

- Sunday
- »Next Story»
- News
- Local News
- Insight
- Business
- Sports
- Sunday Currents
- Arts
- Travel
- Homes
- Homescape
- Books
- Passages
- Front Page (PDF)
- The Last Week
- Sunday
- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday
- Weekly Sections
- Books
- Personal Tech
- Family
- Food
- Health
- Home
- Homescape
- Insight
- InStyle
- Night & Day
- Street
- Sunday Arts
- Travel
- Quest
- Wheels

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U-T SPECIAL REPORT

Is office tower's height a hazard?

Sunroad told to halt work on building near city's Montgomery Field

By David Hasemyer
STAFF WRITER

November 5, 2006

A 12-story office tower under construction near San Diego's Montgomery Field is causing jitters among pilots and alarm in city, state and federal agencies because it extends into a landing path that private planes use in bad weather.

For six months, the Federal Aviation Administration has been warning that the building is a hazard that will have a "substantial adverse effect on the safe (operation)" of the city-owned airport in Kearny Mesa.

The FAA is powerless to stop construction because the building is a block outside the official airport boundary.

The California Department of Transportation is so concerned about the building that it is considering getting a court order to halt its construction.

The state agency sent the developer, Sunroad Enterprises, a warning in late September: "If an aircraft accident occurs at the site of the (building) because of this violation, you are assuming all liability for the accident."

Ten days ago, the city's Department of Land Use and Economic Development – which approved the building plans in 1997 – ordered that work on the top two stories be halted until safety issues could be worked out with the FAA and the state. The San Diego City Attorney's Office said the city had no choice, because the FAA warning described the building as a hazard to air traffic.

Sunroad's vice president for development, Tom Story, says he is confident that once the talks are over, the \$45 million building, which already is framed, will remain at its current height.

Barbara Lichman, an attorney for the San Diego-based company, said that if there were problems with the building, the city should have identified and raised them before it granted the permits.

"I want to make it clear we didn't pull the wool over anybody's eyes," Lichman said. "We met every land-use standard of the city's permitting process."

The 180-foot-tall building exceeds the FAA height limit for the area near the airport by 20



HOWARD LIPIN / Union-Tribune
Some pilots say Sunroad Enterprises' 12-story office tower under construction, seen in the lower left corner of this aerial photo, presents a hazard during bad-weather landings at Kearny Mesa's Montgomery Field, which is visible at the top of the photo.



Montgomery Field landings during inclement weather

OVERVIEW

Background: The Federal Aviation Administration has declared a 12-story building under construction near Montgomery Field a hazard to airplanes landing at the Kearny Mesa

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feet. Two adjacent buildings are planned that will be even taller: one at 200 feet, the other at 220 feet.

The Sunroad project won't interfere with the most common landing path used by the hundreds of small planes that touch down at the airport every day.

When pilots use the flight plan that the FAA requires for low clouds or windy weather, they fly within 400 feet of the first building – so close that some pilots say they'll be able to see office workers through the building's windows.

“You drop out of the clouds and it's in your face,” said Jon Real, who flies in and out of Montgomery Field two or three times a week for his freight-delivery business.

Real likens the Sunroad building to dropping a 5,000-pound boulder in the middle of a freeway and then putting up warning signs.

“Sooner or later, there's going to be an accident,” he said.

The controversy over the Sunroad buildings highlights jurisdictional problems involving land use around airports at a time when real estate is becoming scarce and vastly more valuable.

“This is an issue so many airports and communities are wrestling with – the competing priorities of the airports and the land around them,” said Angela Shafer-Payne, vice president for strategic planning for the San Diego County Regional Airport Authority. “It's a tough balancing act.”



HOWARD LIPIN / Union-Tribune
Rick Beach of Point Loma prepared to land his Cirrus SR22 on runway 10 at Montgomery Field, an approach that takes pilots within 400 feet of the 12-story tower as they come in for bad-weather landings. Two additional buildings planned for the Sunroad complex would be even taller.

Because the building falls just outside the Airport Authority's jurisdiction, the agency is powerless to intervene. Shafer-Payne said the Airport Authority would have opposed the building if it had been consulted by the city.

Bad-weather approach

The bad-weather approach accounts for about 10 percent of the landings at Montgomery Field. Last year, there were 245,086 takeoffs and landings of light planes, small corporate jets and helicopters at the airport, which is open around the clock.

Pilot Rick Beach said that even without the Sunroad building, the circling approach can be challenging, because so much happens so fast.

The decision to use the bad-weather approach is usually made when a plane is about five minutes from the airport; by then it is over El Cajon on the prescribed east-to-west approach.

In the final minute before landing, the pilot drops the plane out of the clouds a few hundred feet above the ground, spots the runway visually and then begins the final sweeping turn.

In that minute, Beach said, the pilot must talk to the airport control tower, hold the plane steady, remain oriented to the runway, look out for other planes and mentally go through a checklist of landing procedures.

“Now throw on top all of that a building that you have to miss and you can understand the hazard it presents,” Beach said.

While officials ponder the building's

future, the lower floors are being completed. Construction workers scurry about, pushing carts of supplies and lugging armloads of material. The high-pitched whine of pneumatic tools mixes with the clanking of hammers on metal.

The building is on pace to be finished by summer.

The office towers are part of a \$1 billion project on the site of the former General Dynamics rocket-building facility at state Route 163 and Clairemont Mesa Boulevard.

The 232-acre development was approved in 1997 after a nearly six-year planning process that included public hearings, an environmental report, traffic studies and economic impact assessments.

Yet through it all, the issue of tall buildings going up one mile northwest of one of the county's busiest airports was never considered, said Kelly Broughton, deputy director of the city's Development Services Department. Broughton said that because the building was outside the airport's jurisdiction, the city wasn't required to consider what effect the structure would have on air traffic.

Despite the FAA's concerns, Broughton said he didn't see the building as a big safety hazard.

"Just because there is a tall building near an airport doesn't make it a safety issue," he said.

In September, the state Department of Transportation stepped into the controversy. In a letter to Sunroad, the agency said California statutes require developers to obtain permits from the agency before erecting any structure that exceeds FAA obstruction standards – and Sunroad hasn't done that.

"Until you receive a permit from the Department, it is unlawful for you to proceed with construction," the letter read.

Sunroad's lawyer has said the state doesn't have jurisdiction in the matter. Transportation officials are negotiating with the developer, but Caltrans spokesman Edward Cartagena said the agency would turn to the courts to stop construction if the developer refused to make changes.

Sunroad has been doing business in San Diego County since 1977. In addition to developing commercial, resort, residential and retail projects in California, Colorado and Mexico, it owns several local car dealerships, the Maderas golf course in Poway and a 609-slip marina in San Diego Harbor. After the 2003 wildfires, the company helped the city buy a fire-rescue helicopter, which is based at Montgomery Field.

'Not a reality'

The FAA requires that builders notify it at least 30 days before breaking ground for any structure that extends into the airspace around an airport.

Sunroad's notification to the FAA didn't arrive until April, after construction was under way. When the FAA expressed its concern, Sunroad agreed to reduce the building's height to the acceptable 160 feet. In June, the FAA withdrew its objections.

In August, Sunroad submitted another plan to the FAA, saying the building would, in fact, be 180 feet tall and that the framing was already up.

Tom Story, the Sunroad executive, believes his company will not be forced to alter its plans for the building, because it met all the city's planning and zoning requirements.

"It's not a reality to take two stories off," he said.

Story said the complex's second building, which is in the pre-construction phase, would go up as planned, too. Making changes now would mean starting all over with new plans, and Story said that was an expense Sunroad wasn't willing to bear.

Story did promise the city's Airports Advisory Committee to consider making the complex's third tower wider and lower.

■ David Hasemyer: (619) 542-4583; david.hasemyer@uniontrib.com

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