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Sunroad Probe Shows Staff Blunders, Not Corruption

By [EVAN McLAUGHLIN](#) Voice Staff Writer

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Friday, July 20, 2007 | The San Diego city government bungled its handling of the Sunroad Enterprises office building controversy by ignoring warnings and failing to raise others that would have prevented the Kearny Mesa-area tower from reaching hazardous heights, the ethics chief for Mayor Jerry Sanders said Thursday.

"Poor judgment was the norm and not the exception along the way," Sanders said at press conference where a report culminating a two-month-long investigation of the controversy was released.



Once bitterly at odds with each other because of the Sunroad office building controversy, Mayor Jerry Sanders and City Attorney Mike Aguirre appear to be on good terms at the release of an investigation on the issue. Photo: [Sam Hodgson](#)

to 160 feet this month.

JoAnne SawyerKnoll, the head of Sanders' Office of Ethics & Integrity and the report's author, spared the mayor and his top aides in her conclusions despite previous assertions by critics such as City Attorney Mike Aguirre that Sunroad was provided special treatment because its officials contributed \$3,600 to Sanders' mayoral campaign in 2005.

It was during the running dispute with Aguirre that Sanders asked for an internal investigation. Additionally, the mayor has asked the state Attorney General's Office to investigate his office after Aguirre accused Sanders of corruption. In SawyerKnoll's report, no evidence of corruption, fraud or conspiracy was found, and Aguirre appeared conciliatory toward the mayor at Thursday's press

But the 40-page report, which Sanders commissioned in May amid growing criticism that his office was accommodating the building's developer as a political favor, stopped short of accusing the mayor and other high-level officials of any wrongdoing.

The report comes on the heels of a months-long controversy over the 180-foot development, which Sunroad built 20 feet higher than the safety threshold set by the Federal Aviation Administration. The building's stature created a hazard for aircraft flying in and out of nearby Montgomery Field, the agency said. After bucking the height limit for more than a year, Sunroad agreed to lower the structure

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Blame was cast, albeit very generally, on the mayor's Development Services Department, which was responsible for issuing a permit for the building, for failing to enforce the FAA height limit or immediately issuing a stop-work order upon learning of the violation. The Development Services Department decided not to closely monitor construction of the tower after telling Sunroad to cease construction at 160 feet, according to the report.

"Staff missed opportunities along the way," SawyerKnoll said.

The city was also lacking proper instructions for detecting the violation, the report said. According to SawyerKnoll, the land-use guidelines developed by the San Diego County Regional Airport Authority for developments near airports do not refer city officials to the FAA's height limits.

The report also found a lack of communication between the city's Development Services Department and city agencies that oversee Montgomery Field airport and land-use zoning decisions. It claimed staff failed to notify higher administrators, such as land-use and development chief Jim Waring, of the FAA's demands in a timely manner.

SawyerKnoll also criticized the City Attorney's Office, claiming it did not provide adequate legal counsel to development officials who were seeking guidance on how to handle the FAA's notice.

City staff's decision to pursue other means for resolving the Sunroad dispute provided the appearance that the mayor's staff was aligning itself with Sunroad and against the FAA and the California Department of Transportation, which was also seeking to enforce the height limit. Before demanding Sunroad lower its building to 160 feet, Sanders' staff had engaged in negotiations to settle a lawsuit over the dispute and lobbied the FAA with the help of an airport authority employee to reroute flight traffic away from the building.

The report also said Sanders' decision to change the stop-work order in December to allow the company to weatherize the then-unfinished building provided Sunroad an opportunity to work toward completion of the building.

Sanders admitted that he should have adopted the hard-line stance against Sunroad that Aguirre vocally committed to last fall.

"He has given us sound advice, and we didn't always take that advice," Sanders said.

Aguirre didn't pounce on the mayor for the faults found of his staff as he has in previous occasions. Instead, the city attorney refused to comment on SawyerKnoll's findings despite launching his own investigation into the matter months ago.

"It is unimportant to me to get into a debate over any specific findings," Aguirre said.

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when the mayor and city attorney disagreed over the city's treatment of the Sunroad issue.

"There are stages in the development of relationships with people ... and we're now at reconciliation," Aguirre said.

The mayor's assignment of the probe to SawyerKnoll created a dynamic in which she investigated the bureaucracy Sanders, her direct superior, oversees. Sanders said that "not so much as a period" was changed in the report after he received it from SawyerKnoll for the first time this morning.

The mayor dismissed the notion that the report was partial to his interests, despite what others might say.

"I don't think the findings are very comforting -- to me anyway," Sanders said. "If we were going to cover things up, we would have certainly done a better job than that."

SawyerKnoll also went to some length to establish the report as credible. She spent the beginning of her presentation rattling off the professional credentials of Vincent delaMontaigne and Robert Copper, the two outside consultants who worked on the investigation. Sanders' press aides furnished reporters with copies of the consultants' resumes.

The report made several recommendations, which Sanders said he will consider adopting over the next several weeks.

Among them are combining the Development Services Department and the city agency that oversees planning as an effort to help communication between the two arms of the government. The report also suggested moving the airports division from the real estate department to the purview of the city's public works chief.

Improvements must be made to the land-use guidelines near airports and to the relationship between the City Attorney's Office and the mayor's development staff, which has been discordant in times of controversy, the report said. Also, the city should require developers within four miles of Montgomery Field and Brown Field airports to notify the FAA, CalTrans and the airport authority of their project so that they can voice their concerns early in the process, the report said.

Councilwoman Donna Frye took exception to SawyerKnoll's suggestion that the planning and development services departments be consolidated. She said their separation is necessary to ensure independence between the staffs that draw up land-use plans and the ones who inspect their impact on the environment.

"They must be two very separate entities because they serve two very different functions, and that's by design," said Frye, whose council district includes Montgomery Field and the Sunroad building.

Frye repeated a remedy she proposed in April -- that the city create a more objective checklist for developments to follow before they are approved for construction.

"There is too much subjective review going on," Frye said.

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