DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
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September 29, 2006

Via Overnight Mail and Facsimile to (714)-384-6521

Ms. Barbara E. Lichman
Chevalier, Allen & Lichman, LLP
695 Town Center Drive, Suite 700
Costa Mesa, California 92626-7187

Dear Ms. Lichman:

Thank you for your letter of September 18, 2006, regarding the violation of California Public Utilities Code (PUC) Section 21659 by the construction of the Sunroad Centrum 1 Building near Montgomery Field airport. Unfortunately, your letter does not answer the concerns of the California Department of Transportation (Department), Division of Aeronautics.

The position stated in our letter of September 14, 2006 to Sunroad Enterprises remains the same. The construction of the Sunroad Centrum 1 Building is a violation of PUC Section 21659(a). Without issuance of a permit by the Department, continued construction of any part of the building that exceeds 160 feet above ground level is unlawful. That height, as specified by the Federal Aviation Administration (FAA) in their Notice of Presumed Hazard, dated April 24, 2006, was the maximum height an object in that location could reach without resulting in a Determination of Hazard to Air Navigation (as determined in the FAA Airspace Determination, dated August 11, 2006, for Aeronautical Study No. 2006-AWP-4601-OE for the planned building height of 180 feet).

If construction in violation of PUC Section 21659 proceeds, you are proceeding at your own risk, as you have been notified of the Department's position. Additionally, if an aircraft accident occurs at the site of the Sunroad Centrum 1 Building because of this PUC violation, you are assuming all liability for the accident. Further attempts to obfuscate the issue or cause additional delay with your legal responsibility to comply with Section 21659 of the State Aeronautics Act will result in enforcement action by the Department.

Sincerely,

Original signed by

JEFF R. BROWN
Aviation Safety Officer

c: Mike Tussey, Airports Director, City of San Diego
San Diego Airports Advisory Committee
David Miller, Attorney, City of San Diego
Tait Galloway, Senior Planner, City of San Diego
Bill Anderson, Director, San Diego Planning & Community Investment Department
San Diego Regional Airport Authority
Tom Storey, Vice President Development, Sunroad Enterprises
Craig Bachmann, Director of Construction, Sunroad Enterprises
FAA, AWP 622