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Thursday, July 19, 2007

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## Recent Blogs

[The Sunroad Report is out. But the zoning breach remains unexplained. 07/19/07](#)

[This recently acquired SEDC property needs careful watching. 07/18/07](#)

[SEDC needs a thorough investigation. 07/16/07](#)

[The final blow to Sunroad. It's over. 07/14/07](#)

[Frye, Sunroad, Gaylord and "capricious characters". 07/12/07](#)

[Was the Community College District involved in "insider" deals? 07/10/07](#)

[Who is the Mayor's real real estate broker? 07/09/07](#)

[City College were offered the property for \\$750,000! 07/07/07](#)

[About that Madigan-City College deal... 07/07/07](#)

## **The Sunroad Report is out. But the zoning breach remains unexplained. 07/19/07**

*by Pat Flannery*

[top^](#)

Here is the complete Mayor's [Sunroad Report](#) released today. My comments are in red. It blames everything on "process". Nobody did anything wrong.

If it was failure of "process" it was because Sanders hired his own City Attorney, Jim Waring. Waring has been playing City Attorney since he was hired by the Mayor.

I watched Sanders at his press conference today. Surprisingly, Mike Aguirre turned up. If I were Mike I would have left Sanders to spin himself out of this one on his own.

I wondered if Aguirre had actually read the Report. How could he have been so nice to Sanders knowing that he was trying (unfairly in my opinion) to blame Mike's office for much of the problem - being "unresponsive"?

I personally believe that Sanders hired Jim Waring to neutralize Aguirre because Mike was not part of the "team". Waring has made his contempt for Mike abundantly clear from the moment he took up employment for Sanders. The problem was that Deputy City Attorney David Miller [was](#) part of the "team" until Aguirre finally fired him on February 27, 2007.

Waring's spin is that he and his staff requested legal advice from Aguirre even though Waring made it abundantly clear, particularly to DSD, that because Aguirre was not part of the "team", his legal advice was neither to be sought nor followed.

The Report does have some suggestions however. Observing that "separating vision from implementation" is not a good idea, it recommends that DSD and Planning be amalgamated into one City Department. Also observing that the first concern for Airports should be safety, not its development potential as a real estate asset, it suggests that Airports should be moved from the Real Estate Assets Department to Public Works.

But for me the problem remains: how did a 306,000 square foot building get approved on a 1.47 acre lot where the zoned Floor Area Ratio (FAR) is 0.50?. That was not addressed in the Mayor's Report. All it talks about is height. Height is a just one component of intensity of use and intensity of use is what determines land value.

Purchasing land valued on the basis of a particular intensity of use zoning, then having it rezoned to a higher intensity of use, is how fortunes are made in real estate. It implies political manipulation. In this case Sunroad purchased a 1.47 acre parcel of land, i.e. 64,033 square feet, which under existing intensity of use zoning (FAR 0.50) allowed for 32,016 square feet of building space. Sunroad was then permitted to build 306,000 square feet on that 1.47 acre lot.

As a result, the land became worth 10 times more than its acquisition cost. [That's what Sunroad](#) is all about. The FAA height issue is just a side show. Aaron Feldman was enriched by the granting of "vested rights" that never existed, let alone purchased.

## **This recently acquired SEDC property needs careful watching. 07/18/07**

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[top^](#)

This 8.5 acre site was specifically acquired by SEDC for affordable housing: