



CITY OF MENIFEE

SUBJECT: Public Nuisance Declaration for the Retail Pads at the Krikorian Entertainment Complex Property

MEETING DATE: December 17, 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 27459 and 27483 Newport Road ("Retail Pads"), 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 theater 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 ("Theater"). The Owner appealed said Notice. On November 29, 2023, City Code Enforcement inspected the Property and issued the Owner a Notice relating to the Retail Pad structures. The Owner appealed said Notice on November 30, 2023. On February 12, 2024, an Administrative Hearing took place on the Owner's appeal of the Notice relating to the Theater 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 revealed a number of substandard conditions exist that require attention on the Property and 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).

With respect to the conditions of the Retail Pad structures, 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.

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, or address the substandard conditions on the property, and in conformance with Menifee Municipal Code Section 11.20.130, the City Council adopted a resolution that declared the Theater a public nuisance and ordered the owner to abate the nuisance conditions. The Council further authorized the City to abate if the owner failed to do so in a timely manner.

On October 30, 2024, a second administrative appeal hearing was held, this time with respect to the Retail Pads. The hearing officer issued his decision on November 22, 2024, upholding the notice to abate the Retail Pads. As such, Staff is now requesting that the City Council adopt a Resolution to declare the Retail Pad structures as public nuisances and order that the Owner abate the same by demolition. If the Owner fails to then abate those nuisance conditions in a timely manner, the City will need to move forward with the demolition of the Retail Pad structures in addition to the Theatre building.

Under applicable law, upon the adoption of the resolution declaring the Retail Pad structures 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 Retail Pad structures on the property.

STRATEGIC PLAN OBJECTIVE

Safe and Vibrant Community

FISCAL IMPACT

If the City is forced to abate the violations with City Council approval, the City would initially pay the full costs of the abatement, and associated staff and legal costs, from the available fund balance in the General Fund. The City would thereafter seek to recover the full costs of abatement through a lien and/or assessment placed on the property, or through direct recovery efforts against the property owner. To the extent any costs of abatement are recovered, they would be repaid to the General Fund.

ATTACHMENTS

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