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The San Diego Union-Tribune.

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Builder avoids search of offices

Requested records turned over to city

By David Hasemyer
STAFF WRITER

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SAN DIEGO – Attorneys for Sunroad Enterprises, the company building an office tower that the FAA has declared a hazard to planes landing at Montgomery Field, reached an agreement yesterday with the City Attorney's Office that avoids a court-authorized search of its offices.

The agreement called for Tom Story, Sunroad's vice president of development, to turn over the documents the city attorney was seeking in the warrant.

Sunroad spokeswoman Karen Hutchens said that by yesterday afternoon, the documents had already been identified, collected and turned over to the City Attorney's Office.

She said the company would not comment on what the documents contained. The company has fully cooperated, she said, and will continue to cooperate.

A deputy city attorney said the City Attorney's Office would have no comment because the warrant involves a criminal investigation.

The Public Integrity Unit of the City Attorney's Office obtained the search warrant for Story's office Wednesday. But before the warrant could be executed, Sunroad's lawyers offered to turn over whatever records investigators were seeking.

The warrant was ordered sealed by Superior Court Judge George "Woody" Clarke, so whatever proof City Attorney Michael Aguirre offered to persuade Clarke to issue the warrant remains secret.

Earlier this year, Aguirre called for a federal criminal investigation of the developer and city building officials. At the time, he said Sunroad executives were "irresponsible" for putting up a building they knew exceeded the Federal Aviation Administration's height limit.

Aguirre's office obtained the warrant in the midst of a legal battle over the 12-story building, which is under construction less than a mile northwest of Montgomery Field.

Last year, the FAA declared the building a hazard to planes landing in bad weather at the Kearny Mesa airport, saying it exceeds the 160-foot safe height limit by 20 feet.

Aguirre has filed a lawsuit to compel Sunroad to tear down the top two floors of the building. Sunroad has countersued the city for \$40 million, claiming it has a right to finish the office tower because the city issued permits for the project.

Hutchens said that on Monday, Sunroad will ask a judge to expedite Aguirre's lawsuit against the company.

After the FAA labeled the building a hazard, the city's Development Services Department ordered Sunroad to cease working on the top 20 feet of the building. The city later modified that order to allow Sunroad to weatherproof the building by adding a roof and making other adjustments.

Although walls were not mentioned in the modification agreement, Sunroad began installing glass walls on the top two floors last week.

When city attorney investigators learned the walls were going up, Aguirre sent a letter to Sunroad revoking permission to weatherproof or do any other work on the top of the building.



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Still, work on the upper floors is continuing.

Story said Sunroad decided not to abide by Aguirre's order because its lawyers said only Development Services has authority to issue such an order.

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