

## FINDINGS

### FINDINGS OF FACT (CEQA)

The Advisory Agency determines that, based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, Case No. ENV-2018-6667-SE, the Project is exempt from the CEQA pursuant to Public Resources Code Section 21080.27(b)(1).

### FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. VTT-82288 the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the Los Angeles Municipal Code.

The 2.65 acre site is located within the adopted Venice Community Plan and certified Venice Land Use Plan (LUP), which designates the site for Open Space land uses with a corresponding zone of OS-1XL-O. The Open Space zone does not permit buildings or structures except those used for park and recreation facilities. LAMC Sec. 12.21.1.A.1. provides that the existing FAR is 3:1, and existing Height District 1XL permits a building height of two stories and 30 feet. In conjunction with the tract map under concurrent case No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-WDI-SPR-PHP, the Project is requesting approval of a General Plan Amendment to the Venice Community Plan and the certified LUP to re-designate the Site from Open Space to Neighborhood Commercial and a Vesting Zone Change and Height District Change from OS-1XL-O to C2-1L-O along with other entitlements. The proposed 1L Height District limits FAR to 1.5:1 and building height to six stories or 75 feet.

The Framework Element for the General Plan ("Framework Element") was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the Property. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The General Plan Framework Element describes Neighborhood Commercial areas as pedestrian-oriented retail focal points for surrounding residential neighborhoods (15,000 to 20,000 persons) containing a diversity of local-serving uses. Generally, these districts have a 1.5:1 FAR and are characterized by buildings of one to two-stories in height. The C2 zone allows for residential and general commercial uses, no front yard setback, and side and rear yard setbacks consistent with R4 requirements. The 1L Height District within a C zone allows for a maximum height of 75 feet and a maximum FAR of 1.5:1. The project will provide 140 dwelling units and a mix of commercial space, have an FAR of 1.15:1, and will generally be 35 feet in height with a 59-foot tall campanile at the northwest corner of the Project. The Project will have a five-foot front yard setback and five-foot side and rear yard setbacks except where facing the Grand Canal and the adjacent RD1.5-

zoned property at the northeast corner of the site. The Project will have a 16-foot rear yard setback at the yard adjacent to the RD1.5-zoned property and 15-foot setbacks on average at the yards abutting the Grand Canal. As such, the Project would be consistent with the requirements of the requested Neighborhood Commercial land use designation of the General Plan, the C2-zone, and 1L-Height District.

The 2.65 acre site is located within the adopted Venice Community Plan and certified Venice Land Use Plan (LUP), which designates the site for Open Space land uses with a corresponding zone of OS-1XL-O. The Open Space zone does not permit buildings or structures except those used for park and recreation facilities. LAMC Sec. 12.21.1.A.1. provides that the existing FAR is 3:1, and existing Height District 1XL permits a building height of two stories and 30 feet. In conjunction with the tract map under concurrent Case No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-WDI-SPR-PHP, the Project is requesting approval of a General Plan Amendment to the Venice Community Plan and the certified LUP to re-designate the Site from Open Space to Neighborhood Commercial and a Vesting Zone Change and Height District Change from OS-1XL-O to C2-1L-O along with other entitlements. The proposed 1L Height District limits FAR to 1.5:1 and building height to six stories or 75 feet.

The Project Site is located within the Venice Canals and North Venice subareas of the adopted Venice Coastal Zone Specific Plan, which contains general land use and development regulations (Section 9) and specific land use and development regulations for subareas located within the Specific Plan (Section 10). The Venice Canals and North Venice subareas contains land use and development regulations, however in conjunction with the tract map under concurrent case No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-WDI-SPR-PHP, the Project is requesting Specific Plan Amendments to the Venice Coastal Specific Plan to amend Sections 9 and 10 to create a new subarea that would establish new land use and development regulations for the Project Site. By creating these new land use and development regulations, the Project would be consistent with the provisions of the Venice Coastal Zone Specific Plan.

The Project Site is also located within the Los Angeles Coastal Transportation Corridor Specific Plan, which provides a mechanism to fund transportation improvements as a result of transportation impacts generated by new commercial and industrial developments. The Los Angeles Coastal Transportation Corridor Specific Plan requires fees to be paid based on the number of Trips generated and the size of a proposed project; it does not contain land use or design regulations. In satisfying DOT's Condition of Approval, the Project would meet the requirements of the Los Angeles Coastal Transportation Corridor Specific Plan.

The Subdivision Map Act requires the Advisory Agency to find the proposed map be consistent with the General Plan. For division of land purposes, consistency with the applicable plans is limited to those relating to zoning and land use regulations such as height, density, setbacks, parking, and lot area. As conditioned and demonstrated above, in conjunction with the requested General Plan Amendment, Vesting Zone Change, Height District Change, certified Venice Local Coastal Program Land Use Plan amendments, and Venice coastal Zone Specific Plan Amendment, the proposed tract map is consistent with the intent and purpose of the General Plan and applicable Specific Plan.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Section 66418 of the Subdivision Map Act defines the term "design" as follows: "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including

alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; purposes; and (5) such other specific physical requirement in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable Specific Plan. Further, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

Section 17.05 C of the Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that each Tentative Map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). The requested map meets the required components of a tract map as it was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the Los Angeles Municipal Code.

As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the project site. As the site's existing Open Space land use designation and OS-1XL-O Zone would not permit the construction of the proposed 140 Permanent Supportive Housing dwelling units, the applicant has requested a General Plan Amendment, Zone Change, and Specific Plan Amendment, Case No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-WDI-SPR-PHP, in conjunction with the requested tract map. The requested General Plan Amendment would amend the Land Use designation from Open Space to Neighborhood Commercial, the zone would change from OS-1XL-O to C2-1L-O, and the Venice Coastal Zone Specific Plan would be amended to permit a Permanent Supportive Housing Project of 140 dwelling units, supportive services, and commercial uses. As discussed in Finding No. 1, the tract map is approved with the condition that the map is in compliance with the approval of CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-WDI-SPR-PHP. As such, the proposed density and uses would be consistent with the proposed land use designation, zone, and specific plan.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, Department of Water and Power, Bureau of Sanitation, Bureau of Street Lighting) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Bureau of Engineering requires dedications along North Venice Boulevard, at the Corner of North Venice Boulevard and Pacific Avenue, along Pacific Avenue, at the corner of Pacific Avenue and South Venice Boulevard, along South Venice Boulevard, and at the corner of South Venice Boulevard and Dell Avenue. Additionally, Bureau of Engineering requires that public sidewalk easement areas be provided along Dell Avenue and at the locations of the public utilities including street lights, fire hydrants and street trees satisfactory to the City Engineer. Bureau of Engineering requires Dell Avenue and North Venice Boulevard to be improved with concrete sidewalks at the locations of the public utilities and or obstructions. Sewers are available and have been inspected and deemed adequate in accommodating the proposed Project's sewerage needs. The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permits. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tract map, and issuance

of building permits, grading permits, or certificates of occupancy. Several public agencies (including the Bureau of Engineering, Bureau of Sanitation, Bureau of Street Lighting, Department of Building and Safety, and Department of Recreation and Parks) have reviewed the map, found the subdivision design satisfactory and imposed improvement requirements and/or conditions of approval.

The Applicant requested to provide an easement for sidewalk purposes along Dell Avenue to maximize the provision of open space within the Project Site. The Advisory Agency recognizes that the Applicant's proposal to provide an easement for sidewalk purposes along Dell Avenue instead of a dedication provides equivalent public access and without harm to the public as would be provided through dedication. In addition, the Advisory Agency has considered the design and improvements in a manner consistent with the public access policies of the Venice Land Use Plan. The Applicant is required to maintain and provide on-site vehicle and pedestrian access for public use to an existing public boat launch area and provide additional pedestrian access to the Short Line Bridge, the Grand Canal Esplanade, and access through the site from South Venice Boulevard to North Venice Boulevard. The additional public access easements will maintain existing public access and provide access consistent with the certified Venice Land Use Plan. Therefore, as conditioned, upon approval of the entitlement requests, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the applicable General and Specific Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project site is located in the Venice Community Plan area and Dual Permit Jurisdiction of the Coastal Zone. The Project site is also relatively flat and rectangular in shape. The Site is located in a heavily developed urban area, generally located on the block bounded by North Venice Boulevard to the north, Pacific Avenue to the west, Dell Avenue to the east and South Venice Boulevard to the south and is bisected into a West Site and East Site by the terminus of the Grand Canal (also known as Canal Street north of North Venice Boulevard). The Site has an approximately 174-foot frontage on the east side of Pacific Avenue, an approximately 550-foot frontage on the south side of North Venice Boulevard, an approximately 78-foot frontage on the west side of Dell Avenue, and an approximately 713-foot frontage on the north side of South Venice Boulevard. The Site is currently improved with a City-owned surface parking lot (containing 196 parking spaces) and a four-unit, multi-family residential building. Both would be demolished to accommodate the proposed Project. Excavation of for the Project would extend approximately 10 feet below grade and approximately 9,100 cubic yards of building material and soil would be hauled from the Project Site. A total of 24 non-protected onsite trees and 11 non-protected street trees (5 of which are dead) will be removed and replaced at a 1:1 ratio as part of the Project's onsite landscaping. All of the 11 street trees will be removed and replaced at a 2:1 ratio as required by the Urban Forestry Division of the Bureau of Street Services. The Project will include approximately 16,250 square feet of open space, including approximately 4,930 square feet of landscaped open space. The northernmost section of the Venice Canal system (also known as the Grand Canal), bisects the Project Site into two portions: the West Site and East Site. The West Site and East Site are connected by the Short Line Bridge, which will remain and provide pedestrian access between the two bisected areas of the Project Site. The Project includes the merger and re-subdivision of 40 existing lots into two (2) master ground lots and seven (7) air space lots totaling 115,674 square feet to allow for 140 residential dwelling units and related supportive and commercial uses. The Project will generally be 35 feet in height with a 59-foot tall campanile at the northwest corner of the Project. The Project will provide 360 parking spaces in a covered parking structure, centrally located on each side of the Project Site. The Project will also include 136 bicycle parking spaces onsite.

According to the State of California Seismic Hazard Zone Map for the Venice Quadrangle and the City of Los Angeles General Plan, the Project Site is located in an area identified as having potential for liquefaction. Additionally, the Los Angeles County Safety Element indicates that the Site is located in an area that is susceptible to liquefaction. The Project Site is also located within a Methane Zone and would be subject to the requirements of the City Methane Requirements. The Site is not located in a hillside area, the Alquist-Priolo Fault Zone, a landslide area, or a preliminary fault rupture study area. The closest active fault is the Santa Monica Fault, located approximately 5.48 kilometers from the Project Site. The site is not identified as having hazardous waste or past remediation. The site is within Flood zone B, which denotes areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood and is subject to the requirements of the Flood Hazard Management Specific Plan.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. The Department of Building and Safety, Grading Division has issued a Soils Report Approval Letter, dated August 10, 2018, stating that the referenced reports are acceptable, provided that the Project complies with applicable conditions. The recommendations from the August 10, 2018 letter have been imposed as Conditions of Approval of the tract map. Therefore, based on the above, the site will be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning applied to subject sites throughout the City are allocated based on the type of land use, physical suitability, and population growth that is expected to occur. The Project Site is located within the Venice Community Plan area and is classified with an Open Space land use designation with the corresponding zone of OS-1XL-O. Under concurrent Case No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-WDI-SPR-PHP, the Project is requesting approval of a General Plan Amendment to the Venice Community Plan and certified LUP to re-designate the Site from Open Space to Neighborhood Commercial and a Vesting Zone Change and Height District Change from OS-1XL-O to C2-1L-O, among other entitlements.

The General Plan Framework Element describes Neighborhood Commercial areas as pedestrian-oriented retail focal points for surrounding residential neighborhoods containing a diversity of local-serving uses. Generally, Neighborhood Commercial areas have an FAR of 1.5:1 and are characterized by buildings of one to two-stories in height. The C2 zone allows for residential and general commercial uses, while the 1L height district within a C zone allows for a maximum height of 75 feet and a maximum FAR of 1.5:1. The Project Site is 115,674 square-feet or 2.65 acres in total area. Excluding required dedications, the net lot area is 97,050 square-feet. Excluding setbacks as required by the C2 zone and the Venice Coastal Zone Specific Plan, the buildable area is 90,573 square-feet. Based on this number and the maximum FAR of 1.5:1, the maximum buildable floor area would be 135,859 square feet. The Project provides 140 dwelling units and a mix of commercial space in 104,140 square-feet of building area, resulting in an FAR of 1.15:1, which is significantly below the maximum FAR allowed by the proposed C2 zone.

The General Plan Framework Element does not offer appropriate densities for commercial land uses in terms of dwelling units per acre, however, it does offer appropriate densities for residential land uses in the form of dwelling units per acre. The proposed C2 zone permits the residential density allowed in the R4 zone; the Framework Element indicates this is equivalent to a density

of 56 – 109 dwelling units per net acre. The Project Site is surrounded by low-rise residential structures that are zoned R3 and RD1.5 with corresponding land use designations of Medium Residential and Low Medium II Residential, respectively. The General Plan Framework Element suggests that Low Medium II Residential areas have a density of 18-29 units per acre and that Medium Residential areas have a density of 30-55 units per acre. Given the 2.65-acre Project Site, the 140-unit Project has a residential density of approximately 53 units per acre, which is consistent with the suggested density of the surrounding Medium Residential land uses. Additionally, the Project's three-story massing is compatible with the surrounding one to four-story residential and commercial structures.

With respect to building height, the Project will generally be 35 feet in height or less, with a 59-foot tall campanile at the northwest corner of the Project, which is consistent with most adjacent buildings. Several adjacent and nearby buildings are consistent with the height of the proposed campanile.

Therefore, the Project Site is physically suitable for the proposed density of development, as evidenced by in FAR, building height and units per acre.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project Site is currently developed with a City-owned surface parking lot (containing 196 parking spaces) and a four-unit multi-family residential building. Neither area provides a natural habitat for either fish or wildlife. Although located adjacent to the Grand Canal, which is part of the larger, man-made Venice Canal system, the Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with any protected tree ordinance, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value. The proposed development will not encroach or construct structures within the Esplanade or canal. There are no native or protected trees located within the Project Site or in abutting parkways. The Project is eligible for the statutory exemption from CEQA provided under AB 1197 because it (1) qualifies as a supportive housing project pursuant to Health and Safety Code Section 50675.14(b)(2); (2) meets the eligibility requirements of Government Code Section 65650 (AB 2162); and (3) is funded by County of Los Angeles Measure H Funds. Thus, the Department of City Planning determined that the proposed Project is exempt from CEQA pursuant to Assembly Bill 1197, Public Resources Code Section 21080.27(b)(1). Furthermore, the project is subject to compliance with the requirements of the Zoning and Building Code as well as regulatory compliance measures. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the LAMC (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

According to the State of California Seismic Hazard Zone Map for the Venice Quadrangle and the

City of Los Angeles General Plan, the Project Site is located in an area identified as having potential for liquefaction. Additionally, the Los Angeles County Safety Element indicates that the site is located in an area that is susceptible to liquefaction. The Project Site is not located within a Methane Zone and would not be subject to the requirements of the City Methane Requirements. The Site is not located in a hillside area, or Alquist-Priolo Fault Zone, landslide area, or preliminary fault rupture study area, nor any other hazardous zone. The closest active fault is the Santa Monica Fault, located approximately 3.5 miles from the Project Site. The Site is located in a heavily urbanized area containing a mix of single-family, multifamily, and commercial uses in the form of low-rise structures. Properties surrounding the Project Site are zoned to accommodate this mix of urban uses and intensities.

The Project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. The development of the Project does not propose substantial alteration to the existing topography. The Department of Building and Safety, Grading Division has reviewed the tract map and corresponding Soils Report prepared by Gecom West, Inc. and recommend approval (with conditions) of the tract map in their Soils Report Approval later (dated August 10, 2018). The Department of Building and Safety, Grading Division's conditions have been imposed as Conditions of Approval of the tract map.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which has been upgraded to meet statewide ocean discharge standards. No adverse impacts to the public health or safety would occur because of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

- (g) **THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.**

There are no recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The Site is surrounded by private properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The northernmost section of the Venice Canal system (also known as the Grand Canal), bisects the Project Site into two portions: the West Site and East Site. The West Site and East Site are connected by the Short Line Bridge, which will remain and continue to provide pedestrian access between the two bisected areas of the Project Site. The Venice Community Plan and certified Venice Coastal Land Use Plan identify the Venice Canals and the Grand Canal in particular as a natural resource, recreational resource, and unique open space area. While the Project Site is adjacent to the northernmost portion of the Grand Canal, the Canal and adjacent Esplanade will be maintained as public right of way and access to the Canal will not be inhibited at locations abutting the Project Site. The Project will include paved walkways and landscaping along the Grand Canal. Of the Project's 4,930 square feet of landscaped open space, approximately 1,645 square feet will be located adjacent to the banks of the Grand Canal in the form of low-lying terraced landscaping. As conditioned, the development is required to maintain on-site vehicle and pedestrian access to an existing boat launch area and pedestrian access to the Short Line Bridge and the Grand Canal Esplanade. Further, the project will maintain existing access and provide access through the site from North and South Venice Boulevard. The project will maintain the Grand Canal and adjacent Esplanade as a public right-of-way and provide new public access easements consistent with the public access policies of the certified Venice Land Use Plan. As such, the Project will improve access to and the pedestrian experience along the Grand Canal. The Project Site does not adjoin or provide access to any

other public resource, natural habitat, Public Park, or officially recognized public recreation area.

North Venice Boulevard, Dell Avenue, South Venice Boulevard, and Pacific Avenue will also remain and be improved to function as public rights-of-way around the Project Site. Vehicle access is provided in the form of curb cuts and driveways at four locations: North Venice Boulevard for the West and East Sites, and South Venice Boulevard for the West and East Sites. The Bureau of Engineering and the Department of Transportation have found the Project Site and abutting public rights-of-way sufficient to continue to provide adequate public access through and adjacent to the Site. The Applicant requested to provide an easement for sidewalk purposes along Dell Avenue to maximize the provision of open space within the Project Site. The Advisory Agency recognizes that the Applicant's proposal to provide an easement for sidewalk purposes along Dell Avenue instead of a dedication provides equivalent public access and would not impact public health or safety. The project will make improvements within the easement area to the satisfaction of the Bureau of Engineering and requirements for pedestrian access and street facilities. Necessary public access for roads and utilities will be acquired by the City prior to recordation of the proposed map. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the Applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities. In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 82288.