



San Diego City Attorney Mara W. Elliott

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City Attorney Shuts Down Fire Trap

Artist studio had ceilings and stairs that would collapse in a fire, trapping occupants

The City Attorney's Office has forced the closure of an artist studio in Barrio Logan after the owner failed to bring the property into compliance with City building and fire safety codes.

The Glashaus building at 1815 Main Street, originally permitted as a warehouse, had operated illegally for many years as an art gallery with 21 artist studios. The building was converted without the required building, electrical, or plumbing permits, in violation of local building laws. The illegal modifications created safety hazards that presented an immediate threat to the health and safety of the artists and the public.

Today, Superior Court Judge Joel Wohlfeil signed a Stipulated Judgment requiring that the building owner and the tenant cease use of the building until the violations are corrected.

The property is owned by Mitchell Investments, Inc. and has been leased by Matthew Devine, a well-known artist. Devine, as tenant, sublet the property to numerous local artists, who worked at and sold their works from their studios.

Neither the owner nor the lessee informed the artists that the studios and building amenities were not built to code.

Among the most serious violations:

- Walls were not braced properly and could come down during an earthquake.
- Stairways and ceilings did not have the required fire ratings, creating a risk that a fire would spread too quickly.
- Ceilings, catwalks and stairs could collapse and trap the occupants inside.
- The building lacked a rear exit door through which trapped occupants could escape.

Once the City became aware of the violations, the owner and tenant were ordered to submit plans to the City to remedy all of the violations. Although the tenant hired architects, began working on plans and consulted with the City, he never obtained the necessary permits or remedied the violations.

San Diego's Code Enforcement Division then referred the case to the City Attorney's Office, which prepared a civil complaint to stop the property owner and tenants from using the building until it was brought into compliance.

Prior to the lawsuit's filing, the parties settled the case. The property owner and tenant agreed to remove all of the unpermitted work and bring the property into compliance with the San Diego Municipal Code.

In addition, Mitchell Investments and Devine agreed to pay \$100,000 in civil penalties, with \$75,000 stayed if the owner and tenant do not commit similar violations in the future. They will also pay \$5,981 to cover the investigative costs of the Development Services Department's Code Enforcement Division.

Devine, who was on a month-to-month lease, and his subtenants are in the process of vacating the property. (A copy of the City's complaint and the stipulated judgment are attached.)

The case was prosecuted for the City by Deputy City Attorney David Miller.

“The code violations on this property could easily have led to a tragedy like the ‘Ghost Ship’ fire that claimed 36 lives last year in Oakland,” City Attorney Mara W. Elliott said. **“Protecting the public is my highest priority, and I intend to haul into court any landlord who puts personal profits ahead of people’s lives.”**

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