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February 28, 2007

City to hire attorneys for tall-building lawsuit

SAN DIEGO: The City Council has voted to hire outside lawyers to defend the city against a \$40 million lawsuit filed by developers of a high-rise office building that the Federal Aviation Administration says is a hazard to planes landing at Montgomery Field in bad weather.

Sunroad Enterprises wants the city to pay damages for economic losses it says were caused by delays to its project in Kearny Mesa. The developer filed the lawsuit earlier this month in Superior Court in response to a complaint San Diego City Attorney Michael Aguirre filed in December, asking a judge to order Sunroad to remove the top two floors of the building.

Last year the Federal Aviation Administration declared the 180-foot building a hazard because it violated the FAA's 160-foot height limit. Aguirre says the building is a public nuisance and wants the top 20 feet torn down to meet the FAA's safety standards.

Sunroad maintains the building is safe and was constructed with all of the proper city building permits. In October, the city ordered work halted on the top two floors until the safety issues could be resolved.

No court dates have been set in either the city's lawsuit or the developer's counter suit.

■ Staff writers Mike Lee, Chris Moran, Craig Gustafson, Janine Zuniga, Sherry Saavedra and David Hasemyer compiled this report.

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