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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.

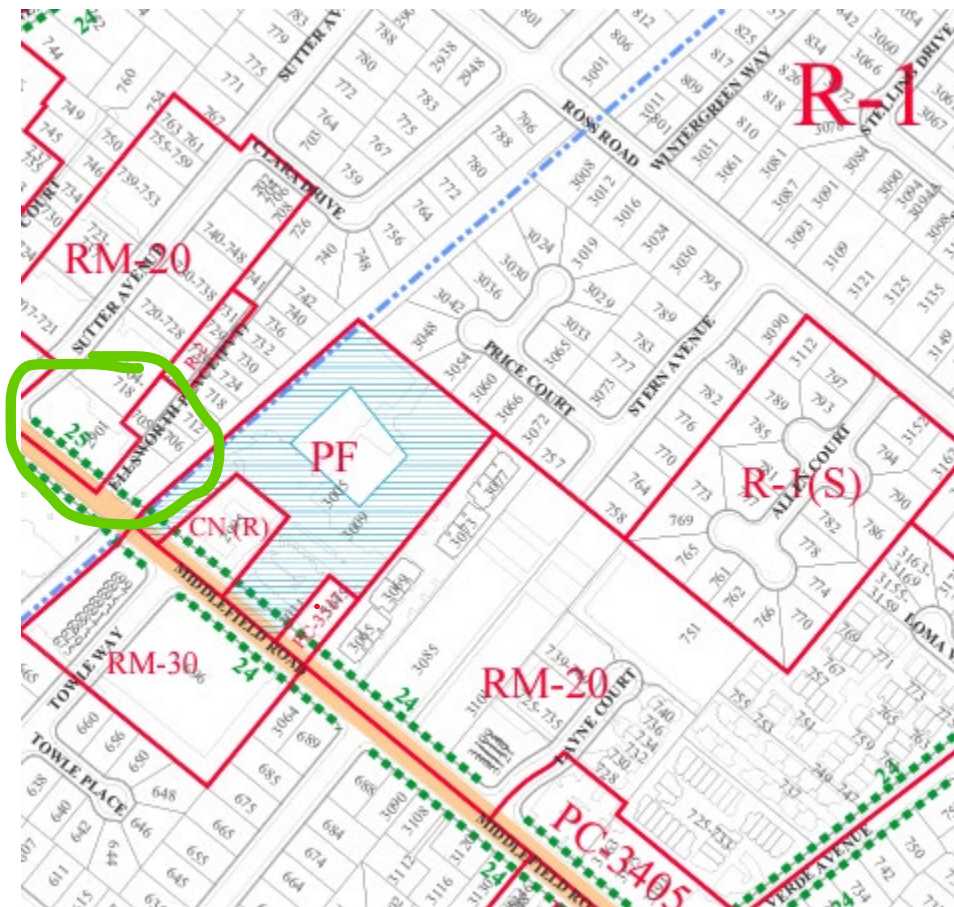
PROPOSED PRE-SCREENING

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'.

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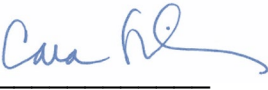
been in place since 1969 and its mid-century low profile is compatible with the eclectic mix of medium density buildings on Middlefield Road and barely visible from Ellsworth.

* * *

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

February 1, 2023



Ms. Amy French
Chief Planning Official
City of Palo Alto
Department of Planning & Community Environment
250 Hamilton Avenue, 5th floor
Palo Alto, CA 94303

**Re: 2901-2905 Middlefield (APN 127-35-194 and 700 Ellsworth Place (APN 127-35-152
Palo Alto, CA**

Dear Ms. French,

Attached is Hayes Group Architects' planning review application for the referenced properties requesting a pre-screening for (1) an amendment to Planned Community (PC) Ordinance No. 2343 and (2) to change the zoning designation for 700 Ellsworth Place from PC to R-1. Both 2901-2905 Middlefield and 700 Ellsworth Place are included in the referenced PC Ordinance 2343.¹ The applicant-owner is RLD Land LLC which owns 2901-2905 Middlefield. The owner of 700 Ellsworth, Handa Development, has consented to this application.

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. On the vacant 700 Ellsworth property, across the private road easement, is the balance of eight, uncovered parking spaces, defined by unsightly asphalt and wheel stops on the otherwise parcel of dirt and weeds. Generous, private outdoor patios and balconies were provided for each unit in the original plan. Bicycle parking was 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. The existing development is substantially the same as when it was approved in 1967 and has been well maintained.

At one time there was a single-family home on 700 Ellsworth Place, but the structure has since been demolished and we would like to see a home there again at the entrance to Ellsworth Place.

PROPOSED PRE-SCREENING

The proposed amendment is to amend Section 2 (development plan) of PC Ordinance No. 2343 to extract the 700 Ellsworth property, since it has no building improvements on it, and consolidate all parking associated with the apartment building on the Middlefield site. This will mean that all the resident parking will be located on the same site at 2901-2905 Middlefield property. The vacant 700 Ellsworth property would revert to R1 zoning to be consistent with the other properties along Ellsworth Place and allow for additional housing opportunities. The applicant has owned the 12-unit apartment building since 2017, has kept it under good repair and intends to continue its operation.

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. Guest parking is no longer required.

Given that there are twelve covered spaces on site, we propose 3 parking spaces and 1 space in landscape reserve for a total of 16 required parking spaces for the apartments on the 2901-2905 Middlefield property. The one space in landscape reserve could be converted into a formal parking space should any parking demand require the conversion. The new parking spaces are in existing paved areas, in both the side yard and rear yard of the property. Please reference drawing A2.0 for the location of these new spaces on the site plan.

The 700 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, providing more housing for Palo Alto. Partial plans for this new home have been provided courtesy of the owner of 700 Ellsworth for reference. Per request of the neighbors, the plans do not include a basement.

We look forward to 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.

Please call me at (650) 365-0600 x115 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hayes", with a long, sweeping horizontal stroke extending to the right.

Ben Hayes, AIA

cc: RLD Land LLC

Cara Silver, Jorgenson, Siegel, McClure & Flegel, LLP