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Towering Legal Dispute

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City Attorney Mike Aguirre is playing hardball with the developers of a new 180' tall building near Montgomery Field, referring them to the U.S. Attorney's Office for possible criminal prosecution

Aguirre believes the Federal Aviation Administration made it clear from the beginning that the developers couldn't proceed after violating height rules

A Troubled History

The City of San Diego cleared the way for the 12-story building under construction in the Kearny Mesa area. The building has caused much alarm among pilots, who routinely fly in the area.

The city approved the latest plans but the FAA refuses to change their stance that the building is a hazard to pilots.

Opposition to the greater height continues to mount.

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

In a letter from the California Department of Transportation to the developer, Sunroad Enterprises, the state department warned 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 city reversed that decision in December.

Complicating the matter further, while the city has given the go ahead, the San Diego County Regional Airport Authority has the ability to determine height requirements for buildings within their Comprehensive Land Use Plans.

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 buildings 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

Additional Information

From the San Diego County Regional Airport Authority Policies

"In preparing a CLUP, the Authority may develop height restrictions on buildings, specify use of land and determine building standards, including soundproofing adjacent to Airports within the planning area." - Policy Statement "Comprehensive Land Use Plan" Subsection 2b

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The City of San Diego has given the go ahead for a developer to continue work on a building near Montgomery Field even though the FAA and local pilots believe the height of the building to be dangerous. Eric Collins reports.

Height Dispute 11/8/06

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.

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