

**CEASE AND DESIST ORDER NO. CCC-22-CD-01 AND
ADMINISTRATIVE CIVIL PENALTY ASSESSMENT NO. CCC-22-AP-01
(Wooster)**

1. CEASE AND DESIST ORDER CCC-22-CD-01

Pursuant to its authority under California Public Resource Code (“PRC”) Section 30810, the California Coastal Commission (“the Commission”) hereby orders and authorizes 1205-1207 Wooster Street LLC and Henri Levy, in his individual capacity and as the principal of the aforementioned LLC, and all of their successors in interest, assigns, future owners of that property, employees, agents, contractors, and anyone acting in concert with any of the foregoing (hereinafter collectively referred to as “Wooster”) to take all actions required by this Cease and Desist Order, in compliance with its terms, including by complying with the following:

- a.** Cease and desist from engaging in any further development, as that term is defined in the Coastal Act (PRC Section 30106), that requires a Coastal Development Permit (“CDP”) on any of the property identified in Section 4 below (“the Property”), unless authorized pursuant to the Coastal Act (PRC Sections 30000 to 30900), which includes pursuant to this Cease and Desist Order.
- b.** Fully and completely comply with CDP No. A-381-78, as amended, (“the CDP”), including by complying with Special Condition 7 of CDP amendment No. A-381-78-A1, Special Condition 2 of CDP amendment No. A-381-78-A9, and Special Conditions 2 and 4 of CDP amendment No. A-381-78-A11, by, among other things, resolving any and all outstanding issues regarding the title to the Property and ensuring that title is held by the City of Los Angeles Department of Recreation and Parks (“City”) or another public or not-for-profit entity approved by the Commission’s Executive Director in compliance with the explicit conditions of the CDP, as described in more detail in Section 1.d, below.
- c.** Operation and Maintenance: Within ten (10) days of the effective date of this Cease and Desist Order, Wooster shall take the steps listed in subsections i through iii, immediately below; and within twenty (20) days of that effective date, it shall take the step listed in subsection iv; and, further, it shall continue to maintain the property as indicated below, and to provide evidence, every ninety (90) days and also upon demand, demonstrating that it is doing so, until it has conveyed any purported interest that Wooster claims to have in the Property to either Headlands, the City, or another entity that agrees to be bound by the requirements in the subdivisions of this section c:

Cease and Desist Order CCC-22-CD-01
Administrative Penalty Assessment CCC-22-AP-01
Wooster

- i. Remove any impediments to the public's vehicular and pedestrian access to the Property and take no new action that prevents the public from parking in and using the public parking lot and facilities on the Property.
 - ii. Remove all trash and debris from the Property, including from the public parking lot and public restrooms, and do so on a continuing basis until such time as the transfer of the Property is finalized pursuant to the CDP and this Cease and Desist Order.
 - iii. Clean and sanitize the public restrooms on the Property, ensure that toilets and sinks are fully functional and make any plumbing or other repairs that are needed, fully stock the restrooms with all necessary amenities, such as toilet paper, hand soap, and paper towels, and continue to clean and stock the restrooms on a regular basis. Repair the locks on both restroom doors and keep them unlocked from dawn to dusk.
 - iv. Submit, to the address provided below in Section 5, or to whatever updated address the Commission may subsequently indicate has become the current address, photographic evidence documenting that the Property has been cleaned and maintained in accordance with Section 1.c.i through iii.
- d. Title: Within one hundred and twenty (120) days of the effective date of this Cease and Desist Order, Wooster shall take any and all steps within its power to resolve any and all outstanding issues regarding title to the Property and ensure that title is held by the City, as required by and consistent with the CDP, at no cost to the City, including by providing an executed quitclaim deed to the City. If, at any point in the future, subsequent developments may suggest that Wooster may once again possess any ownership interest in the Property, within sixty (60) days thereof, Wooster shall once again quitclaim any interest it may have in the Property to the City or other entity approved by the Executive Director. In carrying out either of the requirements listed immediately above, Wooster shall take any and all steps necessary to ensure that the City has all of the physical and legal effects necessary to actuate ownership, operation, and maintenance as required by the CDP.
 - i. If Wooster is unable to effectuate a transfer to the City because the City elects not to accept the Property, Wooster shall, within 60 days of the City's election not to accept the Property or 180 days of the effective date of this Cease and Desist Order, whichever occurs first, submit, for the Executive Director's review and approval, the name and specifications of a government entity or not-for-profit entity that Wooster proposes as an alternative recipient of the Property, consistent with the CDP. Within 30 days of receiving approval of the entity by the Executive Director, Wooster shall effectuate the transfer of the Property to the approved entity.
- e. Wooster shall not undertake any actions that interfere with or otherwise delay compliance with Cease and Desist Order CCC-22-CD-02, issued to Headland

Cease and Desist Order CCC-22-CD-01
Administrative Penalty Assessment CCC-22-AP-01
Wooster

Properties Associates LLC, Headland Properties Associates LP, Cal Coast Companies, Headland Properties Inc, Edward Miller and Joseph Guarrasi.

- f. Submit documentation evidencing compliance with Section 1 of this Cease and Desist Order to the addresses listed below in Section 6, or to whatever updated address the Commission may subsequently indicate has become the current address, within one hundred and thirty (130) days of the effective date of this Cease and Desist Order.

2. ADMINISTRATIVE CIVIL PENALTY ASSESSMENT CCC-22-AP-01

- a. Pursuant to its authority under PRC Section 30821, the Commission hereby imposes on Wooster an administrative civil penalty of \$1,250,000.
- b. To maximize the likelihood of expeditious compliance with the requirements in these orders to rectify the permit violation associated with the title to the Property, if Wooster complies with the requirements of Section 1.d, above (other than the perpetual requirements in the second sentence) within the time frames allotted therein, and the pending quiet title claim, as well as the other claims against the Commission, in *Levy, et al. v. City of Los Angeles, et al.*, Los Angeles County Superior Court Case number 21SMCV00964, have, within the same time frames, been dismissed or resolved through a stipulated judgment not inconsistent with the requirements and goals listed above and in the CDP for the disposition of the Property, as confirmed by the Executive Director, the administrative civil penalty (but not the obligations of the Cease and Desist Order, including those in Section 1.c, above) shall be stayed until the completion of the vesting process, including any necessary acceptance of the title and the recordation of documentation with the County Recorder's Office, such that the Property is unambiguously and unassailably vested in the City or a public or not-for-profit entity approved by the Commission's Executive Director, as confirmed by the Executive Director, at which point the penalty shall be reduced to zero (\$0).
- c. If, within one hundred and ninety five (195) days of the effective date of this Administrative Penalty Assessment, Wooster has not complied with the requirements of Section 1.d, above, within the time frames allotted therein, or at any time prior to the completion of the vesting process, as described in Section 2.b, immediately above, Wooster takes any steps that would interfere with the process or that could call into question the successful disposition of the Property pursuant to the requirements and goals listed above and in the CDP, including any attempt to transfer the Property to another entity without the Executive Director's approval, the stay shall immediately expire, the penalty amount shall not be reduced, and Wooster shall submit a plan for the review and approval of the Commission's Executive Director for the payment of the penalty amount that shall result in the full payment of this penalty within one year of the effective date of this Administrative Civil Penalty Assessment or within 60 days of issuance of

any final judgment upholding the requirement for payment of this penalty, whichever comes first. Wooster shall implement the approved version of the plan.

- d. The monetary penalty shall be deposited in the Violation Remediation Account administered by the California State Coastal Conservancy (see PRC Section 30823) and as designated by the Executive Director. The monetary penalty shall be submitted to the Commission's Ventura Office, at the address provided in Section 11, to the attention of Heather Johnston of the Commission, payable to the account designated under the Coastal Act, and include a reference to this Administrative Penalty by number.

PROVISIONS COMMON TO BOTH THE CEASE AND DESIST ORDER AND ADMINISTRATIVE PENALTY ASSESSMENT¹

3. PERSONS SUBJECT TO THIS CEASE AND DESIST ORDER AND ADMINISTRATIVE CIVIL PENALTY ASSESSMENT

The persons and entities subject to this Cease and Desist Order and Administrative Penalty are 1205-1207 Wooster Street LLC, in which record title to the Property is vested, and Henri Levy in his individual capacity and as principal of the aforementioned entity, and all of their successors, assigns, employees, agents, and contractors, and anyone acting in concert with the foregoing.

4. PROPERTY SUBJECT TO THIS CEASE AND DESIST ORDER AND ADMINISTRATIVE CIVIL PENALTY ASSESSMENT

The defined term, "the Property," refers to the property at 16701 Via La Costa, City of Los Angeles, Los Angeles County, also identified by the Los Angeles County Assessor's Office as APN 4421-039-029.

5. SUBMITTAL OF DOCUMENTS

All documents and funds submitted to the Commission pursuant to this Cease and Desist Order and Administrative Penalty Assessment shall be sent to both of the following addresses, with master copy sent to the Ventura office, unless and until Commission staff informs Headlands of an updated mailing address:

California Coastal Commission

California Coastal Commission

¹ The following provisions apply to both the Cease and Desist Order and the Administrative Penalty Assessment unless specifically stated otherwise.

Cease and Desist Order CCC-22-CD-01
Administrative Penalty Assessment CCC-22-AP-01
Wooster

Attn: Heather Johnston
89 S California Street, Ste 200
Ventura, CA 93001

Attn: Andrew Willis
301 E. Ocean Blvd, Ste 300
Long Beach, CA 90802

6. REVISION OF DELIVERABLES

The Executive Director may require revisions to deliverables under this Cease and Desist Order and Administrative Penalty, as necessary to satisfy the requirements established in this Cease and Desist Order and Administrative Penalty, and Wooster shall revise any such deliverable consistent with the requested specifications and resubmit it for review and approval by the Executive Director, by the deadline established by the modification request from the Executive Director.

7. COMMISSION JURISDICTION

The Commission has jurisdiction to issue the Cease and Desist Order pursuant to PRC Section 30810, and jurisdiction to impose the Administrative Civil Penalties pursuant to PRC Section 30821

8. EFFECTIVE DATE AND TERMS OF THIS CEASE AND DESIST ORDER AND ADMINISTRATIVE PENALTY ASSESSMENT

The effective date of this Cease and Desist Order and Administrative Penalty Assessment is the date the Commission votes to issue this Cease and Desist Order and impose this Administrative Penalty. This Cease and Desist Order and Administrative Penalty Assessment shall remain in effect permanently unless and until either is modified by the Commission.

9. FINDINGS

This Cease and Desist Order and Administrative Penalty are issued on the basis of the findings adopted by the Commission, as set forth in the document entitled "STAFF REPORT; RECOMMENDATIONS AND FINDINGS FOR PROPOSED CEASE AND DESIST ORDER AND PROPOSED ADMINISTRATIVE CIVIL PENALTY ASSESSMENT." The Commission has ordered and authorized the activities required in this Cease and Desist Order and Administrative Penalty and has determined them to be consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act, if carried out in compliance with the terms of this Cease and Desist Order and Administrative Penalty.

10. COMPLIANCE OBLIGATION

Strict compliance with this Cease and Desist Order and Administrative Penalty Assessment by all parties subject hereto is required. Failure to resolve violations addressed herein or comply with any term or condition of this Cease and Desist Order, including any deadline contained herein, will constitute a violation of this Cease and Desist Order and may result in the imposition of civil penalties under PRC Section 30821.6 of up to SIX THOUSAND DOLLARS (\$6,000) per day for each day in which each violation persists. In addition, failure to comply with any terms or conditions of this Cease and Desist Order and Administrative Penalty may result in the Commission seeking judicial relief and additional penalties as authorized under Chapter 9 of the Coastal Act, including PRC Sections 30820, 30821, and 30822.

11. SITE ACCESS

Wooster shall provide staff of the Coastal Commission and staff of any agency having jurisdiction over the work being performed under this Cease and Desist Order with access to the Property. Nothing in this Cease and Desist Order (or in the penalty assessment) is intended to limit in any way the right of entry into, or inspection of, the Property that any agency may otherwise have by operation of any law. The Commission and other relevant agency staff may enter and move freely about the Property for purposes including, but not limited to, overseeing, inspecting, documenting, and reviewing the progress of Wooster in carrying out the terms of this Cease and Desist Order.

12. GOVERNMENT LIABILITY

Neither the State of California, nor the Commission, nor its employees shall be liable for injuries or damages to persons or property resulting from acts or omissions by Wooster in carrying out activities required and/or authorized under this Cease and Desist Order and Administrative Penalty; nor shall the State of California, the Commission, or its employees be held as a party to any contract entered into by Wooster or their agents in carrying out activities pursuant to this Cease and Desist Order and Administrative Penalty.

13. DEADLINES

The Executive Director may extend deadlines specified herein. Any extension request must be made in writing to the Executive Director and received by Commission staff ten (10) days prior to expiration of the subject deadline. Any such request shall be sent to the addresses listed in Section 6, above, and to the attention of the staff member identified therein.

14. SEVERABILITY

Should any provision of this Cease and Desist Order and Administrative Penalty Assessment be found invalid, void, or unenforceable, such illegality or unenforceability shall not invalidate the whole, but this Cease and Desist Order and Administrative Penalty Assessment shall be construed as if the provision(s) containing the illegal or unenforceable part were not a part hereof.

15. SUCCESSORS AND ASSIGNS

This Cease and Desist Order shall run with the land, binding Wooster and all successors in interest, heirs and assigns of Wooster, and future owners of the Property. Wooster shall provide notice to all successors, heirs, assigns, and potential purchasers of the Property of any remaining obligations under this Cease and Desist Order.

16. MODIFICATIONS AND AMENDMENTS

Except as provided in Section 13 of this Cease and Desist Order and Administrative Penalty Assessment, or for ministerial corrections, this Cease and Desist Order and Administrative Penalty Assessment may be amended or modified only in accordance with the standards and procedures set forth in Section 13188(b) of Title 14 of the California Code of Regulations.

17. APPEAL

Pursuant to PRC Section 30803(b), any person or entity against whom this Cease and Desist Order under Section 1, is issued may file a petition with the Superior Court for a stay of this Cease and Desist Order.

18. GOVERNMENT JURISDICTION

These Orders shall be interpreted, construed, governed, and enforced under and pursuant to the laws of the State of California.

19. NO LIMITATION ON AUTHORITY

Except as expressly provided herein, nothing herein shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act (PRC Sections 30800 to 30824), including the authority to require and enforce compliance with these Orders.

20. COMPLIANCE WITH OTHER LAWS

All work to be done under this Cease and Desist Order shall be done in compliance with all other applicable law.

Executed in _____ on behalf of the California Coastal Commission.

By: _____ Date: _____

John Ainsworth
California Coastal Commission
Executive Director