



CITY OF MENIFEE

SUBJECT: Public Nuisance Declaration for the Krikorian Entertainment Complex Property

MEETING DATE: June 5, 2024

TO: Mayor and City Council

PREPARED BY: Cheryl Kitzerow, Community Development Director

REVIEWED BY: Cheryl Kitzerow, Community Development Director

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Adopt a resolution finding and declaring conditions present at Krikorian Entertainment Complex Property, located at 27387, 27459, and 27483 Newport Road, to be a public nuisance and ordering the abatement thereof.

DISCUSSION

The Krikorian Entertainment Complex is located at 27387, 27459, and 27483 Newport Road ("Property"). The site consists of three partially completed commercial structures – one retail framed shell building, one burned retail building with only remaining foundation/posts, and one partially constructed movie theatre building. The City has been involved with Code Enforcement issues relating to the Property since September 1, 2021, when the Property was found to be in non-compliance for lack of development standards, graffiti, and overgrown vegetation. On June 2, 2023, all City issued permits for the Property were deemed expired for lack of on-going construction progress. On October 12, 2023, City Code Enforcement inspected the Property and issued Showprop Menifee De, LLC ("Owner") a Notice of Intent to Abate Public Nuisance ("Notice") relating to 27387 Newport Road (theatre building). The Owner appealed said Notice. On November 29, 2023, City Code Enforcement inspected the Property and issued the Owner a Notice relating to 27459 and 27483 Newport Road (other retail building/foundation). The Owner did not appeal said Notice and the time to perfect the appeal has elapsed. On February 12, 2024, an Administrative Hearing took place on the Owner's appeal of the Notice relating to 27387 Newport Road (theatre building) and on February 26, 2024, the hearing officer denied the Owner's appeal and upheld the Notice.

Due to the public nuisance and the length of time that the existing construction has been exposed to the elements, on April 25, 2024, a comprehensive inspection of the Property (pursuant to an approved Inspection Warrant issued by the Court on April 17, 2024) was performed by a team of

Structural Engineers, City Fire Inspectors, and other construction specialists to fully assess the fire, life safety, environmental and health hazards at the Property. The inspection was necessary in order to determine the extent and scope of the substandard conditions on the Property and what further enforcement action it should take to ensure the safety of community. The findings in the report reveal that a number of substandard conditions require attention with respect to the theater structures, including each of the following: (1) Insulated Concrete Form (ICF) Blocks have been exposed to the elements for four years, which exceeds the manufacturer's specifications of three months and which therefore triggers a recertification requirement for those blocks that have yet to be installed to determine compliance with the applicable regulations that establish the standard for minimum levels of plumbness and tolerances for structural concrete; (2) exposed steel, anchor bolts, and embedment plates require third-party recertification to ensure that tolerances are still within design compliance; (3) poured in place beams indicated a "cold joint" triggering the requirement for testing and recertification for structural integrity and design loads; (4) holding water observed in auditorium one and three which triggers the requirement for additional testing for slab absorption and concrete design; (5) temporary wall bracing requires testing for lateral strength; and (6) ICF blocks located above the second lift must be removed for inspection purposes to verify adequate structural integrity of existing vertical rebar along with plumbness consistent with applicable regulations.

With respect to the conditions of the remaining property, the report found as follows: (1) for Pad three, the floor plate may need to be replaced, and the Oriented Strand Board (OSB) Sheathing requires replacement, in addition to the requirement to recertify all glulam/engineered wood products on those remaining structures; and (2) for Pad four, the concrete curb anchor bolts/hardware will need to be replaced and the epoxy will require third party inspection, in addition to an inspection of the steel columns and the saddles connected at the top, which indicate "twisting", and therefore necessitates a determination as to whether these columns still comply with the required design tolerances.

The conditions set forth above constitute public nuisances under each of the City's regulations: Menifee Municipal Code section 11.20.020(2)(a-j), (4), (5), (7), (8), (13), (14), (27), (34), (39), (40 (a, c).

Based on the results of the comprehensive inspection, the lack of progress by the property owner to both adequately secure the site and ensure public safety and address the substandard conditions on the property, and in conformance with Menifee Municipal Code Section 11.20.130, staff recommends that the City Council adopt a resolution that both declares the property a public nuisance and orders the owner to – within 30 days -- abate the nuisance conditions by (1) demolishing all remaining structures on the property (including foundation, etc.); (2) removing all debris and building materials, supplies, and equipment from the property; and (3) properly securing the property to ensure that unauthorized individuals cannot enter.

Under applicable law, upon the adoption of the resolution declaring the property a public nuisance, the property owner will be provided notice of the City Council's action and additional time to remedy the violations, as set forth in the attached resolution. If the owner fails to take the required abatement action, the City will acquire jurisdiction to enter the property and abate the nuisance violations using its own forces or a contractor. To this end, staff is recommending that the City

Council order that if the property owner fails to take timely action to abate the nuisance conditions, staff shall be authorized to demolish the structures on the property.

STRATEGIC PLAN OBJECTIVE

Safe and Vibrant Community

FISCAL IMPACT

If the City is forced to abate the violations, staff would keep a full accounting of all costs, expenses, and fees associated with the City's abatement and the amount of the same that is confirmed by the City Council would be recorded as a lien or special assessment against the property should the owner fail to timely reimburse the City for those costs.

ATTACHMENTS

1. Resolution
2. City Staff Inspection Report
3. 4Leaf Property Condition Assessment Report