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Thu, 22 Mar '07



Top News

UPDATE Battle Continues Over San Diego Office Tower Near MYF

Thu, 22 Mar '07

AOPA, San Diego Join Forces In Suit Against Construction Firm

The Aircraft Owners and Pilots Association has joined forces with the City of San Diego in a lawsuit against California construction outfit Sunroad Enterprises to force the company to tear down the top two floors of a new office tower near Montgomery Field (MYF).



The FAA says the 180-foot-tall building is a hazard to small planes because it exceeds height limits by 20 feet, according to San Diego's Union Tribune.

Sunroad Enterprises then countersued for \$40 million, complaining the city issued them permits for a 180-foot-tall building. [As Aero-News reported](#), the company was ordered by the city to halt construction in November until the dispute with the FAA could be resolved.

Three weeks later, Sunroad's vice president of development, Tom Story, applied for permission to construct a roof and a room on the roof to protect elevator equipment. The city authorized





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Sunroad to install a "weatherproof covering" on December 21.

In the agreement, the city approved nine specific construction tasks, including framing, plastering and fireproofing the elevator structure and other work to make the roof watertight -- but made no mention of walls.

City attorney investigators discovered Tuesday that exterior walls were also being placed on the building. City Attorney Michael Aguirre immediately sent a letter revoking weatherproofing permission on the top floors 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.

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

Escobar-Eck added she has "no problem" with the walls, as the building's construction exposes the lower floors are subject to weather-related damage if the top floors aren't enclosed. "It's a complicated building with the floors structurally interconnected," she said.

The city is walking a "fine line" with this issue. If some construction is not allowed to proceed, the city may be held financially liable for an extended delay.

"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," Escobar-Eck said. "No interior work will be allowed on the top two floors."

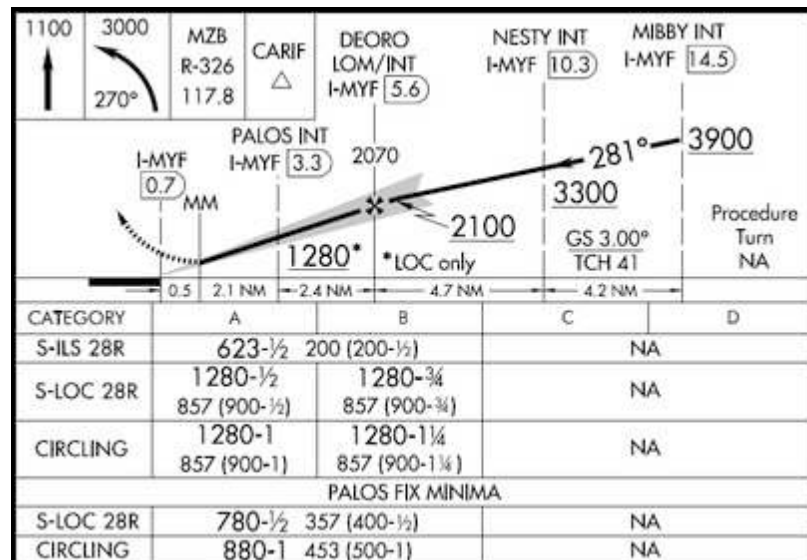
The FAA is refusing to budge on the issue.

"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."

The weatherproofing was to be done at "Sunroad's own risk" as the FAA hasn't removed the hazard designation, according to the letter Escobar-Eck wrote authorizing the work. It also advised Sunroad the city "won't be liable" if the company has to remove the roof for whatever reason.

Joe Harris, chief special inspector for development services, said he understood 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," he said. "We did have a good understanding of what was going to be done."



Walls weren't mentioned in the agreement because it is impossible to include every detail Escobar-Eck said.

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

AOPA joined the lawsuit on behalf of pilots who fly the ILS Runway 28R IFR approach to land at Montgomery Field. Pilots must circle within 400 feet of the building, located less than a mile northwest of the airport. These types of landings account for about 10 percent of total landings at the airport.

A consultant hired by Sunroad to study the safety issue concluded the 180-foot building was not a hazard. A Sunroad lawyer reminded the city's Land Use and Economic Development Department head Jim Waring, "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.

As ANN reported, in January AOPA President Phil Boyer appealed to the California Department of Transportation director Will Kempton to help prevent the office tower from becoming "a hazard to pilots."

FMI: www.sandiego.gov/airports/montgomery/index.shtml, www.sunroad-centrum.com/

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