

**CALIFORNIA COASTAL COMMISSION**

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**F20a**

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**STAFF REPORT: AMENDMENT**

**Application No.:** 6-16-0406-A2

**Applicants:** Loews Coronado Bay Resort and California State Parks

**Agent:** Ryan Drushel

**Location:** Silver Strand State Beach, 5000 Highway 75, Coronado, San Diego County (APN Nos. 615-030-03, 615-040-02)

**Original Project Description:** After-the-fact authorization of the temporary placement of a 49 sq. ft. concession hut in the parking lot and beach chairs/umbrellas on the beach, as well as operation of limited food and beverage service during the summer from May through September, to provide amenities for hotel guests and the public. The proposed amenities on the beach would occupy a maximum area of 150 ft. in length and 36 ft. in width, or 5,400 sq. ft.

**Proposed Amendment:** Modify Special Condition No. 3 to extend permit term for three additional years, to expire on September 30, 2023

**Staff Recommendation:** Approval with Conditions

**SUMMARY OF STAFF RECOMMENDATION**

The primary Coastal Act issue raised by the proposed development is public access given that the project site is an extremely popular State Beach. In its original approval, the

Commission found that operation of the proposed concession program could potentially impact the public's ability to enjoy the beach. To protect public access, the Commission attached **Special Condition No. 1** requiring the applicants to adhere to the approved site, operations, and signage plans and **Special Condition No. 2** that requires the applicants to implement public access provisions. However, during a visit to the site in August 2019, Commission staff found the project out of compliance with both Special Conditions Nos. 1 and 2. While the development has since been brought into conformance and the applicant has indicated they are committed to maintaining compliance with the CDP, staff is recommending several revisions to the special conditions in order to ensure compliance continues. Specifically, **Special Condition No. 3** would be modified to authorize the project for one year only, instead of the three year term proposed by the applicant, in order to allow the Commission to ensure Loews Coronado Bay Resort (Loews) and State Parks remain in compliance with the public access provisions of the coastal development permit (CDP) prior to authorizing a longer permit term. In addition, **Special Condition No. 4** would be modified to require weekly photographs of the hut's signage and the amenities on the beach to be submitted with the annual monitoring report to document compliance. Finally, **Special Condition No. 7** would be added to require an employee training plan to be submitted and approved by the Executive Director, and the public access provisions and site plans to be posted inside of the hut for employee reference.

Commission staff recommends **approval** of coastal development permit amendment application 6-16-0406-A2 as conditioned.

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## EXHIBITS

[Exhibit 1 – Location Map](#)

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## **I. MOTION AND RESOLUTION**

### **Motion:**

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 6-16-0406-A2 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **Resolution:**

*The Commission hereby approves coastal development permit amendment 6-16-0406-A2 and adopts the findings set forth below on grounds that the development as amended and conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## **II. SPECIAL CONDITIONS**

This permit is granted subject to the following special conditions:

NOTE: Appendix A, attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment no. 6-16-0406-A2. All of the Commission's adopted special conditions and any changes in the project description proposed by the applicant and approved by the Commission in this or previous actions continue to apply in their most recently approved form unless explicitly changed in this action. New conditions and modifications to existing conditions imposed in this action on amendment no. 6-16-0406-A2 are shown in the following section. Within Appendix A, changes to the previously approved special conditions are also shown in strikeout/underline format. This will result in one set of adopted special conditions.

1. [Special Condition No. 1 of CDP No. 6-16-0406 remains unchanged and in effect]
2. [Special Condition No. 2 of CDP No. 6-16-0406 remains unchanged and in effect]

**3. Term of Permit.**

- (a) This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of ~~two and a half (2.5)~~ one years, ~~commencing upon the date of Commission approval of Coastal Development Permit No. 6-16-0406 and through September 30, 2017; from March 1, 2018 2020 through September 30, 2018 2020; and from March 1, 2019 through September 30, 2019~~, after which time the authorization for continuation or retention of any development approved as part of this permit shall cease. To renew, the applicant must apply to the Commission for an amended Coastal Development Permit at least 90 days before the permit's expiration. After the permit expires, the project will require the issuance of a new or amended coastal development permit.
- (b) If the applicant does not obtain a coastal development permit or amendment from the California Coastal Commission to continue the project prior to expiration of the permit, the applicant shall cease implementation of the project upon expiration of the permit.
- (c) All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to all special conditions. Any deviation from the approved project plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is legally required.

**4. Monitoring Report.** Within 30 days of the hut's closure, and by October 30 at the latest, of every year the hut is in operation, the permittee shall submit a monitoring report that documents how the concession program operated the previous season with respect to public versus private use. Specifically, documentation shall consist of weekly usage counts categorized by hotel guests and members of the public and weekly photographs of the hut's signage and of the amenities on the beach.

5. [Special Condition No. 5 of CDP No. 6-16-0406 remains unchanged and in effect]

6. [Special Condition No. 6 of CDP No. 6-16-0406 remains unchanged and in effect]

**7. Employee Training. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, an employee training plan that contains a list of public access provisions required by Special Condition No. 2 as well as the site plan referenced in the public access provisions and required by Special Condition No. 1(a)i. The approved employee training plan shall be posted inside of the hut at all times for employees to reference.

### **III. FINDINGS AND DECLARATIONS**

#### **A. PROJECT HISTORY/AMENDMENT DESCRIPTION**

Loews Coronado Bay Resort (Loews) and California State Parks (State Parks) propose to amend the project term of CDP Nos. 6-16-0406 and 6-16-0406-A1 to allow for the continued seasonal placement of a concession hut south of the lifeguard tower in Public Parking Lot 2 at Silver Strand State Beach ([Exhibit 1](#)), from March through September of each year, for an additional three years (March 1, 2020 through September 30, 2023). The 49 sq. ft. concession hut provides beach chairs, umbrellas, towels, boogie boards, and limited food and beverage service to hotel guests and members of the public.

The hut is located in an area of the parking lot that does not contain parking spaces and chairs and umbrellas are stacked and stored north of and adjacent to the concession hut. The amenities are limited to a 150 ft. wide by 36 ft. long area (5,400 sq. ft.) on the beach ([Exhibit 2](#)); however, the amenities are not allowed to be pre-staged in order to avoid reserving the beach. Instead, chairs and umbrellas are to be set out only when requested by a hotel guest or a member of the public to avoid the appearance that this portion of the beach is private. During non-operating months, the hut is relocated to State Park's off-site maintenance yard and all amenities must be removed from the State Beach.

The hut and amenities were originally placed at Silver Strand Beach without a CDP during the summer of 2016. The applicants applied for a CDP in 2017, however, the hut and amenities were again placed without the benefit of a CDP while the application was under review. In July 2017, the Commission approved CDP No. 6-16-0406 for the after-the-fact development and authorized the development to continue through September 30, 2017, and from May 1 through September 30 for two additional years (through September 30, 2019). In March 2018, Immaterial Amendment No. 6-16-0406-A1 was approved modifying Special Condition No. 3 of the permit to allow the development to operate from March through September for the remainder of the permit term (through September 30, 2019).

Commission staff received the subject amendment application on June 27, 2019. On August 2, 2019, Commission staff conducted a site visit to the project site and found several violations of Special Condition Nos. 1 and 2 of the CDP. Specifically, chairs and umbrellas were staged on the beach, located in an area not authorized by the permit ([Exhibit 3](#)), were being rented to the public at a cost higher than authorized by the permit, and the pricing signage did not indicate that towels were available to members of the public. In addition, the amenities were not advertised on the Loews or State Parks webpages. The permittees were notified of the violations the following day.

On August 11, 2019, Commission staff conducted a follow-up site visit to the beach and saw that chairs and umbrellas continued to be staged on the beach and outside of the permitted area. While the signage for public rentals had been updated to reflect the permitted cost of the rentals, the signage was smaller and less visible than the previous signage used to advertise the price of the rentals. On August 12, 2019, Commission staff was notified that the signage had been updated and that Loews staff would continue to brief the team daily on the proper area of placement of chairs and umbrellas on the sand

and verbiage for when guests and patrons request to be set-up outside of the approved area. On August 21, 2019, the Loews website was updated to advertise the public amenities and the State Parks website was also updated on December 26, 2019, thus bringing the project into compliance with the CDP upon making those changes. The applicant has indicated that they are committed to complying with the CDP going forward.

## **B. PUBLIC ACCESS**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212 of the Coastal Act states, in part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
  - (2) adequate access exists nearby [...]*

Section 30213 of the Coastal Act states, in part:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. [...]*

Section 30220 of the Coastal Act states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221 of the Coastal Act states:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Silver Strand State Beach is a widely popular beach, attracting local, regional, and even international visitors. The beach extends 2 ½ miles and averages over 300 feet in width.

In its original approval, the Commission found that the setup of the chairs and umbrellas could impact public access if the amenities were to take up the width of the beach and impede lateral access. As such, Special Condition Nos. 1 and 2 required amenities to be located within a 36 ft. wide by 150 ft. long area in the middle of the beach. Because Silver Strand State Beach is a relatively wide beach, the proposed 36 ft. wide area for beach chairs and umbrellas would not impede lateral access along the beach, even during high tides. The public would continue to have the ability to walk seaward of the amenities along the water, as well as north, south, and east of the amenities.

In addition, because the proposed project is a private, commercial operation on a public beach, the Commission determined that it was critical that the amenities not appear to be private, such that the general public would hesitate to use them or feel deterred from accessing the beach. The project must ensure that the public retains the ability to access and enjoy the beach. Pre-setting the chairs and umbrellas would effectively reserve that portion of the beach for only those persons using the concession hut services and create a feeling of exclusivity, which could have made the public feel as though they were not welcome in that area. As such, the Commission required Special Condition No. 2, prohibiting reservation of the beach and the pre-staging of chairs and umbrellas.

Finally, the Commission found that because the public is allowed equal access to the beach and use of the amenities, with a small fee of \$10 per set (2 chairs, 2 towels, 1 umbrella), the project would provide public benefits. As such, Special Condition No. 1 requires the applicants to comply with the approved signage plan, to ensure the public is aware of the proposed amenities. Special Condition No. 2 further memorializes the cost of the sets and requires that the amenities be advertised as available to the public on both State Parks and Loews websites.

However, as detailed in the Project History/Amendment Description findings above, Loews was found to be in violation of the aforementioned public access provisions. To help ensure that the CDP is complied with in the future, **Special Condition No. 3** would be revised to allow the project to continue for one year only, and not the three proposed by the applicant. This will allow the Commission to confirm compliance is maintained prior to authorizing a longer permit term. In addition, **Special Condition No. 4** would be modified to require weekly photographs of the hut's signage and the amenities on the beach to be submitted with the annual monitoring report. Finally, **Special Condition No. 7** would be added to require an employee training plan to be submitted and approved by the Executive Director. The employee training plan will include a list of the public access provisions required by Special Condition No. 2, as well as the site plan identifying the limits of where amenities may be placed, and shall be posted inside of the hut for employees to reference.

In summary, by limiting the term of the amendment to one year and requiring additional monitoring and employee training, the Commission will ensure Loews and State Parks comply with the CDP prior to authorizing a longer permit term. Therefore, as conditioned, the Commission finds the proposal consistent with the public access and recreation policies of the Coastal Act.

### **C. LOCAL COASTAL PLANNING**

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

Silver Strand State Beach is a State Parks holding located within the City of Coronado. Although the City has a certified LCP, the specific project site is in the Coastal Commission's area of original jurisdiction. Thus, Chapter 3 of the Coastal Act is the legal standard of review, with the City's certified LCP used for guidance. The City's LCP encourages the public's use of the extensive beach frontage along Silver Strand. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not interfere with the City's implementation of its LCP where the City has permitting authority.

### **D. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A – Conditions of Approval

**STANDARD CONDITIONS**

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**SPECIAL CONDITIONS**

This permit is granted subject to the following special conditions:

Permit No. 6-16-0406

**1. Submittal of Revised Final Plans**

(a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, the following revised final plans, modified as required below.

i. **Site Plan** that substantially conforms with the plans submitted to the Commission, titled Option 1 and received at the San Diego Coastal Commission office on April 10, 2017, except that they shall be modified as required below:

A. The following shall be identified to scale: concession hut, adjoining daytime storage area, overnight storage area, and 150 ft. long by 36 ft. wide maximum area of beach for amenities.

- B. Plans for the roll-up boardwalk shall be deleted.
  - ii. **Operations Plan** that conforms with the plans submitted to the Commission, titled Updated Project Plan and received at the San Diego Coastal Commission office on June 3, 2017, except that they shall be modified to comply with Special Condition No. 2.
  - iii. **Signage Plan** that conforms with the plan submitted to the Commission, and received at the San Diego Coastal Commission office on June 12, 2017, except that the plan shall be modified as required below:
    - A. At minimum, one sign on each of the three walls that contains signage shall be fully dedicated to notification of public availability.
    - B. The size of each sign and the associated sign text shall be large enough to be clearly visible. At minimum, the public access signs shall be at least 2.5 ft. by 2.5 ft.
    - C. The content, location, and dimensions of each sign shall be identified.
    - D. Any materials developed to advertise the project, as required to comply with Special Condition No. 2(k), shall be identified.
  - (b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.
2. **Public Access Provisions.** By acceptance of this permit, the applicant agrees to comply with and implement the following public access provisions:
- (a) All amenities (i.e., chairs, umbrellas, towels, food/beverage service) shall be available to any member of the public, as well as hotel guests.
  - (b) No reservation system shall be implemented to secure amenities by hotel guests or members of the public. Amenities may become available only on the same day as they are used, and may be used for a maximum of one day.
  - (c) No area of the beach shall be reserved at any time.
  - (d) No pre-staging of amenities may occur on the beach. Amenities shall be set up on demand, as hotel guests request amenities or as members of the public rent amenities.
  - (e) The maximum area on the beach where amenities are permitted may not exceed 36 ft. by 150 ft. (5400 sq. ft.), as approved in the Final Site Plan submitted in accordance with Special Condition No. 1.
  - (f) No motorized equipment in connection with the approved project is allowed on the beach at any time. Any deliveries of amenities shall occur by foot or non-motorized dolly from the parking lot.

- (g) The maximum rental charge for a full set of amenities (i.e. two beach chairs, one umbrella, and two towels) may not exceed \$10. The maximum rental charge for a single set of amenities (i.e. one beach chair, one umbrella, and one towel) may not exceed \$8.
- (h) During operating months, amenities shall be stored overnight within Public Parking Lot 2 outside marked parking stalls, as approved in the Final Site Plan submitted in accordance with Special Condition No. 1. Storage shall be complete by 8 p.m. of the operating day.
- (i) No more than 100 chairs and 50 umbrellas may be set up on the beach each day the program is in operation.
- (j) The hut shall be stored in the State Park maintenance yard during non-operating months. The hut shall be stored within three days of the hut's closure, and by October 3 at the latest, of every year the hut is in operation.
- (k) The public amenities shall be advertised on the Loews Coronado Bay Resort and Silver Strand State Park websites. Websites shall clearly identify that the amenities are available to the public for rent.

### **3. Term of Permit.**

- (a) This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of two and a half (2.5) years, commencing upon the date of Commission approval of Coastal Development Permit No. 6-16-0406 and through September 30, 2017; from May 1, 2018 through September 30, 2018; and from May 1, 2019 through September 30, 2019, after which time the authorization for continuation or retention of any development approved as part of this permit shall cease. To renew, the applicant must apply to the Commission for an amended Coastal Development Permit at least 90 days before the permit's expiration. After the permit expires, the project will require the issuance of a new or amended coastal development permit.
- (b) If the applicant does not obtain a coastal development permit or amendment from the California Coastal Commission to continue the project prior to expiration of the permit, the applicant shall cease implementation of the project upon expiration of the permit.
- (c) All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to all special conditions. Any deviation from the approved project plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is legally required.

**4. Monitoring Report.** Within 30 days of the hut's closure, and by October 30 at the latest, of every year the hut is in operation, the permittee shall submit a monitoring report that documents how the concession program operated the previous season with respect to public versus private use. Specifically, documentation shall consist of weekly usage counts categorized by hotel guests and members of the public.

**5. Condition Compliance.** Within 30 days of Commission action on this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

**6. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the permittees acknowledge and agree (i) that the site may be subject to hazards, including but not limited to waves, wind, and storms, all of which will may worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

Permit No. 6-16-0406-A1

1. [Special Condition No. 1 of CDP No. 6-16-0406 remains unchanged and in effect]
2. [Special Condition No. 2 of CDP No. 6-16-0406 remains unchanged and in effect]

**3. Term of Permit.**

- (a) This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of two and a half (2.5) years, commencing upon the date of Commission approval of Coastal Development Permit No. 6-16-0406 and through September 30, 2017; from ~~May~~ March, 2018 through September 30, 2018; and from ~~May~~ March 1, 2019 through September 30, 2019, after which time the authorization for continuation or retention of any development approved as part of this permit shall cease. To renew, the applicant must apply to the Commission for an amended Coastal Development Permit at least 90 days before the permit's expiration. After the permit expires, the project will require the issuance of a new or amended coastal development permit.
- (b) If the applicant does not obtain a coastal development permit or amendment from the California Coastal Commission to continue the project prior to expiration of the permit, the applicant shall cease implementation of the project upon expiration of the permit.
- (c) All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to all special conditions. Any deviation from the approved project plans must be submitted for review by the Executive

6-16-0406-A2 (Loews Coronado Bay Resort and California State Parks)

Director to determine whether an amendment to this coastal development permit is legally required.

4. [Special Condition No. 4 of CDP No. 6-16-0406 remains unchanged and in effect]
5. [Special Condition No. 5 of CDP No. 6-16-0406 remains unchanged and in effect]
6. [Special Condition No. 6 of CDP No. 6-16-0406 remains unchanged and in effect]

Permit No. 6-16-0406-A2

1. [Special Condition No. 1 of CDP No. 6-16-0406 remains unchanged and in effect]
2. [Special Condition No. 2 of CDP No. 6-16-0406 remains unchanged and in effect]

**3. Term of Permit.**

- (a) This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of ~~two and a half (2.5)~~ one years, ~~commencing upon the date of Commission approval of Coastal Development Permit No. 6-16-0406 and through September 30, 2017; from March 1, 2018~~ 2020 through September 30, ~~2018~~ 2020; ~~and from March 1, 2019 through September 30, 2019~~, after which time the authorization for continuation or retention of any development approved as part of this permit shall cease. To renew, the applicant must apply to the Commission for an amended Coastal Development Permit at least 90 days before the permit's expiration. After the permit expires, the project will require the issuance of a new or amended coastal development permit.
- (b) If the applicant does not obtain a coastal development permit or amendment from the California Coastal Commission to continue the project prior to expiration of the permit, the applicant shall cease implementation of the project upon expiration of the permit.
- (c) All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to all special conditions. Any deviation from the approved project plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is legally required.

**4. Monitoring Report.** Within 30 days of the hut's closure, and by October 30 at the latest, of every year the hut is in operation, the permittee shall submit a monitoring report that documents how the concession program operated the previous season with respect to public versus private use. Specifically, documentation shall consist of weekly usage counts categorized by hotel guests and members of the public and weekly photographs of the hut's signage and of the amenities on the beach.

5. [Special Condition No. 5 of CDP No. 6-16-0406 remains unchanged and in effect]

6. [Special Condition No. 6 of CDP No. 6-16-0406 remains unchanged and in effect]

**7. Employee Training. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, an employee training plan that contains a list of public access provisions required by Special Condition No. 2 as well as the site plan referenced in the public access provisions and required by Special Condition No. 1(a)i. The approved employee training plan shall be posted inside of the hut at all times for employees to reference.