



# City of El Cajon

## Planning Commission Agenda

Tuesday, June 20, 2023 Meeting

7:00 PM

DARRIN MROZ, Chair  
REBECCA POLLACK-RUDE, Vice Chair  
PAUL CIRCO  
SHANNON EDISON  
ANTHONY SOTTILE

Meeting Location: City Council Chambers, 200 Civic Center Way, El Cajon, CA, 92020

Please note that, pursuant to State and County Health Orders, in-person meetings have resumed. The public is welcome to attend and participate.

The meeting will be live-streamed through the City website at: <https://www.elcajon.gov/your-government/city-meetings-with-agendas-and-minutes-all>.

To submit written comments on an item on this agenda, or a Public Comment, please e-mail the comments with Planning Commission in the subject line to [planning@elcajon.gov](mailto:planning@elcajon.gov) before 5 p.m. on Tuesday, June 20, 2023. Comments will be limited to 300 words and will be entered into the official Commission Meeting Record.

The City of El Cajon is endeavoring to be in total compliance with the Americans with Disabilities Act. If you require assistance or auxiliary aids in order to participate at the Commission meeting, please contact our office at 619-441-1742, option 3, as soon as possible.

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CHAIRPERSON'S WELCOME

### PUBLIC COMMENT

This is the opportunity for the public to address the Commission on any item of business within the jurisdiction of the Commission that is not on the agenda. Under state law no action can be taken on items brought forward under Public Comment except to refer the item to staff for administrative action or to place it on a future agenda. Non-agenda public comments must be submitted before the end of public comment during the meeting.

### CONSENT

Agenda Item:	1
	Planning Commission minutes of May 16, 2023

*Decisions and Appeals - A decision of the Planning Commission is final unless appealed within 10 days of the date of the Commission's action. The appeal period for the items on this Agenda will end on Friday, June 30, 2023, at 5:00 p.m. Agenda items which are forwarded to City Council for final action need not be appealed.*

## PUBLIC HEARINGS

Agenda Item:	2
Project Name:	550 Montrose Court (Motel 6)
Request:	Consider amendment or revocation of Conditional Use Permit No. 1123 for a lodging establishment
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	Approve Amendment
Location:	550 Montrose Court
Applicant:	City of El Cajon
Project Planner:	Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a>
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"><li>1. Conduct the public hearing; and</li><li>2. MOVE to adopt the next resolutions in order, approving the CEQA exemption and an Amendment of CUP No. 1123 subject to conditions.</li></ol>

### 3. OTHER ITEMS FOR CONSIDERATION

### 4. STAFF COMMUNICATIONS

### 5. COMMISSIONER REPORTS/COMMENTS

### 6. ADJOURNMENT

This Planning Commission meeting is adjourned to July 18, 2023 at 7 p.m.



## **MINUTES PLANNING COMMISSION MEETING May 16, 2023**

*The meeting of the El Cajon Planning Commission was called to order at 7:02 p.m.*

### **PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE.**

**COMMISSIONERS PRESENT:** Darrin MROZ (Chair)  
Rebecca POLLACK-RUDE (Vice Chair)  
Anthony SOTTILE  
Shannon EDISON

**COMMISSIONERS ABSENT:** Paul CIRCO

**STAFF PRESENT:** Noah ALVEY, Deputy Director of Community Development  
Mario SANCHEZ, Deputy Director of Public Works  
Mike VIGLIONE, Senior Planner  
Barbara LUCK, Staff Attorney  
Laura JUSZAK, Administrative Secretary

Chair MROZ opened the Planning Commission meeting explaining the rules of conduct.

### **PUBLIC COMMENT:**

There was no public comment.

### **CONSENT CALENDAR:**

<b>Agenda Item:</b>	<b>1</b>
	<b>Planning Commission minutes of May 2, 2023</b>

Motion was made by MROZ, seconded by POLLACK-RUDE, to approve the May 2, 2023 minutes; motion carried 4-0, with CIRCO absent.

**PUBLIC HEARING ITEM:**

Chair MROZ announced a change in order for Public Hearing Items, to start with the Madar Variance item, and the revocation item last. Other COMMISSIONERS gave their approval.

<b>Agenda Item:</b>	<b>3</b>
<b>Project Name:</b>	<b>Madar Variance</b>
<b>Request:</b>	<b>Variance</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVE</b>
Project Number	Variance (VAR) No. 2023-0001
Location:	829 Wakefield Court
Applicant:	Creative Design and Build, Guy Madar, <a href="mailto:guycreativednb@gmail.com">guycreativednb@gmail.com</a> ; 310-282-7276
Project Planner:	Mike Viglione; 619-441-1773; <a href="mailto:mviglione@elcajon.gov">mviglione@elcajon.gov</a>
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"><li>1. Conduct the public hearing; and</li><li>2. MOVE to adopt the next resolutions in order approving the CEQA determination, and VAR No. 2023-0001 subject to conditions.</li></ol>

VIGLIONE summarized the staff report through a PowerPoint presentation.

COMMISSIONERS asked questions with VIGLIONE providing answers.

MROZ opened the public hearing.

Project applicant Guy MADAR spoke in support of the request.

Motion was made by MROZ, seconded by SOTTILE, to close the public hearing; motion carried 4-0, with CIRCO absent.

COMMISSIONERS discussed the item.

Motion was made by EDISON, seconded by SOTTILE, to adopt the next resolutions in order APPROVING the CEQA determination and the proposed Variance VAR-2023-0001; motion carried 4-0, with CIRCO absent.

<b>Agenda Item:</b>	2
<b>Project Name:</b>	El Cajon Inn & Suites
<b>Request:</b>	Consider revocation of deemed approved status for a lodging establishment and approval of a conditional use permit for the continued operation of the lodging establishment
<b>CEQA Recommendation:</b>	Exempt
<b>STAFF RECOMMENDATION:</b>	Revoke deemed approved status and approve Conditional Use Permit (CUP) No. 2023-0003
<b>Location:</b>	1368 East Main Street
<b>Applicant:</b>	Nilesh Patel; 858-442-2495; <a href="mailto:nilesh@stoneviewproperties.com">nilesh@stoneviewproperties.com</a>
<b>Project Planner:</b>	Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a>
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing;</li> <li>2. Adopt the next resolutions in order revoking deemed approved status, approving a CEQA exemption, and approving Conditional Use Permit No. 2023-0003, subject to conditions; and</li> <li>3. Direct staff to schedule a review of Conditional Use Permit No. 2023-0003 within the next 90 days.</li> </ol>

ALVEY summarized the staff report through a PowerPoint presentation.

El Cajon Police Department Captain Rob RANSWEILER spoke regarding a shooting at 1368 East Main Street that occurred on December 12, 2022, and their ensuing investigation. COMMISSIONERS asked questions.

ALVEY concluded his report.

COMMISSIONERS asked questions with ALVEY providing answers.

MROZ opened the public hearing.

Project representative Sally SCHIFMAN spoke and gave a presentation regarding the property owner's and manager's response to the events on December 12, 2022 and the Notices of Violation from City staff. SCHIFMAN requested that COMMISSIONERS not revoke the establishment's Deemed Approved status, and not require a Conditional Use Permit.

Project legal representative Robert GARMO spoke regarding the property, also requesting that the Deemed Approved status not be revoked, and no Conditional Use Permit be required.

Property manager Sunny PATEL spoke regarding the property and gave details about events on December 12, 2022.

Property owner Nilesh PATEL submitted a speaker card but declined to speak.

Motion was made by MROZ, seconded by POLLACK-RUDE, to close the public hearing; motion carried 4-0, with CIRCO absent.

COMMISSIONERS discussed the item. ALVEY spoke regarding Deemed Approved and Conditional Use Permit differences.

MROZ opened the public hearing to allow Robert GARMO to ask another question regarding options for regulating the property. COMMISSIONERS spoke with GARMO regarding the question. LUCK spoke about the Deemed Approved status versus legal, non-conforming status.

Motion was made by MROZ, seconded by SOTTILE, to close the public hearing; motion carried 4-0, with CIRCO absent.

COMMISSIONERS spoke about additional conditions to be added to the Conditional Use Permit.

Motion was made by SOTTILE, seconded by MROZ, to adopt the next resolutions in order revoking deemed approved status for lodging establishment at 1368 East Main Street, approving the CEQA exemption, approving Conditional Use Permit No. 2023-0003, subject to conditions and additional conditions from staff, and directing staff to schedule a public hearing to review CUP-2023-0003 within 90 days; motion carried 4-0, with CIRCO absent.

**OTHER ITEMS FOR CONSIDERATION:**

There were no other items for consideration.

**STAFF COMMUNICATIONS:**

There were no staff communications.

**COMMISSIONER REPORTS/COMMENTS:**

There were no commissioner reports or comments.

**ADJOURNMENT:**

Motion was made by MROZ, seconded by POLLACK-RUDE, to adjourn the meeting of the El Cajon Planning Commission at 8:43 p.m. this 16<sup>th</sup> Day of May, 2023, until 7:00 p.m., Tuesday, June 6, 2023; motion carried 4-0, with CIRCO absent.

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Darrin MROZ, Chair

ATTEST:

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Noah ALVEY, Secretary

DRAFT



City of El Cajon

Community Development Department  
**PLANNING COMMISSION AGENDA REPORT**

<b>Agenda Item:</b>	2
<b>Project Name:</b>	550 Montrose Court (Motel 6)
<b>Request:</b>	Consider amendment or revocation of Conditional Use Permit No. 1123 for a lodging establishment
<b>CEQA Recommendation:</b>	Exempt
<b>STAFF RECOMMENDATION:</b>	Approve Amendment
<b>Location:</b>	550 Montrose Court
<b>Applicant:</b>	City of El Cajon
<b>Project Planner:</b>	Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a>
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolutions in order, approving the CEQA exemption and an Amendment of CUP No. 1123 subject to conditions.</li> </ol>

**PROJECT DESCRIPTION**

This request is to consider an amendment or revocation of Conditional Use Permit (CUP) No. 1123 for a lodging establishment (Motel 6) at 550 Montrose Court. This request was initiated by the Planning Commission in conjunction with the revocation of the lodging establishment’s deemed approved status at the April 18, 2023 Planning Commission meeting.

**BACKGROUND**

<b>General Plan:</b>	General Commercial (GC)
<b>Specific Plan(s):</b>	Specific Plan No. 329
<b>Zone:</b>	Office Professional (O-P)
<b>Other City Plan(s):</b>	N/A
<b>Regional and State Plan(s):</b>	N/A

Project Site & Constraints

The subject site is three acres and developed with a 174-unit lodging establishment (Motel 6) and one manager unit. The motel building is addressed as 550 Montrose Court, is centrally located on the site, and surrounded by parking and drive aisles. The site is accessed from the northerly terminus of Montrose Court and is located on the north side of W. Madison Ave. between Compton St. and N. Magnolia Ave.



### Surrounding Context

The surrounding area is mixed with residential and commercial uses. Surrounding properties are zoned and developed as follows:

Direction	Zones	Land Uses
North	N/A	Interstate 8
South	O-P	Office
West	RM-2200	Apartments
East	O-P	Former restaurant / proposed day care facility (under construction)

### General Plan

The project site is designated Office-Non Retail (O/NR) on the General Plan Land Use Map. The General Plan also previously identified Montrose Court as a special development area, but this designation was removed when Specific Plan No. 329 was approved for the development of the subject site and an adjacent property fronting on Montrose Court.

### Specific Plan No. 329

The intent and purpose of Specific Plan No. 329 is to increase development options by allowing additional uses, including but not limited to, motels and restaurants, that wouldn't be allowed by the underlying zoning designation, with the approval of a conditional use permit.

### Conditional Use Permit No. 1123

In 1985 the City Council approved Conditional Use Permit (CUP) No. 1123 which authorized the development of a 174-unit motel and a manager unit on the subject site, as well as a restaurant on the adjacent property to the east. The restaurant approval subsequently expired and was superseded by CUP No. 1638. More recently, the restaurant closed and currently a day care facility is proposed to replace the restaurant with building improvements underway.

### Deemed Approved Lodging Establishment Ordinance

The deemed approved lodging establishment (hotel and motel) ordinance was approved by the City Council on June 25, 2019 and confers deemed approved status on all existing lodging establishments, requires compliance with performance standards, and creates a mechanism for the modification or revocation of deemed approved status for problem properties. The purpose of the ordinance is to provide a common set of expectations and standards that all lodging establishments must abide by to provide guests with clean and safe lodging and to minimize nuisance or criminal activity commonly associated with temporary lodging. Nuisance activities may include, but are not limited to, disturbance of the peace, illegal drug activity, prostitution, drinking in public, harassment of

passersby, gambling, trafficking in stolen goods, public urination, theft, assault, battery, vandalism, illegal parking, excessive noise, traffic violations, curfew violations, lewd conduct, or excessive police detentions or arrests.

On April 18, 2023, the Planning Commission revoked the deemed approved status for 550 Montrose Court and found that nuisance calls for service were negatively impacting the business environment. The Planning Commission also directed staff to schedule a public hearing to consider an amendment or revocation of CUP No. 1123, while also requesting that the operator or property owner comply the following requirements within the next 30 days:

- Prepare an Operations/Management Plan
- Remove the unauthorized gate blocking the fire lane between Motel 6 and the former restaurant (planned day care facility) or obtain approval from the adjacent property owner and Heartland Fire & Rescue for a gate
- Remove all trash and debris from the parking lot
- Sign an affidavit acknowledging the requirements and standards of the Deemed Approved Lodging Ordinance
- Complete human trafficking training offered by CSA San Diego County, or similar human trafficking training provider, as approved by the Director of Community Development and provide proof of completion of the training
- Provide a monthly report to the Community Development Department listing the number of individuals participating in Emergency Housing Placement Program(s), the duration of their stay, and the name(s) of the program service provider(s) implementing the Emergency Housing Placement Program(s)

## **DISCUSSION**

Since April 18, 2023, the applicant has addressed the action items required by the Planning Commission:

- An Operations/Management Plan has been prepared and reviewed by the staff
- The temporary gate on the easterly property line has been approved by Heartland Fire & Rescue and the applicant is pursuing a permit for a permanent gate with the adjacent property owner to the east
- All trash and debris has been removed from the parking lot
- The final Operations/Management Plan will include a signed affidavit acknowledging the requirements and standards of the Deemed Approved Lodging Ordinance

- Human trafficking training has been completed by motel staff and certificates have been submitted
- A monthly report listing the number of individuals participating in Emergency Housing Placement Program(s), the duration of their stay, and the name(s) of the program service provider(s) implementing the Emergency Housing Placement Program(s) has been provided, however, additional follow-up information will be requested

The applicant has also provided a summary of their efforts which is attached to the staff report. The summary notes that the lodging establishment does not currently have emergency housing placement program participants, but they are evaluating programs and operators of programs.

Staff also conducted a review of call for service between March 24, 2023 and June 1, 2023. During this time period there were 25 calls for service related to nuisance activities and medical calls. If this level of calls for service continues, the lodging establishment will be generating less than one call for service per room over a one year term (0.75 calls for service per room, per year). None of the calls for service warranted review by the Planning Commission.

### Findings

- A. *The proposed use is consistent with applicable goals, policies, and programs of the general plan, and with any applicable specific plan;*

General Plan Policy 5-9.1 directs the City to improve public safety for all residents. The application of operational standards is necessary to ensure public safety, prevent nuisance activities, and consistency with General Plan goals, policies, and programs. The approval of the conditional use permit amendment is consistent with Specific Plan No. 329 which permits a lodging establishment subject to the approval of a conditional use permit. Furthermore, ongoing conditions of approval beyond the Deemed Approved Lodging Establishment standards are warranted based on recent nuisance related activities that have occurred at the lodging establishment.

- B. *The proposed site plan and building design are consistent with all applicable use and development standards.*

The existing site plan and existing building design are consistent with applicable use and development standards. Proposed permanent fencing across the easterly driveway will be consistent with use and development standards if a permit is obtained and the consent of the neighboring property owner is granted.

- C. *The proposed use will be operated in a manner that is compatible with existing and planned land uses in the vicinity of the proposed use.*

The application of performance standards, conditions of approval, and through proper implementation of the Operations and Management Plan, which includes detailed registration procedures, managerial responsibilities, safety and security measures, staff training procedures, emergency contact information, and an affidavit of acknowledgement, the lodging establishment will operate in a manner that is compatible with existing and planned land uses in the vicinity. Compatibility with existing and planned land uses in the vicinity will be maintained if the lodging establishment does not generate more than one call for service per room per year.

- D. *The proposed use and project design will not be detrimental to the public health, safety, and general welfare, including but not limited to matters of noise, smoke, dust, fumes, vibration, odors, and hazards or excessive concentrations of traffic.*

The proposed operating standards and conditions will assist in improved public health, safety, and general welfare, which are designed to reduce and not compound existing problems in the neighborhood created by the lodging establishment.

- E. *The proposed use is in the best interest of public convenience and necessity.*

A well maintained and operated lodging establishment is in the best interest of public convenience and necessity as it facilitates the temporary lodging needs of individuals within the City and as long as nuisance activities are minimized and properly managed by the operator.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The approval of a conditional use permit amendment for the existing lodging establishment is exempt from the provisions of the CEQA according to sections 15301 the CEQA Guidelines. Section 15301 provides an exemption for the operation, maintenance, and repair of existing private structures with negligible or no expansion of use beyond that existing use. The conditional use permit will regulate the operation of the existing motel and does not authorize any expansion of use.

#### **PUBLIC NOTICE & INPUT**

Notice of this public hearing was mailed on June 2, 2023, to all property owners within 300 feet of the project site and to anyone who requested such notice in writing, in compliance with Government Code sections 65090, 65091, and 65092, as applicable. Additionally, as a public service, the notice was posted in the kiosk at City Hall and on the City's website under "Public Hearings/Public Notices." The notice was also mailed to the two public libraries in the City of El Cajon, located at 201 East Douglas Avenue and 576 Garfield Avenue.

**RECOMMENDATION**

Approve an amendment of CUP No. 1123 subject to conditions; and direct staff to schedule a review of CUP No. 1123 in approximately 180 days.

**PREPARED BY:**

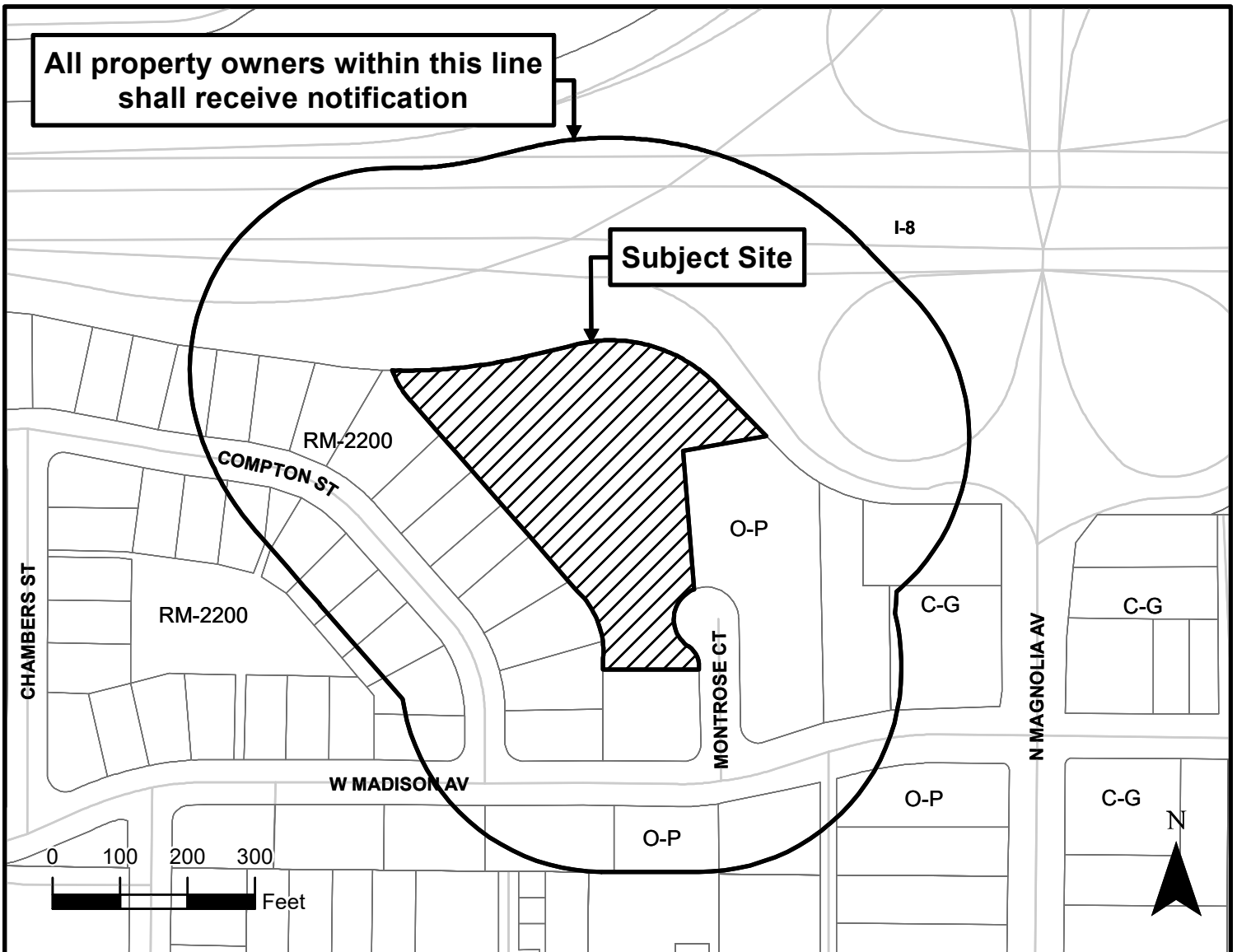
  
\_\_\_\_\_  
Noah Alvey  
DEPUTY DIRECTOR  
OF COMMUNITY  
DEVELOPMENT

**APPROVED BY:**

  
\_\_\_\_\_  
Anthony Shute  
DIRECTOR OF  
COMMUNITY  
DEVELOPMENT

**ATTACHMENTS**

1. Public Hearing Notice/Location Map
2. Proposed CEQA Resolution
3. Proposed Resolution of APPROVAL for the Amendment of CUP No. 1123
4. Correspondence from Applicant's Representative dated June 14, 2023



**NOTICE OF PROPOSED  
AMENDMENT OR REVOCATION OF CONDITIONAL USE PERMIT NO. 1123  
FOR A LODGING ESTABLISHMENT AT 550 MONTROSE COURT**

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, June 20, 2023**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider: **Amendment or Revocation of Conditional Use Permit No. 1123** for a lodging establishment at the subject property addressed as 550 Montrose Court. This project is exempt from the California Environmental Quality Act (CEQA).

The public is invited to attend and participate in this public hearing. The agenda report for this project will be available 72 hours prior to the Planning Commission meeting at <https://www.elcajon.gov/your-government/city-meetings-with-agendas-and-minutes-all>. In an effort to reduce the City's carbon footprint, paper copies will not be provided at the public hearing, but will be available at City Hall in the Project Assistance Center upon request.

If you challenge the matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Commission, or prior to, the public hearing. The City of El Cajon encourages the participation of disabled individuals in the services, activities, and programs provided by the City. Individuals with disabilities who require reasonable accommodation in order to participate in the public hearing should contact Planning at 619-441-1742. More information about planning and zoning in El Cajon is available at <http://www.elcajon.gov/your-government/departments/community-development/planning-division>.

If you have any questions, or wish any additional information, please contact **NOAH ALVEY** at 619-441-1795 or via email at [nalvey@elcajon.gov](mailto:nalvey@elcajon.gov) and reference "550 Montrose Court." in the subject line.

## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION APPROVING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTIONS 15301 (EXISTING FACILITIES) FOR THE AMENDMENT OF CONDITIONAL USE PERMIT NO. 1123 FOR THE CONTINUED OPERATION OF A LODGING ESTABLISHMENT (MOTEL 6) LOCATED AT 550 MONTROSE COURT IN THE O-P (OFFICE PROFESSIONAL) ZONE, APN: 482-301-10, GENERAL PLAN DESIGNATION: OFFICE/NON-RETAIL (O/NR)

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on June 20, 2023, to consider an amendment of Conditional Use Permit ("CUP") No. 1123, as initiated by the Planning Commission, to consider the continued operation of a lodging establishment in the O-P zone, on property located at the northerly terminus of Montrose Court and located on the north side of West Madison Avenue between Compton Street and North Magnolia Avenue, and addressed as 550 Montrose Court; and

WHEREAS, in accordance with CEQA Guidelines section 15061(b)(2), the Planning Commission reviewed and considered the information contained in the project agenda report; and

WHEREAS, the project is exempt from CEQA under sections 15301 (Existing Facilities) which provides an exemption for the operation, maintenance, and repair of existing private structures with negligible or no expansion of use beyond that existing use; and

WHEREAS, no evidence was presented in proceedings that any of the conditions exist to provide exceptions to categorical exemptions as described in CEQA Guidelines section 15300.2, exist.

NOW, THEREFORE, BE IT RESOLVED by the El Cajon Planning Commission as follows:

1. That the foregoing recitals are true and correct, and are findings of fact of the El Cajon Planning Commission in regard to the proposed conditional use permit.
2. That based upon said findings of fact, the El Cajon Planning Commission hereby APPROVES the proposed CEQA exemption for the continued operation of a lodging establishment.

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held June 20, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:

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Darrin MROZ, Chairperson

ATTEST:

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Noah ALVEY, Secretary



## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION APPROVING AN AMENDMENT OF CONDITIONAL USE PERMIT NO. 1123 FOR THE CONTINUED OPERATION OF A LODGING ESTABLISHMENT (MOTEL 6) LOCATED AT 550 MONTROSE COURT IN THE O-P (OFFICE PROFESSIONAL) ZONE, APN: 482-301-10, GENERAL PLAN DESIGNATION: OFFICE/NON-RETAIL (O/NR).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on June 20, 2023, to consider an amendment of Conditional Use Permit ("CUP") No. 1123, as initiated by the Planning Commission, to consider the continued operation of a lodging establishment in the O-P zone, on property located at the northerly terminus of Montrose Court and located on the north side of West Madison Avenue between Compton Street and North Magnolia Avenue, and addressed as 550 Montrose Court; and

WHEREAS, the evidence presented to the Planning Commission at the public hearing includes the following:

- A. The proposed project is exempt from CEQA under sections 15301, Class 1 (Existing Facilities) which provides an exemption for the operation, maintenance, and repair of existing private structures with negligible or no expansion of use beyond that existing use;
- B. General Plan Policy 5-9.1 directs the City to improve public safety for all residents. The application of operational standards is necessary to ensure public safety, prevent nuisance activities, and consistency with General Plan goals, policies, and programs. The approval of the conditional use permit amendment is consistent with Specific Plan No. 329 which permits a lodging establishment subject to the approval of a conditional use permit. Furthermore, ongoing conditions of approval beyond the Deemed Approved Lodging Establishment standards are warranted based on recent nuisance related activities that have occurred at the lodging establishment;
- C. The existing site plan and existing building design are consistent with applicable use and development standards. Proposed permanent fencing across the easterly driveway will be consistent with use and development standards if a permit is obtained and the consent of the neighboring property owner is granted;
- D. The application of performance standards, conditions of approval, and through proper implementation of the Operations and Management Plan, which includes detailed registration procedures, managerial responsibilities, safety and security measures, staff training procedures, emergency contact information, and an affidavit of acknowledgement, the lodging establishment will operate in a manner that is compatible with existing and planned land uses in the vicinity. Compatibility with existing and planned land uses in the vicinity will be

Proposed Planning Commission Resolution

maintained if the lodging establishment does not generate more than one call for service per room per year;

- E. The proposed operating standards and conditions will assist in improved public health, safety, and general welfare, which are designed to reduce and not compound existing problems in the neighborhood created by the lodging establishment;
- F. A well maintained and operated lodging establishment is in the best interest of public convenience and necessity as it facilitates the temporary lodging needs of individuals within the City and as long as nuisance activities are minimized and properly managed by the operator.

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact, the El Cajon Planning Commission hereby APPROVES an amendment of Conditional Use Permit No. 1123 for the continued operation of a lodging establishment in the O-P zone, on the above described property subject to the following conditions:

1. The applicant shall submit and obtain approval of a one-page, 24" by 36" digital site plan for Conditional Use Permit No. 1123 that includes the following specific notes and changes:
  - a. Include the following note: "This project shall comply with the Standard Conditions of Development from Planning Commission Resolution No. 10649, as applicable" as well as the ongoing conditions listed in condition 3.
  - b. Include the El Cajon Title Block as shown in the "Additional Requirements for Planning Permits".
  - c. Add the ongoing conditions of approval included in condition 3 as notes on the site plan.
2. A final signed copy of the Operations and Management Plan shall be submitted to the Community Development Department within 30 days and include a statement acknowledging the requirements and standards of the Deemed Approved Lodging Ordinance found in the El Cajon Municipal Code chapter 17.212 which can be amended from time to time.
3. The following shall be ongoing conditions of approval of Conditional Use Permit No. 1123:
  - a. The lodging establishment shall adhere to all provisions of the Operations and Management Plan as approved and presented to the Planning Commission on June 20, 2023, and on file in the Community Development Department. The Director of Community Development is authorized to require the Plan to be changed, updated, or refined from time to time to ensure the lodging

- establishment remains compatible with adjacent properties and nuisance activities are minimized.
- b. Comply with all requirements of El Cajon Municipal Code Chapter 17.212, Deemed Approved Lodging Establishments, including monthly reporting to the Community Development Department listing the number of individuals participating in an Emergency Housing Placement Program, the duration of their stay, and the name(s) of the program service provider(s) implementing the Program.
  - c. All new employees shall complete human trafficking training offered by CSA San Diego County, or a similar human trafficking training provider within 30 days of the start of employment.
  - d. All employees shall complete sexual harassment training, if required, and provide copies of training certificates.
  - e. Criminal or nuisance activities shall not result in more than one (1) call for service to the Police Department and Fire Department per room on an annual basis. The City shall retain the right to recover its costs for all calls for service to the Police Department and Fire Department in excess of one (1) call per room on an annual basis by way of the city's nuisance abatement procedure.
4. A review of this conditional use permit shall be conducted by the Planning Commission in approximately 180 days to confirm compliance with the conditions of approval.

[The remainder of this page intentionally left blank.]

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon City Planning Commission at a regular meeting held June 20, 2023, by the following vote:

AYES:  
NOES:  
ABSENT:

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Darrin MROZ, Chairperson

ATTEST:

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Noah ALVEY, Secretary



June 14, 2023

**Via U.S. Mail & Email**  
[NAlvey@elcajon.gov](mailto:NAlvey@elcajon.gov)

Noah Alvey  
Deputy Director of Community Development  
City of El Cajon  
200 Civic Center Way  
El Cajon, CA 92020

**Re: 550 Montrose Court (Motel 6)**

Dear Mr. Alvey:

As you know, my office represents Vertical Holdings, LLC / Axton Holdings, LLC, which are the owners (“Owners”) of the “Motel 6” located at 550 Montrose Court, City of El Cajon, 92020 (the “Hotel”). The purpose of this letter is to report on the status of Owners’ efforts to address the items raised by the El Cajon Planning Commission (the “Commission”) as set forth in its Resolution No. 11104 (the “Resolution”).

Before addressing Owners’ efforts to address the items raised by the Resolution, it is important to note that *prior* to receiving the March 23, 2023, “Notice of Violation and Public Hearing” (the “Notice”) from the City of El Cajon (the “City”), Owners had no knowledge of any registered sex offenders visiting or staying in the Hotel. The Hotel, like other hotels in the area, had for some time accepted vouchers for temporary housing from organizations believed to be reputable, including the “PATH” organization. It is the Hotel’s understanding that funds for these vouchers have been provided by the County of San Diego. The Hotel continued to accept PATH vouchers under the same arrangement as prior ownership of the Hotel.<sup>1</sup> The Hotel was under the belief and understanding that recipients of vouchers from PATH had been properly and fully vetted by PATH. The Hotel was completely unaware of what was subsequently reported in the news media after issuance of the Notice about the issuance of vouchers to persons allegedly having been recently released from jail.

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<sup>1</sup> Owners acquired the Hotel in early 2022.

Noah Alvey  
Deputy Director of Community Development  
City of El Cajon  
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Upon learning of the incident that gave rise to the Notice and of the news reports about vouchers being issued to recently released inmates, the Hotel ceased accepting PATH vouchers. The Hotel has further undertaken to scrutinize other providers of vouchers. At the time of the April 18, 2023, hearing recipients of vouchers consisted only of 3 to 4 percent of the total occupancy of the Hotel. The Hotel accepted vouchers from only seven guests during the month of May 2023. Currently, the Hotel has no voucher recipients, and management is in the process of determining how best to evaluate voucher programs so as to prevent any repeat of the events that resulted in the April 18, 2023, hearing. Enclosed herein as **Ex. "A"** is a report on vouchers through May 2023.

Further, as reported at the hearing on April 18, 2023, many of the issues that resulted in the Commission's issuance of the Notice to the Hotel stem from a chronic homeless problem in San Diego County over which the Hotel and Owners have no control. It has since been confirmed through the reports of security personnel that virtually all disturbances at or around the Hotel stem from members of the homeless population attempting to trespass onto Hotel property. Immediately adjacent to the Hotel there are areas where members of the homeless population gather (*i.e.*, vacant lots, and public property), and since Owners have no control over these properties, there is nothing the Hotel can do to stop the gatherings. As stated at the April 18, 2023, hearing, the Hotel should not be penalized for a problem over which it has no control.

Notwithstanding the foregoing, the Hotel has, as it represented it would, undertake to do all those things reasonably within its power to address the concerns of the City and to perform those things requested by the Commission. These items are addressed further below:

(1) **Operations/Management Plan.** The Hotel has worked closely with your office to develop a mutually acceptable Operations/Management Plan. An initial draft was submitted on May 19, 2023. City comments were provided resulting in further revisions, including some minor proposed changes requested on June 12, 2023. Assuming no further changes are required, enclosed as **Ex. "B"** is a fully executed copy of the Hotel's Operations/Management.

(2) **Human Trafficking Training.** Hotel management and staff undertook human trafficking training through both Motel 6 and the County of San Diego. Certificates of this training were transmitted by email to your office on April 25, 2023 (Motel 6 Training) and May 15, 2023 (County of San Diego Training). Furthermore, as stated in the Operations/Management Plan

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Deputy Director of Community Development  
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signage to stop human trafficking is posted in the Hotel's lobby and other common areas (*i.e.*, laundry, hallways/stairwells, and recreational spaces).

(3) **Security.** The Hotel retained 24-hour outside security guards on a trial basis after the April 18, 2023, hearing. The trial basis of 24-hour security has confirmed initial observations that most security issues arise between 10:00 p.m. and 6:00 a.m., and it is the intention of the Hotel to reduce the hours of the outside security guards to this timeframe as stated in the Operations/Management Plan. If problems increase at the Hotel after the reduction of outside security guards, the Hotel would implement further security measures, including but not limited to 24-hour security. However, the Hotel currently has 32 high resolution cameras throughout the Hotel's property, which are monitored 24-hours a day, and with the gate soon to be completed, Hotel management is confident that security at the Hotel will be more than sufficient.<sup>2</sup>

(4) **Trash and Debris.** As previously reported, the trash and debris discussed at the April 18, 2023, hearing was actually on the adjacent property, which is in the process of being redeveloped. Notwithstanding the foregoing, Hotel staff removed the trash and debris from the adjacent property, and additional efforts have been undertaken in the last few months to ensure the Hotel remains free of any trash and debris.

(5) **The Security Gate and Fence.** As addressed at the April 18, 2023, hearing, the security gate had been constructed to control access to the Hotel. As indicated above, virtually all of the disturbances at the Hotel were the result of members of the homeless population attempting to trespass onto the Hotel's property. Without the security gate it would be virtually impossible to prevent unauthorized access to the Hotel from the area where the gate was constructed. The security gate had initially been constructed based upon an oral agreement between the Hotel and owners of the adjacent property, which is in the process of being converted to a day care facility. On May 12, 2023, the Hotel and owners of the adjacent property reached a formal written agreement concerning maintenance of the gate and access. Pursuant to this agreement, a copy of which is enclosed herein as **Ex. "C,"** the Hotel will at its sole expense secure permits required for the fence and gate, and make the improvements requested by the City. It is my understanding that application for a permit was made, but due to an issue with the paperwork it had to be resubmitted. I

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<sup>2</sup> Although we do not have current data on the number of nuisance calls since the April 18, 2023, hearing, just based upon observations of Hotel staff and management, the number of nuisance calls have dropped dramatically since the April 18, 2023, hearing.

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Deputy Director of Community Development  
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am further told that all work on the fence and gate as requested by the City will be completed by the June 20, 2023, hearing.

**(6) Monthly Reports Re Emergency Housing Placement Programs.**

On May 24, 2023, a proposal for reporting on emergency housing was submitted to your office. As of this date the parameters of this reporting have not been finalized by the City, and we will continue to look for guidance on what the City seeks in this regard. Upon being provided with input from the City on this topic, the Hotel will commence reporting on emergency housing placement. Again, however, at the current moment there are no voucher recipients at the Hotel and Hotel management is in the process of trying to determine the best means and methods to evaluate voucher programs and their operators.

Given the Hotel has undertaken to do all those things requested by the Commission, the Hotel requests that its "Deemed Approved" status be reinstated. The Hotel also respectfully submits that there should be no revocation of its CUP No. 1123, or any modification. The Hotel has surely *proven* that it is a willing partner with the City to address the concerns of the City, and any punitive action taken against the Hotel is not warranted or justified.

Very truly yours,



Jason P. Saccuzzo

Enclosures

cc: Ownership

Mark Rolfes  
General Manager  
([M69467BO@6franchise.com](mailto:M69467BO@6franchise.com))





550 MONTROSE COURT  
MOTEL 6



Operations & Management Plan

Business License Number: 032824

Dated: June 2023

Address: 550 Montrose Court, El Cajon, CA

Telephone: (619) 588-6100

Email: 6 M69467BO@6franchise.com

EXHIBIT

B

## Property Information:

**Property Name:** Motel 6

**Property Address:** 550 Montrose Court, El Cajon, CA 92020

**Current Site Manager:** Mark Rolfes

**Front Desk Number:** (619) 588-6100

**Number of Units:** 182

**Parking Spaces:** 177 parking spaces

**Current Business License Number:**

**Insurance:** State Farm

**Acceptable Forms of Payment:** Cash, Check, Credit Cards, Approved Vouchers

**Current Number of Employees:** 26

## General Policies and Procedures:

**Cable TV & Internet:** The property is contracted with Cox Business for cable and internet services and those services are available to all guests.

**Check In Procedures:** During the check-in process, the manager shall:

- Follow the Check-In Process Checklist to ensure all information is properly entered into the management software system and all required documents are prepared;
- Thoroughly explain the Guest Rights and Responsibilities with the guest(s), as well as any questions the resident might have prior to check-in;
- Complete the parking permit information and issue a parking permit; and
- Provide a room key to the guest(s).

**Check Out Procedures:** During the check-out process, the manager shall:

- Follow the Check-Out Process Checklist, collect the issued room key, and ensure that a copy of the stay receipt is provided to guest(s) upon request;
- Document the confirmed check-out in the management software system; and
- Housekeeping staff shall follow the Room Turnover Process Checklist to ensure all steps are followed between time of check-out and time of new guest check-in.

**Keys and Unit Lock-out:** Guests are provided with room key(s) upon arrival. Guests are responsible for notifying the front desk if they lose their key(s) or their key(s) does not work. Keys and locks are changed regularly.

**Lost/Stolen Articles:** The property shall not be held responsible for any lost or stolen articles. Guests are responsible to ensure that their vehicle and unit door is locked as appropriate and upon departure.

**Manager Responsibility:** The primary responsibility of the manager is to utilize operational training, motivation, and example to ensure that the highest level of service is afforded to each guest. The manager manages the day-to-day operations of the property by overseeing the safety programs,



marketing plans, property maintenance and security. The manager is responsible for representing the property's service commitment to guests. They handle all check in/check out procedures, guest processing, telephone calls, and maintain ongoing communication with the maintenance and housekeeping staff.

**Occupancy:** Each room shall accommodate guests according to room configuration and subject to management approval.

**Parking:** Parking permits shall be issued to motel guests upon check in and shall be displayed on the dashboard of the vehicles that are registered to the guest and referenced in the Guest Register. There shall be lobby signs and language in the Guest Register warning guests that vehicles that do not display a parking permit shall be towed away at the vehicle owner's expense. A vehicle shall be subject to towing and/or fined if:

- the parking permit is not displayed
- It is parked backwards
- it has expired tags
- it is parked in a no parking area
- it is blocking an entrance or fire line
- it is blocking the entrance to the trash enclosure
- it is deemed to be not in working condition
- It is parked in the handicap spot without proper signage

**Quiet Hours:** Guests are required to keep the noise level to a minimum between the hours of 10 PM and 8 AM daily. Guests may contact the site management for any disturbance matters.

**Service Turnover:** Housekeeping services shall comply with State and local laws and regulations. Trash shall be taken out daily and between visitor stays. Bedding and towels shall be replaced with fresh linens between visitor stays and upon request.

**Smoking:** At least 80 percent of the guest rooms shall be smoke free in accordance with current (2023) California state law. The motel operator may choose as any time to implement a 100 percent smoke free establishment. Guests shall be notified of the motel smoking policy upon check-in and signs shall be visibly posted around the property and in the rooms.

**Solicit-Free Property:** The property prohibits soliciting, door-to-door selling, or asking of money for any reason. Guests shall be notified of the motel solicit-free property policy upon check-in and signs shall be visibly posted around the property and in the rooms.

**Unregistered Guests:** Unregistered guests are not allowed on the premises.

## Safety and Security Measures

**Accident/Injury:** The property shall not be responsible for accidents or injury to guests.

**Additional Lighting:** High intensity lighting is installed throughout the exterior of the building and positioned at all security camera locations. Exterior security lighting shall be maintained in good, working order at all times.

**Community Resources List:** A list of community resources shall be kept in each room which provides a list of available resources and outreach programs and contact information such as phone numbers, websites, or email addresses. The list shall be provided in English and Spanish and shall be easily and readily accessible and visible upon entry into guest rooms. The list shall include, but not be limited to,



**Guest Register:** The site shall maintain a Guest Register of all motel guests that rent a room on the premises, at all times. A copy of the Guest Register can be provided to law enforcement upon request by the El Cajon Police Department. The Guest Register shall include:

- The name of the registered guest(s), a copy of each registered guests' government issued ID, the date and time of arrival of each guest, room(s) assigned, and time of departure.
- The make, type, license number, issuing state and name of registered owner of any motor vehicle or trailer in the immediate possession of any guest.
- A warning to guests that vehicles that do not display a parking permit shall be towed away at the vehicle owner's expense.
- A warning that "NO vehicle shall be parked backwards. All vehicles that are backed in shall be subject to tow at vehicle owner's expense."
- A warning that unregistered visitors are not allowed on the premises.
- A warning to guests against drug use.
- A warning that all guests paying with cash shall be subject to pay a \$50 deposit.
- A statement that no one under the age of 18 shall be permitted to rent a room and that all guests under the age of 18 must be accompanied by a parent or guardian.
- A statement that guests must refrain from loud noise and loud music.

**Guest Rights and Responsibilities:** Upon check-in, guests will be presented with a list of their Rights and Responsibilities for Hotel/Motel Stay. Failure to comply with the rule may lead to termination of stay. The rules are designed to ensure the safety and security of all hotel/motel guests. The document shall be acknowledged, agreed to, and signed by each registering guest. Rights and responsibilities shall include, but not be limited to the following:

- Your stay at Motel 6 may not exceed 28 days – NO EXCEPTIONS.
- NO illegal weapons allowed on the premises at any time. Failure to comply will result in termination of your stay.
- NO bikes, motorcycles, electric scooters, wagons, and/or skateboards are allowed in the parking lot or common areas.
- NO storing large amounts of bags, boxes, debris, recycling materials, trash, or other items that belong to you or anyone else. Floors & walkways must be always clear. Doors must be able to fully open. Failure to comply will result in termination of your stay.
- NO business or charging of any fees may take place in rooms or on the hotel premises, including but not limited to, selling or purchasing drugs, prostitution, sub-letting your hotel/motel room, or storing any other person's items in your hotel room.
- Unregistered people, pets, or vehicles are NOT allowed on the premises of Motel 6.
- Loitering around the hotel will be reported to law enforcement immediately.
- You are required to cooperate with the housekeeping staff for regularly scheduled maid services to keep the units clean.
- There is a ZERO TOLERANCE policy for illegal drug use, any other illegal activity, or any act of aggression, violence, or use of profanity towards other guests or hotel/motel staff.
- Guests are financially responsible for damage and/or missing items from the hotel/motel room.
- Check-out is 11 AM. Late charges and/or full day's rent will be assessed past check-out time.
- Guests are encouraged to use credit cards, issued in their name, as a preferred form of payment.
- Any issues can and should be reported to the front desk, 24/7.
- Please help us keep our hotel/motel a safe, clean, and desirable place for everyone.

**Overnight Security Patrol:** Overnight patrol services shall be provided by a contracted vendor that shall provide patrols seven days a week. Patrol visits shall monitor points of entry, report

any security issues or concerns, and remove any trespassing violations. An activity report shall be maintained for each service.

**Reporting Illegal & Suspicious Activities:** It shall be the responsibility of the owner/operator and/or site manager to immediately report all illegal, and/or suspected illegal, activities including prostitution, narcotics, child endangerment, and all other criminal activity to the El Cajon Police Department. If any illegal substances or materials are found within a room during service turnover, the employee shall immediately report findings to the manager who shall report to law enforcement.

**Security Cameras:** A total of **32** security cameras are installed on the premises. The security cameras are installed on the exterior of the premises and inside the lobby to allow motel staff in the office to observe and monitor all points of entry onto the premises. Security footage shall be retained for at least 15 days.

**Signage:** Conspicuous signs shall be posted and maintained across the premises advising motel guests and trespassers that the Property is under video surveillance and that illegal activity shall be reported to law enforcement. Additional signage shall include:

- As requested by the El Cajon Police Department, a sign shall be posted which reads: LETTER OF AGENCY ON FILE WITH THE EL CAJON POLICE DEPARTMENT. TRESPASSING, LOITERING, PROSTITUTION ACTIVITY, DRUGS AND WEAPONS, ARE PROHIBITED. SECURITY CAMERAS ARE LOCATED ON THE PROPERTY. ALL ILLEGAL ACTIVITY WILL BE REPORTED TO THE EL CAJON POLICE DEPARTMENT – 619-579-3311.
- Signage shall include a STOP HUMAN TRAFFICKING notice which shall be displayed within the motel lobby and any other common areas (i.e., laundry, hallways/stairwells, recreational space). [https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/HTPoster\\_ENG.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/HTPoster_ENG.pdf)

## Site Maintenance:

### *General Maintenance*

Site management is responsible for day-to-day maintenance of the property. This may include, but not be limited to, minor room and/or exterior repairs or maintenance such as, changing light bulbs or painting, blind or curtain installation or repair, fire alarm battery replacement, minor plumbing repairs, and general clean up around the property. Complicated or major maintenance needs shall be contracted to a third-party vendor. The site manager shall be responsible for bringing more complicated or major maintenance needs to the attention of the Owner/Operator in a timely manner.

### *Housekeeping*

Housekeeping services shall comply with State and local laws and regulations. Trash shall be taken out daily and between visitor stays. Bedding and towels shall be replaced with fresh linens between visitor stays and upon request. Housekeeping staff is responsible for reporting damage, repair needs, or need for new linens, towels, or other room items to site management.

### *Landscape Maintenance*

Landscape maintenance shall be administered by a third-party vendor. The vendor shall be responsible for cleaning planter areas and common landscape areas free of debris, weeds, and overgrowth. The vendor shall be responsible for repairs to the sprinkler system and shall replace or plant new materials as needed or as requested by site management as authorized by the Owner/Operator. The owner/operator will upgrade site landscaping in compliance with city standards. Landscaping improvements shall comply



with city standards and shall be designed, installed, and maintained in a manner meant to deter loitering and trespassing.

*Pest control*

Pest control services shall be administered by a third-party vendor and shall be provided for both the exterior and interior spaces. Pest control services shall be conducted at least every other month, or as often as recommended by the vendor. Site management shall be responsible for contacting the vendor if additional pest control services are needed in between regularly scheduled service calls.

## Contact List:

### Safety and Security

#### **FOR EMERGENCY – POLICE, AMBULANCE, FIRE**

**DIAL 911**

For Non-Emergency Police

619-579-3311

Overnight Security Patrol – Eagles Point Security

844-600-0400

National Human Trafficking Hotline

888-373-7888

California Coalition to Abolish Slavery and Trafficking

888-539-2373

San Diego County Psychiatric Hospital Crisis Line

1-888-724-7240

San Diego County Crime Victim Assistant Program

619-531-4041

SDG&E – Electric or gas emergency

800-411-7343 (electric)

800-611-7343 (gas)

### Maintenance:

Water Services – Helix Water District

619-466-0585

Cable/Internet Provider – Cox Business

619-269-2000

Trash Services – EDCO Disposal Corporation

619-287-7555

Electricity and Gas Services – SDG&E

800-336-7343

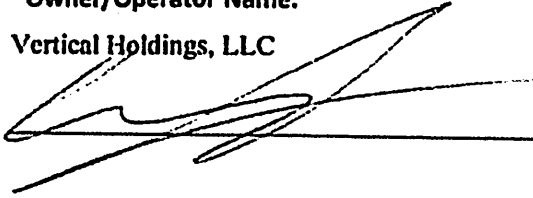


# Management Acknowledgement

Owner/Operator and Manager acknowledges that in the event of a change in manager or management company, the new manager shall notify the city that they are aware, understand and shall enforce this plan.

**Owner/Operator Name:**

Vertical Holdings, LLC



**Owner/Operator Signature:**

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**Owner/Operator Contact Information:**

Phone: (213) 747-9661

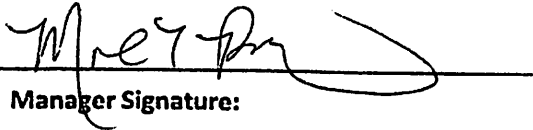
Email: info@capitalinsightholdings.com

**Date Signed:**

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**Manager Name:**

Mark Rolfes



**Manager Signature:**

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**Manager Contact Information:**

Phone: (619) 588-6100

Email: M69467BO@6franchise.com

**Date Signed:**

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6/14/23

## **GATE ACCESS AGREEMENT**

This Gate Access Agreement ("Agreement") is entered into on May \_\_, 2023 by and between Vertical Holdings, LLC and Axton Holdings, LLC, the owners of the Motel 6 located at 550 Montrose Court, El Cajon, California 92020 (the "Hotel Owners"), on the one hand, and HB Montrose, LLC (hereinafter "HB"), the owner of the adjacent property located at 555 Montrose Court, El Cajon, California 92020, and HB's tenant, its tenant Learn and Play Academy ("L&P"), on the other hand, (collectively the "Day Care").

### **RECITALS**

WHEREAS, Hotel Owners own and operate a Motel 6 at 550 Montrose Court, El Cajon, California 92020, APN No. 482-301-10-00 (the "Hotel Property"); and

WHEREAS, HB owns the adjacent property to the Hotel Property at 555 Montrose Court, El Cajon, California 92020, APN No. 482-301-11-00 a former restaurant, which is being redeveloped by HB's tenant, L&P, as a day care center (the "Day Care Center Property");

WHEREAS, the homeless problem has increased exponentially in the City of El Cajon (the "City"), which has presented security concerns for both the Hotel Property and Day Care Center Property (collectively the "Properties");

WHEREAS, the Hotel Owners, HB, and L&P (collectively the "Parties") have sought to work together to limit trespassing by the homeless population in the City within the Properties and to ensure all visitors to their properties are authorized visitors;

WHEREAS, the Parties believe that the best means by which to accomplish their mutual goals as outlined above is to improve the existing fence and gate that provides security to the Properties;

WHEREAS, the Parties wish to formalize their rights and obligations as it concerns the fence and gate that provides security to the Properties in accordance with the terms and conditions of this Agreement.

### **AGREEMENT**

- 1. Improvements to the Fence and Gate.** The Hotel Owners at their sole expense shall secure a permit for the existing fence and gate that is between the Parties' Properties, and make those reasonable modifications and improvements as directed by the City, which include a knock box.



**2. Anticipated Improvements.** The improvements to the fence and gate include making necessary modifications to meet fire safety requirements and to extend the fence to eliminate the existing gaps. To the extent additional improvements are required or desired by the Parties, the parties shall meet and confer to discuss those additional improvements. Hotel Owner, however, shall not be required to make any additional improvements beyond those currently contemplated.

**3. Access.** The Parties shall have access to the gate, which the Hotel Owner's security guard shall open from 7:00 a.m. to 9:00 a.m., with the guard posted near or within visual range of the gate, excepting those circumstances where the Hotel Owner's guard is required to attend to other matters at the Hotel Property. Between 9:00 a.m. to 3:00 p.m., the gate shall remain closed, excepting those special circumstances, including but not limited to emergencies, deliveries, special functions, or construction work, that require the gate to be open. Between 3:00 p.m. and 6:00 p.m., the Hotel Owner's security guard shall open the gate to allow L&P's staff to leave. Between 6:00 p.m., until 7:00 a.m., the gate shall remain closed, excepting those special circumstances of the general type listed above.

**4. Keys and Codes.** The Parties shall both maintain copies of any keys or codes necessary to open the gate. The City's fire department and police department shall also be provided with keys or codes necessary to open the gates.

**5. Maintenance.** The Hotel Owners shall be responsible for maintaining the fence and gate, but to the extent any damage is caused to the fence or gate by HB or L&P, or their users, HB and L&P shall be responsible for necessary repairs to the fence or gate.

**6. Term of Agreement.** This Agreement shall have a term of one (1) year from the date of execution, and thereafter shall renew monthly unless ninety (90) days notice is provided of the intent to terminate this Agreement.

**7. Notices.** Any and all notices or other communications required under or permitted by this Agreement or by law to be served on, given to, or delivered to any party hereto, by the other party to this Agreement shall be as follows:

**If to Hotel Owners.** 550 Montrose Court, El Cajon, CA, 92020; Attention Mark Rolfes.

**If to HB.** 1310 Vista Del Monte Drive, El Cajon, CA 92020; Attention Saad Mirmez.

**If to L&B.** 555 Montrose Court, El Cajon, CA, 92020; Attention Armen Arshakian.

Notices delivered or sent in accordance herewith shall be sent: (i) by United States Certified Mail, postage prepaid, with such notice deemed to have been given

on the 3rd day following posting in the United States Mail, (ii) by personal delivery, with such notice deemed to have been given upon actual receipt, or (iii) for delivery on the next business day with a nationally recognized express courier, with such notice deemed to have been given upon delivery to the express courier. Any party may change his, her or its address for notices, by giving written notice to the other Parties in accordance with this provision.

**8. Modifications.** This Agreement may be modified only by mutual written agreement of the parties.

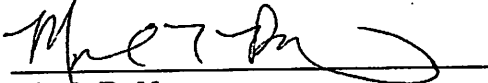
**9. Successors and Assigns.** Successors and Assigns. The obligations and duties of this Agreement shall be binding upon the Parties, their successors and permitted assigns, and the rights of this Agreement shall inure to the benefit of successors and permitted assigns

**10. Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.

**11. Signatures.** This Agreement may be executed in counterparts, and each counterpart shall be deemed an original. This Agreement shall become effective upon execution by both parties.

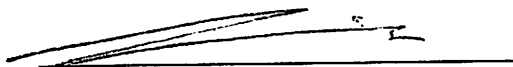
**IN WITNESS WHEREOF,** the parties have executed this Agreement as of the date of the last signature.

**HOTEL OWNERS**

  
\_\_\_\_\_  
Mark Rolfes  
Authorized Agent

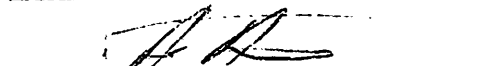
Date: 5/12/23

**HB**

  
\_\_\_\_\_  
Saad Mirmez  
Managing Member

Date: 5-12-23

**L&B**

  
\_\_\_\_\_  
Armen Arshakian  
Authorized Agent

Date: 5-12-23