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Published on April 5, 2007

U-T and Police Lie About Aguirre

By Don Bauder

Last week, members of the mainstream media believed they were covering a story about a search warrant issued by the city attorney's office and approved by a judge but blocked by the police chief. The chief has broken the law, but I will get into that in paragraphs below. The real story is that this incident was a smokescreen in the biggest land grab in San Diego history.

Developers -- with the covert assistance of city government -- are attempting to seize Montgomery Field for housing tracts. It's a stealth campaign that dates back at least four years, with the likes of Sol Price, Malin Burnham, the chamber of commerce, and former city manager, now developer Jack McGrory pushing for it. James Waring, the City's land czar, has mentioned in at least two meetings that he has such intentions, and in one of those meetings he said that he, as a developer, "lusted after" the Montgomery land.

"For years they have been trying to turn Montgomery Field into a city of villages. That is no secret," harrumphs Councilmember Donna Frye. There are environmentally sensitive lands at Montgomery that should make this land grab legally impossible, but that won't stop San Diego: its Incest Perpetuation League does all kinds of extralegal things on behalf of developers.

Let me explain. The biggest enemy of the San Diego taxpayer is incest -- specifically, the incestuous relationships between real estate developers and elected officials, bureaucrats, law enforcement, the judiciary, and the *Union-Tribune*. The Incest Perpetuation League is a group of business, political, judiciary, and media insiders that tries to thwart any inquiry into the incest at the heart of San Diego's corruption. Scratch any corporate welfare scam -- ballpark, Naval Training Center, almost any shopping center or redevelopment project -- and you'll find incest and its perpetrators in the center of the action, helping to shovel public money to private interests, often their own.

The attempt by Sunroad Enterprises to complete a building in defiance of federal aviation laws is just one step in the stealth Montgomery land grab. The fact that Tom Story, Sunroad's vice president of development, oversaw development for the City of San Diego for almost 20 years is symbolic of the incest so jealously cultivated by the developer-dominated establishment.

Sunroad is building a 12-story, 190-foot building, called Sunroad Centrum I, near Montgomery Field. The company plans to build two even taller high-rises, 14 and 20 stories, in the same vicinity. All of these structures violate the Federal Aviation Administration's height restriction for buildings near airports. In April of last year, the federal aviation regulator informed Sunroad that a Centrum I structure above 160 feet would create a hazard.

But the building remains 190 feet. Sunroad says it is following the guidance of the City's Development Services Department. Surprised?

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Between 1989 and 2000, Story was deputy planning director, overseeing development activities for the City. Then he became senior policy advisor to former mayor Dick Murphy. This put Story in charge of land-use decisions for Murphy. Then Story became Murphy's chief of staff. Murphy resigned in spring of 2005. In the second half of 2005, Story left and shortly joined Sunroad. This was the year Sunroad applied for the permit to build Centrum I.

The city attorney, backed by the Federal Aviation Administration, the California Department of Transportation, and other groups interested in safety, has sued Sunroad, which has countersued.

In 2002, San Diego enacted an ethics ordinance that bars a city official, upon leaving government, from influencing former staff underlings or coworkers for one year. On March 21, the city attorney's office filed an affidavit to search Story's office. It was approved by superior court judge George "Woody" Clarke. It is a well-researched document -- one of the better search warrant affidavits I have seen.

A search warrant has to show probable cause that a crime has been committed; it is not designed to make the case. This one is so thorough that it almost makes the case. It shows that several times in early and middle 2006, Story both directly and indirectly contacted city development employees on behalf of Centrum I.

As soon as the search warrant was completed, the Incest Perpetuation League went to work frantically. Police Chief William Lansdowne refused to serve the warrant, proclaiming it "legally insufficient." California's penal code section 1523 says that a search warrant is an *order* in writing *commanding* a peace officer to carry out a search. David S. Law, associate professor at the University of San Diego law school, says the police can refuse to carry out a warrant that, say, "totally and obviously fails to specify who/what/where is to be searched."

That hardly applies to the city attorney's warrant. "Judge Woody Clarke is an experienced scholar in criminal law, and if he authorizes a search warrant, legally it should be served," says Ed Miller, former district attorney and U.S. attorney. Enough said.

Immediately after Lansdowne refused to do his duty, the *Union-Tribune* editorial page -- always eager to distort the truth on behalf of developers and the Incest Perpetuation League -- lauded Lansdowne's dubious action and denounced City Attorney Mike Aguirre for orchestrating a "smear" against Sunroad. Smear? Aguirre was trying to squelch discussion of the warrant. It was Lansdowne and the *U-T* that revealed the matter publicly, probably to prejudice the city attorney's case.

State law says that a peace officer who "willfully discloses the fact of the warrant prior to execution for the purpose of preventing the search or seizure" should go to state prison for up to a year.

Last Thursday, the *U-T* got the search warrant unsealed. And it continued on its thoroughly disingenuous mission. The news story about the document had no mention of the material clearly showing Story's contacts with the City. Then the newspaper wrote still another editorial personally attacking Aguirre. And the *U-T*'s editorial page permitted Lansdowne to write a childish, emotional, dishonest op-ed screed of his own. Lansdowne enlisted support of two other ineffective members of law enforcement: District Attorney Bonnie Dumanis and Sheriff Bill Kolender -- two charter members of the Incest Perpetuation League who have tried to stop Aguirre's reform attempts before.

Mayor Jerry Sanders, who received \$3600 from Sunroad people in 2005, denounced Aguirre. But a big question remains: Did Lansdowne contact Sanders on March 21, before he refused to serve the search warrant? Aguirre says that he did. Sanders's spokesman insists that he didn't. I have extremely good reasons to believe that Aguirre is the one telling the truth. Unfortunately, Aguirre does not intend to pursue this aspect further by putting both Sanders and Lansdowne under oath.

The city council hurriedly passed a measure barring Aguirre from

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\$10 off any service over \$50

Saska's \$12 off 2nd entrée

Second Wind Bars
Free WiFi internet access

San Diego Tires & Brakes Oil change \$15.95

5 Star Smog Test Only
Pass or don't pay

The Knotstop
1-hour professional massage \$49

Marie-Josée Thibault, M.D. 25% off all cosmetic procedures

Collision Parts Warehouse
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Gringo's
Free appetizer at lunch

filing a lawsuit without council support. The Incest Perpetuation League has been lobbying for such a bill for a long time. The measure was sponsored by Councilmember Ben Hueso, who raked in \$1750 from Sunroad people last December alone.

There are several conclusions to be drawn from this sorry episode. First, city government will go to any lengths to permit a developer to defy aviation safety regulations, or almost any regulations. No surprise there. Developers run city government. Second, if the Sunroad building stays at its current height, the Federal Aviation Administration may have no choice but to close Montgomery Field. Since the airport has been receiving federal funds for decades, it would normally be almost impossible for San Diego to close it. But those two extra floors on the Sunroad building may force the federal government's hand. You can see the Incest Perpetuation League straining to weep, feigning unhappiness: "Oh goodness, oh dear. Now what shall we do with that land? I guess we'll have to develop it. Oh pooh and bother." Third, this is all prelude to the 2008 campaign against Aguirre, if he chooses to run for reelection. No matter what he says or does, it will be completely distorted by the Incest Perpetuation League and its tool, the *Union-Tribune*.

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Comments

Posted by **Paul** on 04/4/07 @ 9:00 pm

What next - bulldozing the runways whilst the City sleeps? I hear Mayor Daley in Chicago is eyeing up San Diego for his next position. I'm ashamed to live here.

Reply by **Don Bauder**

There are already moves afoot to switch more small airplane traffic to Lindbergh Field. Lindbergh? Can it take any more traffic of any kind? The Sanders administration wants to sell Montgomery to its buddies, wants to lease out Torrey Pines golf courses to friends and donors, probably has its eyes on Brown Field, too. It wants to sell the city's assets before it takes it into bankruptcy. Best, Don Bauder

Posted by **Ed Kravitz** on 04/5/07 @ 5:25 am

Thank you for giving these people a name at last! Or perhaps it was Donna Frye? INCEST PERPETUATION LEAGUE ! It's perfect! I publish the south bay web site and have been doing expose and parody of the Imperial Beach members of the INCEST PERPETUATION LEAGUE....as well as watching the antics in Chula Vista via Crossroads II e-mailings. While Imperial Beach is under investigation by the Grand Jury (can't discuss details because of admonition) the politicians continue to use their extra powers (RDA) to slice and dice what used to be private property for corporate gain. Thanks for giving the secret insiders club (those bastards) a real name. TOTAL RECALL is the only solution to San Diego/ Chula Vista. Imperial Beach's woes! Thanks for countering the lies from the Union Tribune, Eagle Times and Star News! Ed Kravitz

Reply by **Don Bauder**

I get the credit for inventing Incest Perpetuation League but Donna Frye gets the credit for demanding that Sunroad tear down the two top stories, and Aguirre gets the credit for going after the incestuous relationship between Story and his former employees at the City. The people of San Diego must win back the City from developers or 20-lane expressways will grow to 30 lanes and the place will become unlivable. Best, Don

Bauder

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