

CHAPTER 3

Environmental Setting, Impacts, and Mitigation Measures

Format of the Environmental Analysis

The assessment of each environmental resource discussed in this chapter includes the following:

- Environmental Setting
- Regulatory Framework
- Impacts and Mitigation Measures
- References

Environmental Setting

According to the CEQA Guidelines Section 15125, an EIR must include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the notice of preparation is published. This environmental setting will constitute the baseline physical condition by which a lead agency determines whether an impact is significant.

Regulatory Framework

Where the project area falls within the jurisdiction of federal, state, and local regulatory agencies, the project proponent would be subject to the laws, regulations, and policies of those agencies. These regulations are intended to guide development and/or to reduce adverse effects on sensitive resources, or offer general guidance on the protection of such resources. The regulatory framework sections summarize the laws, rules, and regulations that may apply to the project for each issue area. These rules may also set the standards (significance criteria or thresholds of significance, as described below) by which potential project impacts are evaluated.

Impacts and Mitigation Measures

The impacts and mitigation measures section presents the significance criteria against which potential impacts are evaluated, and a discussion of potential impacts that would result from implementation of the proposed project. This EIR addresses impacts associated with each of the two components of the proposed project, the Complete Streets improvements and the Incentive District.

As defined by CEQA Guidelines Section 15064.7 (a), thresholds of significance are an identifiable quantitative, qualitative, or performance standard for a particular environmental

effect. Significance criteria against which impact assessments are based are included for each environmental resource in accordance with Appendix G of the CEQA Guidelines. Based on these criteria, significance determinations are assigned to each impact according to the following categories:

Significant and Unavoidable: Mitigation might be recommended, but impacts are still significant.

Less than Significant with Mitigation: Potentially significant impact but mitigated to a less than significant level.

Less than Significant: Mitigation is not required under CEQA.

No Impact: No adverse environmental effects would occur.

References

Sources relied upon for each environmental topic analyzed in this Draft EIR are provided in Chapter 7, Acronyms, References, and Preparers.

3.1 Aesthetics

This section provides an assessment of potential impacts related to aesthetics that could result from project implementation. Potential impacts addressed in this section include substantial adverse effects on scenic vistas, damage to scenic resources within a state scenic highway, degradation of existing visual character, and creation of adverse sources of light or glare.

3.1.1 Environmental Setting

Regional Setting

San Diego County encompasses 4,261 square miles and is characterized by varied topography including ocean, lagoons, mountains, and desert (County of San Diego 2011). The western side of the county is bordered by the Pacific Ocean and is primarily urban while the eastern side is composed of mountains, desert, and undeveloped backcountry.

The city of Oceanside is located in the coastal zone of northern San Diego County. The city encompasses approximately 42 square miles, and is bounded by the Pacific Ocean to the west, Camp Pendleton to the north, the city of Vista and county of San Diego to the east, and the city of Carlsbad to the south. The city has approximately 4 miles of shoreline, including a public marina, a 2,000-foot pier, and public beaches (City of Oceanside 2017). Most of the city is developed, with eastern Oceanside characterized by single-family houses on curving streets and cul-de-sacs, intermixed with canyon and hillside open spaces. Park, commercial, and institutional (schools and churches) uses occur within and around the residential uses. Western Oceanside along the coast is characterized by a grid pattern of streets with single-family houses behind major commercial and mixed-use areas.

Existing Aesthetic Character

The proposed project is located in western Oceanside near the coast, and extends approximately 3.5 miles from the northern terminus of Coast Highway at Harbor Drive to Eaton Street near the city's southern boundary. Generally, the project area is relatively flat and, given its proximity to the Pacific Ocean, has low elevations. While the topography of the project area varies from parcel to parcel, overall the project area gradually slopes to the south and the west.

The project area is located within urbanized downtown Oceanside and is bounded to the north by the San Luis Rey River and to the south by Buena Vista Lagoon. Loma Alta Creek, a concrete subgrade channel, bisects the central portion of the project area.

The project area is entirely developed with urban uses along both sides of Coast Highway, including single-family and multi-family residential, commercial, mixed-use, light industrial and public use space. Visually, street fronts are varied in their architectural style, composition, and mass. Generally, architectural styles represent 1970-era character. Existing buildings are generally of low mass and size, not exceeding 45 feet in height.

Figure 3.1-1 and **Figure 3.1-2** show representative public views of the project area, available to motorists, pedestrians, and bicyclists traveling along Coast Highway and its cross streets. As shown in these figures, Coast Highway is a fully developed public right-of-way (ROW), and currently operates with four travel lanes, two northbound and two southbound. Class II striped bicycle lanes and on-street parking are located intermittently along Coast Highway. Coast Highway does not include medians, and sidewalks have minimal landscaping.

Long-distance views are generally constrained by intervening development and urban landscaping. The project area's grid street pattern allows public views of the ocean from several vantage points, including most east-west streets along the coast. Public views of Oceanside Harbor and San Luis Rey River are available within the northern portion of the project area, and public views of Buena Vista Lagoon and open space are available within the southern extent of the project area.

Scenic Resources

Currently, there is no citywide inventory of scenic views (City of Oceanside 2012). However, the City's Local Coastal Program (LCP) states that the city's important aesthetic resources include views of the Pacific Ocean, the San Luis Rey River, Buena Vista Lagoon, Oceanside Harbor, and Oceanside Pier (City of Oceanside 1985).

The western city's grid street pattern allows public views of the ocean from several vantage points, including most east-west streets along the coast. Within the project area, existing public views of the Oceanside Harbor and San Luis Rey River are available from the bridge crossing over the San Luis Rey River looking west. Existing public views of the ocean are available along Coast Highway from the intersections of Neptune Way, Surfdrider Way, Civic Center Drive, Pier View Way, Mission Avenue (as seen in Figure 3.1-1), Seagaze Drive, Michigan Avenue, West Street, Eucalyptus Street, Oceanside Boulevard, and Cassidy Street. Views of the Buena Vista Lagoon are available from Coast Highway looking south, beginning south of the intersection of Vista Way (as seen in Figure 3.1-2). These vistas are otherwise blocked by existing structures at street level.



Coast Highway and Mission Avenue Looking West



Coast Highway and Missouri Avenue Looking North



Coast Highway and Kelly Street Looking North



Coast Highway and Eaton Street Looking South

Scenic Highways

The California Department of Transportation (Caltrans) has designated three state scenic highways within the County of San Diego, including Highway 78 in Anza Borrego State Park, Highway 125 in La Mesa, and Highway 75 along the Silver Strand (Caltrans 2016). These highways are over 30 miles from the project area. Caltrans has also listed Interstate 5 (I-5) and State Route (SR) 76 as eligible for scenic designations. The northern portion of the project area is located west of and adjacent to I-5 and SR 76.

Light and Glare

Light introduction can be a nuisance to adjacent residential areas, diminish the view of the clear night sky, and if uncontrolled, can cause disturbances for motorists traveling in the area. Light spill is typically defined as the presence of unwanted light on properties adjacent to a property being illuminated. Existing sources of light are present in the project area include urban development along Coast Highway, passing vehicle headlights, and street lighting. The project area's lighting environment is considered typical of an urban commercial and residential area.

Glare is caused by the reflection of sunlight or artificial light by highly polished surfaces such as window glass or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces or vehicle headlights. Perceived glare is the unwanted and potentially objectionable sensation experienced by a person looking directly or indirectly into the light source of a luminaire. Existing sources of glare in the project area include reflective building materials (e.g., windows) and passing cars along Coast Highway and the adjacent cross streets.

3.1.2 Regulatory Framework

Local

City of Oceanside Municipal Code – Lighting

The City's Municipal Code contains a number of development standards and procedures. Chapter 39 of the Municipal Code restricts the use of certain light fixtures emitting into the night sky that have detrimental effects on astronomical observation and research. This chapter consists of standards including lamp types allowed, shielding requirements, and hours of operation for certain lighting types. The requirements for lamp source and shielding of light emissions for outdoor light fixtures are included in **Table 3.1-1**.

**TABLE 3.1-1
 CITY OF OCEANSIDE LIGHTING STANDARDS**

Lamp Type	Requirement
Class I – Color Rendition Important	
Low pressure sodium	Permitted
Other lights above 4050 lumens	Permitted
Other lights 4050 lumens or less	Permitted
Class II – Parking Lots, Roadways, Security	
Low pressure sodium	Permitted
Other lights above 4050 lumens	Prohibited
Other lights 4050 lumens or less	Permitted
Class III – Decorative	
Low pressure sodium	Permitted
Other lights above 4050 lumens	Prohibited
Other lights 4050 lumens or less	Permitted

SOURCE: Oceanside 2016.

City of Oceanside Local Coastal Program

The City’s LCP outlines goals, policies, and programs to ensure appropriate development and land uses within the coastal area. The LCP states that the City’s important natural aesthetic resources include the Pacific Ocean, the San Luis Rey River, Buena Vista Lagoon, Oceanside Harbor, and Oceanside Pier (City of Oceanside 1985).

Section 30251 of the LCP states,

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The following LCP objectives and policies related to aesthetics are relevant to the proposed project:

Objectives: The City shall protect, enhance, and maximize public enjoyment of Coastal Zone scenic resources.

The City shall, through its land use and public works decisions, seek to protect, enhance, and restore visual quality of urban environment.

Policy 1: In areas of significant natural aesthetic value, new development shall be subordinate to the natural environment.

Policy 3: All new development shall be designed in a manner which minimizes disruption of natural land forms and significant vegetation.

Policy 4: The City shall maintain existing view corridors through public rights-of-way.

Policy 8: The City shall ensure that all new development is compatible in height, scale, color, and form with the surrounding neighborhood.

Policy 13: New development shall utilize optimum landscaping to achieve the following effects:

- a) Accent and enhance desirable site characteristics and architectural features
- b) Soften, shade, and screen parking and other problem areas
- c) Frame and accent (but not obscure) coastal views
- d) Create a sense of spaciousness, where appropriate
- e) In areas where significant natural vegetation exists, replace, as appropriate, and develop areas with native drought-tolerant plants

City of Oceanside General Plan

The City of Oceanside's General Plan Land Use Element describes present and planned land use activity that has been designed to achieve the community's long-range objectives for the future (City of Oceanside 2002). The Land Use Element provides direction related to how future development will occur, such as the intensity/density and character of new development. The following goals and policies from the Land Use Element are relevant to the proposed project:

1.12 Land Use Compatibility

Objective: To minimize conflicts with adjacent or related land uses.

Policy A: Adequate setbacks, buffering, and/or innovative site design shall be required for land uses that are contiguous to and incompatible with existing land uses.

Policy B: The use of land shall not create negative visual impacts to surrounding land uses.

1.23 Architecture

Objective: The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.

Policy A. Architectural form, treatments, and materials shall serve to significantly improve on the visual image of the surrounding neighborhood.

Policy B. Structures shall work in harmony with landscaping and adjacent urban and/or topographic form to create an attractive line, dimension, scale, and/or pattern.

2.24 Special Commercial: Scenic and Recreation Areas

Policy A: Commercial developments adjacent to scenic and recreational areas shall provide site design visually compatible with the surrounding open space environment. Development shall feature uses and facilities oriented towards providing support to the recreational or scenic activities of the area.

3.21: Scenic Open Areas

Policy A: The City shall encourage the preservation of significant visual open areas.

3.1.3 Impacts and Mitigation Measure

Significance Criteria

Based on Appendix G of the CEQA Guidelines, the project would have a significant impact on aesthetics if it would:

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.
3. Substantially degrade the existing visual character or quality of the site and its surroundings.
4. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Impact Analysis

Issue 1: Would the project have a substantial adverse effect on a scenic vista?

There are several City-identified important scenic resources within the project area, including views of the Pacific Ocean, San Luis Rey River, Buena Vista Lagoon, Oceanside Harbor, and Oceanside Pier (City of Oceanside 1985). The western city's grid street pattern allows public views of the ocean from several vantage points, including most east-west streets along the coast. Within the project area, existing public views of the Oceanside Harbor and San Luis Rey River are available from the bridge crossing over the San Luis Rey River looking west. Existing public views of the Pacific Ocean are available along Coast Highway from the intersections of Neptune Way, Surf Rider Way, Civic Center Drive, Pier View Way, Mission Avenue, Seagaze Drive, Michigan Avenue, West Street, Eucalyptus Street, Oceanside Boulevard, and Cassidy Street. Views of the Buena Vista Lagoon are available from Coast Highway looking south, beginning south of the intersection of Vista Way.

Complete Streets Improvements

Implementation of the Complete Streets improvements would reconfigure Coast Highway from four travel lanes to two travel lanes and would create continuous bicycle lanes, provide street parking, and construct intersection roundabouts, medians, and curb adjustments, all within the existing ROW. Construction equipment associated with these improvements may temporarily impede some scenic vistas, including public views toward the Pacific Ocean at the abovementioned intersections and views toward Oceanside Harbor, San Luis Rey River, and the

Buena Vista Lagoon. These public views are currently experienced primarily by passing vehicles, pedestrians, and bicyclists. However, this effect on scenic vistas would be temporary in nature and highly localized, as equipment would be removed following the completion of construction. In addition, construction of the Complete Streets improvements would not occur all at once, but would be conducted segment by segment from the northern to the southern end of the project area. Therefore, the larger visual character of the water bodies would not be significantly diminished. Following the completion of construction, the proposed raised medians included in the Complete Streets improvements would be 2 feet in height and all other improvements (e.g. bike lanes, parking lanes, cross walks) would occur at street level; therefore, the proposed Complete Streets improvements would not substantially alter views of the project area or introduce structures that would be of sufficient height to block scenic vistas. The Complete Streets improvements would facilitate the use of roadways by bicyclists and pedestrians, thereby enhancing access to these scenic vistas by a larger range of persons. Impacts to scenic vistas from the proposed Complete Streets improvements would be less than significant.

Incentive District

Implementation of the Incentive District would encourage redevelopment, including the potential construction of commercial, mixed-use, and residential uses within the project area, which contains scenic vistas of the Pacific Ocean at the abovementioned Coast Highway intersections. These vistas are otherwise blocked by existing structures at street level. The southernmost portion of Coast Highway within the Incentive District has a view of the Buena Vista Lagoon, south of the intersection of Coast Highway and Vista Way.

Construction of future development within the Incentive District could temporarily interfere with some scenic vistas through the placement of construction equipment on future development sites, specifically on the west side of Coast Highway. However, obstructions of scenic views would be minimal, as equipment would be primarily within individual work areas and rarely be placed in within Coast Highway's ROW, where public scenic views of the ocean and Lagoon are available. In addition, construction equipment is temporary in nature and would be removed following the completion of construction.

Operation of the Incentive District would allow increased height of buildings in Nodal areas with discretionary approval up to a maximum of 65 feet compared to the existing limit of 45 feet. However, operation of new or expanded development would not occur within Coast Highway's ROW, and therefore would not block existing public scenic views toward the ocean or Buena Vista Lagoon. All other public views toward scenic resources are blocked by existing structures. Therefore, impacts to scenic vistas from implementation of the Incentive District would be less than significant.

Mitigation Measures: No mitigation measures are required.

Significance Determination: Less than significant

Issue 2: Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

The nearest highways to the project area include Coast Highway itself, and I-5 and SR 76, which are located west of and adjacent to the northern portion of the Complete Streets improvements. While I-5 and SR 76 are identified by Caltrans as being eligible for scenic designations, they are not officially designated as state scenic highways. Nevertheless, while located near the project area, motorists traveling on SR 76 would not be able to view the project area due to intervening topography and interference from its interchange with I-5. Motorists on I-5, however, would be able to look over the project area, although for a brief period of time and generally at high speeds. I-5 is only slightly elevated above project area, and motorists would not be provided with direct open views of the project area. In addition, views from I-5 would only look over the project area in the northern portion of the project, where only Complete Streets improvements would be constructed, which would only occur at ground level and would not create structures visible from I-5. Therefore, implementation of the proposed project would not affect the eligibility of I-5 or SR 76 to be formally designated as scenic in the future, and, as explained within Issue 1, the proposed project itself would not damage scenic vistas. Therefore, impacts related to damaging scenic resources within a state scenic highway would be less than significant.

Mitigation Measures: No mitigation measures are required.

Significance Determination: No impact

Issue 3: Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

Complete Streets Improvements

Implementation of the Complete Streets improvements would reconfigure Coast Highway from four travel lanes to two travel lanes and would create continuous bicycle lanes, provide street parking, and construct intersection roundabouts, medians, and curb adjustments, all within the existing ROW. Construction activities associated with the proposed improvements could temporarily alter the site's visual character through the introduction of construction equipment and materials, including temporary noise barriers where necessary and feasible (see Chapter 3.10, Noise and Vibration for more information regarding noise barriers); however, construction activities would be temporary in nature and all construction-related equipment and materials would be removed following completion. Noise barriers intended to reduce construction-related noise could temporarily interrupt the line of sight between construction equipment and public viewers, screening construction activities. Further, construction of the Complete Streets improvements would not occur all at once, but would be conducted segment by segment from the northern to the southern end of the project area.

Representative views were selected in order to analyze post-project views and the visual character of the project area. Analyzing all possible public views within the project area would not be feasible, nor is it necessary to understand the potential visual impacts that could result. Thus, two

representative public views were chosen to portray existing and post-project views: Coast Highway and Oceanside Boulevard, and Coast Highway and Minnesota Avenue.

Post-project views of the Complete Streets improvements and the Incentive District at the intersection of Coast Highway and Oceanside Boulevard are shown in **Figure 3.1-3**. Within this public viewshed, the Complete Streets improvements would create a single traffic lane, a Class II striped bicycle lane, and on-street parallel parking in both directions.

A single-lane roundabout is proposed at this intersection, which would include landscaping at its center and pedestrian crosswalks. In addition, a raised and landscaped median would separate the northbound and southbound lanes. A landscaped curb adjustment would provide a bulbout to provide parking space and to slow traffic before entering the roundabout.

Post-project views of the Complete Streets improvements and the Incentive District at the intersection of Coast Highway and Minnesota Avenue are shown in **Figure 3.1-4**. Within this public viewshed, the Complete Streets improvements would create a single traffic lane, a Class II striped bicycle lane, and on-street parallel parking in both directions, within the existing ROW. A 2-foot-wide raised median is proposed to separate the northbound and southbound lanes. A crosswalk and signage would be located at the intersection. Landscaping improvements would be provided on the medians and sidewalks.

Following implementation, the Complete Streets improvements infrastructure would be consistent with the project site's existing character as a transportation corridor. Quality of the visual character of the transportation corridor would increase due to additional landscaping, creation of a visually interesting ROW, and increased use by pedestrian travel. While the visual change of Coast Highway due to the Complete Streets improvements would be evident, the visual character would not be degraded. Therefore, implementation of the Complete Streets improvements would be less than significant.

Incentive District

The project area is located in a developed portion of Oceanside containing single-family and multi-family residential, commercial, mixed-use, light-industrial, and public use space. Implementation of the Incentive District would encourage redevelopment, including the potential construction of commercial, mixed-use, and residential uses. Construction activities associated with redevelopment within the Incentive District would temporarily alter the Incentive District's visual character through the introduction of construction equipment and materials, including noise barriers where necessary and feasible; however, construction activities would be temporary in nature and all construction-related equipment and materials would be removed following completion. In addition, where necessary and feasible, noise barriers would block the line of sight between construction equipment and public viewers, screening construction activities. Further, construction of future projects within the Incentive District would not occur all at once, but would be conducted on a project-by-project basis.



Existing View



Visual Simulation



Existing View



Visual Simulation

Similar to the Complete Streets improvements analysis above, analyzing all possible public views within the project area would not be feasible, and thus two representative views were chosen: Coast Highway and Oceanside Boulevard, and Coast Highway and Minnesota Avenue.

Conceptual post-project views of potential future redevelopment on Coast Highway at Oceanside Boulevard are shown in Figure 3.1-3. This portion of the project area would be located within a Node planning area, allowing for an increase in the height of buildings from 45 feet to a maximum of 65 feet with discretionary approval, and increase in density from the current 43 dwelling units per acre to 63 dwelling units per acre.

While no specific redevelopment project is envisioned at this time in the Incentive District, the simulation provides a representative view with this higher elevation limit shown. As shown on Figure 3.1-3, the Incentive District would allow buildings to increase in height and density on both sides of Coast Highway, resulting in a continuous street front of similar massing, scale, and architectural style.

Conceptual post-project views of Coast Highway at Minnesota Avenue are shown in **Figure 3.1-4**. This portion of the Incentive District would be located within an Avenue planning area where the current 45-foot limit would remain. Avenue planning areas would include larger setbacks along primary frontages to allow for the visual appearance of wider parkways. Stand-alone multi-family residential uses would also be allowed within Avenue planning areas. While density and height limits would remain the same as existing conditions, redevelopment would cause a visual change due to changing land uses and architectural standards.

The Incentive District would encourage redevelopment through design criteria and development incentives to encourage high-quality development. As discussed in Chapter 2, Project Description, the Incentive District would provide form-based design and development standards to achieve the pedestrian scale and architectural variation advocated in the Vision Plan. Consistent with the overall ideas in the City's Vision Plan, the Incentive District would establish regulations intended to promote high-quality urban and architectural design and variability of massing and height, emphasizing the design of the interface between the private and public realms. General architectural standards within the Incentive District would include, but are not limited to, standards on pedestrian paseos, lighting, raised terraces, large windows on storefronts, facades and frontages, and streetscaping. All of these are intended to improve the overall visual quality and character of the area.

Overall, the project area would remain developed, similar to current conditions. Although the visual character of the project area could change in some planning areas to allow increases in building heights and density, this would not degrade the visual character of the project area. The proposed Incentive District would hold future applicants to a higher architecture and design standard, and create a more defined urban area that is intended to attract commercial and residential uses. Future development within the Incentive District would be required to comply with the City's Municipal Code, Local Coastal Program, and General Plan policies pertaining to visual character, and individual projects would be considered by the City for compliance with these overarching goals and standards. Therefore, as the Incentive District would be held to

higher architectural standards, impacts related to the degradation of the project site's visual character or quality would be less than significant.

Mitigation Measures: No mitigation measures would be required.

Significance Determination: Less than significant

Issue 4: Would the project have a significant impact due to substantial light or glare which would adversely affect daytime or nighttime views in the area?

Complete Streets Improvements

Coast Highway is a transportation corridor, and thus contains cars, streetlights and signs that emit light and glare during the day and night. Light and glare associated with construction equipment in the daytime is not expected to substantially exceed existing conditions. Construction activities would be limited to Monday through Saturday from 7:00 a.m. to 6:00 p.m., per City Code, and thus would not occur at night. Further, construction lighting would be required to comply with City Municipal Code regulations designed to reduce light pollution.

After the completion of construction, the proposed Complete Streets improvements would include bicycle lanes, crosswalks, on-street parking, and roundabouts. Some additional street lighting would be installed along Coast Highway, consistent with the City's Municipal Code regulations. While the project would introduce new lighting sources, there is already existing lighting typical of highly traveled streets within and adjacent to the project area. As an existing transportation corridor, these improvements are not expected to generate or cause substantial amounts of additional light and glare within the project site compared to existing conditions, and are intended to enhance pedestrian safety and consistency with existing lighting. New lighting would be required to comply with the City's Municipal Code lighting requirements, which are designed to reduce light pollution. Therefore, impacts related to light and glare would be less than significant.

Incentive District

The project area is urban and developed in nature. Existing sources of light and glare on the project site include cars, streetlights, signs, and reflective building materials. Future development would not substantially add to the amount of light and glare present on site. In addition, the Incentive District includes development standards for lighting, including illumination for pedestrian safety, shielding requirements, and prohibition of high-pressure sodium and incandescent exterior lights, consistent with the City's existing Municipal Code regulations. All future development within the Incentive District would be required to comply with City Municipal Code Chapter 39, which includes design measures to prevent light pollution. Therefore, impacts related to substantial light and glare would be less than significant.

Mitigation Measures: No mitigation measures would be required.

Significance Determination: Less than significant