



Darryl Cotton <indagrodarryl@gmail.com>

Re: [EXTERNAL] 6220 Federal Blvd - Project No 598124

Darryl Cotton <indagrodarryl@gmail.com>

Wed, Jul 1, 2020 at 9:37 AM

To: "Ricafort, Elvira" <ERicafort@sandiego.gov>

Cc: "Forootan, Maryam" <MForootan@sandiego.gov>, "Tirandazi, Firouzeh" <FTirandazi@sandiego.gov>, Cherlyn Cac <Ccac@sandiego.gov>, "Sokolowski, Michelle" <msokolowski@sandiego.gov>, Hcastaneda@sandiego.gov, ALarkins@sandiego.gov, "mphelps (mphelps@sandiego.gov)" <MPhelps@sandiego.gov>, KevinFaulconer@sandiego.gov, CynthiaM@vanstlaw.com, Andrew Flores <afloreslaw@gmail.com>, JOHNS CRANE - John Ek <johnnek@aol.com>

Elvi,

Thank you for your prompt response. I want to make sure I understand you correctly so I have widened the email recipients to include, among others, those Project Managers that were involved in the 598124 CUP submittal process at 6220 Federal Blvd. since it's approval meant that the CUP on my project no 520606 @ 6176 Federal Blvd. was denied based on a 1000' separation requirement that could not be met once the 6220 CUP had been approved.

In the DSD Project Manager Cherlyn Cac's written report of 10/10/18 directed to the City of San Diego Hearing Officer (**see attachment no 1**) Ms. Cac includes an attachment of the drawings that were considered approved by DSD in her report to the Hearing Officer. In her written as well as oral presentation at the 10/17/18 hearing, Ms. Cac made the recommendation that the 6220 CUP application be approved over the 6176 CUP application on my property for which she had also been the Project Manager for the majority of that CUP application process. As a result of Ms. Cac's and attorney Cynthia Morgan-Reed efforts to see the 6220 CUP approved over the 6176 CUP, I lost a sham civil case that was predicated on my having delayed the DSD CUP process at 6176. Based on your email reply not only was that true then, there is continuing subterfuge being played out by the City of San Diego with the approved drawings not having been routed over to Records and the issuance of a new Project No 644432 (**see attachment no 3**) that is time/date stamped 06/30/20 @ 4:22 pm. This new project number having been issued for 6220 Federal obviously raises some questions I now need answered.

How is it that on 03/11/20 when I visited Records and you were able to provide me with the entire file on my 6176 Federal project it was available to be seen but when I asked to see the files for 6220 Federal, Project No 598124 you told me drawings and files had not yet been routed over to Records as they were still under review by the Project Manager Firouzeh Tirandazi when your own internal records show the 6220 CUP being cleared and approved on 12/06/18? You can confirm this for yourself by looking at the Project Status Report (**see attachment no 2**) that is time/date stamped on 03/12/20 @ 1:04 pm. **As of 03/12/20 not only were the drawings for the 6220 CUP project not considered approved by DSD, the project was still under review by Tirandazi which contradicts sworn statements she made at trial and at her deposition.** Indeed on page 3 of attachment 2 Ms. Cac also provides support to the project having completed all CUP requirements with her statement; "There are no Review Cycles associated with this project". As far as everyone was concerned 6220 was done and approved and construction was ready to begin. That is until now. Today we need to have a look at what has been going on under the new project number 644432 for the 6220 project. So what am I to make of this?

Attachment no 3 is a 107 page file that DSD created to keep the 6220 CUP from moving forward. It includes numerous DSD disciplines that have listed multiple "New Project" requirements be submitted, reviewed and ultimately approved before the CUP would be issued under Project No 644432. **So what happened to the CUP approval under 598124?** Why is the CUP and property owner Aaron Magagna and John Ek going through this process all over again? It's obvious to me and will be to a jury. Magagna/Ek have been frantically trying to sell the property in an attempt to distance themselves of their illegal actions in this entire matter. Don't take my word for this. Ask Magagna's attorney's Cynthia

Morgan-Reed and Gina Austin if the property is for sale and how that sale would create, considering the current litigation, not only problems for the new buyer but even greater problems for the City of San Diego over how the DSD CUP processing was done between the 6176 and the 6220 projects.

The Geraci v Cotton lawsuit was a sham lawsuit and certain individuals within the City of San Diego have gone to extraordinary lengths to deny a CUP at 6176 Federal Blvd because there is some kind of quid pro quo that exists between Team Geraci (**see attachment no 4**) and those from within the City of San Diego who are behind the orchestration of this fraud. If that is not the case why not tell me why 644432 became an active project 08/06/19 and who paid the fees for it on DSD invoice no 902983 as shown on attachment 3 page one?

This entire situation has gone too far and to those of you who have been witness to it from its earliest stages (i.e. the zoning/rezoning issues) now know that to be the case. From this point on it becomes degrees of implications. As such, I would hereby request that Mayor Faulkner and the City Attorney immediately report to Judge Bashant that under the FLORES v AUSTIN, ET AL (320-CV-00656-BAS-MDD) and the COTTON v GERACI, ET AL (318-CV-00325-BAS-DEB) FEDERAL federal complaints that with the state court filing of GERACI v COTTON (37-2017-00010073-CU-BC-CTL) ON 03/21/17, a fraud has been perpetrated upon the court and among other things my civil rights under 42 U.S.C. 1983 have been violated by these actions. Please provide a reply to this email within 48 hours as it will determine my actions and possibly Flores actions in a forthcoming United States Supreme Court *Writ of Certioraria* in the federal complaints. Thank you.

In anticipation of your response I will remain.

Darryl Cotton

On Tue, Jun 30, 2020 at 4:45 PM Ricafort, Elvira <ERicafort@sandiego.gov> wrote:

Hi Darryl,

Just left you a voice mail and was told that we were discussing the incorrect file. The correct file for you to follow up is Project ID 644432. This project still in review and associated plans and drawings have not been routed to the Records section. Attached are the PDF summary for the current reviews and status reports for this ministerial

Project that maybe helpful. The DPM for this project is Maryam Forootan copied on this email, and she can be contacted directly at MForootan@sandiego.gov the. The link below is also being provided so you can track the status of this project online:

- **Tracking Your Project Status:**

[OpenDSD](#)

In addition, the service to make appointment to review records for a project in review is not available at this time. This service is suspended in compliance with the public health orders due to impacts from the COVID-19 virus pandemic.

However, DSD is working hard in preparation of opening our offices to the public in a new environment to help ensure the health, safety of our customers.

No worries, you will be notified immediately as-soon-as we are able to make appointments for customers to come in to our offices.

We do apologize for the inconvenience during these difficult times, and we thank you for your patience and cooperation.

Thanks, and stay safe and well...e 😊

Elvi 😊 Ricafort

Records Assistance & Management Analyst

City of San Diego

Development Services Department

Business Operations & Support Services Division/Records Section

Phone: 619) 687-5921

Email: Ericafort@sandiego.gov

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From: Darryl Cotton <indagrodarryl@gmail.com>

Sent: Tuesday, June 30, 2020 3:39 PM

To: Ricafort, Elvira <ERicafort@sandiego.gov>

Subject: [EXTERNAL] 6220 Federal Blvd - Project No 598124

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Hi Elvi,

This email is a followup to our phone conversation of earlier today to where I was trying to determine the "routed: status of the approved drawings and files for the above referenced project being in possession of the DSD Records Division. As I told you in our conversation I was at Records on 03/11/20 and was told by you that the drawings were still being reviewed by the Project Manager Firouzeh Tirandazi so they were not available for you to provide them to me. I realize you said you would call me back after you had researched why the files and drawings had not already been routed to Records as the project cleared approval on 12/06/18 and per your records was no longer being held by Ms. Tirandazi as of 04/20/20.

Please call me @ 619.954.4447 or email me in reply to give me an update as to where this file is so that I can review the documents contained within it. If for any reason that represents a problem please let me know and I will make other arrangements to access them. .

Thank you.

Darryl Cotton

4 attachments



(1) ho-18-097.pdf
11109K



(2) Project No 598124.pdf
1537K



(3) Project No 644432.pdf
343K



(4) Geraci-Flowcharts-Combined-11.pdf
185K