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## Caltrans chides city about work on building

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### Criticism is off-base, San Diego official says

By Alex Roth and David Hasemyer  
UNION-TRIBUNE STAFF WRITERS

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The city of San Diego needs to crack down on a developer whose 12-story building near Montgomery Field interferes with airport flight patterns, the state Department of Transportation has concluded in a harshly worded letter to city officials.

By allowing Sunroad Enterprises to add a roof or do any other work on the top two floors of an office tower whose height violates federal and state aviation regulations, the city is permitting the developer to "disregard public safety," Jeff Brown, a state transportation aviation safety officer, wrote in the Jan. 19 letter.

Brown said the city's "reluctance to take the necessary steps to protect its citizenry is a mystery," because the city knew the building was a hazard yet allowed construction to continue.

The tone of the letter surprised Marcella Escobar-Eck, director of the city's Development Services Department, who said Caltrans is off-base by criticizing the city.

"We are in no way, shape or form trying to undermine the FAA or the Department of Transportation's concern for safety," she said. "If anything our continuing the stop-work order shows we are supporting their position."

Escobar-Eck said the city's decision to allow a roof to go on the building to protect the lower floors was a reasonable compromise and not a signal that the city will allow the building to be completed.

"We have made it clear nobody is going anywhere until the FAA's hazard issue is resolved," she said. "I think it's unfortunate we can't get everybody to sit down and resolve this."

Sunroad spokeswoman Karen Hutchens said the company won't comment on the letter, which it received late yesterday, until it has time to consider the implications.

The letter is the latest twist in the bitter squabble between Sunroad, the city and various state and federal agencies.

The Federal Aviation Administration concluded last summer that the office tower is a hazard to airplanes approaching the Kearny Mesa airport in bad weather. In October the city's development department,

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which initially approved the building, ordered work stopped on the top two floors. The City Attorney's Office entered the quarrel last month, when it filed a lawsuit demanding that the top two floors be removed.

The Aircraft Owners and Pilots Association, which has 410,000 members, has joined the lawsuit. So has a group of local pilots and airport users.

City Attorney Michael Aguirre has been highly critical of the city's Development Services Department, accusing it of permitting Sunroad to exceed the height limits imposed by the federal government.

In an interview yesterday, Aguirre said his next step will be to seek a court order demanding that Sunroad lower the height of the building.

"There's no other choice, there's no compromise, there's no other way to do it," he said, because the top two stories constitute "an obvious danger to life."

Sunroad executives have said the building poses no danger to public safety and offered to buy a navigation system that would allow planes to fly straight onto the runway. Pilots now must circle within 400 feet of the building in bad weather, so close that they say they would be able to see office workers.

Sunroad also has hinted it will take legal action against the city if it can't complete the upper stories, noting that the city issued the final building permit for the office tower after the FAA said it posed a hazard.

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