3111 CAMINO DEL RIO NORTH, SUITE 200 SAN DIEGO, CA 92108-1725 (619) 521-8036

Th 8b



PETE WILSON, Governor

Filed: 49th Day: 180th Day: Staff: Staff Report: Hearing Date:

September 29, 1998 November 17, 1998 March 28, 1999 EL-SD October 13, 1998 November 4-6, 1998

REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-102

- Applicant:City of San Diego, TransportationAgent: Larry Kuzminskyand Drainage Division
- Description: Removal of temporary riprap and replacement of an existing seawall and boardwalk through construction of a new 1,000-foot-long, steel sheetpile seawall and 12-foot-wide concrete walkway with two associated public access stairways along three blocks to replace part of a +2-mile seawall and boardwalk.
- Site: Ocean Front Walk, between Thomas Avenue and Pacific Beach Drive, Pacific Beach, San Diego, San Diego County.

Substantive File Documents: Geotechnical Report (Kleinfelder - dated July 7, 1998) Engineer's Statement (Wong – dated September 24, 1998)

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed repair and maintenance activity. To address potential public access concerns, special conditions require identification of staging and storage sites, prohibit construction activities during the summer months, require the removal of the temporary riprap prior to Memorial Day weekend, 1999, and address future maintenance activities and appropriate storm design. An additional special condition requires the applicant to identify the disposal site for the existing riprap that is to be removed and provide evidence of a valid coastal development permit if the disposal site is to be within the coastal zone. Finally, the special conditions require the City to indemnify and hold the Commission harmless for any damages, and to submit a set of final plans for the proposed development.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. <u>Timing of Construction/Staging Areas/Access Corridors</u>. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final staging and access corridor plans for the proposed development. Said plans shall include the following:

- a. A construction schedule which indicates that construction activities may not occur during the summer months (Memorial Day weekend and Labor Day) of any year.
- b. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas, vehicular traffic flow on coastal access routes (Mission Boulevard, in this instance) and pedestrian access to and along the beach.
- c. Use of public parking areas for staging/storage areas shall not be permitted.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required. 2. <u>Construction Materials</u>. Disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or construction material. The permittee shall remove from the beach and seawall area any and all debris that results from the construction period.

3. <u>Maintenance/Seaward Extension Requires Permit</u>. Any change in the design of the wall or future additions or reinforcement seaward of the wall, including placement of rock, boulders or footings will require a coastal development permit. Maintenance of the protective works shall be the responsibility of the applicant. If after inspection, it is apparent repair or maintenance is necessary, the applicant should contact the Commission office to determine whether permits are necessary.

4. <u>Storm Design</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit certification by a registered civil engineer that the proposed shoreline protective device, specifically the approximately 1,000-foot-long steel sheetpile seawall, is designed to withstand storms comparable to the winter storms of 1982-83.

5. <u>Disposal of Temporary Riprap</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of the temporary riprap. If the site(s) is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

6. <u>Hold Harmless Agreement</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the City of San Diego shall submit a signed document in which the applicant understands that the site may be subject to extraordinary hazard from storms, wave runup and flooding and assumes the liability from such hazards, and the applicant unconditionally waives any claim of liability on the part of the Commission or its successors in interest for damage from such hazards and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards.

7. <u>Final Plans</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans of the permitted seawall. Said plans shall be in substantial conformance with the preliminary plans labeled "Ocean Front Walk Replacement," dated August 14, 1998 and received in the Commission's San Diego office on September 2, 1998. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description and Site History. The City of San Diego is proposing to make repairs to a storm-damaged section of the existing Pacific Beach/Mission Beach seawall and boardwalk. The facility runs for slightly more than two miles along the shoreline, providing public access opportunities through numerous stairways and shoreline protection for both the boardwalk itself and private development inland of the boardwalk. Although the typical summertime above-grade appearance of the seawall is generally consistent throughout its length, different portions of the structure have different interior construction materials and foundation depths. This would be more apparent during the winter months, when sand elevations are lower and portions of the foundations may be exposed.

The overall seawall/boardwalk has been built in stages over the years, with a large addition between Diamond and Thomas Streets approved and partially constructed in the 1980's under Coastal Development Permit #6-85-355. There was also replacement of significant portions of the walkway, railings and stairways covering a several-block stretch near the southern end of the Mission Beach community at about the same time (Ref. CDP #6-87-539), but the existing seawall itself was not modified therein. Most recently, the Commission approved Coastal Development Permit #6-97-71, which proposed a new project for the block between Grand Avenue and Thomas Street, immediately north of the subject site, which had been included in the 1985 permit but never constructed. The City abandoned the prior permit for that one block, and substituted a reduced public access improvement project that did not include a seawall, making a determination that current conditions did not warrant the expense of such an improvement.

The proposed development would occur near the northern end of the overall facility, within the Pacific Beach community between Thomas Avenue and Pacific Beach Drive. The replacement would occur to a portion of the facility which was constructed in 1967 and has not had any history of improvements since 1973 when the Coastal Commission's jurisdiction over this area began. This particular portion of seawall is concrete and was originally constructed to a depth of approximately +4 feet MSL (mean sea level), or approximately six feet below the boardwalk; other portions of the seawall have much deeper footings. The three-block section of the facility was severely damaged during last winter's storms, when sand loss on the beach caused undermining of the existing seawall and boardwalk. The two elements separated following a storm in February, and, concerned for public safety, the City temporarily fenced off the western portion of the boardwalk, to prevent the public from climbing over the damaged areas. Public access was restored a short time later, when the City imported approximately 1,000 tons of riprap and placed it along the seaward edge of the most damaged areas of the facility, to stabilize the seawall and prevent further separation.

The City is now proposing permanent repair of the facility, through the complete replacement of the damaged three-block section. The replacement structure will be of steel sheetpile construction and will extend to a depth of -27 feet MSL. It will follow the exact alignment of the existing seawall and will be connected with the existing seawall segment south of the project site. The City proposes a concrete cap similar to that existing and further proposes to replace the concrete walkway sections in kind. The temporary riprap will be removed from the site to an as-yet-undetermined location. Construction access will be obtained at the Thomas Avenue and Pacific Beach Drive streetends and a construction corridor approximately 75 feet wide is proposed on the beach, adjacent to the seawall.

The project site is located in an area where the Commission retains original permit jurisdiction. As such, Chapter 3 policies of the Coastal Act are the standard of review.

2. <u>Geologic Conditions and Hazards</u>. Section 30235 of the Coastal Act states, in part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

In addition, Section 30253 of the Coastal Act states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Thus, such devices are required to be approved only when necessary to protect existing structures. The Coastal Act does not require the Commission to approve shoreline altering devices to protect vacant land or in conjunction with construction of new development. A shoreline protective device proposed in those situations is likely to be inconsistent with various Coastal Act policies. For example, Section 30253 addresses new development and requires that it be sited and designed to avoid the need for protective devices.

•

Additionally, the Commission has often times interpreted Section 30235 to require the Commission to approve shoreline protection for existing principal structures only. The Commission must always consider the specifics of each individual project but has found. in many instances, that private accessory structures such as patios, decks and stairways are not required to be protected under Section 30235. In addition, such improvements can usually be found capable of withstanding periodic inundation, such as happens from time to time with any shoreline development. In this particular case, the existing principal structure in need of protection is the public boardwalk (concrete walkway) itself, which is a public recreational facility providing access to and along the adjacent municipal beach. The boardwalk was undermined during the past winter's storms, and would continue to be subject to future damages without replacement of the attached seawall. In addition, there are existing private developments (homes and businesses) just inland of the boardwalk which, according to the City's September 29, 1998 letter, are protected by both the seawall and boardwalk. These structures could also be jeopardized if the seawall were not replaced, since they are built only slightly above beach level and do not have any additional shoreline protective devices.

The vertical steel sheetpile seawall is proposed to replace an existing, failed concrete seawall, in the same location/alignment, but of different design and materials. It will extend more than thirty feet deeper into the sand than the existing seawall, to prevent the scour and undermining which caused the current damages, necessitating the proposed repairs. It will protect existing private development as well as the public recreational boardwalk, which is also proposed to be replaced herein. Reports have been submitted by the City's geotechnical and engineering consultants verifying the necessity of replacing the existing shoreline protection and supporting the proposed design and construction materials. Because the proposed replacement structure will be in the exact alignment of the existing damaged structure, the chosen design minimizes encroachment onto sandy beach (i.e., the proposed device will not extend further seaward than the existing facility).

The existing seawall was only constructed to a depth of +4 feet MSL, which is approximately six to seven feet below the level of the boardwalk. Severe storms this last winter removed sand from the beach to well below +4 feet MSL, drawing sand from underneath the seawall and boardwalk, and causing the documented failures. According to the submitted reports, the design scour depth is -4.0 feet MSL; the proposed seawall footings will extend twenty-three feet below that to -27 feet MSL to provide sufficient embedment for seawall stability. The seawall cap will extend 2-1/2 feet above the rebuilt boardwalk, as does the existing cap, and will continue the same pattern in the concrete as the existing seawall cap along its entire length.

:

:

The project site is located on the beachfront in an area that has been subject to storm waves. Section 30235 cited above allows for shoreline protective devices only when required to protect existing structures in danger from erosion and when designed to mitigate impacts on shoreline sand supply. The primary issue which has been identified and addressed in the review of proposals for shoreline protective works in other areas

÷

1

:

with beach-level development (as opposed to blufftop development) has been their location and alignment more than the question of their necessity. It has been documented for some time that much of the urbanized shoreline (particularly further south in the Mission Beach community) has been, and most likely will continue to be, subject to impacts from storm waves. With the exception the southern tip of Mission Beach, and the approximately one-block-long area immediately north of the project site, the entire Mission Beach community and the southern half of Pacific Beach (as far north as Garnet Avenue) are protected by an existing seawall/boardwalk facility. Even with the protection afforded by the existing facility, many private and public developments inland of the seawall/boardwalk are still subject to intermittent flooding during most winter seasons. Thus, if properly designed, shoreline protective devices in this area can be found consistent with Section 30235 of the Act.

It is understood that all designs of shoreline protection, when placed in an intertidal area, do affect the configuration of the shoreline and the beach profile and do have an adverse impact on the shoreline. A number of adverse impacts to public resources, such as sandy beach and recreational access for non-bluff areas, are generally associated with the construction of shoreline structures. In this particular case, since the replacement seawall and boardwalk will be aligned the same as the existing, damaged facility, the proposed development will not result in any additional or different impacts than have occurred since the device's construction in 1967. Thus, any ongoing impacts to the natural shoreline processes referenced in Section 30235 of the Coastal Act, such as the retention of sandy beaches, will not be altered or increased by replacement of the existing seawall. In addition, the seawall, with its associated boardwalk and public access stairs is a public development located on a public beach; although it may physically usurp sandy area otherwise available for various public recreational activities, the facility itself provides alternative passive recreational opportunities.

A statewide comprehensive approach to impacts on sand supply and public access has been developed recently. The Beach Sand Mitigation Program has been implemented in several areas of San Diego County, and elsewhere in the state, to offset the adverse impacts of shoreline protection devices. The program includes a formula to calculate an in-lieu fee based on an individual project's quantifiable impacts on shoreline sand supply; the monies are then expended on beach nourishment projects in the general project area. Because the proposed repair and maintenance activity will only replace in kind existing facilities, and already includes a public access component, such mitigation is not necessary in this particular case.

A number of special conditions have been attached to the subject permit approval to address the impacts of construction and ongoing maintenance. Special Condition #1 is associated with public access and will be discussed in greater detail in the following finding. Condition #2 prohibits use of beach sands as backfill material and requires removal of all construction debris. Special Condition #3 advises the applicant to contact the Commission if future repairs, maintenance or augmentation of the seawall are required, as such activities will likely require a coastal development permit. Special

;

Condition #7 requires submittal of final plans for the facility, since only preliminary plans were submitted with the application. The condition further requires that development proceed consistent with the approved final plans.

Moreover, the applicants are proposing to reconstruct an existing facility in an area subject to wave and storm hazards. Regardless of how well designed and constructed such facilities may be, the risk of damage to the structure and other nearby existing development cannot be eliminated entirely. The Commission finds that in order for the proposed development to be consistent with the Coastal Act, the applicants must assume the risks of damage from flooding and wave action. As such, Special Condition #6 requires the City to execute a hold harmless agreement, waiving any liability on the part of the Commission for approving the proposed development. In addition, this condition requires the applicants to indemnify the Commission in the event that third parties bring an action against the Commission as a result of failure of the proposed development to withstand and protect against the hazards.

Although many individual sites up and down the coast were severely impacted by last winter's El Nino storms, the amount of overall damages and the severity of the storms statewide did not approach that of the 1982-1983 winter season. Thus, the 1982-1983 winter remains the standard by which to measure an acceptable level of shoreline protection. The chosen design is similar to many other shoreline protective devices approved in other locations, which have been deemed adequate to withstand storms of the 1982-1983 magnitude. In keeping with past permit precedent, Special Condition #4 requires the applicant to submit verification that the proposed seawall has been designed to withstand storms of the magnitude of the 1982-83 winter season.

In summary, the applicants have documented the need for continued shoreline protection through current geotechnical and engineering reports. The Commission finds that reconstruction of the existing seawall is appropriate under Section 30235 of the Coastal Act, and that there are no new associated impacts on sand supply and beach availability. Special conditions are included addressing construction methods and impacts, future maintenance activities and development in hazardous areas. As conditioned, the Commission finds the proposed seawall, boardwalk and stairway replacement consistent with Sections 30235 and 30253 of the Act.

3. <u>Public Access and Recreation</u>. The Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. The following Coastal Act policies, which address the protection of public access and recreational opportunities, are most applicable to the proposed development:

Section 30210

In carrying out the requirements 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

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

(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

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

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The Pacific Beach shoreline is a popular visitor destination for local and regional beachgoers. Historically, there has been a relatively wide, sandy, public beach in this area of the City, varying somewhat season to season, but typically wider than many other beaches in San Diego County overall. Public access to the boardwalk is available at every streetend in the Mission Beach community and southern part of Pacific Beach, and access stairs out onto the sandy beach are present every couple blocks. Within the subject three-block site, there are two existing access stairways. During the summer months, a couple steps takes one to beach level, while in the winter a greater number of stairs are exposed due to lower sand elevations.

The proposed seawall, boardwalk and stairway replacement is necessary to maintain an existing public access facility. In addition to providing direct beach access via stairs, the boardwalk itself provides a passive recreational experience for those just wanting to stroll, bike or skate along adjacent to the beach, people watch, or access the numerous restaurants and shops located just inland of the boardwalk. Although the seawall is discontinuous for one block just north of the subject site, the boardwalk itself continues

15

uninterrupted from Crystal Pier (at Garnet Avenue in mid-Pacific Beach) south to the very end of Mission Beach at the San Diego River mouth. Thus, replacement of the damaged facilities is fully consistent with the cited Coastal Act policies.

The greater public access concern in such a proposal is with temporary access impacts due to construction. Special Condition #1 prohibits construction during the summer months, between Memorial Day weekend and Labor Day and prohibits the use of public parking areas for construction staging or storage. It also requires the identification of staging/storage areas and access corridors. The City has indicated a relatively short construction schedule, which can be accommodated outside the summer season. Also, the preliminary plans show a potential 75-foot-wide construction corridor on the beach adjacent to the seawall. While the Commission acknowledges that some use of sandy beach will be required to construct the project, the final plans should reflect the minimum width necessary to assure an adequate construction corridor and public safety for people recreating on the adjacent beach.

There is an ongoing public access impact due to the temporary placement of approximately 1,000 tons of riprap on the beach to stabilize the damaged facility. The riprap encroaches approximately four feet west of the existing seawall, on sandy beach otherwise available for public recreation. The City's proposal includes removal of the temporary riprap. Since no disposal site has yet been identified, Special Condition #5 requires the City to identify one. The condition also advises that any site within the coastal zone must have a valid coastal development permit for the import of riprap.

In summary, the Commission finds that the project, which occurs on public beach and right-of-way, provides and enhances public access opportunities through the replacement of the boardwalk and two associated beach stairways. Construction impacts are addressed through Special Condition #1, which will assure that said impacts are minimized and occur outside the summer season. In addition, vertical access will remain available throughout the construction period both north and south of the subject site, and lateral access along the shoreline west of the site will be maintained as well. Therefore, the Coastal Commission finds the proposed development consistent with the cited Coastal Act access policies, and, since the proposed development is located between the sea and first public road, consistent with all other public access and recreation policies as well, as required in Section 30604(c).

4. <u>Visual Resources/Community Character</u>. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources, and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

:

:

1

:

:

The site is located on and adjacent to the public beach of Pacific Beach. The amount of seawall visible above the sand when viewed from the west will vary from season to season, as the sand supply diminishes and returns. When viewed from the east, the seawall cap above the boardwalk, which serves as a railing and seatwall, will be 2-1/2 feet high. The design of the visible portions of the seawall and of the boardwalk and access stairs is virtually identical to the design of the existing facilities being replaced. Thus, the proposed development will not present a different appearance from that existing, and will be visually compatible with the seawall and boardwalk segments continuing to the south. The walkway north of the site has different pavement patterns and a number of other associated public amenities, such as showers, drinking fountains and a lifeguard tower, but all the various facilities maintain a typical beachfront ambiance. Therefore, the Coastal Commission finds the proposed development consistent with Section 30251 of the Act.

5. <u>Local Coastal Planning</u>. Section 30604 (a) 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 for the proposed development, as conditioned.

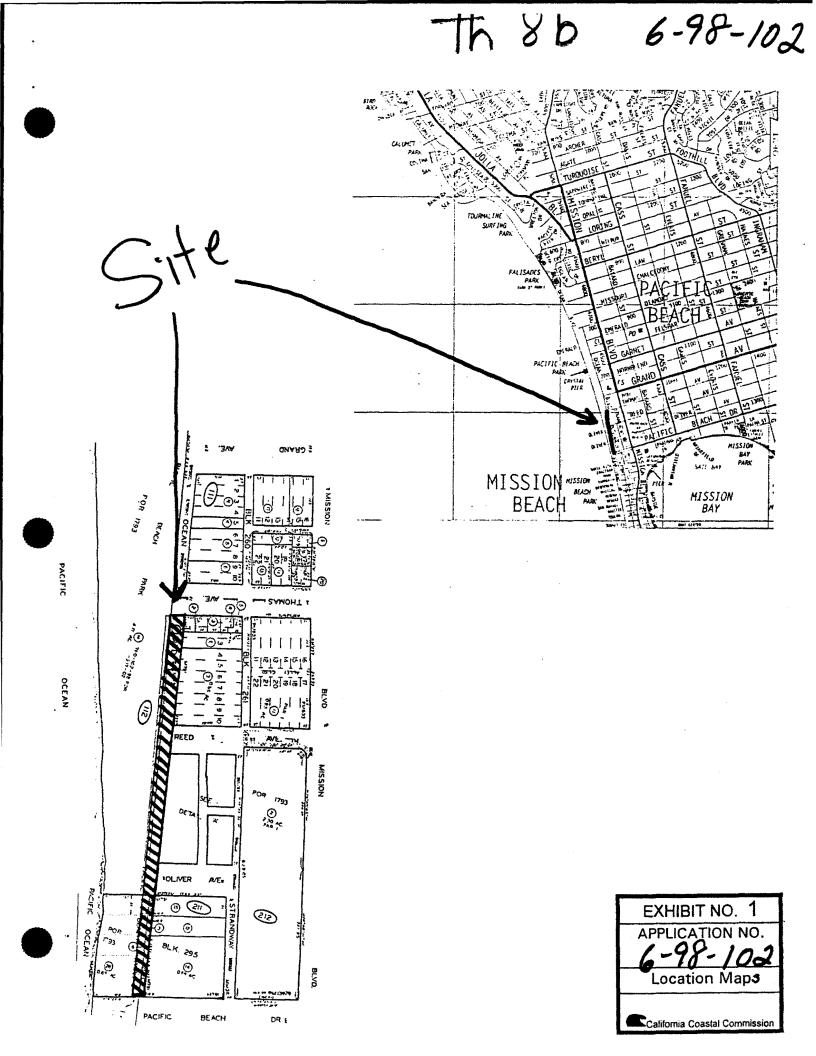
The proposed improvements are located within public rights-of-way and on the public beach. These areas are designated for public recreational use in the certified Pacific Beach Community Plan and appropriately zoned for such uses as well. The site redevelopment will continue the existing site uses, which provide for public recreation and shoreline protection. Thus, the proposed improvements can be found consistent with the designations of the certified land use plan and existing zoning. The shoreline area is within the Commission's retained original permit jurisdiction, such that Chapter 3 of the Coastal Act remains the standard of review. As discussed in previous findings, the project, as conditioned, can be found fully consistent with all applicable Chapter 3 policies. Therefore, the Commission finds the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to continue implementation of its fully-certified Local Coastal Program for the Pacific Beach area of the City's coastal zone.

6. <u>Consistency with the California Environmental Quality Act (CEQA)</u>. Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, 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 found consistent, as conditioned to address geologic and access concerns, with all applicable policies of the Coastal Act. 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

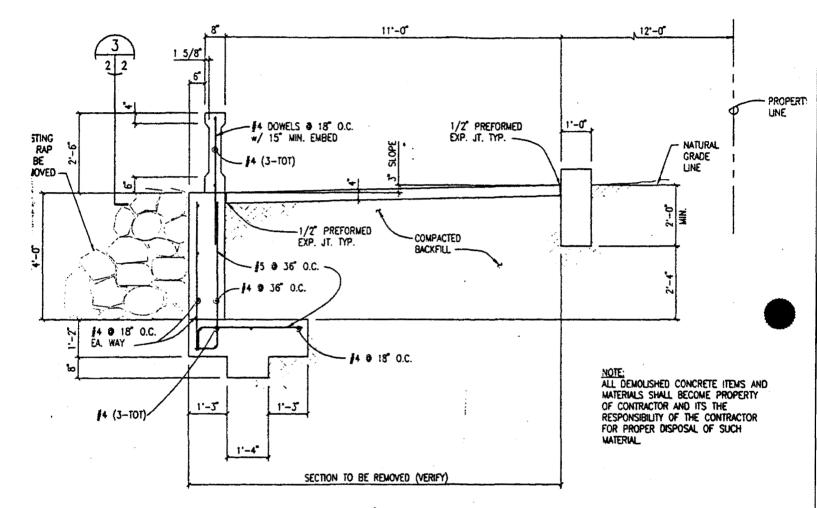
STANDARD CONDITIONS:

- 1. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. 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.
- 7. <u>Terms and Conditions Run with the Land</u>. 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.

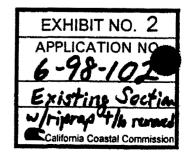
(SD98102Report)



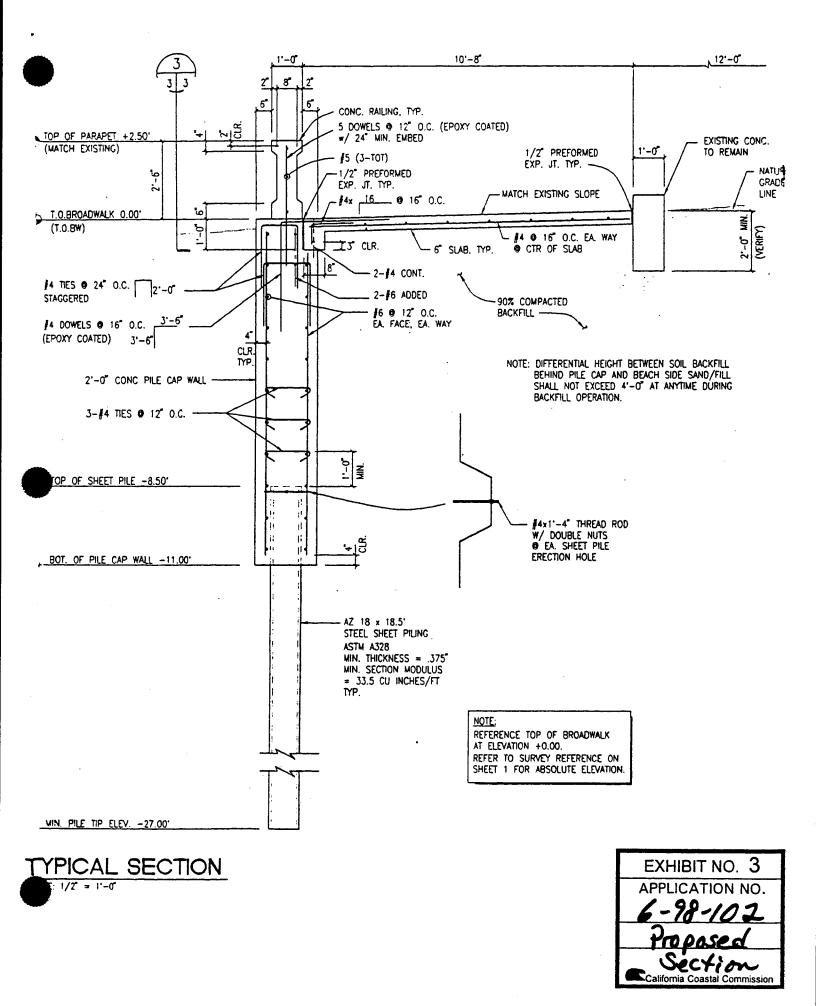
6-98-102



EXISTING TYPICAL SECTION



6-98-102



6-98-102

