



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

FOR IMMEDIATE RELEASE: January 23, 2007

Contact: Maria Velasquez, Communications Director (619) 235-5725 mvelasquez@saniego.gov

CITY ATTORNEY REFERS SUNROAD CONSTRUCTION CASE TO THE U.S. ATTORNEY'S OFFICE

San Diego, CA: City Attorney Michael Aguirre is requesting the U.S. Attorney to open a criminal investigation of individuals connected with the construction of a tall building near Montgomery Field that both federal and state authorities have said pose a safety hazard to pilots and the public. The announcement was made today in front of the Sunroad Centrum building, where crews continue to work on the top floors despite a stop work notice issued by the City on October 27, 2006, and a lawsuit filed by the City Attorney's Office on January 10, 2007.

"I am asking the U.S. Attorney to investigate those individuals who may have furthered this project in violation of federal and state laws," said City Attorney Michael Aguirre.

On January 19, 2007, the California Department of Transportation (Caltrans) sent a harsh letter criticizing the City for its failure to enforce the stop work notice on the building. The letter also vigorously supports the City Attorney's lawsuit filed against developer Sunroad Enterprises as the "necessary first legal step in removing the hazard posed by the Sunroad Centrum 1 building." The correspondence was sent to the City's Deputy Chief of Land Use and Economic Development, the Mayor, and City Council.

In the letter, Caltrans states that "the City's attempts to pass liability for the illegal construction on to Sunroad entirely miss the point. This issue is not about who has liability for the hazard, but taking action to remove the hazard so that liability is not an issue. When the facts of the situation show a developer failed to comply with a federal notification regulation (Federal Aviation Regulation Part 77.17), used that violation of federal regulation to obtain local planning and building approval, knowingly began construction of a building determined by a federal agency to be a hazard, constructed parts of the building in violation of State law (PUC Section 21659), and continue to defy state and local attempts to resolve the situation, the reluctance of the City to take the necessary steps to protect its citizenry is a mystery."

The City Attorney's Office has been in close contact with the FAA in Washington DC and locally, and with Caltrans. According to information received from these Federal and State regulatory agencies, the Sunroad Building at 180 feet remains a hazard and public nuisance.

(MORE)

Recent City Attorney media releases can be accessed on the San Diego City Attorney's home page located on the Internet at <http://www.sandiegocityattorney.org>

1200 Third Avenue, Suite 1620, San Diego, California 92101-4188 (619) 236-6220

Since April 2006, Sunroad has known that the Federal Aviation Administration (FAA) considered the Sunroad Centrum I building a hazard to air traffic at Montgomery Field; however, they have proceeded to complete the building.

In October 2006, the Caltrans Division of Aeronautics requested the assistance of the City Attorney's Office to compel the City to issue a Stop Work Notice to halt the construction of the Sunroad building.

On October 27, 2006, a Stop Work Notice was issued by the City.

Despite all of the actions taken, Sunroad continued to complete the building at the prohibited height of 180 feet-- under the guise of "weatherizing" the building which the City's Development Services Department approved by letter on December 21, 2006.

The Aircraft Owners & Pilots Association, Inc and the Community Airfields Association of San Diego have also joined the City Attorney's lawsuit.

###