Section IV. J.5. PUBLIC SERVICES-SCHOOLS

The local Community Plan outlines the Community Requirements for Public Schools. We have included this in our discussion of Public Schools.

SCHOOLS

In the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Plan area, public schools are administered by the Los Angeles Unified School District (LAUSD). There are seven elementary schools, one middle school, and one high school.

The Plan encourages shared use of existing school facilities for the general public after hours and on weekends. School grounds should be made available so as to facilitate after hour recreational uses.

GOAL 6- *APPROPRIATE LOCATIONS AND ADEQUATE FACILITIES FOR SCHOOLS TO SERVE THE NEEDS OF THE EXITING AND FUTURE POPULATION.*

Objective 6-1-To site schools in locations complimentary to existing land uses, recreational opportunities and community identity.

Policies
6-1.1 Encourage compatibility in school location, site layout and architectural design with adjacent land uses and community character and, as appropriate, use schools to create a logical transition and buffer between different uses.

Program: The decision-maker involved in discretionary review of proposed schools should make a finding which supports the application of this policy.

6-1.2 Site schools in a manner which complements existing single family and multiple family residential neighborhoods.

Program: The decision-maker involved in a discretionary review of proposed schools should make a finding which supports the application of this policy.

6-1.3 Proximity to noise sources should be avoided whenever possible or the school design should buffer classrooms from such noise.

Program: Implement appropriate provisions of the City's Noise Element.

Program: Incorporate noise mitigation measures to reduce adverse environmental impacts in order to comply with CEQA.

The Goal of the Community Plan concerning public schools is that there are appropriate locations and adequate facilities to serve the needs of the exiting and future population. It is important that

all development projects do not compromise this goal

The EIR must discuss the impacts on the local schools when the project is built rather than in 2003. The current EIR does not take into account student population growth at Apperson Street Elementary, Mountain View Elementary, Pinewood Elementary, Vinedale Elementary, Mount Gleason Middle, Sun Valley Middle, Verdugo Hills Senior High and Francis Polytechnic Senior High Schools. The impact on these schools must be projected to when students will actually be attending the schools rather than the impact on the schools in the year 2003.

The LAUSD letter to the EIR consulting firm indicates that there will be two elementary schools, one middle school, and two high schools that will serve the students from the development. It is not appropriate for the EIR to discuss transferring the education burden of these students to other area schools when it may not be appropriate that they attend the other elementary or middle schools. Residents of the development will most likely want to send their children to the schools closest to where they live. Thus, the EIR must when discussing the impact of this development on the schools, discuss only the schools that the residents are likely to attend.

Currently, Vinedale Elementary has a capacity of 505 students and has an actual enrollment of 461 students. If a growth rate of 2% compounded for 6 years, the same growth rate used in other parts of the EIR, by the year 2009, the school population at Vinedale will be 516 students. That number of students is 11 students over the school capacity. Any increases in student population from this development would constitute significant adverse impact as the school does not have the capacity to accommodate more students.

The other elementary school that would serve this area is Pinewood Elementary school. Currently, it has a capacity of 950 students and has an actual enrollment of 783 students. If a growth rate of 2% compounded for 6 years, the same growth rate used in other parts of the EIR, by the year 2009, the school population at Pinewood will be 882 students. The increase in student population that we project is reasonable. In 1995, this school had an enrollment of 697 students. In a period of seven years, the school grew by 86 students. That number of students is 68 students under the school capacity. If the project will only have 61 elementary school students in any year, this would not represent a significant adverse impact on the school. However, we believe that the number of elementary school age child that this project will bring to the LA schools is too low. If the numbers, we believe are actually used, 100 elementary school students, this would constitute an adverse significant impact on the local schools. We discuss the low student ratio later in our discussion of schools.

Currently, Sun Valley Middle School has a capacity of 3,360 students and has an actual enrollment of 3,136 students. If a growth rate of 2% compounded for 6 years, the same growth rate used in other parts of the EIR, by the year 2009, the school population at Sun Valley will be 3,532 students. That number of students is 172 students over the school capacity. Any increases in student population from this development would constitute significant adverse impact as the school does not have the capacity to accommodate more students. So, whether you use the development figure of 30 additional middle school students from this development or 33 as we

project, this development will have an adverse impact on the middle school serving this development.

Currently, Francis Polytechnic High School has a capacity of 3,612 students and has an actual enrollment of 3,956 students. The school is currently over its enrollment capacity by 344 students. Any increase in students from this development would be a significant adverse impact. If a growth rate of 2% compounded for 6 years, the same growth rate used in other parts of the EIR, by the year 2009, the school population at Francis Polytechnic will be 4,455 students. That number of students is 843 students over the school capacity. Any increases in student population from this development would constitute significant adverse impact as the school does not have the capacity to accommodate more students. So, whether you use the development figure of 31 additional high school students from this development or 64 as we project, this development will have an adverse impact on this high school serving this development.

Currently, Verdugo Hills High School has a capacity of 2,411 students and has an actual enrollment of 2,319 students. If a growth rate of 2% compounded for 6 years, the same growth rate used in other parts of the EIR, by the year 2009, the school population at Verdugo Hills will be 2,612 students. That number of students is 201 students over the school capacity. Any increases in student population from this development would constitute significant adverse impact as the school does not have the capacity to accommodate more students. So, whether you use the development figure of 31 additional high school students from this development or 64 as we project, this development will have an adverse impact on this high school serving this development. It should be noted that in the past 7 years, Verdugo Hills High School had a great increase in it's student population. It grew from 1,920 students in 1995 to 2,319 students in 2002. This is an increase of 399 students in 7 years.

Use of Los Angeles Unified School District figure of .2161 elementary school students, .1059 middle school students, and .1082 high school students per household understates the students per household in newly built dwellings. The Los Angeles School District figure includes childless senior households, and other childless households that are less likely to buy a large new house of 4,000 square feet with 3-5 bedrooms. Households with students of school age purchasing new houses should be closer to .7 or higher students per household in Southern California. This would mean that each household would add roughly .356 students of elementary school age, .117 students of middle school age, and .227 students of high school age.

This would mean that the project will generate 100 children that will attend elementary schools, 33 students that will attend the middle school, and 64 students that will attend the high school. It is unknown how much the developer will pay in new school fees to LAUSD as mitigation for the impacts on the schools. The developer will pay $3.55 per square foot built but it is unknown at this time how many square feet of residences will be built in the development.

Even in the Duke EIR, the student generation rates were about 2 ½ times higher in that EIR compared to the Canyon Hills EIR. The number of students per household certainly has not fallen in those years. In the Duke EIR, they determined that residential units would produce an

elementary school age children at the rate of .5 per household compared with .2161 used in the Canyon Hills EIR. Each house would produce .25 students of middle school age in the Duke EIR compared with .1059 students in Canyon Hills. Similarly, each house would produce .25 students of high school age in the Duke EIR compared with .1059 students in Canyon Hills.

Though it is not required as a mitigation under state law, it is unknown if the fees that the developer will pay will actually offset any additional school facilities that will be required to be built as a result of this development. Construction costs are between $150 and $200 per square foot for permanent classes and auxiliary classroom support space. Besides classrooms that will have to be built, support facilities and enlargements of libraries, cafeterias, and auditoriums may have to be made. In addition to construction costs, land would be purchased for some of these new facilities and classrooms.

The developer paid fee for school facilities may not pay for the purchase and construction of all new school facilities to accommodate the Canyon Hills children. The impact after mitigation measures is still significant. But according to state law, the payment of the fee of $3.55 per square foot is all that is required of the developer.

The EIR must discuss other areas about schools that were omitted such as growth rates and discuss the impacts on the schools that will be impacted. Additionally it must have a finding that the level of significance of the impacts of this development on schools will be less than significant after required mitigation is done. As we have discussed it is misleading to believe that this project has less than significant impact on the public schools.

Section IV. K.1. ENERGY CONSERVATION-ELECTRICITY

We agree that the applicant must pay for the full cost of the proposed connections and the cost of expansion of the electrical distribution systems into the project area. The applicant must pay for these improvements to provide electrical service to the project residents and not Los Angeles taxpayers or citywide users of DWP services. This must be a mitigation measure that is required in the EIR.

Also, the residences built in the development must be constructed and designed in a way to meet or hopefully exceed both city and state conservation standards. Recent disruptions in the statewide power supply mandate that electrical conservation measures be used in all projects.

Section IV. K.2. ENERGY CONSERVATION-NATURAL GAS

The applicant must pay for the full cost of the proposed connections and the cost of expansion of the natural gas distribution systems into the project area. The applicant must pay for these improvements to provide natural gas service to the project residents and not the Southern California Gas Company. This must be a mitigation measure that is required in the EIR.

Also, the residences built in the development must be constructed and designed in a way to meet or

hopefully exceed both city and state conservation standards. This in conjunction with electrical conservation measures would include design to minimize the use of gas or electricity in the regulation of dwelling temperatures, lighting, and other appliance use.

Section IV. L.1. UTILITIES AND SERVICE SYSTEMS-WATER

The applicant must pay for the full cost of the proposed connections and the cost of expansion of the water distribution systems into the project area. This would include the construction of water tanks and all water lines, mains, and hydrants in the development. The applicant must pay for these improvements to provide water service to the project residents and not the Los Angeles Department of Water and Power or citywide users of DWP services. This must be a mitigation measure that is required in the EIR.

The EIR does not discuss whether the project's use of the 16" DWP water main that is located on La Tuna Canyon Road would impact other users of that line. The EIR must discuss whether the project's use of this water main has any potential to decrease water pressure or impact water service during the construction period or during the operational period of the project.

The report must discuss how water consumption in the project may be higher than in normal households due to larger than average houses and that these are hillside homes that do require additional watering for plant maintenance. Water usage must be based on consumption in homes of similar size and not the citywide average. We believe that these homes will be 3 to 5 bedrooms, 2 stories, and 4,000 square feet in size. Additionally, water will be needed to maintain the plants that the developer will plant in attempt to mitigate the native plant loss to the area and to maintain landscaped hillside areas.

The location of the proposed water tanks, waterlines, and water pumps must be discussed in the EIR in this section or other appropriate section. The impact of the location of these tanks and pumps is important. These tanks and pumps depending on their location may have impacts on geology and soils, hydrology and water quality, biological resources, artificial light and glare (if lighted), land use, and aesthetics. The location of all proposed development structures must be clearly noted and discussed in the EIR. Otherwise, this deficiency could constitute a significant impact created by the development in some important area. It is a serious problem that the tank location has not been disclosed in the EIR. This may be another example of how incomplete the project planning is.

The location of the proposed water tanks, waterlines, and water pumps must be disclosed including if the applicant plans to site them on the project land or other public or private land. If this infrastructure is located on other public or private lands, those lands must be identified and impacts must be discussed concerning those.

Also, the residences built in the development must be constructed and designed in a way to meet or hopefully exceed both city and state water conservation standards.

Section IV. L.2. UTILITIES AND SERVICE SYSTEMS-SEWER

The applicant must pay for the cost of installing the sewer system and connections in the development. This must be a condition of the development.

According to the EIR, the project area is serviced by a sewer line that has a 615,000 gallon per day capacity. This sewer line has a remaining capacity of about 153,750 gallons per day or about a 25% remaining capacity. Currently, the sewer line is being utilized at about 75% of the line capacity. The project is estimated to generate a 92,400 gallons per day sewage which is about 15% of the entire sewer line.

The EIR fails to take into account what would happen to the sewer service during a storm and what the actual capacity may be. The line may have some minor blockage that would allow the current flow of 75% of capacity to be all right without any spills or overflows. The sewer line near the project may be old with insufficient capacity, or have insufficient capacity from grease, roots and debris. Rainwater from a storm can enter the sewer system from manhole covers or cracks or holes in the sewage line. The rainwater seepage in the system can occur off site. When this happens there would be a sewage overflow or spill. Please see the diagram below of how sewage overflows occur during storms. The EIR consultant did not do enough work to know if there would be a problem with the current sewage line. The consultant cannot reach the conclusion that this development would not have a significant adverse impact on the sewage system without further research.

The EIR consultant has failed to take into account additional usage on the sewage line due to population growth in the area. Even without considering the impacts of storm water, line obstacles, or reduced capacity due to old sewer lines, area growth must be considered. If you assume a 2% growth rate per year in the sewer line usage, in 2003 the usage may be 75% of capacity, but by the year 2009, the usage without the development would be 84.5%.

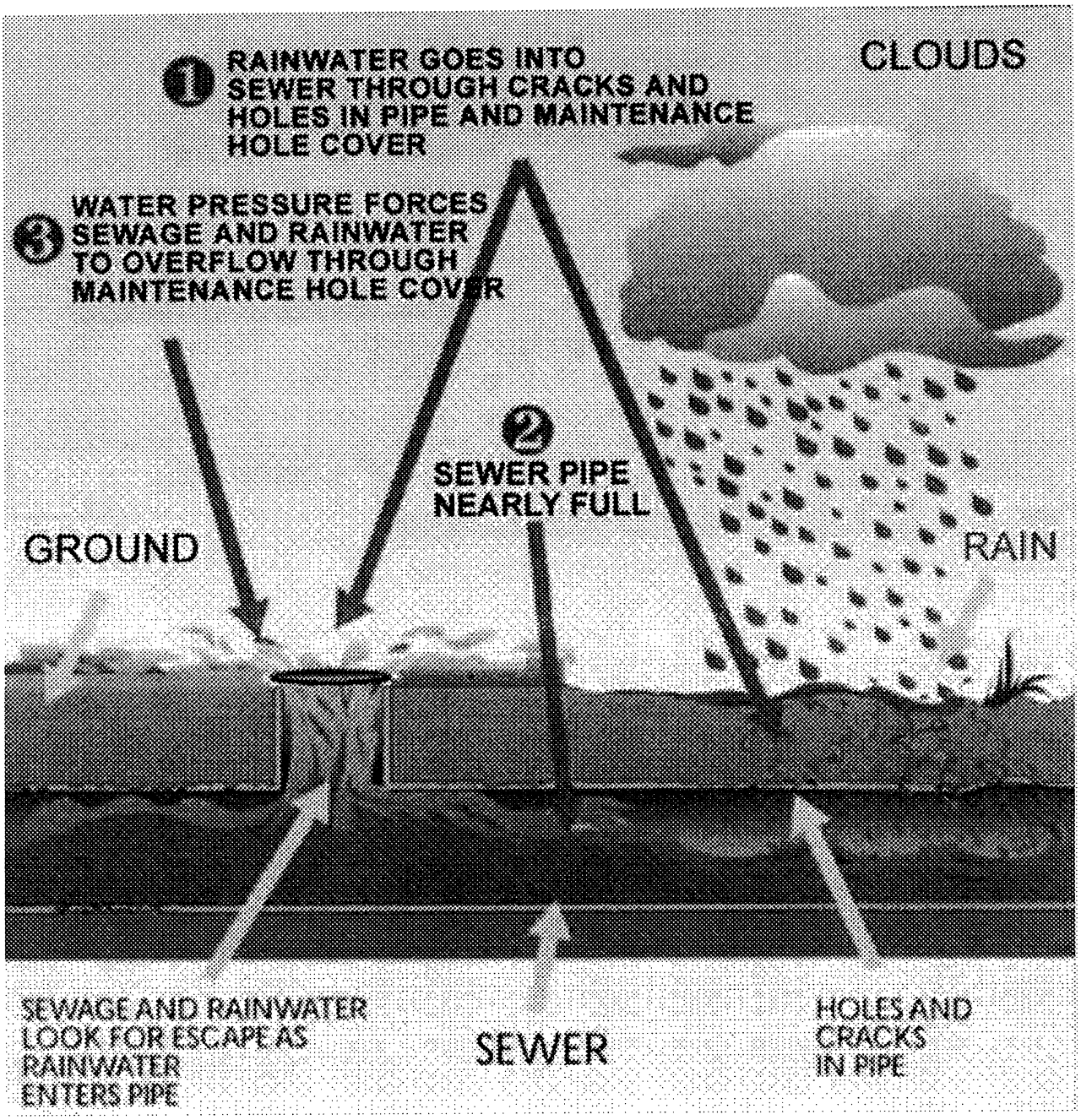
This would mean that if you add the development to this sewer line, the usage with the development would be about 100% of the capacity. This alone would represent a significant adverse impact to the sewage system. At this level, there would be sewage spills, overflows or other problems. This would be an adverse impact. With the impact of rainwater, blockages, or decreased capacity from old lines, the addition of this project will create a situation that the sewer will have to operate more than 100% of its intended capacity which would mean that it would create spills or overflows.

I recommend that the applicant pay for the replacement of the sewer line with a much larger sewer line that would serve the development. If this mitigation measure is adopted and executed, there should be no concern that this development would have a significant adverse impact on area sewers. The replacement sewer line must be at least a 10" diameter line.

If this mitigation measure is not adopted, the consultant cannot reach the finding that this development will not cause a significant adverse impact on the sewage system. There is a great possibility that this development without mitigation measures will cause sewage spills or

overflows in the area. Causing sewage spills or overflows would reach the threshold of significance under CEQA. The applicant must pay for this sewer upgrade. This impact would be more acute if the cumulative effects of other projects will increase the usage on the same sewer line that this development proposes to use.

From the City of Los Angeles Engineering Department Website:



The possibility that this development will create a sewage spill or overflow is not an isolated or a

remote event. Sewage spills or overflows occur in Los Angeles on a regular basis. We have included a couple of news articles or press releases that document the sewage spill problem.

Sewage Pollution Not Just a Developing Country Problem: Los Angeles Spilled 46 Million Gallons of Raw Sewage Between 1997 and 1999. –Abstract from Los Angeles Times
(From 1/9/2001)

The U.S. Environmental Protection Agency and state officials have filed suit against Los Angeles, demanding that the city stop its frequent sewage spills, which are occurring at a rate of almost two per day. An EPA audit revealed that 2,065 spills of raw sewage occurred in the city between January 1995 and Aug. 31, 2000. Making matters worse, the rate of reported spills is increasing, the study says. In 1999, spills averaged 47 per month, up from a reported 20 per month in 1995 and 1996. Between 1997 and 1999, more than 46 million gallons of sewage was spillled.

Most of the sewage comes up through manhole covers and flows into city streets, posing a health threat to people who come in contact with it. In South-Central Los Angeles, raw sewage frequently spills into the street in front of Manual Arts High School. About one-third of the city's spills reach rivers and other surface waters that flow to the ocean, which violates the federal Clean Water Act.

The city's system, which serves 3.7 million residents, is the largest in the country, handling almost half a billion gallons of raw sewage every day. The EPA audit blames old sewers with insufficient capacity, as well as inadequate cleaning of grease, roots and debris from the lines. The largest spills occur when the system is overtaxed during rainstorms, but more than 40% of spills occur because grease, mostly from restaurants and food processing plants, builds up in lines. The EPA and the state water board want the city to adopt an ordinance that requires food establishments to capture grease, but the city objects, saying the proposal would be too expensive.

Los Angeles has already recently spent $1.6 billion to upgrade its Hyperion sewage treatment plant to meet environmental standards, but the massive but outdated system of 6,500 miles of sewer pipes leading to it is insufficiently maintained. The city has also made substantial repairs to the system as part of a current $600-million sewer improvement project and has another $1.4 billion worth of work planned over the next 10 years, but EPA officials want the city to complete the work more quickly. The suits seek an enforceable schedule for increasing the capacity of sewers, improved cleaning of lines to prevent grease and root blockages, and an enhanced odor control program.

The EPA, however, has not taken similar action against Orange County to the south of Los Angeles, where health officials last year recorded 376 sewage spills that released at least 4.6 million gallons of waste. Sewage spills forced at least 38 Orange County beach closures last year. Millions of gallons of sewage leaked from old and cracked pipes during the 1990s. City officials estimated four years ago that more than 71,000 gallons of sewage was escaping each day but did not begin fixing the problem pipes until 1999.

U.S. DEPARTMENT OF JUSTICE PRESS RELEASE-APRIL 22, 2003-

CITY OF LOS ANGELES ADMITS LIABILITY IN THOUSANDS OF SEWER SPILL INCIDENTS SINCE 1994

LOS ANGELES – The Department of Justice, the Environmental Protection Agency and the Los Angeles Regional Water Quality Control Board today announced that the City of Los Angeles has admitted liability for more than 3,600 sewer spills dating back to 1994.

The city's admission of these federal Clean Water Act violations is part of an ongoing lawsuit in U.S. District Court in Los Angeles. This suit was originally filed by Santa Monica Baykeeper. The EPA and the LARWQCB joined the lawsuit in January 2001. A number of local community groups joined in the summer of 2001.

With this lawsuit, the EPA, the LARWQCB and its co-plaintiffs are seeking a firm commitment from the city to reduce sewage spills and repair and improve its system. The city's sewer system includes 6,500 miles of pipes and dozens of pump stations that collect and send both household and industrial wastewater to four sewage treatment plants.

The city is now liable for a total of 3,670 spills that occurred between 1994 and July 31, 2002. On Dec. 23, U.S. District Court Judge Ronald Lew found the city liable for 297 sewage spills that occurred between July 1, 2001 and July 31, 2002. With liability for all of these spills established, the parties can now focus on resolving issues relating to corrective measures and penalties.

The city's penalty obligations will be determined when the case goes to trial in January 2004. The maximum Clean Water Act penalty that can be applied is $25,000 per spill prior to Feb. 1, 1997 and $27,5000 per spill thereafter.

"We are pleased with the progress in resolving this case, as the beneficiary will be the community," said Wayne Nastri, the EPA's regional administrator for the Pacific Southwest. "The city now needs to commit to a comprehensive compliance plan that will ensure everything possible is done to prevent future spills."

LARWQCB Chairperson Susan Cloke said, "This is a good day for Angelenos. So many in our city, especially in our minority communities, have had to live with the public health risks and noxious odors that came with each one of these 3,895 sanitary sewer overflows. It is my hope that the court's action will help in the speedy resolution of this problem to protect our residents, our water quality and our beaches."

The EPA's lawsuit against Los Angeles is only one of several the agency and the Justice Department have pursued recently. The list of localities the EPA and the Justice Department have taken to court for sewage spills include Atlanta, Miami, New Orleans, Baltimore, Jefferson County (Birmingham), Ala. and Mobile, Ala.

Unfortunately, Los Angeles and neighboring beach communities throughout Southern California experience some of the country's highest rates of beach health advisories and closures due to sewage spills and contaminated storm water runoff. Los Angeles has about 50 spills per month. At 10 spills per 100 miles of sewer per year, the Los Angeles sewage spill rate is more than double the median spill rate for Southern California municipalities.

The city is spending about $700 million for repairs and upgrades to improve the system's wet weather capacity problems, but needs to do more to control blockage spills, which represent more than 90 percent of the spills, and sewer odors.

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The consultant must do additional work on the capacity of the sewer system. With projected growth rate on the system, the EIR must make the finding that this development will cause a significant impact on the sewer system potentially creating sewage spills or overflows. Mitigation measures must be adopted to mitigate this impact to a less than significant level.

Section IV. L.3. UTILITIES AND SERVICE SYSTEMS-SOLID WASTE AND DISPOSAL

Though it is the goal to cut the solid waste that goes into land fills by 50%, the actual development may not be in compliance with that mandate. There is no mitigation measure that has been proposed that in the CC&R's that all residents must reduce their solid waste by 50%. As there is no legal or other requirement that residents do not have to reduce their waste output by 50%, it cannot be assumed that the residents will do so. The residents will generate 6,848 pounds of garbage per day. The EIR must show the maximum expected impact of the project. This would mean that if the maximum impact were expected, that the project would be expected to generate 3.4 tons of garbage per day. That is almost 1% of the current intake of the Sunshine Canyon Landfill. That does indicate that this project will have a significant impact on the available landfill resources.

Also, each household may generate more than the average City of Los Angeles household. These are 4,000 square foot average homes with 3-5 bedrooms and probably 3-6 persons per household. If the average Los Angeles household may have 2.6 or 2.7 persons per household, these units may have twice the Los Angeles city average. That would mean that the development when it is operational would generate as much as 6.8 tons of garbage per day. That would be about 2% of the current intake at the Sunshine Canyon Landfill. This is a significant impact. The EIR must discuss a more realistic solid waste generation amount per household than what is reflected currently in the EIR. It cannot rely on use of average numbers as these are not average households and the houses and households are substantially larger than the average.

The EIR failed to do a projection of the average daily intake that would be expected for the Sunshine Canyon Landfill in 2009 or later years when the development would be operational. This must be done because, if this landfill serves the entire San Fernando Valley portion of the