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City Attorney Urges Mayor To Have Sunroad Work Stopped

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SAN DIEGO -- City Attorney Michael Aguirre called Tuesday on San Diego Mayor Jerry Sanders to sign an order to halt all work on an office tower being built near Montgomery Field that has been deemed a hazard to pilots.

The city attorney said the order would also "set the stage" for Sunroad Enterprises to begin drafting plans to remove 20 feet off the top of its building to comply with Federal Aviation Administration guidelines.

"This is a way to kind of break the logjam," Aguirre said. "The mayor, with the stroke of his hand, can stop the construction out there and can start us all on the path of recovery and putting this thing behind us."

In a memo sent to Aguirre Tuesday, Sanders said he supports the concept of a "full" stop-work order.

"I don't believe that any person or company should be able to violate the law and get away with it," Sanders said. "As such, I strongly support the city's case against Sunroad Enterprises and have acted proactively to bolster our case in court."

Sanders, however, chastised Aguirre for not approaching him first with the request before holding a news conference.

"While I clearly support reducing the height of the building, I think that it's irresponsible of you, as our city attorney, to recommend action to me that may well put our taxpayers in jeopardy without first analyzing the various and very relevant legal and financial issues," Sanders said.

"You have not requested a meeting on this subject nor have you sent any memoranda regarding this issue to me," he said. "The fact that you would communicate this recommendation at a news conference is very telling and speaks to your motivation on this subject."

Aguirre has attempted to engage Sanders in a political battle over his handing of the Sunroad debacle, going as far as labeling him "corrupt."

So far, the mayor has largely refused to bite, instead choosing to remain quiet and handle the problem behind closed doors.

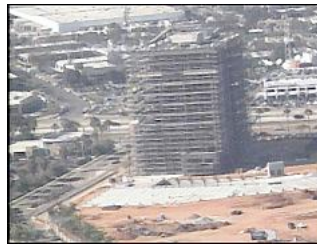
Aguirre has accused the mayor of colluding with Sunroad Enterprises owner Aaron Feldman, a campaign contributor, to amend a stop-work order issued last October that allowed construction to proceed.

The mayor's office maintains that the directive was relaxed to allow the developer to "winterize" the building.

Pilots and Aguirre say the work went far beyond winterizing.

"This was just Sunroad pulling the wool over our mayor's eyes," said Gerald Blank, a lawyer for the Community Airfields Association of San Diego.

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The mayor ordered city staff to fully enforce the stop-work order last month. By that time, however, the tower was essentially complete.

Work is still going on at the building, Aguirre said.

At Aguirre's news conference, his third in the past eight days on Sunroad, the city attorney denied that his efforts were politically driven and refused to discuss his corruption allegations against the mayor.

"This isn't a political football," Aguirre said. "The compliance with the law is not a political question."

"If a wheel of a plane clips the top of that building, the liability and the moral responsibility for the city of San Diego for having not obeyed the law would be catastrophic," Aguirre said.

The Federal Aviation Administration determined that the 180-foot-tall structure exceeds a safe height limit by 20 feet. The agency found that the building poses a danger for pilots approaching Montgomery Field during inclement weather.

Aguirre has filed a lawsuit against Sunroad, seeking to force the company to lower the building to an acceptable 160 feet.

Sanders has repeatedly said he endorses the city attorney's lawsuit.

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