City of San Leandro Planning Commission

RESOLUTION NO. 2026-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN LEANDRO

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) TO ESTABLISH AN OUTDOOR VEHICLE STORAGE YARD ASSOCIATED WITH A TOWING COMPANY LOCATED AT 476 WHITNEY STREET AT 476 WHITNEY ST AVENUE (PLN25-0031)

WHEREAS, the applicant and property owner, Pravinesh Chand ("Applicant"), submitted an application, PLN25-0031 ("Project") for a Conditional Use Permit to allow an outdoor vehicle storage yard associated with a towing company located at 476 Whitney Street, Assessor's Parcel Number: 77A-743-23 (the "Property"); and

WHEREAS, the Property is designated as Industrial General (IG) in the General Plan and is located in the Industrial General (IG) Zoning District; and

WHEREAS, Zoning Code Section 2.12.200.B.34 requires a Conditional Use Permit to establish a Vehicle Storage use in the IG Zoning District; and

WHEREAS, the Project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, Existing Facilities; and

WHEREAS, a staff report dated July 2, 2026, and incorporated herein by reference, describes and analyzes the proposed Project; and

WHEREAS, the Planning Commission fully considered the Project application and entitlements, applicant's statements, staff report, Findings of Fact, conditions of approval, and all testimony and evidence presented at the public hearing; and

WHEREAS, on July 2, 2026, the Planning Commission reviewed the staff report at a duly noticed public hearing on the proposed Project, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission has considered all public comments received, the presentation by City staff, the staff report and attachments in adopting this resolution; and

WHEREAS, the Planning Commission has determined that the proposed Project does satisfy the requisite findings of fact necessary for approval as described in the staff report and herein; and

WHEREAS, the Planning Commission desires to approve a Conditional Use Permit for the Project; and

WHEREAS, the City's General Plan, Zoning Code, and Municipal Code, are incorporated herein by reference, and are available for review at City Hall during normal business hours.

NOW, THEREFORE THE PLANNING COMMISSION FOR THE CITY OF SAN LEANDRO RESOLVES THAT: The above recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED THAT, the Planning Commission does hereby determine that the Project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities).

BE IT FURTHER RESOLVED THAT, the Planning Commission of the City of San Leandro does approve Conditional Use Permit (PLN25-0031) to establish an outdoor vehicle storage yard associated with a towing company located at 476 Whitney Street, as shown on the submitted project plans attached as Exhibit B and incorporated herein, based on the following findings and considering the staff report, and the whole of the record related to the Project:

Conditional Use Permit

1. The proposed location of the Project is in accord with the objectives of the Zoning Code and the purposes of the Industrial General (IG) Zoning District, in which the Property is located.

2. The proposed location of the Project 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

3. The proposed Project will comply with the provisions of the Zoning Code, including all requirements for the proposed use in the IG Zoning District in which it would be located.

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

BE IT FURTHER RESOLVED THAT, the Planning Commission's recommendation for approval of the Project is subject to the following conditions of approval:

PLANNING DIVISION

Compliance with Approved Plans and Conditions of Approval

1. **Permitted Use.** The approval of this Conditional Use Permit allows for the establishment of an outdoor vehicle storage yard associated with a towing company located at 476 Whitney Street; APN: 77A-743-23; Zoning District: IG.

2. **Compliance with Approved Exhibits**. The Project shall comply with Exhibit A (Project Plans) and Exhibit B (Project Statement), except as hereinafter modified. Exhibits are on file at City Hall, at the City of San Leandro, Community Development Department, located at 835 E. 14th Street, San Leandro, California, 94577.

3. **Modifications.** The project shall remain in substantial compliance with the approved Plans, Exhibits, and Conditions of Approval. Proposed changes to the project shall be made in writing to the Zoning Enforcement Official. The Zoning Enforcement Official may approve changes to approved Exhibits or Conditions of Approval without a public, hearing upon determining that the changes are minor and are consistent with the intent of the original approval. Revisions involving substantial changes to approved Exhibits or Conditions of Approval shall be treated as new applications, to be reviewed as a new project. The Zoning Enforcement Official may also refer any changes to the Planning Commission.

4. **Effective Date**. The project approval shall become effective on the 15th day after the date the Planning Commission approves the project, unless appealed, as provided in Zoning Code Chapter 5.20.

5. **Expiration Date**. The Project approval shall lapse on July 2, 2028, unless diligent progress has been made evidencing a good faith intent to commence the intended use; or an occupancy permit has been issued; or the approval is renewed, as provided in Zoning Code Section 5.08.136.A. Pursuant to Zoning Code Section 5.08.136(E), upon written request, the approval may be renewed by the Zoning Enforcement Official for one (1) year, with one additional (1) one-year renewal allowed for a total period not to exceed two (2) years without notice or public hearing if the findings required by Zoning Code Section 5.08.124.A remain valid. An application for renewal shall be made in writing to the Zoning Enforcement Official prior to the expiration of the permit.

6. **Revocation**. In accordance with Zoning Code Section 5.24.108, upon determination by the Zoning Enforcement Official that there are reasonable grounds for revocation of this approval, a revocation hearing shall be set by the Zoning Enforcement Official before the Planning Commission.

7. **Compliance with Zoning Code.** Prior to permit issuance, the Applicant/Owner shall demonstrate that the Project complies with all minimum requirements of the San Leandro Zoning Code.

8. **Access to Conditions of Approval.** These Conditions of Approval shall be made available and accessible to all property owners and occupants on the property.

9. **Successors in Interest**. These conditions of approval shall run with the land and the Applicant/Owner shall be responsible for ensuring that any heirs, executors, administrators, and successors in interest who assumes responsibility for this approval are informed of its terms and conditions.

10. **Fees**. Prior to permit issuance, any and all outstanding Planning, Engineering or Building deposit fees or balances shall be paid in full.

Indemnification

11. The Applicant/Owner hereby agrees to defend, indemnify, and hold harmless the City of San Leandro, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of San Leandro, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.

12. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this Project, the Applicant/Owner shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the Applicant/Owner (which shall be the same counsel used by Applicant/Owner) and reasonably approved by the City. Applicant/Owner's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.

Operational Conditions

13. **Approved Use.** The Conditional Use Permit authorizes only towing operations, administrative office functions, and temporary outdoor storage of towed and impounded vehicles. Vehicle repair, dismantling, salvage operations, vehicle sales, body work, painting, washing, engine rebuilding, parts storage, and similar automotive service activities are prohibited.

14. **Hours of Operation.** Administrative office hours shall be limited to Monday through Friday between 8:00 a.m. and 5:00 p.m., unless otherwise approved by the Community Development Director. Tow truck dispatch and vehicle drop-off activities

may occur outside of office hours as necessary to support towing operations. Customer vehicle retrieval shall occur only during approved office hours.

15. **Vehicle Storage Capacity**. The outdoor vehicle storage yard shall be limited to a maximum of twenty (20) vehicles at any one time. Storage of vehicles in excess of the approved capacity shall constitute a violation of this permit.

16. **Vehicle Storage and Location**. All stored vehicles shall be parked entirely within the designated secured storage area shown on the approved site plan. No vehicles shall be stored within required parking spaces, drive aisles, fire lanes, landscaped areas, sidewalks, or public rights-of-way. Vehicles shall not be stacked, stored on trailers, or otherwise arranged in a manner inconsistent with the approved site plan.

17. **Vehicle Removal and Turnover**. The storage yard is intended for temporary vehicle storage only. The permittee shall actively manage the site to ensure the timely retrieval, release, transfer, or lawful disposition of stored vehicles. Any vehicle stored on-site for more than ninety (90) consecutive days shall be documented and processed in accordance with applicable California Vehicle Code requirements. Records shall be made available to the City upon request.

18. **Access and Vehicle Movement Within Secured Storage Area.** Access to the secured impound/storage area shall be limited to authorized employees or contractors acting on behalf of the business. Only individuals possessing the qualifications and training necessary to safely operate a vehicle shall be permitted to move, remove, or relocate vehicles within the secured storage area. Customers, vehicle owners, visitors, and other unauthorized persons shall not enter the secured storage area for the purpose of moving, removing, or relocating vehicles.

19. **Inoperable and Damaged Vehicles**. Vehicles stored on-site may include collision-damaged or disabled vehicles associated with towing operations; however, no vehicle shall be dismantled, stripped, cannibalized for parts, or otherwise altered while stored on the property.

20. **Noise Control**. Operations shall be conducted in a manner that minimizes noise impacts on surrounding properties. The following activities are prohibited unless necessary for public safety or emergency response: unnecessary engine revving; prolonged vehicle idling exceeding five (5) minutes; testing of sirens, horns, or vehicle alarms; use of amplified sound or loudspeakers outdoors; and repeated loading, unloading, or movement of vehicles in a manner that creates excessive noise. Tow truck operators shall minimize the use of backup alarms, horns, and other audible warning devices to the maximum extent permitted by law while maintaining safe operating conditions.

21. **Security and Screening**. The vehicle storage area shall be enclosed by a security fence a minimum of six (6) feet in height, with gated access as shown on the approved plans. The maximum height of any fence or gate shall not exceed eight (8) feet, and any existing gate or fencing exceeding eight (8) feet in height shall be modified to

comply with this requirement. All fencing and gates shall be designed, constructed, and maintained in compliance with San Leandro Zoning Code Section 4.04.364(D), including all applicable fence height, material, location, and visibility requirements. Gates shall remain secured during non-business hours except during active towing operations, and any damaged fencing or gates shall be repaired promptly.

22. **Bicycle Parking.** One bicycle parking space shall be provided on-site. Prior to commencement of the use, the Applicant/Property Owner shall provide, for review and approval by the Zoning Enforcement Official, installation details for the short-term storage of one bicycle parking space (e.g., bicycle rack or hooks in a safe location).

Maintenance Conditions

23. **Site Maintenance.** The property shall be maintained in a clean, orderly, and litter-free condition at all times. Vehicle parts, debris, tires, fluids, and other materials shall not be stored outdoors.

24. **Hazardous Materials and Fluid Management.** Any leaking vehicle shall be placed on an impervious surface and managed to prevent the discharge of oils, fuels, coolants, or other hazardous materials. Spill containment materials shall be maintained on-site and available for immediate use.

25. **Lighting**. Lighting shall remain well-maintained and replaced periodically to ensure proper functioning. The position of such lighting shall be down-shielded.

26. **Fences**. All fencing, gates and walls on the project site shall be structurally sound, graffiti-free, and well-maintained at all times. Fences, walls and hedges shall comply with Zoning Code Section 4.04.364 (Fences, Walls, and Hedges) and approved plans unless otherwise approved by the Zoning Enforcement Official. The installation of chain link or cyclone fencing shall be prohibited.

27. **Graffiti**. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be promptly removed or painted over.

28. **Landscaping**. All landscaping shall be maintained in a healthy, growing, and weed-free condition at all times. Any missing, dead, or damaged plant and groundcover material shall be promptly replaced with a material similar in type and comparable in size to the plant(s) or groundcover being removed.

Additional Submittals

29. **Applicable Permits**. The Applicant/Owner shall obtain any and all required permits, including but not limited to grading permits, building permits, fire permits, encroachment permits for any work in the right-of-way, final map for subdivision, and permits from all applicable utility agencies.

30. **Building Permit for Site Improvements**. Prior to the establishment and operation of the use authorized by this Use Permit, the Applicant/Owner shall obtain a building permit for all proposed site improvements, including but not limited to: repaving of the parking lot, fencing modifications, landscape improvements (including planter pots and all associated landscaping), and any other exterior site work shown on the approved project plans. All improvements shall be constructed in accordance with the approved plans and applicable City of San Leandro standards and requirements.

31. **Planter Landscape Plan**. Prior to the establishment and operation of the use authorized by this Use Permit, the Applicant/Owner shall submit a Landscape and Irrigation Plan for review and approval as part of the building permit review process. The plan shall include all proposed planter pots and shall identify all plant materials using both botanical (scientific) names and common names. The plan shall also specify plant quantities, container sizes, soil media, and installation details. In addition, the plan shall include a watering and maintenance schedule, including irrigation method (e.g., drip, manual watering, or automated system), frequency of watering, seasonal adjustments, and ongoing plant replacement and maintenance responsibilities to ensure continued health, viability, and appearance of all plant materials.

32. **Fence Compliance**. Prior to the establishment and operation of the use authorized by this Use Permit, the Applicant/Owner shall obtain all required permits to modify existing site fencing to ensure compliance with applicable Zoning Code requirements. All existing fences shall be reduced, replaced, or modified such that they do not exceed a maximum height of eight (8) feet. Prior to final inspection, the Applicant/Owner shall demonstrate that all fencing has been installed or modified in compliance with this height limitation. All fencing shall be permanently maintained in compliance with San Leandro Zoning Code Section 4.04.364, including ongoing maintenance of structural integrity, appearance, and compliance with all applicable development standards.

33. **Annotated Conditions of Approval**. Prior to submitting for building permits and prior permit issuance, the Applicant/Owner shall provide the Planning Division a copy of these Conditions of Approval, with responses (annotations) to each condition detailing how each condition has been complied with or will be complied with. Each annotation shall include a standard reference to the specific sheet(s) and drawing(s) of the construction plans that demonstrate such compliance, and information about who will be completing each requirement. Construction plans for building permit issuance shall not be accepted without the Annotated Conditions of Approval document.

Construction Conditions

34. **Construction Hours and Noise**. Construction on the project site shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m., Monday through Friday, and shall not commence prior to 8 a.m. and shall cease by 7 p.m. Saturday and Sunday, unless otherwise approved by the Chief Building Official. There shall be no construction on

Federal holidays. As provided in Municipal Code Chapter 4-1, Article 11 (Noise), "construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public or private right-of-way, streets, structures, utilities, facilities, or other similar property. Construction activities carried on in violation of this Article may be enforced as provided in Section 4-11-1130, and may also be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity. Prior to the start of construction activities, the construction contractor shall:

a. Maintain and tune all proposed equipment in accordance with the manufacturer's recommendations to minimize noise emission.

b. Inspect all proposed equipment and fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds that are no less effective than as originally equipped by the manufacturer.

c. Post a sign, clearly visible at the site, with a contact name and telephone number of the construction manager.

d. Place stationary construction equipment and material delivery in loading and unloading areas as far as practicable from the residences.

e. Limit unnecessary engine idling to the extent feasible.

f. Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters.

g. Use low-noise emission equipment.

h. Limit use of public address systems.

i. Minimize grade surface irregularities on construction sites.

35. **Dust Control**. Construction activity shall not create dust, noise or safety hazards for adjacent businesses and properties. Dirt and mud shall not be tracked onto public streets from the project site during construction. Standard construction dust control procedures, such as wetting, daily road washing and other maintenance functions to control emissions, shall be implemented at all times during outdoor construction. Dust generating activities such as grading, excavation, paving, etc. shall be scheduled the early morning and other hours when wind speeds are low. All construction activities entailing soil disturbance shall cease when winds exceed 30 miles per hour as an hourly average.

36. **Street Sweeping Related to Construction Activities**. The City shall charge the Applicant/Property Owner, and the Applicant/Property Owner shall pay, for all costs

of sweeping city streets in the vicinity of the project as necessary to control dust and spillage.

BUILDING DIVISION

37. The plan review for this Conditional Use Permit application does not constitute a complete building plan review. A formal plan check review will be completed at the time of project submittal to the Building Division. All construction shall fully comply with the current adopted California Building Standards Code in effect at the time of building permit issuance.

38. The Applicant/Owner shall provide detailed construction plans (working drawings) to the Building Division for plan review prior to issuance of a building permit. Plans and supporting documents shall be prepared by a California state-licensed architect or engineer. Upon completion of the plan check, all applicable fees shall be paid and a building permit shall be issued prior to commencement of any actual construction work on-site.

ALAMEDA COUNTY FIRE DEPARTMENT

39. The Project shall comply with Building and Fire Codes adopted and in effect at the time of building permit submittal.

40. Prior to the commencement of the use, the Alameda County Fire Department staff shall verify installation of required fire extinguishers and Knox key.

PASSED, CONDITIONALLY APPROVED, AND ADOPTED, on this 2nd day of July 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Anthony Tejada
Chair of the Planning Commission

ATTEST:

_____
Wayland Li, AICP
Secretary to the Planning Commission