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## **Make Sunroad stop, Aguirre tells Sanders**

### **Mayor rejects halting all work on contested tower**

**By David Hasemyer**  
UNION-TRIBUNE STAFF WRITER

June 20, 2007

SAN DIEGO – City Attorney Michael Aguirre yesterday called on Mayor Jerry Sanders to order all work halted on a controversial office tower near Montgomery Field whose height has been declared a hazard to airplanes.

But Sanders resisted Aguirre's request for a sweeping stop-work order that would close down all construction on the 12-floor building, saying the city attorney had failed to do his legal homework.

Aguirre also urged Sanders to demand that developer Sunroad Enterprises devise plans to lower the structure from 180 to 160 feet, a height that would comply with Federal Aviation Administration safety standards. "The mayor, with a stroke of his hand, can stop construction and set in motion a plan to resolve this matter," he said.

Although Sanders said he agreed with the concept of stopping all of the work, he rebuked Aguirre for failing to first research ramifications of a total shutdown, given that only the building's top 20 feet pose an FAA hazard.

"I think it is irresponsible of you, as our City Attorney, to recommend action to me that may very well put our taxpayers in jeopardy without first analyzing the various and very relevant legal and financial issues," Sanders wrote to Aguirre.

Last year the FAA declared the Sunroad building a hazard to planes landing in bad weather at Montgomery Field. The building sits less than a mile northwest of the general-aviation facility, one of the busiest municipal airports in Southern California.

The city and Sunroad are locked in litigation over the building's height. The city wants a judge to order the developer to tear down the top 20 feet; the developer has countersued for \$40 million.

"The case is not a slam-dunk, so I want to make sure that the city is not hanging out a mile on any action that's taken," Sanders said in an interview.

The 2006 FAA hazard designation came when the structure was just a steel frame, yet the developer continued to work on the building with the concurrence of the city's Development Services Department.

"We are saying no more construction," Aguirre said.

Councilwoman Donna Frye; representatives of the Aircraft Owners and Pilots Association, the nation's largest association of pilots; and the local Community Airfields Association joined Aguirre in urging Sanders to act decisively.

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“This is a serious safety issue that must be resolved now,” Frye said.

Aguirre said he applauded Sanders' recent comments that the building should not exceed 160 feet and the mayor's support of litigation to force Sunroad to comply with the height restriction.

“Now it is time to take the next step,” Aguirre said. “The mayor must say we want it brought down to the required level and we want it done now.”

Aguirre says Sanders has the authority to stop all work on the building because the developer violated state law by not obtaining a permit from the California Department of Transportation, and because the building violates the city's municipal code prohibiting a public nuisance.

Aguirre said his plan will “break the logjam” that has slowed Sunroad's efforts at developing a three-building office complex, worth more than \$100 million, at the Kearny Mesa location just east of state Route 163 near Clairemont Mesa Boulevard.

Once Sunroad reduces the height of its current building, the city will allow it to be occupied and approve the construction of the final two buildings, Aguirre said.

■ David Hasemyer: (619) 542-4583; [david.hasemyer@uniontrib.com](mailto:david.hasemyer@uniontrib.com)

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**By Patao on 06/20/2007**

First. The city dropped the ball long before ground was broken on this project. Sunroad should have been advised about height regulations when plans to develop the property were submitted. To tell them mid project is insane. The taxpayers will end up be paying for the costs when Sunroad wins their lawsuit.

Second. If, in bad weather a pilot veers off course, a 160 foot building is just as much of a hazard as a 180 foot building. All this effort being misspent on an unlikely situation is a gigantic waste of time. There has to be something more important for Mike Aguirre to do.

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**By La Playa Heritage on 06/20/2007**

We submitted a citizen's report on the Sunroad Centrum 12 Building to Ms. Froman entitled "2005 Premeditated Corruption under the Guise of Mistakes and Oversight." Our report consists of an analysis of documents we received as part of a Public Records Act request to the Airport Authority.  
<http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad>

Under the "Strong Mayor" form of government, Mayor Sanders is the only person that can demand Sunroad abide by the Municipal Code and their approved Building Permit. Also the Building Permit is set to expire in less than two weeks, on July 2, 2007. Hopefully Mayor Sanders will not renew Sunroad's illegally obtained Building Permit. The ball is in Mayor Sanders' court. The Buck Stops Here.

On Thursday, June 21, 2007, Sunroad has a hearing before the Planning Commission for 4 to 5-story residential condominiums which do not comply with the Municipal Code or Master Plan requirements for height (45 feet or 3 stories) or Floor-Area-Ratio (FAR - 0.5 or 0.42). Sunroad is also trying to ignore the requirement they agreed to in the 2002 Master Plan to move the SDG&E Substation. For the physical safety of the people who will be buying their condominiums, Sunroad has to move the SDG&E Substation from the residential area to the commercial area as promised.  
<http://www.sandiego.gov/planning-commission/agenda/070621.pdf>

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