

# MARIPOSA PLANNING

COUNTY OF MARIPOSA  
5100 BULLION STREET • POST OFFICE BOX 2039  
MARIPOSA, CALIFORNIA 95338-2039  
209 . 742 . 209-742-1215 • FAX 209 . 742 . 5024

Kris Schenk, Director  
kschenk@mariposacounty.org  
Sarah Williams, Deputy Director  
swilliams@mariposacounty.org

## REQUEST FOR COMMENTS

Date: March 30, 2012

Applicant: PacificUS Real Estate Group

Application Type / File #: Time Extension 2012-048

Site Address: Silvertip

Dear Reviewing Agency,

Mariposa Planning thanks you for your continued participation to creating quality developments in Mariposa County. We value your comments and hope for your continued participation in a planning process meant to inform applicants of your agency's concerns and requirements or if you need additional information to review this project. No doubt, this early involvement eliminates or minimizes problems that would otherwise arise. Once again, we request your comments and encourage them to be submitted to our office in writing by **April 13, 2012**. If during this time you find a need for additional information, then contact the assigned project planner by this date so that we can acquire the information for you. State law places a deadline on such requests, so please do not miss your opportunity.

**Assigned Project Planner: Sarah Williams 209-742-1215 swilliams@mariposacounty.org**

***Project Description:*** The Mariposa County Planning Department has received an application for a Time Extension from PacificUS Real Estate Group (David J. Giuntini), applicant. The request is to extend the time limit for activation of the Planned Development No. 99-1 and Conditional Use Permit No. 267 for a period of 2 additional years. Activation is accomplished by issuance of a building permit for the project. The current expiration date is June 14, 2012. The applicant has submitted detailed justification for the request, as well as an amended development schedule for the project. The Time Extension application is made pursuant to Section I.O Development Schedule of Appendix IV of the Fish Camp Area Plan, Condition No. 3 of Resolution No. 03-444 (approving CUP 267), and Condition No. 3 of Resolution No. 03-445 (approving PD No. 99-01).

***The Planning Commission approved a 5 year time extension for this project on May 18, 2007. Since 2007, PacificUS has continued to invest in and steadily advance the project, which is evidenced by County, Regional, State and Federal agency approvals.***

California law requires the County to only approve projects when potentially significant impacts have been mitigated. This is accomplished through the conditions of approval that your agency recommends. Mariposa Planning operates under the assumption that agencies have valuable comments that define and specify required project standards. We also understand that agencies have multiple duties and priorities, and that upon occasion, an agency may not comment by the deadline, even though it may have issues with the project. Unfortunately, Mariposa Planning has both statutory and ordinance deadlines for processing applications. We are violating State law and local code if we do not meet our deadlines. Statute requires your timely response, and failure to comment may preclude your imposition of requirements later. Our preference is for some type of communication—even an e-mail—that states "no comment," so that we know you have at least reviewed the proposed application and we know you have no issues. Failure to provide any comments prior to deadlines imposed by state law means that we may have to move forward with the project to the Planning Commission with an assumption there are no conditions needed and that the project as proposed meets your agency's requirements.

### "Commission Level" Project Review Benchmark Meetings

Date	Meetings
	Applicant and Agent introduces the project to Staff
	Agency Comments / Draft Conditions Due – (not attended by applicant or agent)

CC: Project Applicant and Agent

Revision Date: April 23, 2004

RECEIVED

MAR 28 2012

Mariposa County Planning Dept.

June 1, 2011



**MARIPOSA COUNTY**  
**TIME EXTENSION**  
**(MAJOR SUBDIVISION, LAND DIVISION CONDITIONAL USE PERMIT)**  
**APPLICATION**  
 Mariposa County Planning Department  
 5100 Bullion Street, P.O. Box 2039  
 Mariposa, CA 95338  
 Telephone (209) 966-5151 FAX (209) 742-5024  
[www.mariposacounty.org](http://www.mariposacounty.org)

Date Submitted 3/28/12 Fee Paid \$ 457.50 Received By J. Green

Request is hereby made to extend the recordation deadline for:

CUP #267, PD #99-01	PacificUS Real Estate Group
Application Number	Applicant Name
2 North Lake Avenue Suite 820, Pasadena, CA 91101	626-577-1130 / davidg@pacificusreg.com
Mailing Address	Zip Telephone / E-Mail Address

The last date for recordation is now on June 14, 2012

An extension request is hereby made for two (2) years days/months/years.

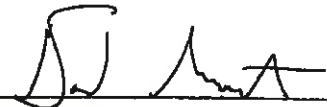
The reason(s) for the requested extension is/are as follows: (use attachment if necessary)

See letter dated March 15, 2012 to Planning Director Kris Schenk.

I declare, under penalty of perjury, that I am the owner, attorney of the owner, or person with power of attorney from the owner, of the property involved in this application, and the foregoing is true and correct.

Executed at Pasadena California, this 19th day of March, 2012.  
City/County

Agent (if applicable)  
 626-577-1130 / davidg@pacificusreg.com  
 Telephone / E-Mail Address  
 2 North Lake Avenue Suite 820, Pasadena, CA 91101  
 Mailing Address Zip  
 TimeExt

  
 Applicant's Signature  
 David J. Giuntini

RECEIVED  
MAR 28 2012  
Mariposa County Planning Dept.

March 20, 2012

Mr. Kris Schenk  
Planning Director  
MARIPOSA COUNTY PLANNING DEPARTMENT  
P. O. Box 2039  
Mariposa, California 95338-2039

VIA EMAIL & U.S. MAIL

**Re: SilverTip Project – Time Extension Application**

Dear Kris:

Please find attached a completed time extension application for CUP #267 and PD #99-01 and a check in the amount of \$457.50 (to cover processing fees). The reasons for the extension are described in a March 15, 2012 letter addressed to your attention.

Feel free to contact me with any questions. Thank you for your assistance.

Sincerely,

PACIFICUS REAL ESTATE GROUP



David J. Giuntini  
Project Manager

/djg

cc: Paul J. Giuntini  
Sarah Williams  
Supervisor Jim Allen  
Anita Starchman-Bryant

REC-117  
MAR 20 12  
Mariposa County Planning Dept.

March 15, 2012

Mr. Kris Schenk  
Planning Director  
MARIPOSA COUNTY PLANNING DEPARTMENT  
P. O. Box 2039  
Mariposa, California 95338-2039

VIA EMAIL & U.S. MAIL

**Re: SilverTip Project - Request for Time Extension for Conditional Use Permit No. 267 and Planned Development No. 99-1**

Dear Kris:

The purpose of this letter is to formally request a two (2) year time extension for the activation of Conditional Use Permit No. 267 and Planned Unit Development Permit No. 99-01. These entitlements are for the SilverTip project, and they expire on June 14, 2012.

Project Progress

The Planning Commission approved a five (5) year time extension for both the CUP and PUD on May 18, 2007. Since this time, PacificUS has continued to invest in and steadily advance the project. This is evidenced by the following County, Regional, State, and Federal agency approvals:

2007

- California Regional Water Quality Control Board issuance of Waste Discharge Requirements for operation of a wastewater treatment system;
- California Department of Fish and Game issuance of Stream Alteration Agreement for onsite wetland impacts;

2008

- California Regional Water Quality Control Board approval of Groundwater and Surface Water Monitoring Plan and requisite construction of new monitoring wells;
- California Regional Water Quality Control Board issuance of Section 401 Water Quality Certification for wetland impacts;
- Board of Supervisors approval of a clerical correction to the project square footage description;
- Planning Department approval of a Lot Line Adjustment for the project parcels and recordation of Certificates of Compliance;
- Approval of Condition #13 - Noxious Weed Program;
- Approval of Conditions #14, 17, 21 - Fire Safety Design;
- Approval of Condition #47 - Air Pollution Control Contract Specifications;

- Approval of Condition #64 - Archaeological Investigation;

#### 2009

- California Regional Water Quality Control Board approval of Subsurface Drip System for the wastewater treatment system;
- United States Army Corps of Engineers approval of Jurisdictional Determination for wetlands;

#### 2010

- Board of Supervisors approval of site plan modifications and clarification of conditions of approval;

#### 2011

- United States Army Corps of Engineers issuance of Nationwide Permit #39 for onsite and highway related wetland impacts;
- California Department of Fish and Game issuance of Stream Alteration Agreement for highway related wetland impacts;
- Public Works Department approval of 100 Year Flood Plain Study;
- Public Works Department approval of onsite Hydrology Study;
- Approval of Condition #10 - Wetland Mitigation Plans;
- Approval of Condition #25, 26, 27 - Easements;
- Approval of Condition #72 - General Contract Specifications.

In addition to these permits, PacificUS has advanced design and engineering tasks including architecture, grading, and wastewater treatment.

#### Justification for Time Extensions

1. PacificUS has advanced and continues to advance the SilverTip project. The list of secured approvals represents a major investment of time and resources. PacificUS is in the process of securing additional approvals and developing construction plans.
2. SilverTip is a large project with complex permitting requirements. Some approvals, such as the wetland permits, went through multi-year approval processes. Moreover, some permits are contingent on other permits. For example, the Caltrans encroachment permit, which is nearing completion, could not be advanced until the wetland permits were secured. Permitting delays and extended timelines are inherent in responsible development at this scale.
3. Excessive processing issues with the Caltrans encroachment permit have delayed the project. The encroachment permit is the last major permit necessary to develop the final grading plan. PacificUS has been processing the encroachment permit since 2006. Due to topography and biological constraints, the permit requires a petition for design exceptions to the California Department of Transportation Highway Design Manual. The design exception process required unanticipated biological and engineering studies as well as approvals from additional Caltrans offices and departments. Moreover, approval of design exceptions is an iterative process, wherein the proposed highway alignment goes through multiple review and comment periods. Mandatory furloughs days,

rotation of key Caltrans personnel, and limited Caltrans staffing have amplified delays in this review intensive process.

4. The 2010 project modifications delayed the project by over year. PacificUS worked with the Planning Department, Fish Camp Advisory Council, Planning Commission, and Board of Supervisors to modify elements of the project to address the local hotel market demand. These changes were necessary to develop a project that is financially viable in today's economy.
5. The project was delayed by the worst economic downturn in 70 years. The credit crisis severely limited construction financing, which is necessary to build the project. Over the past 6 months, the availability of financing has vastly improved, and PacificUS is confident it will be able to secure suitable financing in the short term.
6. Despite delays and challenging external economic forces, PacificUS has advanced the project on all fronts and is close to vesting the project. Granting an extension will ensure there is adequate time to satisfy the remaining conditions, obtain a grading permit, and begin construction.

Development Schedule

Per your request, an updated development schedule is attached. There are a number of variables (grading plan development and review time, inclement weather, etc.) that may affect this schedule. Nevertheless, the issuance of a grading permit in 2012 is very likely. Issuance of this permit will vest the CUP and PUD.

Your favorable consideration of the above request is greatly appreciated. If you have questions or require additional information, please do not hesitate to contact us.

Sincerely,

**PACIFICUS REAL ESTATE GROUP**



David J. Giuntini  
Project Manager

/djg

cc: Paul J. Giuntini  
Sarah Williams  
Supervisor Jim Allen  
Anita Starchman-Bryant