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Sunroad to Stop Work

By [EVAN McLAUGHLIN](#) Voice Staff Writer

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Friday, June 22, 2007 | Mayor Jerry Sanders issued a stop-work order on the entire Sunroad Enterprises office building Thursday after initially hesitating to halt construction amid legal concerns that doing so could expose the city to more litigation.

Sanders took administrative action to lower the building to the federal height limit, adding new pressure on the company to remove 20 feet of its 180-foot tower. The mayor also asked the state Attorney General's Office to investigate his conduct in an attempt to clear his name of City Attorney Mike Aguirre's corruption accusations.

Sunroad will comply with the stop-work order despite disagreeing with its rationale, according to a company statement.

After initially balking at the idea several days ago, Sanders ordered Sunroad to stop all construction on the project, not just the parts of the building exceeding the Federal Aviation Administration's 160-foot height limit. Aguirre called for the move Tuesday, but Sanders said he would not issue the order until receiving a legal analysis by outside lawyers.

At a Thursday morning press conference, Sanders said he believed the city was "on firm legal ground" to call for a complete halt after Latham & Watkins, the city's outside law firm, blessed the idea.

"I think we have a good leg to stand on," Sanders said.

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Sunroad said it disagreed with the logic and legality of Sanders' order, but would adhere to it anyway. None of the groups or agencies complaining -- the FAA, California Department of Transportation, or pilots at the nearby airport -- has claimed that the building below 160 feet is unsafe, Sunroad said in the statement.

"There is no basis whatsoever to now issue a new Stop Work Order for the entire building," the company stated.

Sunroad's statement indicates a shift in the company's position from just a day earlier, when Steven Strauss, a lawyer for the company, said the municipal

Knock It Off

- **The Issue:** Mayor Jerry Sanders demanded that Sunroad Enterprises stop work on the developer's Kearny Mesa office tower. Sunroad said it will comply.
- **What It Means:** The move marks a shift for Sanders and Sunroad; both criticized the idea of stopping work on the entire project earlier this week.
- **The Bigger Picture:** This is the latest convergence of positions for Sanders and City Attorney Mike Aguirre on an issue that has severed their political alliance.

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government would have to seek an injunction from a judge before the developer would stop working on parts of the project that are not deemed hazardous. The building appears completed from the outside.

The developer also said it will analyze a restoration order the mayor issued Thursday along with the stop-work notice that requires Sunroad to take down portions of the building that exceed 160 feet. The accompanying order by Sanders is an administrative demand seeking the same remedy as Aguirre's lawsuit, which was filed in December.

The mayor's move Thursday signaled the most recent convergence of his and Aguirre's positions on the controversial Montgomery Field Airport-area project, as both officials have been divided at times over the city's handling of the building.

Sanders claimed Thursday that he has supported lowering the building to 160 feet for "several months," but he has pursued alternative solutions to resolve the legal dispute with Sunroad despite being warned by Aguirre and other government officials that the building needed to be lowered.

As recently as three weeks ago, Sanders' aides lobbied federal officials to change flight paths at the nearby airport to accommodate the developer's nearby office building, and Sunroad's experts played a role in crafting the city's presentation to the FAA. Sanders borrowed a San Diego County Regional Airport Authority executive to maneuver the Sunroad issue because he claimed he was not receiving clear advice, despite directions from the city attorney, the FAA and Caltrans that the building's stature was a safety hazard under certain circumstances.

For example, in January, Caltrans told Sanders' top land-use aide, Jim Waring, that the allowing Sunroad to "weather proof" the building "makes it difficult to regard the City's actions as anything other than an attempt to undermine State law." The city had allowed Sunroad to continue some work on the building in order to insulate it from winter storms.

Aguirre said he applauded Sanders' decision to adopt his stance Thursday, saying he was only disappointed that it had taken the mayor so long to challenge the building's construction.

"The mayor is doing what I asked him to do last October," Aguirre said. "What's important now is that we are on the right track with each other."

The city attorney has blasted the mayor along the way, forcing Sanders to adopt positions that have continuously inched closer to the absolute advocated by Aguirre: reducing the tower's height to 160 feet or below.

Strauss, the Sunroad attorney, characterized Sanders' recent sway toward Aguirre's stances as the result of the public pressure Aguirre has applied, not because it is the right course of action for the city.

"Sunroad is disappointed that the mayor is intimidated by Mr. Aguirre," Strauss said Wednesday.

Disputes over the issue have driven a wedge between Sanders and Aguirre in months past, with the disharmony escalating to new heights earlier this month, when Aguirre alleged that Sanders was "corrupt."

Aguirre claimed the company's political support for Sanders, which included \$3,400 in campaign contributions during his 2005 mayoral run, caused the mayor to choose the developer's financial security over public safety.

Sanders initially said he wouldn't respond to the remark minutes after Aguirre

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made it on June 7. But the mayor addressed the allegation at a press conference Thursday, two days after he was urged to break his silence in an editorial in *The San Diego Union-Tribune*, a local newspaper.

"As a man who has dedicated himself to upholding the rule of law, I do not take the words 'illegal' or 'corrupt' lightly," said Sanders, who was flanked by a dozen law enforcement officials, including political allies such as Sheriff Bill Kolender and District Attorney Bonnie Dumanis. "I don't, and I won't, toss these words around. To me, they mean something."

Sanders asked the state Attorney General's Office to probe Aguirre's corruption allegations. The attorney general's chief assistant said the San Diego office will investigate the matter.

"I want, and I think citizens of our community deserve, a dispassionate assessment of the charges made by Mr. Aguirre," Sanders said. "I am confident that this evaluation will conclude that I acted properly."

Aguirre scoffed at the premise of the investigation, saying he didn't think the attorney general would be objective because the office had already sided against Aguirre in a dispute over a warrant to search Sunroad's offices in March.

"I think that's something he did out of an emotional response and something that will probably fall by the wayside," Aguirre said.

Both officials said they would try to repair their relationship with one another.

Please contact [Evan McLaughlin](#) directly with your thoughts, ideas, personal stories or tips. Or [send a letter to the editor](#).