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A Stop Work Notice Sunroad Might Heed

By Donna Frye

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Monday, June 4, 2007 | As most people know, Sunroad built an office tower in Kearny Mesa next to Montgomery Field. The Federal Aviation Administration determined, before the office tower was completed, that the height of the building exceeded safety standards and would be a hazard to air navigation. Sunroad ignored the FAA's hazard notice and continued building.

On April 3, 2007, I joined with the Community Airfields Association and many other pilot organizations in urging Mayor Jerry Sanders to enforce the October 2006 stop work notice that had been issued to Sunroad.



Donna Frye

Unfortunately, the mayor's response to our urgent request was that he was *"not sufficiently aware of the details of the project to respond."* This comment was unsettling for a number of reasons:

- Sunroad's office tower had been the subject of numerous news stories;
- The mayor's own staff in Development Services had issued two "stop work" notices -- one in October 2006, and another in December 2006;
- There had been ongoing communications between the mayor's staff and the Sunroad developer and lobbyists.

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I also stated that it was time for Sunroad to be a good corporate citizen, remove the portion of its building that was determined by the FAA to be a hazard and put public safety ahead of private profit. Sunroad's response was that the company complied with all city regulations and it kept working on the office tower.

Finally, on May 17, 2007, Mayor Sanders held a press conference to announce that he was issuing yet another stop work notice. It is still unclear why

the first two were not enforced or why seven months elapsed between the issuance of the first stop work notice and this one.

Mayor Sanders also announced that he had written a letter to the FAA and

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Friday, June 1 -- 6:51 pm

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SURVIVAL IN SAN DIEGO

California Department of Transportation acknowledging their concerns. However, he proposed a "solution" that would allow Sunroad to exceed a building height of 160 feet by "working with the FAA to discontinue circling instrument approaches north of the field and allowing aircraft to circle to the south." Simply put, Mayor Sanders proposed changing the flight approach used by the pilots to accommodate Sunroad.

As the elected official representing the district in which the Sunroad office tower is located, I am requesting that the mayor change course and support the following actions:

First, protect the public and require Sunroad to remove that portion of its building that exceeds 160 feet.

The FAA has determined that the portion of the Sunroad office tower above 160 feet is a hazard to air navigation. I oppose the mayor's proposal to the FAA allowing Sunroad to exceed a building height of 160 feet and modifying the approach used by airplanes landing at Montgomery Field. The mayor's proposal -- to require the pilots using Montgomery Field to change their flight approaches to accommodate a developer that ignored the law -- makes no sense.

Second, put public safety first and do not allow people in the building to work on tenant improvements. Enforce a complete stop work notice.

Third, do not allow the city's Development Services Department to issue any occupancy permits nor allow Sunroad to make interior improvements to the building. No one should be allowed in the building until the matter is resolved.

Fourth, require that Development Services *not approve* any further Sunroad office towers under Substantial Conformance Review (SCR). Instead, require Development Services to prepare an amendment to the Sunroad Master Plan and a supplemental Environmental Impact Report for the project. If Sunroad still wishes to proceed with the project, the subsequent review will result in a true public vetting of the project and the ability of all agencies, including the FAA, to comment *before* issuing any building permits.

Finally, the mayor must include the public, the city attorney and the City Council in any proposals he makes to the FAA and/or Sunroad. Neither he nor his staff should be unilaterally negotiating any proposals, especially if they include allowing Sunroad to benefit from not following the law. The public has a right to expect that their safety will have priority over developer profits, and that Sunroad will be required to comply with the law.

Donna Frye represents District 6 on the San Diego City Council. Do you agree with her? Disagree? Have some proposals of your own? Start your own debate with a letter [here](#).

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Healthcare in

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LETTERS TO THE EDITOR

Sanders Doesn't

Have to Wait: Mayor Sanders can revoke Sunroad Enterprises' invalid Building Permits anytime he wants.

Friday, June 1 -- 2:47 pm

CAFÉ SAN DIEGO

Final Thoughts :

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Thursday, May 31 -- 5:53 pm

COMMENTARY: SLOP

Mondiego Tube: A

Spill : How oil in water looks from the air and some real estate news to which you might pay attention.

Monday, June 4 -- 12:02 am

COMMENTARY: RICH TOSCANO

March Case-Shiller

HPI : The latest release of the most accurate home price measure shows that prices were still on the decline as of March.

Sunday, June 3 -- 3:28 pm

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Comments so far on this story:

BenEfit wrote on **June 4, 2007 6:15 AM:**

"Great job Donna! I see Billbo wants to discredit you by criticizing your campaign, but what else is new; try and stay on the subject Billy Bob. Remember Billbo, Sunroad broke the law as you say but his actions were facilitated by the Mayor and his staff who are complicit in this crime. Donna, your comment about putting public safety first is absolutely true but the Mayor has proven that public safety is at the bottom of his list of priorities. This case defines the real Jerry Sanders who hasn't met a developer he didn't like or didn't pander to. Keep up the good work protecting the citizens"

Donna for Mayor wrote on **June 4, 2007 6:05 AM:**

"If the voters in San Diego really wanted the city cleaned up and run fairly, they would have voted for Donna Frye. The current management team is Susan Golding Version 2.0 - with Kris Mitchel and Fred Sainz returning (but not upgraded)..and a bevy of highly paid new hires to run department therepy programs to define missions and goals and sategy...AUGHH! AGAIN. Anyone remember Zero based budgeting? Park and Rec could tell you how much a cubic meter of grass cost to mow. And now they say that there are no measurement standards in place? The council must demand correct information given to them by staff...but as long as those staff report to the Mayor, that information will be tainted by his private agenda...re election and more hinky development schemes..can you say blighted Sports Arena?"

The Roaming Gnome wrote on **June 4, 2007 5:56 AM:**

"This is just another example of the Mayor Sanders ineptness. This was a no brainer early on, but now it will lead to costly litigation that the City really does not the budget for. Perhaps the attorney fees should be offset against Sanders pension."

Robin Sanche wrote on **June 4, 2007 5:55 AM:**

"Isn't ironic that this mayor was going to cleanup city corruption? Isn't ironic that dog parks can go without lights at night, parks that many people use and yet it is alright to build a building which is a hazard to the public. Lobbyist of Sunroad putting money in the mayor's campaign pocket or just his pockets? More money seems to be what our mayor is all about, not the people that voted him in. Of course, Donna Fry got my vote, not Sanders. Is it a wonder why?"

Christopher Hall wrote on **June 4, 2007 5:47 AM:**

"Donna said: "The public has a right to expect that their safety will have priority over developer profits." Jerry is the mayor for the wealthy, the business sector that sees only money-money-money, the power-base who can push other candidates out to the fringe, the developers controlling the land under your feet. People deserve a government run of, by and for the people, not of the rich, for the rich by the rich -- the wealthy are only a tiny percent of the population, but they have access to and control of the government in ways normal folks can't even dream of. They use our local government to enhance their private businesses -- for example, that is exactly what they are doing with the building department -- DSD is being made to streamline the developers'

permitting process to slide in projects without public review!"

Jim Neri wrote on **June 4, 2007 5:40 AM:**

"Developer disregard for public safety around airports is nothing new to San Diego, just look at the concrete abomination on Laurel Street. Maybe if enough high-rises are built around our airports those airports will be deemed "unsafe" and have to be moved. Their land will be available for development and the developer-owned lands in areas suitable for airports will become more valuable. hmmm..."

Larry wrote on **June 4, 2007 5:30 AM:**

"Wouldn't rerouting planes to the south mean that they're flying over residential? Low flying planes, in bad weather, over people's homes? Yeah, that makes sense."

Gene wrote on **June 4, 2007 5:17 AM:**

"A simple "STOP WORK" order was in Sanders power, and was in fact issued twice before! This simple little decree, enforced of course, would have prevented so much controversy and saved so much money in legal fees! We would not have (at least to the extent we did), Aguirre v Sunroad, Aguirre V Story, Aguirre V Lansdowne. That was a costly mistake by Sanders! Or maybe Sanders lack of action was intentional because he knew Aguirre would find a way to make himself (Aguirre)look bad!"

Billy Bob Henry wrote on **June 3, 2007 9:59 PM:**

"Man Donna-I would have LOVED to vote for you-and this letter proves why-but that sales tax increase you planned was the deal killer. Here you rightfully point out that Sunroad BROKE THE LAW and we should not cave in to criminals when they BREAK THE LAW-and I agree 100%. Now, if you will concede that the pension board BROKE THE LAW by breaching their fiduciary duties to their members and the public by allowing the underfunding (and therefore void all the illegal Cadillac pension gifts) we could get you into the Mayors office.....Anyway, they tell me here at the VofSD that I am a broken record on the pension scam, so I will end it here."

Pat Flannery wrote on **June 3, 2007 9:12 PM:**

"Sanders has bought into Sunroad's position 100%: that the FAA has no land use authority over this project; that the FAA must either accommodate this development in its flight regulations or close the airport. Sanders authorized that illegal permit on July 7, 2006. DSD staff did not make the decision. The taxpayers are now on the hook for \$45 million. Sanders has no intention of clamping down on Sunroad. The City Council, on behalf of the taxpayers, has to find a way to enforce the Municipal Code. If Sanders can do it for Sunroad, he will do it for others."

Katheryn Rhodes and Conrad Hartsell, M.D. wrote on **June 3, 2007 7:48 PM:**

"Thank you Donna. Your leadership is refreshing. You are correct. The Mayor can stop this hazardous situation if he wants. It is disconcerting to hear Mayor Sanders state he has no control or authority over the matter, and he will wait for the courts to decide. We also expect Mayor Sanders to change course and protect the citizens of San Diego. Safety First. Please see the following link: [link](#)"

rational voter wrote on **June 3, 2007 7:18 PM:**
"it's about time someone addressed this issue with common sense.
Why isn't this woman mayor? Hands down, SD voters blew it."

Feedback Rules

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