

RESOLUTION NO. 2015-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MARINA, RECEIVING REPORT OF ISSUANCE OF AN  
ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (CD 2015-  
01) FOR THE DEL MONTE BOULEVARD AND BEACH ROAD  
INTERSECTION IMPROVEMENT PROJECT, IN ACCORDANCE  
WITH MARINA ZONING CODE SECTION 17.41.200 (G)(14)

WHEREAS, the project is to improve the intersection of Beach Road and Del Monte Boulevard, and;

WHEREAS, the proposed improvements are located within existing right-of-way and no land acquisition is necessary to accommodate the design, and;

WHEREAS, as proposed, improvements to the intersection will include the construction of a roundabout at the intersection along with roadway grade improvements on Beach Road west of Del Monte Boulevard, and;

WHEREAS, the project will provide improvements to pedestrian and bicycle facilities and the drainage system will tie into the existing system. The drainage runoff generated from the improvement project will decrease with the additional landscape areas within the roadway, and;

WHEREAS, on July 16, 2015, City staff conducted a public meeting to discuss the proposed improvements including the proposed roundabout at the intersection of Del Monte Boulevard and Beach Road, identify project area constraints, and invite public comments for consideration of the design engineers in developing the preliminary design for City Council review, and;

WHEREAS, at the regular meeting of August 18, 2015, the City Council of the City of Marina adopted Resolution No. 2015-101, approving the construction of a Roundabout in lieu of a traffic signal for the Del Monte Boulevard and Beach Road Intersection Improvement Project, and;

WHEREAS, This project is located within Marina's Coastal Zone, and;

WHEREAS, the City of Marina's Local Coastal Program was effectively certified and the City assumed permit issuing authority on December 17, 1982, and;

WHEREAS, MMC Section 17.41.200 (F) authorizes the Community Development Director to determine whether or not any development proposed in the Coastal Zone is exempt from a CDP issued by the Planning Commission, and to administratively issue a CDP for certain projects, to become effective once its issuance is reported to the City Council, and;

WHEREAS, one such exemption is for safety improvements on public roads and traffic-control devices that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activities (MMC Section 17.41.200 (G) (14)), and;

WHEREAS, the Acting Community Development Director has reviewed the above-noted materials, made findings and determined that said Coastal Development Permit can be issued administratively, with conditions, to become effective once its issuance is reported to the City Council, and;

WHEREAS, the project is categorically exempt under CEQA Section 15301, operation, repair or minor alteration and not expanding existing uses, and;

WHEREAS, on September 10, 2015, the Acting Community Development Director approved issuance of an Administrative CDP (CD 2015-01) for the Del Monte Boulevard and Beach Road Intersection Improvement Project, based on the following findings and subject to the following conditions of approval:

Conditions of Approval

1. Landscape Plans shall be submitted for review and consideration of the Site and Architectural Design Review Board.
2. Prior to construction, specific areas shall be designated for cleaning of tools, vehicles, equipment, clothing and footwear, and other gear. This area can be a part of the staging area. Cleaning areas shall be designed in a manner that prevents water or cleaning materials from entering road side drains.
3. Before entering and exiting the work site, all tools, equipment, vehicles, clothing and footwear, and other gear shall be cleaned to remove soil, seeds, and other plant parts.
4. If necessary, suitable receiving areas shall be designated for invasive plant waste disposal, prior to their transport offsite and 100 percent containment of invasive plant materials during transport shall be achieved such as through containment in closed bags or in a covered truck. All invasive plant materials hauled off site shall only be disposed of at a certified landfill site.
5. If construction is scheduled to occur during the nesting bird season (February 15 through September 1), pre-construction surveys shall be conducted by a Qualified Biologist no more than one week prior to construction to determine the presence/absence of nesting birds within the project site. At a minimum, the Qualified Biologist must have experience identifying signs of breeding/nesting behavior (e.g., courtship displays, copulation, vegetation or food carries, territorial displays including singing or aggression, presence of fledglings, etc.). If active nests are found the Qualified Biologist shall establish an appropriate buffer to be in compliance with Migratory Bird Treaty Act (MBTA) and Fish and Game Code 3503. The CDFW generally considers an appropriate buffer to be 100 feet for passerines and 300 feet for raptors. The Qualified Biologist shall perform at least two hours of pre-construction monitoring of any active nest to characterize "typical" bird behavior. The Qualified Biologist shall monitor the nesting birds and shall increase the buffer if the Qualified Biologist determines the birds are showing signs of unusual or distressed behavior by project activities. Atypical nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The Qualified Biologist shall have the authority, through the Resident Engineer, to order the cessation of all project activities if the nesting birds' exhibit atypical behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. To prevent encroachment, the established

buffer(s) remain in effect until the young have fledged or the nest has been abandoned as confirmed by the Qualified Biologist. Any sign of nest abandonment shall be reported to CDFW within 48 hours.

6. All litter, construction debris, and waste shall be picked up daily and properly disposed of at an appropriate site. During all activities at the project work site, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work areas.
7. No pets shall be allowed at the project site.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby receives report of issuance of an Administrative Coastal Development Permit (CD 2015-01) for the Del Monte Boulevard and Beach Road Intersection Improvement Project, in accordance with Marina Zoning Code Section 17.41.200 (G)(14).

PASSED, APPROVED, AND ADOPTED by the Marina City Council at their regular meeting held on the 15th day of September 2015, by the following vote:

AYES: COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Delgado

NOES: COUNCIL MEMBERS: None.

ABSENT: COUNCIL MEMBERS: Brown

ABSTAIN: COUNCIL MEMBERS: None.

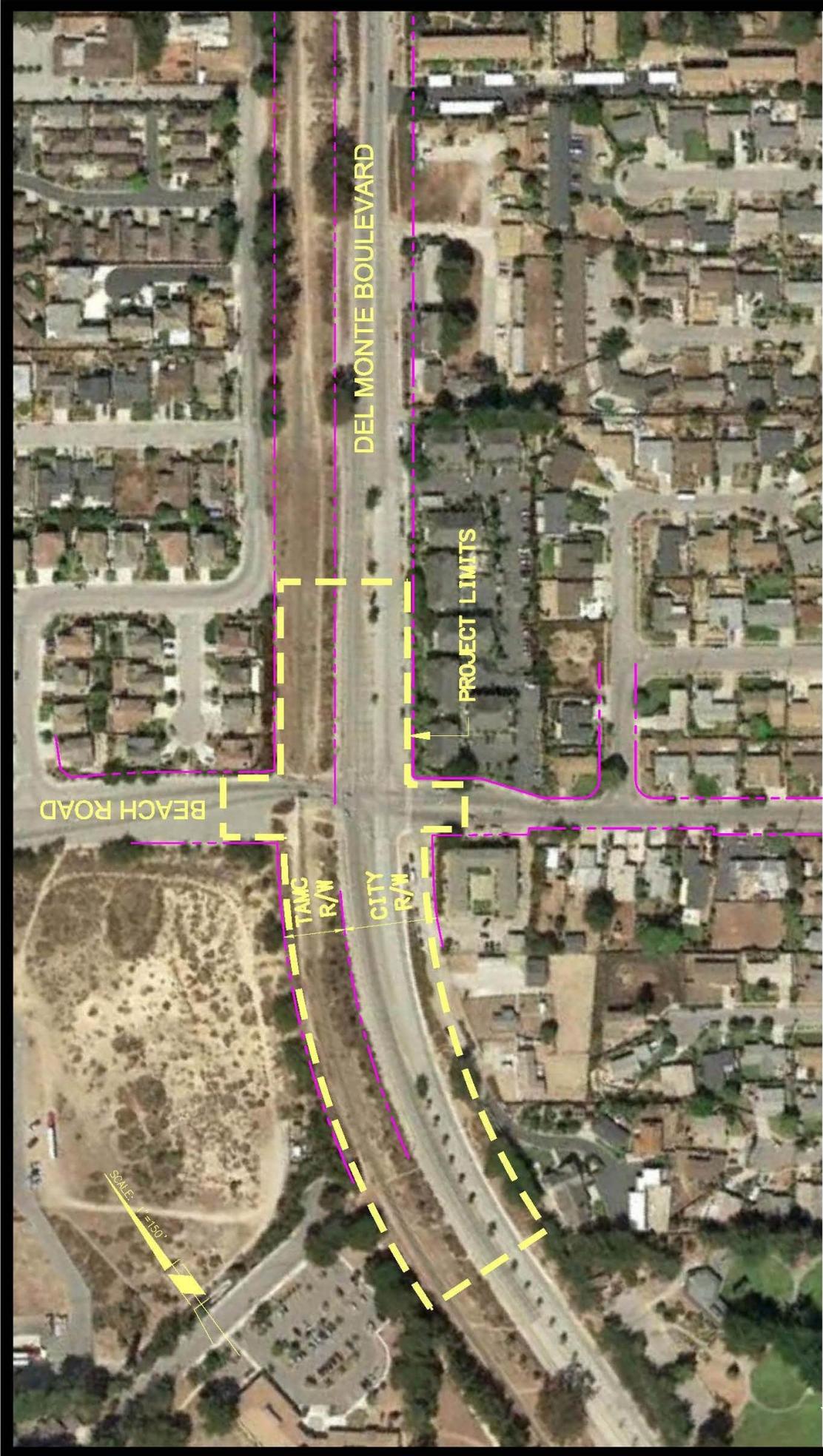
ATTEST:

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Bruce C. Delgado, Mayor

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Anita Flanagan, Deputy City Clerk



SCALE: 1"=150'

**DEL MONTE BOULEVARD AND BEACH ROAD  
IMPROVEMENT PROJECT  
MARINA, CALIFORNIA**

**EXHIBIT A**

August 24, 2015

Item No. **8f(2)**

Honorable Mayor and Members  
of the Marina City Council

City Council Meeting  
of September 15, 2015

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO 2015  
-, RECEIVING REPORT OF ISSUANCE OF AN  
ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (CD  
2015-01) FOR THE DEL MONTE BOULEVARD AND BEACH  
ROAD INTERSECTION IMPROVEMENT PROJECT, IN  
ACCORDANCE WITH MARINA ZONING CODE SECTION  
17.41.200 (G)(14)**

**REQUEST:**

It is requested that the City Council:

1. Consider adopting Resolution No. 2015-, receiving report of issuance of an Administrative Coastal Development Permit (CD 2015-01) for the Del Monte Boulevard and Beach Road Intersection Improvement Project, in accordance with Marina Zoning Code Section 17.41.200 (G)(14).

**BACKGROUND:**

The project is to improve the intersection of Beach Road and Del Monte Boulevard (“**EXHIBIT A**”). The proposed improvements are located within existing right-of-way and no land acquisition is necessary to accommodate the design. As proposed, improvements to the intersection will include the construction of a roundabout at the intersection along with roadway grade improvements on Beach Road west of Del Monte Boulevard.

The project will provide improvements to pedestrian and bicycle facilities. The drainage system will tie into the existing system. The drainage runoff generated from the improvement project will decrease with the additional landscape areas within the roadway.

On July 16, 2015, City staff conducted a public meeting to discuss the proposed improvements including the proposed roundabout at the intersection of Del Monte Boulevard and Beach Road, identify project area constraints, and invite public comments for consideration of the design engineers in developing the preliminary design for City Council review.

At the regular meeting of August 18, 2015, the City Council of the City of Marina adopted Resolution No. 2015-101, approving the construction of a Roundabout in lieu of a traffic signal for the Del Monte Boulevard and Beach Road Intersection Improvement Project.

**ANALYSIS:**

This project is located within Marina’s Coastal Zone. The City of Marina’s Local Coastal Program was effectively certified and the City assumed permit issuing authority on December 17, 1982. Del Monte Boulevard was established as the eastern boundary of the Coastal Zone at this location, and this boundary contains the wetlands of Locke-Paddon Park to the south and west. While limited in its discussion of Del Monte Boulevard, the Local Coastal Land Use Plan

acknowledges the bicycle pathway along Del Monte as an important route for bicyclists traveling from Marina State Beach to downtown Marina.

MMC Section 17.41.200 (F) authorizes the Community Development Director to determine whether or not any development proposed in the Coastal Zone is exempt from a CDP issued by the Planning Commission, and to administratively issue a CDP for certain projects, to become effective once its issuance is reported to the City Council.

One such exemption is for safety improvements on public roads and traffic-control devices that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activities (MMC Section 17.41.200 (G) (14)).

On September 10, 2015, the Acting Community Development Director approved issuance of an Administrative CDP (CD 2015-01) for the Del Monte Boulevard and Beach Road Intersection Improvement Project, based on the following findings and subject to the following conditions of approval:

### Findings

In accordance with Marina Municipal Code Section, (17.41.200 E.3.), the project shall:

- a. Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the Planning Guidelines listed in the Local Coastal Land Use Plan (LCLUP).  
*Not applicable as the project is east of Highway 1.*
- b. Be subject to the approval of the Site and Architectural Design Review Board (DRB), including the Planning Guidelines listed in the LCLUP.  
*Landscape Plans shall be submitted for review and consideration by the Site and Architectural Design Review Board. The planning guidelines listed in the LCLUP are not applicable to this project.*
- c. Guarantee that appropriate legal action is taken to insure vertical and lateral coastal access or fees paid in lieu thereof as required in the LCLUP and Local Coastal Implementation Plan (LCIP) Access Components. Required improvements shall be completed, or a bond adequate to guarantee their completion shall be posted with the City, prior to issuance of a certificate of occupancy.  
*Not applicable as the site is not situated at the coast.*
- d. Be adequately set back from the shoreline to withstand erosion to the extent that the reasonable economic life of the use would be guaranteed without the need for shoreline protection structures.  
*Not applicable as the site is not situated at the coast.*
- e. Protect least disturbed dune habitat areas, primary habitat areas and provide protection measures for secondary habitat areas consistent with the LCLUP and coastal zoning ordinance.  
*Due to Federal Grant funds awarded to the project, a Natural Environment Study - Minimal Impacts (NES-MI) was conducted. Based on the recommendations of the Study, avoidance and minimization efforts shall be implemented as part of project construction as noted below under Conditions of Approval.*

- f. Be consistent with beach parking standards, as established in the LCLUP access component  
*Not applicable as the site does not include any structures or parking and is not on or near the beach.*
- g. Include feasible mitigation measures which substantially reduce significant impacts of the project as prescribed in any applicable EIR.  
*As mentioned under Item e, avoidance and minimization efforts shall be implemented as part of project construction as noted under Conditions of Approval.*
- h. Not interfere with public access along the beach.  
*Not applicable as the site is not near the beach.*
- i. Comply with the access, shoreline structure and habitat protection standards include in the local coastal land use and implementation plans.  
*Not applicable as the site is not situated at the coast and there is no habitat involved.*
- j. Comply with the Housing Element and housing recommendations of the LCLUP and LCIP.  
*Not applicable as there is no housing proposed.*
- k. In the case of demolition of a residential structure, except to abate a nuisance, not detrimentally alter the character or housing mix of the neighborhood. The structure shall be moved, if capable of providing comparable housing opportunities at another location. The demolition and replacement structure shall comply with applicable local coastal land use plan policies.  
*Not applicable as there are no residential structures being demolished.*
- l. In the case of new surf zone or beach sand mining operations, comply with all standards regarding such operations specified in the LCLUP including standards for significant adverse impacts on shoreline erosion, either individually or cumulatively.  
*Not applicable as this is not a surf zone or beach sand mining operation.*

#### Conditions of Approval

1. Landscape Plans shall be submitted for review and consideration of the Site and Architectural Design Review Board.
2. Prior to construction, specific areas shall be designated for cleaning of tools, vehicles, equipment, clothing and footwear, and other gear. This area can be a part of the staging area. Cleaning areas shall be designed in a manner that prevents water or cleaning materials from entering road side drains.
3. Before entering and exiting the work site, all tools, equipment, vehicles, clothing and footwear, and other gear shall be cleaned to remove soil, seeds, and other plant parts.
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7. No pets shall be allowed at the project site.

California Environmental Quality Act

The project is categorically exempt under CEQA Section 15301, operation, repair or minor alteration and not expanding existing uses.

**CONCLUSION:**

The request is submitted for City Council consideration and possible action.

Respectfully submitted,

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Edrie Delos Santos, P.E.  
Senior Engineer, Engineering Division  
Community Development Department  
City of Marina

**REVIEWED/CONCUR:**

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Nourdin Khayata, P.E.  
Acting City Engineer  
City of Marina



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Theresa Szymanis, AICP CTP  
Acting Director  
Community Development Department  
City of Marina

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Layne P. Long  
City Manager  
City of Marina