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November 5, 2020

Amy Wolfson  
City Planner  
CITY OF NEVADA CITY  
317 Broad Street  
Nevada City, CA 95959

**REGARDING:** Resubmittal of “The Grove” tentative final map and related approval applications

Dear Amy:

In accordance with our recent conversations, it has unfortunately become necessary for us to resubmit our tentative map application for “The Grove” subdivision, as the original approval has expired. Our resubmittal is intended to include all of the related approvals that have been determined to be expired at this time.

The original project was approved unanimously by the City Council on May 10, 2017 and the Notice of Determination was subsequently filed on June 8, 2017, after the Department of Fish and Wildlife mitigation fees were paid.

Unfortunately, it does not appear that the City’s approval included an expiration date by which the final map had to be filed, or an extension of time applied for. Of course, The Grove team is experienced in land use processing and knew that there would be an expiration date, but we did not investigate this in time to avoid the expiration.

Our client, Robert Upton sadly lost his home to wildfire during this time which was a major distraction to say the least. Kevin Nelson and I are used to the three-year approval term used by Nevada County and the City of Grass Valley, and we failed to verify anything to the contrary. It appears that the City’s tentative map term is 18 months, although the State Subdivision Map Act appears to require at least 24 months as an original approval.

State and local laws provide for extensions, but the extension request is usually required to be submitted to the City PRIOR TO the expiration date. Under State and local law, it is usually possible to obtain extensions of up to about seven years, with possible additional extensions with the filing of map phases or by meeting other criteria.

Much has been accomplished by the project since approval, and these expenditures clearly demonstrate the resolve of the project to move toward construction:

- Completion of the entire project's engineered improvement plans for streets and infrastructure, with City Engineer approval
- Completion of the Timber Harvest Plan and the actual tree removal
- Approval by the Corps of Engineers and California Department of Fish and Wildlife of the minor roadside drainage course impacts

The project went through an extensive environmental and public review process. The final approval contained a total of 51 mitigation measures and 76 conditions of approval. Had we written the extension request in time or proceeded with the project in time, these measures would clearly remain the final requirements.

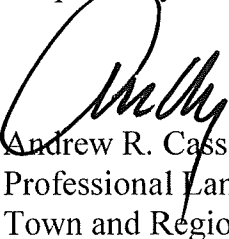
As such, we are hopeful that the re-processing can be handled expeditiously with the Planning Commission and City Council making findings that the reapproval is consistent with the original approval and environmental review, without a new environmental review. The original process was long, exacting, thorough, publicly accessible, and complete. We sincerely hope that new conditions and mitigations will not come out of this process.

So, please accept this letter as our formal resubmittal of the application, in order that we may renew the approval. Our processing deposit in the amount of \$5,000 is enclosed. We understand that staff will work against this deposit and that we might be required to provide additional processing fees, if \$5,000 proves to be insufficient.

I have included only tentative map copies, but not any other application materials since all of these materials already exist your files. However, we can generate these materials any time in hard copy form or in any electronic form that is useful to you as we go along. So please let me know what you need anytime.

We look forward to working with you on this. Thank you.

Respectfully submitted,

  
Andrew R. Cassano  
Professional Land Surveyor and  
Town and Regional Planner

Cc: Robert Upton  
Kevin Nelson

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