

June 19, 2007

City of San Diego  
202 C Street  
San Diego, California  
Attention: Ms. Ronnie Froman

Subject: 2005 Premeditated Corruption under the Guise of “Mistakes” and “Oversight.”  
Corruption Amongst Sunroad, Sunroad’s Lawyers, and the City of San Diego.  
Sunroad Centrum 12 Investigation by the City of San Diego.

Reference: <<http://www.laplayaheritage.com/Airport.htm>>

Hello Ms. Froman:

Since you are still conducting the Sunroad Investigation into “Process,” we are sending you highlights from our Public Records Act request to the Airport Authority. Correspondence in April 2005, in response to the Airport Authority’s March 2005 Draft Airport Land Use Compatibility Plan (ALUCP), shows that Sunroad’s Lawyers, the City of San Diego Planning and DSD (including Tom Story, Tait Galloway, Bob Manis, etc.), and Buzz Gibbs of the Kearny Mesa Planning, knew that the proposed 12-story Sunroad tower adjacent Montgomery Field was in Zone D which had a 70-foot height limit before an air study was required before approval of building permits. The City of San Diego also wanted to change the 70 foot height limit to 200 feet before an air study and air review by the ALUC went into effect. By comparison, Sunroad lawyers wanted all height limits erased because they said the FAA’s review of plans using FAR Part 77 Obstruction to Navigation would resolve any potential height problems of new structures. Sunroad’s lawyers specifically mentioned that they would have to get approval by the FAA before plans for high-rise structures were submitted to the City.

This information comes from a Public Records Act request for all correspondence to the Airport Authority regarding exactly who wanted changes to the March 2005 Draft Airport Land Use Compatibility Plan (ALUCP) which was supposed to be finalized on June 30, 2005. Due to all the public complaints, mainly from the City of San Diego and Sunroad’s lawyers, the Airport Authority set up the Airport Technical Advisory Group (ATAG). ATAG consists of an inordinate amount of Sunroad lawyers, lobbyists, friends, and consultants. It has been two years since the report was to be finalized, and the ATAG has not completed their input into the plan. Hopefully, the report should be out in the next year. We believe Sunroad’s lawyers are knowingly delaying the adoption of the plan until their “entitlements” are granted. Thereby, making their entitled land “Existing Land Uses” not requiring airspace study, years before actual construction is started.

## **1. Montgomery Field Land Use Maps.**

<[http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad\\_ALUC\\_P\\_MYF\\_Compatibility\\_200503\\_Draft.pdf](http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad_ALUC_P_MYF_Compatibility_200503_Draft.pdf)>

The above link shows Montgomery Field Airport Land Use Maps showing the Sunroad Centrum 12 building in Zone D. Zone D requires an airspace review by the San Diego County Regional Airport Authority for buildings over 70 feet high. These maps are from the San Diego County Airport Land Use Compatibility Plan (ALUCP) March 2005 Draft policy documents.

## **2. City of San Diego comments on the March 2005 draft ALUCP.**

[http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad\\_ALUCP-City\\_of\\_San\\_Diego.pdf](http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad_ALUCP-City_of_San_Diego.pdf)

On April 15, 2005, Gail Goldberg of the City Planning Department (now called City Planning and Community Investment) sent the City's comments on the draft ALUCP. Ms. Goldberg copied her response to Tom Story – Chief of staff to Mayor Murphy, Tait Galloway of Planning, Bob Manis of DSD, and many other City officials. Ms. Goldberg provided the AA with a strikeout copy of the City of San Diego's proposed changes to the AA's draft plan. Ms. Goldberg changes are in brackets [City of San Diego changes]. Excerpts from Ms. Goldberg's comments include the following:

*Within Compatibility Zone D, ALUC review is required for any proposed object taller than 70 [200-SD] feet above ground level. Zone D - Primary Traffic Patterns and Runway Buffer Area. Airspace review required for object 70 [(100-SD)] feet tall. Within Compatibility Zone D, generally there is no concern with regards to any object up to 70 [200-SD] feet tall. Existing Land Use. Height Restrictions. FAR Part 77. FAA Notification Strikeout Revision. Airport Influence Area - Primary areas consists of compatibility Zone A through D. Review of net building floor area of 20,000 [50,000-SD] square feet or greater.*

## **3. Buzz Gibbs a Sunroad advocate and ATAG member comments on the March 2005 draft ALUCP.**

[http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad\\_ALUCP-Buzz\\_Gibbs.pdf](http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad_ALUCP-Buzz_Gibbs.pdf)

Mr. Buzz Gibbs of ATAG, the Kearny Mesa Planning Group, whose family owns land in Kearny Mesa, and would like to see Montgomery Field redeveloped into a City of Skyscraper Villages sent his own personal letter to the Airport Authority on April 15, 2005 (note the same day as the City of San Diego) on Kearny Mesa Planning Group stationary. Excerpt from Mr. Gibbs letter to the Airport Authority includes the following:

*I have before our group (Kearny Mesa Planning Group) now a proposal for comments on a 12 story 200,000 square foot office building. This project is fortunately just inside the D Zone so only an airspace review is required for the height limitation. I have discussed these comments with some of the membership but please accept these as my personal comments. Also mentions Kearny Mesa's 50 percent lot coverage (Kearny Mesa has a Floor-Area Ratio (FAR) of 0.50 since 1992).*

<http://www.geocities.com/kearnymesaplanninggroup/2005minutes>

The above link is the Kearny Mesa Planning Group's website. On April 20, 2005, five days after Mr. Gibbs sent his personal letter to the Airport Authority, the Kearny Mesa Planning Group had a scheduled board meeting. Buzz Gibbs chaired the meeting. In attendance was Dan Munch - Sunroad's architect, and Steve Laub - Sunroad's lobbyist/consultant (who is mysteriously leaving the San Diego Planning Commission). Meeting minutes include the following:

*The Sunroad 12 story Office Building project for “Substantial Conformance Review” was postponed to a future meeting at the request of the applicant. This project will be presented at the next Land Use Subcommittee meeting on May 11th. The Montgomery Field “Airport Land Use Compatibility Plan” (ALUCP) was presented by Terry Price, representing the City of San Diego Airports Division. This again was an information only item. Mr. Price presented the ALUCP even though the City did not create this plan. The SDCRAA was not able to attend to present it. The ALUCP creates different use zones that take into consideration noise, overflights and accident potential so that underlying land uses are compatible with the airport. Included in specific areas are building restrictions, occupancy restrictions, uses and heights. The complete plan is available on the SDCRAA web page found at [sdcraa.org](http://sdcraa.org)*

On June 15, 2005 the Kearny Mesa Planning Group voted on the 12-story Sunroad project. Buzz Gibbs chaired the meeting. In attendance was Dan Feldman - vice president of Sunroad Enterprises and Steve Laub – Sunroad’s consultant and lobbyist. Excerpts from the meeting minutes include the following:

*The first project for review was the Sunroad Centrum Substantial Conformance Review for a 12 story office with underground parking plus temporary grade level parking on the Sunroad site in the Spectrum project area. Brian Paul, representing Sunroad Enterprises, presented the project. Copies of the assessment letters from Development Services were distributed to the members so that all concerns and issues were known. Mr. Paul presented elevations and the circulation plan for this office building, 306,000 square feet, on the corner of Spectrum Center Blvd. and Kearny Villa Road. The vehicle access will be from Spectrum Blvd. and Lightwave Ave. Parking will be one level below grade at the office and three levels of below grade parking immediately to the East. The first phase will additionally provide for a temporary parking lot for 1,200 cars directly to the East. The building façade’s are glass and limestone, the building floor plates are 25,000 square feet. The building height will be approximately 170 feet. Motion to approve the project was made by Steve Kerch, the motion was seconded, with discussion following a vote was taken. Vote 11-2-0.*

#### **4. Sunroad’s lawyer and ATAG member - Barbara Lichman’s of Chevalier Allen & Lichman comments on the March 2005 draft ALUCP.**

[http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad\\_ALUCP\\_Chevalier\\_Allen\\_Lichman.pdf](http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad_ALUCP_Chevalier_Allen_Lichman.pdf)

Ms. Lichman sent a letter to the AA on April 15, 2005 (the same day as the City of San Diego and Buzz Gibbs). Ms. Lichman represents Sunroad property holdings adjacent Montgomery Field, Brown Field, and Lindbergh Field (SDIA). Ms. Lichman’s comments are mostly on Brown Field. However, Ms. Lichman specifically mentions that the Sunroad property adjacent Montgomery Field is in Zone D – which has a 70 foot height limit before needing an airspace review. The following are excerpts from Ms. Lichman letter:

*Sunroad is also developing a mixed use project at Montgomery Field, all of which is located in Zone D, currently comprised of 600 multi-family units and one million square feet of commercial office space, in buildings ranging from 8 to 12 stories. For Noise Contours at Brown Field, use the operational data for Montgomery Field. Part 77 criteria for height. The March 2005 Draft ALUCP application of which results in radical height restrictions. Sunroad alone stands to lose the potential for hundred of housing units and acres of office development upon which years of*

*time and hard-earned dollars have already been spent in planning, processing entitlements and making improvements. Sunroad request that the ALUC postpone its scheduled approval date. The March 2005 Draft ALUCP's Definition of "Existing Use" is Vague and Inconsistent. Vested rights.*

*Safety cannot be an issue under the March 2005 Draft ALUCP's own analysis, as Zone D encompasses an area far outside that where the bulk of accidents are likely to occur. The ALUC's Safety Analysis and Restriction Impinge on the Realm Governed by FAA. Each sponsor of a project that meets the reporting criteria outline in Part 77 is required to notify the FAA's Air Traffic Division in writing of the proposed project and must provide specific information regarding construction dates, building design, building heights, construction... and any other information required by the FAA. Upon receipt of a Notice of Proposed Construction the FAA Air Traffic Division will forward the proposal to other FAA Divisions for their independent review. Further, FAA's Flight Standards Division is charged with ensuring that flight safety is not compromised by the placement of any structure or activity in an area that is not deemed to be consistent with the safe operation of aircraft and the preservation of life and property on the ground. In short, if during its evaluation based on these many diverse local as well as Federal parameters that FAA determines that the project will impact the National Airspace System it will issue a Determination of Presumed Hazard. Located in Zone D and a project be erected that is 70 feet tall and becomes a hazard. For example, while the building height criteria for Zone D in both the ALUCP and the DEIR require "airspace review for objects greater than 70 feet tall.*

[http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad\\_ALUC\\_P\\_Minutes\\_20050502\\_Lichman.pdf](http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad_ALUC_P_Minutes_20050502_Lichman.pdf)

The above link shows Ms. Lichman also made public comments on the March 2005 draft ALUCP at an Airport Land Use Commission meeting at Lindbergh Field on May 2, 2005. Ms. Lichman suggested a global EIR. She also advised that the plan for SDIA should be reconsidered with respect to density and intensity, due to existing development and height restrictions. This was two years before she tried to get the Sunroad Harbor Island Hotel Towers snuck past the Port of San Diego.

## **5. Sunroad's lawyer, Sunroad's paid City of San Diego Lobbyist, and ATAG member - John Ponder of Sheppard Mullin et al., comments on the March 2005 draft ALUCP and the EIR.**

[http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad\\_ALUC\\_P\\_EIR\\_Comments\\_Sheppard\\_Mullin.pdf](http://www.laplayaheritage.com/Documents/CITY%20OF%20SAN%20DIEGO/Sunroad_ALUC_P_EIR_Comments_Sheppard_Mullin.pdf)

Mr. Ponder of Sheppard Mullin et al, works for the same law firm as Pam Naughton who is representing Sunroad executive and former Mayoral Chief of Staff, Tom Story. Mr. Ponder represents Sunroad through the Otay Mesa Planning Coalition. Mr. Ponder sent his comments to the EIR on April 28, 2005. In addition to Sunroad, Mr. Ponder is also working for McMillin, Centex, Pardee, Western Pacific, etc., on their concerns regarding the ALUCP as it relates to Brown Field. Excerpts from his letter include the following:

*Approximately 5,600 proposed residential units would be lost from the restrictions on new residential development in Compatibility Use Zone B, C, and D. General Regulatory Concepts - Building height review when certain thresholds are met.*

We did not include correspondence from Sunroad's friends and supporters of the 12-story Sunroad Centrum 12 structure in Kearny Mesa and champions of the plan to close Montgomery Field in order to build a City of Skyscraper Villages. These Sunroad friends and business associates include Allen Matkins, the Building Industry Association (BIA), the Chamber of Commerce, and many others. This is because they did not specifically address the Sunroad Centrum 12 structure or Montgomery Field operations in Kearny Mesa.

We hope the information from our Public Records Act request provides insight into how the Sunroad Centrum 12 building and FAR Part 77 was purposely "missed" by the Sunroad consultants, Buzz Gibbs of the Kearny Mesa Planning Group, and the City of San Diego (which included Tom Story at the time). It is clear to us that corruption between Sunroad, Sunroad consultants, and City Official took place to approve construction of a building that was detrimental to the safety of aircraft based at Montgomery Field. The plan was premeditated. This corruption was put into motion to close down Montgomery Field for development interest.

We are still waiting on our Public Records Act request for all correspondence from the Airport Authority, Sunroad, and Sunroad's lawyers. In addition, we have a Public Records Act request into the City of San Diego for correspondence to and from "Enoch Light," which is believed to be Mayor Sanders' pseudonym. Please follow up with your own investigation into this matter. If you have any questions, please do not hesitate to contact us.

Regards,

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