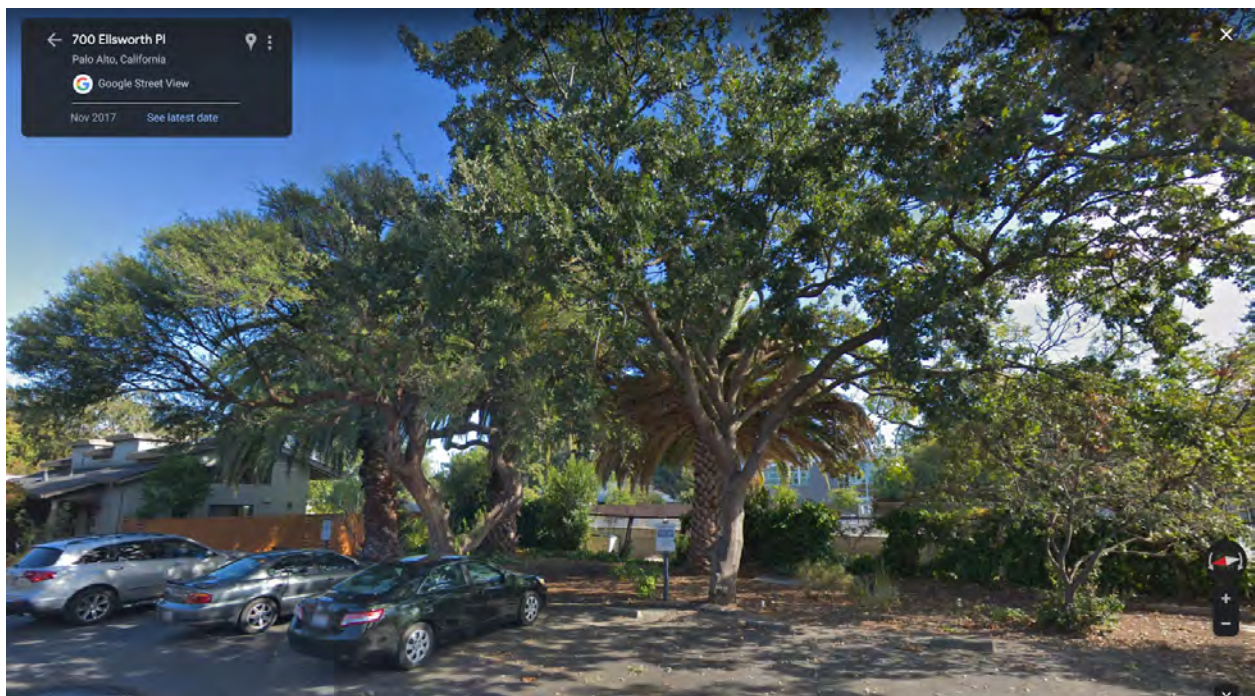




PHOTO BELOW - Taken on October 8, 2018, was taken during their “landscape maintenance”



A CURRENT PHOTO (below) of the parking lot was taken on February 5, 2023



Additionally, the proposed house is out of scale for Ellsworth Place, as the average house size on the even-numbered side of the street is 1,114 sq ft in size on an average lot size of 4,049 sq ft. The proposed house is 1,695 sq ft and would be set too close to the narrow, 20' wide road, which does not have sidewalks, thereby creating safety hazards and making it difficult and dangerous for delivery trucks and residents alike to enter and exit the narrow, slightly sloped driveway that creates the unusual entrance to Ellsworth Place. The proposed house uses corner set-back rules designed for 30' wide streets with sidewalks, and it is not appropriate for the cramped conditions of Ellsworth Place.

The proposed amendment to the PC potentially creates a significant public safety problem, as another issue we have been having ever since the fence went up around the parking lot is the safety of delivery trucks entering and exiting our narrow street. The residents of Ellsworth Place and the apartments have always shared delivery schedules with all the shipping companies and USPS, and our delivery drivers are now struggling to reach us. The UPS driver has resorted to using the bus turn-out on Middlefield Road to access both the apartments and the residents of Ellsworth Place. He shared with Midtown Residence Association that he used to use the parking lot to safely turn around to exit the street, but he is now forced to park in the bus pull-out to reach Ellsworth Place. Other delivery trucks are choosing to maneuver through multiple back-and-forths to turn around so they can safely exit Ellsworth Place, while some are opting to back directly out onto Middlefield Road into traffic that flows 40 - 50 mph. We have many photos and videos showing how dangerous this has become, and attached below are a few of them.

The photos below show a Fed-Ex truck backing into their proposed parking space #15, (there is a video available of this and others doing a similar maneuver), a UPS truck is shown parked in the bus turnout on Matadero Creek, a DHL driver parked alongside the fence after backing into the street, and the USPS truck now parks next to the carports.

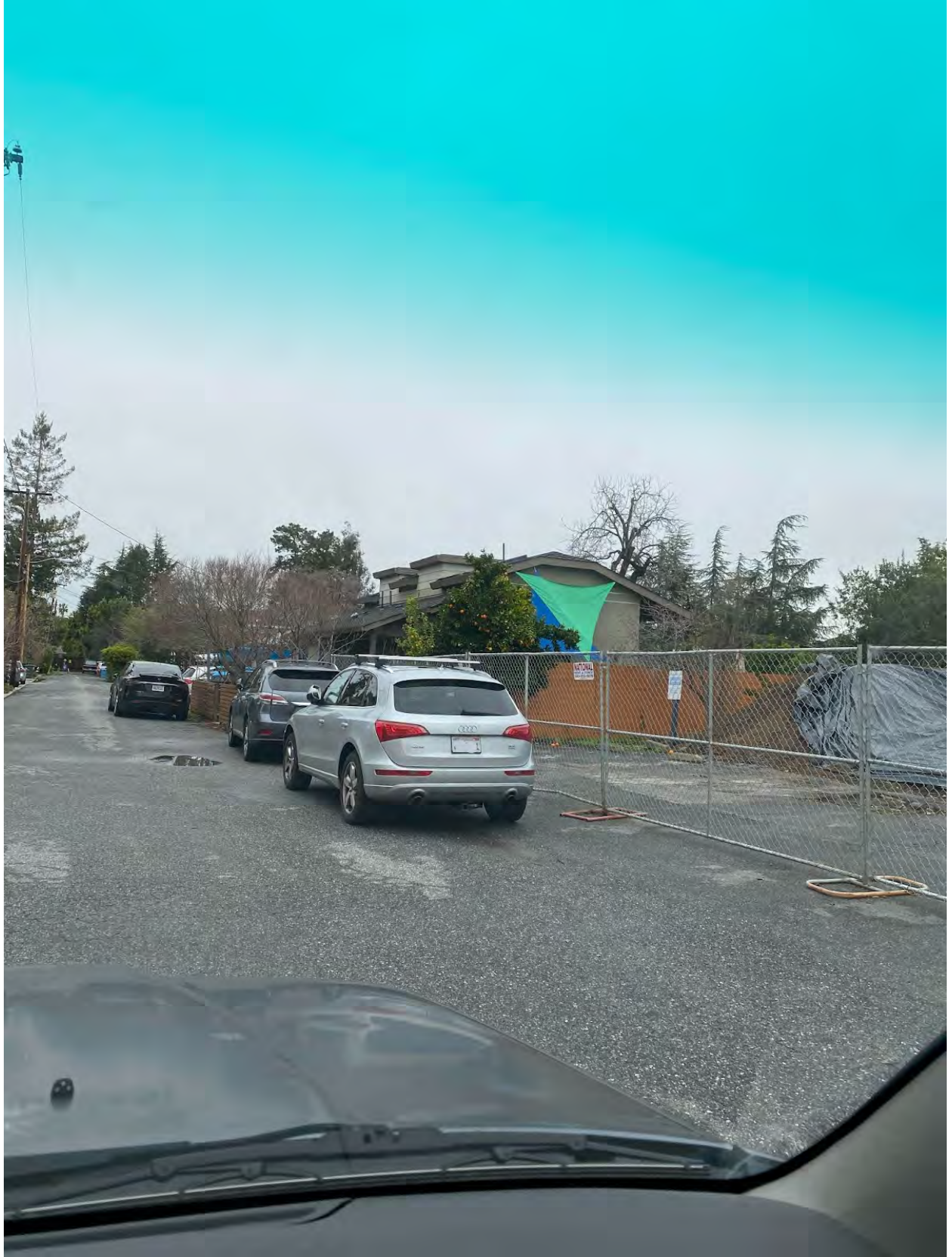








And now we get to the issue of parking. Since the apartments are not fully rented currently, while they are being renovated, not all parking spaces are being used at this time. However, when the apartments were fully rented, every one of the parking spots in the parking lot was filled almost every night, and often on weekends. With conditions as they are now, is common to have cars parked alongside the chain-link fence and in front of house #706. For safety reasons, Ellsworth Place doesn't allow parking on the street due to it being only 20 feet wide, without sidewalks, and a dead-end street, (there is not a cul-de-sac at the end, but simply a hard stop of the 20-foot wide road against the fence). Our residents include nine children, and we range in age from 14 months old to age 85; with a representation of every age group in between. Keeping the street clear is imperative for everyone's safety, as emergency services have only one way in and out of the end of the narrow 550' long road, and the only fire hydrant close by is placed on Middlefield Road, in front of the parking lot!



So as you can see, what has been proposed by the developers and owners of the apartments is not well thought out for compliance with their PC-2343 agreement, and it completely misses on neighborhood safety. Unlike the existing PC-2343, the amended proposal is not right for Ellsworth Place, and the residents of Ellsworth Place do not support it. We hope the City Council will follow the rule of law and protect the homeowners and renters of Ellsworth Place and choose to keep the PC-2343 agreement in place as it was written and voted on in 1967.

Sincerely,

The Ellsworth Place Homeowners & Tenants

Robyn Anne Ziegler

#730

Name Natalie Fisher House # 736

Name John K Abraham House # 736

Name Eisaku House # 705

Karen Van Hout # 724

FWS # 724

Chaoqiang Chen #740

Name Hanh Nguyen # 706

Mich Da # 706

DANIEL
ALBERSON
#731

Tristan Wang # ~~717~~ 717
Albion #731

Bonann Syer #712

Erin #732

UW #718

Kelly Moore #742

From: sel@lightahead.com
To: Amy.French@cityofpaloalto.com; [Council, City](#); [Kou, Lydia](#); kou.pacc@gmail.com; [Burt, Patrick](#); [Lauing, Ed](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#); [Stone, Greer](#); [Lythcott-Haims, Julie](#)
Subject: Ellsworth Place
Date: Wednesday, March 1, 2023 6:22:51 PM
Attachments: [Palo Alto - Apartments 23PLN-00025 - Google Docs.pdf](#)

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To the Mayor and City Council:

Please see the attached letter regarding the File Number 23PLN-00025. The homeowners and most tenants on Ellsworth Place are in agreement and have signed the letter. We ask for this letter to be included in the packet being generated for the City Council meeting on March 13, 2023.

Thank you for your consideration,

Susan E. Light, MD

From: [Cara E. Silver](#)
To: [Council, City](#)
Cc: [Hayes, Ken](#)
Subject: March 13 CC Meeting: Study Session re Pre-Screening of Zone Change at 2901 Middlefield and 702 Ellsworth
Date: Wednesday, March 1, 2023 10:11:46 AM
Attachments: [image001.png](#)
[LTR City Council Pre-Screen 2901 Middlefield 2-28-23.pdf](#)

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Dear Mayor, Vice Mayor and Council Members:

Attached is a letter regarding RLD Land LLC's application for a zone change. This matter is agendized for a pre-screening on March 13.

Thanks,

Cara Silver
Attorney for RLD Land LLC



Cara E. Silver (she/her)
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025
(650) 324-9300
jsmf.com

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DIANE S. GREENBERG

DECEASED
MARVIN S. SIEGEL
(1936 - 2012)
JOHN R. COSGROVE
(1932 - 2017)

February 28, 2023

Sent via email: City-Council@cityofpaloalto.org

Honorable Mayor, Vice Mayor, City Council and Staff
City of Palo Alto
250 Hamilton Avenue, 7th floor
Palo Alto, CA 94303

Re: 2901-2905 Middlefield (APN 127-35-194) and 702 Ellsworth Place (APN 127-35-152) Palo Alto, CA

Dear Honorable Mayor, Vice Mayor, Council Members and Staff:

The purpose of this application is (1) to rectify a recently discovered zoning map error, (2) to consolidate resident parking onto a single site at 2901-2905 Middlefield Road and (3) to release an under-utilized asphalt and dirt parking lot at 702 Ellsworth from Planned Community (PC) Zoning to R-1 zoning consistent with the other lots on Ellsworth Place. 2901-2905 Middlefield Road and 702 Ellsworth Place are now owned by separate owners, both of whom have consented to this application. The net result of this application will be to relocate four under-utilized guest parking spaces and to permit the construction of a modest one story house at 702 Ellsworth. This application, suggested by City staff, will clean up a recently discovered zoning error on the City's published Zoning map and ensure continued use of a 20' wide strip bisecting 702 Ellsworth for ingress and egress by the homes fronting Ellsworth.

EXISTING DESCRIPTION

The two properties comprise 26,386 SF: the Middlefield property is 19,893 SF and the Ellsworth property 6,493 SF, including a private road easement bisecting the property. The private road easement provides access from Middlefield Road to the single-family homes along the cul-de-sac, Ellsworth Place. Without this private road easement, these properties on the cul-de-sac would be landlocked.

The development plan for PC 2343 was approved in 1967 and included twelve multi-family apartments: 4 studio units, 4 one-bedroom units and 4 two-bedroom units. Twenty parking spaces, including twelve covered spaces, one per unit, were provided for residents and guests. The apartment building and twelve covered parking spaces reside entirely on the 2901-2905 property. Bicycle parking is also provided inside each unit and is used frequently by the tenants since conveniences are in the neighborhood including Safeway, CVS, miscellaneous shops, restaurants and professional services just steps away. There is a high frequency VTA Bus line on Middlefield, with a bus stop less than 100' from the apartment building.

On the vacant 702 Ellsworth property, across the private road easement, is the balance of eight uncovered parking spaces. Currently 702 Ellsworth consists of unsightly asphalt and wheel stops on the otherwise parcel of dirt and weeds. This parking, which has been designated as guest parking for the apartment complex, is rarely used by guests of 2901 Middlefield, though other Ellsworth Place residents and delivery trucks occasionally use it for convenience.

The existing multi-family development is substantially the same as when it was approved in 1967 and has been well maintained. The current owner purchased the properties in 2017. The owner recently conveyed 702 Ellsworth to RRP Homes LLC, but intends to hold and continue to operate 2901-2905 Middlefield.

At one time there was a single-family home on 702 Ellsworth Place, but the structure has since been demolished. The new owner is currently seeking to build a one-story home at the entrance to Ellsworth Place.

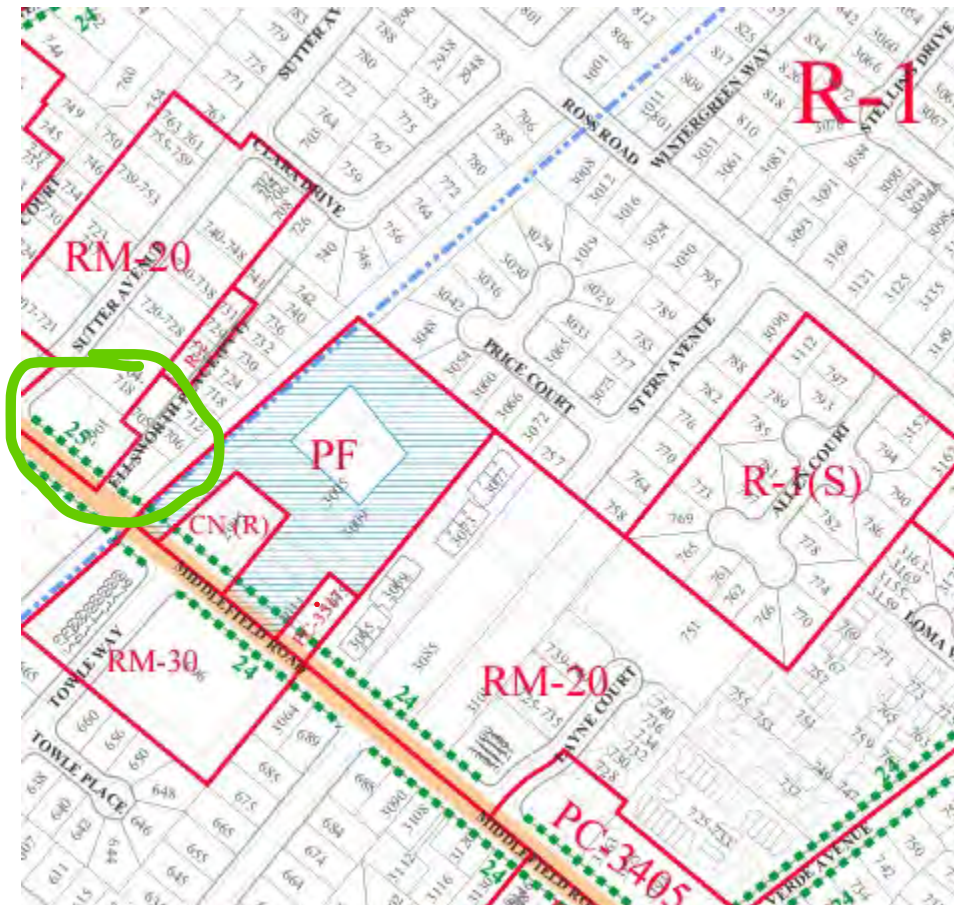
PROPOSED PRE-SCREENING

Zoning Map Correction

The current version of the [Zoning Map](#) designates 2901-2905 Middlefield Road as RM-20 and 702 Ellsworth as R-1. In 2017, when RLD Land LLC acquired both lots, the Zoning Map and GIS Parcel Report showed the zoning as RM-15 (which the City subsequently upzoned to RM-20 on April 1, 2019) and R-1, respectively. In late 2022, when RLD Land LLC sold 702 Ellsworth to RRP Homes LLC, the Zoning Map and Palo Alto GIS Parcel Report showed 702 Ellsworth as R-1. It was not until RRP Homes LLC went to file a building permit application, that he was informed that 702 Ellsworth was purportedly zoned PC. The parties were subsequently told by the City that the adjoining property at 2901-2905 was also zoned PC, rather than RM-20. Unbeknownst to both the City and the owners of 2901 Middlefield and 702 Ellsworth, it appears an *uncodified* and *unrecorded* PC ordinance was adopted in 1967 without a concurrent zoning map amendment. Thus, the City's internal records describe the lots as governed by PC-2343 while the published zoning map shows the parcels as RM-20 and R-1.

Shortly after discovering this inconsistency, City staff updated the GIS Parcel Report for

the properties to reflect the PC designation. However, the Zoning Map (excerpt below) continues to show 2901-2905 Middlefield as RM 20 and 702 Ellsworth as R-1:



While the parties contend that the Zoning Map accurately reflects the zoning for the respective parcels, at the suggestion of City staff, the two property owners agreed to file this request for a zoning code amendment to correct the City's records with respect to both parcels.

Parking Requirements

Since the 1967 development plan was approved, the City has reduced the parking requirements for multi-family projects to encourage more use of public transit and bicycles and to facilitate multi-family housing projects. The current parking requirements for the twelve apartments is sixteen spaces: 2 spaces for each two-bedroom unit and one space for each of the one bedroom and studio units.¹ Guest parking is no longer required.

Given there are twelve covered spaces at 2901-2905 Middlefield, we propose creating 4 additional uncovered parking spaces on site for a total of 16 required parking spaces for

¹ Palo Alto Municipal Code 18.52.040, Table 1.

the apartments on the 2901-2905 Middlefield property. The new parking spaces are in existing paved areas, in both the side yard and rear yard of the property. One of these spaces could be held in landscape reserve, designated as a loading space or converted into a formal parking space should any parking demand require the conversion. Please reference drawing **A2.0** for the location of these new spaces on the site plan.

2901 Middlefield has always had ample parking for its tenants. In addition, there is ample street parking on Sutter which serves as the side entrance to the apartment building. We recognize that the narrow width of Ellsworth Place reduces the parking opportunities for the Ellsworth residents and are committed to accommodating all required parking on site.

Easement over 702 Ellsworth

Ellsworth Place is a short, private 20 foot wide non-through street. The street serves approximately 7 properties on each side and does not have sidewalks. While the residents fronting on Ellsworth have traditionally used a portion of 702 Ellsworth to access Middlefield Road, the only recorded right of way easement against 702 Ellsworth benefits 2901 Middlefield. This application will clear up this longstanding ambiguity by recording a public ingress/egress easement for the entire neighborhood and at the City's request 702 Ellsworth will also designate the City as an additional benefitted party to the easement.

Delivery Trucks

Ellsworth Place is an existing non-conforming private street with a width of only 20 feet.² Delivery trucks serving 2901-2905 Middlefield are able to park on Sutter. Residents have indicated that delivery trucks are using the private property at 702 Ellsworth to park and/or turn around their vehicles. The owners of 2901 Middlefield and 702 Ellsworth are willing to work with residents to come up with a reasonable delivery truck plan, although given the narrow street to begin with, Ellsworth may not allow safe passage for all trucks. In addition, 2901 Middlefield has been working with GreenWaste to relocate its trash pickup from Ellsworth to Sutter Avenue.

Density

The 702 Ellsworth Place property will be developed with a new single-family, one-story home with onsite parking in accordance with the R1 zoning site development regulations. This one-story home is compatible with R-1 and R-2 development on Ellsworth. Per request of the neighbors, the plans do not include a basement. The applicant has also been working with the neighbors to address other site planning issues.

Once the Ellsworth parcel is removed from the PC, the density of the apartment building will be slightly more than the density permitted by RM-20. However, as the proposed Housing Element contemplates upzoning many RM-20 units to RM-30, the resulting density will be in line with the new RM-30 zoning.

Further the bulk and massing of the apartment is not changing. The existing building has

² Under Palo Alto Municipal Code comparable private streets created after 2009 must be 32'.

City of Palo Alto City Council
February 28, 2023
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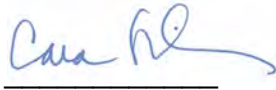
been in place since 1969 and its mid-century low profile is compatible with the eclectic mix of medium density buildings on Middlefield Road and barely visible from Ellsworth.

* * *

RLD Land LLC respectfully requests the City Council support amending the development plan of the governing PC ordinance to right size the parking requirements and allow for the addition of a modest single family home on the currently vacant lot.

Sincerely,

JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP

By: 

Cara E. Silver

cc: Amy French, Chief Planning Official

From: [Mj Wolf](#)
To: [French, Amy](#); [Council, City](#)
Subject: File Number: 23PLN-00025
Date: Tuesday, February 28, 2023 7:11:53 PM
Attachments: [San Carlos Ct_mjw_23PLN-00025_Ellsworth.pdf](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Please find my attached letter regarding the proposal at Ellsworth and Middlefield.

Thank you.

Kind regards,

Mary J. (Mimi) Wolf

745 San Carlos Ct, Palo Alto, CA 94306

650.245.6434

San Carlos Court Residents Are Against Amending PC-2343

February 24, 2023

File Number: 23PLN-00025

Attention City Planning, City Council, et. all.

The homeowners and tenants of San Carlos Court vehemently oppose a change to the PC-2343, as written in 1967, which permitted the building of the apartment complex, now known as 2901 Middlefield Road. On April 3, 1967, Lindsay Properties asked for an amendment of Ordinance 1810, titled Ordinance 2343, which included four parcels of land located at 2901 - 2905 Middlefield Road, and 701 - 702 Ellsworth Place. The creation of Ordinance 2343, what is now PC-2343, allowed for the building of the apartments we now refer to as "2901 Middlefield Road". The current amendment sought by the owner of 702 Ellsworth Place (a.k.a. 700 Ellsworth Place), to remove their parcel from the PC would create a non-compliant zoning situation in our Midtown neighborhood, significantly increasing density above what the City allows, even if parking and other concerns are addressed.

The zoning for 2901 Middlefield Road was at one point classified as RM-15, and the City Council had to approve the combining of four parcels of property into what became PC-2343, which included a PC laid over the R-1 lot formerly known as 702 Ellsworth Place, which became "the parking lot". The combination of these parcels created sufficient lot size to allow for having 12 units in the apartment complex, while meeting parking needs, and allowing the combined lot to conform with other development standards.

Progressing with the times, the density for lot 2901 Middlefield Road has been increased to RM-20 status. However, by cutting off the R-1 lot formerly known as 702 Ellsworth Place from the PC-2343 agreement with the City of Palo Alto, the apartments have incurred a zoning issue with their density. The single parcel APN: 127-35-194 is a total of 19,893 square feet, per the city's online parcel system, which is 45.7% of an acre (an acre being 43,560 sq ft). Under RM-20 zoning rules, they would only be allowed to have 9 apartment units on the 2901 Middlefield Road parcel. But they have 12 units per the PC-2343 agreement. It is therefore required that the apartments keep all parcels of land together as agreed upon by the PC-2343 ordinance they have with the City of Palo Alto. No other apartment lots on the Sutter Ave block are rated higher than an RM-20.

Removing 702 Ellsworth Place from the PC-2343 agreement creates a non-compliant situation for the existing apartments, making them too dense for their parcel. Finding places to create parking spaces within the property does not change the other non-compliance issues that are now occurring since 702 Ellsworth Place was sold on November 7, 2022.

The City's job is to enforce city laws, and the developers and property owners of Haze Architects, Dewey Land Development, and Handa Developers Group are flagrantly violating our city laws. If there is an ordinance governing a parcel of land, as approved by the City Council, that ordinance stands. Rezoning to make things less compliant sets the wrong precedent. There are city rules and regulations in place to handle odd situations, such as allowing older, non-compliant things to remain as they are, and variances to help amend the more unusually shaped lots, but these situations do not apply to 2901 Middlefield. Plus, the current RM-20 assigned to the lots comprising 2901 Middlefield Road was once an RM-15, so the parcels creating the PC-2343 ordinance are already getting a 33% increase in the allowable number of units they can contain -- and yet they still would NOT be compliant.

What precedent would be created if the city were to choose to allow these property owners and developers to break their laws? Would every apartment complex, grocery store, and local business think they too can sell off their parking lots to squeeze in homes? We know that the proposed R-1 house for the 702 Ellsworth Place lot is not a part of the latest City Housing Element. Furthermore, as Palo Alto homeowners and tenants, we do not wish to be steamrolled by greedy property developers looking to break peaceful neighborhoods so they can impose their egregious solutions. The proposed "solutions" are not right for the residents of Midtown, and they are certainly not right for Palo Alto as a city.

The proposed amendment to the PC potentially creates a significant public safety problem for pedestrians on Middlefield Road between Matadero Creek and Sutter Ave. Ever since the chain-link fence was installed on the parking lot of 2901 Middlefield Road, which is also located at the start of Ellsworth Place, the shipping companies and USPS have been struggling to deliver packages to both the apartments and Ellsworth Place residents. Some delivery drivers have resorted to using the bus turn-out on Middlefield Road to temporarily park while they access both the apartments and the residents of Ellsworth Place, and others are opting to back out of Ellsworth Place directly out onto Middlefield Road into traffic that flows 40 - 50 mph. (Photos and videos are available to further show how dangerous this has become.) As a concerned neighbor, who also uses this same stretch of public sidewalk on Middlefield Road, it would seem that is only a matter of time before a pedestrian or child on a bicycle, who is

rightfully using the sidewalks, is injured by vehicles exiting Ellsworth Place onto Middlefield Road. There is a blind corner and a hill to the sidewalk as it curves over Matadero Creek toward Midtown Shopping Center, right where Middlefield Road becomes narrower.

So as you can see, what has been proposed by the developers and owners of the apartments is not well thought out for compliance with their PC-2343 agreement, and it completely misses on neighborhood safety. Unlike the existing PC-2343, the amended proposal is not right for Midtown, and the residents of San Carlos Court do not support it. We hope the City Council will follow the rule of law and protect the homeowners and renters of the Midtown neighborhood and choose to keep the PC-2343 agreement in place as it was written and voted on in 1967.

Sincerely,

The San Carlos Court Homeowners and Tenants

Name Mary J Wolf House # 745

Name _____ House # _____

Name _____ House # _____

Name _____ House # _____