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News | San Diego

Waring speaks on departure from city

Former official sought best result on Sunroad

By David Hasemyer and Jeff McDonald

UNION-TRIBUNE STAFF WRITERS

August 23, 2007

SAN DIEGO – In the weeks following Mayor Jerry Sanders' June order to remove the top of a 180-foot office tower near Montgomery Field to comply with federal height limits, James Waring, San Diego's top land-use official, continued searching for alternatives.

In an interview yesterday as he traveled home to San Diego from a vacation in Iceland, Waring gave his version of the events that led to his sudden resignation last week.

The resignation was triggered by a meeting Waring had with Councilwoman Donna Frye two weeks ago. Waring asked Frye to consider possible advantages to the city if the building were lowered to 166 feet rather than the 160 feet mandated by the Federal Aviation Administration.

Waring said the meeting had been misinterpreted. His only goal, he said, was to resolve the dispute with Sunroad Enterprises, the building's owner. He said he thought Sunroad might drop its \$40 million lawsuit against the city if more of the building could be preserved.

"I simply wanted to start discussion on whether there is an option better for the city," Waring said.

"I don't care if the building comes down to the dirt or stays at its current height, assuming you can ensure aviation safety. What I want is the best solution for the city."

Waring said there was nothing clandestine about his talk with Frye because his mandate from Sanders had been to tackle problems. Asked if he thought he was being made a scapegoat, Waring said only that he served at the pleasure of the mayor.

Waring said Sanders' request for his resignation came through Jay Goldstone, the city's acting chief operating officer, last Monday when Waring was still in Iceland. Sanders insisted in an interview the next day with *The San Diego Union-Tribune* that he had learned of the resignation only that morning.

Even before the Kearny Mesa tower was built, the FAA had warned it would be a hazard to airplanes landing in bad weather at Montgomery Field. After months of trying to find a way to keep the building at 180 feet, Sanders in June ordered the top of the building removed.



James Waring

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Sunroad agreed to reduce the height but is continuing with its lawsuit against the city, saying that the Development Services Department had issued the company a valid permit to build up to 180 feet.

Waring said yesterday he doesn't think the building poses a danger to aircraft at Montgomery Field. He also said the 6-foot height difference isn't significant. If pilots were in danger, he said, the FAA would shut down the airport – the same argument often used by Sunroad.

Waring blamed the City Attorney's Office for not responding more quickly when the FAA declared the building a safety hazard. But he also said the Development Services staff, which reported to him, should have acted more decisively.

“The stop-work order should have been issued in July of 2006,” Waring said.

Instead, it was issued in October, after the building had reached its full height.

■ David Hasemyer: (619) 542-4583; david.hasemyer@uniontrib.com

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By randyw on 08/23/2007

Wow, after a brief spat sounds like he's back on Jerry's side. Hes spouting the same lines as Sanders, even blaming Aguirre. I wonder if it was blackmail or a payoff that got to him.

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By any_user on 08/23/2007

Hmm, Where's Waldo? Still basking in the Hawaiian sun? Hiding out until the next big story takes center stage in hopes the public will forget all of the pointed questions we expect him to answer? Do we even have a Mayor?

How can Waring blame the city atty's office when it was his dept that issued permits for a 180' building in an area where 45' was the maximum allowed?

Someone had better step up to the plate with some real answers or expect to find that their key to City Hall no longer opens the door & they too have been terminated.

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By CleanUp on 08/23/2007

I tell you what was going on... They were going to get the Airport closed so that their (Sunroads) land would be worth more. Once the AP was close by Sunroads lobbyists back in Washington the value of their land would have increased without even building a thing. Anyone who owned land in that area would have benefited. (Same thing going on at Brownfield, also see Fontana Airport) Riddle me this, why would a developer hire/spend the \$\$\$'s on Architect and design and engineer a building that were in violation of the law? That's a lot of money to spend on a gamble. It makes more since that he was going to bend the rules to his benefit. Looks like this time the gamble did not pay off. Oh wait he might still collect \$40 million from the tax payers.

I will tell you what the developers need to do. Spend some money on land meets the requirements of the building they designed so that we do not come to situations like these. They think cheap land, how can we increase its value; by thinking this way the public is the one that loses. They over build and then all the master planning and forethought that went into the infrastructure (freeways, roads, etc.) surrounding their developments are over used because they pack too much on too little. Then you and I sit in traffic all day.

Thanks for thinking of the big picture.

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By BigDog on 08/23/2007

Waring has said publicly in the past that he doesn't think Montgomery belongs there, and doesn't think there will be an airport there in 20 years.

When Waring says he is doing what's best for the "city", he means for the developers that control all of the land use planning boards, airport authorities and community planning groups.

My initial reaction was that Waring going to Frye was a setup so that Sanders would have a brand new, very public reason to fire somebody relating to Sunroad. Sanders needs a very public "conclusion" to this crisis, so he can "move on" as a "strong leader" into his extra long campaign (and fund raising) for re-election.

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By BigDog on 08/23/2007

I meant to add: This current non-story (did they tell us anything new?) showing Waring still in Sanders camp solidly enforces my initial opinion that this episode was manufactured.

BTW: A Chief reason the mayor needs to start fund-raising now, is to create a war chest to pass the charter changes from his charter reform committee. They are already proposing a change such that the council must have "at least" 2/3 vote to override a mayoral veto. Since there are only 8 councilmembers, you must have 6 out of 8 to be "at least" 2/3, which is 75%! They are trying to sneak in wording such that it will take a 75% vote to override line-item mayoral vetoes from a mayor elected with 52% of the vote!

They are proposing expanding the council in the future (no sooner than 2011 or 2012, possibly later) from 8 to 11. Why 11 and not 12? Well, 8 out of 12 is exactly 2/3 or 66.6% which works out nicely. 11 councilmembers with the above "at least 2/3" provision listed above would also require 8 votes to veto, but causes the percentage needed to override to be 8/11 or 73%. By angling for 11 instead of 12 they have raised the vote needed to override a veto by 6%, while making it seem like less based on the 2/3 requirement in the charter.

This stuff is not accidental, it is a power grab to solidify power in a single place (the mayors office) so all the Sunroads in the city can have one-stop shopping.

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By Hello on 08/23/2007

Sure! Blame the City Attorney's office! That was the only city department that was crying foul. They were even claiming the Mayor is corrupt. Of course! It has to be Mike Aguirre's fault. Everything that blows up in some politicians face is now all Mike's fault.

That makes no sense at all.

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By BigDog on 08/23/2007

Can we recreate that picture of Sanders with Dumanis, Kolendar, Landsdowne and others at the next Sunroad press conference where Sanders explains all of the "discrepancies" in his own report from his office of ethics and integrity, the Jim Waring firing and all of his own personal issues with the truth regarding Sunroad?

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By LUCKY on 08/23/2007

For the next elections can we all get together and pass a proposition that give us, the public, the right to fire all these liars, we are their employer anyways. No recall, just fire them by a general vote.
I am tired of the DISHONESTY that runs between our gov. officials. So, why the hell do we put up with it. Lets fire them now!

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By La Playa Heritage on 08/23/2007

Currently the Sunroad building does not conform to the issued building permit because of the phantom floor and utility room/penthouse. If Mr. Waring picked a height between 167 through 180 they we might believe he was trying to do the right thing by both the City and Sunroad.

However, Mr. Waring specifically picked the height of 166 so Sunroad's structure would conform to the issued building permit. At 166 feet, the City would no longer have a strong case or position against Sunroad's lawsuit for \$40 million dollars of taxpayer money.

Nice try. We don't buy that Mr. Waring was looking out for the public's interests.

Next on the chopping block should be the person who wrote the changes to the Master Plan in 2002, without an update to the EIR as required by State CEQA law. The person who put all this in motion is the Director of DSD, Marcela Escobar-Eck.

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By crazyhorse on 08/23/2007

"Waring speaks on departure from city"

Soo..when does he hop on the Greyhound....????

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By Levelheaded on 08/23/2007

I can't think of a better reason to get out and vote than to get rid of all of these losers. Jim Waring should be the start, not the end, of the terminations.

Sanders is in every developer's back pocket when he's not too busy vacationing in Hawaii.

Someone please explain to me why does Marcela Escobar-Eck still has a job. She's completely incompetent, inept or corrupt.

If Mayor Sanders is going to have any chance at re-election, he's going to have to completely clean house at Development Services by firing everyone there who has any sort of management role.

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By tangodancer on 08/23/2007

La Playa says "Next on the chopping block should be the person who wrote the changes to the Master Plan in 2002, without an update to the EIR as required by State CEQA law. The person who put all this in motion is the Director of DSD, Marcela Escobar-Eck." and lo and behold now she is gone, too!

Only one corrupt one left to go.... not holding my breath though.

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By esbinsd on 08/23/2007

She's gone!!

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By any_user on 08/23/2007

One to go? While cleaning up City Hall, we might as well replace the Chief Of Police with one who will serve warrants instead of leaking them to the accused & the press while playing his own game of judge & jury.

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By tangodancer on 08/23/2007

oh yeah, forgot about the chief of police. hard to believe in justice when the head of enforcement leads the way in law breaking.

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By any_user on 08/23/2007

& the DA for letting him get away with it, recommending it or both.

Just take the infamous photo op pic & slap it on a "wanted" poster.

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