



## Legislation Details (With Text)

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**Title:** APPROVAL OF A MEMORANDUM OF UNDERSTANDING  
WITH THE HERMOSA BEACH CITY SCHOOL DISTRICT  
FOR THE NORTH ELEMENTARY SCHOOL PROJECT  
(City Manager Suja Lowenthal and  
Environmental Analyst Leeanne Singleton)

**Sponsors:**

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**Attachments:** 1. 1. City\_HBCSD Tolling Agreement.pdf, 2. 2. City\_HBCSD Draft MOU Final.pdf, 3. 3. SUPPLEMENTAL Three (3) Letters from City to HBCSD (added 2-26-19 at 12pm).pdf, 4. 4. SUPPLEMENTAL City\_HBCSD Draft MOU Final - formatting changes only (added 2-26-19 at 4pm).pdf

Date	Ver.	Action By	Action	Result
2/26/2019	1	City Council		

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of February 26, 2019**

**APPROVAL OF A MEMORANDUM OF UNDERSTANDING  
WITH THE HERMOSA BEACH CITY SCHOOL DISTRICT  
FOR THE NORTH ELEMENTARY SCHOOL PROJECT**  
(City Manager Suja Lowenthal and  
Environmental Analyst Leeanne Singleton)

**Recommended Action:**

Staff recommends that the City Council authorize the Mayor to sign a Memorandum of Understanding (MOU) with the Hermosa Beach City School District setting forth the mutually agreed principles and commitments for resolving traffic and transportation topics to maximize the safety, efficiency, and equity of transportation and traffic related to the North School Project.

**Executive Summary:**

The passage of the Measure S school bond in June 2016 created the Measure S School Facilities Project which calls for the reconstruction of North School and the revitalization/modernization of the School District's two current schools. To comply with the California Environmental Quality Act (CEQA), the School District prepared an Environmental Impact Report (EIR) for the North School Reconstruction Project and took action to certify the Final EIR and approve the project on January 9,

2019.

During the EIR process, the City submitted three formal comment letters to the School District for the Draft EIR, Recirculated Draft EIR, and prior to certification of the Final EIR. While the comments provided by the City through these letters covered several topics, much of the focus was on how the drop-off and pick-up of students could potentially impact public services (police and fire response), transportation and traffic circulation as the District's EIR estimated that as many as 55 percent of the students at this school may be dropped off at locations other than the two designated zones on 25<sup>th</sup> Street and Myrtle Avenue.

With the likely alternative drop-off locations being on nearby City property at Valley Park, the City sought additional collaboration with the School District to refine and develop plans for the neighboring streets and public property to determine what improvements are needed for students to travel safely between those alternate locations and the school site.

In an effort to reach agreement between the two parties on February 9, 2019, the City and School District entered into a Tolling Agreement extending the statute of limitations for the City to challenge the EIR until February 28, 2019 to give the City and School District time to formulate a Memorandum of Understanding on managing transportation, traffic, and student loading and unloading related to the project without causing delays in the school's construction.

Since certification of the Final EIR by the School Board on January 9, 2019, the City and School District representatives have met as a team frequently to discuss the terms of the tolling agreement and collaborate on the conditions to be included in the Draft MOU. Under the leadership of Mayor Stacey Armato, School Board President Doug Gardner, Councilmember Justin Massey, and School Board Member Maggie Bove-LaMonica, who have participated in each of these meetings, staff from the City and School District have prepared a draft Memorandum of Understanding for City Council and School Board consideration on February 26 and 27, respectively, with a goal of executing an MOU by February 28.

This MOU memorializes the City and School District's commitment to work together collaboratively to safely manage transportation, traffic, and student loading and unloading activities.

### **Background:**

Measure S is a \$59 million facilities improvement bond passed by the Hermosa Beach community in June 2016 with 59% of the vote to address overcrowded and outdated school facilities. The passage of the bond created the Measure S School Facilities Project which calls for the reconstruction of North School and the revitalization/modernization of the School District's two current schools.

To comply with the California Environmental Quality Act (CEQA), the School District is required to prepare environmental documents for each facility. For the North School Reconstruction Project, an Environmental Impact Report (EIR), the most comprehensive of environmental documents, was prepared and evaluated the potential environmental impacts of the proposed project related to:

Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gases, Hazardous Materials, Water Quality, Land Use, Noise, Public Services, Traffic, Tribal Resources, Utilities, and Energy.

As part of the public comment periods, the City of Hermosa Beach submitted three formal comment letters to the School District for the Draft EIR, Recirculated Draft EIR, and prior to certification of the Final EIR. The comment letters from the City focused on potential environmental issues that directly affect City facilities, services, and infrastructure from the perspective of the City's responsibility for the safe and efficient provision of these services and infrastructure. As it relates to this project, the City's oversight includes the public right-of-way (streets, sidewalks, and traffic control devices), the municipal storm drain system (including the regulated quality of storm water entering the system), the municipal sewer system as well as the provision of emergency response services (police, fire and paramedic) to the School District and the community as a whole. While the comments provided by the City covered several topics, much of the focus was on how the drop-off and pick-up of students could potentially impact public services (police and fire response), transportation and traffic circulation.

As part of the EIR process, and in response to the City's and community comment letters, the School District recirculated the Draft EIR to include a revised traffic assessment. The Final EIR was certified by the Hermosa Beach City School District Board of Education on January 9, 2019 which included adoption of Mitigation Measures and a Statement of Overriding Considerations, and approval of the Project at a public hearing in which the Board considered the City's comments on transportation, traffic, and student loading and unloading.

Under state law, any legal challenges to the Certification of the North School Final EIR had to be filed by Monday, February 11, 2019. In an effort to reach agreement between the two parties on February 9, 2019, the City and School District entered into a Tolling Agreement (**Attachment 1**) tolling the statute of limitations for the City to challenge the EIR until February 28, 2019 to give the City and School District time to formulate a Memorandum of Understanding on managing transportation, traffic, and student loading and unloading related to the project without causing delays in the school's construction.

### **Discussion:**

Under the tolling agreement, the City and the District articulated that an MOU would be developed to provide the framework for implementing the CEQA mitigations from the project EIR. More specifically, the MOU will provide the framework for formulating the required plans that will identify how to address drop-off and pick-up procedures at North School, pedestrian and vehicle travel routes, and potential additional off-site drop-off locations. The agreement also stated that the MOU must be specific about how the City and District will share the costs of any agreed upon resolutions and that the discussions will not change the approved plan for the school's configuration or any other non-traffic related aspects of the North School Project.

Since certification of the Final EIR by the School Board on January 9, 2019, the City and School

District have met as a team on a weekly basis to discuss the terms of the tolling agreement and collaborate on the conditions to be included in the Draft MOU. Under the leadership of Mayor Stacey Armato, School Board President Doug Gardner, Councilmember Justin Massey, and School Board Member Maggie Bove-LaMonica, who have participated in each of these meetings, staff from the City and School District have prepared a draft Memorandum of Understanding for City Council and School Board consideration provided as **Attachment 2**.

The MOU is presented for City Council to consider approval at the Regular Meeting of February 26, 2019 and the School Board President has called a Special Meeting of the School Board for February 27, 2019 to also consider the MOU. Under the tolling agreement, the MOU should be finished and approved before the agreement expires on February 28, 2019.

A brief outline of the key elements covered in the Memorandum of Understanding and of elements to be covered in the Neighborhood Traffic Management Plan are provided below:

- *Transportation Planning/Traffic Engineer.* The Parties will jointly retain, and each pay fifty (50) percent of the cost of a mutually agreeable transportation planner, traffic engineer, or other third-party expert to assist with and/or manage the preparation of the plans and measures (as limited to the geographic areas described for study in Recirculated DEIR Section 5.12.1).
- *Data Collection and Analysis.* The Parties will collaborate on collecting and evaluating relevant data including, as appropriate: Speed surveys, traffic volume counts, reported accidents, bicycle routes, pedestrian activity, impacts on neighboring streets, and suitable offsite student loading and unloading locations.
- *Submission for Grants or Funding.* City and School District will work in good faith to submit projects or recommendations from the NTMP to Safe Routes to School funding or other grant opportunities that may be available. Any costs, deadlines, or consultants needed to support preparation of grant applications will be agreed to between the Parties.
- *Mitigation Measures.* To provide for the timely implementation of the measures prescribed by the EIR, the School District and City will prepare these documents according to the following schedule:
  - March 31, 2020:
    - Neighborhood Traffic Management Plan (“NTMP”);
    - Recommended Vehicle Travel Routes Map (“Travel Routes”) and
    - Pedestrian School Route Plan (“Pedestrian Routes”); and
  - August 31, 2020:
    - Transportation Management Program (“Transportation Program”).
- *Community Involvement.* The Parties will form a stakeholder group which will jointly hold at least two (2) community meetings to share information and gather public input on relevant topics including peak traffic surge, speed, safety, sight distance, anticipated and proposed student loading and unloading locations, and parent and resident concerns that might deter walking and biking to school or use of certain routes to/from the Project.
- *Management Measure Identification and Prioritization.* The Parties will review public input and

data to inform the preparation of the Transportation Program, NTMP, Travel Routes, and Pedestrian Routes. These documents will be refined with public input and the input of the City-School Compact prior to submittal for approval of City commissions, City Council, and the School Board. Potential criteria for evaluating and prioritizing management measures includes the following:

- Effect on student safety;
  - Effect on emergency response;
  - Cost-effectiveness;
  - Ease of implementation;
  - Effects on non-project transportation and traffic;
  - Speed to implement; and
  - Permanency of solution.
- *Board, City Council, and Commission Review and Approvals.* The initial development of the Transportation Program, Travel Routes, and Pedestrian Routes will be reviewed by the City, and approved by the District Board. The initial development of the NTMP, and any subsequent revisions, shall be approved by the City Council, all appropriate City commissions, and the District Board. Subsequent revisions to the Transportation Program, Traffic Map, and Pedestrian Plan are not subject to review or approval by the City or the Board, unless they would require revisions to the Neighborhood Traffic Management Plan.
- *Capital Projects and Other Measures.* The NTMP will include, and the Transportation Program, NTMP, Travel Routes, and Pedestrian Routes may include, as appropriate, capital projects and other physical measures to facilitate and address offsite student loading and unloading that would be jointly funded consistent with the Cost Sharing provision of this MOU. Such capital projects may include improvements to Valley Park and other City and/or District real property and other measures may include, but are not limited to:
  - Painting curbs red;
  - Installing additional traffic control improvements, off-site loading areas, and crossing guards, if needed.
  - Installing additional stop or yield signs to restrict turning movements during peak traffic periods.
  - Restricting more on-street parking during peak traffic periods.
  - Widening the passenger loading zone on Myrtle.
- *Ongoing Monitoring and Re-Evaluation.* The Parties shall establish a schedule for monitoring and periodic review of the measures prescribed in this MOU, including periodic assessment of performance metrics, thresholds, technology, and data used to identify necessary changes to the Transportation Program, NTMP, Travel Routes, and Pedestrian Routes. Metrics to be used to identify such changes shall include surveys and monitoring to determine how students get to and from the Project, length and duration of queues at student loading and unloading locations, and levels of service (“LOS”) at roadways and intersections surrounding the Project.
- *Cost Sharing.* The parties agree to share costs to carry out the provisions of this MOU as follows:

- Initial Development and Future Updates to NTMP - 50% each party
- School Site and Adjacent Right-Of-Way Improvements - 100% School District
- NTMP Projects and Infrastructure Upgrades - School pays percentage proportional to LOS impact at project location
- On-Going Operational Costs - City to consider at request of School Board, after Traffic Control Devices are considered

The plans created will be adaptive and account for how to handle traffic and loading/ unloading at varying enrollment levels and grade levels at the school.

### **General Plan Consistency:**

PLAN Hermosa, the City's General Plan, was adopted by the City Council in August 2017. The approval of an MOU with the School District related to North School would help implement our collective community vision to provide exceptional local schools to the Hermosa Beach community and support several goals of the Governance Element, Land Use Element, and Mobility Element.

### **Governance Element**

Goal 1 - A high degree of transparency and integrity in the decision-making process.

- *1.6 Long-term considerations.* Prioritize decisions that provide long-term community benefit and discourage decisions that provide short-term community benefit but reduce long-term opportunities.

Goal 2 - The community is active and engaged in decision-making process.

- *2.7 Major planning efforts.* Require major planning efforts, policies, or projects to include a public engagement effort.

Goal 8 - A performance-based management and benchmarking program.

- *8.1 Community Indicators.* Utilize performance metrics, standards, and data collection procedures to evaluate progress towards goals.

### **Land Use Element**

Goal 7 - Adequate space and appropriate integration of community and school facilities that support physical activity, civic life and social connections for residents of all ages and interests.

- *7.2 Joint use with schools.* Where appropriate, maintain and enhance joint use agreements with Hermosa Beach City School District to maximize community use of school facilities and expand school use of City park facilities and community space to expand opportunities for physical activity.
- *7.3 School modernization upgrades.* Support Hermosa Beach City School District plans to renovate and modernize school facilities to meet evolving educational needs in a manner that minimizes burdens to adjacent neighborhoods.
- *7.4 Flexible use of school facilities.* Collaborate with the school district to identify appropriate temporary and flexible uses of school facilities that minimize impacts to surrounding neighborhoods during dips or fluctuations in school enrollment numbers.

## **Mobility Element**

Goal 2 - A public realm that is safe, comfortable, and convenient for travel via foot, bicycle, public transit, and automobile and creates vibrant, people-oriented public spaces that encourage active living.

- *2.1 Prioritize public right-of-ways.* Prioritize improvements of public right-of-ways that provide heightened levels of safe, comfortable and attractive public spaces for all non-motorized travelers while balancing the needs of efficient vehicular circulation.
- *2.2 Encourage traffic calming.* Encourage traffic calming policies and techniques to improve the safety and efficient movement of people and vehicles along residential areas and highly trafficked corridors.

Goal 3 - Public right-of-ways supporting a multimodal and people-oriented transportation system that provides diversity and flexibility on how users choose to be mobile.

- *3.3 Active transportation.* Require commercial development or redevelopment projects and residential projects with four or more units to accommodate active transportation by providing on-site amenities, necessary connections to adjacent existing and planned pedestrian and bicycle networks, and incorporate people-oriented design practices.
- *3.9 Access for emergency vehicles.* Ensure that emergency vehicles have secure and convenient access to the city's street network.
- *3.10 Require ADA standards.* Require that all public right-of-ways be designed per Americans with Disabilities Act (ADA) standards by incorporating crosswalks, curb ramps, pedestrian signals, and other components to provide ease of access for disabled persons.
- *3.11 Site specific conditions.* Evaluate and incorporate any site specific conditions or restrictions on public property or right-of-ways during the design and engineering phases for pedestrian and bicycle facilities.

Goal 7 - A transportation system that results in zero transportation-related fatalities and which minimizes injuries.

- *7.1 Safe public right-of-ways.* Encourage that all public right-of-ways are safe for all users at all times of day where users of all ages and ability feel comfortable participating in both motorized and non-motorized travel.
- *7.2 Manage speeds.* Monitor vehicle speeds through traffic controls, speed limits, and design features with the intended purpose of minimizing vehicle accidents, creating a pedestrian and bicycle environment, and discouraging cut-through traffic.
- *7.4 Traffic safety programs.* Prioritize traffic safety programs oriented towards safe access to schools and community facilities that focus on walking, biking, and driving in school zones.

## **Fiscal Impact:**

While entering into the MOU with the School District does not have a specific identified cost to the City, the MOU contains a proposal for cost-sharing between the two parties that would require direct and indirect financial contributions by the City to fulfill our obligations of the MOU.

In the immediate future, the City would be obligated to pay for 50% of the costs associated with the hiring of a transportation planning/traffic-engineering firm to develop the Neighborhood

Transportation Management Plan. The City and School District anticipate preparing a scope of work and request for proposals to select a mutually agreeable firm or individual to perform these services and if the City's share of costs are greater than \$30,000 the award of a contract would be presented to Council for approval. At that time, if additional funds beyond those set aside in the 2018-19 Fiscal Year for traffic engineering services related to North School are needed, staff will request Council to appropriate funds for the remainder of the 2018-19 Fiscal Year or as part of the 2019-20 Budget.

Implementation of the recommendations from the Neighborhood Traffic Management Plan in the form of Capital Improvements, installation of traffic control devices, or other requests from the School District that would result in on-going operational costs such as traffic control officers or crossing guards would be considered for their fiscal impact at the time City Council (and the School Board) consider approval of the Neighborhood Traffic Management Plan.

**Attachments:**

1. Executed Tolling Agreement between the City of Hermosa Beach and Hermosa Beach City School District
2. Draft Memorandum of Understanding between City of Hermosa Beach and Hermosa Beach City School District

**Respectfully Submitted by:** Leeanne Singleton, Environmental Analyst

**Concur:** Ken Robertson, Community Development Director

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Legal Review:** Mike Jenkins, City Attorney

**Approved:** Suja Lowenthal, City Manager