

SEARCH Choose Category

Tuesday

[»Next Story»](#)

News

Local News

Opinion

Business

Sports

Currents Health

Front Page (PDF)

The Last Week

Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Weekly Sections

Books | UT-Books

Personal Tech

Family

Food

Health

Home

Homescape

Insight

InStyle

Night & Day

Street

Sunday Arts

Travel

Quest

Wheels

The San Diego Union-Tribune.

UNION-TRIBUNE EDITORIAL

A bungled probe

Sanders lacking leadership on Sunroad scandal

August 14, 2007

Just when we thought it could get no worse, Mayor Jerry Sanders' bungling of the Sunroad scandal is now marked by an internal probe that was full of holes and glaring inconsistencies, according to documents obtained by the Union-Tribune. Fresh doubts about the credibility of the investigation come as Sanders appears to be overcome by inaction in the face of overwhelming incompetence by officials of his own administration.

Almost a month ago the mayor pledged to hold accountable those under his command who abetted Sunroad's irresponsible move to erect an unsafe office tower near Montgomery Field in blatant violation of the Federal Aviation Administration's height limit. Yet to date Sanders has taken no disciplinary action of any kind, even though his own probe underscored egregious shortcomings by officials of his administration.

Yesterday the city's chief of land use and economic development, Jim Waring, informed the Mayor's Office from Iceland, where he was vacationing, that he will resign on his own accord. Waring contributed significantly to the Sunroad mess by early on directing the Department of Development Services to remain on the sidelines as Sunroad proceeded defiantly to violate the FAA's height strictures.

The event that triggered Waring's decision to resign, however, was not a reprimand from Sanders but rather a letter made public yesterday by Mike Aguirre. The city attorney accused Waring of "actively lobbying City Council members" to allow the Sunroad building to remain 167 feet high, even though Sanders has demanded that it be reduced to 160 feet, which would conform to the FAA's height limit. Sunroad has agreed to scale back the structure to 160 feet. In a conversation with Councilwoman Donna Frye, Waring discussed the possibility of reducing the building from 180 to only 167 feet.

Union-Tribune reporters David Hasemyer and Jeff McDonald documented a string of major inconsistencies between the findings of Sanders' internal probe and public records, including e-mails among administration officials.

For example, memos show that Waring was informed in June of last year that the FAA opposed any structure exceeding 160 feet. However, the mayor's investigation, conducted by Jo Anne Sawyer-Knoll, the administration's ethics officer, concluded that neither Waring nor Sanders was aware of the FAA's concerns until October. This discrepancy is significant because between June and October Sunroad was busily pursuing a structure that exceeded the federal safety limit. Sawyer-Knoll's probe inaccurately blamed lower-level officials for not informing Waring of the hazard sooner.

Also at issue is the internal report's conclusion that Sanders "immediately rejected" any change in the flight patterns at Montgomery Field to accommodate a building taller than 160 feet. However, the documents obtained by the Union-Tribune show that Sanders wrote a letter to the FAA in May 2006 proposing just such a change.

The steady hemorrhaging of the Sanders administration on this issue is likely to continue until the mayor steps in and asserts leadership to hold accountable those who were responsible for the Sunroad debacle.

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