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Via Facsimile 858/362-8448

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SUNROAD CENTRUM, L.P., a California Limited Partnership
SUNROAD ASSET MANAGEMENT, INC.
SUNROAD ENTERPRISES
4440 Eastgate Mall, Suite 400
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NOTICE THAT PROPERTY IS A NUISANCE (Penal Code section 373a)

Construction of a twelve-story commercial office building (“Sunroad Centrum I Building”) located 0.7 nautical miles from the City of San Diego’s Montgomery Field Airport (“Montgomery Field”) has been determined by the Federal Aviation Administration (“FAA”) to be a hazard to air navigation at Montgomery Field. As a hazard to air navigation, the Sunroad Centrum I Building poses a serious threat to the health and safety of the citizens of the City and all who utilize Montgomery Field.

On or about April 24, 2006, the FAA notified Sunroad that the Sunroad Centrum I Building at 180 feet AGL, exceeded FAA airport obstruction standards. The FAA concluded the building would have an adverse physical or electromagnetic interference effect upon navigable airspace or on the navigation facilities located at Montgomery Field. The FAA notified Sunroad that any height exceeding 160 feet AGL constituted a hazard. The FAA issued a “Notice of Presumed Hazard” to Sunroad. The FAA advised that pending resolution of the building height issue, no construction of the Sunroad Centrum I Building should proceed.

Sunroad has ignored the FAA’s directive and proceeded to frame the Sunroad Centrum Building to its maximum planned height of 180 feet AGL, and erected construction cranes that exceed 180 feet AGL.

On or about August, 11, 2006, the FAA assessed the building at 180 feet AGL—the true height of the building as framed by Sunroad. The FAA found the Sunroad Centrum I Building at its actual height of 180 feet AGL, posed a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft, and the operation of air navigations at the City’s

Montgomery Field. The FAA issued an FAA Hazard Determination (“Hazard Determination”). Sunroad did not appeal the FAA’s Hazard Determination. The FAA’s Hazard Determination became final on September 20, 2006.

On or about September 14, 2006, the Department of Transportation contacted Sunroad to advise it had been made aware of the FAA’s Hazard Determination and violation of the Code of Federal Regulations. As such, the DOT advised Sunroad the construction of the Sunroad Centrum I Building was in violation of California Public Utilities Code section 21659 (“PUC §21659”). On or about September 29, 2006, the DOT again notified Sunroad that the construction of the Sunroad Centrum I Building was in violation of PUC §21659(a). The DOT warned Sunroad that without issuance of a permit by the DOT, continued construction of any part of the building exceeding 160 feet AGL was unlawful.

On or about October 19, 2006, the San Diego City Attorney’s Office advised the City’s Development Services Department to issue a Stop Work Order to halt construction of the Sunroad Centrum I Building. On October 27, 2006, the City issued a Stop Work Order for the Sunroad Centrum I Building, ordering all work on the top 17 feet of the building cease. On or about December 13, 2006, the City revised the Stop Work Order for the Sunroad Centrum I Building, ordering all work on the top 20 feet of the building cease.

The conditions described above violate the San Diego Municipal Code. You are notified to remove, discontinue, or abate the illegal conditions at this property/location. Failure to take corrective action will constitute a misdemeanor, and each day the nuisance exists after service of this notice is a separate and distinct offense pursuant to California Penal Code section 373a.

MICHAEL J. AGUIRRE, City Attorney

By

Kimberly A. Urie
Deputy City Attorney

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