

DEPARTMENT OF TRANSPORTATION
LEGAL DIVISION

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FACSIMILE TRANSMITTAL SHEET

TO:
David E. Miller

FROM:
Gary Cathey

COMPANY:
Office of the City Attorney

DATE:
October 25, 2006

FAX NUMBER:
(619) 533-5856

TOTAL NO. OF PAGES INCLUDING COVER:
3

PHONE NUMBER:
(619) 533-5800

RE:
Sunroad Centruzz Building Stop Work
Order

DOCUMENT(S) TRANSMITTED:
Letter

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Original letter will follow via U.S. Mail

DEPARTMENT OF TRANSPORTATION

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October 25, 2006

OFFICE OF THE CITY ATTORNEY
CITY OF SAN DIEGO
1200 Third Avenue, Suite 100
San Diego, CA 92101-4100
Attn: David E. Miller

Re: Sunroad Centrum Building Stop Work Order

Dear Mr. Miller:

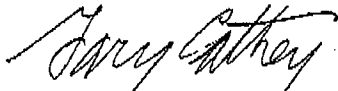
This is in response to your letter of October 19, 2006, in which the City of San Diego has issued a "Stop Work Order" regarding the Sunroad Centrum Building 1 Project.

The Department confirms its prior position requesting that the City take action regarding the subject construction which violates both State law and federal recommendations. The Department, through its Division of Aeronautics, is tasked with protecting people and property on the ground from potential consequences of near-airport aircraft accidents. The Department contends that the potential severity of a near-airport aircraft accident is highly dependent upon the nature of the land use at the accident site. In this case, the height of the building that Sunroad Enterprises is constructing is not only a nuisance, but a hazard and an obstruction, thus violating the applicable Government Code sections and the State Aeronautics Act. The Department requests that the City continue to invoke the "Stop Work Order", and move forward with the revocation proceedings.

Also, the Department requests that it receive all applicable notices regarding the "Stop Work Order" and the revocation proceedings, as the Department would like the opportunity to intervene and participate in the subject hearings.

David E. Miller
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Finally, for informational purposes, please note that on October 3, 2006, Sunroad Enterprises did respond stating that it would be applying for a permit pursuant to Public Utilities Code, Section 21659. Sunroad also requested additional information from the State. On October 13, 2006, the State supplied the requested information. As of now, the Sunroad Enterprises has failed to apply for a permit pursuant to Public Utilities Code, Section 21659.



GARY CATHEY, Chief
Office of Airports