

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.

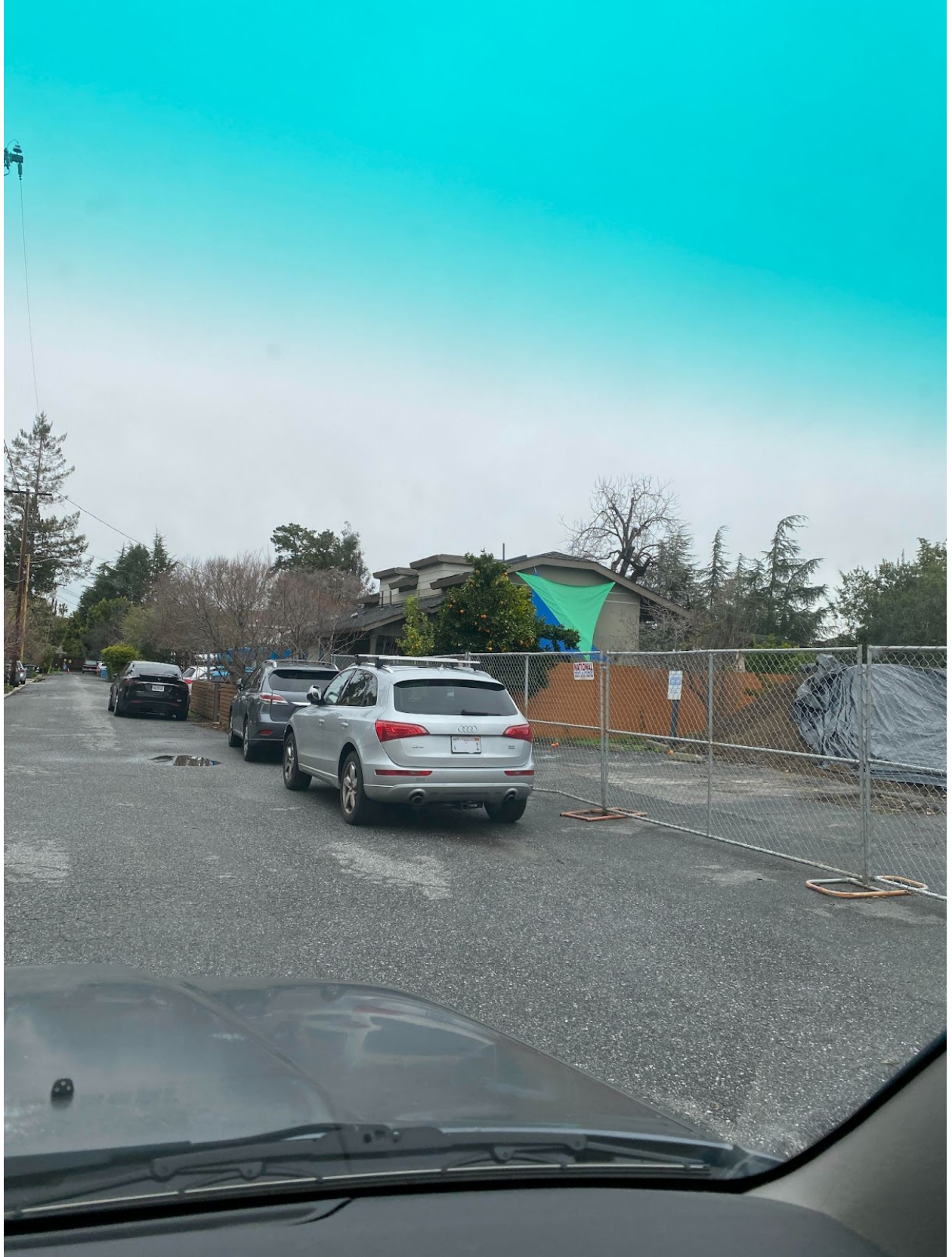








And now we get to the issue of parking. Since the apartments are not fully rented currently, while they are being renovated, not all parking spaces are being used at this time. However, when the apartments were fully rented, every one of the parking spots in the parking lot was filled almost every night, 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