



FAA hints at criminal proceedings against developer of building near Montgomery



Add headlines to your personalized My Yahoo! page
(About My Yahoo! and RSS)

Local - San Diego Daily Transcript



» More News Feeds

NEWS ALERTS

Get an alert when there are new stories about:



Federal Aviation Administration

Add Selected Alerts

» More Alerts

ELSEWHERE ON THE WEB

CNN.COM

Report: GOP leaders negligent in protecting pages

ABC NEWS

Bette Calls Britney a 'Wild and Woolly' Slut

Y!NEWS EDITOR PICK

Healthy Bodies: You Are What You Eat

Tue Dec 5, 8:47 PM ET

A [Federal Aviation Administration](#) (FAA) spokesman said **Sunroad Enterprises** could be subject to civil or even criminal penalties for ignoring the agency, but the developer scoffs at the suggestion.

The FAA claims the Sunroad Centrum building the developer is constructing in Kearny Mesa is allegedly too tall for aircraft landing at Montgomery Field, less than a mile away. The developer said it hasn't done anything wrong.

ADVERTISEMENT

FAA spokesman Ian Gregor said Sunroad filed for a hazard determination last spring and it was concluded by the agency that at 180 feet, the 12-story building was 20 feet too tall for aircraft in the flight path. Under visual flight rules, this might not be an issue, but the picture may be different during an instrument approach in bad weather.

The FAA said Sunroad then agreed to lower the height of the building to 160 feet. Sunroad contends the steel was held at the 160-foot level before an aviation consultant said it could go to the full height. Sunroad officials said they informed the FAA about the new height through a consultant.

In midsummer, as the building was being topped out, Sunroad made a new application for a hazard determination for the 180-foot building, which despite the FAA's concerns, had reached that height already.

"This was a complete thumbing of the nose of an important process," Gregor said, before adding this is a clear violation of federal law. "We're exploring our legal options and that could include criminal prosecution," he said.

"He's speaking way out of school," said Dan Feldman, a Sunroad vice president. Feldman said he has had meetings with other FAA officials in Washington, D.C. who suggest an amicable solution is likely.

Gregor said he wasn't sure what the criminal penalties might be, but said the developer could be fined \$1,000 every day since the building was topped out in August.

"And they created this problem themselves," he added.

Gregor said not only was this case unusual, but also of some 6,000 hazard determinations made around the country this year, this was the only case in which a developer defied the FAA. There were also reportedly only three cases in the country in which the hazard determinations were overturned.

Tom Story, Sunroad vice president of development, said the building received approvals from the city in February and started grading in preparation for the underground parking garage later that same month.

Story said Sunroad applied to the FAA in April and it was issued a hazard notice later that month, but whether the developer agreed to lower the height of the building at that point is the subject of debate. The developer (**Swinerton Builders** is the general contractor) was still working on the

garage at that time.

"We said we were going to go to 160 while we evaluated the issue," Feldman said. "Our consultant (**Williams Aviation**) then notified them (the FAA)," adding that the FAA doesn't have land-use jurisdiction anyway.

Story said the city issued a building permit in early July. It isn't clear whether the city believed the building would be in compliance, or simply neglected to realize the building would end up topping out at 180 feet. Meanwhile, the city attorney's office issued a stop-work order earlier this fall until the matter was sorted out.

The building wasn't the only hazard. Story said a "Notice to Airmen" was sent out to pilots during construction, warning that a 330-foot-high crane was in the air.

"They (pilots) already had to alter their approaches because of that," Story said.

Sunroad, in an effort to get its building going again, has agreed to fund a study for a new instrument-landing system (ILS) that could be employed by the airport in case of bad weather. Story said such a system would likely only cost about \$200,000, not counting the installation expenses and the city and Sunroad would likely share the cost.

As for whether a new ILS system would be a sufficient remedy to ensure the building isn't a hazard, it's up in the air.

"It's unclear. These are incredibly complicated issues that defy a simple solution," Gregor said.

Feldman said that during a trip to Washington, D.C., other FAA officials, such as the director of obstructions, liked the ILS system idea and that it might at the very least go a long way toward a solution.

Buzz Gibbs, a pilot and owner of **Gibbs Flying Service**, said he also believes the ILS could possibly solve the problem.

He said he doesn't believe a 20-foot difference in the height of this building makes much more of a hazard.

"Look at the Laurel Travel Center (in the Lindbergh Field final approach path). "That's much worse," he said.

Gibbs said while he believes the problems surrounding this particular building can be resolved, he is less certain about the other structures Sunroad is planning in its quest to develop 1 million square feet of office space in the San Diego Spectrum master plan. At least one of those buildings could exceed 200 feet.

"By the time those other buildings are ready to come online, new airport land-use plans will be in place -- plans that will be more restrictive than the ones we have today," Gibbs said.

[Email Story](#) [IM Story](#) [Discuss](#) [Printable View](#)

RECOMMEND THIS STORY

Recommend It:

Average (0 votes)



[» Recommended Stories](#)

Local

[NYC radio DJ is shot at least 13 times outside apartment building](#) Newsday

[Child battered in foster care is back with grandmother](#) Miami Herald

[Power lines cause of Moorpark blaze](#) Los

Angeles Times

[Army Ranger pleads guilty to bank robbery](#)

Seattle Times

[White House cool to report](#) San Jose

Mercury-News

Sponsored Links

([What's this?](#))

[Steel Building Sale - Up to 50% Off](#)

High quality buildings at factory direct pricing.

www.steelmasterusa.com

[Garage Buildings](#)

The clear span space and natural light of a QuickStructure utility provides a great garage space. Even on cloudy days, you will require less artificial lighting, reducing operating costs.

www.quickstructures.com

[U.S. Metal Buildings - Garage Kits](#)

Premium quality metal buildings shipped factory direct, ready to erect. Perfect for equipment storage, riding arenas, horse stables, warehouses, garages and many other uses.

www.usmetalbuildings.com

Search:

All News



Search

[Advanced](#)

[Yahoo!](#) - [My Yahoo!](#) - [Mail](#)

[Home](#) | [U.S.](#) | [Business](#) | [World](#) | [Entertainment](#) | [Sports](#) | [Tech](#) | [Politics](#) | [Science](#) | [Health](#) | [Travel](#) | [Most Popular](#) | [Odd News](#) | [Opinion](#)

Copyright © 2006 [San Diego Daily Transcript](#).

Copyright © 2006 Yahoo! Inc. All rights reserved.

[Questions or Comments](#)

[Privacy Policy](#) - [Terms of Service](#) - [Copyright/IP Policy](#) - [Ad Feedback](#)