

10/19/07

~~OR Due - 11/8/07~~
OR Due 12/14/07



PLACER COUNTY PLANNING DEPARTMENT

AUBURN OFFICE
11414 B Avenue
Auburn, CA 95603
530-886-3000/FAX 530-886-3080
Web page: www.placer.ca.gov/planning

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565 W. Lake Blvd./P. O. Box 1909
Tahoe City CA 96145
530-581-6280/FAX 530-581-6282
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OCT 19 2007
CDRA

PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance)

-----OFFICE USE ONLY-----

Last Day to Appeal 10/21/07 (5 pm) Appeal Fee \$ 465
Letter _____ Date Appeal Filed 10/19/07
Oral Testimony _____ Receipt # 07-0044904
Zoning CUP-De Received by B. Jones
Maps: 7-full size and 1 reduced for Planning Commission items Geographic Area S.H.

-----TO BE COMPLETED BY THE APPLICANT-----

1. Project name Penryn Townhomes (PSUBT20060767)
2. Appellant(s) Michael Sasko (916) 652-6532 (916) 652-3427
Address 7530 Penryn Estates Dr. Penryn CA 95663
City State Zip Code
3. Assessor's Parcel Number(s): # 043-060-061

4. Application being appealed (check all those that apply):
- | | |
|---|--|
| <input type="checkbox"/> Administrative Approval (AA-_____) | <input checked="" type="checkbox"/> Tentative Map (SU B-_____) |
| <input checked="" type="checkbox"/> Use Permit (CUP/MUP-_____) | <input checked="" type="checkbox"/> Variance (VAA-_____) |
| <input type="checkbox"/> Parcel Map (P-_____) | <input checked="" type="checkbox"/> Design Review (DSA-_____) |
| <input type="checkbox"/> General Plan Amendment (GPA-_____) | <input type="checkbox"/> Rezoning (REA-_____) |
| <input type="checkbox"/> Specific Plan (SPA-_____) | <input type="checkbox"/> Rafting Permit (RPA-_____) |
| <input checked="" type="checkbox"/> Planning Director Interpretation <u>10-11-07 (date)</u> | <input checked="" type="checkbox"/> Env. Review (EIAQ-_____) |
| <input type="checkbox"/> Minor Boundary Line Adj. (MBR-_____) | Other: _____ |

5. Whose decision is being appealed. PLANNING Commission

6. Appeal to be heard by: BOARD of SUPERVISORS
(see reverse)

7. Reason for appeal (attach additional sheet if necessary and be specific):
(1) VIOLATION of Community PLAN (2) DENSITY and Functionally Flawed
(3) Compromises Public Safety and Access for Disabled (4) Cumulative Impact
(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps. See attached petition and appeal statements signed by residents.

Signature of Appellant(s) Michael Sasko Bayford Butler
Gordon Robbins Philip J. Barger
PHILIP J. BARGER 53

APPEAL OF PENRYN TOWNHOMES DEVELOPMENT APPROVAL

We appeal to the Board of Supervisors for reversal of the Planning Commission approval on the Penryn Townhomes development as currently designed. Based on the testimony at the Planning Commission hearing and the written comments from the Penryn residents to the Planning Commission, the development is unacceptable for the following reasons:

1. VIOLATION OF COMMUNITY PLAN:

County zoning ordinance states (17.02.050):

" D. Conflicting Provisions.

1. Other Code Provisions. If conflicts occur between different requirements of this chapter, or between this chapter and other provisions of the Placer County Code or between the Placer County Code and any applicable state law, the most restrictive shall apply.

2. Community Plan Standards. When conflicts occur between the provisions of this chapter and standards adopted by ordinance in any applicable community plans, including those areas within the jurisdiction of the Tahoe Regional Planning Agency (TRPA), the provisions of the community plans shall apply.

3. Specific Plans. When conflicts occur between the provisions of this chapter and standards adopted as part of any specific plan, the provisions of the specific plan shall apply.

HBPCP Penryn Parkway Community Plan

Page 5, General Community Goal 19. MANAGE THE DEVELOPMENT OF LAND SO THAT IT IS TREATED AS A LIMITED RESOURCE RATHER THAN A PRODUCT TO BE MAXIMIZED FOR ECONOMIC GAIN.¹

Page 14, Note e. No dwelling units are assumed for the commercial designations even though multifamily residential is permitted within the implementing zoning district.

2. DENSITY AND FUNCTIONALLY FLAWED:

HBPCP Penryn Parkway Community Plan

Page 81, policy d.

Development shall be of a relatively low density, low profile type, and the signing and lighting provided shall reflect such a policy; specifically, building height is to be restricted to a maximum of two-stories. The area's historical nature (i.e. Japanese heritage, gold rush era, English settlement) should be reflected as much as possible in the design of new buildings to be constructed within the Penryn Parkway area.

Page 18, policy s. *Lots in a subdivision* Note: The Plan states subdivision lots "shall be of adequate size and appropriate in shape for the range of primary and accessory uses which are typical for the area without:

- i. Creating a feeling of overcrowding and/or infringement on privacy;
- ii. Creating measurable environmental impacts without appropriate mitigation;
- iii. Creating the need for variances to ordinance requirements such as setbacks, lot size minimums, height maximums, length-to-width ratios, etc.;
- iv. Violating the goals and policies of this Plan;" [Pg. 18, policy s.]

This development, with its zero lot lines and high density, violates this. *This same statement is also virtually repeated on page 78, policy 22, of the Design Elemen.*

Page 25, item e Only one high-density area was intended, the pre-existing mobile home park off Auburn-Folsom road.

Note: The highest density in the "low density" range is one d.u. per .4 acre [2.5 d.u. per acre] (HBPCP page 25, item c.) and would allow a maximum of 6 d.u. [2.21 acres, the net buildable area per the sample density computation for PDs in the zoning ordinance, times 2.5 d.u. per acre = 5.5 d.u. $2.45/.4 = 6.125$]. **before** any density bonuses for a P.D., which cannot exceed 50%; with 50% density bonus the maximum d.u. still would be 9.

Using the example for calculating density in a P.D. in the zoning ordinance (17.54.090), the density approved by the Planning Commission for this development is **9.4 d.u. per acre** (3.2-.9975 for road = 2.45 buildable area; $2.45/.4 = 9.4$).

It is doubtful this development qualifies for Factoring the maximum density bonus for a P.D. of 50% as , and this project may not be allowed that as it is a full "market value" development rather than a very low/low/moderate income (reference statements from the County and the developer. Nov 2, 2007 telecon with Placer County Chief Assistant CEO Rich Colwell), the maximum d.u. is **9.2** (2.45 acres/.4 acres per d.u. x 1.50 [50% density bonus]) **for the whole project.**

P.D. allowed density is required to factor in the "significance of the benefit to the community." [17.54.100 (A)(1)(d.)] The community sees this development as proposed as a **detriment not a benefit!** Within a few hours, one hundred and fourteen community people (over 5% of the population) signed a petition supporting appeal of the Planning Commission approval of this project to the Board of Supervisors. Virtually everyone in the

community is opposed to putting this high density development in the rural Penryn area.

3. COMPROMISES PUBLIC SAFETY AND ACCESS FOR THE DISABLED:

Penryn Townhomes Plan is in violation of the Americans with Disabilities Act – Fair Housing Act (law covering all rental, condo or townhome units).

Project discriminates against the Disabled due to parking restrictions (entire plan is "red curbed" NO PARKING), road width, driveway width (11 feet), driveway length (5 feet) and pathways of decomposed granite (rather than concrete):

1. Disabled County residents would be without access to "Placer Dial-A-Ride" Program due to size and width of vehicle and 8 foot wheelchair boarding ramp. State Vehicle Safety policy will not allow disabled rides to be "dropped-off" on a County street. There are NO handicapped spaces available anywhere within the Penryn Townhomes project.
2. Parking spaces for vans used for personal transport of disabled or wheel-bound passengers are required to be a minimum of 18 feet long by 8 feet wide plus a 5 foot access aisle, or 8 feet wide plus an 8 foot access aisle for "van accessible" spaces. Due to approved garage and driveway lengths, Vans will not allow for the safe exit of vehicle, AND will block the entrance of the residence from the garage (requiring wheel-bound persons to travel a great distance to circle the multi-plex building, and endure an elevation gain of as much as 25 feet, trying to do all this on a path of loose, and often muddy material). Additionally, side-entry disability vans cannot be used throughout project due to width requirements exceeding 16 feet for safe entrance and departure of wheel chair lifts. This project discriminates against our wheel-bound citizens and veterans by not allowing for their "special needs".

Penryn Townhomes is in violation of the California State Architect Access Design Manual (will fail disability inspection for paving/no sidewalks and slope to entrance exceeding 25 foot rise!)

1. Because the Penryn Townhomes project does not have sidewalks or any paving to the street-side entrance of the residences, all visiting wheel chair access individuals will be required to circumvent the entire multi-unit structure in order to enter residence.
2. Slope on the single, back-side unpaved entrance of the building is in excess of a 25 foot rise, making wheeled entry impossible for non-motorized chairs. This fact ALONE makes the Penryn Townhomes project an inspection failure as per the California State Architect Access Design

Manuael. Additionally, elderly residents will find great difficulty making the climb for entrance to some of these buildings, especially on the loose and unstable decomposed granite pathways.

Penryn Townhomes provides an un-safe environment for entrance of fire and ambulance service (due to the strong likelihood that inappropriate parking, deliver service vehicles or landscape maintenance equipment will block access to the Penryn Townhomes project).

1. Members of the Penryn Fire Board believe that this project will be difficult to serve for fire protection due to the narrow roads, limited parking and no paving from the street to the building entrances. A single vehicle parked in the "wrong place" would essentially block fire engine access to Penryn Townhomes.

2. Without street-front paving to these residences, elderly or wheel-based disability individuals have but one exit from these buildings (to the rear and non-street side). This limitation could provide for a "fire trap" situation where residents would not be able to depart structures. For example, lots 7 through 16 only have one entrance/egress route to the street!

3. Penryn Fire sees that if this project is approved in its current plan, Penryn Townhomes will be "a chronic area of violations". Law enforcement will have to be diligent and allow for personnel to ticket any and all "red zone" parking violations. Parking enforcement is a manpower request that, at the current time, no one can fund and no one is willing to endure.

4. There are too many dwellings for the size of the property. Reduction of the density by several Townhome units could easily resolve the problems, allowing standard 20 foot driveways, a street wide enough to have safe parking on at least one side, sidewalks in front of the houses and a recreational area.

4. CUMULATIVE IMPACT OF PENRYN GROWTH IS NOT ADDRESSED:

Placer County Planning Department failed to properly evaluate the cumulative impact of the projected Penryn Growth. (Penryn population will grow 50% with current project list, without Bickford Ranch).

1. Based on the 2000 census, the population of Penryn is around 2,200. The current project list for Penryn includes 371 new units with an County expected 2.69 new residents per unit (the planning figure used in the Plan) which will bring nearly 1,000 new residents to the area, a 50% increase in Penryn's population over the course of just a few years. The 2000 census of Penryn states that there are 2,200 residents

in Penryn. The current project list for Penryn includes 371 new units with an County expected 2.69 new residents per unit which will bring near 1,000 new residents to the area, doubling Penryn's population over the course of just a few years.

2. Each of these developments has been viewed in *isolation*. The effects of past projects, the effects of other current projects and the effects of probable future projects are cumulatively considerable but not being treated that way as required by the CEQA (Title 14, 15604(h)(1)).
3. Use of Mitigated Negative Declaration (finding that all impacts less than significant with mitigation) is inappropriate in light of population growth and requirements to provide basic services to the people of Penryn. Negative Declaration has been too easily applied to Penryn Townhomes and other proposed projects.
4. Areas that will be DIRECTLY impacted by the cumulate Penryn growth and require full and honest analysis to include, but are not limited to: Traffic, Sheriff, Fire, Air Quality and Schools. These cumulative projects also act to remove future commercial development opportunities, critical to the service of the community.
5. The affected public have overwhelming expressed concerns of very adverse environmental effects from this project, yet they have no evidence the County has given those concerns serious consideration (Title 14, 15064).

CONCLUSION: Penryn Townhomes has proposed too many dwellings for the size of the property (It is not 3.2 acres but rather 2.4 usable acres to build). Reduction of the density by several Townhome units (to stay within the Plan directed maximum density of 2.5 dwelling units per acre of net buildable area) and redesigning this "flawed" project plan, could easily resolve many of the problems. Placer County Planning must adhere to the Community Plan, must reduce density, must require a safe environment with state required access for the handicapped / elderly and must evaluate the cumulative impact of the Penryn Townhomes and associated projects.

¹ Introduction; F. General Community Goals; pg 4-5

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We appeal to the Board of Supervisors for reversal of the Planning Commission approval on the Penryn Townhomes development as currently designed. Based on the testimony at the Planning Commission hearing and the written comments from the residents to the Planning Commission, the development is unacceptable for the following reasons:

- 1. THE DEVELOPMENT VIOLATES COMMUNITY PLAN REQUIREMENTS**
- 2. THE DEVELOPMENT DESIGN IS TOO DENSE AND FUNCTIONALLY FLAWED**
- 3. THE DEVELOPMENT DESIGN COMPROMISES PUBLIC SAFETY AND ACCESS FOR THE DISABLED**
- 4. THE CUMULATIVE IMPACT FROM THIS PROJECT AND OTHERS BEING PLANNED IS NOT BEING ADDRESSED**

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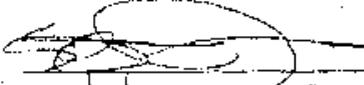
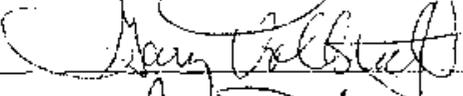
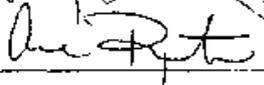
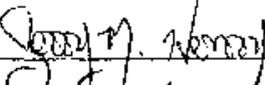
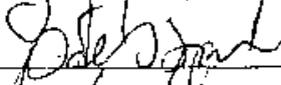
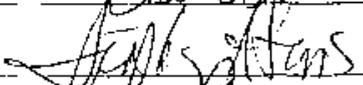
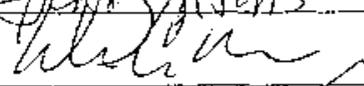
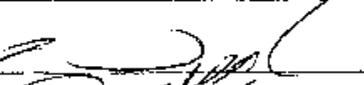
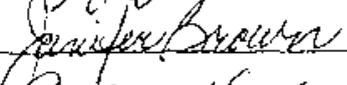
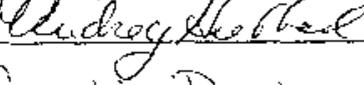
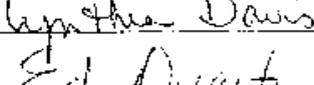
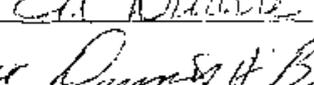
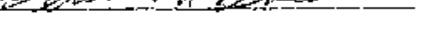
NAME	SIGNATURE	ADDRESS
ANDREA CERMAK	Andrea Cermak	7505 PENRYN ESTATES DR.
Kathu Clement	Kathu Clement	7975 Logan Ln
DAVE CHAPPELL	Dave Chappell	7276 GALLAGHER RD ^{PENRYN}
Carolyn Baird	Carolyn Baird	8220 Boulder Creek Rd
GARY Hess	Gary Hess	2351 Braeburn ^{PENRYN}
Marianne Quinn	Marianne Quinn	7131 Logan
Cynthia Clement	Cynthia Clement	1250 How Ct Penryn
Rebecca	Rebecca	2352 Lynnwood Ln Penryn
Dennis Watson	Dennis Watson	6115 WALLISIE COLONY
Bryan Black	Bryan Black	1375 CLARK TUNNEL RD.
BILL SPURGEON	Bill Spurgeon	7160 PENRYN ESTATES
BETH SPURGEON	Beth Spurgeon	"
Muriel Davis	Muriel Davis	POB 397 Penryn ^(Granite Hills)
michael SASKO	Michael Sasko	7530 PENRYN ESTATES
Michael Hoisking	Michael Hoisking	5812 Butler Rd.
JAMES B. DELEHANTY	James B. Delehanty	8041 Boulder creek Rd ^{PENRYN}
Donna Tilton	Donna Tilton	8360 Boulder Creek Rd ^{PENRYN}
PARRIS BAKER	Parris Baker	8290 Boulder, Ct Rd 60 ^{PENRYN}

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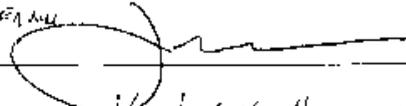
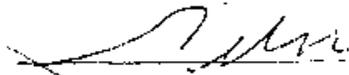
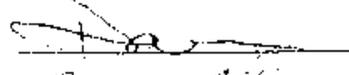
NAME	SIGNATURE	ADDRESS
Laurie Richards	Laurie L. Richards	7095 Allen Lane
Mona Westlake	Mona Westlake	7451 Fowler Creek Rd.
Col Slugg	John Glaspey	6620 ENGLISH COLONY
William Windsor		
STEFAN DELNO		125 DIAMOND VIEW LN
GARY VALLETTA		5860 English Colony
ANNE RUNTE		6475 BUTLER RD.
Jerry Henry		1935 Taylor Rd. Penryn
Dennis Dale Stess @ Stess		1940 Willow Brook Lane
Lindy Atoms		7089 Flint Way, Penryn
Douglas Brown		2810 W. Central Rd Penryn
Jas Uppal		2991 Taylor Rd Lewis
Bobby Uppal		2991 Taylor Rd Lewis
Janifer Brown		2810 Wilderest Rd
Audrey Hubbard		7528 Ridgeway ^{Penryn} Ln
Cynthia Davis		7510 Ridgeway Ln Penryn
ED DUARTE		2566 DUARTE RD, PENRYN
Dennis A Buckmaster		1915 English Colony Ln Penryn

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NAME	SIGNATURE	ADDRESS
Joe Thomas 1395 Orange Hill Ln Penryn		1395 Orange Hill Ln Penryn, CA 95663
Kushik Thomas	Kushik Thomas	2887 PENRYN RD PENRYN CA 95663
Ariette Balestrieri	ARIETTA BALESTRIERI	5500 BUTLER RD. PENRYN CA 95663
PAUL LEHMAN	Paul Lehman	5500 Butler Rd Penryn
Marie Lehman	Marie Leh	PO BOX 23 PENRYN 7665 GRANITE HILL 95663
BOB + KAREN CLIFFORD	Karen Clifford	PO BOX 30 Penryn
Bruce Leonardt	Bruce Leonardt	5755 English Colony Way PENRYN CA 95663
Julie D. Baker		PO BOX 9 PENRYN CA 95663
Cliff + Jay KENNEDY	Jay Kennedy	1748 Taylor Rd Penryn CA 95663
Jim Smith	Jim Smith	7645 Penryn Estates Dr Penryn, CA 95663
LINDA WILLIAMS	Linda Williams	7645 Penryn Estates Dr Penryn CA 95663
FRED WILLIAMS	Fred Williams	PO BOX 4 Penryn CA 95663
Jim Smith	Jim Smith	7325 English Colony Way Penryn, CA 95663
Robert Chesney	Robert L. Chesney	7635 Granite Hill Rd Penryn, CA 95663
Guy Rand	Guy Rand	3361 Penryn Rd
Gil Cox		7201 Marib Way Penryn, CA 95663
Don Coleman		POB 397, Penryn, Granite Hill
Chuck Davis	Chuck Davis	

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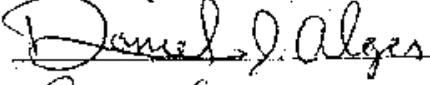
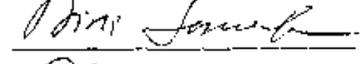
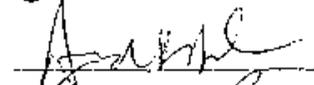
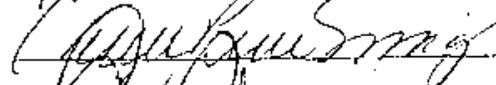
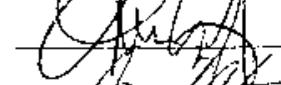
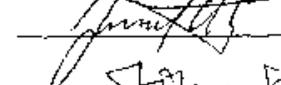
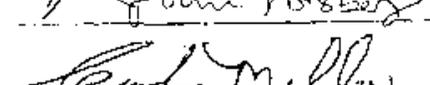
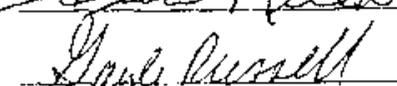
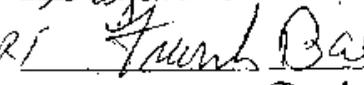
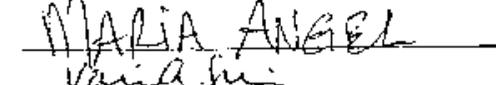
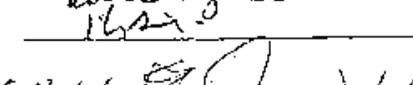
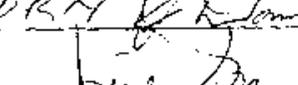
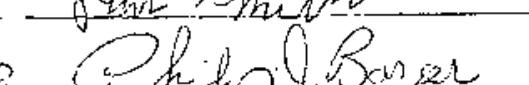
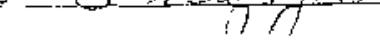
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Tom Voytse		2610 Orange Dr Penryn Penryn, CA 95663
MIEKO HOGAN		6350 Butte Ct Penryn CA 95663
Charles H. Grigg		7538 RIDGEVIEW LN, PENRYN 95663
CHEYL STRASS		1538 Ridgeview Lane Penryn 95663
Douglas & Jeannine Vickers		3305 Sierra Springs Ct Penryn
Carol & Harold BRENNAN	Carol Brennan	6495 Colwell Rd Penryn 95663
Wahbi M. Outub		304 Penryn Rd Penryn, CA 95663
Bill Carr	Bill Carr	7610 Logan Lane
DEBBI CARR	Debbi Carr	7610 Logan Lane Penryn
Jean + Roger Bancroft	Jean Bancroft Roger Bancroft	7310 Callison Rd, Penryn
Sarah Nitta	Sarah H. Nitta	1765 Fager Hill Rd Penryn, CA 95663
Eric Gaudin		7096 Flint way Penryn, CA 95663
JAE L YATES		8050 CALLISON RD PENRYN CA 95663
MONICA D. GAVIA		2277 ORANGE DR PENRYN, CA 95663
Marianne Beavers	Marianne Beavers	3120 Aspen Dr. Penryn CA 95663
Mike Lloyd		767 Rainbow Lane Penryn, CA. 95663
Pierre Marchal		2215 Highland Way 63 Penryn CA 95663

APPEAL OF PENRYN TOWNHOMES DEVELOPMENT APPROVAL

We appeal to the Board of Supervisors for reversal of the Planning Commission approval on the Penryn Townhomes development as currently designed. Based on the testimony at the Planning Commission hearing and the written comments from the residents to the Planning Commission, the development is unacceptable for the following reasons:

1. THE DEVELOPMENT VIOLATES COMMUNITY PLAN REQUIREMENTS
2. THE DEVELOPMENT DESIGN IS TOO DENSE AND FUNCTIONALLY FLAWED
3. THE DEVELOPMENT DESIGN COMPROMISES PUBLIC SAFETY AND ACCESS FOR THE DISABLED
4. THE CUMULATIVE IMPACT FROM THIS PROJECT AND OTHERS BEING PLANNED IS NOT BEING ADDRESSED

The following residents support the above appeal:

NAME	SIGNATURE	ADDRESS
Scott Jordan		1780 English Colony Way
Dan Alger		6646 Butler Rd
Nina Semenyuk		2044 Sister Rd.
Dave Barlow		7871 Saddle Creek Rd.
Andrew Burk		3000 ASPEN Dr. Penryn.
CAROLYN PEIRCE GWINO		3075 ASPEN Dr. Penryn
ISANDER AGOSTO		3150 ASPEN Dr. Penryn
JOSEPH A KELLY		PO BOX 429 PENRYN CA 95663
JOHN FORSBERG		7715 CALLISON RD PENRYN CA 95663
CURT MILLER		6609 ENGLISH COLONY WAY PENRYN, CA 95663
GAYLE RUSSELL		PO BOX 151 PENRYN, CA 95663
FRANK BALESTRERI		2889 PENRYN Rd.
Ron Strall		1835 Willow Brook Way
Maria Angel		1934 Sisley Rd. Penryn
Karen & Kevin Sincian		7315 CAUSON RD Penryn 95663
DONNA WELBORN		5095 ENGLISH COLONY WAY PENRYN, CA 95663
Jim Smith		PO BOX 4 Penryn CA 95663 P.O. Box 4163
PHILIP J. BARGER		7995 LOGAN LAKE L4

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4. THE CUMULATIVE IMPACT FROM THIS PROJECT AND OTHERS BEING PLANNED IS NOT BEING ADDRESSED

The following residents support the above appeal:

NAME	SIGNATURE	ADDRESS
<i>Sam Colton</i>	<i>SAM COLTON</i>	<i>P.O. Box 36A Penryn, CA</i>
<i>Diane S. Barger</i>	<i>DIANE S. BARGER</i>	<i>P.O. Box 163, PENRYN, CA</i>
<i>Jim Smith</i>	<i>Jim Smith</i>	<i>P.O. BOX 4 95663 Penryn Ca 95663</i>
<i>Lee Oelke</i>	<i>Lee Oelke</i>	<i>P.O. Box 666 Penryn 95663</i>
<i>Jeanne Humphries</i>	<i>Jeanne Humphries</i>	<i>1505 Foxridge Gr. Auburn 95603</i>
<i>Barbara DeLehanty</i>	<i>Barbara DeLehanty</i>	<i>Box 356 Penryn 95663</i>
<i>Beth Flint - Marie</i>	<i>BETH FLINT-MONTERO</i>	<i>Box 76 Penryn 95663</i>
<i>Mary Lou Lee</i>	<i>Mary Lou Lee</i>	<i>6900 County Ln - Penryn</i>
<i>Kristine Bracy</i>	<i>Kristine Bracy</i>	<i>P.O. Box 615 - Foresthill</i>
<i>Danee Davis</i>	<i>Danee Davis</i>	<i>5940 Butter Rd Penryn</i>
<i>Thomas Tanon</i>	<i>THOMAS TANSON</i>	<i>1865 SISLEY PENRYN</i>
<i>George Kostenko</i>	<i>George Kostenko</i>	<i>1650 Sisley Rd Pen.</i>
<i>Zelma Kostenko</i>	<i>Zelma L. Kostenko</i>	<i>1650 Siskiy Rd Penryn</i>

