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## **City Attorney Files Action Against California Theatre Owners** *Crumbling 1920s buildings are a danger to the public and first responders*

The City Attorney's Office today filed a civil enforcement action against the owners of the dilapidated California Theatre on Fourth Avenue, seeking to have the property declared a continuing public nuisance.

The action, filed by the City Attorney's Nuisance Abatement Unit, seeks civil penalties of \$2,500 per day for each ongoing violation of San Diego Municipal Code. Violations include the buildings being structurally unsound and containing hazardous materials, while being a shelter for transients and a venue for skateboarders, young explorers, and graffiti artists.

The decrepit condition of the former theater may make it unsalvageable. The City is seeking to abate the nuisance at the owner's expense if they fail to expediently address the violations.

**“This blighted theater has been an eyesore for years, as well as a potential death trap to those who are entering it unlawfully,”** City Attorney Mara W. Elliott said. **“The owner's failure to take action harms neighboring businesses, drains police resources, and poses an ongoing danger.”**

The California Theatre, located at 1122 Fourth Avenue, at C Street, opened in 1927, showing silent movies and vaudeville acts. It has been shuttered for more than 30 years.

Caydon Property Group, which is based in Australia, purchased the theater in 2019, knowing the buildings' failing condition. Since then, the already-declining buildings have fallen even further into disrepair. Fires have been set inside by transients. Even the exteriors of the buildings pose a hazard to pedestrians, as portions of the aging façade have fallen to the ground.

There are known toxic substances inside the old lighting fixtures, as well as asbestos and lead paint in the buildings. For a while there was an open elevator shaft, and trusses supporting the auditorium room are so corroded they could collapse at any time. In August 2022, the building was deemed too dangerous to enter by City authorities, so the San Diego Police Department sent a drone inside to view the conditions.

The San Diego Police Department has received 68 calls for service since Caydon acquired the property. Reported offenses include battery, assault with a deadly weapon, theft, and malicious mischief.

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For three years the City repeatedly ordered Caydon to clear the buildings of transients, secure them from intruders, and abate the public nuisance. Last fall, City staff referred the case to the City Attorney after administrative efforts proved fruitless. In November 2022, the property owners finally cleared the buildings of occupants and secured them. However, the property still remains a hazard to the community and a public nuisance that must be addressed. The action requests a court order authorizing the City or its contractor to abate the public nuisance on Caydon's behalf and at its expense if it fails to timely do so.

This case is being prosecuted by Deputy City Attorney David E. Miller of the Nuisance Abatement Unit, under the supervision of Chief Deputy City Attorney Gabriela Brannan and Assistant City Attorney Paige E. Folkman.

The Nuisance Abatement Unit is devoted to aggressively enforcing public nuisance, land use, and environmental laws in the City of San Diego. NAU works in partnership with City departments, Council offices, community groups, and the police and fire departments to proactively preserve and enhance the quality of life in our communities.

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