

March 30, 2004

James Hummer
703 Second Street, Suite 305
Santa Rosa, CA 95404



DEPARTMENT OF COMMUNITY DEVELOPMENT
100 Santa Rosa Avenue
Post Office Box 1678
Santa Rosa, CA 95402-1678

SUBJECT: AIR CENTER EAST TENTATIVE MAP

Dear Mr. Hummer:

On April 11, 2002, the Planning Commission adopted Resolution No. 10098 and approved a tentative map for the Air Center East-Phase II subdivision located at 1301 Ludwig Avenue. The tentative map will expire on April 11, 2004.

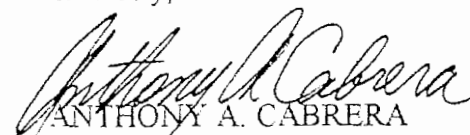
Your client has inquired whether a moratorium has existed within the meaning of Government Code § 66452.6(f) based on the facts described below. In response to your inquiry, we reviewed this issue and have the following conclusions.

On December 18, 2001, the City Council adopted Resolution No. 25064, which provided, in part, that an applicant could not receive a final map approval from the City Engineer without previously having secured all authorizations, approvals and permits for impact to wetlands and habitat from a resource agency with jurisdiction over the project.

On July 22, 2002, the United States Fish and Wildlife Service declared that the California Tiger Salamander was an endangered species. The Air Center East project area was determined to be within the likely habitat of the CTS and therefore was and is within U.S. Fish and Wildlife jurisdiction. Accordingly, your client could not proceed with development without receiving first authorization from the U.S. Fish and Wildlife Service, which authorization has not been received to date.

Accordingly, in light of Resolution No. 25064, the City Engineer could not approve a final map for your client's subdivision given the lack of U.S. Fish and Wildlife approval. In these circumstances, the Map Act provides at Government Code § 66452.6(f) that a development moratorium was in effect from July 22, 2002 (the date the CTS was declared endangered) to March 23, 2004, the date the City Council rescinded the relevant provision of Resolution No. 25064. This moratorium period consists of 610 days. This time period shall be added to the previous expiration date of April 11, 2004, thereby extending the tentative map for the above project to December 12, 2005.

Sincerely,


ANTHONY A. CABRERA
City Engineer
Community Development

AC:mp

cc: Jeff Kolin, City Manager
Wayne Goldberg, Director of Community Development
Brien J. Farrell, City Attorney
Elisabeth Gunther, Assistant City Attorney
Charles Regalia, Deputy Director of Community Development-Planning
Frank Kasimov, City Planner