

North Los Altos Concerned Neighbors

Pilgrim Haven Project Briefing

Introduction

It is important to note from the outset that NLACN and the other concerned neighbors are not “against” Pilgrim Haven, and we do not oppose the modernization of the Pilgrim Haven campus. We simply feel that the currently proposed project is not appropriate for the neighborhood, and that the impacts it will have, both during construction and over the long term, are not justified by the putative benefits to our community.

Over the course of the city review process to date, ABHOW and Pilgrim Haven representatives have made a number of claims, many of which we believe to be misleading, and some of which we believe to be simply false. This document will discuss many of these issues and offer corrections where necessary. Most documents referenced here which are part of the current city review process are available on the city web site. Other supporting materials and older documents are included in an accompanying .zip file, or are available from NLACN.

Furthermore, we are appalled and offended that ABHOW and Pilgrim Haven have portrayed the choice before the council as one between approval of this project on the one hand and closure of the facility and eviction of 175 elderly residents on the other. ABHOW has never claimed, to our knowledge, that the existing Pilgrim Haven facility is financially unsound, so to declare that absent this project they will have to close simply does not follow.

Finally, Pilgrim Haven, the city, and the neighborhood worked out a mutually acceptable plan for modernizing the campus twenty years ago, which ABHOW failed to implement beyond the first two or three phases. By now asserting that, absent approval of the present proposal, they will close the facility, they are holding their own residents hostage. We trust that the City Council will not be swayed by such blatant manipulation.

Corporate Structure

We were surprised at the Planning Commission meeting to learn that some of the Planning Commissioners did not realize that Pilgrim Haven is neither a church-owned entity, nor a locally controlled one. Pilgrim Haven is owned by American Baptist Homes of the West (ABHOW), which despite its name no longer has formal ties to the Baptist Church. While Pilgrim Haven did begin as a retirement home for Baptist missionaries, by the late 1950s it had developed into a general senior care facility, and then expanded and acquired other sites to become ABHOW. ABHOW now owns and/or operates more than 30 facilities in California, Arizona, Texas, and Washington. ABHOW is in turn owned by Cornerstone Affiliates, and is part of a large constellation of non-profit and for-profit entities in a tax-optimized structure.

We bring this up to point out three issues. First, Pilgrim Haven is not a locally controlled entity, and this project is being designed and managed by the central office, which has made discussions more difficult. Second, ABHOW, which generates yearly cash flow in the hundreds of millions of dollars, has vast financial resources, and has no need to finance this project in any specific way, nor does it lack for financial reserves. Third, "non-profit" does not necessarily correspond with "small and fragile." We do not claim that Pilgrim Haven is not a good facility, or that the people who work there are not committed to their work. But this project is not being proposed by a small, single facility with perilous finances, but rather by a large corporation focused on maximizing growth. It should be viewed as skeptically as would any other proposal to build a new 200,000+ square foot facility in the city.

Financial Feasibility

ABHOW has claimed that the proposed project is the smallest it can be and still be financially feasible. However, ABHOW's financial analysis is both inadequate and misleading. Although many numbers are presented, none of them are discussed in enough detail to judge whether they are accurate. The spreadsheet submitted to the city includes such unexplained oddities as a negative investment income¹, and while they assert that the Pilgrim Haven project is reliant on a particularly esoteric type of financing, this is by choice. Any entity the size of ABHOW, which generates hundreds of millions of dollars in cash flow per year, has lots of latitude in determining how to finance its projects.

Furthermore, the analysis of the financial impact of various alternatives includes only obviously unrealistic scenarios, such as removing the Spagnoli property from the project without re-designing the remainder. They claim that removing the third floor of the rear building, and thereby eliminating 22 Independent Living units, is infeasible. If the fundamental dynamic is that the expensive Independent Living units are required to pay for the development of the other types of care, then an obvious solution is to reduce the size of the other types of care, but this is not discussed as an alternative.

ABHOW also claims that supplying 16 "Below Market Rate" units will consume all the available financial cushion. Our reply to this is that, if the project were a reasonable size, they would not need the zoning variances which they are requesting, and that they would not need to supply BMR units to qualify for those zoning variances.

Another alternative way to reduce density would be to reduce the size of some of the new Independent Living units. As anyone who has bought real estate in the bay area can attest, the expensive part is the location. Pilgrim Haven long since paid for its land, so in this case their only marginal cost is that of the construction itself. Pilgrim Haven could charge substantially the same amount for slightly smaller units, thereby reducing density without crippling the project. Nowhere is it alleged that the existing Pilgrim Haven facility is financially unstable, so there would seem to be no reason that they could not rebuild in the current style and proceed in the future on the same financial basis as they exist now, simply charging somewhat more for a newer, slightly larger version of the existing facility.

The most telling line in the financial analysis comes near the end. It says, "After careful financial analysis and looking at the current density on site, Pilgrim Haven concluded 181 units was the appropriate number for the proposed project."²In other words, they determined that this plan would extract the most amount of money from a valuable piece of real estate. As their architect said in front of the A&S committee, "this is a marginal site," meaning that it is small for the type of luxury senior care facility that ABHOW typically operates. They are trying to squeeze a 10-acre plan designed for a greenfield site or a high-density location like the El Camino corridor into a 6-acre residential site, because that is the kind of development they know how to do, and because it produces the largest amount of cash flow.

Ultimately, we believe that the financial feasibility of the project is fundamentally irrelevant, from the perspective of the City Council, especially when it involves a discussion of unit mix. The City Council does not have to try to decide how much extra density is justified so that the residents of Pilgrim Haven can have a Bistro. What is before the City Council is the broad outlines of the size and scope of the project and the buildings it contains. The Council's responsibility is to ensure that the buildings fit into the neighborhood; it is ABHOW's responsibility to determine the unit mix within that footprint which will allow them to implement the project.

¹ Letter from Sandy Sloan to Zach Dahl, dated April 30, 2009, from the Applicant Correspondence file

² Pilgrim Haven Redevelopment Summary Financial Performance, from the Applicant Correspondence file

“Below Market Rate” units

First of all, in a letter to the city dated February, 2007, Pilgrim Haven reported that 62%, or 46, of their Independent Living apartments are occupied by residents that have annual income at the “low” level. After the project is complete, only 16 apartments will be priced based on the “low” income level. Therefore, far from providing additional affordable housing, Pilgrim Haven would seem to be cutting the number of “low-income” units by almost two-thirds.

Furthermore, Pilgrim Haven imposes a very substantial entry fee on potential residents of Pilgrim Haven. However, for the “Below Market Rate” units, according to ABHOW, “the entrance fee will not be reduced.”³ In other words, the 16 units will not be sold “below” the “market rate.” They will be sold at the market rate. Thus, they are not “below market rate units” at all -- they are market rate units.

What is that market rate? The Council has not been told. We can assume, however, that the amount is substantial: Mr. Dahl told the Planning Commission that the units will be targeted to the “asset rich.” The “asset rich”, however, are not who the California Legislature had in mind when it mandated that cities give zoning variances in exchange for low income housing.

Clearly, the 16 units are not “below market rate” units that are “affordable to low-income households” as the Staff claimed in the Final EIR. In fact, the Staff later clarified that “the proposed [below market rate] units may not meet the traditional definition of affordable housing units.”⁴ Even if the 16 units did fit within the legal definition of “below market rate”, however, they would not justify the two requested zoning variances.

Also, it is worth noting that although part of ABHOW’s argument in favor of the project alleges a lack of Memory Support care in Los Altos, there is no provision for aid to low income seniors who need such care and do not already live in Pilgrim Haven. The “Below Market Rate” program, such as it is, applies only to the Independent Living apartments. In addition to those who rent, low-income seniors who do not enter Pilgrim Haven until they need Assisted Living, Skilled Nursing or Memory Support care will receive no assistance, and will have to pay higher rates than they would at the existing facility.

Finally, even if this program qualified for a density bonus, the mandatory density bonus is only 20%. Here, the applicant seeks 38% lot coverage, which is a 26.7% increase over the 30% allowed by the applicable zoning regulations. Thus, the project is too large even for the variance. ABHOW has argued that Pilgrim Haven currently has a variance to the lot coverage restriction allowing 34%, so increasing the coverage to 38% is not material. Such an argument would be disingenuous. Pilgrim Haven obtained the current lot coverage variance 20 years ago, according to the Staff Report at the time, as a result of the “neighborhood’s desires for one-story buildings at the front of the site.” The Staff at the time found that “A compromise of greater lot coverage for one-story buildings appears to be in the public’s best interests.”⁵ The 1989 Staff was correct, and the 2009 Staff is wrong. More lot coverage in exchange for a project that fits into the neighborhood is reasonable and “in the public’s best interests.” More lot coverage for a project that the neighborhood vehemently opposes is not reasonable.

³ Letter to Zach Dahl, dated 4/30/09, from Applicant Correspondence file

⁴ Staff report dated May 21, 2009

⁵ Staff Report dated August 3, 1989

Alternative development

The statement has been made, both by ABHOW and by Planning Commission members, that in the event that this project does not proceed, Pilgrim Haven will be forced to close and the site will then be redeveloped, which will then impact the neighbors just as much as the current proposal. Both of the claims are spurious.

First of all, ABHOW has made no claim that the existing Pilgrim Haven facility is not financially solvent. As they have often stated, they have a multi-year waiting list, so clearly their existing facilities are still in demand, and they have been operating them, presumably profitably, for more than a decade in their current condition.

Secondly, while the Spagnoli property may (and should) be developed into single-family homes, such a project would be limited to at most about 16,000 square feet, or about a third of the 46,000 square foot building currently slated for the site.

Furthermore, there is no reason to conclude that the main Pilgrim Haven campus would be redeveloped as a complex of single-family homes. The parcel is, after all, zoned (or at least intended to be zoned) PCF, and is one of only a few such parcels in the city, so presumably the City Council would be reluctant to rezone it residential. As has been pointed out, the sites available for senior housing are limited in Los Altos. It seems likely that another developer could be found to take over the site and build a modern facility on a more reasonable scale, and, if the site were empty, build it much more quickly.

Rezoning the Spagnoli Property

When Pilgrim Haven, shortly after having acquired the Spagnoli property on the corner of Pine Lane and Los Altos Avenue in 1992, applied for a conditional use permit on the Spagnoli property, they acknowledged that any future development to integrate the property into their campus would require rezoning and city approval, which was not guaranteed. In fact, according to the 1993 staff report, they stated that should such approval not be forthcoming, they would sell the property.⁶ Although they now seem to believe that they have a right to develop the parcel as they see fit, this is incorrect, and the rezoning of the property should be considered based on the structure to be placed on it, independent of its impact on the currently proposed project.

A similar recent precedent is the original proposal to expand the Pinewood School campus. In that case, Pinewood had purchased a couple of neighboring residential lots, and proposed to redevelop their campus and incorporate the new lots. In that case, as in this one, the expansion would involve development on a prominent corner in the neighborhood. The city manager at the time took the unusual step of disagreeing with his staff and submitting a letter to that effect, stating in part “By expanding the condition use to take over another corner, the proposed project expands the conditional use to the overall detriment of the permitted uses in the area. The corner of a block typically has more to do with setting the character of an area than the mid-block. The character of this area will be impacted by this use.”⁷ The City Council at the time evidently agreed, and not only did it agree but shortly thereafter it updated the municipal code to explicitly prohibit community facilities from expanding in residential areas without extensive review and justification.

The same argument applies to ABHOW’s proposal to expand to the corner of Pine and Los Altos Avenue. This is the most prominent corner on Los Altos Avenue. And while some have asserted that approval of this project would not set a precedent which might affect development proposals on nearby lots, this is not the case. The character of a neighborhood is inevitably changed as projects get built. There are at least two multi-acre lots within two blocks of Pilgrim Haven, and if this project is built there will be precedent stating that large multi-story complexes are compatible with the neighborhood, which will inevitably lead to more. This very argument was used by Jon Baer at the recent City Council meeting when he argued against constructing three story buildings in the civic center, stating that allowing three stories there would make it more likely that developers would be able to justify three story buildings downtown.

Pilgrim Haven supporters like to refer to the fact that Pilgrim Haven was here before the city of Los Altos. Of course, at that time Pilgrim Haven was barely larger than a single-family home, but leave that aside. The city of Los Altos was formed explicitly to prevent developments like the proposal now before you. The residents of Los Altos saw the approach of Mountain View and Palo Alto and were rightly concerned that annexation by either of those entities would result in a much higher density, much less rural and residential community than the one they wanted to live in. The Los Altos City Council has a history of protecting that legacy against developers who would like to squeeze every last bit of value from our large residential lots, and it would be a shame to see that change now.

⁶ Staff Report dated September 2, 1993

⁷ Letter from Philip Rose, City Manager, to the City Council, dated May 10, 2005

Neighborhood Consultation

ABHOW claims that the neighborhood has been extensively consulted “over the last three years”, and that many changes have been made in response to neighborhood concerns. First of all, the cited duration is misleading. ABHOW/Pilgrim Haven did hold three meetings in the spring and summer of 2006 to present their plans for redevelopment of their campus. However, despite the number of concerns expressed by attendees of those meetings, in October 2006 Karen Jenney indicated via email that no significant changes would be made to the project, and that therefore no further consultation with the neighborhood would take place⁸. After August 2006, no further meetings were held until after the Architecture & Site committee meeting in the spring of 2008, a gap of almost two years. Furthermore, several attempts in the intervening timeframe to get an update on the project design were met with responses to the effect that the design was in flux and not available for public review.

Contrast this to the process during the last formulation of a Master Plan for Pilgrim Haven, in the late 1980s. At that time, a Task Force was formed with members of Pilgrim Haven, the city staff, and neighborhood representatives, and a plan was developed acceptable to all sides. (See the Pilgrim Haven Project History section for more details) Nothing even approaching that process has occurred this time.

While some very minor details have been changed, almost no effort has been made to address the neighborhood’s primary long-term concern, which is the size and mass of the project. The neighborhood has always been clear, both during this process and in previous projects, that Pine Lane and Los Altos Avenue must remain one-story. Many Pine Lane residents have asked that traffic flow be redesigned to take cars off of Pine Lane closer to Los Altos Avenue. Parents with children at Santa Rita have further made many reasonable suggestions, including doing demolition during the summer months, to minimize the impact on the school. All of these requests have been rebuffed, and none are addressed in the final plan.

Part of the difficulty the neighborhood has encountered in our efforts to modify the shape of this project is ABHOW’s organizational structure. Ms. Jenney has represented herself as the sole point of contact at Pilgrim Haven regarding the project. However, any suggestions seem to get referred to unknown persons at ABHOW or at the Texas-based architectural firm. Many have received no reply, and almost all others have been considered and then rejected with a minimum of explanation. Most of the public meetings have been run by Ms. Sandy Sloan, the attorney representing Pilgrim Haven, rather than Ms. Jenney. The overall impression is that the neighborhood has no one with whom to work out a compromise, since Ms. Jenney appears to have limited control over the project, Ms. Sloan’s involvement will presumably end if the project is approved, and no one with real decision-making authority has been made available.

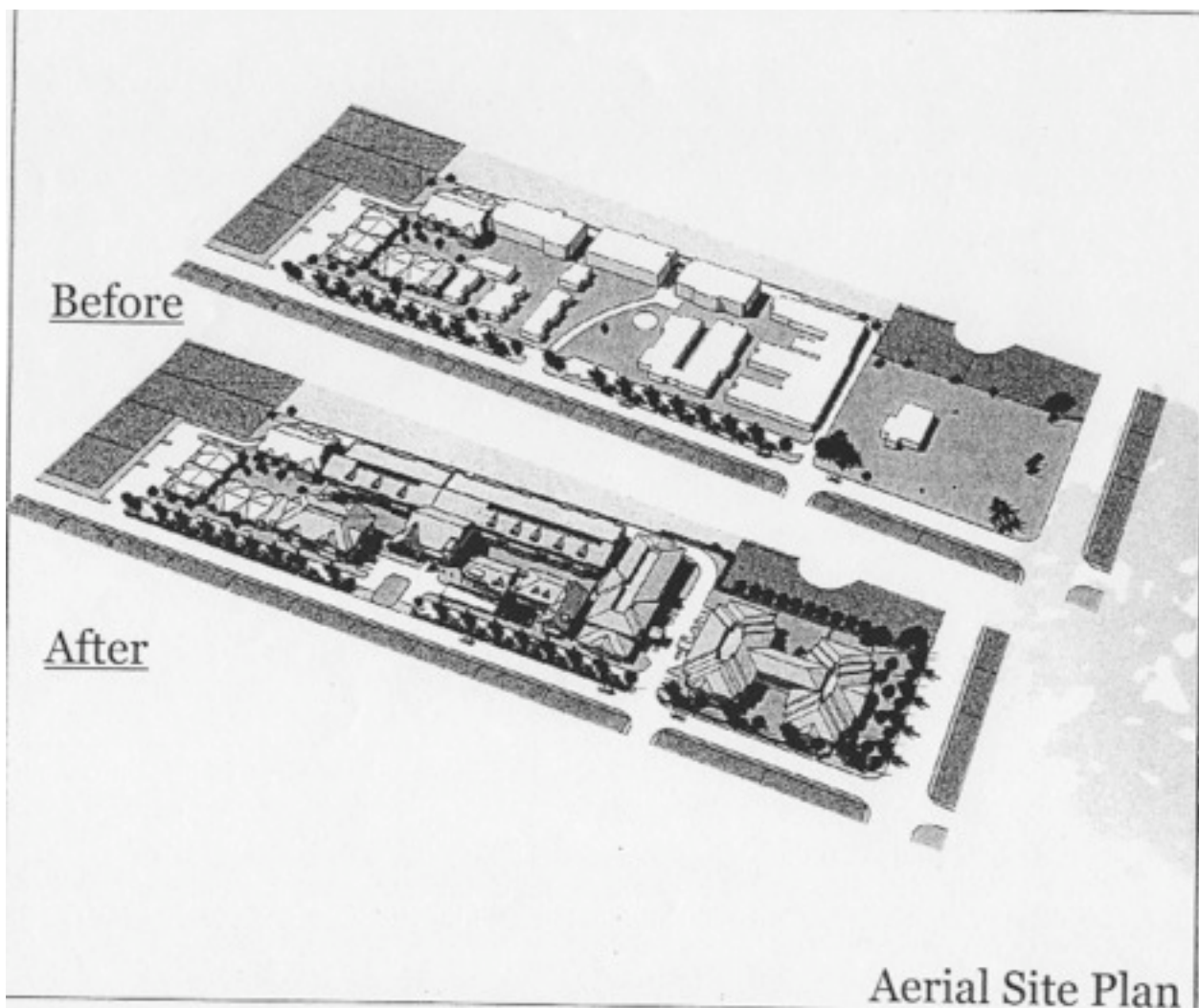
⁸ Email from Karen Jenney to Harry Pforzheimer, dated October 15, 2006

Project Size

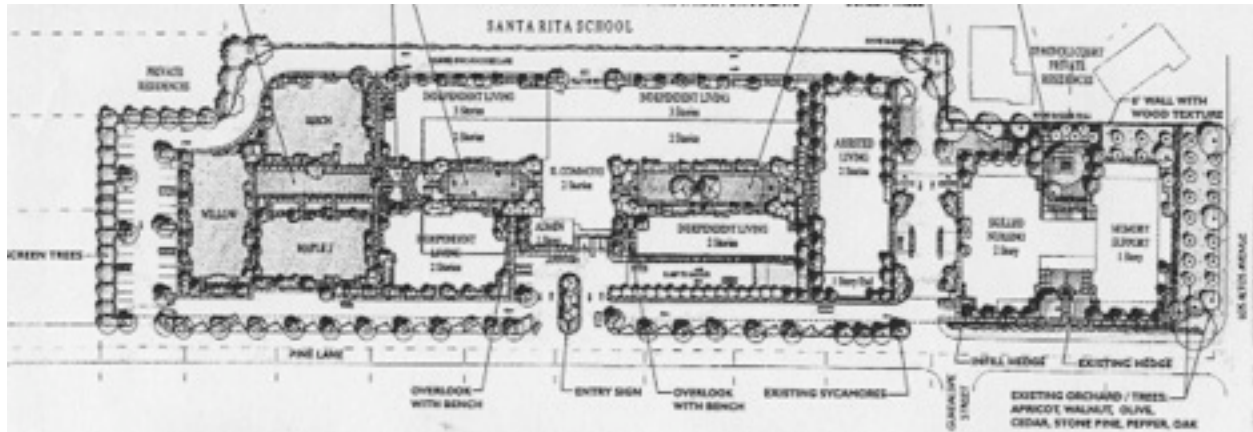
ABHOW claims that the project has been reduced in size over the course of the approval process. However, this is not the case. ABHOW claims that the first set of plans in 2006 included 186 total units, as opposed to the current 181. However, the minutes of the first community meeting held in May, 2006, indicate that Pilgrim Haven representatives claimed that the new project would include a total of only 6 new units⁹. That number then increased with each new public presentation, and the current proposal calls for 28 new units.

ABHOW also claims that the planned square footage has decreased over time. Since detailed plans have not generally been made available outside of city filings, this claim is hard to evaluate. However, even the current project size of 226,495 square feet represents a floor-area-ratio of .87, or roughly three times the residential limit of 30% and more than double their current size.

Furthermore, the original set of plans submitted to the city in January 2007 included one-story buildings fronting Los Altos Avenue and much of Pine Lane.

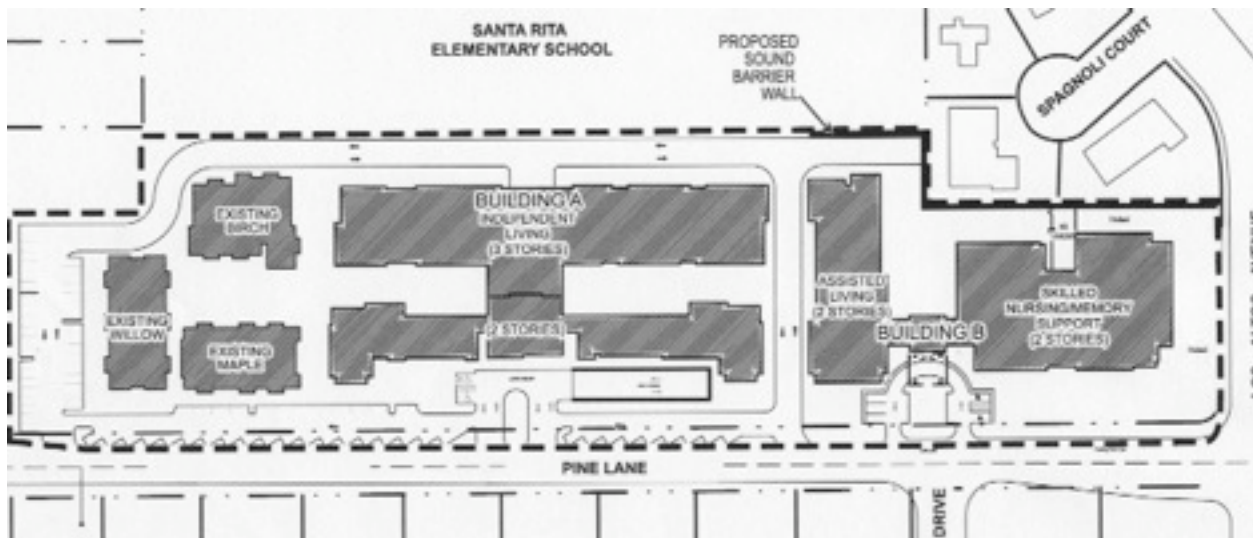


⁹ Minutes of the May 5, 2006 public meeting, item 19



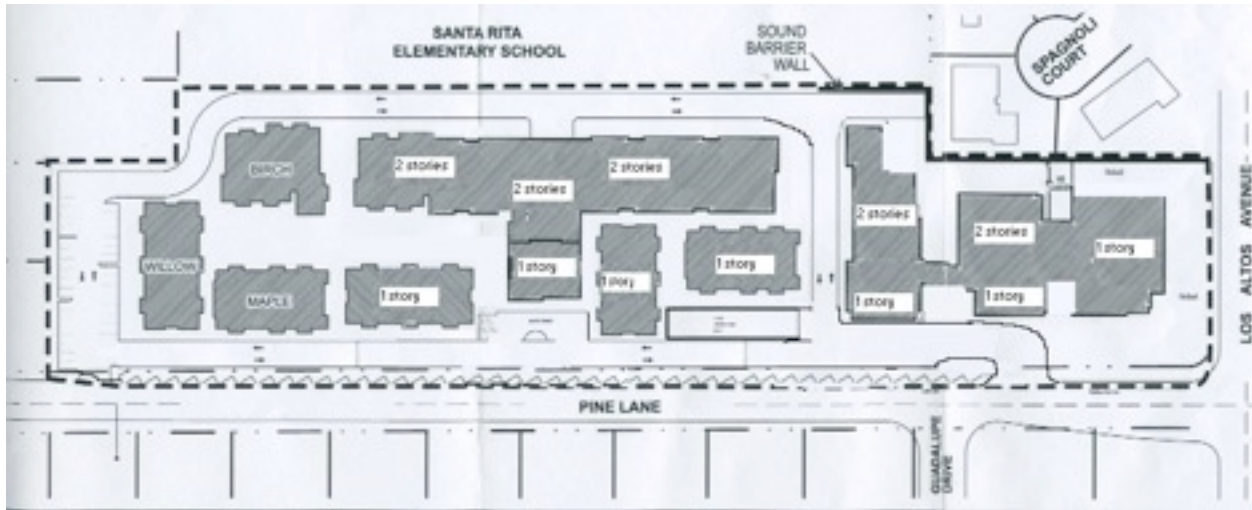
It's a little hard to see, but this plan calls for 5 new buildings, and only the rearmost portion of the main Independent Living building is 3 stories. The Memory Support area on Los Altos Avenue is one story, as is the Pine Lane end of the Assisted Living Building and the Administrative area. No new entrances have been created on Pine Lane. While still too large for the neighborhood, this plan has a hope of fitting in.

By the time the project came before the Architecture and Site Committee, however, all structures had been increased to at least two stories.



Note that now the structure is really just two massive buildings, with almost no single story sections. The third floor of the independent living building has almost doubled in size, and a central section has gone from one story to two. While it is true that the buildings are set slightly further back from Pine Lane, the additional distance does not make up for the increased height. And finally, a new entrance has been added opposite Guadalupe Drive.

Since the above plan, ABHOW has slightly tweaked the design, but not in any significant way. By contrast, the following is something which might be a starting point for compromise with the neighborhood.



This plan maintains the single-story character of Pine Lane and Los Altos Avenue, and breaks the campus up into a more reasonable number of discrete buildings. It also closes all of the entrances onto Pine Lane and creates a perimeter drive around the whole of the campus with a single entrance close to Los Altos Avenue and not across from the front of anyone's house. The ramp to the garage is flipped around and more angle parking is supplied as a result of closing the entrances to Pine, both of which will eliminate the problem of guests and employees parking in the neighborhood, since cars will immediately be taken off of Pine and there will be limited pedestrian access.

It is estimated that this plan, with some adjustments and possibly some three story sections, could easily contain about 175,000 to 180,00 square feet, a more than 50% increase on the current size of the Pilgrim Haven campus. You may also notice that it is somewhat close to the original design review submission. At one time, ABHOW knew that this was the reasonable direction to go in, and had they truly negotiated with the neighbors, we could have gotten there. Instead, we have been ignored, and the project size has gone in the opposite direction.

Finally, ABHOW claims that major concessions have been made by modifying the project to conform to zoning regulations relating to the height of the buildings and the size of the setbacks. Obeying the zoning code does not represent a concession to the neighborhood. One flyer circulated by Pilgrim Haven actually lists "Only 2 story buildings fronting Pine Lane and Los Altos Avenue," as if they were perfectly entitled to place 3 story buildings there!

Building Heights and Landscaping

ABHOW has consistently tried to play down the heights of the new structures, claiming for example that the three-story building planned for the back of the site will be no taller than the existing Birch building. While this is true, there is a reason that the zoning code specifies height limits as “two stories or 30 feet, which ever is less” instead of just “30 feet”. Three rows of windows and balconies looks more dense than two, even if they are the same height. And while the Birch building has a slanted roof, the new building will have a Mansard roof with parapets, further adding to the impression of height.

Furthermore, building heights are going up uniformly through out the campus. Here are the heights for each new building:

Skilled Nursing Building – 24 ft at mid roof, 30 ft at the top of ridge
Assisted Living Building – 23 ft at mid roof, 27 ft at the top of ridge
Eastern Indep . Living Bldg – 25 ft at mid roof, 30 ft at the top of ridge
Western Indep . Living Bldg – 19 ft at mid roof, 29 ft at the top of ridge
Three Story IL Bldg facing Santa Rita School – 29 ft at the top of the roof, 35 ft at the top of the parapet

Note the uniformity of the ridgetop heights. For comparison purposes, here are the heights of the three buildings that will remain.

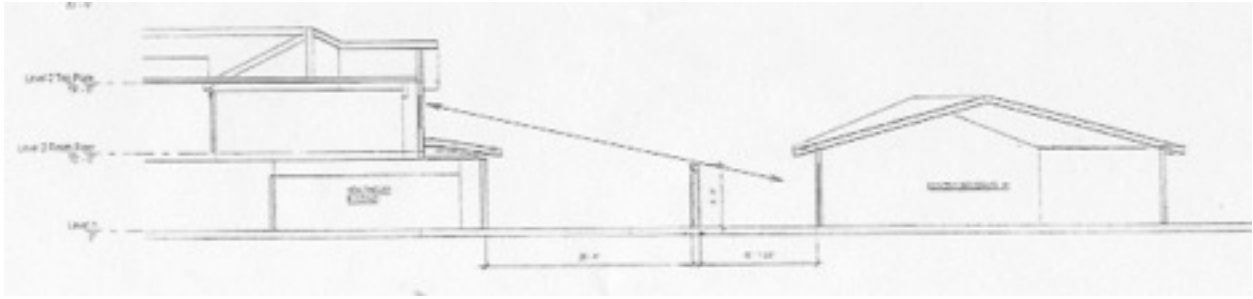
Birch Building – 30 ft at mid roof, 35 ft at the top of ridge
Willow Building – 18 ft at mid roof, 22 ft at the top of ridge
Maple Building – 14 ft at mid roof, 16 ft at the top of ridge

The Maple building is the one on Pine Lane, and most of the older buildings which are being replaced are of a similar height, as are the houses across Pine Lane. The new buildings fronting Pine Lane will be nearly twice as high! Despite being slightly further set back from the street, they will be much more visible than the existing campus.

The following photo is a simulation of what the new building will look like from the Santa Rita side, even with a new wooden fence. As you can see, the extra distance makes very little difference when it comes to the visibility of the second story.



Furthermore, the new Skilled Nursing/Memory Support building will loom over the houses on Spagnoli court.



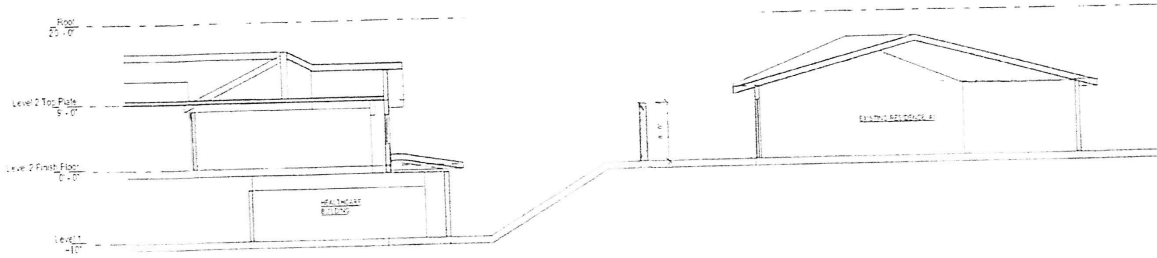
The building on the left is the new Memory Support building, and the one on the right is the existing home at the corner of Los Altos Avenue and Spagnoli court. The fence in the middle is eight feet high. Even with such a high fence, the second story windows will have a direct view into the backyard.

Since the height of the memory support building is typical of those in the current proposal, and the Spagnoli Court house is typical of those surrounding Pilgrim Haven, this also illustrates how inaccurate it is to claim that the proposal harmonizes in terms of size with the existing neighborhood.

Finally, this is a view from Spagnoli Court. The blank section above the roof is the portion of the new Pilgrim Haven building which will be visible over the house depicted above.



Although the height problem fundamentally reflects the inappropriate size of the Pilgrim Haven proposal, another alternative which would allow them to build the proposed Memory Support building without destroying either the Spagnoli residents' privacy or the character of Los Altos Avenue would be to build the building below grade, as shown in the following diagram.



Of course, such a plan would increase the amount of excavation required, although since part of the surface of the orchard property is slated to be removed due to contamination issues, not as much as it would appear at first glance.

On the Pine Lane side, things are even worse. While it is true that there is no sidewalk on the Pilgrim Haven side of Pine Lane, the new buildings will impact the character of the neighborhood for those driving, not just those walking. In addition, the south side of Pine Lane sits higher than the Pilgrim Haven property, and the houses are higher still. The following is a picture from the front door of 400 Pine Lane.



As you can see, from this angle even the first floor windows are visible, and the trees provide almost no screening. The buildings in this picture are between 16 and 18 feet at the top of the roof; the planned replacements will be 30 feet at the ridgeline. While they will be a little further back, that won't really make much difference.

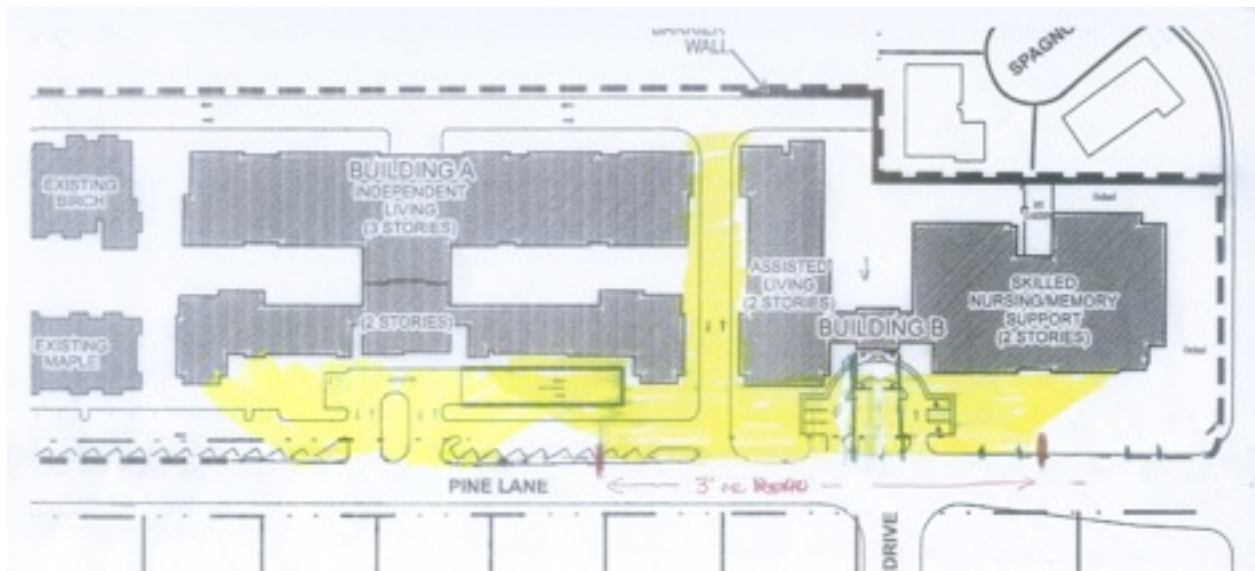
Here is another shot from a slightly wider angle. As you can see, for most of the year the trees along the hedge provide almost no screen whatsoever. The top 20+ feet of the new buildings will be entirely visible and will loom over the street and the opposite sidewalk.



And in fact, the situation will get worse, for two reasons. First, almost all of the mature trees which do currently provide some screen, such as the Magnolias below, are slated for removal.



And secondly, because of the new driveways and relocation of the existing driveways, most of the hedge between Los Altos Avenue and the main entrance will also be removed. Zoning regulations require that a fence not exceed four feet in height for at least 15 feet on either side of a driveway. The number of entrances in the proposal results in the removal of quite a lot of the existing hedge, as illustrated below.



The yellow shaded area shows the sections where the fence height will be limited, and the resulting portion of the new buildings which will have almost no screening from the street as a result.

Project Density and Population

In their briefing book for the Planning Commission, ABHOW claims that the new campus will contain the same or slightly less density than the existing one. However, the arguments they make are disingenuous at best and flatly misleading at worst.

First of all, purely in lot size this project represents a 25% increase in the size of the occupied part of their facility, from 4.8 to 6.0 acres. Whenever Pilgrim Haven claims that density does not increase, they are comparing their existing campus, without the Spagnoli Property, to the new proposal which will of course include it. Since they also claim that the Spagnoli Property is currently part of their facility, what they are really saying is that the density of the campus will increase by at least 20%, since the 20% which is currently empty will be filled with residents. Moreover, since they are currently using the Spagnoli property for parking, storage, recreation, and other uses, it should be included when calculating the density of their existing campus.

Furthermore, every building slated for removal will be replaced by one taller by an entire extra story, and the currently almost-vacant Spagnoli property will acquire a two-story, 46,000 square foot building. These are not trivial changes. It is hard to believe that at the same time that the City Council is dismissing the possibility of a three story building at the Civic Center, it is being asked to consider approving one in the middle of a residential neighborhood.

Secondly, ABHOW has claimed throughout this process that the project represents an increase of 28 units. However, a number of the existing one-bedroom Independent Living units are being replaced with two-bedroom units.¹⁰ Pilgrim Haven presently has 22 two-bedroom apartments, 31 one-bedroom apartments and 20 studios. After the project, they will have 58 two bedroom apartments and 47 one bedroom apartments. Therefore, the number of Independent Living bedrooms will increase from 95 to 163, and it seems reasonable to predict that the number of residents will increase by at least 68 as well.

Thirdly, ABHOW claims that the number of residents per acre will not change, but their calculations are duplicitous, even beyond the fact that again they are not counting the Spagnoli property in their present density. They currently have about 1.3 residents per Independent Living unit, and they use this factor to estimate that the new facility will have 212 residents. However, the entire purpose of the project is to make their units larger, and in fact 50 existing IL units are being replaced by new ones twice as large, and the further 31 new units will all be two bedrooms. So, they are much more likely to have 1.5 or even 1.7 residents per unit in the future, which yields a total of 233 to 252 residents, just about 40 residents per acre. This is an increase of 60 to 80 residents over their existing population, which squares with the addition of 72 bedrooms, and is three times the residential average of 12 residents per acre in an R1-10 district.

True existing density	Proposed Density	% increase
25.5 units/acre	30.2 units/acre	18.4%
28.5 residents/acre	40 residents/acre	40.4%
17,165 sq ft/acre	37,749 sq ft/acre	120%

¹⁰ Email from Karen Jenney to Jocelyn Goldfein dated October 2, 2008

Parking

When questioned about parking, ABHOW repeatedly points to the parking analysis which, based on industry metrics, claims that 117 parking spaces would be required for the project. In every previous project, Pilgrim Haven has done a parking analysis based on actual usage, to attempt to measure the number of cars currently parked at the site, and then extrapolated from that. Metrics are good tools when a new facility is being constructed, but in this case there is an existing operation which could yield more accurate numbers. In point of fact, every survey in the last 20 years has determined that the existing facility contains about 105 parked cars on an average weekday morning. Since they are planning to significantly increase their population, the parking analysis is clearly inaccurate.

It is safe to say that Pilgrim Haven knows that the metric was unrealistic, since they have not objected to the city requirement that they build a total of 172 parking spaces. However, even that number is unlikely to be sufficient. The project will contain 105 Independent Living apartments, more than half of which will have two bedrooms and/or two occupants. They claim that each unit will be allowed only one car, but admit that just about every unit will have at least one parked at the facility. This amounts then to 105 vehicles for residents. They will further have at least 55 employees during the day shift, for a total of 160 vehicles from residents and employees. This leaves only 12 spaces for visitors of all kinds.

Furthermore, they have not been realistic about the parking usage. In ABHOW's briefing book, they variously state "cars of most IL residents will be parked directly below their residences", "Staff will be required to park in the underground garage," and "When pilgrim Haven hosts events, it will request that those guests park in the underground garage."¹¹ Clearly they cannot have it all ways.

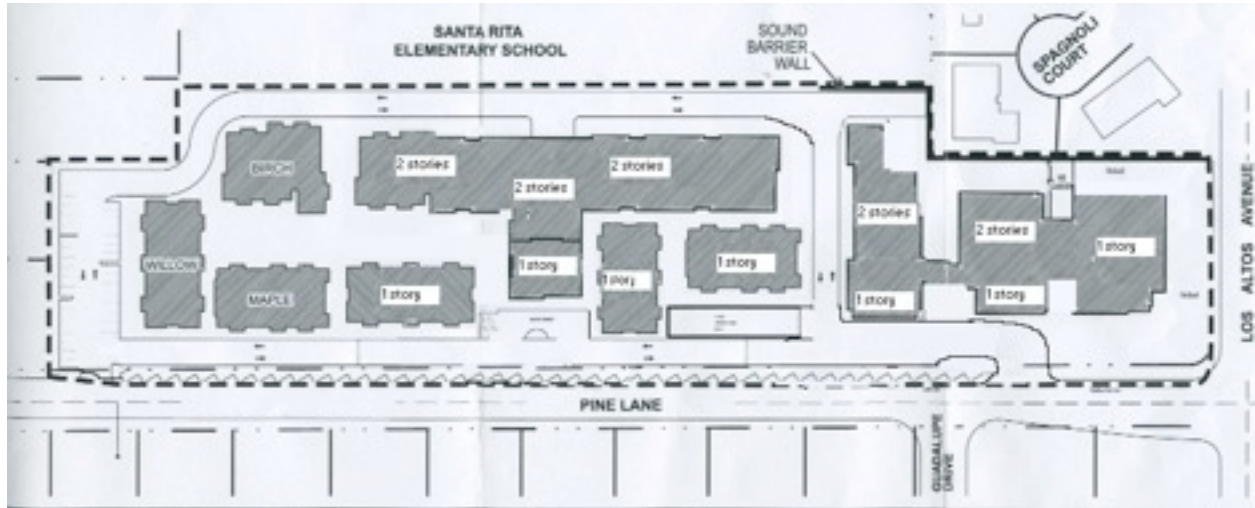
Moreover, Pilgrim Haven has a history of broken agreements about parking. The original 1989 master plan called for five spaces in the center area which were never constructed. In 1993, when they applied for a conditional use permit on the Spagnoli property, they indicated they would create 11 parking stalls on that site¹². On most weekday mornings, there are currently about 30 vehicles parked there. Also in the 1990s they agreed to create and enforce a traffic management plan which would discourage visitor parking on Pine Lane and create an employee drop-off area on their campus, neither of which has been implemented adequately. And indeed, although they have stated publicly that the project will remain "fully parked" during construction, a letter to Zach Dahl dated April 9, 2008 indicates that they are both ignoring the fact that they currently have 105 cars parked on campus, but will have only 91 spaces during Phase 1, and admitting that after Phase 2 is complete they will not even have the small number of spaces required by their metrics.¹³

¹¹ Pilgrim Haven briefing book, section 8

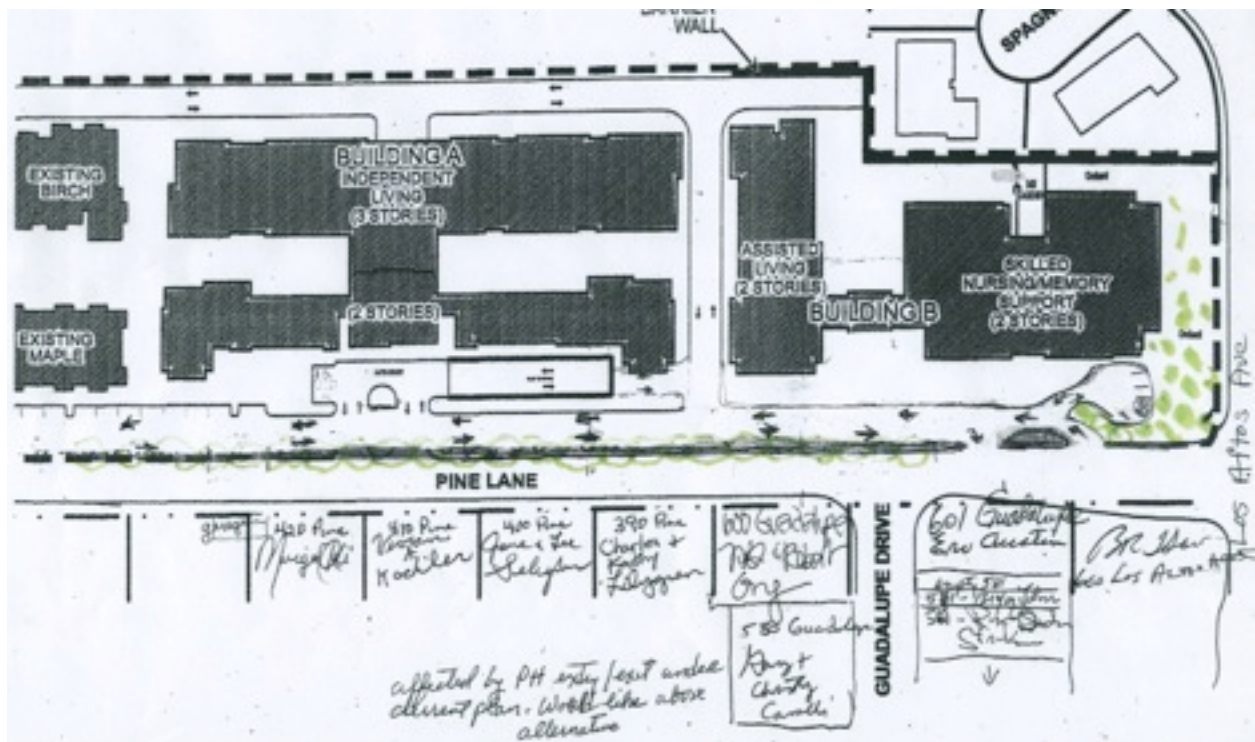
¹² Staff Report, September 2, 1993

¹³ Letter from Leigh Prince to Zach Dahl, April 9, 2008, from the Applicant Correspondence file

The neighborhood believes that the traffic pattern will remain largely as it is now. Visitors will try the underground garage once or twice, find it full of resident and employee vehicles, and quickly resort to parking on Pine Lane or Guadalupe Drive opposite Pilgrim Haven and walking across the street. For this reason, among others, we believe that the traffic pattern needs to be redesigned with a single entrance near Los Altos Avenue and no pedestrian access past Guadalupe Drive, as indicated in the following diagram. This design also increases the amount of surface angle parking on Pine Lane by removing the existing entrances, and maintains a road which satisfies Fire Code requirements all the way around the property.



Here is an alternative design, which would remove the angle parking in favor of more effective landscape screening. The signatures on the bottom reflect the approval of every neighbor facing Pilgrim Haven of the basic goal of having a single entrance off of Pine, near Los Altos Avenue, and closing the others.



Photosimulations

The photosimulations which ABHOW has included in the EIR and in their public presentations are generally misleading. Several of them include trees which no longer exist or are slated to be removed. The trees on Pine Lane are generally represented as far more opaque than they are in real life. Most importantly, the photosimulations of Pine Lane do not reflect the large reduction in screening due to the creation of additional entrances and widening of the existing ones, which will remove sections of hedge and require that further sections on each side be reduced to three feet in height.

Furthermore, almost all photosimulations are taken from an unrealistic distance. When questioned about the lack of closer views, ABHOW responded that they intentionally avoided photosimulations which “did not show the scale” of the proposed buildings. In other words, because the proposed buildings are so large, the photosimulations had to be done from a long way away, so that the entire building could be seen. This is, of course, absurd. The very issue the neighborhood is concerned about is the impression of the mass of the building when passing on Los Altos Avenue or driving down Pine Lane. As illustrated in the photos in previous sections, the trees on Pine lane are much less opaque than Pilgrim Haven would like to believe, and the hedge will be much reduced in size.

General Plan Compatibility

The very first goal of the Housing Element of the General Plan is to “Preserve the natural beauty and rural-suburban atmosphere and the high quality of residential neighborhoods in Los Altos.” And while the General Plan does establish a need for senior housing, Policy 6.2 states that “The City shall assure that senior housing conforms and harmonizes with surrounding neighborhoods.” The General Plan also consistently mentions throughout the desire to maintain the small town character and the low density of neighborhoods, the desire to distinguish Los Altos from other neighboring communities, and the value of single story buildings and low profile buildings.

The existing buildings, especially those on Pine Lane which are about 16 feet tall at the ridgeline, are great examples of structures which fit into the neighborhood. This new complex does not, and, even more troublingly, the Planning Commission made no effort to explore changes which would bring it more closely into alignment with the General Plan.

Proposed Changes

We believe that a reasonable compromise can be reached if ABHOW is willing to work actively with the neighborhood and the city to find a solution which everyone can live with. We have offered many suggestions which we believe would make the project better and reduce the impact on the neighborhood, but so far almost all have been rejected, many with no more justification than it is "simpler" to continue with their existing plan.

The following are the basic changes we would like to see:

- The Pine Lane and Los Altos Avenue frontages should be one story. While we would prefer single-story buildings, as exist today, single story sections, as was largely proposed in 2007, might be a reasonable alternative.
- The lot coverage should not exceed 36%. This is already well above the zoning limit of 30%, and the campus is already expanding by 20% if the Spagnoli property is re-zoned.
- A single entrance near Guadalupe drive (but not opposite it) should take traffic off of Pine Lane and onto the campus. This will allow a continuous visual barrier to protect the houses on the south side of Pine Lane, and reduce the problems of people parking in the neighborhood and walking across to Pilgrim Haven
- Each phase of construction should begin immediately after Santa Rita Elementary School lets out for the summer, so that as much demolition and excavation happens during the summer as possible, to reduce the impact of dust and noise on the schoolchildren.

ABHOW has claimed in the past that any reduction in size or conditions on construction timing would increase their cost and threaten the project. We do not believe that the above conditions would render the project infeasible. We can only respond that in asking for the re-zoning of the Spagnoli property, the most prominent corner on either Los Altos Avenue or Pine Lane, they are already asking for a large concession from the city, and to further assert that they must not only extend their campus onto that corner at the present density but increase that density is unreasonable.

If ABHOW will not agree to work with the neighborhood to implement these changes, then we must ask that the council deny the zoning change.

History of Pilgrim Haven Projects

When considering the current proposal, it is important to understand the history of previous Pilgrim Haven projects over the last 20 years or so, because the current proposal is a radical departure not just from the existing site and surrounding neighborhood, but also from the way development at Pilgrim Haven has previously been handled.

Previous Master Plan

In the 1980s, Pilgrim Haven approached the city to secure approval to redevelop their facility and incorporate a newly purchased parcel on the west end of their campus known as the "Keyes parcel." The initial proposal included a 2.5 story apartment building, and the planning department report from June 14, 1984 concluded that "we do not believe a 2 1/2-story building in the proposed location would be compatible with the surrounding neighborhood" and "it may be more appropriate to restrict any new buildings located at the front of the property to one story in height."

The neighborhood attempted to work with the city and Pilgrim Haven to find a mutually acceptable solution, but after a year, no significant changes to the original plans had been accepted by Pilgrim Haven. The project stalled for several years. Ultimately, in 1987, the city formed a Task Force consisting of representatives of the city, Pilgrim Haven, and the neighborhood, to work out a mutually acceptable design.

The Task Force was successful in developing a master plan which would allow Pilgrim Haven to modernize their entire campus over a 10-year period, essentially replacing one or two buildings at a time, and which would also resolve the serious parking issues then extant. Prior to 1990, most of the parking at Pilgrim Haven consisted of perpendicular parking stalls on Pine Lane, which was both ugly and represented a serious hazard from cars backing out onto Pine Lane. The screened angle parking which exists today required participation from all three groups for conception and successful execution, and represents the kind of improvement that can result from full consultation.

In addition to the parking improvements, the other significant aspect of the Master Plan was the inclusion of a lot coverage variance for the redeveloped site. This variance was originally viewed by the planning staff with disfavor, but ultimately allowed because it allowed the buildings on Pine Lane to remain one-story, and this tradeoff was beneficial to the neighborhood.¹⁴

However, it should be noted that during the project approval process, to quote the staff report dated August 3, 1989, "several neighbors requested that a condition be imposed restricting Pilgrim Haven from purchasing any adjoining properties for future expansion." The report goes on to state that "Since the neighbors have repeatedly let it be known that additional expansion into their neighborhood is not wanted, it would be very risky of Pilgrim Haven to proceed accordingly."

For some unknown reason, only the first two phases of the master plan were ever implemented, resulting in the Birch, Willow, and Maple buildings on the west end of the campus. Pilgrim Haven's present pleas regarding the urgent need to update their buildings must be weighed in light of the fact that they had approved plans, developed in conjunction with the city and the neighborhood, to replace all of those aging buildings 20 years ago.

Spagnoli Property

In 1992, Mrs. Spagnoli, the owner of the property on the corner of Pine and Los Altos Avenue known as the "Spagnoli property", passed away and her property was sold to Pilgrim Haven. In 1993 Pilgrim Haven obtained a conditional use permit to use the property for parking, storage, and other such purposes. The conditional use permit allowed 11 parking stalls, whereas 30 vehicles are usually parked there on a typical weekday.

In the September 2, 1993, staff report, it is noted that "ABHOW acknowledged that any expansion would require City approval, including rezoning, and that if approval was not forthcoming, they indicated they would sell the property. When the time comes (approximately five years hence) to prepare their plans for the expansion, they will seek neighborhood input regarding site planning and building design."

¹⁴ Staff Report, August 3, 1989

At that time, therefore, Pilgrim Haven understood that city approval would be necessary for further projects, and that predicating their survival on such approval might not be wise. Furthermore, several neighborhood residents report that Pilgrim Haven indicated at that time that any expansion would be completed in the same style as called for by the 1989 Master Plan, with one story on Pine Lane and Los Altos Avenue.

In 1996, a minor project was completed, and as one of the conditions of that project Pilgrim Haven agreed to update the 1989 Master Plan to take the Spagnoli property into account¹⁵. That update was never performed before the current project, for unknown reasons. In addition to the master plan revision itself, the staff report of September 5, 1996 states that "The updated Master Plan should include a review of on-site service delivery and circulation patterns to determine if impacts on adjoining residents can be reduced."

Current Proposal Evolution

So, until 2006, as far as the neighborhood knew, the operative redevelopment plan at Pilgrim Haven was still the 1989 Master Plan, at least in spirit, which had called for a building-by-building modernization of the campus, and which actually called for a reduction in the number of Independent and Assisted Living apartments so that individual units could be increase in size.¹⁶

When Pilgrim Haven decided to do otherwise, what they should have done was to convene another task force, similar to the previous one of 20 years earlier, which could have considered Pilgrim Haven's need and plans and worked out a project acceptable to all sides, the same way that such a Master Plan had been developed in the 1980s. Instead, they decided to simply present a nearly complete plan to the neighbors in a series of three meetings.

From the minutes of the first meeting, held on May 5, 2006, it is clear that many ideas were offered about traffic flow, and that many neighbors disliked the prospect of two-story buildings on Pine Lane. Also significant is that at this time, Pilgrim Haven asserted that the new population would be about 182 residents, and that there would be an increase of only 6 new units. Finally, the neighborhood asked for the opportunity to work with ABHOW's design team, but was offered only another public meeting 30 days later.

Two further meetings were held in June and August, 2006. Although some concerns were addressed, the overall size of the project increased from meeting to meeting. ABHOW/Pilgrim Haven made no effort to reach out to any neighborhood group, including this one, to bring neighbors more closely into the design process or to try to work out any tradeoff or compromise which might be acceptable to all.

In fact, in October of 2006, Karen Jenney indicated that no significant changes would be made in the plans presented to the neighborhood.

However, the initial submission to the city, in January 2007, did include one-story buildings on Los Altos Avenue and some of Pine Lane. The remaining structures fronting Pine Lane were designed to be a "one-and-a-half-story" building, with dormer windows on the second floor, and there was significantly less continuous frontage on Pine Lane than in the final plans. At that time, the plans called for an additional 29 units.

Revised plans were presented to the Architecture and Site Review committee on March 19th, 2008. There had been absolutely no consultation with the neighborhood in the 19 months since the last public meeting in August 2006. The plans presented to the A&S committee were uniformly larger in scale than those from January 2007. Nearly every one-story section had been eliminated, and the two-story frontage on Pine was much more extensive.

Although the exact size and shape of the design has fluctuated in the last year, very little has changed, and almost no neighborhood suggestions have been implemented.

¹⁵ Staff Report, September 5, 1996

¹⁶ Staff Report, September 5, 1996, Attachment 1