

## FAA, Company At Odds Over Montgomery Field Tower

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**SAN DIEGO** -- The issue over Sunroad Tower has been debated for weeks, and 10News has learned that there are many unanswered questions that might involve the developer of the building, the Federal Aviation Administration and city planners.

The issue is the 12-story building under construction near Montgomery field. The problem?

“The FAA’s position is that this is a hazard to air navigation,” said Ian Gregor of the FAA.

In the aviation world, a hazard is not as serious as a safety issue.

“There is not a safety issue here,” said Tom Story of Sunroad Enterprises.

Sunroad believes the terminology is very important because if its building were a safety issue, it might cost the company millions of dollars in reconstruction. Some said the city of San Diego could be liable, too.

“Sunroad has fully complied with all of the city work orders, so we have done nothing wrong that has not been authorized by the city,” said Story.

The debate began last April, when Sunroad notified the FAA that it wanted to construct a building near Montgomery Field that would reach 180 feet in height. However, the FAA, which could only advise and has no authority on construction, determined that anything over 160 feet at that location would be “a hazard to air navigation.”

Some pilots at Montgomery Field agreed with the FAA’s original recommendation. During certain weather conditions, a pilot’s approach pattern takes them right over the Sunroad Tower.

In an animation simulation, pilots said the building at 180 feet is 20 feet too tall and is an obstruction to airspace.

“That’s all it takes sometimes to miss an accident. That’s all it takes sometimes for the difference between life and death is one foot. We have a 20-foot impingement on protected airspace,” said pilot Gerald Blank.

Sunroad told the FAA in June, “We understand it is an issue. We will build the recommended 160-foot height.” However, that is not what happened.

Gregor added, “It seems to us the process was working as it should. We were quite surprised to find that

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they had built to their original height of 180 feet.”

“On July 7, the city approved our building permit to build the building at 180 feet,” Story countered.

The entire time, Sunroad had an outside aviation firm investigate and the firm told Sunroad that 180 feet height was not a safety issue. With that information, the company continued construction and notified the FAA in August.

Once again, the FAA determined the building to be a hazard to air navigation. Now, pilots are asking how this happened.

“Sunroad tried to end run them and they didn’t get away with it,” said Blank.

Adding to the situation are project approval documents from the city that gave the go-ahead for a 12-story building at 180 feet. City planners maintained Sunroad should have followed the guidelines of the FAA.

10News learned that Story was a former employee of the city of San Diego and with the department that approved the permit.

The city attorney’s office is claiming criminal conduct in this matter and is now suing Sunroad.

Sunroad denied the allegations and said it would pay for additional costs of reconstruction if needed or studies to reroute flight patterns.