

Ryan Safty

From:
Sent: Thursday, July 29, 2021 2:51 PM
To: Ryan Safty
Subject: 16466 Bonnie Lane/SA M-21-003

Follow Up Flag: Flag for follow up
Flag Status: Completed

07.29.21

Att: Ryan Safty
Project Planner

Hello,

In review of the July 21, 2021, document, Subdivision Application M-21-003, it is unclear why, "The project appears to be exempt pursuant to the adopted Guidelines for the Implementation of the CEQA, Sec. 15315: Minor Land Divisions." Can you explain why it "appears" to be exempt? Additionally, why wouldn't CA Fish & Game weigh in on the proximity to Ross Creek with its unique habitat?

Did the existing barn receive a final permit once the structure was fully remodeled?

There are contiguous neighbors on both sides of 16466 Bonnie Lane. Because the property owner at 16466 Bonnie Lane does not have the required minimum street footage for egress and ingress, is the property owner required to get approval from the contiguous property owner/s for the adequate street footage?

Thank you.

Ryan Safty

From:
Sent: Tuesday, August 3, 2021 2:47 PM
To: Ryan Safty
Subject: 16466 Bonnie Lane

Follow Up Flag: Flag for follow up
Flag Status: Completed

08.03.21

Hello,

I am writing to confirm, yes, I would like my contact information redacted regarding the 16466 Bonnie Lane property as it relates to my emails and their plan to split the lot and develop the entire property.

Regarding the nomenclature of an existing structure at 16466 Bonnie Lane, I am requesting this existing house be stated and described not as a barn. *It is fully remodeled house.* This house has bedroom/s, bathrooms, kitchen, family room and work out room. The home was built without permits. (My understanding is it eventually received a final permit?) To be clear, it is a house not a barn.

On the Planning Division document dated May 26, 2021, page 2, item #7 states, "*label setbacks to all structures: sports court, **barn**, cabana, pool house, spa, pool, etc., (existing and proposed).*" The Planning Division document dated July 21, 2021, page 2, under Letter of Justification, item #7, states incorrectly, "*In the Setbacks at New Property Line section of the letter, the barn is shown with a 15' side setback when the setback table on Sheet 4 lists a 13' setback to the barn.*" As you are aware, the language "**barn**" is inaccurate: **there is no barn**. The Merriam-Webster Dictionary's definition of a barn: "*A barn is an agricultural building usually on farms.....a barn refers to structures that house livestock, including cattle and horses, as well as equipment and fodder, and often grain.*"

Please confirm the language referenced as "**barn**" shall be removed from all documents related to 16466 Bonnie Lane's Subdivision and Development Plans which includes correcting the language in the Town of Los Gatos Staff Technical Review Comments. Can you confirm the setbacks are accurate not for a barn but for this fully remodeled house?

Additionally, I had a question regarding the General Comments from both Planning Division documents dated May 26, 2021 and July 21, 2021. Each document under General Comments states, "We encourage you to speak with your neighbors about your proposal. Please submit in writing the following information as part of your resubmittal materials: 1) What neighbors you have spoken to (name and address). 2) What neighbors you did not speak to and why. 3) When you met with neighbors. Why is this request included in the General Comments section of each document when it isn't a true requirement whereby the Planning Commission could or would deny a project because the property owner didn't comply with speaking with neighbors?"

Thank you.

Ryan Safty

From:
Sent: Wednesday, August 4, 2021 1:38 PM
To: Ryan Safty
Subject: Re: 16466 Bonnie Lane

Follow Up Flag: Flag for follow up
Flag Status: Flagged

08.04.21

Att: Ryan Safty
Associate Planner
Town of Los Gatos, CA
Re: 16466 Bonnie Lane/Existing House as Structure Not Barn

Hello,

Thank you for answering my questions and concerns as well as clarifying the process of redaction. Yes, to the redaction of my contact information on prior email/s (and subsequent email/s).

Regarding your email above, the third paragraph, second sentence states, "Per the approved building plans, there are no cooking facilities, thus there is no kitchen. This sentence is inaccurate; the statement is false. In fact, there is a very nice kitchen in the structure. And, the house is advertised as such. If the Town would have performed their due diligence in advance of the subdivision application, the Town would not have written such a statement. It could have been easily determined, too. For example, from the comfort of a Townemployee's desktop, laptop, Ipad or Iphone, they would have learned the house has a kitchen: Here is language on Peerspace.com hidden in plain sight: "One of the buildings on the property is a gorgeous 2,500 square feet of remodeled Barn, turned into a two bedroom guesthouse and large entertaining space with a theatre. Huge open floor plan with high ceilings and open rafter ceilings with lots of natural light. Upmarket but with lots of recycled and rustic features including a vintage style workout gym, full bathroom and entertaining style *kitchen*."

Why has the Town failed to accurately account for the structure as a secondary dwelling unit? The Subdivision Application M-21-003 is inaccurate because the second structure is a secondary unit. It comprises a very nice kitchen. The Town must reject the existing Subdivision Application M-21-003 and only resubmit when the plans are redrawn accurately showing the second house for what it actually is, a secondary unit with a kitchen intact.

Thank you.

(**Note: From a historical view, the prior owners, now deceased, lived in the structure for at least 3 to 5 years while they built the house in front. The owner was an elderly man and built the home, painstakingly, by himself (although the spouse helped on occasion but worked full time). The house at that time also had a full kitchen, just not nearly as nice a kitchen as exists now.)

From:
To: [Ryan Safty](#)
Subject: Two Existing SFR's at 16466 Bonnie Ln.
Date: Wednesday, August 18, 2021 3:54:33 PM

08.18.21

Att: Ryan Safty
Associate Planner
Town of Los Gatos

Hello,

I am writing as a follow up to your email of August 4, 2021 regarding the code violation for one of the SFR's at 16466 Bonnie Lane. As you recall, the property owner did not accurately state and describe this existing structure as a SFR; *the property owner failed to disclose to the Town Planner that there has always been a fully operational kitchen in this SFR*. In fact, it is known throughout the world at large that the structure is a SFR because the SFR is advertised on the web to anyone, anywhere, 24/7, as including an "entertaining kitchen" (Peerspace.com). Despite referring the matter to code enforcement, does the lack of disclosure -- the fact that the structure is a SFR -- to the Town Planner change the way a planner configures setbacks or anything else related to the submitted lot split subdivision? If so, what does change? If not, why not? Generally speaking, if and when a property owner applies for a subdivision lot split with inaccurate information and we'll assume it was intended to obfuscate because the property owner advertises to the world that the structure does have an "entertaining kitchen", how does the Town proceed with the submitted subdivision lot split knowing it is legally inaccurate? Additionally, is it a subjective call by a Town Planner to simply overlook a legal detail; that is, claiming a structure is not a SFR when in fact it is and always has been? Does the Town have a specific procedure to follow when, as described above, this occurs?

The property owner did not inadvertently omit this significant, legal detail with the Town Planners. As a result, your email of 08.04.21 describing the SFR as a detached accessory or "detached living space" is inaccurate and *should* have been approved as a permitted house, a SFR. Therefore, is it correct then that the structure does not meet the 15' required side setback for detached accessory structures in this zone?

Based on these facts, Building Permit B16-0878 must be revoked; the Town's Planning Dept. must begin the process anew and the property owner must reapply for the correct permit etc.,; the structure must be changed to its actual configuration as a SFR.

Your attention to this matter is appreciated.

I continue to request a redaction of my contact information.

Thank you.

Law Offices of
THOMAS N. LIPPE, APC

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Facsimile: 415-777-5606
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June 8, 2021

By Email Only: RSafty@losgatosca.gov

Mr. Ryan Safty
Town of Los Gatos
Community Development Department
Planning Division
110 E. Main Street
Los Gatos, CA 95030

Re: 16466 Bonnie Lane; Subdivision Application M-21-003

Dear Mr. Safty:

This office represents [REDACTED], owners and residents of [REDACTED]
[REDACTED] Los Gatos, regarding Subdivision Application M-21-003.

I note that your to May 26, 2021, Staff Technical Review Comments (May 26 report) does not address a number of items listed in the March 4, 2021, Staff report to the Conceptual Development Advisory Committee (CDAC Staff report).

1. The Town cannot accept the subdivision application as complete or approve it because the frontage of the proposed new parcel on Bonnie Lane is not sufficient for the proposed residence to comply with the zoning code. The R1:20 zone requires 100 feet of frontage for an interior lot. The proposed new parcel has only 7.65 feet of frontage, which is not nearly enough.¹

2. The CDAC Staff report states: “5. Tree Impacts. a. An arborist report will be required during development review to evaluate the potential impact to trees. b. Will driveways be located to avoid tree impacts? c. Will underground water, sewer, electrical, and telephone utility lines impact trees?”

The May 26 report does not appear to require an arborist’s report or answers to the other questions posed regarding tree impacts. Can you explain why?

¹Town Code § 24.20.020(b) [“If the design of a proposed subdivision or the intended use of the land included in a proposed subdivision does not comply with all rules of the applicable zone, the tentative subdivision map shall not be accepted for filing or be deemed to have been filed unless the subdivider concurrently prosecutes proceedings under chapter 29 of this Code to change the zone or to obtain a variance from the provisions thereof, and the change or variance would, if granted, allow the subdivision or intended use”].

June 8, 2021

Ryan Safty, Town of Los Gatos Community Development Department

Re: 16466 Bonnie Lane; Subdivision Application M-21-003

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The project plans show two 30” pines located on-site near the property line with 16450 Bonnie Lane. The trees are “protected trees” pursuant to Town Code § 29.10.0960(4) [“All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required”].

The applicant has expressed his intention to remove at least one of these trees in connection with construction of the proposed residence, due to concerns about increased fire safety risks associated with the new construction. (See Applicant’s April 19, 2021, Letter of Justification, p. 2.) Therefore, approval of a tree removal permit pursuant to Town Code § 29.10.0980 is required in order to comply with Town Zoning and an arborist’s report is required for this permit. Unless and until this is done, the Town of Los Gatos cannot approve the subdivision application.²

3. The CDAC Staff report states: “6. Creeks/Waterways. a. Would future development impact existing creeks or waterways? b. Compliance with the Standards and Guidelines for Land Use Near Streams will be required if there are existing creeks or waterways on the site. c. Valley Water, Regional Water Quality Board, and other agencies may need to review a future project.”

The property borders Ross Creek, which has many documented biological resources that the project may impact.

Despite this, the May 26 report does not further mention potential impacts on Ross Creek or its biological resources.

I note that the May 26 report indicates a tentative determination that the project is categorically exempt from CEQA review pursuant to the Class 15 categorical exemption at CEQA Guideline 13315. The applicant’s intention to build a new residence on the proposed new parcel is a matter of public record.³ Therefore, the Town cannot make a CEQA determination regarding the subdivision application considered in isolation from the proposed new residence. Doing so would unlawfully “piecemeal” the CEQA determination.

Indeed, depending on its design and construction materials, the new residence could have significant impacts on wildlife in the area. For example, large areas of glass are known to cause substantial bird mortality.

Also, CEQA Guideline 15300.2(b) prohibits the use of a categorical exemption “when the cumulative impact of successive projects of the same type in the same place, over time is

²See Gov’t Code § 66474(a), (b); Town Code § 24.20.020(b).

³See e.g., February 13, 2021, letter from Tony Jean to neighbors, stating: “The owner plans to sell the main parcel and build a home on the empty lot;” April 19th, 2021, Letter of Justification, stating: “The primary parcel [Parcel 1] will retain the main structures while the owner will design and build a new home on Parcel 2.”

June 8, 2021

Ryan Safty, Town of Los Gatos Community Development Department

Re: 16466 Bonnie Lane; Subdivision Application M-21-003

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significant.” Given the history of significant impacts from development in the area on Ross Creek and its biological resources, the Town must require the applicant to provide complete details regarding proposed new residential development on the proposed new parcel and to investigate the potential impacts of the total development project on Ross Creek and its biological resources.

4. The CDAC Staff report states: “7. Wildland Urban Interface Zone. a. The subject property is located in the Wildland Very High Fire Hazard Area.”

The May 26 report does not mention any consideration of whether the total project may exacerbate fire risks in the area. Again, to comply with CEQA, the applicant and Town must investigate this issue before the Town makes a CEQA determination.

5. The CDAC Staff report states: “8. Hillside Development Standards and Guidelines. a. Future development of the lots would be subject to portions of the HDS&G due to the average slope exceeding 10 percent. b. Would future development of the proposed lots require grading that would meet the HDS&G?”

The May 26 report does not mention consideration of the Hillside Development Standards and Guidelines, but does require that the applicant “Provide the average slope of existing property, and each proposed parcel.”

Since the CDAC Staff report finds that the “average slope of the project site is 13.1 percent,” can you explain why the applicant is required to further document the slope and which Hillside Development Standards and Guidelines apply to the total project (i.e., the subdivision and new residence).

6. The owners of the existing parcel have a long and well-documented history of using the property for commercial uses. These illegal uses can be expected to continue on the new parcel. Therefore, it would be inappropriate to approve this subdivision application.⁴

Thank you for your attention to this matter.

Very Truly Yours,



Thomas N. Lippe

cc: Tony Jeans [By Email: Tony@thisdesign.com]

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⁴See Gov’t Code § 66474 (a), (b); Town Code § 24.20.020(b).

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August 9, 2021

By Email Only: RSafty@losgatosca.gov

Mr. Ryan Safty
Town of Los Gatos
Community Development Department
Planning Division
110 E. Main Street
Los Gatos, CA 95030

Re: 16466 Bonnie Lane; Subdivision Application M-21-003

Dear Mr. Safty:

This office represents [REDACTED], owners and residents of [REDACTED], Los Gatos, regarding Subdivision Application M-21-003.

As stated in my June 8, 2021, letter, the Town cannot accept the subdivision application as complete or approve it because the street frontage of the proposed new parcel is not sufficient for the proposed residence to comply with the zoning code. The R1:20 zone requires 100 feet of frontage for an interior lot. The proposed new parcel has only 7.65 feet of frontage on Bonnie Lane, which is not enough.¹

The applicant apparently contends that the boundary line between proposed Parcel 2 and the adjacent property at 16500 Bonnie Lane constitutes “frontage” for purposes of the zoning code. This contention is incorrect.

“Lot, frontage means the property line of a lot abutting on a street, which affords access to a lot other than the side line of a corner lot.” Town Code § 29.10.020.

“Street means any thoroughfare for the motor vehicle travel which affords the principal means of access to abutting property, including public and private rights-of-way and easements.”

¹See Town Code § 29.24.400. See also, Town Code § 24.20.020(b) [“If the design of a proposed subdivision or the intended use of the land included in a proposed subdivision does not comply with all rules of the applicable zone, the tentative subdivision map shall not be accepted for filing or be deemed to have been filed unless the subdivider concurrently prosecutes proceedings under chapter 29 of this Code to change the zone or to obtain a variance from the provisions thereof, and the change or variance would, if granted, allow the subdivision or intended use”].

August 9, 2021

Ryan Safty, Town of Los Gatos Community Development Department

Re: 16466 Bonnie Lane; Subdivision Application M-21-003

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Town Code § 29.10.020.

Applying the definition of “lot frontage,” the term “lot abutting on a street” refers to proposed Parcel 2. Similarly, applying the definition of “street,” the term “abutting property” also refers to proposed Parcel 2.

There is no “thoroughfare for the motor vehicle travel which affords the principal means of access to” Parcel 2 that abuts proposed Parcel 2 for at least 100 feet. Instead, as shown on the new project plans, the only “thoroughfare for the motor vehicle travel which affords the principal means of access to” Parcel 2 that abuts proposed Parcel 2 is Bonnie Lane. That is where the new plans show access to a street, i.e., Bonnie Lane, by way of the proposed new driveway.

The fact that the definition of “street” can include “public and private rights-of-way and easements” is not pertinent here, because the easement that the owner of 16466 Bonnie Lane claims on the property at 16500 Bonnie Lane is not a “thoroughfare for the motor vehicle travel which affords the principal means of access to” Parcel 2.

The fact that the driveway located within that easement “affords the principal means of access to” 16466 Bonnie Lane is irrelevant because that driveway does not “afford the principal means of access to” Parcel 2.

Thank you for your attention to this matter.

Very Truly Yours,



Thomas N. Lippe

cc: Tony Jeans [By Email: Tony@thisdesign.com]

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From:
To: [Planning; Ryan Safty](#)
Subject: 16466 Bonnie Lane lot split application
Date: Thursday, October 7, 2021 12:31:26 PM

EXTERNAL SENDER

Dear Town Planning Commission,

Regarding the lot split application for 16466 Bonnie Lane, we have been disappointed to date that the town has asked for neighbor input, but seems undeterred in granting lot split approval despite dozens of neighbors objecting, and none supporting. I'm curious why neighbor input is requested, if it is dismissed.

If the town disregards neighbor input, it seems they may be required to at least consider the legal issue of frontage road requirements, which are clearly not met.

Per attorney Tom Lippe's letter dated Aug 9, 2021 to Mr. Safty, in part, "the Town cannot accept the subdivision application as complete or approve it because the street frontage of the proposed new parcel is not sufficient for the proposed residence to comply with the zoning code. The R1:20 zone requires 100 feet of frontage for an interior lot. The proposed new parcel has only 7.65 feet of frontage on Bonnie Lane, which is not enough. The applicant apparently contends that the boundary line between proposed Parcel 2 and the adjacent property at 16500 Bonnie Lane constitutes "frontage" for purposes of the zoning code. This contention is incorrect.

"Lot, frontage means the property line of a lot abutting on a street, which affords access to a lot other than the side line of a corner lot." Town Code § 29.10.020.

"Street means any thoroughfare for the motor vehicle travel which affords the principal means of access to abutting property, including public and private rights-of-way and easements." Applying the definition of "lot frontage," the term "lot abutting on a street" refers to proposed Parcel 2. Similarly, applying the definition of "street," the term "abutting property" also refers to proposed Parcel 2.

There is no "thoroughfare for the motor vehicle travel which affords the principal means of access to" Parcel 2 that abuts proposed Parcel 2 for at least 100 feet. Instead, as shown on the new project plans, the only "thoroughfare for the motor vehicle travel which affords the principal means of access to" Parcel 2 that abuts proposed Parcel 2 is Bonnie Lane. That is where the new plans show access to a street, i.e., Bonnie Lane, by way of the proposed new driveway.

The fact that the definition of "street" can include "public and private rights-of-way and easements" is not pertinent here, because the easement that the owner of 16466 Bonnie Lane claims on the property at 16500 Bonnie Lane is not a "thoroughfare for the motor vehicle travel which affords the principal means of access to" Parcel 2.

The fact that the driveway located within that easement "affords the principal means of access to" 16466 Bonnie Lane is irrelevant because that driveway does not "afford the principal means of access to" Parcel 2.

We are opposed to the development for the following reasons.

1. We wish to maintain the rural and natural feel of the neighborhood, as it is along Ross Creek and is a riparian zone.
2. We are concerned it may be promised to the buyers of the new lot that they

can build in the "Parcel 2 Panhandle" as shown in the proposal. This is a concern because the applicant Tony Jeans suggested building will be allowed when he discussed the desire to sell the Panhandle zone to us. We don't want this property sold with the promise of building in this zone.

3. Frogs along this section of Ross Creek have disappeared over the last few years, possibly due to drought and possibly to fertilizer and pesticide runoff from the existing soccer field. More development will surely negatively affect frog species in the area, as well as local bee hives, deer, hawks, owls, bobcats, coyotes, wild turkeys, etc.
4. We would like the town to assure that there never will be development, ADU's, or large paved areas in the "Parcel 2 Panhandle" zone.
5. We would like the town to assure that there never will be an access road built from Peacock Lane to the "Parcel 2 Panhandle" This would damage the creek and add traffic to the quiet Peacock cul-de-sac.
6. We are concerned the Owner, who has used the property for un-permitted weddings and rental events despite the town's zoning objections, will not follow town protocols with this change, as there is history.
7. There may not be building legally allowed as this low zone is flooded in heavy rains, and may be a flood zone.
8. There may not be subdivision allowed as there is not enough Bonnie Lane fronted space to allow a new parcel.

If despite the legal and other issues raised above, the town grants the lot split, and it survives further legal actions, we request the following:

the town clarify in writing that no development of any kind, including parking lots and ADU's, be allowed in the panhandle section, and no bridge or road be built across Ross Creek.

We feel given the documented history of the owner disregarding zoning and permit laws, this un-approved development will occur with irreversible damage to the riparian corridor.

Regards,

From:
To: [Planning; Ryan Safty](#)
Subject: 16466 Bonnie Ln. lot split application
Date: Friday, October 8, 2021 8:28:48 AM

EXTERNAL SENDER

Dear Town Planning Commission,

As residents of Bonnie Lane for 50+ years, we have serious concerns about the proposed lot split and development of the property at 16466 Bonnie Ln. Bonnie Lane is a somewhat unique area in this part of Los Gatos as it has a charming rural ambience. This property in question borders Ross Creek, which in this stretch is unrestrained by concrete walls and provides a riparian environment that is extremely beneficial to birds and other wildlife. It provides an open vista of the hills that is available to residents and visitors to our neighborhood. It appears that recent changes to zoning requirements could result in a level of development that could be extremely destructive to peaceful atmosphere that is so dear to us.

In addition, the developer claims there is adequate frontage the new parcel and we fail to understand this argument after looking at the maps provided. Also, Bonnie lane is a narrow road with restricted parking. The access it provides to residents currently is sufficient but it could be become problematic if future development is too dense.

I know we are not alone in our objections to the proposal under consideration. We do hope that the feelings of the neighbors are given due consideration by representatives of the Town.

Regards,

Susan and Les [REDACTED]

From: [Rebecca Guerra](#)
To: [Ryan Safty](#)
Cc: [Rebecca Guerra](#)
Subject: Application for subdivision of APN 532-02-053
Date: Thursday, October 7, 2021 7:47:15 PM

EXTERNAL SENDER

Dear Mr. Safty,

I am the owner of [REDACTED], the property adjacent to 16466 Bonnie Lane. I received the notice regarding the application #M-21-003 for subdivision of the 16466 Bonnie Lane property and the scheduled hearing date of October 13, 2021. As the documents attached in your files indicate, I did have a conversation with Mr. Tony Jeans regarding the revised plans and most particularly, the creation of a new driveway crossing the lower portion of my property which today hosts a shared driveway for 16466, [REDACTED] Bonnie Lane. While there is an easement granted to the properties at 16466 and [REDACTED], it is based upon a common driveway.

In conversation with Mr. Jeans, he indicated that in the proposal for the subdivision, a new driveway would be created and would cross my property at the lower portion of the current easement. I would like to point out that there has been no indication that I would receive any consideration for this. Moreover, in the entire time that Mish Chadwick has occupied her property and used the shared driveway, no support for upkeep or maintenance has been offered or provided. In fact, I have had to notify her repeatedly not to allow her visitors to park off the margins of the drive as it causes breakdown of the edges and creates deep ruts in the turf, making it impossible to mow.

In summary, I have no confidence that the further access to the easement by a fourth home would not offer anything but greater upkeep for me. And, as indicated above, I have not been approached with any offer of consideration for the land which would be utilized for that new driveway as proposed by the application M-21-003.

I plan to participate in the meeting on October 13 but if you have any questions regarding my comments, please feel free to contact me at this e-mail address, or my mobile [REDACTED].

Thank you,

Rebecca Guerra, owner
[REDACTED]
[REDACTED]
[REDACTED]

Regarding **16466 Bonnie Lane** - Subdivision Application M-21-003. Requesting approval for subdivision of one lot into two lots on property zoned R-1:20. APN 532-02-053. PROPERTY OWNER: Mish Chadwick. APPLICANT: Tony Jeans. PROJECT PLANNER: Ryan Safty.

To the Planning Commission:

As a resident of Bonnie Lane in Los Gatos, I'd like to submit my opposition to the referenced application to split lots. Bonnie Lane is a very narrow street that already carries a surprising volume of traffic. The Lane narrows as it approaches Shannon Road, to the point where it is dangerous for two cars and pedestrians to cross each other, and where it is impossible for a car and a large truck to pass at the same time.

Traffic is already a problem, even with no street parking allowed, and speeding is also a problem. I am concerned that a lot split could exacerbate the traffic problem on Bonnie Lane.

Please redact my name regarding this letter.