

From: [Jeff Levinsky](#)
To: [Planning Commission](#)
Subject: Ellsworth Place PC Amendment Problems
Date: Wednesday, June 28, 2023 6:46:27 AM

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

Dear Planning Commissioners

I'd like to call your attention to five problems with the staff report and proposed PC Amendment for 2901 Middlefield Road and 702 Ellsworth Place.

1. No Zoning Comparison Tables

Staff reports for other projects in Palo Alto, such as the one at the study session your commission held in last November for the proposed PC for 660 University, include an extensive "Zoning Comparison Table" carefully detailing all relevant regulations, what each of those allow on the site, and what is being proposed. There should be two such tables in your June 28 staff report for this proposed PC amendment: one for the RM-20 apartment site and another for the R-1 house site. However, neither table is provided. That omission prevents commissioners and the public from being able to make proper evaluations of the compliance of the proposal. There is no reason why these tables couldn't have been provided.

2. Substantial Upzoning Proposed for 2901 Middlefield Road

As the staff report indicates in packet page 15, the current PC has 12 residential units in its 0.6 acres, making it compatible with RM-20 zoning but that's because the 0.6 acres includes the road and the proposed house site at 702 Ellsworth. But, as the chart on that page indicates, the proposed amendment would shrink the apartment site, increasing its density to 26 units per acre. Although no Zoning Comparison Table is provided, you can work out that the remaining apartment site at 2901 Middlefield Road is about 45.67% percent of an acre and thus can have nine units at the RM-20 density. So that building with its 12 units will have three units (33%) more than the nine allowed by the underlying RM-20 zoning.

Packet page 62 includes the following statement from an attorney representing the applicant:

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.

Two aspects of this statement merit clarification. First, 33% additional units are hardly "slightly more," just as a salary raise of 33% is not "slightly more" pay and a rent hike of 33% is not "slightly more" in housing costs. Also, the Housing Element is not contemplating upzoning "many" RM-20 parcels as the attorney claims, but rather just 19 parcels out of the 900 or more I believe exist in the city. None of those 19 parcels are adjacent to Ellsworth Place, while all of the RM-20 parcels that do adjoin 2901 Ellsworth or are nearby on Sutter (see the zoning map on packet page 10) are not being upzoned.

In short, the staff report provides no mention or discussion of the extraordinary incompatibility the amendment would create in RM-20 zoning. And nothing in the packet offers adequate justification for such an increase.

3. Problematic Analysis of New 702 Ellsworth Site

The staff report claims, rather obscurely, on packet page 16 that the R-1 site will actually contain the 20 foot by 100 foot portion of the Ellsworth Place road currently that's part of the PC. This raises many policy questions and concerns. For example, the report says, "The municipal code defines corner lots as parcels that are abutting two or more streets (both public and private)." But if Ellsworth Place is within the R-1 parcel, then the parcel does not abut Ellsworth at all on the side and thus is not a corner lot.

The staff report goes on to discuss how there would be a 16 foot side setback requirement for the house but counts the road as part of the land needed to achieve that setback. The municipal code at §18.12.040(a) in Table 2 however does not use the word "setback" but rather says there must be a 16 foot "street side yard." So the staff report is taking the position that you can put your required yard in a publicly-accessed road. This hardly matches the common sense meaning of a "yard" and creates a dangerous precedent that others could use to eliminate meaningful setbacks.

A more rational alternative is to have the R-1 parcel not include the road, which would also make it more like the other R-1 parcels on that end of Ellsworth. But the absence of a Zoning Compatibility Table also obscures the fact that such a R-1 site parcel would be smaller than the 6,000 sq. ft. minimum lot size for R-1 (per §18.12.040(a)).

In neither case does the staff report discuss the development standards this new lot will need to comply with and how that will work for its neighbors and its 100-foot of Ellsworth Place frontage, which is exceptionally narrow street with no sidewalks. That again is why a Zoning Comparison Table should be provided.

4. Unenforceable "Benefits" at 702 Ellsworth

The staff report fails to discuss how the City would enforce the proposed 35 feet of fencing, its 3-foot height, and its slatted design, or the proposed paving/pavers (packet page 18) at 702 Ellsworth. Note that by removing 702 Ellsworth from the PC (as proposed at the very top of packet page 18), no PC enforcement measures against it will then be possible. Indeed, a careful read of the proposed PC amendment ordinance in packet page 18-21 finds no compliance requirements whatsoever for 702 Ellsworth.

5. Benefits to Developer vs. Public Benefits

Over the years, council members and the public have repeatedly requested that PC proposals detail the financial benefits to the developer vs. the public benefits to help evaluate whether the proposal makes sense.

No such analysis is in the staff report.

One might value the benefits to the developer of the PC amendment at the approximately \$1 million extra value already generated by selling off 702 Ellsworth. But a different way is to consider that the proposed amendment grants 2901 Middlefield a 33% increase in density, allowing three extra apartment units on the site that similar RM-20 sites are not allowed. Apartment units in the city are currently offered at upwards of \$500,000 apiece, making the amendment worth over \$1.5 million. In either case, the only cost to the developer is for some minor paving and restriping.

What then is the value of proposed changes in the width of Ellsworth Place, namely widening one portion but then narrowing a larger section of the road? It's hard to believe these changes are worth \$1 to \$1.5 million, if anything at all.

But again, because the staff report provides no detailed discussion of the proposed public benefits and their value, planning commissioners and the public have been given inadequate information to evaluate the proposal. Current Council policy is to create new PCs only for projects providing substantially more affordable housing than what's normally required. So perhaps this project, which is generating \$1 to \$1.5 million of value to the developer, might be required to provide at least a third or half of that in affordable housing benefits.

In sum, the staff report fails to discuss many issues raised by the proposal and relevant to all PCs. Yet these are vital for determining if the amendment complies with City policies and the findings required for a PC amendment. Commission members should ask for a more thorough staff report that addresses these issues, as staff has done for other projects.

Thank you,

Jeff Levinsky

From: [Annette Glanckopf](#)
To: [Planning Commission](#)
Subject: Item #2 on June 28 PTC agenda - Ellsworth Place -
Date: Tuesday, June 27, 2023 9:27:22 PM

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To the Planning & Transportation Commission on Item #2 Ellsworth Place

Here are my recommendations. and I support Alternative 1: Denial of the application, retaining PC2343 zoning on Ellsworth Place.

1) I do not support rezoning the PC due to the myriad of issues surrounding the project. Removing 702 Ellsworth from the PC will cause the apartment to exceed RM-20 zoning. That excess density is unfair to the neighbors. It's also unfair to other owners of RM-20 parcels who aren't getting such favors from the City. The City should not dole out unique benefits to individual owners but rather treat all residents and owners equally.

2) I do not think a house should be built on this substandard lot which now is a parking lot for the property. The proposed plans are grossly out of scale with the neighborhood. I especially do not support a 2 story house. . Neighbors who petitioned the city to build a 2 story on Ellsworth spend much time and money and got denied. Building a house will only increase the neighbors safety concerns. The proposed so-called improvements are extremely meager and will overall worsen driving and safety problems on Ellsworth. Most of the 100-foot section of Ellsworth in the current PC will actually get narrower under what's being proposed. That will make it harder for residents and service vehicles to pass and maneuver on the street.

3) I support the Ellsworth Place neighbor's recommendations on safety and their commends on the inadequacy of the traffic study, The parking lot is necessary for safety, circulation. and has been an integral part of the neighborhood for over 45 years.

Annette Glanckopf

From: [Sun Trebor](#)
To: [Planning Commission](#)
Subject: For PTC Meeting June 28, 2023 6:00 PM Meeting.
Date: Tuesday, June 27, 2023 9:14:13 PM
Attachments: [image.png](#)

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Embassy Suites Santa Clara - Silicon Valley
2885 Lakeside Drive, Santa Clara, CA 95054
Phone: 408-496-6400

Meetup - April 14, 2022, 7:00 PM - 9:00 PM



In-Person Event
Embassy Suites Santa Clara

Multi-Million Dollar Profit On One Single Family Home Project

- How to seamlessly expand your rehab business into lucrative New Construction while REMOVING THE FEAR
- The 4 Pillars of building a new Luxury Home
- How Nitin made over \$2 Million profit from one single new construction deal!
- How to earn a 20% return on your money as passive investor

THURSDAY, APRIL 14, 2022 7:00 PM TO 9:00 PM

Making the Move to Multi-Million Dollar Profits with New Construction

This month we are presenting "Making the Move to Multi-Million Dollar Profits with New Construction" with Nitin Handa in this live, in-person event!

A few months back Nitin Handa showed you how to make a \$1 Million profit from one new construction project. This time he will show you how to make not just \$1 Million, or even \$2 Million; but a profit of well over the \$2 Million mark from ONE SINGLE NEW CONSTRUCTION deal. If you want to learn the key strategies on how to accomplish this, join us for our April 14, in-person Meetup.

There is so much apprehension about doing new construction in Bay Area. Contractors will tell you it costs anywhere from \$350-\$600 per sq feet to build a new

home and dealing with them can be very stressful. The whole process feels like one big daunting task that no one wants to undertake. Well, if you are feeling this way, then please join us on April 14th at our next meet up where Nitin Handa will help you uncover the whole process of building a new home in Bay Area and also make 2+Million profits from it. Nitin will talk about 4 pillars for building a successful New Construction Development business.

Finding a Deal that is the right fit for new construction

Getting the construction done within a reasonable cost and timeframe. This includes building your team of contractors and sub-contractors, negotiating with vendors for volume discounts and managing timelines effectively

Finding Private Money for your deal.

Selling the project

In case you don't want to do the heavy lifting of new construction, Nitin will also show you how you can make 20% per annum return on your money by partnering with him on these projects.

About the speaker:

Nitin comes from an Accounting and Financial background. He moved into this country in 2007 when he was selected by his then employer for a 2-year Finance Leadership Development program as an Expat. At the end of 2-year period, his employer offered him a permanent role and sponsored his green card.

Nitin was always passionate about real estate business. After 15 years in corporate world, he decided to leave his job in 2017 and dive completely into single family home development. Currently he is the owner of Handa Developers Group. His group builds high-end single-family homes in Bay Area. Nitin also runs a \$7 Million syndication fund that offers a targeted return of 20% to the investors.

We look forward to seeing you there!

Agenda for this meeting:

1. Introductions and open mic time (please bring your flyers, cards or other promotional materials. Please limit your mic time to 60 seconds or less. If you would need more time, please contact the promoters to schedule your presentation.)
2. Topic 1 - Private Money Lending/Partnering. Designed to give Private Money Investors and/or prospective Private Money Investors valuable information on the process of lending money to or partnering with rehabbers.
3. Topic 2 - Case Study. Designed to give beginning and prospective Rehabbers information on how to succeed in finding, analyzing, fixing and selling Bay Area houses.
5. Featured Speaker - Mr. Nitin Handa
6. Networking

We buy UGLY houses for pennies on the dollar, remodel them beautifully and sell them for top dollar. We call ourselves “The UGLY House Magicians” and I’m sure you would agree that it does take a little magic (and a lot of hard work) to locate these bargains and turn them around in such a short time. We will explain more about what we do and why trust deed lending makes good sense in today’s market.

If you have questions please email info@bphomesolutions.com

Seating is limited so reserve your spot right away.

In your service,

Dean Higa

Item	Price
April Meetup Admission	\$15
April Meetup Admission \$15	

Credit Card Number *:

Expiry *:

CVC Code *:

[**Reserve Your Spot** See You There](#)

From: [Sheri Furman](#)
To: [Planning Commission](#)
Subject: June 28 Ellsworth Place Agenda Item
Date: Tuesday, June 27, 2023 8:52:49 PM
Attachments: [Letter to PTC re Ellsworth Place.docx](#)

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Please see attached.

Sheri Furman

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

June 27, 2023

Dear Chair Summa and Commissioners,

On behalf of the Midtown Residents Association, I have been working with the Ellsworth Place residents for many months on the many aspects of this issue.

I'm writing to express agreement with Ellsworth Place neighbors in denying the application.

Too many things are wrong with this application to list them all, but include:

- So-called public benefits that only benefit the applicants.
- It is not the city's job to ensure Mr. Handa's "investment of \$1.1 Million so far does not go down the drain." According to the staff report, "Real estate professionals, developers, and property owners **rely in part**" on the online information to make decisions about property acquisition and development. A bit more due diligence (such as looking at the list of ordinances) would have turned up the discrepancies in the city records.
- Note the parcel information on page 43:
 - Net Lot Size: Can't be assessed due to creek, flag lot, or ROW easement configuration
 - Easements: Yes, see PW:PUE
 - Near Creek: Yes, may require SCVWD review
 - Substandard: Yes, see zoning code for possible requirements
 - FAR: Can't assess due to creek, flag lot, or ROW easement configuration
 - Max Lot Coverage: Can't assess due to creek, flag lot, or ROW easement configuration
- Removing the Ellsworth parcel from the PC causes the density of the apartment building to be more than the density permitted by RM-20. Although the city is considering changing RM-20 zoning to RM-30, it has not yet done so and thus the building is out of compliance.
- Installing pavers on Ellsworth to increase the effective width of the driveway is not the same as actually increasing the width. How long before they are broken, creating an additional hazard?
- Potential additional easement requirements for current residents.
- Ignoring the illegal removal of protected trees by simply granting approval for new trees.

Thus, I support Alternative 1: Denial of the application, retaining PC2343 zoning on Ellsworth Place.

Thank you,

Sheri Furman

Chair, Midtown Residents Association (but writing as a concerned resident)

From: [Andrea Evestone](#)
To: [Planning Commission](#)
Subject: Letter for June 28, 2023, 6 pm Meeting, Agenda Item 2
Date: Tuesday, June 27, 2023 7:56:17 PM
Attachments: [Andrea Letter to PTC June 27, 2023 \(2\).pdf](#)

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To Whom It May Concern:

Attached is a PDF of my letter for the planning and transportation commission. I copied and pasted it below but the photo would not transfer. Please use the PDF version.

Best,
Andrea Alberson

June 27, 2023

Regarding: Staff Report #: 2305-1418
Applications 23PLN-27, 23PLN-00027, 23PLN-00025, as included under ACTION ITEMS #2 in the agenda for the meeting scheduled on June 28, 2023, which refers to "2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC2343)..."

Dear Members of the Planning & Transportation Commission,

We, the residents of Ellsworth Place, want PC-2343 to remain in place, and for the entirety of the PC-2343 agreement as amended from PC-1810 to be implemented, which required the widening of the driveway approach to Ellsworth Place. We are against the proposed changes to create a sub-standard R-1 lot where the parking lot is located now, as this change would worsen a dangerous situation on Ellsworth Place and its intersection with Middlefield Road. It does not improve the neighborhood, nor is it, by definition of a PC, "compatible with existing and potential uses on adjoining sites or within the general vicinity."

On several occasions, pedestrians using the sidewalk crossing the Ellsworth Place driveway entrance, with their attention focused on their cell phones, have almost walked into my car as I attempted to pull out of Ellsworth Place onto Middlefield Road. I commented about this to a neighbor who shared that they too had similar experiences with pedestrians and cyclists, pointing out how Ellsworth Place has several challenges, including the slope upward to intersect with the four-lane wide Middlefield Road, which occurs right at the spot where Middlefield Road narrows and also declines as it descends from the Matadero Creek overpass, along with the Middlefield Road sidewalk curving to match the narrowing of the road; creating a blind-spot.

In addition, when the developers placed a temporary fence around the parking lot, the UPS driver who had previously used the parking lot, resorted to parking on Middlefield Road in

the bus turnout. This exacerbated the blind spot we experience looking left while exiting Ellsworth Place, as shown in the following photo.

(See PDF for the photo)

Furthermore, due to the narrow 20-foot width of Ellsworth Place, two cars cannot pass one another while turning on/off Middlefield Road without using a portion of the parking lot to pass one another. So when the developers fenced off the parking lot in violation of their PC agreement last December 2022 to early April 2023, the situation getting on/off Middlefield Road from Ellsworth Place became even more dangerous, and that fence had been placed about 5 feet back from the 20-foot road width! (That fence was hit on more than one occasion.) Now the developers want to make approximately 79' of the first 100' of Ellsworth Place *narrower* than what exists now, and to use, "...pavers to increase the *perceived width* of Ellsworth." This is neither safe nor functional, and it makes a tenuous situation worse.

We also want to bring to your attention that my husband and I received the letter of April 24, 2023, from RLD Land, LLC inviting us to attend their meeting at Mitchell Park Library with the developers on April 25, 2023 - with less than 24 hours notice. This letter was placed inside our mailbox as a single-page flier, without an envelope or proper USPS postage. According to the USPS website, "...the Postal Service has received complaints of flyers without paid postage being placed in mailboxes. Though many may be unaware, it is important to know that this type of activity is illegal by federal law."

In conclusion, the current PC-2343 needs to remain in place as it is currently written. This is for the safety and traffic flow of all residents of Ellsworth Place and Midtown, Palo Alto. If the purpose of a Planned Community Ordinance is to "result in public benefits not otherwise attainable by application...", thereby improving the neighborhood, the proposed amendment to the PC utterly fails to accomplish this and only benefits the developer and not the neighborhood. Additionally, the proposed plan is NOT "...compatible with existing and potential uses on adjoining sites or within the general vicinity." In addition to providing parking for the apartments, the parking lot has also functioned for the circulation of Ellsworth Place for over 56 years; turning it into a sub-standard R-1 lot will make an already tenuous situation with traffic flow and safety on Ellsworth Place worse. For the benefit of the many, please keep PC-2343 intact as it was written in 1967.

Sincerely,

Andrea Alberson (electronic signature; see PDF for signature)

Andrea Alberson

June 27, 2023

Regarding: Staff Report #: 2305-1418

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Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Alberson". The signature is fluid and cursive, with a long horizontal line extending to the right.

Andrea Alberson

From: [Kristen Van Fleet](#)
To: [Planning Commission](#)
Subject: Re: Slide Deck for June 28, 2023 Meeting, Agenda Item 2 - Gala Beykin speaker
Date: Tuesday, June 27, 2023 5:30:17 PM
Attachments: [Gala Beykin_PTC June 28_2023_Slide Deck For Presentation.pptx](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

My apologies, it looks like my Mac changed the format from PowerPoint to Keynote. Please try the attached PowerPoint presentation if the first attachment will not open for you.

This is a slide presentation for Gala Beykin.

For Wednesday, June 28, 2023, at 6 pm.

-Kristen

On Tue, Jun 27, 2023 at 5:14 PM Kristen Van Fleet <[REDACTED]> wrote:
Regarding: Report #: 2305-1418

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

Dear Members of the Planning and Transportation Commission,

Please find attached the slide deck for Gala Beykin, who wishes to speak at the PTC meeting scheduled for Wednesday, June 28, 2023, at 6 pm.

If there are any issues with the slide deck please let me know and I can try a different format.


Sincerely,

Kristen A. Van Fleet
(a neighbor of Gala Beykin)

Where are the trees?

← 700 Ellsworth Pl

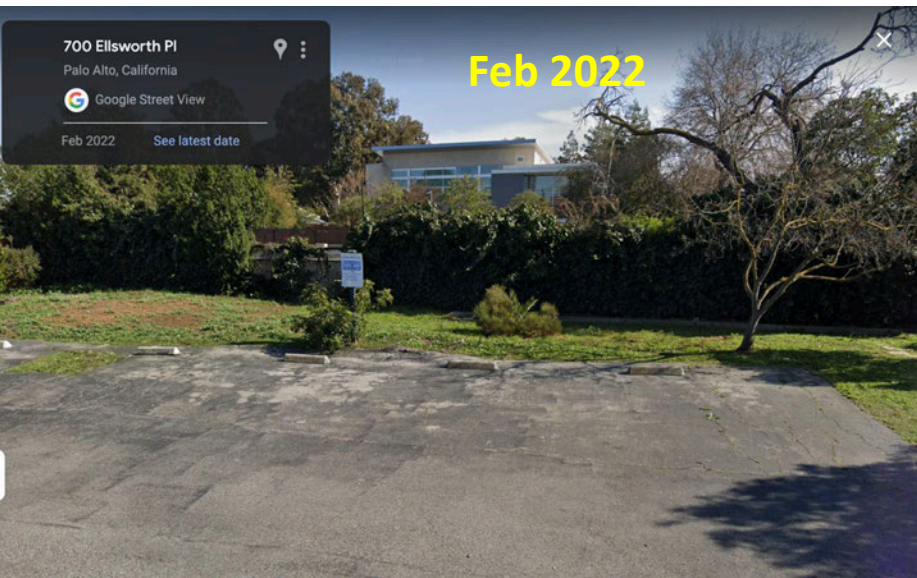
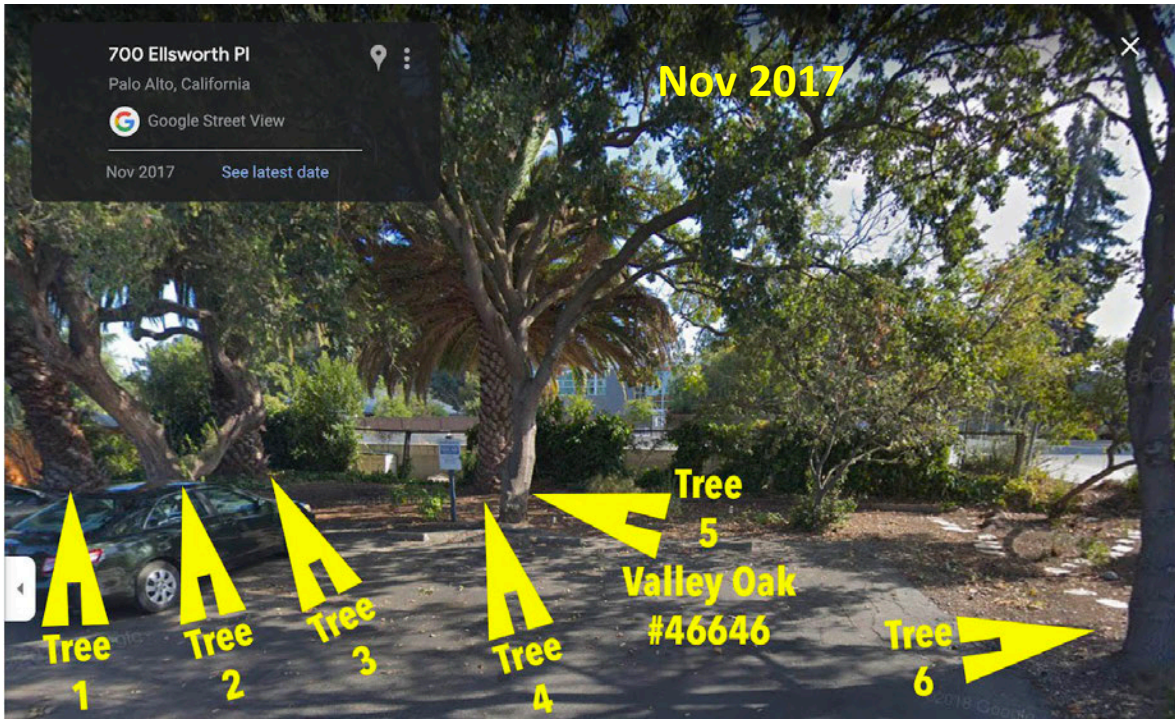
Palo Alto, California

 Google Street View

Nov 2017

[See latest date](#)





Protected tree - definitions

8.10.020 Definitions. (j) "Protected" tree means:

- Any tree of the **species** *Quercus agrifolia* (Coast Live Oak) or *Quercus lobata* (Valley Oak) which is **eleven and one-half inches in diameter** (thirty-six inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade;

Was this tree protected? – YES!

Record #1

The "700 Ellsworth Place" tree was recorded by **Canopy** before it was cut down as Tree 46646 in their Tree plotter Inventory, as a **Quercus Lobata**, a.k.a. **Valley Oak**, with a **DSH of 17**. (DSH stands for "diameter of a tree at standard height. Standard height is measured as 4.5 feet or 54 inches up the trunk of the tree from the ground.)

It was cut down on October 8, 2018

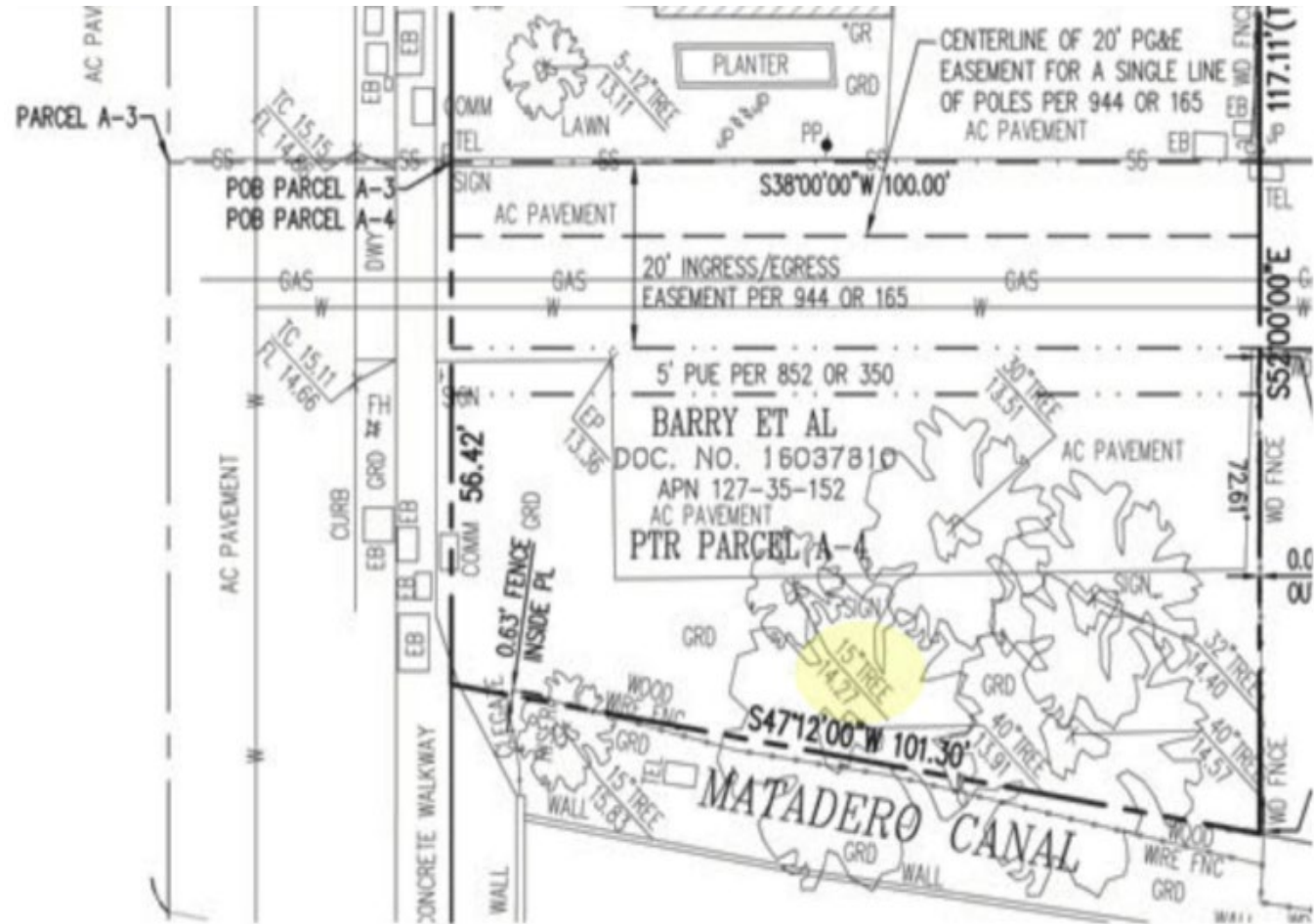


11.5 inch = 100%

17 inch = 148%

Was this tree protected? – YES! Record #2

The private survey done of the apartments in June 2017, which the City of Palo Alto has access to, also records the tree with a "mean breast height" or MBH of 15", shown highlighted in yellow below. This is far larger than the minimum requirement of an MBH of 11.5" diameter, as outlined in the Tree Ordinance book of 2001.



Was there any permit to cut the oak tree?

Furthermore, I ask that the City provide information on the permit application and permit issuance authorizing the oak tree's removal. Per public record requests, no such documents exist so it is unclear how the City determined that the tree was not protected.

Standard Palo Alto tree removal posting notice – Was there such a notice? – NO!

How would it look like, ahead of time, if there was a permit placed?

That is a different tree, with a notice on it ahead of time

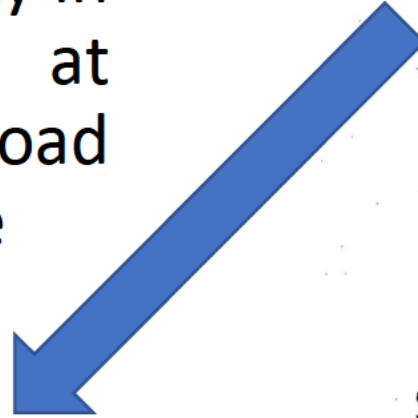
This would have appeared on the oak tree had the City given permission for the tree to be removed

And it would have let the neighbors know something was wrong and the PC zoning could have been uncovered long before 702 Ellsworth was listed and sold



Violation of a landscape plan? Another issue!

- The tree removal not only appears to have violated our City's tree ordinance of 2018, but it also violates a separate landscape plan required by the use-permit issued by the City in 1967 for the properties at 2901-2905 Middlefield Road and 701-702 Ellsworth Place



USE PERMIT 2901 Middlefield Rd.
67-UP-4
Ray T. Lindsay

Use Permit No. 67-UP-4 is hereby issued to Ray T. Lindsay for the location and construction of a 12-unit apartment development at 2901-2905 Middlefield Road and 701-702 Ellsworth Place in accordance with Ordinance No. 2343 and the conditions thereof and subject to the following conditions:

1. A detailed landscape plan shall be submitted for approval. Plants shall be listed using both botanical and common names. Plant sizes, number and spacing shall be specified. No Building Permit shall be issued prior to approval of the landscape plan.
2. All plants shall be true-to-name, first-class nursery stock and shall be permanently maintained and replaced as necessary. Use and occupancy shall not be permitted prior to installation of the landscaping.
3. All construction and development shall comply with all applicable Codes and Ordinances including the Uniform Fire Code of the City of Palo Alto and with the State of California Administrative Code, Title 19, Public Safety.
4. Commencement of construction under this use permit shall be deemed an agreement on the part of the applicant, the owner, their heirs and successors and assigns to comply with all the terms and conditions of this use permit.

City of Palo Alto
May 16, 1967

James O. Glanville
JAMES O. GLANVILLE
Asst. Zoning Administrator
CITY OF PALO ALTO
RECEIVED
MAY 16 1967
DIVISION OF BUILDING

"All plants shall be true-to-name, first-class nursery stock and shall be permanently maintained and replaced as necessary. ..."

Incorrect Information at Wednesday 3-29-23 PTC Meeting re Ellsworth



Place  Inbox x



gala b <[redacted]>

 Sun, Apr 2, 7:24 AM   

to Jonathan.Lait, Planning.Commission, bcc: Kristen, bcc: Yevgeny-Yoni

Dear Planning and Transportation Commissioners and Director Lait,

Please find attached a PDF of a prepared question for you regarding comments made by Jonathan Lait during the latest Planning and Transportation Commission meeting, which was held on Wednesday, March 29, 2023. This PRF includes photos for your reference.

Your time and attention to this matter is greatly appreciated.

Sincerely,

Gala Beykin





Lait, Jonathan <Jonathan.Lait@cityofpaloalto.org>

to me, Planning ▾

Wed, Apr 5, 11:56 AM



Thank you for the email, Gala.

Clearly the site photos in your email suggests a different narrative than the one I reported to the PTC and it appears my understanding of the tree removal is incomplete. I will follow up with our planning and public works staff and explore the appropriateness of any related code enforcement action. Thank you for bringing this to my attention.

Jonathan



JONATHAN LAIT

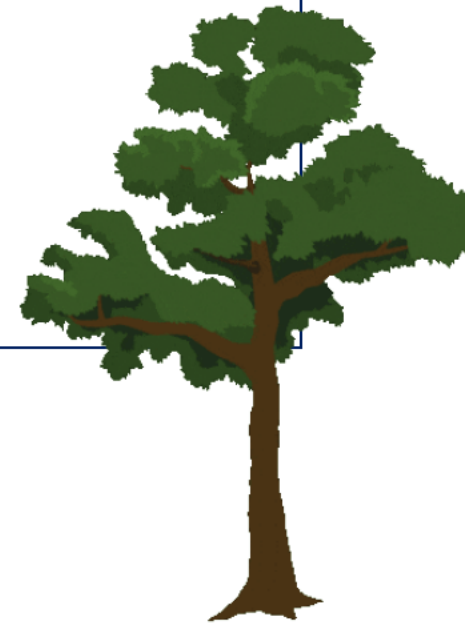
Director

Planning and Development Department

(650) 329-2676 | jonathan.lait@cityofpaloalto.org

www.cityofpaloalto.org


Provide Feedback on Planning and Administration Services



From: [Kristen Van Fleet](#)
To: [Planning Commission](#)
Subject: Slide Deck for June 28, 2023 Meeting, Agenda Item 2 - Kristen A. Van Fleet speaker
Date: Tuesday, June 27, 2023 5:25:54 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

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

 [ELLSWORTH PLACE_PTC_6-28-23.pptx](#)

Regarding: Report #: 2305-1418

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

Dear Members of the Planning and Transportation Commission,

Please find attached the slide deck for Kristen A. Van Fleet, who wishes to speak at the PTC meeting scheduled for Wednesday, June 28, 2023, at 6 pm. She would like to add the following names in order to extend her time to the maximum of 15 minutes, at the discretion of the Clerk.

Chen Wang
Venketa Kurra
Yevgeny Khasin
Anushka Iyengar
(back up - Andrea Alberson)

If there are any issues with the slide deck attached please let me know and I can try sending it in a different format. It is a large file! Here is a direct link to the Google Slide Deck: <https://docs.google.com/presentation/d/1hv7fRokt1Lu9DaQLYe2n1hypMMH6giXHiRhK9EYpceQ/edit?usp=sharing>

Sincerely,

Kristen A. Van Fleet

ELLSWORTH PLACE - SINCE 1937

.....

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

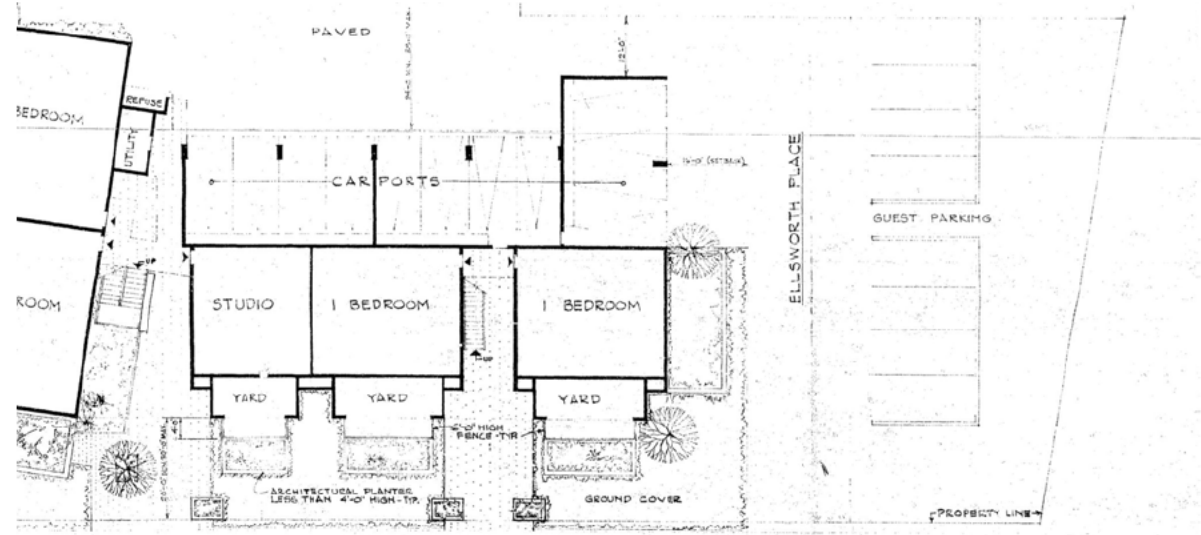


Ellsworth Place homeowners and residents DO NOT want PC-2343 lifted from the “R1” parking lot

- The proposed plan for the 702 Ellsworth Place parking lot **DOES NOT PROVIDE A PUBLIC BENEFIT** and it makes the situation on Ellsworth Place worse!
- **NOTHING IS ENFORCEABLE** unless the parking lot is a part of the PC-2343 Ordinance, and the ordinance remains in place.
- **PREVENTS CIRCULATION** by removing our cul-de-sac
- **INCREASES AN ALREADY DANGEROUS SITUATION** that affects how we interact with Middlefield Road, Keys School, pedestrians, and cyclists who use the sidewalk.

PC-2343 combined 4 land parcels to allow for increased density over RM-15 zoning

“...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...” (Ray T. Lindsay, PC2343 Minutes, 3-13-67, page 3)



c. 1967

SITE - FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

LINCOLN & CODY ARCHITECTS A.I.A.	LINDSAY PROPERTIES 15 UNIT APARTMENT MIDDLEFIELD & BUTLER, PALO ALTO
---	--

PROPOSED
APPROVED
CITY OF PALO ALTO
67-25-2

The Parking lot **PROVIDES CIRCULATION** for residents of both the apartments and homes on Ellsworth Place

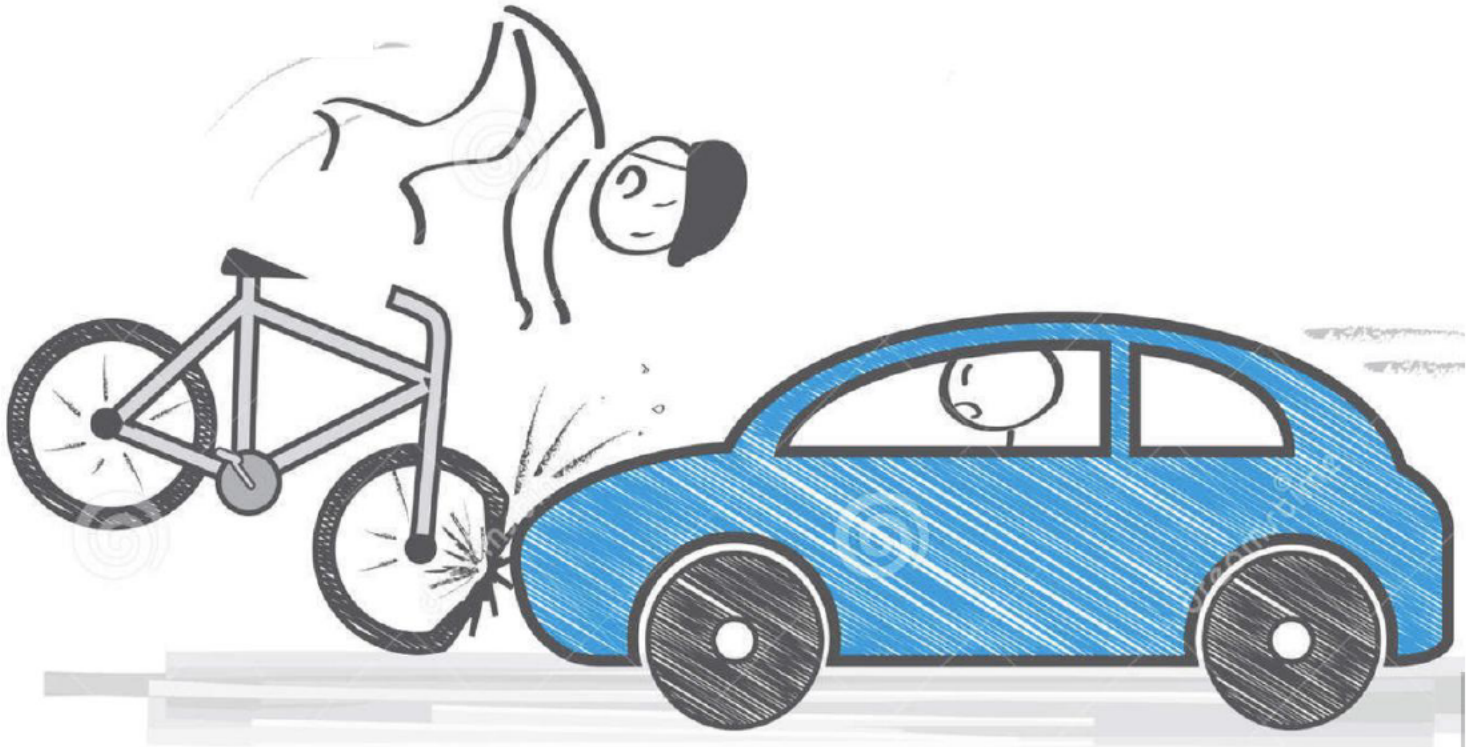


Parking Spaces at 2901 Middlefield Road on Ellsworth Place - The car that parks in the space on the far left must “hug” the parking stripe of their 98” wide space or they can’t open their car door against the wall. (Code for this space is 120” wide.) The tenant assigned the adjoining space parks in the apartment “guest” parking lot, a.k.a. 702 Ellsworth Place.

The parking lot is used daily for apartment parking, delivery trucks, and USPS mail delivery.

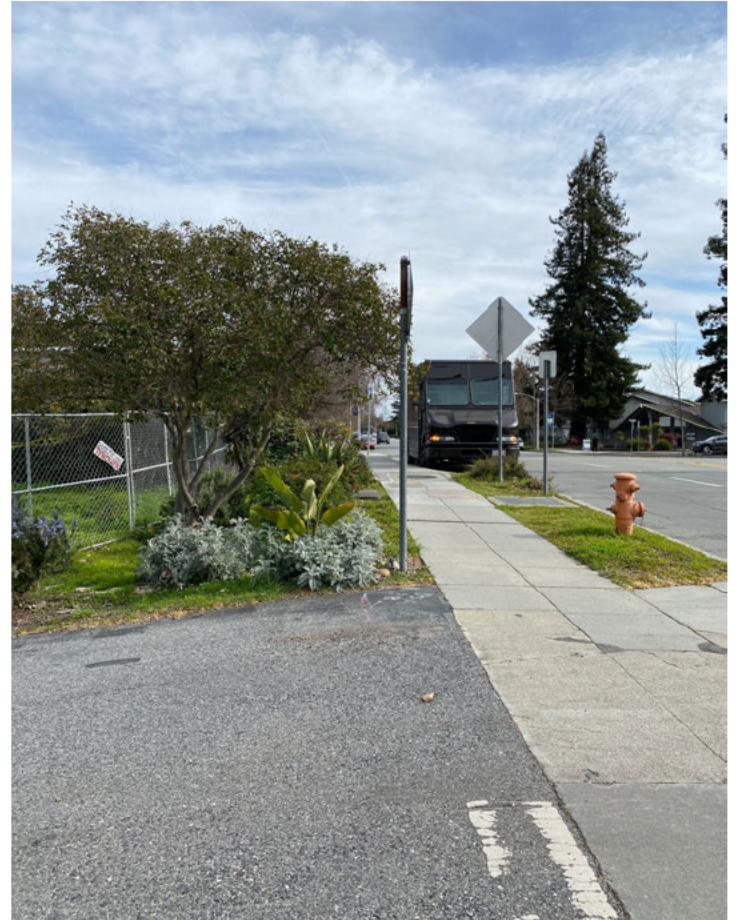


SAFETY & CIRCULATION



<https://www.dreamstime.com/stock-illustration-traffic-accident-illustration-bike-collisions-car-image94087012>

The Temporary Fence Created Difficulty for EVERYONE on Ellsworth Place



**THE FENCE WAS SET 4-FEET BACK FROM THE EDGE OF THE 20' WIDE ROAD.
IT HAD BEEN HIT MORE THAN ONCE!!!**



**THE DEVELOPERS WANT TO MAKE ELLSWORTH PLACE
NARROWER THAN THIS?**

NO PARKING IS ALLOWED ON ELLSWORTH PLACE

J

John Abraham

to me ▾

Feb 14, 2023, 4:46 PM



Thanks to you for your brilliant work on this issue. While I cannot attend meetings I fully support the basic position for Ellsworth Place—Namely we do not want to be victims of spillover parking from the Apartment complex. We all are affected, not just the residents near Middlefield. We are 400 feet away from the nearest hydrant and Fire trucks would need all the help they could get in case of an emergency.

John K. Abraham

20 feet is the minimum required to get a firetruck down a street.



- The proposed “Delivery Space” **BLOCKS THE CARPORT.**
- When asked, a delivery driver said they would NOT use it because it blocks cars.
- https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-81120#JD_Chapter18.54

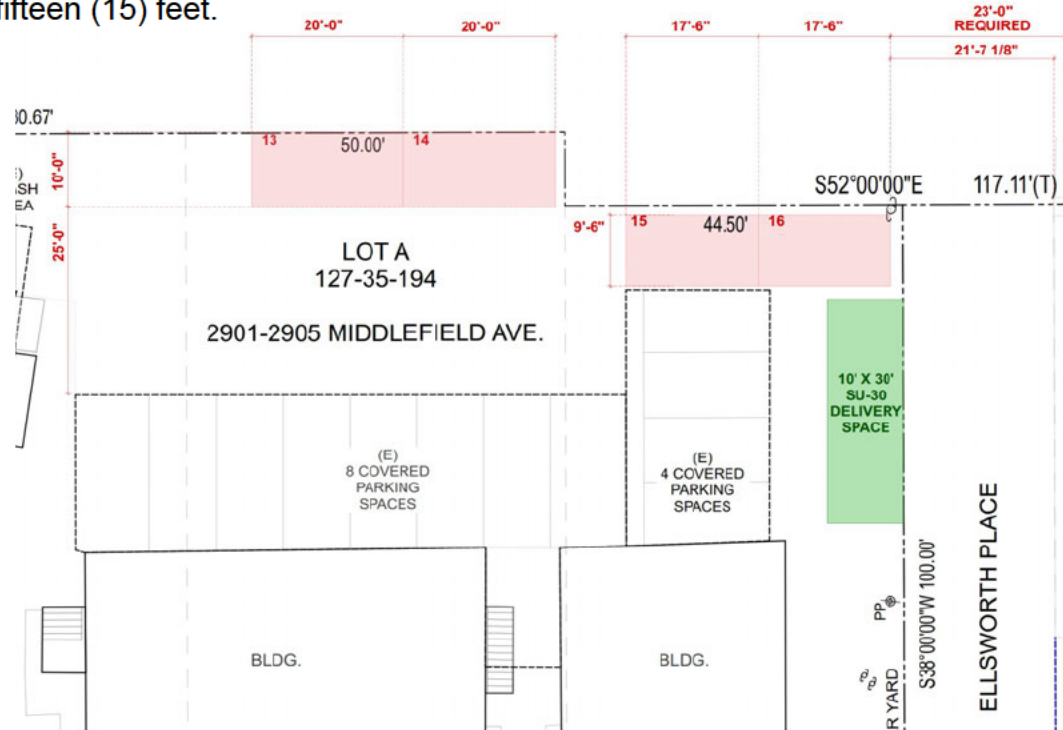
(c) Off-Street Loading Spaces

(1) Each off-street loading space shall consist of a rectangular area not less than twelve (12) feet wide and forty-five (45) feet long, with a vertical clearance of not less than fifteen (15) feet.

- “Tandem Parking” proposed is **NOT A SOLUTION.**

(d) Tandem Parking

...Tandem parking shall be allowed in multiple family residence districts for any unit requiring two parking spaces, **provided that both spaces in tandem are intended for use by the same residential unit.**



We have solved our own parking issues with 7 feet of pavers or more!

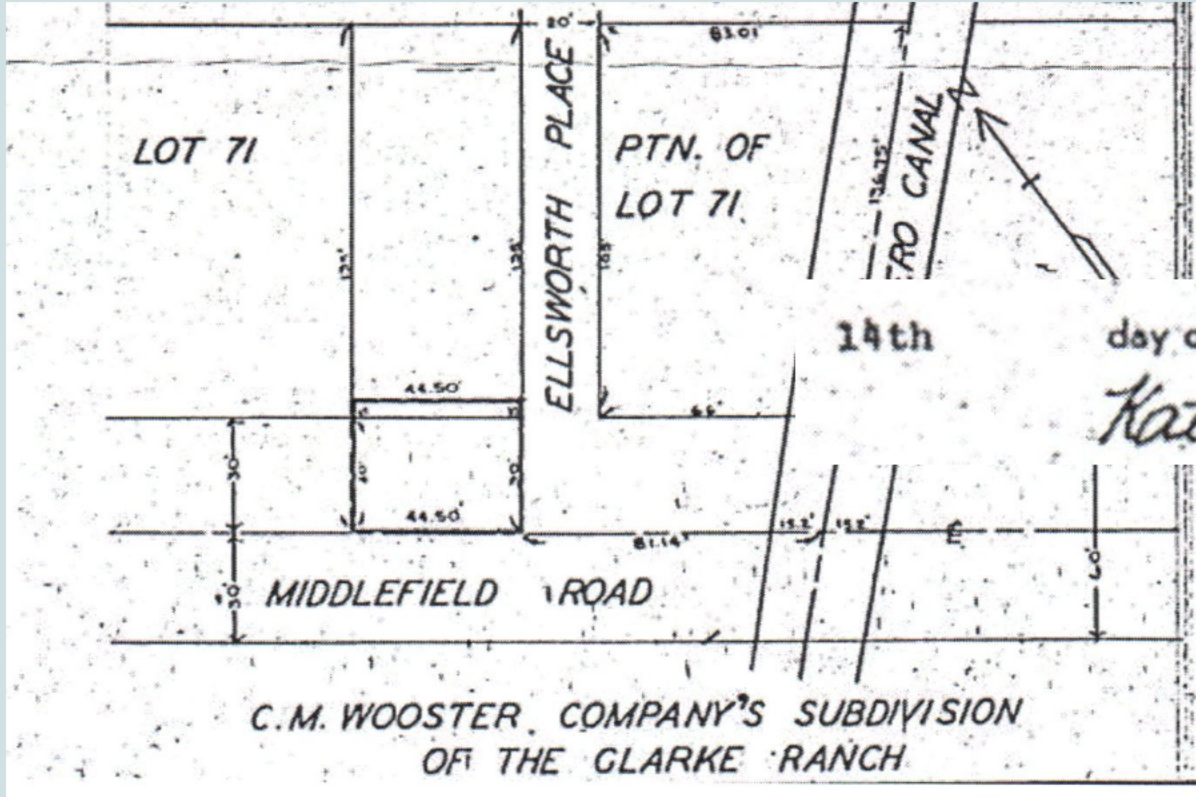


TRAFFIC REVIEW

- **BIASED** - paid for by the developer
- **INCOMPLETE**
 - It's a review and not a study
 - Based on a site plan from a landscaper
- **SIGHT TRIANGLE**
 - Fails to take into account the decline of Middlefield Road from Matadero Creek
 - Fails to take into account the incline of Ellsworth Place into Middlefield Road
 - Fails to take into account the blind corner in the sidewalk from the narrowing of Middlefield Road
- **GIVES FALSE INFORMATION** - "...visual inspection, Ellsworth has several potholes..."
- **GIVES MISLEADING INFORMATION**
 - photos of Middlefield Road are taken from the City landscape strip
 - **Uses Palo Alto Municipal Code 18.54.070 for "Multiple-Family Residential Uses" instead of Private Road Widths as under Code 22.20.240**
- **MISSES INFORMATION**
 - Middlefield Road has a Minor Arterial classification according to Caltrans
 - Bicyclists use the sidewalk because there is no bike lane on Middlefield Road in this section

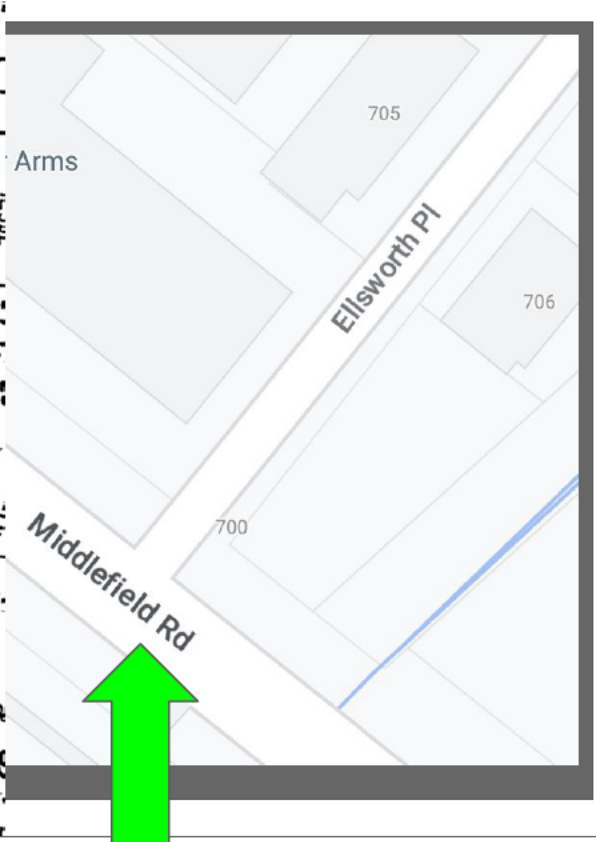
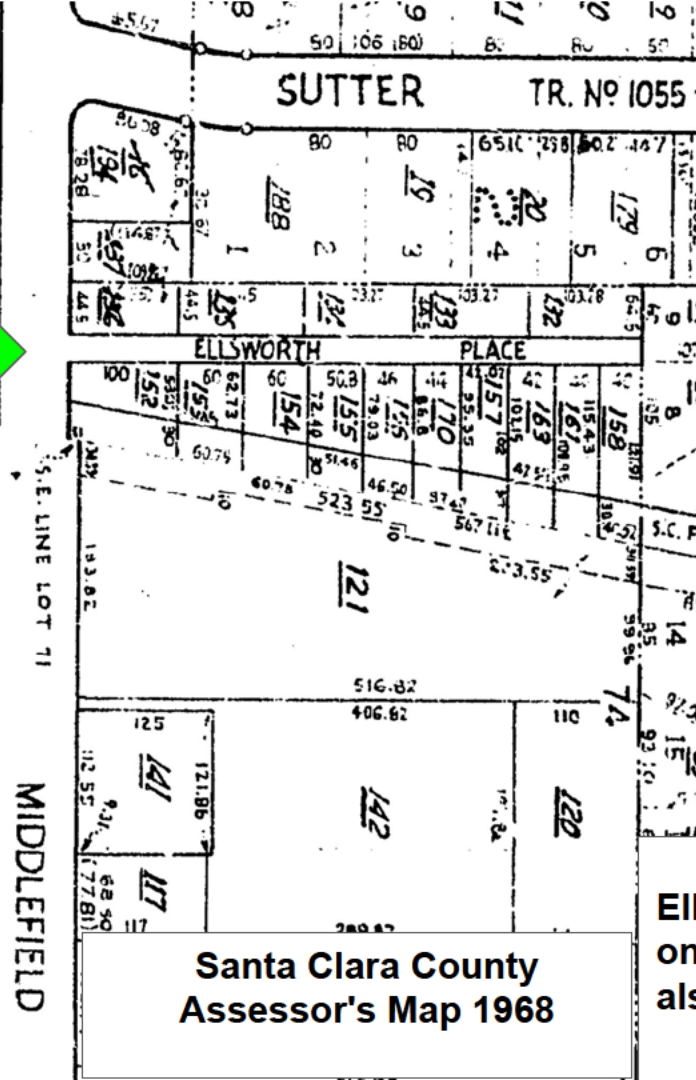
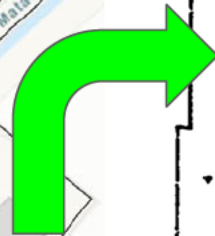
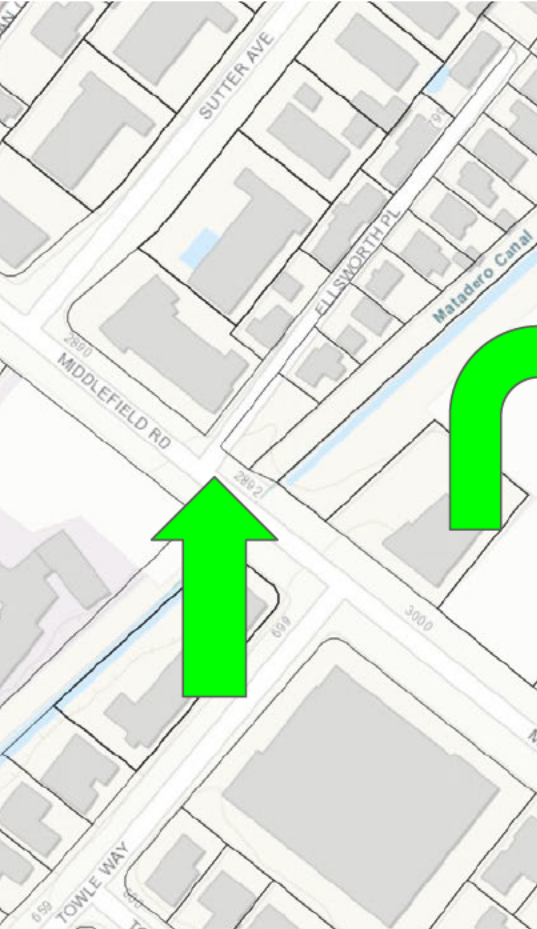
Is Ellsworth Place a Road?

Ellsworth Place has been drawn as a mapped road since c. 1949



Katherine Emerson

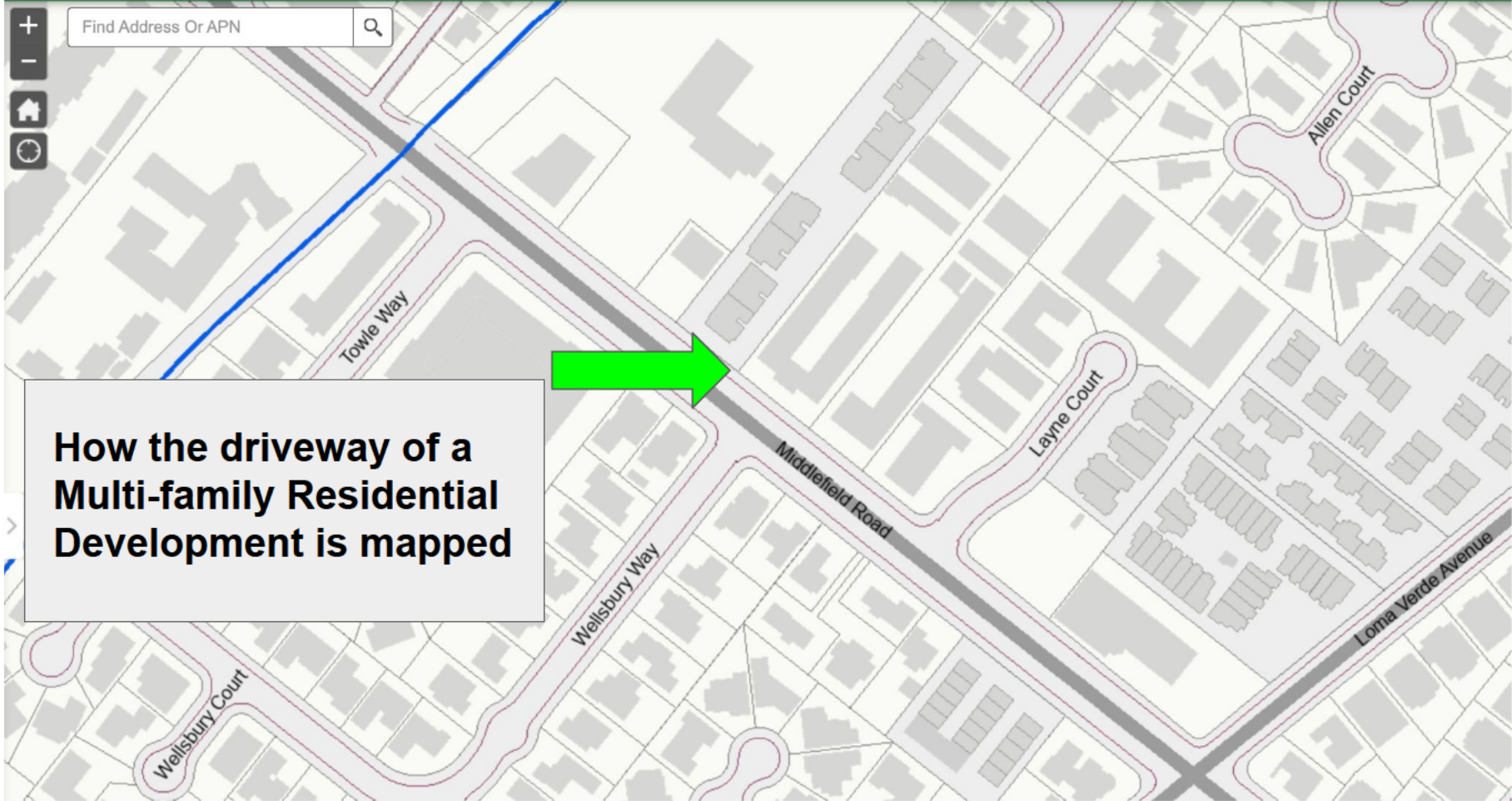
Deed of Dedication of
a piece of Middlefield Road
from Katherine Emerson
to City of Palo Alto
May 14, 1949



Ellsworth Place is drawn as a road on all city and county maps, and also on Google Maps.

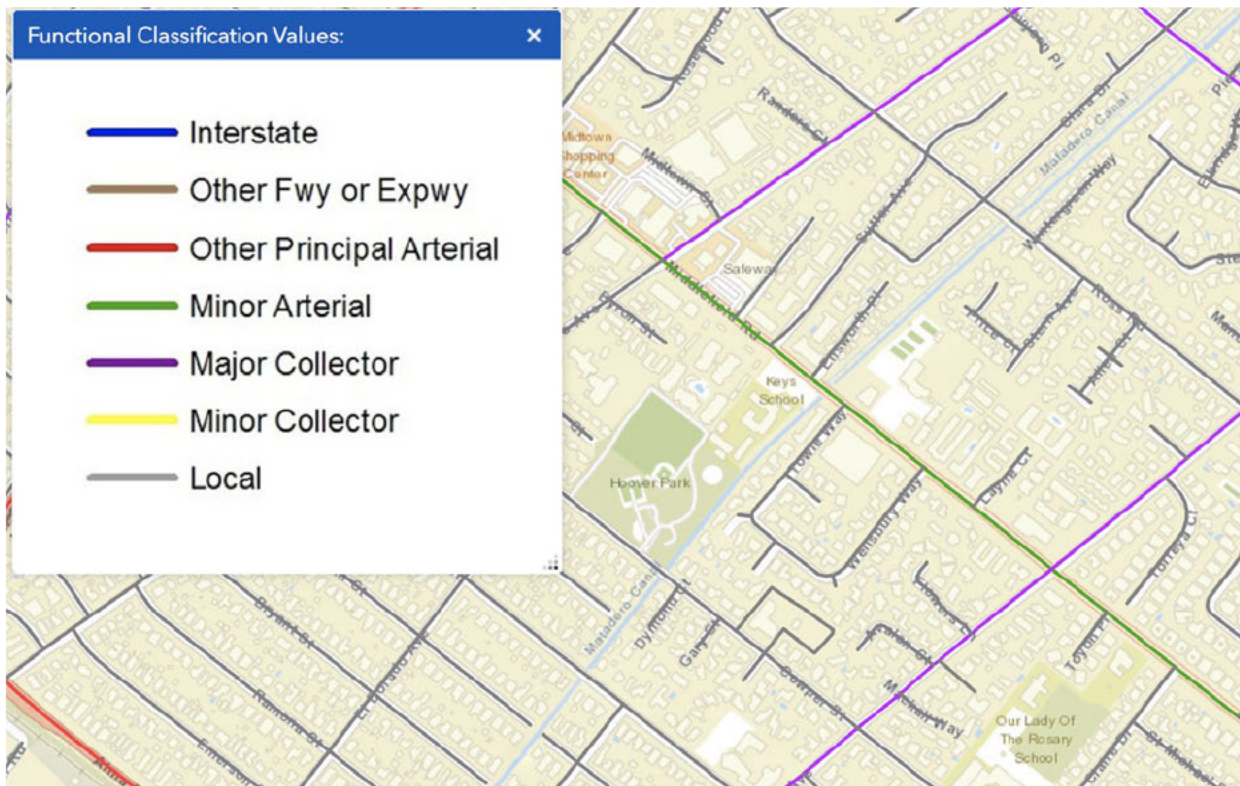
Palo Alto GIS Map
<https://palo-alto.maps.arcgis.com/apps/webappviewer/index.html?id=e6e1fa52e7094b61b7ba654faf312001>

Santa Clara County Assessor's Map 1968



How the driveway of a Multi-family Residential Development is mapped

Middlefield Road Has a Minor Arterial Classification



Typically with four or more lanes and speeds exceeding 45 MPH, Major Arterials are inhospitable and dangerous for pedestrians and bicyclists.

Minor Arterial : Although similar in functionality, Minor Arterials serve smaller geographic areas than Major Arterials.

<https://storymaps.arcgis.com/stories/248b144b303549a4bf39fe228fa69fe1>



In 2015 CPA Proposed Making Middlefield Road a Principal (Major) Arterial

CITY OF PALO ALTO Ellsworth Pg. 236 hore Freeway rive Ellsworth Place San Ca

erks Office > Agenda Packets > City Council > 2015 > Monday, March 23, 2015 City Council

236 of 463 90%

Legend

- Local Roads - 7
- Proposed Minor Collector - 6
- Proposed Major Collector - 5
- Proposed Minor Arterial - 4
- Proposed Principal Arterial - 3

The City of Palo Alto
City of Palo Alto
Proposed CRS Map

This map is a product of the City of Palo Alto GIS

New construction would require the road to be 26 - 32 feet wide

21.20.240 Widths. (4) Private streets: Such right-of-way as would be required for a comparable public street, except as specified below. Streets serving five or more lots shall be no less than thirty-two feet wide. ...

(a) If a building adjacent to a private street has a setback of at least twenty feet between the street and building allowing on-site parking, then the width of the private street may be no less than twenty-six feet at the discretion of the Director of Planning and Community Environment and the City Council.

(b) If a private street has a public parking strip of at least six feet in width between the street and the building location, then the width of the private street may be no less than twenty-six feet at the discretion of the Director of Planning and Community Environment and the City Council.

Effective Date: This private street width requirement applies to any project or development that has not obtained a final map, building permit, and performed significant construction as of July 31, 2009. ...

(Ord. 5059 § 5, 2009; Ord. 3345 § 36, 1982; Ord. 3157 § 1 (part), 1979)

**There have been several near misses
with
pedestrians & cars.**



...One time I had an actual fender bender. The police were called, but they told us to exchange information and would not come out to the accident. The other driver was a Keys School parent and they said, "I did not see you! Where did you come from?" (Ellsworth Place Resident, March 2023.)



The driveway for Keys School is located directly across Middlefield Road from Ellsworth Place.



April 20, 2023, approx. 10 pm

An accident happened on Middlefield Road in front of Ellsworth Place.

This accident was logged as occurring at Towle Way.

OR-1810 (which is later amended to become PC-2343)

“...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.

Ellsworth Place is 21 Feet Wide at the Entrance



- The proposal to widen the driveway only adds 1.5 Feet to the existing.
- “Perceived width” is not driveable space. It is **inadequate and dangerous**.
- No fence should be allowed on this corner area; **blocks line of sight & safety issue**.



35 feet barely enters the street!

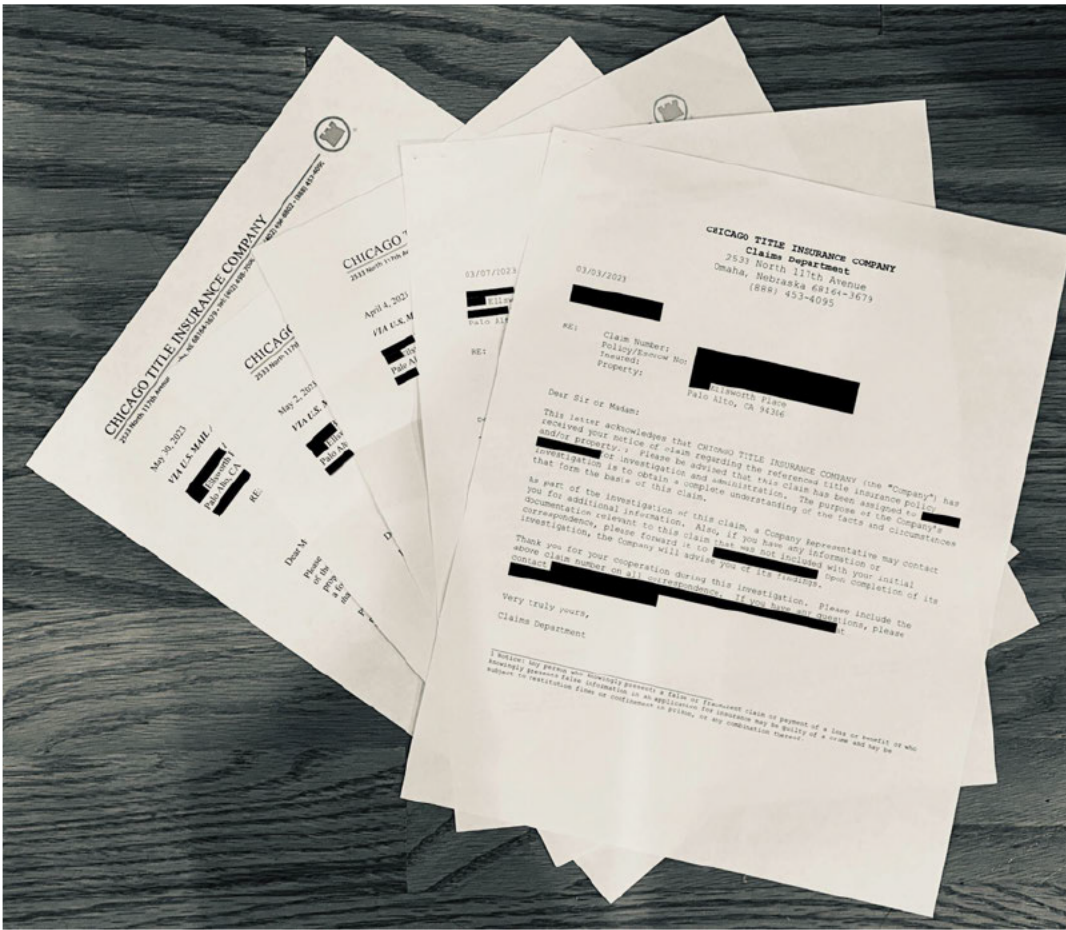


ELLSWORTH PLACE

**WHO ACTUALLY
OWNS
THE ROAD**



March 1, 2023 - Title Companies began **ELLSWORTH PLACE ROAD OWNERSHIP.** **IT IS VERY COMPLICATED** and ongoing.



CHICAGO TITLE INSURANCE COMPANY

2533 North 117th Avenue, Omaha, NE 68164-3679 • Tel: (402) 498-7000 • Fax: (402) 496-8802 • (888) 453-4095



June 27, 2023

VIA U.S. MAIL AND EMAIL

[redacted]
Ellsworth Place
Palo Alto, CA 94306
[redacted]

RE: Claim Number:
Policy/Escrow No.:
Insured:
Property:

[redacted]
724 Ellsworth Place
Palo Alto, CA 94306

Please be advised that Chicago Title Insurance Company (the "Company") is continuing its investigation of the above-referenced matter. Specifically, the Company has obtained additional title documents relating to the property and is in the processing of reviewing the same. It is the Company's intention to provide you with a formal, written coverage determination after a full investigation and review of your claim. The Company thanks you for your patience in the meantime.

Please contact me via email at [redacted] with any questions you may have. Please include the above claim number on all future correspondence. We will continue to keep you apprised of our investigation. Thank you.

Sincerely,

Seth Brian

Seth Brian
Claims Counsel, AVP

FACT #1 - EVERY HOMEOWNER HAS INGRESS/EGRESS in their deed.

The properties used JOINT TENANCY DEEDS with the original property owner Katherine Emerson.

WITNESS my hand this 26th day of January, 1946.

Katherine Emerson

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)ss.

County, personally appeared Katherine Emerson, name is subscribed to the foregoing instrument, and she executed the same.

WITNESS my hand and official seal (NOTARIAL SEAL)

FILED NO. 383953 Filed for record at Co. Feb 5 1946 at 2:06 P. M. recorded Santa Clara County Records.

fee 1.30 6f

compared doc *C. P. ...*

PARCEL TWO:

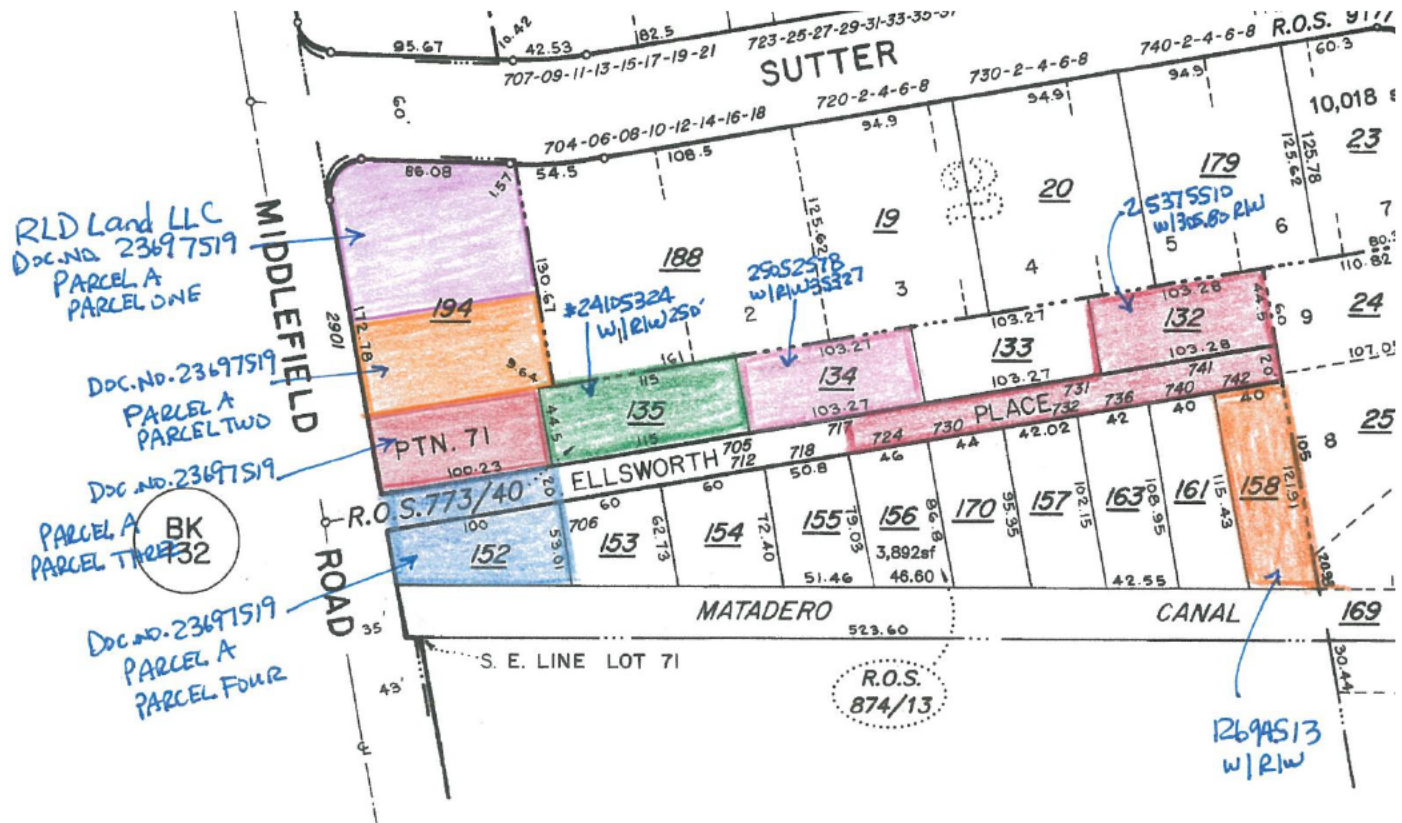
A NON-EXCLUSIVE RIGHT OF WAY, APPURTENANT TO PARCEL NO. 1 ABOVE DESCRIBED FOR INGRESS AND EGRESS OF A STRIP OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF MIDDLEFIELD ROAD, DISTANT THEREON, SOUTH 52° EAST 355.74 FEET FROM THE COMMON CORNER FOR LOTS 70 AND 71, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "C.M. WOOSTER COMPANY'S SUBDIVISION OF THE CLARKE RANCH", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON NOVEMBER 11, 1912 IN BOOK O OF MAPS, AT PAGE 16, SANTA CLARA COUNTY RECORDS; THENCE ALONG SAID LINE OF MIDDLEFIELD ROAD, SOUTH 52° EAST 20 FEET; THENCE PARALLEL WITH SAID LINE LOTS 70 AND 71, NORTH 38° EAST 559.82 FEET; THENCE PARALLEL WITH SAID LINE OF MIDDLEFIELD ROAD, SOUTH 52° WEST 20 FEET; THENCE PARALLEL WITH SAID LINE DIVIDING LOTS 70 AND 71, SOUTH 38° WEST 559.82 FEET TO THE POINT OF BEGINNING.

GRANT DEED JOINT TENANCY 161618 SJA

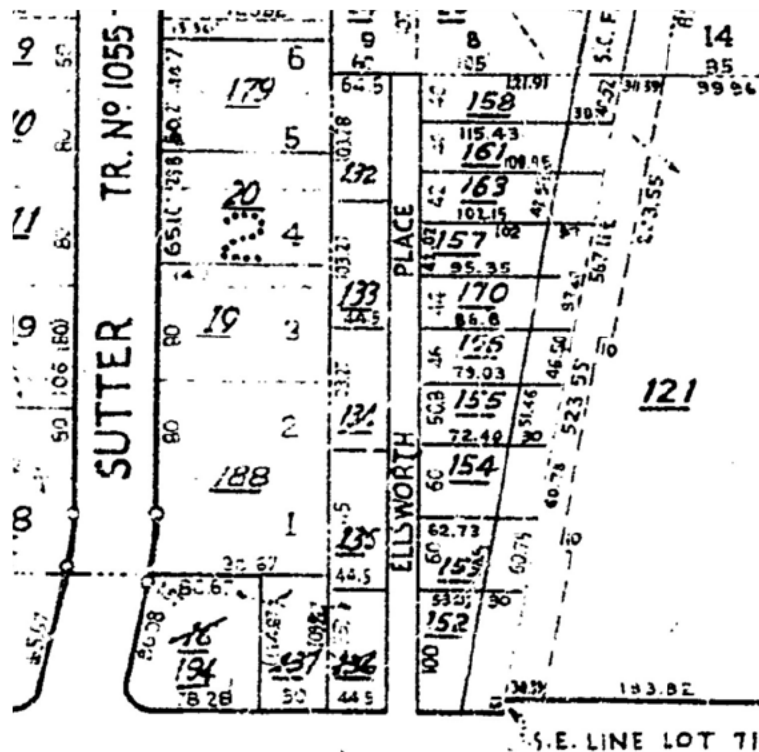
Katherine Emerson do hereby grant to Frank A. Coulombe and Ruth E. Coulombe, his wife, as joint tenants all that real property situate in the County of Santa Clara, State of California, described as follows:

FACT #2 - The road is mapped into the deed of two different parcels, with a third section remaining in a previous property owners estate.



Cross Landing Survey Map with Color APN 127-35 - Prepared by Kristina D. Comerer, PLS 6766

FACT #3 - The City of Palo Alto has owned it since c. 1968



“On our Assessor’s Map, I looked back to the oldest map that we have, from 1968, and it appears that since then, your parcels have always been shown with Ellsworth Place shown as that right of way (Street). At some point before 1968 there must have been a document that granted those portions of the street to the City of Palo Alto for the Assessor’s Office to represent it the way that it is on our map. From our map it looks like the City of Palo Alto owns the road, since it isn’t called out to be private (there would be a notation and how the line is represented would be different).”

- Email from SCC Assessors Mapping Dept, March 7, 2023

Santa Clara County Assessor’s Map, detail taken from map 127-35 of 1968

In Conclusion

Ellsworth Place homeowners and residents
DO NOT want PC-2343 lifted from the “R1” parking lot

- **PARKING LOT “R1” IS ONLY ENFORCEABLE IN PC-2343**
- **NO PUBLIC BENEFIT** is provided by the revised Ordinance. It only benefits the developers and is not compatible with the adjoining sites and general vicinity of Ellsworth Place.
- The parking lot is **NECESSARY for CIRCULATION** between Ellsworth Place and Middlefield Road and has been an **INTEGRATED PART OF OUR STREET** for **over 54 YEARS!**

From: [Aram James](#)
To: [Planning Commission](#); [ParkRec Commission](#); [Afanasiev, Alex](#); [Lee, Craig](#); cromero@cityofepa.org; Patricia.Guerrero@jud.ca.gov; [Don Austin](#); [Diana Diamond](#); Harriet.Ryan@latimes.com; frances.Rothschild@jud.ca.gov; [Molly](#); [Damon Silver](#); [Binder, Andrew](#); [Sterling Larnerd](#);
Subject: [REDACTED]
Date: Police Dogs as Weapons Webinar - 2022 SJSU Transforming Communities Conf...
Tuesday, June 27, 2023 12:05:49 AM

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

<https://youtu.be/Txf-ncYm7cU>

Sent from my iPhone

From: [Aram James](#)
To: [Linda Jolley](#); [Council, City](#); [Josh Becker](#); [Mila Zelkha](#); [Planning Commission](#); [ParkRec Commission](#); [Supervisor Susan Ellenberg](#); [Salem Ajluni](#); [Jack Ajluni](#); [Cindy Chavez](#); [Joe Simitian](#); [Robert Jonsen](#); [Binder, Andrew](#); [Javier Ortega](#); [Reifschneider, James](#); [Wagner, April](#); [Perron, Zachary](#)
Cc: [chuck jagoda](#); [frances.Rothschild@jud.ca.gov](#); [Cecilia Taylor](#); [Barberini, Christopher](#); [Perron, Zachary](#); [Tannock, Julie](#); [cromero@cityofepa.org](#); [EPA Today](#); [Sue Dremann](#); [editor@paweekly.com](#); [Jason Green](#); [Kaloma Smith](#); [Bains, Paul](#); [Jethroe Moore](#)
Subject: Re: Black and Palestinian liberation
Date: Monday, June 26, 2023 10:44:27 PM

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

Hi Linda,

Beautifully articulated. Thank you so much Linda.

Best,

Aram

Sent from my iPhone

On Jun 26, 2023, at 7:32 PM, Linda Jolley [REDACTED] wrote:

I have been in Christian churches enough to understand why Israelis are abusing Palestinians. Many Christians have a strong belief system centered around the idea that Jews need to completely take over that area in order for prophecies to come true. Based on this, Americans have tried to make Israel the dominant power and try to see that Israel has the bomb but nobody else does. We have been propagandized to accept this and pay for it. The facts and beliefs need to be fully exposed to the world. I am old enough to remember radio broadcasts reporting thousands of Palestinians destitute in refugee camps after being forced out of their homes and Villages by Israeli aggression.

[Sent from Yahoo Mail on Android](#)

On Mon, Jun 26, 2023 at 4:02 PM, Aram James [REDACTED] wrote:

|

Cori Bush for Congress



Aram ,

Have you seen Rashida Tlaib's email?

Yesterday, she wrote about our shared push for Black and Palestinian liberation in Congress.

I first started learning about the Israeli government's human rights abuses against Palestinians while protesting police brutality in the Ferguson Uprising.

Palestinians in St. Louis showed up in support of Black lives. Protestors met with a Palestinian delegation who visited us and shared tips on how to defend ourselves from militarized police brutality.

I'm proud to work alongside Rashida, the only Palestinian-American in Congress, to end U.S. complicity in Israel's human rights abuses and to redirect funding away from militarization and into our communities instead.

[Can you split a donation today between my campaign and Rep.](#)

[Rashida Tlaib's campaign, so we can keep legislating for justice and dismantling systems of oppression from St. Louis to Detroit to Palestine?](#)

DONATE TODAY

With love,

Cori

--- Forwarded message ---

Aram ,

My sister in service Rep. Cori Bush has been a fierce advocate for Palestinian rights in Congress, helping to grow the momentum to end U.S. complicity in Israel's human rights abuses.

Cori first saw the connections between Black and Palestinian struggles against state violence in 2014, when she met with a Palestinian delegation who visited Ferguson Uprising activists to share tips on how to defend themselves from militarized violence and tear gas.

Since then, she has been unafraid to speak the truth about Israel's apartheid against Palestinians -- even when it makes her a target.

[Please split a donation today between my campaign and Cori Bush's campaign, to show her you have her](#)

[back as she advocates for human rights in the U.S. and Palestine.](#)

DONATE

Like me, Cori Bush got her start in grassroots activism before running for public office.

As an activist in the movement for Black lives, Cori personally experienced brutal police violence and ongoing harassment by police. I've also witnessed and spoken out against violent police attacks on Black Lives Matter protesters in my district.

Unless we change the unjust status quo, my Black neighbors and my Palestinian family members will continue to face systemic racism and dehumanization.

In Congress, Cori and I have advocated against ever-growing spending on police and military budgets, all while our communities are struggling to put food on the table and keep a roof over their heads.

Instead of investing in institutions that harm and kill people, we're calling for investments in communities, to ensure that everyone can thrive. I'm honored to work alongside Cori in Congress for Black and Palestinian liberation, and to build a world that truly values people's

safety and well-being.

[Please chip in \\$5 or more today to support Cori Bush's and my leadership in Congress to protect human rights in the U.S. and Palestine.](#)

If you've saved your payment information with ActBlue Express, your secure donation will go through immediately, split evenly between Cori Bush and Rashida Tlaib:

CHIP IN \$15 NOW

CHIP IN \$50 NOW

CHIP IN \$100 NOW

CHIP IN \$250 NOW

CHIP IN \$500 NOW

OTHER AMOUNT

Thank you so much.

In solidarity,

Rashida

SUPPORT OUR MOVEMENT

PAID FOR BY CORI BUSH FOR CONGRESS

Sent via ActionNetwork.org. To update your email address, change your name or address, or to stop receiving emails from Cori Bush for Congress, please [click here](#).

From: [Aram James](#)
To: info@paloaltorenters.org; [Planning Commission](#); friendsofcubberley94303@gmail.com; [ParkRec Commission](#); [Binder, Andrew](#); [Mark Petersen-Perez](#); [Enberg, Nicholas](#); [Stump, Molly](#); [Molly](#); [Jeff Rosen](#); [Jay Boyarsky](#); [Rob Baker](#); [Robert Jonsen](#); [Sean Allen](#); [Jethroe Moore](#); [Veenker, Vicki](#); [Diana Diamond](#); [Don Austin](#); [Sameena Usman](#); malikakhan@gmail.com; [Your Francis neighbors](#)
Subject: Black and Palestinian liberation
Date: Monday, June 26, 2023 4:12:33 PM

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

[Cori Bush for Congress](#)



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Instead of investing in institutions that harm and kill people, we're calling for investments in communities, to ensure that everyone can thrive. I'm honored to work alongside Cori in Congress for Black and Palestinian liberation, and to build a world that truly values people's safety and well-being.

[Please chip in \\$5 or more today to support Cori Bush's and my leadership in Congress to protect human rights in the U.S. and Palestine.](#)

If you've saved your payment information with ActBlue Express, your secure donation will go through immediately, split evenly between Cori Bush and Rashida Tlaib:

CHIP IN \$15 NOW

CHIP IN \$50 NOW

CHIP IN \$100 NOW

CHIP IN \$250 NOW

CHIP IN \$500 NOW

OTHER AMOUNT

Thank you so much.

In solidarity,

Rashida

SUPPORT OUR MOVEMENT

PAID FOR BY CORI BUSH FOR CONGRESS

Sent via ActionNetwork.org. To update your email address, change your name or address, or to stop receiving emails from Cori Bush for Congress, please [click here](#).

From: [Kristen Van Fleet](#)
To: [Planning Commission](#); [Dao, Veronica](#)
Subject: Re: For PTC Meeting June 28, 2023, 6 pm - Action Item #2
Date: Wednesday, June 28, 2023 2:06:19 PM
Attachments: [Letter to PTC June 28, 2023 - Google Docs.pdf](#)
[ORD 1810.pdf](#)

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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

Hi Veronica,

It looks like the formatting may have become messed up in the email format, so here it is again in a PDF format. Please use this instead.

My apologies,

Kristen A. Van Fleet

On Wed, Jun 28, 2023 at 1:41 PM Kristen Van Fleet <[REDACTED]> wrote:

Please include the attached PDF

Regarding: ACTION ITEMS #2 in the agenda for the meeting scheduled on June 28, 2023, "2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC2343)..." (Applications 23PLN-27, 23PLN-00027, 23PLN-00025)

June 28, 2023

Dear Chair Summa and Members of the Planning and Transportation Commission,

Please find below several items that are not covered in the packet as it is prepared for tonight's meeting regarding whether or not to lift the PC2343 from the parking lot of the Sutter Arms apartments. This is just the "tip of the iceberg"! The problems occurring with Sutter Arms Apartments and Ellsworth Place are, in Councilman Pat Burt's words, "a can of worms or a Gordian Knot!" For the greater good of the community, we don't want the knot cut, and that is what would be happening should you choose to give the developers an out for the situation they helped to create!

Their proposals do not "result in public benefits not otherwise attainable by application", and instead will make an already precarious situation on Ellsworth Place even more dangerous by removing both the cul-de-sac function of the parking lot and the governance of the PC2343 on the parking lot, so that nothing proposed as a benefit by the parking lot owner would even be enforceable! The proposed listed benefits are not actual benefits and instead, remove the current benefits provided by PC2343 to favor the developer. The needs of the many cannot be outweighed by one developer!

For the safety of Ellsworth Place, and all who drive by Ellsworth Place or use the sidewalks next to it, we ask you to choose Alternative 1: Denial of the application, retaining PC2343 zoning on Ellsworth Place.

We hope the following research will help! Please also refer to the PDF attachment of PC1810.

WHO OWNS THE ELLSWORTH PLACE ROAD?

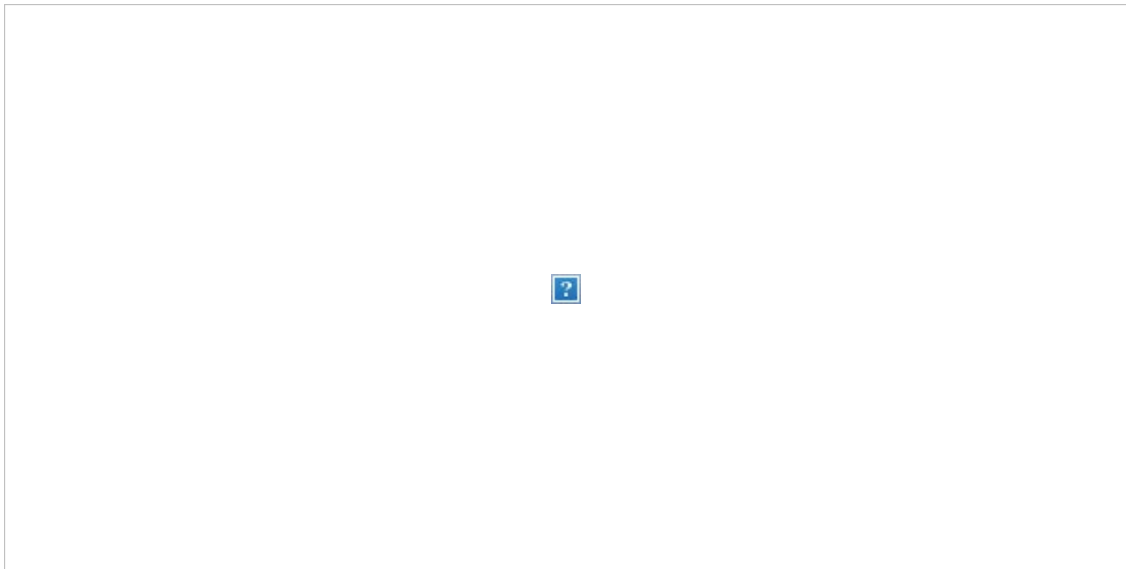
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- According to our research, evidence that the road is either collectively owned by all of the

property owners on Ellsworth Place comes from two sources.

- Several Joint Tenancy deeds between the original property owner Katherine Emerson (702 Ellsworth) and various parcel owners.
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(Our Ellsworth Deeds have a PARCEL TWO written in them to reflect the road, along with a PARCEL ONE for the house parcel.)
- How important road ownership is was discussed at length in the City Council meeting on March 13, 2023. (Below are quoted comments made by some of the Council members.)

PC-1810 - WAS NOT INCLUDED IN THE STAFF PACKET. ORDINANCE 2343 WAS AMENDED, NOT REPLACED. WHY WAS IT LEFT OUT OF THE STAFF REPORT?

- PC1810 is attached to this document for your reference.
- The widening of the driveway is written into PC1810 and reads as follows:



- **PC-2343 reads as follows:**
Section 1: That portion of Section 2 of Ordinance No. 1810, as amended, which

constitutes the Development Plan for property known as 2901-2905 Middlefield Road and 701-702 Ellsworth Place is amended to permit an apartment development of 12 units.

Section 4. All other provisions of Ordinance No. 1810 shall remain in full force and effect.

NOTES FROM THE CITY COUNCIL MEETING - MARCH 13, 2023

Comments, Q & A following public comments: (The black squares are responses from Ellsworth Place neighbors, which were not publicly given, but are being given now.)

- **2:40:09 - Ken Hayes**
 - “We’re willing to work with the neighbors...um...more, but...uh I think some of the things they’re asking for might be going a little bit too far, you know, in terms of widening the driveway. You know if that was something discussed in the 1958... uh... PC, that PC was changed in 1967 when the PC2343 was approved. So whatever had taken place prior to that obviously didn’t make it into the PC2343 when it was amending the original PC.”
 - Section 4 of PC2343 refutes this comment.
 - **The effort to work with the neighbors needs to occur in a neutral way that includes the City of Palo Alto and not through private meetings. We have had meetings in good faith with both developers and had our words misconstrued. They have done the minimum to address our concerns.**
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 - “I think it would be prudent to determine who owns the length of Ellsworth, and also you know, like some of the members of the public have stated, that this was one PC project, and this portion that has been sold off was part of the public benefit. ... I think we need to ensure that our PCs are staying intact and that we build trust around it.”
 - “Also, um, the parking issue, if it’s going to be replaced over on Sutter or within the apartments, I think that is just kicking the problem onto Sutter versus addressing it, addressing the problem of parking at the location for this apartment.”
 - Yes, ownership of the road on Ellsworth Place must be determined before

ANYTHING ELSE is done; including potential amendments to PC 2343.

- A PC is a City Ordinance or Law. Laws are only good if they are enforced.
- The 15 home addresses of Ellsworth Place also rely on Sutter Ave. for their overflow parking.
- The apartments, while grandfathered in, have issues with the width of their far left carport on Ellsworth being way too narrow by 22", which causes a problem with the driver's side door hitting the wall. Since they want to use modern parking rules, on a development plan from 1967, shouldn't their carport be up to those same standards?
- How can *Tandem Parking* work as a viable option when both tandem spaces need to be assigned to the same tenant, and that same tenant is also guaranteed a covered parking space in the carports?
- The proposed "delivery space" will block the carports and is therefore not usable by delivery drivers for liability reasons. (We asked a driver and they said they would not park there because it blocks cars.)

- 2:58:30 - Vice Mayor Stone

- "I think a lot more research is needed here, I mean, balancing the concerns of the nearby residents, the interest of the community which spans even beyond Ellsworth Place, but also the public safety issues there. I drive by Ellsworth Place every single day. I myself have seen several near accidents in that intersection and if we're balancing here property rights of one potential homeowner compared to not only the safety of Ellsworth Place residents, but all who drive by that, that's not an easy...that's not a difficult weighing of interests there. I think safety of course is going to have to win out at the end of the day. ..."

- The needs of the many cannot be outweighed by the developers!
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- The Traffic Review considers Ellsworth Place as a driveway to a multi-residential

complex, and refers to Municipal Parking Codes to support a 20-foot wide driveway entrance as “adequate”. Ellsworth Place is a street and therefore should have the municipal codes for street Widths applied to the opening. (This is copied and pasted below under Amy French’s comments.)

- 3:00:02 - Ed Lauing
 - “Focus on the street and the opening there, whatever happens there with this project and area, I think this City has a problem on Middlefield with access and safety of our citizens so that one way or another has to get addressed.”
- 3:03:36 - Jonathan Lait
 - I don’t think there is any you know, dispute about the need to have an easement from Middlefield which is effectively Ellsworth Place. Ellsworth Place traverses over the 702 Ellsworth property here, through this process that can all sort of be cleaned up, and make sure if we don’t have all the appropriate documents we can make sure we have all the appropriate documents. I’m clearly hearing from the council and we’re hearing clearly from the members of the community that there’s a concern about pedestrian, bicyclist, vehicle conflicts and so that’s something that we clearly need to look at.
- Ed Lauing
 - Even in a retrofit situation which obviously, this may be, if the city owned the whole road and access to Middlefield, approximately how wide would the Middlefield entrance need to be? Is that going to be like 20 feet?
- Amy French
 - “It’s complex but currently it’s 20 feet. If a new subdivision were to be proposed it would be 32 feet wide for serving this many homes.”
 - Our opening measures 21 feet currently, so this is an 11-foot difference! We think there is room for compromise here.
 - Using Palo Alto Municipal Code 21.20.240 WIDTHS:
 - (4) Private streets: Such right-of-way as would be required for a comparable public street, except as specified below. Streets serving five

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In conclusion of this letter, you can clearly see there is A LOT of information missing from “The Packet” as prepared for tonight’s PTC Meeting, and there is still lots more information being uncovered! We hope the above information will help shed light on how complicated the situation is at Ellsworth Place.

We ask the Planning and Transportation Commission to support the greater good of the community by choosing **Alternative 1: Denial of the application, retaining PC2343 zoning on Ellsworth Place.**

Sincerely,

Kristen A. Van Fleet
Ellsworth Homeowner

Please include the attached PDF of Ordinance PC-1810 with this letter.

Regarding: ACTION ITEMS #2 in the agenda for the meeting scheduled on June 28, 2023,,
“2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned
Community 2343 (PC2343)...” (Applications 23PLN-27, 23PLN-00027, 23PLN-00025)

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WHO OWNS THE ELLSWORTH PLACE ROAD?

- This must be answered before any requested PC Ordinance changes can be voted on. Several letters presented on behalf of the developers are claiming that “Without this private road easement, these properties on the cul-de-sac would be landlocked.”
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- PC1810 is attached to this document for your reference.
- The widening of the driveway is written into PC1810 and reads as follows:

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.

- PC-2343 reads as follows:
Section 1: That portion of Section 2 of Ordinance No. 1810, as amended, which constitutes the Development Plan for property known as 2901-2905 Middlefield Road and 701-702 Ellsworth Place is amended to permit an apartment development of 12 units.
Section 4. All other provisions of Ordinance No. 1810 shall remain in full force and effect.

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Sincerely,

Kristen A. Van Fleet
Ellsworth Homeowner

ORDINANCE NO. 1810

AN ORDINANCE OF THE CITY OF PALO ALTO ZONING PROPERTY AS P-C, APPROVING THE DEVELOPMENT PLAN AND SETTING DEVELOPMENT SCHEDULE FOR PROPERTY KNOWN AS 2865-2875 MIDDLEFIELD ROAD, 2901-2905 MIDDLEFIELD ROAD AND 701-702 ELLSWORTH PLACE.

The Council of the City of Palo Alto does ordain as follows:

Section 1. Ordinance #1324, the Zoning Ordinance, is hereby amended by amending Section 302 (the Zoning Map) as shown on development plan hereto and made a part hereof.

Section 2. The land shown on the development plan attached hereto is hereby rezoned as P-C and development plan is approved subject to the condition that the driveway to Middlefield Road be modified.

Section 3. The development schedule for the P-C development plan should be:

- (a) Construction to be started within 12 months.
- (b) Construction to be completed within 24 months of the effective date hereof.

Section 4. This ordinance shall become effective on the expiration of thirty days from its passage.

The above and foregoing ordinance was duly and regularly introduced at a regular meeting of the Council of the City of Palo Alto on Monday, the 8th day of September, 1958, and was thereafter on Monday, the 22nd day of September, 1958, duly and regularly passed by the following vote:

AYES: Byxbee, Corcoran, Cresap, Davis, Evans, Giffin, Marshall, Mitchell, Navis, Porter, Rodgers, Ruppenthal, Woodward.

NOES: None.

ABSENT: Bishop, Stephens.

APPROVED: Noel E. Porter

Mayor

ATTEST:

Winifred Kidd
City Clerk

APPROVED: PLANNING DEPARTMENT

APPROVED AS TO FORM:

John H. Nimocks
City Attorney



SUTTER

BUILDING AREA	2,580	SQ. FT.
LOT AREA	11,750	SQ. FT.
PARKING	17	CARS

PLOT AND FLOOR PLAN
 1/8" = 1'-0"

18' SET BACK

*P-C Development Plan
 Ordinance No 1810
 September 22, 1958*

DR. STEWART MITCHELL

ARCHITECT

16 AUG 58

From: [Yogabear23](#)
To: [Planning Commission](#); [yogabear23](#); [Richard Jue Wang](#); [Lily Zhao](#); [Mi Wolf](#); [Dave Samuels](#); [Kristen Van Fleet](#)
Subject: Please DENY the Rezoning Request by 702 Ellsworth Place & 2901 Middlefield Rd.
Date: Wednesday, June 28, 2023 10:55:39 AM

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

I support Alternative 1: Denial of the rezoning application, and retention of PC2343 zoning at 702 Ellsworth Place.

The proposed amendment does NOT serve the neighborhood. It sets a precedent for increased density in multi-family zoning and could increase the 739 Sutter zoning from RM 20 to RM 30 status.

The proposal for the entrance to Ellsworth Place is dangerous to pedestrians and motorists alike as it occludes a turning driver's line of sight from Middlefield Road to Ellsworth Place and vice versa. The proposed changes in the staff report do not solve this problem and may make it worse.

Also, the City of Palo Alto Notice does not include an email address for public comment and must do so with future notices.

Respectfully, Carolyn Garbarino

[REDACTED]

From: [Miriam K. Freedman](#)
To: [Council, City](#)
Cc: [Transportation](#); [City Mgr](#); [Stone, Greer](#); [Kou, Lydia](#); [Burt, Patrick](#); [City Attorney](#); [Planning Commission](#); [news@padailypost.com](#); [editor@paweekly.com](#)
Subject: Re: Neighborhood Appreciation for Alma/Palo Alto Ave Quiet Zone Planning
Date: Saturday, June 17, 2023 8:34:19 AM

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

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

Dear all Palo Alto officials,

I echo all that Josh wrote to you, especially our appreciation for your steady efforts to get a quiet zone at Palo Alto Avenue and Alma Street. We thank you.

Our building, 101 Alma, with 200+ residents, is a wonderful community for my husband and me, and having a quiet zone right in front of our building will improve the quality of life for all in beautiful downtown Palo Alto.

Thank you!

Miriam Kurtzig Freedman, JD, MA

Miriam Kurtzig Freedman, JD, MA

Author, Special Education 2.0 & many other books

[REDACTED]
[REDACTED]
<http://schoollawpro.com>

On Thu, Jun 15, 2023 at 4:40 PM [REDACTED]

[REDACTED] for taking on the quiet zone project. I represent the 101 Alma community with 200+ affected residents and created a petition for the quiet zone that got 241 signatures. This is a huge deal for all people affected which will improve the work/living atmosphere with ability to concentrate at home during the day and the sleeping atmosphere at night. We appreciate all city staff involved and their good work on this issue over the past year and half. Thank you to the city manager as well for putting the quiet zone

in the city budget.

Thanks again!!!
Josh & Everybody

From: [REDACTED]
To: [Council, City](#)
Cc: [Transportation](#); [City Mgr](#); [Stone, Greer](#); [Kou, Lydia](#); [Burt, Patrick](#); [City Attorney](#); [Planning Commission](#); [news@padailypost.com](#); [editor@paweekly.com](#)
Subject: Neighborhood Appreciation for Alma/Palo Alto Ave Quiet Zone Planning
Date: Thursday, June 15, 2023 4:40:09 PM

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

Hi I wanted to thank all parties involved for taking on the quiet zone project. I represent the 101 Alma community with 200+ affected residents and created a petition for the quiet zone that got 241 signatures. This is a huge deal for all people affected which will improve the work/living atmosphere with ability to concentrate at home during the day and the sleeping atmosphere at night. We appreciate all city staff involved and their good work on this issue over the past year and half. Thank you to the city manager as well for putting the quiet zone in the city budget.

Thanks again!!!

Josh & Everybody