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Let a safer building project proceed

December 11, 2006

In constructing the first of three planned office buildings near Montgomery Field, San Diego developer Sunroad Enterprises hit turbulence at 160 feet. But its project needn't be grounded permanently.

Whether Sunroad properly notified the Federal Aviation Administration of its planned construction of a 180-foot-high building near the general aviation airport is in dispute. That dispute would not have arisen had the developer covered every possible base before beginning construction. Sunroad clearly must comply before moving ahead with the second and third buildings, each higher than the first.

At this point, however, Sunroad faces two serious issues: a determination by the FAA that the developer's 180-foot-high building, now under construction, is a hazard to aircraft using Montgomery Field, particularly in bad weather, and the subsequent issuance of a stop-work order by the city.

Sunroad did itself no favors by renegeing on its initial reaction to stop building at 160 feet, which the FAA determined would be no hazard. Since the agency seldom withdraws hazard determinations but must permit hazard mitigation when possible, the company simultaneously sought expert advice on lessening the hazard at 180 feet. Among them is an FAA notice to pilots of a hazard's existence and instructions on avoiding it. There's a 330-foot construction crane on the site, for example, and the agency has issued such a notice for it.

Sunroad has proposed going beyond notice to funding instrument-landing equipment that would enhance public and pilot safety. The FAA is interested in that solution, and a study of it, partly at Sunroad's expense, is planned. Rejecting pricey airport improvements is not in the agency's interest. Sunroad can chalk up the cost as a learning experience.

The city's interests are clear: It doesn't want to be liable for an air disaster at city-owned Montgomery Field. It also doesn't want to lose a billion-dollar office and residential project on Kearney Mesa. To ease those concerns, Sunroad has offered to assume all liability for air accidents and to forgo a lawsuit against the city for losses from the suspension of its valid city permits. In return, the city would allow interior work on the building as the FAA issues are resolved.

The city official authorized to accept that arrangement, Mayor Jerry Sanders, is inclined to take it. He should. It poses no hazard to public safety. It may even facilitate enhancing airport safety. And it removes two major potential hazards to a thin public purse.

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