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Sanders pulls plug on Sunroad tower work

By Jeff McDonald and David Hasemyer
UNION-TRIBUNE STAFF WRITER

2:40 p.m. June 21, 2007

SAN DIEGO – Nine months after being warned that an office tower under development across from Montgomery Field was a hazard to pilots and illegal to boot, Mayor Jerry Sanders pulled the plug Thursday on any further construction.

Not only that, the San Diego mayor said he would use his legal powers to order Sunroad Enterprises to remove the top 20 feet of the building so it would comply with federal safety standards.

A full and formal stop-work order was issued on the entire project Thursday, although the 12-story building is now all but finished.

Sanders said the developer should “do the right and honorable thing” by re-engineering the building to comply with federal aviation rules – a plan the had mayor termed “irresponsible” just two days earlier.

“I call on Sunroad to act immediately and do what's in the best interests of our community,” the mayor said.

An attorney for Sunroad, who has been designated company spokesman, did not return a call to offer a response.

News of the stop-work order came toward the end of a morning news conference Sanders called to defend himself against corruption charges leveled earlier this month by City Attorney Michael Aguirre.

At the news conference, Sanders was flanked by District Attorney Bonnie Dumanis, Sheriff William Kolender, San Diego Police Chief William Lansdowne and numerous current and retired judges.

Later on Thursday, Sanders announced his order that the top portion of the building be reduced to its lawful height of 160 feet.

Both actions appear to be a response to escalating criticism from Aguirre and others that the mayor has been slow to halt the Sunroad project, which was identified as a safety hazard by federal officials more than 14 months ago.

Sanders said the moves were based on a fresh legal opinion he received from

- [Sanders asks state AG to investigate Sunroad dealings](#)
- [City's stop-work order against Sunroad \(PDF\)](#)
- [City's restoration and mitigation order against Sunroad \(PDF\)](#)

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independent lawyers hired by the city to assist in the Sunroad case – not persistent needling from the city attorney. He and his advisers have complained for weeks that Aguirre's legal judgment on this issue could not be trusted.

Aguirre said several times in recent days that Sanders was “corrupt” for allowing the Sunroad development to proceed even though state and federal officials determined that it is unsafe and violates state law.

In his own news conference, Aguirre said a trail of public records establishes that City Hall was aware of the concerns expressed by state and federal regulators as early as September. He urged the mayor to exercise more leadership and direct the building into full compliance.

“The legal and moral duty is to remove the hazard and not worry about threatened litigation,” Aguirre said before the stop-work and removal orders were announced.

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Two letters from the state Department of Transportation to Sunroad executives and their attorneys warning that the construction was illegal were copied to Sanders' airports director and many others.

“Until you receive a permit from the Department (of Transportation), it is unlawful for you to proceed with construction,” CalTrans aviation safety officer Jeff Brown wrote Sept. 14.

Brown followed that correspondence with a Sept. 29 letter to a Sunroad attorney, stating that “further attempts to obfuscate the issue” would result in enforcement action.

At the time those letters were written, the tower was little more than a steel-framed structure. Today, the 300,000-square-foot complex is virtually completed.

Sunroad was issued a city building permit early last year and continued construction even after the Federal Aviation Administration informed company executives that the project exceeded height standards by 20 feet.

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By 4good on 06/21/2007

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<http://www.sdairfields.org/SunroadLawsuit/tabid/95/Default.aspx>

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