

**From:** David Miller  
**To:** Waring, Jim  
**CC:** Broughton, Kelly; Wolfsheimer, Abbe; Brock, Carmen; Morris, Chris; Heumann, Karen; Edwards, Shirley  
**Date:** 10/16/2006 12:29:19 PM  
**Subject:** Sunroad Spectrum Building 1

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Jim,

The City Attorney, Michael Aquirre, requests that the Development Services Department of the City of San Diego immediately issues a "Stop Work Order" for the above-reference building, as continued construction is in violation of PUC section 21659 and Federal Aviation Regulation (FAR) Part 77 Obstruction Standards. More importantly, the current height of the building, 180', poses a risk to human life both in the air and on the road.

On August 11, 2006, the building was determined to be a "Hazard to Air Navigation" by the Federal Aviation Administration. see <https://www.oiaa.faa.gov/oiaaEXT/letterViewer.jsp?letterContentID=484230> . The FAA cited that the structure has "a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft."

The risk created by the structure places it within a category of "Public Nuisance." "Public Nuisance" means any condition caused, maintained or permitted to exist which constitutes a threat to the public's health, safety and welfare or which significantly obstructs, injures or interferes with the reasonable or free use of property in a neighborhood, community or to any considerable number of persons. SDMC section 11.0210.

As a "Public Nuisance," the City may take immediate actions to abate. "Section 121.0302(i) of the San Diego Municipal Code provides that "[t]he City may take any appropriate enforcement action to abate a public nuisance, despite the issuance of any permits to maintain, alter, expand, demolish, or reconstruct a structure, or to operate or resume operation of a use."

Following the issuance of the "Stop Work Order," the City Attorney's Office requests that a permit revocation hearing be scheduled pursuant to San Diego Municipal Code Sections 121.0314(c)(3) and (4), which allows for the revocation of building permits issued.

Other avenues of enforcement shall also be pursued.

Sincerely,

David E. Miller  
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