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San Diego City Attorney
Michael J. Aguirre
NEWS RELEASE

The Aguirre Report - Web Log (Blog)

BLOG 01.26.07

by Michael Aguirre, San Diego City Attorney
Public Safety First

In today's editorial section of the Union-Tribune newspaper, Tom Story defended his company's construction of its 12-story building near Montgomery Field, which the Federal Aviation Administration (FAA), the Aeronautical Division of California's Transportation System (Caltrans), and the City Attorney's Office have all said is a hazard to pilots and the public. Furthermore, the City Attorney's Office and Caltrans have ordered the developer to stop construction of the top 20 plus feet of the building because it constitutes a danger.

Mr. Story is the Vice President for Development for Sunroad Enterprises. Mr. Story was also a City Hall planner in 1986, then he became the Senior Policy Advisory to former Mayor Dick Murphy and later was the Mayor's Chief of Staff when John Kern resigned that position in April 2005.

The U-T published Mr. Story's six paragraph editorial reply in defense of his company. But in an earlier U-T editorial, I was criticized over the lawsuit which the City Attorney's Office filed against Sunroad. The U-T reduced my editorial response to two paragraphs.

So, in the interest of fairness, let me share the entire letter the U-T didn't publish, which explains to the people of San Diego that filing the lawsuit was the only option left to protect the public.

Editorial: Defiant Developer: January 18, 2007

Sunroad Enterprises demonstrated a complete disregard for the safety of San Diegans by blatantly ignoring demands from government agencies to halt the construction of a building looming into federal airspace and threatening air traffic at Montgomery Field. As City Attorney, I was left with only one option-- to file a lawsuit against Sunroad to protect the lives of the public and pilots.

So, it's a stretch for the Union-Tribune (U-T) editorial board to claim that filing a lawsuit intended to protect the public is all about focusing the attention on me. The Aircraft Owners & Pilots Association, Inc and the Community Airfields Association of San Diego have also joined the lawsuit. Here are the facts:

Since April 2006, Sunroad has known that the Federal Aviation Administration (FAA) considered the Sunroad Centrum I building a hazard to air traffic at Montgomery Field; however, they have proceeded to complete the building.

In October 2006, the California Department of Transportation, Division of Aeronautics, (Cal Trans) requested the assistance of the City Attorney's Office to

compel the City to issue a Stop Work Notice to halt the construction of the Sunroad building.

On October 27, 2006, a Stop Work Notice was issued by the City. Despite all of the actions taken, Sunroad continued to complete the building at the prohibited height of 180 feet-- under the guise of "weatherizing" the building.

The City Attorney, therefore, had no alternative but to file the lawsuit in the name of the People to protect the public safety and to protect the City's continued receipt of millions of dollars of federal and state grant funds for San Diego's airports.

The City Attorney's Office has been in close contact with the FAA in Washington DC and locally, and with Cal Trans. According to information received from these Federal and State regulatory agencies, the Sunroad Building at 180 feet remains a hazard and public nuisance.

Furthermore, any "agreement" reached between the FAA and Sunroad would require extensive aeronautic and environmental studies since the "resolution" being proposed would affect air traffic countywide. Thus, if any accommodation could be reached between the FAA and Sunroad, it would not be implemented for 3-4 years!

The only alternative, therefore, was to take legal action to abate a nuisance that is a threat to public safety.

Michael Aguirre
San Diego City Attorney

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BLOG 01.19.07

by Michael Aguirre, San Diego City Attorney Double Standards

The recent Union-Tribune (U-T) editorial criticizing Executive Assistant City Attorney Don McGrath for using profanity in an inadvertent e-mail exchange exposes a glaring double standard by U-T Editorial writer Bob Kittle who himself used profanity in an e-mail while seeking favors from an elected official.

The [January 19, 2004 e-mail exchanges](#) between Kittle and City Councilmember Scott Peters illustrate a violation of the ethical codes governing journalism as laid out by the Society of Professional Journalists. The two became very close in the early days of 2004, shortly before the U-T endorsed Peters in his bid for re-election to the District 1 City Council seat.

In the e-mails Peters reported on efforts to expedite the removal of telephone poles near Kittle's La Jolla home. Peters wrote, "Here is the letter Casey Gwinn [former San Diego City Attorney] sent in on Thursday evening, which I said I would get to you...I didn't mention it in front of Karin Winner [editor of the U-T], but I think your telephone poles come down this week."

Kittle's reply illuminates the cozy relationships he had developed with Peters. Kittle wrote, "Thanks much. We're going to run Casey's piece on the op-ed page later in the week, not as a letter to the editor but as a stand-alone commentary. I guess I should quickly tell my neighbors that I've asked you to take down the telephone poles, so that both you and I get credit for this great achievement..."