



Gmail

Darryl Cotton <indagrodarryl@gmail.com>

**From:** Cotton,Darryl <indagrodarryl@gmail.com>

**Sent:** Sat, Aug 4, 2018 at 7:52 AM

**To:** Sokolowski, Michelle <MSokolowski@sandiego.gov>;

**Cc:** Cac,Cherlyn <CCac@sandiego.gov>; Ken Malbrough <kmalbrough@att.net>; Tirandazi, Firouzeh <FTirandazi@sandiego.gov>; Black, Laura <LBlack@sandiego.gov>, Fitzgerald PJ <PFitzgerald@sandiego.gov>; Braun, Gerry <gbraun@sandiego.gov>

**Re:** 6176 Federal Blvd-Project No. 520606 MMCC CUP Application

Ms. Sokolowski;

Your last email took you a week for you to respond to me. After all that time it was superfluous and did not address any one of the 5 issues I had raised in my Friday July 27th email to you. These are questions and concerns I posed as to how fairly and impartially DSD is handling the 6220 and 6176 Federal Blvd CUP applications. I gave you specific issues that as a Deputy Director I thought you would take very seriously in your response to me and you did not. You addressed nothing substantively whatsoever. After reading my 07-27-18 email there is no way I believe you can see this as a business as usual request or response yet, that is what you gave me. Based on the seriousness of my allegations and the evidence I've provided you within that email, your response is inadequate and unacceptable.

I would ask one last time that you, or anyone else who is receiving this, would review the 5 issues I raised in that 07-27-18 email and respond to them by no later than August 8, 2018. If I don't get answers to these issues I can only assume the worst and will respond accordingly under, among others, remedies I would seek under the Bivens Act.

Please make this right Ms. Sokolowski. I need answers to those five questions. That is all I'm asking here.

Darryl Cotton

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On Fri, Aug 3, 2018 at 1:25 PM, Sokolowski, Michelle <[MSokolowski@sandiego.gov](mailto:MSokolowski@sandiego.gov)> wrote:

Mr. Cotton: Your email has been received.

As mentioned in the email to you on 7/26/18, please contact DSD's Records

**REDACTED TEXT AS CONFIDENTIAL COMMUNICATIONS**

Community Planning Group information for this project area, including agenda and contact information, is available at: <https://www.sandiego.gov/planning/community/profiles/encanto>. Community Planning Group meetings are not noticed by the City of San Diego.

– Michelle Sokolowski

Michelle Sokolowski

Deputy Director

City of San Diego

Development Services Department, Project Submittal & Management Division

T (619) 446-5431

[msokolowski@sandiego.gov](mailto:msokolowski@sandiego.gov)

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**From:** Cotton, Darryl <indagrodarryl@gmail.com>

**Sent:** Friday, July 27, 2018 at 8:12AM

**To:** "Sokolowski, Michelle" <MSokolowski@sandiego.gov>

**Cc:** "Cac, Cherlyn" <CCac@sandiego.gov>, Ken Malbrough <kmalbrough@att.net>, "Blake, Martha" <MBlake@sandiego.gov>, "Hoy, Cheri" <CHoy@sandiego.gov>, "Black, Laura" <LBlack@sandiego.gov>~ "FitzGerald, PJ" <PFitzgerald@sandiego.gov>, [jpoblete@sandiego.gov](mailto:jpoblete@sandiego.gov), "Tirandazi, Firouzeh" <FTirandazi@sandiego.gov>

**Re:** 6176 Federal Blvd-Project No. 520606 MMCC CUP Application

Dear Ms. Sokolowski;

Thank you for your advice on seeking out the Project Information on 6220 Federal Blvd, Project No 598124 directly from the Records Dept. I just returned from a meeting with them. When I arrived I was told the project submittal information, along with any architectural and civil engineering drawings, would take 5-10 days to retrieve at which point they would notify me they were available. I asked to speak to a supervisor and was given Ms. Jessica Poblete's card so as I might try and reach out to her and expedite the process. I told the receptionist that all I really wanted to know is if there was information in the Records files that was not on the public sector files for this project number? If there was I would submit to the wait and see if Ms. Poblete might be able to expedite the information I was seeking. With that the receptionist took me into the back area of Records where she introduced me to Mr. Christopher Woot who took the Project number and entered it into their system. Mr. Woot was able to see the project but he told me that there was nothing on their in house files other than what has been posted on the online DSD website. I would see as much on line as I would through a project records request. With that I thanked Mr. Woot for taking the time to assist me and left with more questions than I had

than when I walked in.

Project No 598124 needs to be looked into and particularly in the way DSD is processing that CUP application compared to the one on my property which is Project No 520606. There are issues that are to extreme to ignore or be explained away. I'm a reasonable person. If I've misinterpreted anything I have read and chronicled on the 598124 CUP application I will listen to reason. But as it stands now this is a project that is in currently in a Cycle 12 review after only 4 months from its DSD intake when the 520606 Project was taken in on 10/31/16 and we just got a Community Planning Group completed date of 7-20-18 while in Cycle 8 review. Please don't take my word for any of this. Ask Cherlyn Cac, Project Mgr for both CUP applications, how that can even happen? It can't. It took nearly 5 months from the date 10/31/16 DSD accepted the 6176 (Berry) CUP application before it was given this project number on 3/13/17 and assigned to the original Project Manager, Ms. Firouzeh Tirandazi.

All I want to know is that the CUP processes are being handled under equal standards that are impartially applied to anyone who submits a CUP application. While this is always an important standard for Planning and DSD to uphold, in this case it's even more important that there be no signs of favoritism as the first CUP being accepted would mean a denial of the other.

Ms. Sokolowski if you could please see that Ms. Cac, her supervisors or anyone else who has the authority to do would allow me to access the submittals and drawings that were issued on project no 598124 I will be satisfied that by having done so Planning/DSD is being transparent with me in their processing of both CUP applications. If for whatever reasons that is information that can not be publicly shared that will confirm what I already suspect in that there are no architects or engineers listed on the 598124 Customer Information sheet that DSD can share with me because it is a professional conflict of Interest with the work being done by those architects and engineers on the 520606 project.

Again my fears and concerns can be somewhat assuaged by revealing the CUP application information on the 598124 project. If any of you were in my position you would ask and demand for that consideration as well. Thank you again for your assistance .

In anticipation of your reply I remain.

Darryl Cotton  
Property Owner of Record  
6176 Federal Blvd., SD CA 92114

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On Thu, Jul 26, 2018 at 10:35 AM, Sokolowski, Michelle <MSokolowski@sandiego.gov> wrote

Mr. Cotton; I appreciate your comments, concerns and questions.

**REDACTED TEXT AS CONFIDENTIAL COMMUNICATIONS**

Thanks for reaching out. – Michelle Sokolowski

Michelle Sokolowski

Deputy Director

City of San Diego

Development Services Department, Project Submittal & Management Division

T (619) 446-5431

[msokolowski@saniego.gov](mailto:msokolowski@saniego.gov)

## CONFIDENTIAL COMMUNICATION

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**Sent:** Thursday, July 26, 2018 9:55 AM

**To:** Cac, Cherlyn <CCac@saniego.gov>; Ken Malbrough <kmalbrough@att.net>; Blake, Martha <MBlake@saniego.gov>; Sokolowski, Michelle <MSokolowski@saniego.gov>; Hoy, Cheri <CHoy@saniego.gov>

**Re:** 6176 Federal Blvd-Project No. 520606 MMCC CUP Application

To all: |

As a property and business owner of 30 years located in District 4 @ 6176 Federal Blvd SO CA 92114 I recognize the vital role that Community Planning Groups play in the decision making process that DSD undertakes in their mission. This process is best described as; 'Community Planning Groups provide citizens with an opportunity for involvement in advising the City Council, the Planning Commission, and other decision-makers on development projects, general or community plan amendments, re-zonings and public facilities. The recommendations of the planning groups are integral components of the planning process, and are highly regarded by the City Council and by staff.' ([attachment 9.1.6](#)). It is with that in mind I want to make sure that the City and staff realize that I have a vital concern of my own that needs addressing. and as you will see it is of a particular time sensitive matter to me.

I sent the email seen below to Ms. Cac and Mr. Malbrough yesterday to find out what information I could get back regarding the Community Planning Groups task for the MMCC CUP application being processed on my property (Project No 520606). I've not heard anything back from either one yet and that concerns me. Mr. Malbrough is Chairman of ENCPG/CVCPG. Mr. Malbrough has put me on notice that he will no longer respond to any of my questions, concerns or comments on the competing MO CUP application @ 6220 Federal Blvd SO CA 92114 (Project No 598124).

I have a financial stake in how the CUP is being processed on my property but I also have to remain aware as to how both DSD and CVCPG is performing in processing the 6220 CUP application is being processed on that property as well. To that end I would ask for and expect responses from both DSD and/or Mr. Malbrough as the situation requires it. If I don't get a response to such a basic question as to the one being posed below for my property, I feel like I am no longer relevant in how DSD/CVCPG plans on processing this CUP application.

In terms of time sensitivity; If the 6220 CUP application were to finish first and they are approved the MO CUP application, the one being processed on my property would be denied as we would be within 1000 ft of each other. If that were the case I want to be assured that both applications were being processed fairly and without prejudice. Based on what I'm seeing that is not the case. Here's why; Mr. Malbrough refuses to discuss anything regarding the 6220 project with me. As a property owner located within 1000 ft of that project I don't feel that's the appropriate position to take. However even with that being his stated position on the 6220 CUP the email I sent yesterday was not about the 6220 project, it was about the CUP application on my property. Why is their response so important and time sensitive to me? Because the 6220 CUP has already been noticed on the CVCPG Agenda of June 18, 2018 Item 5C ([attachment 9.1.7](#)) which while it has the wrong address it does have the correct Project no and in the CHAIRS REPORT states that the matter will be moved to the next months meeting. The CVCPG has moved forward, presumably based on DSD protocols to do so on the 6220 CUP application and not on the one in being processed on my property.

In the CVCPG Agenda of July 16, 2018 there is no reference to the 6220 project MO CUP application ([attachment 9.1.8](#)) to be found.

Between yesterday's email and today there are just three things I'm asking for;

- 1) I'd like to know what's going on with the 6220 Community Planning Group task and since Mr. Malbrough won't respond I would like a response from anyone in the Mayors office on down through DSD staff that can tell me that both CUP applications are being processed in a completely fair and impartial manner.
- 2) Please have someone in the position to do so, give me an update on the what, when and where the Community Planning Group will have setup the public meetings for both CUP applications as I plan on attending them both.
- 3) I would like to see the full submittal package that was given to DSD when the 6220 CUP application was accepted in March 2018. Have those files been submitted to your Public Records Department yet where I could schedule an appointment to see them? I'm particularly interested in the proposed architectural and site drawings that were required by DSD on the 6176 CUP application when it had been submitted and accepted back on 10/31/16. If, for whatever reason, the full submittal package is not available to be seen at this time I would like assurances that the DSD accepted architectural drawings would be made available at the upcoming Community Planning Groups public meeting.

Thank you for your attention to this matter and in anticipation of your reply I will remain.

Darryl Cotton  
Property Owner of Record  
6176 Federal Blvd., SO CA 92114

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**From:** Darryl Cotton <indagrodarryl@gmail.com>  
**Sent:** Wednesday, July 25, 2018 7:31 AM  
**To:** Cac, Cherlyn <CCac@sandiego.gov>; Ken Malbrough <kmalbrough@att.net>

**Re:** 6176 Federal Blvd-Project No. 520606 MMCC CUP Application

Good Morning Cherlyn and Ken,

(Cherlyn) I see that the DSD website shows the Community Planning Group task having been completed on 7-20-18. Does completed mean that there has been a community meeting that has taken place or does it mean there is one going to be scheduled to take place? If there has been one that has taken place would you direct me to the minutes of that meeting?

(Ken) Is ENCPCG still the planning group for these community meetings or is it the new group Chollas Valley Community Neighborhood Planning Group that will take over? If so are you still the point of contact for these meetings? The SO Planning dept website says 'formerly' so I just wanted to make sure I know who to make future contact with if it's not you.

<https://www.sandiego.gov/planning/community/profiles/encanto/agendas>

Thank you

Darryl Cotton  
Property Owner of Record  
6176 Federal Blvd., SD CA 92114