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NEWS | SAN DIEGO

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Sunroad deconstruction timetable unsure

By **ELIZABETH MALLOY**, The Daily Transcript
 Wednesday, June 27, 2007

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Sunroad Enterprises has agreed to lower its controversial office building near Montgomery Field, but when and how that will happen remains a mystery. Advertisement

Mayor Jerry Sanders [sent a letter to the company](#) Wednesday saying he is prepared to issue an abatement notice and order if the company does not provide the city with a timetable soon, explaining how they will lower the 180-foot building to the 160 feet recommended by the Federal Aviation Administration. If the order is served, the city has the right to take the 20 feet off the building itself, at the company's expense.



"I view the announcement made by Sunroad (Tuesday) night to be a positive development," Sanders said. "But it will remain a positive development only if Sunroad immediately commits to the 160-foot height limit clearly articulated on repeated occasions."

City Attorney Michael Aguirre said the city expects the plans on how Sunroad will lower the building within the next few weeks, but acknowledged that actually taking the building down could take as long as a year.

Mayor Jerry Sanders faced questions about Sunroad at an unrelated press conference Wednesday morning in support of a national campaign. Photo: Katie Euphrat

"The most important thing, as the mayor said, is that we have the schedule and that they are on schedule," Aguirre said. "We will be using our experts to make sure that they are moving at a rate that is appropriate to an orderly deconstruction of the building."

Aguirre said he expects to have the matter to a mediator by the end of this week. The city wants Sunroad to have its architects begin plans for deconstruction as soon as possible and report to the city on a daily basis, Aguirre said.

At a press conference assembled at 9 p.m. Tuesday, Sunroad said they would remove the top 20 feet of the building, but maintained they had not done anything wrong and accused Sanders of caving to political pressure when he issued the full stop work order.

"Sunroad Centrum has never been a public safety issue. Instead, it is a political issue that has taken much too much from the true business of city government," a company statement said. "The time, expense and effort to reduce the height will be considerable, but again being right isn't always enough."

The mayor ordered the company to cease all work on the 180-foot building last week, and said he wanted the top 20 feet removed. The city had initially ordered a limited stop work order in October of last year, prohibiting construction on the top 20 feet. In December, that order was amended to allow the company to weatherproof the building, but in May the mayor issued an order to stop any and all work on the top 20 feet.

Sunroad has already sued the city for more than \$40 million and has threatened to sue for more.

"While this action should bring to an end any further mischaracterizations of Sunroad or of the building, it does in no way prevent Sunroad from seeking damages from responsible parties," the company said in a statement.

Sanders said he has been assured by Aguirre and outside counsel that the city is within its rights to stop Sunroad from going forward.

The city has launched two lawsuits against the company, but Aguirre said at least one of them would be rendered moot if Sunroad lowers the building. That suit, a civil lawsuit alleging the top two stories are a public nuisance, is scheduled to go forward this summer. Aguirre is currently appealing a criminal lawsuit against Sunroad official, in which the city attorney accused the company of illegal lobbying.

Send your comments to Elizabeth.Malloy@sddt.com

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