

San Diego Mayor says city botched high-rise permit process

by Jennifer Vigil

SAN DIEGO - Mayor Jerry Sanders issued a stop-work order Friday on the 180-foot building Sunroad Enterprises is constructing near Montgomery Field municipal airport, while also acknowledging to state and federal officials that the city of San Diego mishandled the project.

The mayor said late Thursday that he also will conduct an internal investigation of how the developer secured city permits allowing construction to move forward, despite official warnings that the building could be an air-traffic hazard. Sanders' actions follow months of questions about the office tower's construction and a two-part series The San Diego Union-Tribune published Sunday and Monday detailing how the city allowed it to be built despite concerns about its height.

Sanders has written a letter, sent Friday, to the Federal Aviation Administration and the California Department of Transportation, which have asserted that the \$45 million project exceeds certain height limits.

The 12-story building could endanger pilots approaching the municipal airport's runway in poor weather, aviation regulators have said. The FAA had warned the city that the office building was 20 feet too tall.

Citing the need to protect the public, Sanders said Thursday that the city had no choice but to acknowledge the agencies' concerns.

Although various city departments failed by allowing Sunroad's plans to proceed, Sanders said, he must take responsibility for the decisions of city employees.

"I'm not going to be blaming them for failing to communicate with me," he said. "I don't think that I dug deep enough when I should have. That's part of what my job is as mayor."

Sunroad representatives were instructed Thursday to halt all work on the top 20 feet of the building, despite a city decision in December allowing some construction to continue in order to shield the unfinished structure from bad weather.

That exception will be rescinded, said Marcela Escobar-Eck, director of the city's Development Services Department, because city officials found Thursday that Sunroad violated restrictions the city placed on the project.

The new order, in effect, reinforces the terms of an earlier, stricter decree from October 2006, Escobar-Eck said.

A Sunroad spokeswoman, Karen Hutchens, said the company has abided by both orders, and workers already have finished the jobs allowed in December. She was unaware of the city's new concerns about the site.

"The company has been in full compliance with the stop-work order up until today," Hutchens said. "The only deviation was to take care of weatherization, which has been completed."

The mayor's decision came late Thursday, as various players in the Sunroad saga - which has spawned lawsuits, a criminal case and recriminations from frustrated pilots - engaged in furious gamesmanship.

Near the end of a 3:30 p.m. Thursday news conference on proposed ballot measures, City Attorney Michael Aguirre, complaining of Sanders' unwillingness to join him in criticizing Sunroad, called on Gov. Arnold Schwarzenegger to intervene.

Sanders had been unwilling to use his authority to stop Sunroad, Aguirre said, and he hoped his written plea to the governor would persuade the mayor to "step forward."

After the news conference, the mayor provided the Union-Tribune with a draft of the letter to the FAA and Caltrans. A spokesman for Sanders said Aguirre was aware of Sanders' plans to proceed against Sunroad and had reviewed some of the legal questions involved.

In the letter to transportation officials, Sanders informs them of his new directive to the developer and pledges to conduct "a thorough investigation" of what went wrong when the city cleared the way for construction.

He calls it "apparent that the city failed to stop work on the project," even though San Diego officials knew of the FAA's concerns. It was a mistake, he writes, for which he takes "full responsibility."

In an interview, Sanders drew a distinction between his approach and the city attorney's. While he is trying to develop a compromise to the Sunroad situation, the mayor said, Aguirre has opted for litigation, while injecting politics into the situation.

"I think Mike is obviously making some political statements and that's fine," Sanders said.

Aguirre said Thursday that he was aware only of "the possibility" of the mayor's letter and stop-work order and denied playing politics. "After we have a chance to talk, he probably won't feel that way," Aguirre said.

The mayor, who has maintained during his 17 months in office that he would correct the faults of prior administrations sullied by financial scandals, repeatedly returned to the theme of responsibility and contrition.

"I'm the one accepting responsibility for this," he said at one point.

The city will no longer allow construction near airports without the appropriate FAA permission, Sanders said, and he has called on Ronne Froman, his chief operating officer and a retired Navy rear admiral, to focus on the city's inaction as part of her lead role in the internal Sunroad investigation.

The mayor wants the probe to be completed quickly, in as little as one to two weeks, but he refused to say if it could lead to disciplinary action against employees, including his land-use chief, Jim Waring.

Waring guided the city's dealings with Sunroad. Sanders offered him tentative support Thursday.

"I've stood by Jim all the way on a lot of things," he said. "I'm not prepared to say he or anybody else has done anything wrong."

Sanders also said he erred in not informing city residents that he was working on possible solutions behind the scenes, including a proposal to reduce all but 15 percent of the Sunroad building's roof to 163 feet, a figure that exceeds, but nevertheless is much closer to, the FAA's standards.

"Obviously I should have stepped up more publicly, more quickly," he said.

Meanwhile, lawyers for the developers moved to prevent Aguirre from litigating a civil case against them. A Sunroad executive facing misdemeanor criminal charges because of his lobbying of city officials regarding the building succeeded in a similar effort.

Last week, a judge, citing Aguirre's "intense personal involvement," said the City Attorney's Office had a conflict of interest and could not continue to prosecute the case against Sunroad executive Tom Story. Story was once chief of staff to former Mayor Dick Murphy.

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