

TOLLING AGREEMENT BETWEEN THE CITY OF HERMOSA BEACH

AND

HERMOSA BEACH CITY SCHOOL DISTRICT

This Tolling Agreement is made this 7 day of February 2019, by and between the City of Hermosa Beach, a political subdivision of the State of California ("City"), and the Hermosa Beach City School District, a California Public School District ("District"). (Sometimes collectively called the "Parties")

I. RECITALS

- A. On November 13, 2017, the District circulated a Draft Environmental Impact Report for the North Elementary School Project ("Project"). On January 2, 2018, the City issued a comment letter on transportation and traffic concerns regarding topics including student drop-off and pick-up and student loading and unloading with respect to the Project.
- B. As a result of the City's January 2, 2018 comment letter, and after a hearing on the EIR, the District chose, out of an abundance of caution, to recirculate the EIR based on the City's January 2, 2018 comment letter on the sole subject of traffic. This recirculated EIR considered the City's traffic concerns raised in the City's letter of January 2, 2018 and incorporated a revised 30-minute traffic related incremental review rather than the City's established 1-hour traffic increment study criteria.
- C. The City issued a second comment letter on topics including transportation and traffic concerns on September 20, 2018.
- D. The City issued an additional comment letter on topics including transportation and traffic concerns on January 9, 2019, the same day as the CEQA hearing on the Project.
- E. A CEQA hearing was held on January 9, 2019, where project impacts associated with transportation and traffic were discussed, and, after considering, comment letters and hearing testimony, the District adopted a Statement of Overriding Considerations on January 9, 2019.
- F. Pursuant to, inter alia, Public Resources Code Section 21167 and Title 14, Section 15112, of the California Code of Regulations, the statute of limitations to file a CEQA challenge is 30 days after the filing and posting of the Notice of Determination for the Project and EIR as required by Public Resources Code Sections 21108(a) and 21152(a) (the "Statute of Limitations").
- G. The Parties wish to toll the Statute of Limitations.

II. TERMS & CONDITIONS

- A. As a result of and in light of the foregoing RECITALS, the City and the District agree as follows:
 - 1. There is a 30-day Statute of Limitations under Public Resources Code Section 21167 to file an action challenging the Project EIR.
 - 2. The Parties hereby toll the Statute of Limitations until February 28, 2019. After the passage of February 28, 2019, unless otherwise agreed upon in writing, the tolling shall cease, and the Statute of Limitations shall lapse.
 - 3. The Parties shall work diligently towards agreement on a Memorandum of Understanding ("MOU") on transportation and traffic concerns regarding North School; traffic concerns to include drop off and pick up procedures, pedestrian and vehicle travel routes, and potential additional offsite drop off locations;
 - 4. The MOU must be specific as to the costs that are being discussed in any cost sharing arrangement;

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5. The discussions do not change the non-traffic related aspects of the North School Project. In other words, the MOU will not involve the footprint, size, and/or configuration of the school, nor will it involve the onsite parking, play areas and/or other educational areas of the school;
6. This tolling agreement expires and is revoked automatically 5 court days after written notice from the District to the City of the filing of a lawsuit against the District.

The Parties warrant and represent to each other that their respective undersigned representative has full, complete, and duly obtained authority to execute this Agreement.

This Agreement shall become effective upon full execution by the Parties, which may occur in counterparts such that one or more signatures may appear on separate pages.

Dated: February 7, 2019



Mayor, City of Hermosa Beach

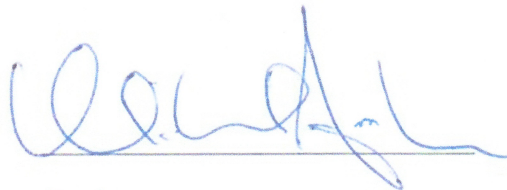
Dated: February 9, 2019



President, Board of Trustees, Hermosa Beach City
School District

Approved as to form:

Dated: February 7, 2019



City Attorney

Dated: February , 2019



Counsel for Hermosa Beach City School District