



Latest Sunroad Surprise

Last Update: Apr 4, 2007 11:40 PM

The controversy over the Sunroad building, which the FAA says is being built too high next to Montgomery Field, took yet another turn today as it was revealed that the developers never bothered to appeal a ruling of the FAA limiting the building's height.

"We did not pursue an appeal of the initial determination," admitted Sunroad Vice President Tom Story. "That is correct."

As Story explained, Sunroad built the building to the height they wanted because the city let them, saying, "They chose to issue a building permit."

The permit came from a department that Story had previously supervised when he worked for the city. Afterwards, as a Vice President of Sunroad, he contributed to a number of city council campaigns

Search Warrant Released

After a heated court battle, a judge last week released a 28 page search warrant, which city attorney Mike Aguirre had drafted, accusing Sunroad Develop Vice President Tom Story of illegal lobbying. [Read the Search Warrant](#)

The law says former city employees can't lobby the city for one year. Aguirre says that Story, a former development official, broke the law

"Mr. Story directly lobbied the City of San Diego," explains Aguirre. "Mr. Story worked for the city. He went to work for Sunroad. Before a year was up, he attempted to lobby the city."

FOX6 News has obtained over 11,00 documents from the city, including e-mails such as this one from Tom Story to a city development official dated 2/17/06.



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"Kelly,
Sorry to bother you with something like this...it is not very customer service oriented if it takes a week to schedule an appointment. Anything you can do to help would be appreciated. Thx
Tom"

That and other e-mails were made during a time that the law says Story could not lobby the city.

Sunroad issued a written statement:

Sunroad Enterprises entirely rejects any suggestion that we or Mr. Story conspired to violate any municipal codes or laws.

Further Documentation included with the Search Warrant:

[Meeting Notes \(Attachment A\)](#)

[Proposal \(Attachment B\)](#)

[Emails \(Attachments C\)](#)

[Form 700 \(Attachment D\)](#)

[Emails \(Attachment E - M\)](#)

Earlier Actions

On January 21, City Attorney Mike Aguirre referred the developers of a new 180' tall building near Montgomery Field to the U.S. Attorney's Office for possible criminal prosecution

Aguirre believed the Federal Aviation Administration made it clear from the beginning that the developers couldn't proceed with their high-rise project after violating height rules

A Troubled History

The City of San Diego cleared the way for the 12-story building under construction in the Kearny Mesa area. The building has caused much alarm among pilots, who routinely fly in the area.

The city approved the builders' plans but the FAA refused to change their stance that the building is a hazard to pilots.

Opposition to the greater height continues to mount.

The Federal Aviation Administration has warned the developer that the height of the building presents a serious hazard to the safe operation of the city-owned airport.

In a letter from the California Department of Transportation to the developer, Sunroad Enterprises, the state department warned that in the event of the crash the developer would assume all liability for an accident.

The plan to develop the area east of the State route Highway 163, came to an abrupt halt in late October of 2006 when the city's Department of Land Use and Economic Development ordered that work on the top two stories be halted until safety issues could be addressed between the state and FAA. The city reversed that decision in December.

Complicating the matter further, while the city has given the go ahead, the San Diego County Regional Airport Authority has the ability to determine height requirements for buildings within their Comprehensive Land Use Plans.

The 180-foot-tall building, along Kearny Mesa Road, exceeds the FAA height limit for the area

near the airport by 20 feet. Two similar buildings are planned that will be even taller. One of the structures is estimated at 200 feet, the other at 220 feet.

During a discourse between the FAA and the developers, an agreement was reached that would limit the buildings height to 160 feet. However on closer inspection, several local area pilots determined that the building had been constructed to the originally proposed height of 180 feet.

According to an FAA note, the developer told them The refusal to lower the structure height was dictated by land availability.*

The building at the center of this controversy is scheduled for completion by the summer of 2007. The second building is also in early stages of construction and Tom Story, a Vice President with Sunroad, said the building will continue as planned, because new plans are an expense the company cannot afford.

Story does plan to work with the city Airport Advisory Committee to make alterations to the third building, reducing the height in favor of a wider building.

***Federal Aviation Administration Documents:**

[Memo 6/13/2006](#)

[Memo 6/27/2006](#)

[Memo 8/11/2006](#)

[Additional Information](#)

From the San Diego County Regional Airport Authority Policies

"In preparing a CLUP, the Authority may develop height restrictions on buildings, specify use of land and determine building standards, including soundproofing adjacent to Airports within the planning area." - Policy Statement "Comprehensive Land Use Plan" Subsection 2b

Previous Stories:

📄 [Building Controversy](#) 4/3/07

The battle between pilots and the developers of a too-tall, high-rise building next to Montgomery Field continues to rage. John Mattes hears from both sides.

📄 [Sunroad Warrant Released](#) 3/29/07

Revealing documents were released concerning the construction of a hotly contested high-rise near Montgomery Field. John Mattes explains why Mike Aguirre says a former city official has illegally lobbied the city.

📄 [Construction Controversy](#) 3/21/07

The "too-tall" building is still being constructed next to Montgomery Field in Kearny Mesa.

📄 [Building Warnings](#) 1/23/07

Mike Aguirre is playing hardball with the developers of a building near Montgomery Field which the FAA says is too tall.

📄 [Tower Controversy](#) 1/16/07

The City of San Diego has given the go ahead for a developer to continue work on a building near Montgomery Field even though the FAA and local pilots believe the height of the building to be dangerous. Eric Collins reports.

Height Dispute 11/8/06

A 12-story building currently under construction near Montgomery Field in the Kearny Mesa area is causing alarm among pilots, who routinely fly in the area.

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