

Town of Los Gatos
110 East Main St
Los Gatos Ca 93030

October 11th, 2021

Lot Split at 16466 Bonnie Lane, Los Gatos
Rebuttal/Semi-Anonymous Letters Received 10.11.21

Commissioners

This rebuttal addresses the group of letters I just received re: This Project.

Issue #1: Inadequate Fire Resources

As stated in Letter #1 - There is a Fire Hydrant directly across the street from the New Parcel 1. It is 45 ft from the proposed Driveway. Any new building will have to be designed to comply with fire resistant construction techniques including exterior materials, fire sprinklers and defensible space. Access to the barn, if it were to be considered a habitable structure, would need to be provided via the existing driveway to the panhandle or otherwise, but this would be addressed at a subsequent A&S application.

This proposal has been approved by SCFD subject to these conditions.

Issue #2: Inadequate Frontage and Access

As I previously pointed out in my rebuttal to Lippe Law dated August 10th, the proposed Parcel #1 has 7.65 ft of Frontage on Bonnie Lane and an additional 134.42 ft on "a Private Right-of-Way Easement" specifically dedicated for "Road Purposes" for a total of 142 ft of legal frontage. The grant of easement "For Road Purposes" is called out on the Civil Plans - sheets 2, 3 and 4 as 2739 of Santa Clara County Official Records Page 558 and was recorded October 14th, 1953. I have attached a copy of the original grant deed and a more recent Record of Survey [Book 65 of Maps Page 26], which shows it pictorially.

The frontage is correct and there is no violation of any easement.

Issue #3: The Character of the Street will Change - and Safety.

There are 10 houses on the East side of Bonnie Lane and 11 on the West. It is not credible to think that the addition of one house [making it 11 + 11] will change the character of the street. This is not a 'rural street' as some have suggested, but rather a zoning transition from urban R1:8 to R1:20 districts. There is, in fact, only one parcel on the street, which is "underdeveloped" and this is it: 2 acres with one house and one barn/accessory building.

Some suggestions have been made in these letters that Bonnie Lane should be improved with the addition of sidewalks, widening, street lamps and other improvements - making it less rural (?). Others, from the pan-handlers have suggested that the owner dedicate the entire Pan Handle as a Conservation Easement.

The owner is already proposing 10,000 sq ft of 'open space' dedication. 20,000 sq ft is somewhat excessive, but offered earlier that they might choose to buy it - with no takers.

Issue #4: Verbal Comments from Owner at [REDACTED] Bonnie Lane

I am including this in the rebuttal - as it was the only interesting/constructive suggestion from opponents of the project - [REDACTED] suggested an alternate lot split that would remove the possibility of 'loss of privacy' for him as the immediate neighbor to any future house on Parcel #1.

He suggested splitting the lot to have the 'barn' on a new lot at the rear of the property, accessed from Peacock Lane via a bridge across Ross Creek and keeping the existing residence as the sole house with access to Bonnie Lane. This would be entirely feasible from a logistics standpoint and I considered it briefly. I ultimately rejected it as impractical with the current Zoning Regulations at to frontage and my belief that there would be more opposition than support for such a proposal.

In Conclusion:

It is my opinion that this project is entirely in keeping with all applicable rules and regulations of the Town for a minor land division.

Not allowing the owner to develop the property in a manner entirely in keeping with the Town General Plan, zoning standards and the rhythm of the neighborhood by denying this Lot Split as proposed would be entirely in contravention with the Rules and Guidelines of the Subdivision Map Act.

Notwithstanding comments from some neighbors who are against the project, I think that [in the future] an appropriate house designed on a new Parcel #1 would be a benefit to the neighborhood, rather than a detriment. It is unfortunate that Covid restricted my dialogue with neighbors in the early stages of the project and I was unaware that the original CDAC hearing was public and the neighborhood would be noticed - so I had attempted no outreach at that time - mea culpa!

If there are any questions, I will answer them at the Planning Commission Meeting.

Thank you

Tony Jeans

Attachments - reviewed by PPW/Engineering:
2739OR558: Creation of Road Easement October 1953
RoS: 65M26: Record of Survey showing Easement

By this instrument dated October 7, 1953 for a valuable consideration,

Affix
IRS
\$

F. M. TROUTNER and FLORENCE M. TROUTNER, his wife,

hereby GRANT (S) to

HAROLD E. ANDREWS and BETTY J. ANDREWS, his wife,

IN JOINT TENANCY

The following described Real Property in the State of California, County of Santa Clara

PARCEL ONE

BEGINNING at a point in the Easterly line of a certain 10.984 acre parcel of land described in the Deed from Victor E. Fink to F. M. Troutner, recorded April 4, 1941 in Book 1036 Official Records, page 123, Records of Santa Clara County, California, distant thereon N. 9 deg. 59 min. E. 200.76 feet from the Southeast corner thereof; thence from said point of beginning continuing along said Easterly line N. 9 deg. 59 min. E. 67.96 feet and N. 41 deg. 02 min. W. 55.92 feet; thence leaving said line N. 79 deg. 06 min. 30 sec. W. 364.36 feet thence N. 34 deg. 21 min. 40 sec. W. 28.90 feet; thence S. 10 deg. 40 min. 50 sec. E. 122.68 feet; thence S. 79 deg. 06 min. 40 sec. E. 429.58 feet to the point of beginning.

BEING a portion of Lot 8 of the Estate of M. S. Gardner the Map of which was filed for record in the office of the Recorder of the County of Santa Clara, State of California, in Book E of Maps, at page 81.

PARCEL TWO

COMMENCING at the Southeast corner of the 10.984 acre parcel of land described in the Deed from Victor E. Fink to F. M. Troutner recorded April 4, 1941 in Book 1036 Official Records, page 123, Records of Santa Clara County, California; thence from said point of commencement N. 9 deg. 59 min. E. along the Easterly line of said parcel 268.87 feet to an angle point therein; thence continuing along said Easterly line, N. 41 deg. 02 min. W. 55.92 feet; thence N. 79 deg. 06 min. 30 sec. W. leaving said Easterly line 364.36 feet; thence N. 34 deg. 21 min. 40 sec. W. 28.90 feet to the true point of beginning of this description; thence from said true point of beginning, continuing N. 34 deg. 21 min. 40 sec. W. 227.90 feet to an iron pipe which bears S. 10 deg. 49 min. 20 sec. W. 6.60 feet from the Northerly line of said 10.984 acre parcel; thence S. 10 deg. 49 min. 20 sec. E. 70.49 feet; thence S. 34 deg. 21 min. 40 sec. E. 227.78 feet to an iron pipe which bears S. 10 deg. 40 min. 50 sec. W. 70.65 feet from the true point of beginning of this description thence N. 10 deg. 40 min. 50 sec. E. 70.65 feet to the true point of beginning.

BEING a portion of Lot 8 of the Estate of M. S. Gardner, the Map of which was filed for record in the office of the Recorder of the County of Santa Clara, State of California, in Book E of Maps, at page 81.

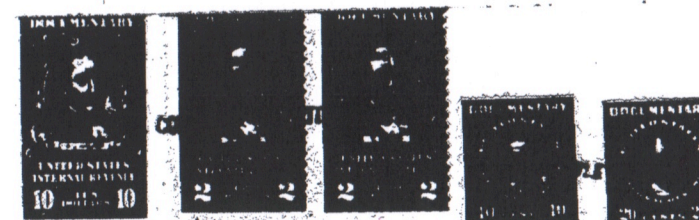
2739
10R
558

Right of way for ingress and egress over a parcel of land 24 feet wide, the center line of which is described as follows:

BEGINNING at a point in the center line of Shannon Road, distant thereon S. 78 deg. 54 min. E. 399.33 feet from the Northwestern corner of that certain 27.147 acre tract of land conveyed by Henry Carlson and Alma K. Carlson, his wife, to Victor E. Fink and Maggie May Fink, his wife, by Deed dated July 21, 1925 and recorded August 3, 1925 in Book 177 Official Records, at page 142, Santa Clara County Records; thence Southwesterly in a direct line 670 feet; more or less, to a point in the Northerly line of the 10.984 acre tract hereinabove referred to, said last named point being distant N. 12 deg. 43 min. E. 486.22 feet and S. 79 deg. 10 min. E. 422.33 feet from the Southwesterly corner of said 27.147 acre tract of land.

ALSO the right to lay and maintain a pipe line within said 24 foot strip of land adjacent to the Easterly line thereof and right to install a pole line adjacent to the Westerly line and within said 24 foot strip of land, as granted by Victor E. Fink and Maggie May Fink, his wife, also known as Maggie M. Fink, to F. M. Troutner and Florence M. Troutner, husband and wife, by Deed dated March 3, 1941 and recorded April 4, 1941 in Book 1036 Official Records, at page 123.

TOGETHER with a right of way for ingress and egress over the now existing roadway running from the Southerly terminus of said 24 foot right of way above described to the Westerly line of Parcel No. 2 above described.



RESERVING FROM PARCEL NO. 2 above described, an easement for road purposes over the entire parcel, which easement is hereby made appurtenant to the remaining lands of the Grantors.

F. M. Troutner

Florence M. Troutner

STATE OF CALIFORNIA
COUNTY OF
Santa Clara

On October 7, 1953 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared

F. M. Troutner and Florence M. Troutner

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

WITNESS my hand and Official Seal

Lee Kuepash
Notary Public in and for said County and State.

SPACE BELOW FOR RECORDERS USE ONLY

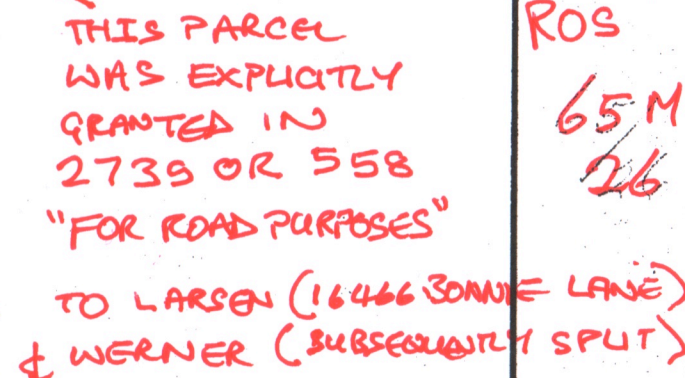
921297
FILED FOR RECORD
VALLEY TITLE COMPANY
1953 OCT 14 11 31 AM
BOOK 2739 PAGE 558

AFTER RECORDING MAIL TO

Mr. Harold E. Andrews
1423 6th Avenue
San Francisco, Calif.

Markell Thoma
Registered Civil Engineer No. 2578

MARK THOMAS & CO.
CONSULTING CIVIL ENGINEERS
SAN JOSE CALIFORNIA



Dec 12 1955, by [Signature] Deputy

Syl C. Tully, County Recorder
by E. B. O'Brien
deputy