

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 236-6220

DATE: June 19, 2007
TO: Honorable Mayor Jerry Sanders and City Council
FROM: City Attorney Michael J. Aguirre
SUBJECT: Stop Work and Use Order – Sunroad Centrum I Building

I request that the Mayor issue the enclosed Stop Work and Use Order which requires Sunroad Enterprises to stop all construction, maintenance, and use of the Sunroad Centrum I Building. The building is a public nuisance and an airport hazard pursuant to the San Diego Municipal Code and California law.


The Federal Aviation Administration has determined that the Sunroad tower is a hazard to air navigation at Montgomery Field Airport. Today, the enclosed order was endorsed by the Community Airfields Association of San Diego as well as the Aircraft Owners & Pilots Association.

Also enclosed please find documents which demonstrate that Sunroad Enterprises has consistently misled and defied the City of San Diego, the California Department of Transportation, and the Federal Aviation Administration, and has wholly disregarded both the law and the public's health, safety, and general welfare.



Michael J. Aguirre, City Attorney

STOP WORK AND USE ORDER

 <p>America's Finest City THE CITY OF SAN DIEGO Development Services Department 1222 First Avenue, MS 301 San Diego, CA 92101-4154</p>	<p>LOCATION: 8620 Spectrum Center Blvd. APN: 369-220-73; 369-220-51; 369-220-52; 369-220-53; 369-220-54; 369-220-55; 369-220-56; 369-220-57</p>
<p>RESPONSIBLE PERSON: Swinerton Builders (858) 622-4040 17140 Bernardo Center Drive San Diego, California 92128</p>	<p>MAIL ADDRESS FOR: <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> CONTRACTOR <input type="checkbox"/> _____</p>

THIS STOP WORK AND USE ORDER is issued pursuant to San Diego Municipal Code sections 121.0205, 121.0309, and 121.0310 for all work, maintenance, and use of the premises at the above-listed location contrary to the provisions of the Land Development Code.

<p>DESCRIPTION OF VIOLATIONS: Construction, maintenance, and use of the Sunroad Tower, an airport hazard and public nuisance.</p>
<p>San Diego Municipal Code section 121.0302(a) - unlawful to maintain or use any premises in violation of the Land Development Code, without a required permit, or contrary to permit conditions;</p>
<p>California Public Utilities Code section 21659 – unlawful to construct or alter any structure at a height which exceeds federal obstruction standards (Title 14 of the Code of Federal Regulations, Part 77, Subpart C) unless the Department of Transportation issues a permit;</p>
<p>San Diego Municipal Code section 121.0302(b)(4) – unlawful to maintain or allow the existence of any condition that creates a public nuisance;</p>
<p>San Diego Municipal Code section 12.0602 – City may abate any condition caused, maintained or permitted to exist in violation of any provisions of the Municipal Code or applicable state codes which constitutes a public nuisance;</p>
<p>San Diego Municipal Code section 11.0210 – a public nuisance is 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; also has same meaning as set forth in California Civil Code section 3479;</p>
<p>California Civil Code section 3479, 3480 – anything which at the same time affects an entire community or neighborhood or considerable number of persons which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property;</p>
<p>California Government Code section 50485.2 – the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question;</p>
<p>California Public Utilities Code section 21017 – an airport hazard is any structure or use of land which obstructs the air space required for flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to the landing or taking off.</p>

NAME OF INSPECTOR/STAFF (Print) _____

OFFICE TEL. NO. & TIME AVAILABLE _____

DATE _____