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Height Dispute

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A 12-story building currently under construction near Montgomery Field in the Kearny Mesa area is causing alarm among pilots, who routinely fly in the area.

The Federal Aviation Administration has warned the developer that the building presents a serious hazard to the safe operation of the city-owned airport.

In a letter from the California Department of Transportation, the state agency sent the developer, Sunroad Enterprises, a warning letter that indicated that in the event of the crash the developer would assume all liability for an accident.

The plan to develop the area east of the State route Highway 163, came to an abrupt halt in late October when the city's Department of Land Use and Economic Development ordered that work on the top two stories be halted until safety issues could be addressed between the state and FAA.

The 180-foot-tall building, along Kearny Mesa Road, exceeds the FAA height limit for the area near the airport by 20 feet. Two similar buildings are planned that will be even taller. One of the structures is estimated at 200 feet, the other at 220 feet.

During a discourse between the FAA and the developers, an agreement was reached that would limit the building's height to 160 feet. However on closer inspection, several local area pilots determined that the building had been constructed to the originally proposed height of 180 feet.

According to an FAA note, the developer told them "The refusal to lower the structure height was dictated by land availability."*

The building at the center of this controversy is scheduled for completion by the summer of 2007. The second building is also in early stages of construction and Tom Story a Vice President with Sunroad, says the building will continue as planned, because new plans are an expense the company cannot afford.

Story does plan to work with the city Airport Advisory Committee to make alteration to the third building, reducing the height in favor of a wider building.

*Federal Aviation Administration Documents:

Memo 6/13/2006

Memo 6/27/2006

Memo 8/11/2006

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