

Exhibit 1

**FINDINGS OF FACT FOR APPROVAL OF
PLN2014-00006
Planned Development
Floresta Gardens - 202 Caliente Drive
R&S Overhead Garage Door, Inc. (Applicant)
Floresta Gardens Homeowners Association (Property Owner)**

Planned Development

- 1. That the proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located.**

The approved Planned Development (PD-77-11) provides the underlying development standards for the Floresta Gardens residential community. The original PD addressed the issue of cut-through traffic with a restrictive gate placed at the Fremont Avenue entry to discourage through traffic and not to act as a “full security gate”. The proposed gates and fencing proposed would be consistent with the original PD to prevent or eliminate cut-through traffic, and restore quiet enjoyment of private property for residents.

- 2. That the proposed location of the use and the proposed conditions under which it would be operated or maintained, will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.**

General Plan Policy 2.10 Gated Communities states, “Unless overriding public safety considerations exist, discourage the development of “gated” communities or the gating of already developed neighborhoods or subdivisions.” The need for the gate and related fencing is based on the overriding public safety consideration to discourage unsafe traffic that cuts through the Floresta Gardens neighborhood via Washington Avenue through Caliente Drive and exiting onto Fremont Avenue. The cut-through traffic is unsafe in terms of speed and volume to residents and pedestrians in the subdivision. In addition to reducing the volume of speeding through traffic, the proposed pedestrian and vehicular gate and fencing meets the general objective for setbacks and sight distance.

- 3. That the proposed use will comply with the provisions of this code; including any specific condition required for the proposed use, in the district, in which it would be located.**

With a Planned Development (PD), the reviewing bodies will determine if the proposed use is compatible with the existing and proposed uses in the general vicinity. Furthermore, the purpose of the PD is to provide a process for the development of land to reduce the rigidity of zoning standards and to provide a mechanism for considering uses that can be compatible by application of careful and imaginative treatment. In this instance, installation of the gates and fencing would neither isolate the development from the adjacent properties nor would it change the characteristics of the area in which it is located.

- 4. That the proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.**

Installation of the proposed gates and related automated equipment for the gates to open meets all requirements for police, ambulance and fire access for a gated community.

- 5. The Planned Development Project Plan will provide superior urban design in comparison with the development under the base district zoning regulations.**

The proposed installation of gates and associated fencing uses tubular metal design that appears wrought iron and decorative in appearance. The proposed metal and decorative design of the gates and fencing provides an adequate level of urban design. In addition the open design of the gates and fences is the desired design in comparison to a solid design. The open design allows for surveillance and sight distance.

- 6. The Planned Development Project includes adequate provisions for utilities, services, and emergency vehicle access; and that public service demands will not exceed the capacity of the existing and planned systems.**

The proposed project has been designed to meet emergency vehicle access requirements. The Engineering and Transportation Department and Alameda County Fire Department have found the access to the site to be safe for vehicular, pedestrian and emergency vehicle access. Vehicles are not likely to stack from the installation of the gates as observed from adjacent and nearby multi-family residential developments do not have vehicle stacking impacts on Washington Avenue. The adjacent and nearby multi-family residential developments have gates with a shallower setbacks and higher densities (units to the land area) in comparison to Floresta Gardens.