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Work resumes on office tower

Building near airport gets walls despite city's order

By David Hasemyer
UNION-TRIBUNE STAFF WRITER

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SAN DIEGO – Construction crews have begun installing glass walls on the upper floors of an office tower near Montgomery Field, even though the developer had been ordered by the city to stop work on those floors until a dispute with the Federal Aviation Administration could be settled.

The FAA says the 180-foot-tall building is a hazard to small planes because it exceeds FAA height limits by 20 feet.

The city later modified the stop-work order to allow Sunroad Enterprises to roof the 12-story building to protect it from rain. But nowhere in Sunroad's request, or in the city's response to the request, was there any mention of exterior walls being put into place.

When City Attorney Michael Aguirre learned yesterday from his investigators that the walls were going up, he immediately sent a letter to Sunroad revoking permission to weatherproof or do any other work on the top of the \$45 million building.

"If it is not already clear, no work of any kind is to be conducted on the top 20 feet of the Centrum I structure," the letter said. The last part of the sentence was underlined for emphasis.

But Marcela Escobar-Eck, the city's director of Development Services, said Aguirre and his staff don't understand the intricacies of the construction.

After touring the high-rise last night, Escobar-Eck said she has no problem with the work. Because of the way the building is constructed, rain and wind will damage the lower floors if the top floors aren't enclosed, she said.

"It's a complicated building with the floors structurally interconnected," she said.



HOWARD LIPIN / Union-Tribune
A worker walked this week on scaffolding outside the 11th floor of the 12-story Centrum office tower being built by Sunroad Enterprises.

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U.S.-Mexico border crossers will navigate between two time zones until April 1 because the United States went to Daylight Saving Time three weeks early this year. Share your stories with us about missed appointments, sleep deprivation, and how you are managing to keep track of the time. We'll post comments in the Tijuana/Border section of SignOnSanDiego. Contact Union-Tribune reporter Anna Cearley at anna.cearley@uniontrib.com.

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Escobar-Eck said the city is walking a “fine line” with the Sunroad project. If it doesn't allow some construction to proceed, she said the city could be held financially liable for delaying the project too long.

“I know people are saying you are letting them do more and more, but it's not as simple as saying stop all of the work,” she said.

No interior work will be allowed on the top two floors, she said.

The dispute over the building is already headed for court. The city has sued Sunroad, seeking a court order to force the company to tear down the top two floors. Sunroad countered sued for \$40 million, contending that the city issued permits for a 180-foot-tall building.

The FAA, meanwhile, has not budged from its original position.

“As far as the FAA is concerned it is a hazard,” FAA spokesman Ian Gregor said. “The construction issues are a local matter and not something the FAA would get involved in.”

Stop-work order made

The city issued the stop-work order in October. Three weeks later Tom Story, Sunroad's vice president of development, applied for permission to roof the structure and construct a room on the roof for the building's elevator equipment.

On Dec. 21, the city authorized Sunroad to install a “weatherproof covering” on the building. A review of the agreement showed that the city approved nine specific construction tasks, including framing, plastering and fireproofing the elevator structure and other work to make the roof watertight. There was no mention of walls.

The weatherproofing was to be done at the “Sunroad's own risk” because the FAA hasn't removed the hazard designation, according to the letter Escobar-Eck wrote authorizing the work. The letter also put Sunroad on notice that the city won't be liable if the company has to remove the roof.

The city inspector assigned to the building said he always understood that the walls were part of the weatherproofing agreement.

“The elevator penthouse, the roof and all four sides of the building was the intent of the agreement,” said Joe Harris, chief special inspector for development services. “We did have a good understanding of what was going to be done.”

Escobar-Eck said the walls weren't mentioned in the agreement because it wasn't possible to include every detail.

Story said the walls don't violate the stop-work order because, according to the company's measurements, they don't extend above 160 feet. He contends that the only parts of the building above the 160-foot mark are the elevator equipment room in the middle of the roof and the highest tip of the sloped roof.

“Our position is that all work is per city authorization,” Story said. “We have done nothing inconsistent with what the city has approved.”

Pilots join city's lawsuit

The nation's largest association of private pilots – the Aircraft Owners

and Pilots Association – has joined the city's lawsuit against Sunroad. Pilots who use the bad-weather landing pattern at Montgomery Field, which accounts for about 10 percent of the landings, must circle within 400 feet of the building, which is located less than a mile northwest of the airport.

At one point, Sunroad executives told the FAA and city officials the building would not exceed the 160-foot height limit. But a month later the company went ahead and framed the 180-foot office tower.

Story has said the company never made such a promise. Rather, the company's position was that it wouldn't exceed the FAA's limit until it hired a consultant to study the safety issue.

When the consultant concluded a 180-foot building would not be a hazard, Sunroad went forward with its plans.

In a strongly worded letter in November, a Sunroad lawyer reminded Jim Waring, head of the city's Land Use and Economic Development Department, that the city had issued the final building permit for the office tower after the FAA had made a preliminary finding that it posed a hazard.

“The city has no basis to stop work at the building. The building poses NO threat to public safety – and should be allowed to proceed to completion,” the letter said.

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