



## REMARKS BY MAYOR JERRY SANDERS

CITY OF SAN DIEGO

MAY 18, 2007

### CITY'S CONDUCT REGARDING THE CONSTRUCTION OF THE CENTRUM 12 OFFICE BUILDING BY SUNROAD ENTERPRISES

Today, I'll be sharing with you actions I am taking regarding the construction of the Centrum 12 office building by Sunroad in Kearny Mesa.

As a career law enforcement officer and now as mayor of San Diego, three guiding principles have always guided my judgment on matters of public policy: 1) public safety must always be government's first priority; 2) citizens and corporations must always follow the law; and 3) when and if you make a mistake, admit it and ensure that it will never happen again.

There is no more basic responsibility of local government than to protect the safety of its citizens. My entire professional career has been dedicated to honoring this principle.

Beginning in the early summer of last year, the FAA very clearly communicated that if the Centrum 12 office building surpassed 160 feet, it would constitute a hazard to public safety. As the legally chartered agency of government designated to make those judgments, I respect the FAA's authority and honor their judgments. After the building was built to 180 feet, CALTRANS also communicated the public safety implications of the height.

It appears that Sunroad knew of the FAA's admonitions last summer and intentionally ignored their direction to limit the building's height to 160 feet. We are a society of laws, and Sunroad – just like everyone else – must comply with the law.

The story does not end there. The City deserves its share of the blame. The reality is that the Development Services Department and the City Attorneys Office were aware of the FAA's concerns, and for reasons that are not entirely clear, failed to act.

I take full responsibility for that mistake and will to do everything within my power to correct it.

Today, I have sent a letter to the FAA and CALTRANS supporting their findings that the building must be reduced in size. In my letter, I also inform both government agencies that I support the City Attorney's civil lawsuit against Sunroad.

I want to very clear differentiate the civil lawsuit against Sunroad regarding the top 20 feet of the building from the criminal complaint that Mr. Aguirre has brought against Mr. Story. Those are two entirely different issues. A judge has made his opinion known on the criminal complaint against Mr. Story. The civil matter is an entirely separate matter and is one that has not been heard yet by a judge.

While Mike Aguirre and I don't see eye to eye on every issue, I support his pursuit of this matter in a civil courtroom. As City Attorney, he has a lawful obligation to pursue this matter in accordance with the civil public nuisance mandate of State and local law on behalf of the City.

I have directed the Development Services Department to inform Sunroad that the City is reinstating the requirement of strict observance of the Stop Work order of October 27, 2006. No further work will occur on the top 20 feet of the building. That notice was served on the job site this morning by the city's chief building inspector.

Clearly something went wrong with our processes. The City failed to act in a timely manner. Our citizens deserve better, and I want to ensure that we review our processes so that this can never happen again.

I have directed the City's Chief Operating Officer, Retired Admiral Ronne Froman, to conduct a thorough investigation into the permitting process for this project. I have asked Admiral Froman to pay particular attention to the City's reaction -- or lack thereof -- to the concerns of the FAA. The result of her investigation will be that safeguards will be put in place so that this kind of mistake can never happen again.

When this matter came to my attention, I immediately directed staff not to permit any future buildings without the appropriate FAA clearances. That safeguard is now in place going forward. But our process review will examine the process holistically to ensure that everything is being done to avoid this kind of situation in the future.

I have told Admiral Froman that the investigation must be conducted on an expedited time frame so that proper controls are put in place. I would expect the investigation to be completed within a number of weeks so that any resulting safeguards can be instituted immediately. The products of the investigation will all be made public.

Within the last three weeks, my staff has put forward a proposal to the FAA that I am asking them to consider. The top of the building is framed by a faux architectural feature. If this feature were to be removed, the building's height would be reduced to 163 feet. The only remaining structure would be a mechanical equipment enclosure located in the center of the roof. The equipment enclosure room constitutes 15% of the overall roofline. The proposal also includes other technical changes designed to de-conflict aircraft operations and the building.

Whether or not this proposal satisfies the concerns of aviation safety will be determined by the FAA. I will respect the ultimate judgment of the FAA and will abide by their opinion.

Mistakes were clearly made within my administration regarding this project. I believe that they were mistakes of the mind and not the heart. My job is now to fix them so that this type of situation can't happen again.

###