



January 9, 2019

Honorable Doug Gardner  
School Board President  
Hermosa Beach City School District  
425 Valley Drive  
Hermosa Beach, CA 90254

**RE: Follow Up on City of Hermosa Beach Comments on North School Reconstruction Project Recirculated Draft Environmental Impact Report**

Honorable School Board President Gardner and Members of the School Board:

We write this letter for your consideration following our review of the Final Environmental Impact Report for the North School Reconstruction Project. Like many others, we were surprised to learn over the holiday that the Final EIR had been released and was slated for consideration by the School Board for certification and approval of the project at your January meeting. Nevertheless, our team worked quickly to review the Final EIR documents released on December 28, as well as the draft Resolution, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program released last week so that we could offer thoughtful and constructive comments that move this important community project forward in a timely, transparent, and collaborative manner.

As noted in our September 20, 2018 comment letter to the School District, the City is committed to working with the School District to find effective solutions that mitigate significant traffic impacts and implement our collective community vision to provide exceptional local schools to the Hermosa Beach community. We further believe the City and School District are in agreement that it is a top priority to ensure the safety of students as they travel to and from school and of neighbors that may travel around the neighborhood during school hours. To that end, we were disappointed to see the release of the Final EIR occur, without any coordination or follow up from the School District team following the submission of our comment letter in September 2018 where we requested: analysis and disclosure of information regarding queuing to demonstrate with certainty whether the proposed loading zones are adequate for the operations of the school; further exploration and prioritization of mitigation measures with input from the City; and formal plan submittal of those measures involving public right-of-way, City property, or use of City fiscal resources prior to certification of the Final EIR.

We believe the School District is committed to partnering with the City in the successful implementation of this project. We ask you to kindly demonstrate this commitment and encourage the School Board to consider the comments enclosed in this letter in the context of actions that can be taken to maximize the safety of our students and residents whether on school property or in the public right-of-way.

**“Approval” of Traffic Study**

The City would like to clarify that staff has not “approved” the District’s traffic study as described in the Draft Resolution and several Response to Comments. Per previous emails sent to the School



District, City Staff and consultants "reviewed the study on behalf of the City as a professional courtesy to confirm the information and assumptions used by the School District's consultant to prepare the traffic study are reflective of the local context and rely upon accurate information regarding existing conditions. We agree that the approach and assumptions utilized in the traffic study are accurate to the best of our knowledge, we are not, however, in a position today to confirm or state that we agree with the findings of the Environmental Impact Report." While the City reviewed portions of the traffic impact analysis to confirm the inputs were accurate to conduct analysis, the record should be made clear that the City has not "approved" the traffic study or its conclusions and has previously asked the School District team and its consultants to refrain from stating "The City has also approved the traffic study for its technical adequacy".

### **Onsite Loading and Unloading and Use of City Facilities**

By rejecting the City's recommendation to include onsite passenger loading and unloading activities in any capacity, the School District is placing the entire burden of passenger loading and unloading onto the public right-of-way or nearby City property. While student loading and unloading may be accomplished safely within the public right-of-way, the proposed design of this has not been provided to the City for review and the FEIR is inconsistent in demonstrating that the two official loading zones on 25th street and Myrtle Ave with a total of 17 spaces provide adequate capacity for the School's loading and unloading activities. Other areas of the FEIR that anticipate unofficial loading and unloading to occur at other locations such as "the south side of Gould Avenue adjacent to Valley Park, the west side of Valley Drive south of Gould Avenue, the parking lot at the Rotary Club/Kiwanis Club buildings, and along the curbs of the numerous streets near the school site", indicate that the officially designated loading areas do not in fact provide sufficient capacity for all school-related loading and unloading activities.

If the School District believes that "the proposed design of the campus with the imposition of the mitigation measures will accommodate the necessary student loading activities", as stated in several of the Response to Comments provided in the FEIR and that "additional onsite student loading at the Rotary/Kiwanis parking lot is not required", then the Transportation Management Program identified in MM TRAF-1 should indicate that nearby locations such as the Kiwanis/Rotary parking lot are NOT to be used for the purposes of drop-off or pickup. If the School District concludes that these facilities may be used for loading and unloading activities, whether officially or unofficially, then the School District should evaluate the condition of these facilities for their use as safe passenger loading areas, the reduced impact that their use may have on traffic impacts in the surrounding neighborhood, and the secondary effects/impacts that their use may have on the City's recreational facilities or accessibility to the school through Valley Park. It should also be noted that PLAN Hermosa indicating a future facility on the planned safe routes to school map, does not mean it is the sole responsibility of the City to design and fund such improvements. In fact, many facility improvements and policies identified in General Plans throughout California are funded/implemented by development projects through requirements to make offsite improvements, payment of impact fees, or through conditions of approval placed on other aspects of the project.

### **School District Responsibility for Implementation of Mitigation Measures**

The FEIR indicates that "the District will implement mitigation measures within its control, which include mitigation measures TRAF-1, TRAF-2, and TRAF-7" but otherwise places the responsibility to implement many of the transportation mitigation measures on the City by stating "TRAF-3, TRAF-4, TRAF-5, and TRAF-6, however are within the City's jurisdiction and legal responsibility". While the City/Traffic Engineer has the authority to implement such changes, it does not place the



responsibility onto the City to lead, design, and implement such changes. The responsibility, as with other projects in the City that warrant changes to public right-of-way, is borne unto the project proponent that is generating the impact, and such changes are subject to review and approval by the City.

The City suggests that the Mitigation Monitoring and Reporting Program (MMRP) should be amended to identify the School District as principally responsible for implementation of the Transportation and Traffic Related Mitigation Measures and that the mitigation measures are subject to review and approval by the City of Hermosa Beach. While the City anticipates playing a role in the review/approval/refinement of plans or the changes to the public right of way, it is ultimately the responsibility of the District to lead, prepare plans, pay for installation of, and comply with the mitigation measures proposed to reduce the impact of its project. While the City would have preferred these proposed mitigations to have been submitted by the School District prior to certification of the FEIR, the responsibility of the School District to make or request changes to the public right-of-way or City property to mitigate project impacts should be made clear throughout the record.

### **Materials Needed for City Evaluation of Proposed Changes to Public Right-Of-Way and Public Property**

While the School District modernization projects are not subject to land use approval by the City of Hermosa Beach, there are components of the proposed projects which involve changes to City property, right-of-way, or utility infrastructure (i.e. sewer connections, stormwater regulations, etc.) that are subject to review and approval by the City. The range of possible actions being considered by the School District for North School further considers measures that involve City personnel and ongoing operational or maintenance resources which will also require City approval to allocate ongoing funding and staffing resources toward those efforts.

While the District maintains that the City had the opportunity to review and provide input on these measures through the Draft EIR and Recirculated Draft EIR, the level of detail provided in these documents (e.g. bullet points, sample images) is insufficient for the City to make a determination, even at a conceptual level at this time.

Attached are the two checklists currently used by the City of Hermosa Beach Community Development and Public Works Departments to review the completeness of project applications at the time an application is submitted to the City of Hermosa Beach. These checklists help our staff to ensure the necessary details are provided at the beginning of the City's review so that the project can be adequately evaluated and both the City and the applicant can avoid project delays due to incomplete information.

While the School District's projects are not subject to Zoning Approval by the City, we believe these checklists to be a helpful tool to ensure the essential project details are provided to the City to evaluate proposed changes to the public right-of-way and use of public property. As noted on the checklists, not all items may be applicable to the School District's project, so if there are items on these checklists that the School District has not prepared as part of the plans for the Environmental Impact Report or review by the Division of the State Architect, the City is happy to have a conversation about those items on the checklists.

Additionally, for any upgrades and program requests in which the School District anticipates the City's financial support or responsibility for implementation (in part or in whole), the School District



should submit a plan that details the estimated costs of those requests so that they may be reviewed by staff and evaluated by the City's decision-makers. This includes the applicable City plan check and permit fees, or a deposit in made against estimated time/costs that are used to cover the staff or contract staff cost to review and approve plans for offsite improvements, utility connections, and encroachments in the public right-of way.

### **City Recommendations on Process Moving Forward**

We believe there are two potential paths for the School District to move forward with review by the City of the relevant plans that affect public property and the right-of-way in an efficient and timely manner.

- **Submittal, review, and approval prior to certification of Final EIR** – In this format, the City would be able to say with certainty which mitigation measures proposed are feasible and infeasible for incorporation into the Final EIR for the North School Reconstruction Project. In the event certain requests are denied, the City will provide the District with findings to articulate the rationale for determining a proposed mitigation is infeasible.
- **Submittal, review, and approval prior to beginning of construction** – In this format, the School District may have clearer direction as to which mitigation measures or alternatives are included in the Final EIR, but will have less certainty as to which measures the City may determine are feasible or infeasible.

The City recommends the School District formally submit the requests and necessary supporting materials to the City on those mitigation measures that involve the use of City property/right-of-way or services at the earliest opportunity possible, to allow staff to thoroughly evaluate and make recommendations. These components must comply with the City's standards and adhere to the City's processes for submittal, review, recommendation, and approval. Based on the requests submitted, staff will determine the appropriate decision-making body to review and approve these components, which may be a staff, commission, or City Council-level decision.

### **Conclusion**

As noted in our previous communications to the School District, the City is committed to working with the School District to find effective solutions that mitigate significant traffic impacts and implement our collective community vision to provide exceptional local schools to the Hermosa Beach community.

### **Attachments:**

1. Community Development Department Plan Submittal Requirements for Residential and Commercial Projects Checklist
2. Public Works Department Civil Sheet Plan Submittal Checklist

Sincerely,

Suja Lowenthal, City Manager  
City of Hermosa Beach