

# 1. Executive Summary

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## 1.1 INTRODUCTION

This Draft Environmental Impact Report (DEIR) addresses the environmental effects associated with the implementation of the proposed Laguna Niguel City Center Mixed Use Project (proposed project). The California Environmental Quality Act (CEQA) requires that local government agencies consider the environmental consequences before taking action on projects over which they have discretionary approval authority. An Environmental Impact Report (EIR) analyzes potential environmental consequences in order to inform the public and support informed decisions by local and state governmental agency decision makers.

This DEIR has been prepared pursuant to the requirements of CEQA. The City of Laguna Niguel, as the lead agency, has reviewed and revised all submitted drafts, technical studies, and reports as necessary to reflect its own independent judgment, including reliance on City technical personnel from other departments and review of all technical subconsultant reports.

Data for this DEIR derive from onsite field observations; discussions with affected agencies; analysis of adopted plans and policies; review of available studies, reports, data and similar literature; and specialized environmental assessments (aesthetics, air quality, biological resources, cultural resources, greenhouse gas (GHG) emissions, hydrology and water quality, land use, noise, population and housing, public services, recreation, transportation and traffic, tribal cultural resources and utilities and service systems).

## 1.2 ENVIRONMENTAL PROCEDURES

This DEIR has been prepared pursuant to CEQA to assess the environmental effects associated with implementation of the proposed project, as well as anticipated future discretionary actions and approvals. CEQA established six main objectives for an EIR:

1. Disclose to decision makers and the public the significant environmental effects of proposed activities.
2. Identify ways to avoid or reduce environmental damage.
3. Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
4. Disclose to the public reasons for agency approval of projects with significant environmental effects.
5. Foster interagency coordination in the review of projects.
6. Enhance public participation in the planning process.

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An EIR is the most comprehensive form of environmental documentation in CEQA and the CEQA Guidelines; it is intended to provide an objective, factually supported analysis and full disclosure of the environmental consequences of a proposed project with the potential to result in significant, adverse environmental impacts.

An EIR is one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Before approving a proposed project, the lead agency must consider the information in the EIR; determine whether the EIR was prepared in accordance with CEQA and the CEQA Guidelines; determine that it reflects the independent judgment of the lead agency; adopt findings concerning the project's significant environmental impacts and alternatives; and adopt a statement of overriding considerations if significant impacts cannot be avoided.

### 1.2.1 EIR Format

**Chapter 1. Executive Summary:** Summarizes the background and description of the proposed project, the format of this EIR, project alternatives, any critical issues remaining to be resolved, and the potential environmental impacts and mitigation measures identified for the project.

**Chapter 2. Introduction:** Describes the purpose of this EIR, background on the project, the notice of preparation, the use of incorporation by reference, and Final EIR certification.

**Chapter 3. Project Description:** A detailed description of the project, including its objectives, its area and location, approvals anticipated to be required as part of the project, necessary environmental clearances, and the intended uses of this EIR.

**Chapter 4. Environmental Setting:** A description of the physical environmental conditions in the vicinity of the project as they existed at the time the notice of preparation was published, from local and regional perspectives. These provide the baseline physical conditions from which the lead agency determines the significance of the project's environmental impacts.

**Chapter 5. Environmental Analysis:** Each environmental topic is analyzed in a separate section that discusses: the thresholds used to determine if a significant impact would occur; the methodology to identify and evaluate the potential impacts of the project; the existing environmental setting; the potential adverse and beneficial effects of the project; the level of impact significance before mitigation; the mitigation measures for the proposed project; the level of significance after mitigation is incorporated; and the potential cumulative impacts of the proposed project and other existing, approved, and proposed development in the area.

**Chapter 6. Significant Unavoidable Adverse Impacts:** Describes the significant unavoidable adverse impacts of the proposed project.

**Chapter 7. Alternatives to the Proposed Project:** Describes the alternatives and compares their impacts to the impacts of the proposed project. Alternatives include the No Project/No Development Alternative, Existing General Plan Alternative, High-Density Residential Only Alternative, and Reduced Commercial Development Alternative.

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**Chapter 8. Impacts Found Not to Be Significant:** Briefly describes the potential impacts of the project that were determined not to be significant and were therefore not discussed in detail in this EIR.

**Chapter 9. Other CEQA Considerations.** This section includes the following three subsections:

- **Significant Irreversible Changes Due to the Proposed Project:** Describes the significant irreversible environmental changes associated with the project.
- **Growth-Inducing Impacts of the Project:** Describes the ways in which the proposed project would cause increases in employment or population that could result in new physical or environmental impacts.

**Chapter 10. Organizations and Persons Consulted:** Lists the people and organizations that were contacted during the preparation of this EIR.

**Chapter 11. Qualifications of Persons Preparing EIR:** Lists the people who prepared this EIR for the proposed project.

**Appendices:** The appendices for this document consist of these supporting documents:

- Appendix A: Notice of Preparation (NOP)
- Appendix B: NOP and Scoping Meeting Comments
- Appendix C: Air Quality/GHG Appendix
- Appendix D: Biological Survey and Jurisdictional Delineation Technical Memorandum
- Appendix E: Cultural Resources Technical Memorandum
- Appendix F: Energy Appendix
- Appendix G1: Geotechnical Evaluation Report
- Appendix G2: Paleontological Resources Technical Memorandum
- Appendix H1: Environmental Site Assessment
- Appendix H2: Screening Subsurface Investigation
- Appendix I1: Water Quality Management Plan
- Appendix I2: Hydrology Study
- Appendix J: Noise Information and Calculations
- Appendix K: Service Provider Responses
- Appendix L1: Traffic Impact Analysis
- Appendix L2: VMT Impact Analysis
- Appendix M: SB 18/AB 52 Tribal Consultation Letter Responses
- Appendix N1: Water Supply Assessment
- Appendix N2: Water Supply Assessment Letter

### 1.2.2 Type and Purpose of This DEIR

This DEIR has been prepared as a “Project EIR,” defined by Section 15161 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). This type of EIR examines the environmental

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impacts of a specific development project and should focus primarily on the changes in the environment that would result from the development project. The EIR examines all phases of the project—planning, construction, and operation.

### 1.3 PROJECT LOCATION

The City of Laguna Niguel (City) is in southern Orange County, southern California. It is bordered by Laguna Hills and Aliso Viejo to the north, San Juan Capistrano and Mission Viejo to the east, Dana Point to the south, and Laguna Beach and unincorporated Orange County (Aliso and Wood Canyons Wilderness Park) to the west.

Figure 3-1, *Regional Location*, provides a visual of the regional access to the City from various freeways. East of Laguna Niguel, Interstate 5 (I-5) runs north-south, connecting the City to the majority of southern California. State Route 73 (San Joaquin Hills Transportation Corridor) runs along the northern City limits and connects with I-5 in the northeastern portion of Laguna Niguel. Highway 1, also known as East/West Coast Highway, runs near the southern boundary of Laguna Niguel and connects the City to the Pacific coast.

The project site (Assessor's Parcel Number 656-242-18) is approximately 25 acres, is owned by the County of Orange and leased to Laguna Niguel Town Center Partners LLC to develop the proposed mixed-use project. The property consists of the South County Justice Center (closed in 2008), the Orange County Library, a county maintenance yard, Orange County Fire Station No. 5, and undeveloped land. The site is immediately adjacent to City Hall. The site is generally bounded by Pacific Island Drive to the north, Alicia Parkway to the east, Crown Valley Parkway to the south, and multifamily residential communities to the west (e.g., Niguel Summit Apartments, El Niguel Terrace townhomes, and Charter Terrace single-family homes) (see Figures 3-2, *Local Vicinity*, and 3-3, *Aerial Photograph*)..

### 1.4 PROJECT OBJECTIVES

Objectives for the Laguna Niguel City Center Mixed Use Project (proposed project) will aid decision makers in their review of the project and associated environmental impacts:

1. Create a dynamic mix of commercial uses, including retail, restaurant, creative office, health/wellness, and civic uses, that will be unique and distinct from other commercial projects in the City and will be complemented by highly amenitized residential apartment buildings, culminating in a vibrant city center in the heart of Laguna Niguel.
2. Create a financially feasible project that promotes the City's economic well-being with (i) a commercial core that generates local tax revenue and provides new jobs; and (ii) a residential component that creates housing options for existing and new residents to support local businesses, including dining, shopping, office, and entertainment venues.
3. Replace the existing Laguna Niguel library with a larger, innovative, and architecturally significant library with modern programming and technologies to better serve the residents of Laguna Niguel for decades to come. The new library will be an integral part of the project and designed to facilitate connections to and integration with surrounding retail, office, and residential uses.

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4. Incorporate a pedestrian-oriented outdoor town green and gathering place for the community, connected by an integrated walkable network of passive and active pedestrian-oriented paseos and open spaces weaving through the retail and commercial core.
5. Provide investment and redevelopment of underutilized property in the Town Center Opportunity Area by replacing the vacant South County Justice Center and undeveloped county land with a project that would generate new sources of property and sales tax revenue for the City and County.
6. Create a visually impactful, architecturally distinct design and a retailing experience that will attract differentiated retail, restaurant, and commercial tenants to the City of Laguna Niguel and provide unique live, work, and play opportunities for residents of Laguna Niguel and surrounding communities.
7. Improve and enhance the City's profile and amenities for residents by providing a unique mixed-use environment not seen elsewhere in South Orange County that will attract differentiated retail and commercial tenants and a unique, high-quality, pedestrian-oriented commercial center including a state-of-the-art library that the community can enjoy.

## 1.5 PROJECT SUMMARY

The proposed project would include specialty retail, restaurants, office, a new community library, community-oriented event/programmable space, integrated residential apartment homes, and extensive walkable open spaces, paseos, and plazas. The proposed project would include the development of approximately 175,000 square feet of commercial and civic uses and 275 multifamily residential units. The commercial component would include a wide range of uses, such as restaurants, retail shops, health/wellness focused retail and medical office, and creative office space. The civic space consists of an approximately 16,290 square foot county library, which would replace the existing library. The residential component of the proposal is comprised of two apartment buildings—one 200-unit apartment building and one 75-unit apartment building. On-site parking accommodations for the proposed project would include a combination of surface and structured parking for the commercial/civic uses and a mixture of surface parking; private garage; and on-grade, multilevel garage for the residential component. The development vision includes a focus on creating a landmark project for the City with an architecture design blending traditional styles with modern elements. The project applicant will pursue Leadership in Energy and Environmental Design (LEED) certification for the commercial and residential component of the project. The proposed project's site plan is shown in Figure 3-4.

### 1.5.1.1 PROPOSED PLAN

The project would require the following City approvals and adoptions:

- **General Plan Amendment GPA 19-01.** The subject property is in Community Profile 14, Sub-profile Area C (Town Center Expansion) of the Laguna Niguel General Plan. The Land Use Element designates the majority of the property as “Community Commercial” “Professional Office,” and “Public/Institutional,” which allows a wide range of nonresidential uses, such as retail, restaurant, office, personal service, hotel and public/institutional. The portion of the project site that includes the library and OCFA Fire Station No. 5 are designated “Public/Institutional,” which allows a wide range of public, quasi-public, and special-purpose private facilities that provide government or social services to the

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community. The General Plan Amendment proposes to modify the land use designation for the entire property (excluding OCFA Fire Station No. 5) to “Community Commercial, Professional Office, Public/Institutional, and Residential Attached” (see Figure 3-5, for *Existing Land Use Designations and Proposed Land Use Designations*). To accommodate this development program, the General Plan Amendment also includes amending the statistical summary for Sub-profile Area C to account for the proposed project, including residential dwelling units and other modest narrative updates to reflect existing conditions, which have changed since the original adoption of the General Plan in 1992.

The General Plan Amendment also amends the description for Sub-profile Area C (Town Center Expansion, to be retitled Town Center 3) as follows (strikeout: deleted text, underline: new text):

~~This area is designated Community Commercial, Professional Public/Institutional. The area currently includes the County of Orange Civic which encompasses 46,860 sq. ft. If the County Civic Center vacates this area, a maximum of 130,680 sq. ft. of Community Commercial and a maximum of 217,800 sq. ft. of Professional Office uses are envisioned for the site. Future development of the site may also include City Hall facilities. The existing Crown Valley Branch Library and Fire Station #5 will also remain within the sub area.~~

Anticipated development of the County-owned property includes up to 159,000 sq. ft. of Community Commercial/Professional Office and a new library (approximately 16,3000 square feet in area), which would replace the existing library. Future redevelopment that achieves the projected sub profile area commercial growth may also include development of additive residential dwelling units at a maximum ratio of one (1) unit per 10,000 sq. ft. of commercial development. Bonus additive residential uses up to a total of 275 dwelling units may be developed provided that specific findings are achieved, as described below:

1. The proposed development substantially advances the General Plan's intent, policies, and actions for Town Center;
2. The proposed development results in substantial public benefit, beyond that required for projects not requesting bonus additive residential uses (e.g., community-serving facilities, public outdoor gathering and event spaces, non-project infrastructure improvements, affordable housing, etc.); and
3. The proposed development results in significant improvements over existing site and building conditions by creating exceptionally high-quality mixed-use development in terms of site planning, architecture, circulation, landscaping, pedestrian amenities, land uses, and other design elements.

Additionally, the proposed General Plan Amendment includes the following policy revisions under Land Use Element Goal 9, “Enhancement of the Town Center” (underline: new text):

- **Policy 9.2.** Enhance pedestrian circulation through the construction of pedestrian walkways and paths. Projects that feature pedestrian activity through street character, plazas, and other outdoor amenities that enhance Town Center's viability are encouraged.

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- **Policy 9.3.** Encourage the development of new land uses that provide both daytime and evening activities. This may include mixed-use developments comprised of a variety of integrated commercial and additive residential uses that have well planned public spaces that bring people together and provide opportunities for interaction and active living featuring a range of shopping, restaurant, service, employment, civic, and entertainment and leisure activities and uses.
- **Policy 9.4.** Ensure high quality urban design in the Town Center area with structures of varying scale and function that are visually distinct and complement the City's identity. A focus is also ensuring the appearance of arterials and surrounding streets are significantly enhanced with street trees and other landscaping to improve the visual and spatial experience of drivers and pedestrians.
- **Zone Change ZC 19-01.** The majority of the project site is zoned "Community Commercial" (CC) District, which allows for a variety of retail, restaurant, office, personal service, hotel, and other nonresidential uses. The portion of the project site that includes the library and OCFA Fire Station No. 5 are zoned "Public/Institutional," which allows a wide range of public, semi-public, and special-purpose private facilities to provide a variety of government and social services. The applicant is proposing a change in the property's zoning designation to "Mixed-Use Town Center" (MU-TC) district (see Figure 3-6, *Existing Zoning Districts and Proposed Zoning Districts*), excluding OCFA Fire Station No. 5.
- **Zoning Code Amendment ZCA 19-01.** Accompanying Zone Change ZC 19-01, a zoning code amendment is proposed to establish the mix of permissible land uses and development standards for the new MU-TC district.
- **Vesting Tentative Tract Map VTTM 19024.** The applicant is proposing a vesting tentative tract map to subdivide the property into a total of 21 lots, including 17 numbered lots and 4 lettered lots.
- **Site Development Permit SDP 19-03.** A site development permit is required for all projects that involve construction of any structure, except in certain limited circumstances. The project involves construction of multiple structures. The applicant is therefore proposing a site development permit for the project. A site development permit is also proposed because the project includes over 5,000 cubic yards of earth work and to allow alternative development standards for a reduction in the minimum depth of boundary landscaping at the base of an ascending slope for a property line segment along proposed Lot 15.

Certification of the Environmental Impact Report and Adoption of Findings of Fact and a Mitigation Monitoring and Reporting Program. An EIR is required by CEQA, and the City must certify the EIR and adopt Findings of Fact and a Mitigation Monitoring and Reporting Program before approving the above-listed project entitlements.

The development program is organized based on the five main development areas and includes general categories of uses to allow a broad range of future tenants, as further described by the project applicant below:

- **Daily Needs Retail.** The Crown Valley entrance would include approximately 19,920 square feet of daily needs retail and convenient surface parking for uses such as a gourmet market, specialty foods, culinary supplies, and restaurants. All buildings would be single story.

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- **Retail Village Core.** The Crown Valley and Alicia Parkway entrances would converge at the main retail village. The overall village comprises approximately 57,210 square feet of single-story retail built around a central open space plaza area (Town Green), all linked by landscaped paseos that would feature shade trees, outdoor lighting, soft seating areas, gardens, and water features. The buildings are designed as single story with patios that open onto the Town Green area. The Town Green would be open to all residents of Laguna Niguel and be improved with outdoor performance/event spaces and other spaces to be programmed by the applicant and others for open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, and more. Potential tenant uses in the Retail Village Core include restaurants; markets; wine stores; breweries; cooking schools; independent-chef-driven food concepts and restaurants; hand-crafted coffee house; specialty markets such as wine, cheese stores, and butchery; retail shops; small artisanal food purveyors; kiosks; educational space; and performance/event space. The buildings would be architecturally distinctive and designed with a natural material such as wood, stone, and plaster siding; crafted storefronts featuring wood and steel windows with fabric awnings and distinctive handcrafted signage; and gabled roofs with standing-seam metal and cedar-shake roofs. Many of the restaurants would feature exposed beamed ceilings, open kitchens, and exterior patio seating areas with landscaped gardens, herb gardens, wood and steel trellis, canvas awnings or umbrellas, fire pits, water features, and wall-mounted fountains.
- **Health/Wellness-Focused Retail and Medical Office.** Directly adjacent to the retail village would be a two-story building totaling 37,899 square feet dedicated to health and wellness that provides for uses such as spin classes, yoga, Pilates, cross-training, stretch/meditation classes, medical office, physical therapy, health food cafes, and active lifestyle shops.
- **Creative Office Space.** Directly adjacent to the retail village would be two creative office buildings totaling 43,522 square feet in two- and three-story structures. The buildings would feature creative spaces with high loft ceilings, skylights, exposed plenum mechanical systems, operable windows, and overhead vertical-lift exterior doors that open to outdoor patios offering soft seating areas with indoor-outdoor collaborative workspaces and recreation areas. The office spaces would support daytime workspace that would benefit from walkability to retail, restaurant, and civic spaces as well as residential housing to complete a fully integrated live-work-play project. The two- and three-story office component is a critical driver in providing an active daytime population to support the proposed commercial uses. The buildings are designed with modern, open floor plans, allowing employees to take a break from their daily work to recharge among open space, shops, and dining options.
- **Library.** The existing Laguna Niguel branch of the Orange County Library system would be replaced with a larger, architecturally significant and modern new library. The existing library is approximately 14,400 gross square feet while the project's proposed library would be approximately 16,290 gross square feet. The total usable square footage would be increased from about 11,100 square feet in the current library to about 13,100 square feet in the new library and would also include approximately 2,600 square feet of outdoor programmable space, expanding the useable area.

The proposed library would be located in the heart of the proposed project's commercial experience. This would provide several benefits to both library patrons and the new commercial uses. By relocating the

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library, the commercial center would have important drive-by exposure and frontage along Crown Valley Parkway, which is imperative to attracting and maintaining the types of commercial tenants envisioned for the proposed project. Relocating the library within the boundaries of the commercial core would also allow library patrons easier access to the restaurants, retail shops, and community gathering areas, and would enhance library experience and accessibility to community event spaces. Finally, the new library would provide a better designed and more functional library space equipped with modern technologies and improved space planning to support the needs of the broader library community and allow for more programming during the year.

- **Residential Village.** The residential component of the proposed project would have 275 apartment units in two separate locations on the property along Alicia Parkway and Pacific Island Drive, with significant pedestrian and architectural connections to the project's commercial, office, and library components. Each residential building would be offered on a for-rent basis at market rates and offer a variety of unit floor plans, including one to three bedrooms in flats and townhome configurations, with surface, structured, and direct-access garages to appeal to a broad segment of the renter market. The buildings would be architecturally distinct and provide modern finishes and features with best-in-class amenities and enhanced pedestrian connections to the commercial core of the project.
  - **Residential 1.** Residential 1 would be at the southwest corner of Alicia Parkway and Pacific Island Drive between the Laguna Niguel City Hall and the OCFA fire station. It would house 200 one-, two-, and three-bedroom apartment units in a three- and four-story building that terraces down the existing slope and entirely wraps a four-story, five-level parking garage. Both the residential and garage structures would be on grade, with the parking entirely screened from view. Building height would not exceed 50 feet above the nearest finished grade. Resident amenities would include a leasing office, clubhouse, co-work area, state-of-the-art fitness center with outdoor workout space, outdoor dining, resort pool and spa, cabanas, bike repair shop, and pet spa. Ground-level units facing the commercial portion of the project would have expanded patios and direct entry to the sidewalk. The gross residential building area would be approximately 290,000 square feet, and the garage would be approximately 160,000 gross square feet. The building would have a contemporary design vernacular and include a mixture of materials such as plaster, metal, and tile.
  - **Residential 2.** Residential 2 would be at the northwest corner of the site along Pacific Island Drive just west of the OCFA fire station. It would consist of two 3- and 4-story buildings surrounding a surface parking lot and house 75 apartment units consisting of one-, two-, and three-bedroom flats and two-story townhome-style units, some with private rooftop decks. Building height would not exceed 50 feet above nearest finished grade. Building amenities would include a private lounge adjacent to a resort-style pool and spa area that includes outdoor dining, cabanas, and a fire pit. Residents in Residential 2 would also have access to amenities in Residential 1. A number of the ground-floor units facing the south and east would have direct entry at the street level through private, gated patios. The gross residential building area would be approximately 120,000 square feet. Individual private garage space would occupy approximately 15,000 square feet. The project will include a 1.5 kilowatt/unit solar system on carports in the surface parking lot. The buildings would have a modern take on traditional

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residential design that complement the commercial buildings and would include a mixture of materials such as plaster, metal, stone, tile, and siding.

- **OCFA Station No.5.** The proposed improvements at the OCFA Station No. 5 would include reconstruction and repaving of the drive aprons and parking lot within the southern portion of the Fire Station property

## 1.6 SUMMARY OF PROJECT ALTERNATIVES

### 1.6.1 Alternatives Considered and Rejected During the Scoping/Project Planning Process

Alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid or substantially reduce any significant environmental effects (CEQA Guidelines § 15126.6[c]). Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, also do not need to be considered (CEQA Guidelines § 15126(f)(2)). Per CEQA, the lead agency may make an initial determination as to which alternatives are feasible and warrant further consideration, and which are infeasible. The following alternatives were initially considered but were eliminated from further consideration in this EIR because they do not meet project objectives or were infeasible.

#### No Residential Development Alternative

Comments received during the public scoping meeting expressed concern about developing additional multifamily residential units in Laguna Niguel, particularly given the recent residential development approved in the Gateway Specific Plan area near Interstate 5. Under this alternative, the project site would be developed as proposed minus the 275 residential units.

The project site would be developed under a lease arrangement with the County of Orange, which owns the property. The project applicant has indicated that the residential component of the project is required for economic feasibility. The multifamily residential component provides economic support for the commercial development, which enables the development of an extensive network of open plaza and public gathering spaces possible. A No Residential Development Alternative (with the exception of the Existing General Plan alternative) was not considered because it was determined to be economically infeasible by the County (owner of the property) and would not be pursued by the County if the commercial project did not have a significant residential component.

#### Alternative Development Areas

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (Guidelines Sec. 15126[5][B][1]). In general, any development of the size and type proposed by the project would have

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substantially the same impacts on air quality, greenhouse gas emissions, hydrology/water quality, land use/planning, noise, population/housing, public services, recreation, transportation/traffic, and utilities/service systems. Without a site-specific analysis, impacts on aesthetics, biological resources, cultural resources, geology/soils, hazards and hazardous materials, , and mineral resources cannot be evaluated.

An alternative development area would be required to have adequate acreage for all components—residential and nonresidential uses—of the Laguna Niguel City Center project. Table B-4 and Figure B-5 of the City of Laguna Niguel Housing Element 2021-2029 detail and illustrate an inventory of vacant and underutilized sites suitable for residential development in the City. The underutilized sites are within the Gateway Specific Plan area and are already entitled for residential development. All other available vacant sites are either too small to accommodate the development footprint of the proposed project or are designated “Residential Detached” in the Land Use Element of the Laguna Niguel General Plan and would not allow development of the nonresidential component of the proposed project. Also, these vacant parcels are adjacent to existing single-family residential subdivisions and would not be an optimal location for a mixed use “downtown” development. Relocating the proposed project within the City would not avoid or substantially lessen the significant and unavoidable GHG impacts of the proposed project. Thus, only the proposed project site in the City’s town center would accommodate the proposed project.

Additionally, the approximately 25-acre project site is owned by the County of Orange and Laguna Center Partners LLC has an option to lease the project site and to develop the proposed project. Thus, it would be economically difficult for the project applicant to purchase or lease another suitable site in Laguna Niguel that can accommodate the proposed development. Given the preceding factors, an alternative development location was rejected from further analysis.

### **County Reuse**

An alternative that results in the County reuse of the project site was considered for analysis. County reuse could include an expanded maintenance yard, County administrative offices, wellness facilities, supportive housing, and emergency shelters. In 2018, County of Orange staff was directed to develop operational plans for emergency shelters (limiting capacity to 100 individuals). The project site was identified and reviewed for emergency homeless housing and ultimately rejected as a potential site for this use by the County due to substantial public opposition. This alternative was rejected from further review because these project alternatives do not meet any of the project objectives.

### **1.6.2 Alternatives Selected for Further Analysis**

The following three alternatives have been determined to represent a reasonable range of alternatives that have the potential to feasibly attain most of the basic objectives of the project but may avoid or substantially lessen any of the significant effects of the project.

- No Project/No Development Alternative
- No Project – Development Under Existing General Plan and Zoning Designation Alternative
- Residential Only Development Alternative
- Reduced Commercial Development Alternative

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Table 1-1, *Project Alternatives: Buildout Statistical Summary*, provides a summary of general socioeconomic buildout projections determined for the four project alternatives compared to the proposed project. The estimates represent projected buildout for each of the alternatives and shows dwelling units, population and employment projections, and the jobs-to-housing ratio for each of the alternatives.

**Table 1-1 Project Alternatives: Buildout Statistical Summary**

	Proposed Project	No Project/No Development Alternative	No Project – Development Under Existing General Plan Land Use Designation Alternative	Residential Development Only Alternative	Reduced Commercial Development Alternative
Residential Units	275	0	0	400	275
Population	704	0	0	1,024	704
Nonresidential SF	174,851 <sup>1</sup>	23,500 <sup>2</sup>	348,480	0	23,750
Commercial	77,110		130,680		23,750
Office	81,451		217,800		
Library	16,290				
Employment	412	19	983 <sup>3</sup>	0	62
Jobs-to-Housing Ratio	2.6	0	NA	NA	0.22

Source: PlaceWorks 2021.

<sup>1</sup> The total nonresidential SF, including the 16,290 SF library is included in this table. Projected jobs are based on the additional net square footage (the total shown minus the existing 14,400 SF library)

<sup>2</sup> Existing nonresidential SF only accounts for the 9,100 SF County maintenance yard and the 14,400 SF Laguna Niguel Library (does not include the 33,300 SF vacant courthouse).

<sup>3</sup> This employment number assumes commercial would be split between fast-casual restaurant and retail.

### 1.6.2.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

The No Project/No Development Alternative would keep the project site as is, and no development would occur. Therefore, buildout of this alternative would preserve existing uses onsite, including the 9,100-square-foot County maintenance yard and 14,400-square-foot Laguna Niguel Library. The vacant 33,300-square-foot courthouse is not included because it is not in operation. The County maintenance yard currently employs 7 workers, and the library employs approximately 11 employees.

#### Conclusion

##### *Ability to Reduce Environmental Impacts*

The No Project/No Development Alternative would reduce impacts to aesthetics, air quality, biological resources, cultural resources, GHG emissions, land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities and service systems.

Hydrology and water quality, land use and planning, and wildfire impacts would be greater than the proposed project. This alternative would also eliminate significant and unavoidable impacts of the project on GHG emissions.

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### *Ability to Achieve Project Objectives*

The No Project/No Development Alternative would not achieve any of the project objectives. It would not create a new city center; attract land uses and businesses tailored to the local culture and identity of Laguna Niguel; create a landmark project featuring pedestrian-oriented outdoor plazas and event space that will create a true ‘gathering place’ for the community; connect with existing civic uses; or provide highly amenitized housing opportunities (Objectives Nos. 1, 4, 6 and 7). The No Project/No development Alternative would not provide a new larger, innovative, library with modern programming and technologies to better serve the residents of Laguna Niguel (Objective No. 3). Since no development would occur, this alternative would not replace the vacated South County Justice Center and undeveloped land with new sources of revenue; create a mixed-use development that contributes property and sales tax revenue to the City and County; or develop an environmentally sustainable project (Objective Nos. 2, 5, and 7).

### **1.6.2.2 DEVELOPMENT UNDER EXISTING GENERAL PLAN LAND USE AND ZONING DESIGNATION ALTERNATIVE**

Under this alternative, the site would be developed based on the current Laguna Niguel General Plan land use designation of “Community Commercial,” “Professional Office,” and “Public/Institutional” and on the property’s current zoning of “Community Commercial” (CC) (see Figure 4-1, Existing General Plan Land Use Designations). The potential range and combinations of development and land uses allowable are extensive, including: regional commercial centers and shopping complexes; professional offices, corporate headquarters, research and development, and administrative offices; or a range of public, quasi-public, and special purpose private facilities aimed at providing governmental or social services to the community. This alternative assumes development in accordance with the anticipated land use mix in the current General Plan (Community Profile Area 14). The development of the site would include a maximum of 130,680 square feet of commercial/retail space and a maximum of 217,800 square feet of office space. As with the proposed project, it is assumed that a new library within the commercial portion of the development would replace the existing library. It is unlikely this alternative would include a publicly accessible town green because of space limitations given the amount of commercial development.

### **Conclusion**

### *Ability to Reduce Environmental Impacts*

The No Project: Development Under Existing General Plan Land Use and Zoning Designation alternative would reduce impacts to , energy, geology and soils, land use and planning, noise, population and housing, public services, recreation, and utilities and service systems. Impacts to aesthetics, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, tribal cultural resources, and wildfire would be similar. Impacts to air quality, and transportation would be greater than the proposed project.

### *Ability to Achieve Project Objectives*

The No Project/Development Under Existing General Plan Land Use and Zoning Designation Alternative would only achieve some of the project objectives. The alternative would provide a mix of office and

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commercial uses with new commercial tenants to the City of Laguna Niguel and redevelop the project site with a project that would generate new sources of sales tax (Objectives 1, 2, 5, 6, and 7).

This alternative would not provide a unique mixed-use environment (Objective 1) because residential uses would not be included. This alternative would not provide a pedestrian-oriented town green as the focal point of the commercial experience and gathering place for the community (Objective 4).

### **1.6.2.3 RESIDENTIAL DEVELOPMENT ONLY ALTERNATIVE**

Under the Residential Development Only Alternative, nonresidential development would be eliminated and the number of residences would increase to 400 residential units across the project site. The existing library and fire station would remain. This alternative would not include a parking structure. Resident and guest parking would be provided by surface parking and spread throughout the project site. The maximum number of 400 units was determined by the approximate threshold with the potential to reduce the greenhouse gas emissions impact of the proposed project to less than significant. In addition, 400 units is a reasonable estimate of the number of units that could be developed on the site without also constructing structured parking. The Residential Development Only Alternative was designed to evaluate the potential to eliminate the significant and unavoidable impacts of the proposed project. This alternative would introduce approximately 1,024 residents and would likely not include a publicly accessible town green because the residences would be distributed throughout the site.

#### **Conclusion**

##### *Ability to Reduce Environmental Impacts*

The Residential Development Only Alternative would reduce impacts related to aesthetics, air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, public services, tribal cultural resources, and utilities and service systems. Impacts to biological resources, cultural resources, hazards and hazardous materials, and wildfire would be similar. Transportation, Land Use and Planning and Population impacts would be greater than the proposed project impacts.

The alternative would eliminate significant and unavoidable impacts to operational greenhouse gas emissions.

##### *Ability to Achieve Project Objectives*

This Alternative would not achieve many of the project objectives. This alternative would include a residential-only development across the project site that would provide new housing options for existing and new residents, and promote the City's economic well-being by generating new sources of property tax (Objectives 2 and 5).

This alternative would not create a dynamic mix of commercial uses, including retail, restaurant, creative office, health/wellness, and civic uses, that would be unique and distinct from other commercial projects in the City (Objective 1). It would not provide unique live, work, and play opportunities for residents of Laguna Niguel and surrounding communities (Objective 6) or provide increased sales taxes (Objectives 2 and 5). Under this alternative the nonresidential component and town green would be eliminated, and therefore it would not enhance the City's profile and amenities for residents by providing a unique mixed-use environment in South

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Orange County that would attract differentiated retail and commercial tenants and a unique, high-quality, pedestrian-oriented commercial center (Objectives 4 and 7).

### **1.6.2.4 REDUCED COMMERCIAL DEVELOPMENT ALTERNATIVE**

Under the Reduced Development Alternative – Reduced Commercial, the vision for the LNCC project would remain the same, but the buildout would consist of 275 residential units and 23,750 square feet of commercial uses (retail and restaurant uses) (see Table 1-1). Commercial uses would be reduced by 137,000 square feet compared to the proposed project. The number of multifamily residential units would remain the same as the proposed projects. Units would not decrease because they are required to assist in financing the nonresidential portion of the project, including the community-oriented outdoor areas and event spaces.

This reduced development alternative was designed to evaluate the potential to eliminate the significant and unavoidable impacts of the proposed project while maintaining an economically viable project. This alternative would introduce approximately 704 residents and 62 employees.

#### **Conclusion**

##### *Ability to Reduce Environmental Impacts*

The Reduced Commercial Development Alternative would reduce impacts to aesthetics, air quality, energy, geology and soils, greenhouse gas emissions, , noise, public services, tribal cultural resources, and utilities and service systems. Impacts to biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, recreation, transportation, and wildfire would be similar. Land use and planning and population and housing impacts would be greater.

This alternative would eliminate significant and unavoidable impacts to operational greenhouse gas emissions.

##### *Ability to Achieve Project Objectives*

This Alternative would not achieve many of the project objectives. The substantial reduction in office and commercial space under this alternative would preclude this option from effectively achieving the project's objectives. To be potentially viable, this alternative would need to locate the 23,500 SF retail use as daily-needs retail and to conveniently locate this use along Crown Valley Parkway. A dynamic, commercial retail and office use could not be created (Objective 1); the uses would not support an improved town green and the commercial uses would not attract people to a gathering place (Objective 4); and the limited non-residential use could not be designed as a visually impactful attraction for Laguna Niguel and surrounding residents (Objectives 6 and 7). This alternative would not be expected to be able to finance a new, state-of-the art library (Objectives 2 and 3). It would generate revenue to the City and County, but not at the levels anticipated for the proposed project (Objective 5).

### **1.6.3 Environmentally Superior Alternative**

CEQA requires a lead agency to identify the “environmentally superior alternative” and, in cases where the “No Project” alternative is environmentally superior to the proposed project, the environmentally superior

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development alternative must be identified. One alternative has been identified as “environmentally superior” to the proposed project:

### Reduced Commercial Development Alternative

The Reduced Commercial Development Alternative would reduce impacts to aesthetics, air quality, energy, geology and soils, greenhouse gas emissions, noise, public services, and utilities and service systems in comparison to the proposed project. This alternative would also eliminate significant and unavoidable impacts to operational greenhouse gas emissions.

## 1.7 ISSUES TO BE RESOLVED

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR contain issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the proposed project, the major issues to be resolved include decisions by the lead agency as to:

1. Whether this DEIR adequately describes the environmental impacts of the project.
2. Whether the benefits of the project override those environmental impacts which cannot be feasibly avoided or mitigated to a level of insignificance.
3. Whether the proposed land use changes are compatible with the character of the existing area.
4. Whether the identified goals, policies, or mitigation measures should be adopted or modified.
5. Whether there are other mitigation measures that should be applied to the project besides the Mitigation Measures identified in the DEIR.
6. Whether there are any alternatives to the project that would substantially lessen any of the significant impacts of the proposed project and achieve most of the basic project objectives.

## 1.8 AREAS OF CONTROVERSY

In accordance with Section 15123(b)(2) of the CEQA Guidelines, the EIR summary must identify areas of controversy known to the lead agency, including issues raised by agencies and the public. Prior to preparation of the DEIR, the NOP was distributed for comment from November 4, 2019, through December 4, 2019. A public scoping meeting was held on November 1, 2019, at the City of Laguna Niguel Council Chambers at 30111 Crown Valley Parkway, Laguna Niguel, CA 92677. A summary of the NOP comment letters received and testimony at the public scoping meeting are summarized in Tables 2-1 and 2-2 in Chapter 2, *Introduction*.

Recurring public comments and concerns were expressed regarding:

- The replacement of the existing library and potential pedestrian and parking access to the proposed new library. Concerns were also expressed regarding the need for an interim library location during project construction.

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- Potential air quality impacts, particularly during project construction.
- Potential lighting and noise impacts to surrounding residences.
- Potential for increased traffic congestion and potential safety issues.
- Public utility (e.g. water demands) and service needs of the proposed new residences.

### **1.9 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES/CONDITIONS OF APPROVAL, AND LEVELS OF SIGNIFICANCE**

Table 1-4 summarizes the conclusions of the environmental analysis in this EIR. Impacts are identified as potentially significant or less than significant, and mitigation measures/conditions of approval are identified. The level of significance after imposition of the mitigation measures and conditions of approval is also presented.

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
<b>5.1 AESTHETICS</b>			
<b>Impact 5.1-1:</b> The proposed project would not have an adverse effect on a scenic vista.	No Impact	No mitigation measures or conditions of approval are required.	No Impact
<b>Impact 5.1-2:</b> The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	No Impact	No mitigation measures or conditions of approval are required.	No Impact
<b>Impact 5.1-3:</b> The project would not substantially degrade the existing visual character or quality of the site and its surroundings.	Less than Significant	No mitigation measures or conditions of approval are required.	Less than Significant
<b>Impact 5.1-4:</b> The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	Less than Significant	No mitigation measures or conditions of approval are required.	Less than Significant
<b>5.2 AIR QUALITY</b>			
<b>Impact 5.2-1:</b> The proposed project is consistent with the applicable air quality management plan.	Less than Significant	No mitigation measures or conditions of approval are required.	Less than Significant
<b>Impact 5.2-2:</b> Construction activities associated with the proposed project would generate short-term emissions in exceedance of South Coast AQMD's threshold criteria.	Potentially Significant	<p><b>Mitigation Measures</b></p> <p>AQ-1      The construction contractor(s) shall, at minimum, use equipment that meets the United States Environmental Protection Agency's (EPA) Tier 4 (Final) emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower for demolition, site preparation and grading/earthwork, and utilities trenching, construction activities. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 emissions standards for a similarly sized engine, as defined by the California Air Resources Board's</p>	Less Than Significant

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
		<p>regulations. Prior to construction, the project engineer shall ensure that all plans clearly show the requirement for EPA Tier 4 emissions standards for construction equipment over 50 horsepower for the specific activities stated above. During construction, the construction contractor shall maintain a list of all operating equipment associated with building demolition in use on the site for verification by the City. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.</p>	
	AQ-2	<p>The construction contractor(s) shall implement the following measures to reduce construction exhaust emissions during demolition and soil hauling activities associated with demolition and site preparation:</p> <ul style="list-style-type: none"> <li>Demolition activities shall be prohibited from overlapping with site preparation and grading activities. Ground disturbing activities shall commence following the demolition of the existing structures onsite.</li> <li>Hauling of soil generated from rough grading activities shall be limited to a maximum of 3,626 miles per day. Air quality modeling was based on the assumption that the 3,626 miles per day would consist of 98 one-way haul trips per day with 14 cubic-yard trucks and a one-way haul distance of approximately 37 miles.</li> </ul> <p>These requirements shall be noted on all construction management plans prior to issuance of any construction permits and verified by the City of Laguna Niguel during the demolition and soil-disturbing phases.</p>	
Impact 5.2.3: Long-term operation of the project would not generate additional vehicle trips and associated emissions in exceedance of South Coast AQMD's threshold criteria.	Less than Significant	No mitigation measures or conditions of approval are required.	Less than Significant

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
<p><b>Impact 5.2-4:</b> Construction activities associated Potentially Significant with the proposed project would expose sensitive receptors to substantial pollutant concentrations.</p>	<p>AQ-3</p>	<p><b>Mitigation Measures</b></p> <p>The construction contractor shall prepare a dust control plan and implement the following measures during ground-disturbing activities—in addition to the existing requirements for fugitive dust control under South Coast Air Quality Management District (AQMD) Rule 403—to further reduce PM10 and PM2.5 emissions:</p> <ul style="list-style-type: none"> <li>• Following all grading activities, the construction contractor shall prevent dust and wind-born erosion by either planting ground cover or applying a binder/gel tackifier.</li> <li>• During all construction activities, the construction contractor shall sweep streets with South Coast AQMD Rule 1186-compliant, PM10-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.</li> <li>• During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and shall tarp materials with a fabric cover or other cover that achieves the same amount of protection.</li> <li>• During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day.</li> <li>• During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour.</li> <li>• During all ground disturbing activities, the construction contractor shall apply nontoxic soil stabilizers to minimize fugitive dust.</li> </ul> <p>Prior to construction activities, the construction contractor shall ensure that all construction plans submitted to the City clearly show the watering and soil stabilizer requirement to control fugitive dust. During construction activities,</p>	<p>Less Than Significant</p>

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
		the City of Laguna Niguel shall verify that these measures have been implemented during normal construction site inspections.	
<b>Impact 5.2 5:</b> Operation of the proposed project Less Than Significant would not expose sensitive receptors to substantial pollutant concentrations.		No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.2 6:</b> The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>5.3 BIOLOGICAL RESOURCES</b>			
<b>Impact 5.3-1:</b> Development of the proposed project could impact the Cooper's hawk, a California Department of Fish and Wildlife Watch List species when nesting, and white-tailed kite, a Sensitive Species.	Potentially Significant	<p><b>Mitigation Measures</b></p> <p>BIO-1      Prior to removal of potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of Laguna Niguel that the following has been or will be accomplished:</p> <p>The project applicant and construction contractor shall schedule all vegetation removal activities outside the nesting season to avoid potential impacts to nesting birds, including sensitive raptor species such as Cooper's hawk and white-tailed kite. The nesting season is February 15 to September 15 for songbirds and January 15 to September 15 for raptors.</p> <p>If vegetation removal cannot be avoided during the nesting season—January 15 through September 15—the project applicant shall have a qualified biologist survey all potential nesting vegetation within the property for nesting birds prior to commencing vegetation removal. If no nesting activities are observed, work activities may begin. If an active bird nest is located, the nest site should be avoided, and a buffer should be marked/flagged at an appropriate distance in all directions. The buffer distance is dependent on the nesting bird species, typically 500 feet for endangered, threatened, and candidate species and all raptors, and 100 to 300 feet for other species, as determined appropriate by the</p>	Less Than Significant

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
		qualified biologist. No work shall occur within the buffer area until after the nest becomes inactive, or unless a qualified biologist monitors the nest during construction activities within the buffer and does not observe any signs of stress or erratic behavior that indicate a negative effect on nesting. The biologist shall inform construction personnel of the location of active nest(s) and required avoidance measures. The survey results shall be submitted to the City of Laguna Niguel Planning Division for review and approval.	
<b>Impact 5.3-2:</b> The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	No Impact	No mitigation measures or conditions of approval are required.	No Impact
<b>Impact 5.3-3:</b> The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	No Impact	No mitigation measures or conditions of approval are required.	No Impact
<b>Impact 5.3-4:</b> The proposed project would not interfere with wildlife movement or a wildlife corridor; however, the proposed project could interfere with a native wildlife nursery site.	Potentially Significant	Mitigation Measures BIO-1 is required.	Less Than Significant
<b>Impact 5.3-5:</b> The proposed project would not conflict with any policies or ordinance protecting biological resources or conflict with an adopted Habitat Conservation Plan, National Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	Less than Significant	No mitigation measures or conditions of approval are required.	Less than Significant

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
<b>5.4 CULTURAL RESOURCES</b>			
<b>Impact 5.4-1:</b> Development of the project could impact an identified historic resource pursuant to Section 15064.5.	Potentially Significant	<b>Mitigation Measures</b>  CUL-1 Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained this individual, and that the consultant will monitor all grading and other significant ground-disturbing activities in native soil. During initial monitoring, if the qualified archaeologist can demonstrate that the level of monitoring should be reduced or discontinued, or if the qualified archaeologist can demonstrate a need for continuing monitoring, the qualified archaeologist, in consultation with the Laguna Niguel Planning Division, may adjust the level of monitoring to circumstances as warranted. In the event archaeological resources are discovered during ground-disturbing activities, a professional archeological monitor shall have the authority to halt any activities adversely impacting potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act (CEQA).  If archaeological resources are recovered, they shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the John D. Cooper Center or California State University, Fullerton, or a responsible public or private institution with a suitable repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion.	Less Than Significant

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
		If significant Native American cultural resources are discovered, for which a treatment plan must be prepared, the project applicant or the archaeologist on call shall contact the applicable Native American tribal contact(s). If requested by the Native American tribe(s), the project applicant or archaeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, reburial, return of artifacts to tribe).	
<b>Impact 5.4-2:</b> Development of the project could impact archaeological resources.	Potentially Significant	Mitigation Measure CUL-1 is required.	Less Than Significant
<b>Impact 5.4-3:</b> Development of the project would not disturb human remains.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant.
<b>5.5 ENERGY</b>			
<b>Impact 5.5-1:</b> The project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.5-2:</b> The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>5.6 GEOLOGY AND SOILS</b>			
<b>Impact 5.6-1:</b> Project occupants would be subject to strong ground shaking, however, project development would not subject people or structures to seismic-related ground failure including liquefaction and landslides.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.6-2:</b> The proposed project would not result in substantial soil erosion or loss of topsoil.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
<b>Impact 5.6-3:</b> The proposed project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse and is located on expansive soils that would not create a direct or indirect risk to life and property.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.6-4:</b> The proposed project would not include the installation of septic tanks.	No Impact	No mitigation measures or conditions of approval are required.	No Impact
<b>Impact 5.6-5:</b> The project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Potentially Significant	<p><b>Mitigation Measures</b></p> <p>GEO-1    Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified paleontologist and paleontological monitor who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained these individuals, and that the consultant(s) will monitor grading and significant ground-disturbing activities in areas identified as likely to contain paleontological resources during project construction. These areas are defined as all excavations of previously undisturbed sediments in areas mapped as the Capistrano Formation and in areas of Quaternary alluvium where excavations would exceed depths of five feet.</p> <p>The qualified paleontologist and/or paleontological monitor shall attend all pre-grade meetings to ensure all construction personnel receive training to ensure recognition of fossil materials in the event any are discovered during earthwork.</p> <p>The qualified paleontological monitor shall be equipped to salvage fossils and samples of sediments as they are unearthed to avoid construction delays, and shall be empowered to temporarily halt or divert grading activities in order to recover the fossil specimens.</p>	Less Than Significant

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
		<p>If previously undiscovered paleontological resources are discovered onsite, suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the paleontological monitor has evaluated discoveries to assess whether they are classified as significant paleontological resources, pursuant to the California Environmental Quality Act (CEQA). Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Found specimens shall then be curated into the John D. Cooper Center in Santa Ana or a responsible public or private institution with a suitable repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion to avoid a significant impact</p> <p>Upon completion of construction activities, the qualified paleontological monitor shall prepared a report of paleontological resource findings within 30 days of construction completion. The report shall include an appended itemized inventory of recovered resources, documentation of each locality, and interpretation of recovered fossils. The report and inventory, when submitted and approved by the City, will signify completion of the program to mitigate impacts to paleontological resources.</p>	
<b>5.7 GREENHOUSE GAS EMISSIONS</b>			
Impact 5.7-1: Implementation of the proposed project would generate a net increase in GHG emissions, either directly or indirectly, that would have a significant impact on the environment.	Potentially Significant	Mitigation Measures	Significant and Unavoidable
	GHG-1	<p>All installed/provided major appliances shall be "Energy Star" appliances. Prior to issuance of building permits for residential and nonresidential buildings, the property owner/applicant shall identify on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are "Energy Star" appliances. Proper installation of these</p>	

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
		features shall be verified by the City of Laguna Niguel prior to issuance of a Certificate of Occupancy.	
GHG-2		<p>Prior to issuance of building permits for residential development buildings, the project applicant shall indicate on the building plans that the following features shall be incorporated into the design of the building(s). Proper installation of these features shall be verified by the City of Laguna Niguel prior to issuance of a Certificate of Occupancy.</p> <ul style="list-style-type: none"> <li>For residential and nonresidential buildings, electric vehicle charging shall be provided as specified in Section A4.106.8.2 (Residential Voluntary Measures) and A5.106.5.3 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code as applicable.</li> <li>Bicycle parking shall be provided as specified in Section A4.106.9 (Residential Voluntary Measures) of the 2019 CALGreen Code and reproduced below.</li> </ul>	
GHG-3		<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li><i>Short-term bicycle parking</i> – Permanently anchored bicycle racks shall be provided within 100 feet of the visitor's entrance to the residential building, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity for the multifamily units with a minimum of one 2-bike capacity rack.</li> <li><i>Long-term bicycle parking for multifamily buildings</i> – Provide on-site bicycle parking for at least one bicycle per every two dwelling units. Acceptable bike parking facilities shall be conveniently reached from the street.</li> </ul> </li> </ul> <p>Prior to issuance of building permits for nonresidential development buildings, the project applicant shall indicate on the building plans that the following features have been incorporated into the design of the building(s). Proper</p>	

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
		<p>installation of these features shall be verified by the City of Laguna Niguel prior to issuance of a Certificate of Occupancy.</p> <ul style="list-style-type: none"> <li>Preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles shall be provided as specified in Section A5.106.5.1 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code. Facilities shall be installed to support future electric vehicle charging at each nonresidential building with 30 or more parking spaces. Installation shall be consistent with Section A5.106.5.3 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code.</li> </ul>	

<b>Impact 5.7-2:</b> Implementation of the proposed project could potentially conflict with an applicable plan (CARB's Scoping Plan), policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	Potentially Significant	No mitigation measures or conditions of approval are identified beyond GHG-1 through GHG-3..	Potentially Significant
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<b>5.8 HAZARDS AND HAZARDOUS MATERIALS</b>			
Impact 5.8-1: Project construction and operations would involve the transport, use, and/or disposal of hazardous materials.	Potentially Significant	Mitigation Measures	Potentially Significant
		HAZ-1      Prior to issuance of grading permits, the project applicant shall prepare and implement a soils management plan (SMP) for the vehicle maintenance facility and the former fire station. The SMP will ensure that safe and appropriate handling, transportation, off-site disposal, reporting, oversight, and protocols are used during construction to protect the health and safety of workers and future residents. The SMP shall establish methodology and procedures to perform additional testing during grading if unknown hazardous materials are encountered and prior to grading for the soil stockpile. If, during grading activities, additional contamination is discovered, grading within that area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures are implemented in accordance with the SMP to render the area suitable to resume grading activities. Soil remediation and/or export of hazardous materials must be performed in accordance with the appropriate agency's requirements (Regional Water	

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
		Quality Control Board, Department of Toxic Substances Control, and/or South Coast Air Quality Management District).	
	HAZ-2	After grading is complete, the project applicant shall perform a post-grading soil vapor survey within the footprint of future structures in the areas of the vehicle maintenance facility and former fire station. The survey shall be approved by the City and the appropriate oversight agency (OC EHD or DTSC) prior to sign-off of the grading permit.	
	HAZ-3	Prior to the issuance of a demolition permit for the County Library, the project applicant shall conduct a comprehensive survey for asbestos-containing materials to identify the locations and quantities of asbestos-containing materials in above-ground structures. The project applicant shall retain a licensed or certified asbestos consultant to inspect buildings and structures on-site. If asbestos is discovered, the project applicant shall retain a licensed or certified contractor to remove and dispose of all asbestos containing materials in accordance with the appropriate South Coast AQMD asbestos-containing material removal practices and procedures.	
<b>Impact 5.8-2:</b> The project site is on a list of hazardous materials sites and, as a result, would create a hazard to the public or the environment.	Potentially Significant	Mitigation Measures HAZ-1 and MM HAZ-2 are required.	Less Than Significant
<b>Impact 5.8-3:</b> The project site is not located in the vicinity of an airport or within the jurisdiction of an airport land use plan.	No Impact	No mitigation measures or conditions of approval are required.	No Impact
<b>Impact 5.8-4:</b> Project development could affect the implementation of an emergency responder or evacuation plan.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant

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**Table 1-2      Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
<b>Impact 5.8-5:</b> The project site is in adjacent to a Very High Fire Hazard Severity Zone and could expose structures and/or residences to fire danger.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>5.9 HYDROLOGY AND WATER QUALITY</b>			
<b>Impact 5.9-1:</b> The proposed project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.9-2:</b> The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.9-3:</b> The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.9-4:</b> The proposed project would not substantially increase the rate or amount of surface runoff and result in flooding on- or offsite or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.9-5:</b> The proposed project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones	No Impact	No mitigation measures or conditions of approval are required.	No Impact

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**Table 1-2 Summary of Environmental Impacts, Mitigation Measures/Conditions of Approval and Levels of Significance**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
<b>Impact 5.9-6:</b> The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>5.10 LAND USE AND PLANNING</b>			
<b>Impact 5.10-1:</b> Project implementation would not divide an established community.	No Impact	No mitigation measures or conditions of approval are required.	No Impact
<b>Impact 5.10-2:</b> The Project would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.10-3:</b> Project Implementation would not conflict with any applicable habitat conservation plan or natural community conservation plan.	No Impact	No mitigation measures or conditions of approval are required.	No Impact
<b>5.11 NOISE</b>			
<b>Impact 5.11-1:</b> Project implementation would result in long-term operation-related noise that would not exceed the Laguna Niguel CEQA Manual standards.	Less Than Significant	<p><b>Mitigation Measures</b></p> <p>No mitigation measures are required. The City shall require compliance with the following Conditions of Approval:</p> <p>COA N-1 Prior to special events with outdoor amplified music or sound, the event promoter shall obtain a Temporary Use Permit from the City. The Temporary Use Permit shall demonstrate that special event noise will not exceed 65 dBA Leq at off-site residential property lines. All amplified speech, music, or movie nights shall be concluded by 10:00 p.m. Measures to achieve the performance standard of 65 dBA Leq include, but are no limited, to:</p> <ul style="list-style-type: none"> <li>• Orient speakers away from nearby residences;</li> <li>• Position speakers between project buildings or use other shielding and barrier methods to break line-of-sight with nearby residential uses;</li> </ul>	Less Than Significant

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
		<ul style="list-style-type: none"> <li>• Incorporate bandwidth and/or peak limiters into the sound system;</li> <li>• Other speaker angling and directivity techniques.</li> </ul> <p>COA N-2 Operation of the trash compactor shall not occur between the hours of 10:00 pm and 7:00 am.</p>	
<b>Impact 5.11-2:</b> Construction activities would not exceed the City's CEQA Manual construction noise threshold's.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.11-3:</b> The project would not generate groundborne vibration or groundborne noise that would exceed FTA standards.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.11-4:</b> The proximity of the project site to an airport or airstrip would not result in exposure of future residents or workers to excessive airport-related noise.	No Impact	No mitigation measures or conditions of approval are required.	No Impact
<b>5.12 POPULATION AND HOUSING</b>			
<b>Impact 5.12-1:</b> The proposed project would not induce substantial unplanned population growth directly or indirectly.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.12-2:</b> Project implementation would not result in displacing people and/or housing or necessitate the construction of replacement housing elsewhere.	No Impact	No mitigation measures or conditions of approval are required.	No Impact
<b>5.13 PUBLIC SERVICES</b>			
<b>FIRE PROTECTION AND EMERGENCY SERVICES</b>			
<b>Impact 5.13-1:</b> The project would not result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.			
<b>POLICE PROTECTION</b>			
<b>Impact 5.13-2:</b> The project would not result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>SCHOOL SERVICES</b>			
<b>Impact 5.13-3:</b> The proposed project would add 75 students to the Capistrano Unified School District; however, the generated students as part of the project would not result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for school services.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
<b>LIBRARY SERVICES</b>			
Impact 5.13-4: The project would not result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for library services.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>5.14 RECREATION</b>			
Impact 5.14-1: The proposed project would increase the use of existing neighborhood and regional parks or other recreational facilities but would not cause substantial physical deterioration of the facilities.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
Impact 5.14-2: The proposed project includes recreational facilities but would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>5.15 TRANSPORTATION AND TRAFFIC</b>			
Impact 5.15-1: The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
Impact 5.15-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
<b>Impact 5.15-3:</b> The proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.15-4:</b> The proposed project would not result in inadequate emergency access.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>5.16 TRIBAL CULTURAL RESOURCES</b>			
<b>Impact 5.16-1:</b> The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource that is:	Potentially Significant	Mitigation Measure CUL-1 is required. (see Section 5.4, <i>Cultural Resources</i> )	Less Than Significant
i) listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).			
ii) determined by the lead agency to be significant pursuant to criteria in Public Resources Code section 5024.1(c).			
<b>5.17 UTILITIES AND SERVICE SYSTEMS</b>			
<b>Impact 5.17-1:</b> Existing facilities would be able to accommodate project-generated wastewater demands.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.17-2:</b> Project-generated wastewater could be adequately treated by the wastewater service provider for the project.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.17-3:</b> Existing facilities would be able to accommodate project-generated water demands.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.17-4:</b> Available water supplies are sufficient to serve the project and reasonably	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
foreseeable future development during normal, dry, and multiple dry years.			
<b>Impact 5.17-5:</b> Existing facilities would be able to accommodate project-generated stormwater flows.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.17-6:</b> Existing facilities would be able to accommodate project-generated solid waste.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.17-7:</b> Existing facilities would comply with related solid waste regulations.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>5.18 WILDFIRE</b>			
<b>Impact 5.18-1:</b> The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.18-2:</b> The proposed project would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors exacerbating wildfire risks.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant
<b>Impact 5.18-3:</b> Implementation of the proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures/Conditions of Approval	Level of Significance After Mitigation
<b>Impact 5.18-4:</b> The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.	Less Than Significant	No mitigation measures or conditions of approval are required.	Less Than Significant