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Sunroad, city open mediation on height

By David Hasemyer and Jeff McDonald

UNION-TRIBUNE STAFF WRITERS

July 10, 2007

The city of San Diego and Sunroad Enterprises began formal discussions through a mediator yesterday over the height of the company's office tower near Montgomery Field, but there was one sticking point: Sunroad hasn't yet committed to lowering the building to 160 feet as the Federal Aviation Administration and the city have demanded.

"I'm not sure what they are proposing," said Chris Garrett, an attorney hired to assist the City Attorney's Office in its fight with Sunroad. "I'm waiting to see what height they are proposing."

The negotiations are being mediated by retired Superior Court Judge Robert May in a downtown office building. May shuttled between a room where Sunroad owner Aaron Feldman was sequestered with his lawyers and a room where City Attorney Michael Aguirre was huddled with his staff and outside counsel.

Both Aguirre and Garrett said they could not comment specifically on the negotiations, but said there is no wiggle room for Sunroad.

Mayor Jerry Sanders made it clear in his June 21 order that the 180-foot building must come down to 160 feet, Aguirre said.

"That's it. Period," he said.

Sunroad agreed to obey the mayor's order. The company never committed to a specific height, saying only that it would lower the building to a height acceptable to the FAA.

The city set today as the deadline for Sunroad to submit plans and a timetable for the work.

If the company fails to meet that deadline, Aguirre said Sanders is prepared to sign an order empowering the city to do the demolition.

Sunroad attorney Steven Strauss declined to discuss yesterday's mediation session in any detail.

"The whole purpose of mediation is to be able to have a confidential discussion," Strauss said.

Strauss said he hopes the effort will be successful but declined to say whether the ultimate height of the Kearny Mesa office tower is the major point of contention.

Sunroad spokeswoman Karen Hutchens said the building will be as tall as the federal government says it can be.

"The (FAA) is the supreme authority," Hutchens said. "If they are

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requiring it to be 160 feet, that's what it will be.”

The Sunroad building sits conspicuously less than a mile northwest of Montgomery Field, one of Southern California's busiest municipal airports, near state Route 163 and Clairemont Mesa Boulevard.

In April 2006, before the first girders went up, the FAA told Sunroad the building would be a hazard to planes landing in bad weather. The company later assured the FAA it would not exceed the 160-foot height limit but built the tower to 180 feet.

Sunroad has argued that the city granted full approval for a 180-foot office tower and contends the building is not a hazard because the FAA has warned pilots to fly around it on a revised approach pattern.

The mediation was approved by Superior Court Judge Kevin Enright shortly after Sunroad agreed to abide by the mayor's order. At the same time, Enright postponed Sunroad's motion to recuse the City Attorney's Office from prosecuting a civil case against Sunroad it filed in December to force the building to be lowered and put an October trial date on hold. Enright set Aug. 3 as the date he will check on the status of negotiations.

On Thursday, inspectors from the city Development Services Department, Caltrans and the City Attorney's Office are scheduled to tour the office tower to determine what it will take to remove part of the building to meet the FAA guideline, Garrett said.

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By sd_zoom on 07/10/2007

Oh here we go. The company saying they will lower it meant what now? They'll lower it 1 foot? Incredible this BS. They're told 160 is the limit by the FAA. So they claim someone at the city said it was ok. Now its up, they say make concessions to us. Unbelievable.

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By jclara01 on 07/10/2007

Obviously, there must have been some type of inspection prior to Sunroad being able to advance their construction. They must have also had to have their plans approved by the city before moving forward. Something is missing here which we are not aware of.

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By theantispanos on 07/10/2007

If this is not the quickest of mediations, something is amiss. Since the stop work order, has anyone gone by there and NOT seen work going on? I haven't. There are always workers around the place. Must be one of those SD secret technicalities.

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By stidge on 07/10/2007

What's there to mediate? The rules are the rules.

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By Lex Talionis on 07/10/2007

Sunroad = antichrist

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By Brawler73 on 07/10/2007

I already know that Sunroad is planning to take off the cooling towers on the roof as well as the architectural feature, the question is if the 12th floor will be gone as well.

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By tangodancer on 07/10/2007

I've had little sympathy for Sunroad since the beginning and after that piece on Feldman at the weekend I now have none. They are selling us a sob story over losing a few feet (and we don't even know how many yet) when the fact remains the building should be no higher than 45 feet.

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By Christopher Hall on 07/10/2007

OK so these meetings are sanctioned closed-door meetings as opposed to the "black-market" back-door meetings held in the politicians' offices. And we've got snake man saying the whole point of these meetings IS privacy -- ""The whole purpose of mediation is to be able to have a confidential discussion," Strauss said."

The ONLY reason I believe there is integrity in this process is not because some retired judge is there watching over things but because Aguirre is there watching over things.

Judges are no better than anyone else, just because they are sworn means nothing -- just look at the numbers of priests and sworn officers who are corrupt.

If you can not conduct the city's business openly, then from the get-go we know there are problems because we are not the CIA -- all the privacy in our little local government has always been to hide graft, bribery, racketeering, and all other forms of corruption that have plagued the city.

Privacy in little local government? Boo! Ooh scary, pave the streets, help the homeless, Boo! Pick up the trash, rack up parking tickets, permit a garage, Boo! Trim the park grass, maintain the buses, fix the street sign, paint the curb red, Boo!

Gee what do we need all this secrecy for anyway? Hmm, let's negotiate a bogus Chargers deal, let's cram Petco Park downtown, let's rape the downtown bay front with a Manchester development, let's allow our Sunroad friend to close Montgomery Field, let's double the allowable density downtown and double the landowners' profits and the height of the buildings, tripling developers' profits -- so much corruption, so few closets to hide in! And let's not forget screwing around with water rates!

Yay San Diego!

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By ghadashel on 07/10/2007

Demolish it and charge Sunroad for the cost.

I can't imagine anyone with a conscience would want to lease space in that building now - no matter how high it ends up.

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By myview on 07/10/2007

Who'd want to be sitting in that top floor office on a foggy, rainy day????
Maybe "Mr. Sunroad" him self???

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By Brawler73 on 07/10/2007

I gotta agree with ghadashel, even though that is a nice looking building. I wonder what will happen to the second Sunroad building that is suppose to go up next to Sunroad 12. I assume they will keep that building at 160' to start.

As for these closed door sessions, they are trying to pay Aguirre off and shut him up.

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By Dagobarbz on 07/10/2007

When (not if) a plane hits that building, we won't be able to blame Al Qaeda.

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By mdemeyere on 07/10/2007

First off Sunroad says "The (FAA) is the supreme authority," Hutchens said. "If they are requiring it to be 160 feet, that's what it will be."

If that is the case then why is this building 180 now when the FAA has been saying 160 feet all along.

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