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Sanders calls Sunroad irresponsible

Mayor outraged over plan for hotel towers

By Maureen Magee and David Hasemyer

UNION-TRIBUNE STAFF WRITERS

June 2, 2007

SAN DIEGO – Mayor Jerry Sanders condemned Sunroad Enterprises yesterday as an irresponsible company with a pattern of aggressive development that skirts the law and could endanger the public.

The mayor's outrage was in response to a report in *The San Diego Union-Tribune* yesterday detailing Sunroad's plan to build two hotel towers near Lindbergh Field that exceed Federal Aviation Administration height standards.

Sunroad is proposing 600 hotel rooms and related amenities on Harbor Island, public property run by the San Diego Unified Port District. Meanwhile, the company is embroiled in a dispute with the city of San Diego over the height of an office tower near Montgomery Field in Kearny Mesa.

“The fact that Sunroad continues to propose projects that the FAA believes will endanger public safety is irresponsible and an affront to our community,” said Sanders, who accepted \$3,600 from Sunroad executives during his mayoral campaign.

“There is now a pattern that is developing that shows that Sunroad is willing to thumb their nose when it comes time to obeying the law,” Sanders said at a news conference he called on the matter.

As proposed, the two Harbor Island hotels would exceed FAA height standards by 124 feet and 69 feet. Sunroad officials declined to discuss the mayor's comments, instead issuing a statement through the company's communications office.

“Sunroad has a 30-year track record of developing first-class commercial, residential and hospitality venues in San Diego,” the statement said. “We are honored to have the opportunity to participate in the development of another excellent project on Harbor Island.”

It further said: “The company is certainly aware of the FAA's interest in developments near the airport, and has reassured the Port District that the project will fully comply with any FAA determination.”

Sunroad was criticized for ignoring directives from the San Diego County Regional Airport Authority and the San Diego Unified Port District to confer with the FAA over its Harbor Island plans. The port district oversees construction on public tidelands along San Diego Bay.

The port district sent the building heights to the FAA itself and received a response concluding that the planned hotels would pose “hazards to air navigation.”

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Port officials said they would not approve a project deemed hazardous by the FAA. City officials, however, allowed construction of Sunroad's office tower in Kearny Mesa to continue after the city accepted a Sunroad promise not to exceed 160 feet. Ultimately, Sunroad went ahead with its original plan for a 180-foot building.

Sunroad officials denied they were told to consult the FAA on their Harbor Island construction plans, even though the requests are documented in letters and records on file with the port.

Sanders commended the port district and the airport authority for catching Sunroad's failure to consult with the FAA, saying the city should adopt a system for doing the same.

Meanwhile, City Attorney Michael Aguirre held a separate news conference yesterday where he, too, criticized Sunroad – in addition to the mayor and his top administrators.

Aguirre called on Sanders to break off talks with Sunroad regarding a settlement of the height issue on the Kearny Mesa office building, calling those discussions "closed-door wheeling and dealing."

He said meetings between the mayor's office and Sunroad executives undermine the checks and balances of city government. He said his office and the City Council should have a say in how the matter is resolved.

Sanders' spokesman, Fred Sainz, said there has been no discussion with Sunroad about a settlement. The talks have been with the FAA and focus on modifying the approach used by airplanes landing at Montgomery Field.

Aguirre vowed there will be no settlement unless his office and the council approves one.

FAA spokesman Ian Gregor said no settlement is imminent. He said the agency would study any proposal that the city presents, though no formal proposals have been submitted.

■ Maureen Magee: (619) 293-1369; maureen.magee@uniontrib.com

Reader comments

By Doom Doctor on 06/02/2007

Hey Sanders...we "kinda" appreciate your luke warm/2 days late response and condemnation to Sunroad's plan to load the city's skyline with ridiculously tall buildings in unsafe places, however your talks "behind closed doors" with these people gives you away as a "weather vane politician".....We'll see if this new attitude you've taken is all a theatrical display of disgust while secretly waiting (and manipulating) that this will all go away and then go back to business as usual with them.

Aguirre should be seriously listened to, it seems he is the only attentive person (along with Donna Frye, city council member) down at city hall these days that truly looks out for the people of this city. Seems the rest of them are trying to turn this place into a Hong Kong type business and population density and a banana republic style of "influence for sale". Didn't we just go through some trials with a few of them receiving jail sentences for corruption a few years ago ?

Lets get the city's elected officials back into the sunshine with total transparency, where they belong...nothing disinfects like sunshine, lets remove all the doors down there so there can no more "Behind closed door" negotiations going onAfter all, they are ELECTED public servants....elected by the people in this city to PROTECT the interests of the people of this city...that doesn't mean big business pandering, especially multinational corporations like Sunroad.

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By USMCCowboy on 06/02/2007

Mike Aguirre is the only City Employee who should be trusted or taken serious. Where was Sanders during Sunroad's expose flouting FAA recommendations at Montgomery Field? Sanders is a day late! Sanders should be willing to do what is right for San Diego, not the developers! Mike Aguirre will get my vote next election, and Sanders well your just another sorry politician.

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By esbinsd on 06/02/2007

We need to go back to all Sunroad projects and see what other laws etc they skirted, and who allowed them to happen.....

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By any_user on 06/02/2007

Funny Sanders claims that there have been no talks with Sunroad....How did he come up with a proposal to lower a portion of the building while leaving the utility section at full height without discussing it with Sunroad? No need to answer that, Sanders already stated he was working on solutions "behind the scenes" was he lying then or is he lying now??? Maybe he should open another investigation and investigate himself one more time so he can report the truth....No need for independant investigations, they cause too many problems by revealing secrets & insider activities, plus they take more than a week to accomplish.

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By thisiscrazy on 06/02/2007

Ive noticed that the planning commission has been putting off a vote on the residential component of the sunroad development. Obviously not too keen on providing any help to these lying deceitful bastards.

Remember this whole mess got started b/c Sunroad claimed they had vested rights per a several year old development agreement. It was this agreement that Marcela claimed the project was in substantial conformance to.

The City Council has as a rule never taken any action against previously authorized development agreements, claiming the applicant rights were for all intents and purposes - vested. However according City Council policy (600-37) and Municipal Code

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By thisiscrazy on 06/02/2007

"The owners of the property subject to the development agreement shall within thirty (30) days succeeding each anniversary date of the adoption date of the agreement file an affidavit with the City Planning Department that the owners of such property are in good faith compliance with the terms of such agreement."

and what if they dont?

"Failure to file such affidavit shall result in the City Council finding and determining that the owner has not complied in good faith with the conditions of the agreement and the City Council may unilaterally terminate or modify the agreement."

That's right, the City not only can, but is obligated to review compliance of all development agreements on an annual basis.

There are several of these agreements in place from as far back as 1989 that developers are continuing to use as leverage to process nonconforming development without any public knowledge or environmental review.

Hey Sanders - you said you were going to investigate process - well here is where you f'd up. Yank these development agreements before you have to be caught with your pants down. again. Your constituents will thank you.

You remember what a constituent is, right? we're the people that vote for/against you. Last time I checked, voting rights for corporations (in or out of city) are extremely limited...

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By HisPony on 06/02/2007

"Sunroad irresponsible"?

Who signed the paperwork that authorized the original plans for construction?

THAT is the person that is responsible in my opinion!

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By vegasnow on 06/02/2007

what are you all upset about? especially the UT....the port of san diego is in control of the land where the proposed hotels are to developed. the port is not going to approve/allow buildings that do not meet faa standards...that is a given. the port does want to develop the land, and they do want hotels on the current airport employees parking lot, and they will be develop with the faa approval.

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By dreevesx on 06/02/2007

Michael Aguirre was elected City Attorney for a term of four years, but the good news is that the City Charter limits him to only one more four year term.

The City Charter provides that the City Attorney is to advise the City Council upon the Council's order to do so, and that his advice is to be in writing, not delivered as a lecture.

As to the issue of tall buildings near airports, if the agency responsible for a proposed building site doesn't want a tall building there, it should not approve the application for a building permit.

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By power_of_cheese on 06/02/2007

Aguirre may be rough around the edges, but he has excellent instincts. Unlike the Mayor, Scott Peters, and some others on the Council, he is not out to make money for his developer buddies.

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By American on 06/02/2007

I applauded and honored those willing to stand up for the people of San Diego.

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By disgustedinsd on 06/03/2007

I am glad the public is allowed to post their opinions on these articles! I think Sanders must be reading all of these posts on the articles about Sunroad. I believe these posts gives Sanders and his office a true sense of public opinion. He should heed these posts because it is how his constituents are feeling. He is being forced to react in a responsible way! Hopefully he will start to distance himself from the old boy's network!

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