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News | San Diego

City official lobbies for Sunroad compromise

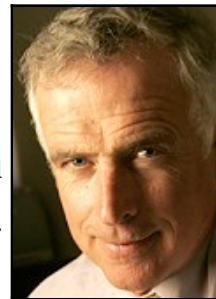
Land-use chief seeks support for letting tower exceed limit

By Jeff McDonald and David Hasemyer
UNION-TRIBUNE STAFF WRITERS

August 14, 2007

SAN DIEGO – San Diego's land-use chief lobbied as recently as last week to allow the Sunroad Enterprises office tower near Montgomery Field to exceed a 160-foot federal height limit, despite Mayor Jerry Sanders' order that the building be lowered to meet federal standards.

James Waring, the one-time developer and investment banker whom Sanders tapped to oversee real estate and development in San Diego, sought a meeting with Councilwoman Donna Frye to see if she would support the idea.



James Waring

Frye, who represents the Kearny Mesa neighborhood where the high-rise building is located, said she met with Waring on Aug. 6 but rejected the compromise.

Frye said Waring tried to make the case that it would take significantly less work for Sunroad to lower the building to 166 feet rather than 160 feet because of the building's design.

"We are in litigation, so I'm going to leave all of it to the lawyers," Frye said yesterday.

The disclosure about Waring's lobbying efforts comes as Sunroad is preparing to comply with the mayor's demand that 20 feet be trimmed from the 180-foot tower. The target date for the demolition is Nov. 15.

The building is within a mile of the Montgomery Field runway, and the Federal Aviation Administration has said the structure poses a safety hazard to pilots landing in bad weather.

Sanders is on vacation and was unavailable for comment yesterday.

Mayoral spokesman Fred Sainz called Waring's actions "completely

Overview

Background: Sunroad Enterprises built a 180-foot office tower in Kearny Mesa even though the Federal Aviation Administration said it posed a hazard to pilots landing at Montgomery Field in bad weather. In June, Mayor Jerry Sanders ordered that the top 20 feet of the building be removed.

What's happening: James Waring, chief of land use and economic development for the city, last week asked Councilwoman Donna Frye to endorse a compromise that would allow the building to exceed the FAA's 160-foot height limit. The mayor's office yesterday said it did not know about or condone Waring's actions.

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inappropriate” and said they were not taken with Sanders' knowledge or at his request.

“It's largely irrelevant what Jim Waring believes or doesn't believe,” Sainz said. “The only person's opinion that really matters is Jerry Sanders'.”

Sainz declined to say what, if any, action the mayor would take as a result of Waring's continuing efforts to keep the building higher than the FAA limit.

“Jim is out of the country,” Sainz said. “I need to track him down and understand what his part of the conversation is.”

Quest for a compromise

Attorney Gerald Blank, who represents the Community Airfields Association of San Diego, a pilots group that joined the city's lawsuit against Sunroad, was startled to learn that Waring is still pushing for a compromise.

“How many times do you have to say no before somebody knows what the word means? It really is upsetting,” Blank said. “I highly doubt that Jim Waring at this juncture would do what he is doing without a nod from the mayor.”

Waring has made no secret of his desire to keep the city out of the developer's fight with federal and state regulators.

“My approach for some time now has been to say to the FAA and Caltrans that if they believe this building violates their rules and there is a remedy they can enforce, they should commence and prosecute the action,” he wrote in December to Development Services Department director Marcela Escobar-Eck and the City Attorney's Office.

“I want us to remain spectators, not actors in this.”

Waring, who turned 60 last week, served on the city employee pension board before accepting the job as Sanders' chief of land use and economic development, a position the mayor created after his 2005 election. Waring is also a former real estate attorney whose state bar membership is now inactive.

Sunroad officials continued building the structure even after being told it violated FAA height standards, saying they had all the proper city permits. Sunroad's owner, Aaron Feldman, told *The San Diego Union-Tribune* that someone in city government had assured him the FAA's concerns would be resolved.

The building became a serious political issue for Sanders earlier this year after City Attorney Michael Aguirre sued the company to try to get the building lowered.

On June 21, more than a year after city officials first knew of the FAA's safety concerns, Sanders demanded that the building be reduced to 160 feet. By then it was all but finished, and Sunroad had sued the city for \$40 million in damages. No trial date has been scheduled.

Mayor's order stands

Until June, Sanders and Waring had worked together to find a solution that would allow the building to remain at 180 feet.

Sanders brought in an expert from the San Diego County Regional Airport Authority to try to convince the FAA that the flight path to

Montgomery Field could be altered so the building could stay as it was.

He also endorsed a plan to install sophisticated electronic runway equipment – at Sunroad's expense – so pilots could safely avoid circling the tower when they landed.

Those plans fizzled when FAA regulators said the building still needed to be reduced.

Aguirre sent Sanders a memo yesterday stating that any more actions by Waring to help Sunroad maintain even a portion of its building above 160 feet would undermine the city's legal position.

The mayor's office replied with a memo of its own from Jay Goldstone, acting chief operating officer. Goldstone told Aguirre that Sanders' position remains firm: "Sunroad must reduce the size of its building immediately to 160 feet."

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By SD65 on 08/14/2007

Who is running this city? Is it the underlings of Mayor Sanders? Apparently Mr. Waring doesn't get it! Enough of the corruption at City Hall. No compromise with Sunroad ever!

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By therock on 08/14/2007

"we're in litigation". that sounds like good news when a bus load of lawyers are working on something. you can forget any potholes being fixed in san diego when this thing is done. I have a feeling that the city checkbook will be getting pummeled soon.

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By sandmansl on 08/14/2007

Sounds as if Sunroad still isn't committed to meeting the requirements of lowering the building to the lawful limit, they knew the limitations existed and built it anyway, thinking it's easier to get forgiveness than it is permission. And Warings involved in this after being on the Pension Board ?? Sounds like a pattern here, the unfunded benefits provided by the pension board have made the City of San Diego a joke...and now this....

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By Hawgryder on 08/14/2007

"It's largely irrelevant what Jim Waring believes or doesn't believe," Sainz said. "The only person's opinion that really matters is Jerry Sanders'."

Wrong Mr Sainz ... what matters is what the FAA rules & regulations are, what the State Laws are , & even what the Local PS Laws say ...

FYI: PS = Pre-Sanders

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By observer1 on 08/14/2007

I hope you all noted this phrase from the story

"...Waring, who turned 60 last week, served on the city employee pension board before accepting the job as Sanders' chief of land use and economic development..."

Incredible. The city's PENSION BOARD; you catch that? That turned out so well you then go and screw up another city department. Keep this guy out of city government! Sanders, what were you thinking???

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By pmaravil on 08/14/2007

Time after time, Frye is only person on the council with guts and honesty.

Report Abuse

By teacherman on 08/14/2007

"Waring, who turned 60 last week, served on the city employee pension board before accepting the job as Sanders' chief of land use and economic development, a position the mayor created after his 2005 election."

He was involved in Sunroad AND the employee pension board? Sanders should consider giving this guy a permanent paid vacation. It would be less costly for the city.

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By The Big Churro on 08/14/2007

It's time to recall Sanders. If not for the Sunroad debacle, but for the fact that he hired Waring in the first place.

Sanders is unable to run this city. It's time for him to go.

Report Abuse

By [free_san_diego](#) on 08/14/2007

Hawgryder, concerning ...

"It's largely irrelevant what Jim Waring believes or doesn't believe," Sainz said. "The only person's opinion that really matters is Jerry Sanders'."

Get this: Last month a Planning and Community Investments flunky (under Jim Waring and Bill Anderson) told me and the citizens in our community that it didn't matter what the "rules" were (which the planning flunky and his bosses were blatantly ignoring, much to our disadvantage): he said Jerry Sanders could do anything, any way he wanted, and by extension, so could the planning flunky. That appears to be the rule of the day. This corrupt corporate attitude has bred a total disdain for law and process. The only staff who stay on and rise to power are ugly and corrupt and small, petty creeps.

Voters, please get rid of these people. They are thugs and dictators. DO NOT VOTE TO GIVE THE STRONG MAYOR AN EXTENDED LIFE!

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