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Report: Mistakes made, but Sunroad received no special treatment

By Jeff McDonald
UNION-TRIBUNE STAFF WRITER

1:53 p.m. July 19, 2007

SAN DIEGO – A two-month investigation into how Sunroad Enterprises was permitted to build a Kearny Mesa high-rise so close to Montgomery Field in violation of federal regulations has found no evidence of wrongdoing by top employees or elected officials.

The 40-page report, released Thursday by Mayor Jerry Sanders, concludes that city building officials made serious mistakes in dealing with the development company.

But investigators said they could find no proof that Sunroad owner Aaron Feldman, who hosted a fund-raiser for Sanders during the mayoral campaign, received special treatment from City Hall.

Rather, the report chastises Development Services employees for failing to understand Federal Aviation Administration rules and for failing to force Sunroad to halt construction of its 180-foot building earlier.

It also blames the City Attorney's Office for providing untimely legal advice and poor communications between various departments at City Hall and outside agencies.

The investigators assign no responsibility to top city leaders or to Sanders himself, other than misstatements the mayor made in June that were prepared in error by his staff.

"No evidence was found whatsoever of conspiracy, fraud, corruption, illegal conduct, violation of any federal or state law or regulation or improper influence by or of any city staff," the report concludes.

Sanders halted construction of the 12-story office tower in June, eight months after he said he first learned of the problem.

Since then, Sunroad agreed to reduce the height of the tower to 160 feet, the highest elevation allowed by the FAA due to pilots landing at Montgomery Field.

The company will pay to lower the building by mid-October but will proceed in its lawsuit against the city seeking \$40 million in damages.

Sanders ordered the investigation in May, immediately after *The San Diego Union-Tribune* published a two-day series detailing the process that allowed the building to rise to 180 feet.

The FAA considers the building a safety hazard to pilots landing at Montgomery Field in bad weather. Federal regulators alerted Sunroad to their position as early as March 2006, but construction nonetheless

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proceeded.

In his only interview, Feldman told the *Union-Tribune* that he continued building because officials at City hall told him they would deal with the FAA. But he refused to identify who at the city made that suggestion.

Investigators said they could find no proof to substantiate Feldman's claim.

City officials issued a permit allowing construction work to begin and continue on the project – the first of three buildings planned within a mile of the busy general-aviation airport – despite the FAA finding.

The investigators found that none of the senior leadership at City Hall became aware of the controversy until after the structure topped out at 180 feet. But they did reference an e-mail copied to development services chief James Waring dated June 29, 2006, that refers to the issue.

“It should be noted, however, that Waring stated, during his interview, he had no recollection of being advised of this situation until October 2006,” the report states.

At that time city officials were relying on Sunroad's promise to the FAA that it would limit the building's height to 160 feet, investigators noted.

The city staff “had no reason to believe that Sunroad would move forward with construction to above 160 feet prior to the resolution of the issue with the FAA,” the report states.

■ Jeff McDonald: (619) 542-4585; jeff.mcdonald@uniontrib.com

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By novel t on 07/19/2007

I still say none of this woulda happened if Donna Frye was our mayor as she should be (and Gore our president). ;P

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By okonkolo on 07/19/2007

still nobody named or held accountable. who gave the okay to proceed or rolled over when sunroad didn't stop? It isn't a difficult question.

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By jackalope on 07/19/2007

novel t your wrong. Global warming was the root to this problem.

Well how nice and tidy on this report. The building dept. employees are to blame. Let's call them Scapegoats.

No top brass have to worry about losing their job and huge pension to go with it. Very tidy indeed.

NO ONE IS IN CHARGE AT THIS CITY.... NO ONE only SCAPEGOATS make decisions... poor slob.

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By gon2tex07 on 07/19/2007

Will the city attorney represent the city when Sunroad sues or will the city contract out an army of lawyers? Mayor Sanders, find competent city staffers that will be watching our backs to prevent these kind of things from happening in the first place.

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By kwaping on 07/19/2007

See the shock on my face? That's cause it's not there.

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By jclara01 on 07/19/2007

SunRoad did Sanders a favor! I still think he's dirty, just like the others who don't get caught! Screw all politicians.

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By luzphil on 07/19/2007

Godzirra destroy for free.

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By kd92103 on 07/19/2007

Let me guess, Mike Aguirre will be fighting this decision in court also to waste the taxpayers money?!?! I am sure he will be on TV tonight saying that Sanders and others were totally involved...only to get his face on TV once again.

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By jjinsd on 07/19/2007

Hey UT, Jeff McDonald!
WHO'S REPORT IS THIS?????? Who are these "Investigators" that found nothing? Who, besides "The Report" chastises the City Attorney's office? Was this an internal investigation? Did the Girls Scouts conduct this investigation or perhaps Dick ChEney, surprise, surprise, found no corruption. Please just tell us whose investigation was this. Thanks!

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By BigDog on 07/19/2007

So... the mayors chief of staff conducted an in-depth investigation into herself and her boss and came to the conclusion that there was no wrong-doing in her boss's office.

I am shocked. I thought Sanders was planning to have himself and his entire staff thrown out of office.

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By tangodancer on 07/19/2007

All just a genuine mistake folks, nothing to see here, move along, but don't trip over the briefcase of cash on your way out.

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By HPDrifter on 07/19/2007

If I'm not mistaken this "investigation" and report was handled by the mayor's office (started by Ronne Froman; finished by ?) which makes this whole thing laughable.

In a related story my girlfriend suspected me of cheating on her and asked me to look into it. I found no evidence of wrongdoing. She seemed relieved and things are back to normal.

Report Abuse

By BigDog on 07/19/2007

Here is another plug for the good work La Playa Heritage has done in bringing this to light. They wrote a letter to Ms. Fromman, that she apparently didn't receive. It fills in some details of how this game was played.

<http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sur>

Report Abuse

By los on 07/19/2007

i'm definitely not worried now; sunroad has no case against the city since this report obviously shows that no one calling the shots in the city did anything wrong... yeah, right. scapegoating the low-level employees only reinforces the lack of integrity in the city's government and to find fault with aguirre who was the only one to initially voice the outrage of the citizen's of san diego is absolutely despicable...
i hope the next election will be judgement day for some of these city representatives...

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By IceBowlBoltsFan on 07/19/2007

Does this really suprise you?

First, the city revovates it's own property, Qualcomm, and finds out after it's done that they've violated the Americans with Disabilities Act and has to spend millions to fix it.

Second, they let the place fall into irreversible disrepair in just a few years.

So, how can we expect them to govern other people's consruction projects like other cities do?

Let's get rid of them all.

Dean Spanos for Mayor.
Mark Fabiani for City Attorney.

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