



## MEMORANDUM

**TO:** City Council

**FROM:** Jessica Matson, Director of Legislative & Information Services/City Clerk

**SUBJECT:** Supplemental Information  
Agenda Item 10.b. – November 26, 2024 City Council Meeting  
Appeal Case 24-002; Appeal of Planning Commission Denial of  
Tentative Parcel Map 23-001; Location – 444 Lierly Lane; Appellant –  
Bruce Vanderveen and Jeanne Helphenstine; Representative – MBS  
Land Surveys

**DATE:** November 26, 2024

Attached is public comment received prior to 2 p.m.

cc: City Manager  
Assistant City Manager/Public Works Director  
Director of Community Development  
City Attorney  
City Clerk  
City Website and Public Review Binder

Enc

**From:** Ingrid kovacs [REDACTED] >

**Sent:** Monday, November 18, 2024 8:01 PM

**To:** Brian Pedrotti <bpedrotti@arroyogrande.org>; Andrew Perez <aperez@arroyogrande.org>; Patrick Holub <pholub@arroyogrande.org>; Shayna Gropen <sgropen@arroyogrande.org>; Natalie Riddering <nriddering@arroyogrande.org>; Dave and Robin Pomeroy [REDACTED] >; Mark Kovacs [REDACTED] >

**Subject:** Fw: TPM 23-001-Meeting Date October 15, 2024

Dear Mr. Pedrotti, Mr. Perez, Mr. Holub, Ms. Gropen, and Ms. Riddering.

I understand that there is another meeting about the proposed development on Lierly in Arroyo Grande. We were hopeful that the development plans had been denied and yet here it is again on the agenda. I am resending my initial email regarding the October 15 meeting date to inform you that my husband and I are still strongly opposed to the development.

Warmly,

Ingrid Kovacs

Ingrid M. Kovacs, DMA  
Reviews Editor-*American String Journal*  
Violin/Viola  
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[REDACTED]

Dr. Ingrid Kovacs, Online Instructor  
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Dr. Ingrid Kovacs, Associate Assistant Professor  
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----- Forwarded Message -----

**From:** Ingrid kovacs [REDACTED] >  
**To:** [bpedrotti@arroyogrande.org](mailto:bpedrotti@arroyogrande.org) <[bpedrotti@arroyogrande.org](mailto:bpedrotti@arroyogrande.org)>; [aperez@arroyogrande.org](mailto:aperez@arroyogrande.org) <[aperez@arroyogrande.org](mailto:aperez@arroyogrande.org)>; [pholub@arroyogrande.org](mailto:pholub@arroyogrande.org) <[pholub@arroyogrande.org](mailto:pholub@arroyogrande.org)>; [sgropen@arroyogrande.org](mailto:sgropen@arroyogrande.org) <[sgropen@arroyogrande.org](mailto:sgropen@arroyogrande.org)>; [nriddering@arroyogrande.org](mailto:nriddering@arroyogrande.org) <[nriddering@arroyogrande.org](mailto:nriddering@arroyogrande.org)>; Dave and Robin Pomeroy <[REDACTED]>; Mark Kovacs [REDACTED] >  
**Sent:** Thursday, October 3, 2024 at 02:47:23 PM PDT  
**Subject:** TPM 23-001-Meeting Date October 15, 2024

October 3, 2024  
Mark and Ingrid Kovacs  
[REDACTED]  
Arroyo Grande, CA 93420  
[REDACTED]

The City of Arroyo Grande Planning Division  
Brian Pedrotti, Director of Community Development  
Andrew Perez, Planning Manager  
Patrick Holub, Associate Planer  
Shayna Gropen, Assistant Planer  
Natalie Riddering, Engineering & Planning Permit Technician  
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[nriddering@arroyogrande.org](mailto:nriddering@arroyogrande.org)

Dear Mr. Pedrotti, Mr. Perez, Mr. Holub, Ms. Gropen, and Ms. Riddering.

We are writing to express my concerns regarding the development of parcel map AF 22-0050 at 444 Lierly Lane, Arroyo Grande. After reviewing the Planning Commission's memorandum

dated May 7, 2024, as well as engaging in discussions with representatives from MBS Land Surveys, Andrew Darrell, and Kerry Margason, we have noted several significant deviations from the original proposal that warrant attention.

The initial proposal indicated that the development would follow the historical layout of the Ranchos Corral de Piedra and Balsa de Chemical, as recorded in the 1886 R.R. Harris survey. However, recent developer maps and parcel suggestions suggest marked revisions, specifically regarding the proposed use of driveways adjacent to Myrtle Drive. This includes the south driveway, which the developers had initially proposed for emergency access, contingent upon the agreement of adjacent families who are responsible for the driveway's maintenance.

Of particular concern is the shift towards using the north driveway for emergency access, which was not part of the original plan. The new proposal suggests replacing an existing fence with a gate restricted to emergency access only, with no through traffic or pedestrian use. However, as one of the three families responsible for maintaining this north driveway, we have significant concerns about the enforcement of such a restriction.


We strongly believe that, despite the developers' assurances, the emergency access gate could be used improperly by residents of the development and Lierly Lane, turning what is meant to be a restricted access point into a commonly used thoroughfare. This would place an undue burden on us, the adjacent property owners, who are already responsible for maintaining this private driveway.

Given these concerns, we firmly oppose the proposed reassignment of emergency access to the northern driveway adjacent to 307 Myrtle Drive. We request that this matter be reconsidered, and that the original proposal or a more suitable alternative be adhered to to ensure the protection of the interests of all affected property owners.

Considering these concerns, we would like to highlight that the proposed development may not fully comply with the **California Subdivision Map Act (Government Code § 66473.5)**, which requires that subdivision plans, including driveway access, must be consistent with the local zoning ordinance and undergo appropriate public review. Additionally, under **California Civil Code § 845**, all parties benefitting from the shared private driveway must contribute to its maintenance, and any shift in usage (such as for emergency access) must be agreed upon by those responsible for its upkeep. Furthermore, the proposed change to emergency access may require a new environmental review under the **California Environmental Quality Act (Public Resources Code § 21000)**, as it could have significant effects on traffic, safety, and property use. We therefore request that these legal considerations be addressed before any changes to the development plan are finalized.

Thank you for your attention to this matter. We look forward to a resolution that considers the concerns of those responsible for the maintenance and use of these driveways.

Sincerely,  
Mark and Ingrid Kovacs

Ingrid M. Kovacs, DMA  
Reviews Editor-*American String Journal*  
Violin/Viola  


Arroyo Grande, CA 93420



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Dr. Ingrid Kovacs, Associate Assistant Professor  
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**From:** [Susan Evard](#)  
**To:** [public comment](#)  
**Subject:** Comment on 11/26 meeting agenda item 10.b Appeal Case 24-002;  
**Date:** Friday, November 22, 2024 8:04:43 PM

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Dear City Council Members,

I live around the corner from the proposed development at 444 Lierly Lane. I am writing to express to you several concerns about this project. While I acknowledge the necessity to increase housing in the city, there are several issues with this particular location:

1.  
There is no public road access to the proposed development. The existing dirt 'road' is completely on the private property of a home on the corner Lierly Lane & E Cherry (dirt Cherry). The public easement is only 8 feet wide and contains several power poles, a fire hydrant and a mailbox right in the middle of it. It basically exists as utility easement, not a road. If the homeowner with the private road on their property installs a fence on the property line (which they have every right to do), no one in the new development or the current existing homes on Lierly Lane, would be able to access their homes.
  
2.  
The proposed Emergency Access is on a private driveway on Myrtle Dr. This is a private driveway, not a road. Currently, UPS trucks and delivery trucks don't enter that driveway due to the narrow access.
  
3.  
At the previous Planning Commission meetings, it was pointed out that the home at 795 E Cherry was permitted to be built in appx. 2021-22, without installing the required curbs and gutters and without paving the road in front of the house. Also, I believe there is an 8 foot easement in front of the house which has been landscaped and a fence installed right up to the roadway. There is no agricultural buffer between the home and the farm across "dirt Cherry." If at some point, the city could get 'dirt' Cherry, as well as Lierly, paved and widened to code, like the adjacent neighborhood (Cherry Creek Estates), the entire area would be more amenable to future development.

I am fully supportive of adding much needed housing to our community. However, I feel strongly that any new development should follow City codes regarding road width, circulation, paved streets, as well as, installing curbs and gutters. It is essential for public safety and long term development. The current proposal does not meet those standards and so I urge you to deny the application.

Sincerely,  
Susan Evard

**From:** [Dave Pomeroy](#)  
**To:** [public comment](#)  
**Subject:** City Council Meeting 11/26/2024, Agenda Item 10(b) Appeal Case 24-002; Appeal of Planning Commission Denial of Tentative Parcel Map 23-001; Location – 444 Lierly Lane  
**Date:** Saturday, November 23, 2024 9:39:52 AM

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**IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender**

My name is David Pomeroy. My wife Robin Greene and I live on Myrtle Drive, [REDACTED] [REDACTED] to the existing house at 444 Lierly, in the adjoining subdivision on a flag lot accessed by a shared driveway in Cherry Creek Estates. I oppose the proposed subdivision of 444 Lierly as drawn.

The proposal is to subdivide a single family residential parcel into five parcels. The five proposed lots would each access public roads by way of the narrow single-lane dirt track called Lierly Lane, and a too-narrow stretch of “dirt Cherry.” Arroyo Grande Municipal Code §16.20.050(E)(2)(a)(ii) states that the easement must have an absolute minimum width of twenty feet. Lierly Lane is only eight feet in width, and is unpaved. The actual easement is obstructed with utility poles and mailboxes and a fire hydrant. The gravel track that people call “Lierly Lane” is a path that is adjacent to the recorded easement, across private property owned by a neighbor.

Municipal code §16.20.050(A)(2) says generally that the code’s minimum standards may be modified for a specific project, but only when “the granting of the modification will not be detrimental to the public health, safety or welfare or be damaging to other property in the vicinity.” Approval of a five-parcel subdivision on an easement that is only 40% of the minimum width set out by statute would be contrary to public safety, as cars would have to pass each other on that eight-foot dirt path, it would be contrary to the public welfare, as it would aggravate the wholly inadequate road access, and it would damage adjacent property as one car would have to pull off the gravel track each time two cars pass each other, and it would multiply the car trips to and from that property. The proposed subdivision is flatly inconsistent with the Arroyo Grande Municipal Code and with good sense.

Making an exception to the minimum standards in this case would render the municipal code standards essentially meaningless and would amount to poor planning.

444 Lierly should not be subdivided until the owners have adequate road access which can be conveyed to the future purchasers of the lots.

The proposed subdivision adding four new lots converts the property from one residence to five, and potentially double that number if ADU’s are added. It multiplies the number of car trips by five, along a single lane unpaved track that isn’t even on the easement. The density of the proposal is a density wholly out of character with the neighborhood surrounding it. The density is similar to our adjoining neighborhood, which was required to install wide streets, sidewalks, and walking paths.



If this Council disagrees with me and votes to approve this subdivision, then the city proposes to install an emergency access gate at the end of our shared driveway, so that the fire department can use an existing emergency easement to access the Lierly properties using our 20-foot-wide, paved shared driveway. I ask that you specify that the access be a solid gate, so that we would not be looking directly into someone's backyard, and so that we don't have to deal with aggressively barking dogs in that backyard, barking through open slats in a gate every time we enter our own home. The only access to our house is via our shared driveway. I ask that the gate be inaccessible to pedestrians. The emergency easement on our shared driveway is only a fire department right to pass on our private property in the event of an emergency, not a pedestrian walkway. If the gate has to swing open, it should swing onto the applicant's lot, not ours. We have landscaped the dirt adjacent to the existing 6' fence. If our landscaping or its irrigation is damaged, I ask that the developer be required to replace it, and I ask that the burden of maintaining the gate fall on the developers and their buyers, not upon us.

I ask you to affirm the denial of the subdivision on appeal, and to reject the proposed subdivision because it is wholly without minimum safe roadway infrastructure for the added traffic. It is inconsistent with the municipal code and with the existing neighborhood, and inconsistent with the concept that the city had in mind for the eventual development of the neighborhood.

I understand that the applicants are requesting that this appeal be continued into January. My preference is that the council deny the continuance and simply affirm the Planning Commission's denial of the proposed subdivision, unless the City Council requires more time to prepare.

Sincerely,

David Pomeroy  
Arroyo Grande

**From:** [robin greene](#)  
**To:** [public comment](#)  
**Subject:** Fwd: 444 Lierly Lane Appeal Case 24-002  
**Date:** Saturday, November 23, 2024 8:06:01 AM

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From: robin greene [REDACTED] >  
Date: Fri, Nov 22, 2024 at 4:13 PM  
Subject: 444 Lierly Lane Appeal Case 24-002  
To: Caren Ray Russom <crayrussom@arroyogrande.org>, <jguthrie@arroyogrande.org>, <kbarneich@arroyogrande.org>, <lgeorge@arroyogrande.org>, <ksecrest@arroyogrande.org>

I am writing to express to you several concerns about the proposed development at 444 Lierly Lane that was unanimously denied by the Planning Commission last month and now is being appealed to your council. While the city recognizes the need for additional housing, this project does not meet city engineering standards and policies if approved as submitted and is completely unsafe for vehicle travel on both East Cherry and Lierly Lane. City ordinance requires 20' wide roads unless the city finds that there is no way to get wider access and that approving the narrow road would not detrimentally affect the welfare, health, or safety of the community and would not damage property.

At previous Planning Commission meetings on this request, one of the major issues with the proposal is the lack of safe road access at Lierly Lane and East Cherry. Lierly Lane access is complicated by the fact that there is an 8 foot easement that currently has a fire hydrant, power poles and a community mailbox on the easement, making it impassable. Residents currently must enter and exit Lierly by driving on an individual's private property which is creating unsafe conditions and damaging his property. In fact, this property owner could install a fence to prevent cars from traveling on his property which would restrict residents from even being able to enter and exit their homes. To complicate it further, a home at 795 East Cherry was permitted to be built without installing required curbs and gutters and without paving the road, creating a situation where cars cannot pass safely because of the narrow road.

This access is clearly substandard and does not follow city standards and certainly unsafe for 4 additional residences with potential for 5 ADU's and 20+ cars making multiple trips per day. This road wasn't designed for this type of density. The current situation is unsafe and doesn't follow city engineering standards and policies and this additional development would exacerbate this even further.

Emergency access easements were approved in 2007 for two private driveways on Myrtle Drive for the purpose of a multihome development that never occurred. This proposed development included city standard wide streets, sidewalks and gutters and cul de sacs. These private driveways are not adequate for large fire trucks or other emergency vehicles. Currently, UPS trucks don't enter these driveways due to

the narrow access and private access for the residents. These driveways are so narrow that two cars are unable to pass each other. The emergency access easement was approved in 2007 as a second emergency access point for a multihome development, not as a primary access point for a subdivision of one lot.

I hope the City Council will agree with Planning staff recommendations and Planning Commission's decision to deny this project. It clearly does not meet city standards and is unsafe. There is no reason to continue this hearing to a future date, nothing has changed to make the project acceptable.

Respectfully,  
Robin Greene

  
Arroyo Grande