



THE CITY OF SAN DIEGO

June 21, 2007

Sent Via Certified Mail

Craig Bachmann
Sunroad Enterprises
4445 Eastgate Mall #400
San Diego, CA 92121

Dear Bachmann:

Subject: Restoration and Mitigation Order (San Diego Municipal Code Section 121.0312)

You are hereby ordered, pursuant to San Diego Municipal Code Section 121.0312, to restore and mitigate the *structure* and *premises* at 8620 Spectrum Center Boulevard to their lawful and prior condition where all buildings, *structures*, towers and projections on the *premises* remain below 160 feet (160 feet AGL/576 feet AMSL), in compliance with the Federal Aviation Administration ("FAA") No Hazard Determination, which was issued to Mr. Craig Bachman, Sunroad Enterprises, on June 27, 2006. (Copy enclosed with this order.)

1. All buildings, structures, towers and projections which exceed this 160-foot height level established by this June 27, 2006 FAA No Hazard Determination are unlawful and are to be removed.
2. A temporary construction crane may be used to comply with this Restoration and Mitigation Order, if such crane has received an FAA No Hazard Determination, and evidence of such determination is submitted to and approved by the City.
3. Pursuant to SDMC Section 121.0312, no further permits for the *premises* other than those required to remove those portions of the structure above the 160-foot height level shall be processed until the restoration has been completed and the specified performance criteria have been met as required by the City.
4. Pursuant to SDMC Section 121.0312(c) all restoration and mitigation required by this Order shall be at the sole cost of the property owner, the entity which failed to obtain a valid No Hazard Determination from the FAA or a permit from the California Department of Transportation for construction above the 160-foot approved level.
5. Failure to comply with this Restoration and Mitigation Order will result in additional remedies, including without limitation enforcement action and administrative penalties pursuant to the San Diego Municipal Code.



Development Services

1222 First Avenue, MS 501 • San Diego, CA 92101-4155
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6. Removal and mitigation is to be completed by August 25, 2007. Submit a schedule for removal and mitigation by July 10, 2007. The City will consider and may grant an extension of these dates if the written application for extension is accompanied by a schedule for removal and mitigation, an explanation for the need for the required extension, and a performance bond.

This Restoration and Mitigation Order is based on the following facts:

1. The Federal Aviation Administration has determined that a building which exceeds 160 feet is a hazard to air navigation. The California Department of Transportation has informed the City that the buildings on the site which exceed 160 feet violate Public Utilities Code Section 21659. Sunroad has failed and refused to apply for or obtain a permit from the California Department of Transportation under Section 21659. Conditions on the site became unlawful when the building on the site was constructed above the 160-foot approved level.
2. City building permits require compliance with the federal, state and local law and do not entitle the holder to violate federal, state or local law. The San Diego Municipal Code requires compliance with federal, state and local law.
3. The City has been directed by the California Department of Transportation to ensure compliance with federal and state law for buildings on this site.



Marcela Escobar-Eck
Director, Development Services Department

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Enclosure: June 27, 2007 FAA Determination of No Hazard to Air Navigation

- c: Honorable Mayor and City Council
City Attorney
Melody Negrete, Acting NCC Deputy Director
Chris Garrett
James M. (Pete) Cox, 17140 Bernardo Center Dr., Suite 216, San Diego, CA 92128-2088