
Draft Meeting Minutes
West County Board of Zoning Adjustments
February 25, at 1:30 pm
Public Hearing Room #160, 224 W. Winton Ave., Hayward, CA

1. **Call to Order** The meeting was called to order by Chair Voves at **1:31 p.m.**
2. **Roll Call**
Members Present (4): Chair Nancy Voves, Vice-Chair Teddy Seibert,
Members Roxann Lewis and Jewell Spalding
Members Absent (0):
Members Excused (1): Member Michael Santos

Staff Present: Christine Greene, Pat Anekayuwat, Michael Flemming,
Edward Labayog, Juan Carlos Martinez, Yenny Usman
Aaron Foxworthy, County Counsel, Kombiz Hafizi, CDA ITD
3. **Pledge of Allegiance:** Chair Voves led the Members and attendees in the Pledge of Allegiance.
4. **Announcements by the Chair:** *None*
5. **Consent Calendar:** *None*
6. **Tobacco Retailer Regulations Administrative Hearings:** *None*
7. **Neighborhood Preservation and Zoning Ordinance Abatement Hearings:**
 - a. **532 Via Pacheco, San Lorenzo, CA 94580, unincorporated area of Alameda County, designated Assessor's Parcel Number: 412-0014-068-00, COD2026-0052**
Hearing regarding violations of Alameda County Neighborhood Preservation Ordinance Sections 6.65.030 A (1), and B (3, 6), based upon the overgrown weeds and vegetation on the property, and an uninhabited or unused building which is not secured. Staff recommendation is to declare the property in violation of the Neighborhood Preservation Ordinance, a public nuisance, and require abatement of the violations at the property.
Staff : Code Enforcement (CE) Officer, Juan Carlos Martinez

CE Officer Martinez reported that the property remains in violation of the Alameda County Neighborhood Preservation Ordinance due to overgrown vegetation and an unsecured, uninhabited structure, despite multiple notices and inspections. The site has a history of similar issues, including prior abatement actions in 2020, 2024, and a Board-directed abatement in September 2025. The owner does not reside at the property and is currently in memory care, with communication handled through the owner's niece, who has cooperated in past cases but expressed financial difficulty addressing the current cleanup. Inspections on January 21, February 5, and again on February 25, 2026, confirmed that violations persisted and vegetation had worsened. The case was initiated after a sheriff's report of a break-in, and a trespass complaint remains on file to support law enforcement response. Staff recommended declaring the property in violation and a public nuisance, requiring abatement within 10 days, and authorizing applicable fines and fees, with Officer Martinez presenting photographic evidence from multiple inspections.

Board Comments:

Board members discussed a tan truck seen in the driveway, with CE Officer Martinez noting he had not checked registration but believed, based on past activity, that a neighbor was likely to park there. He confirmed the property had also been vacant during the 2024 abatement, with non-owner individuals periodically accessing the site. CE Officer Martinez stated the elderly owner remained in a San Leandro memory care facility, while the niece, who lives out of state, had been fully informed of the hearing, raised no objections to County abatement, and understood

the formal process required for boarding. In response to questions about long-term plans, he explained that the niece intended to sell the property, but the sale could not proceed due to the owner's condition and ongoing maintenance issues, including trespass and recurring cleanup needs. Board members expressed concern that the County may be required to repeatedly abate the property.

Summary of Actions:

The Board determined that the property was in violation of Alameda County Neighborhood Preservation Ordinance 6.65.030 A.1, B.3, and B.6, declared it a public nuisance, and ordered abatement within 10 days while authorizing the assessment or initiation of applicable fines and fees. Staff was directed to prepare and serve the formal findings and orders and to proceed with abatement if the owner did not voluntarily comply.

Motion: Moved by Member Spalding and seconded by Member Lewis.

Ayes: Chair Voves, Vice-Chair Seibert, Member Lewis, Member Spalding

Noes: None

Excused: Member Santos

Abstentions: None

Motion passed: 4–0–1-0

8. Alcoholic Beverage Sale Regulations Administrative Hearings: *None*

9. Open Forum:

Chair Voves opened and closed the Open Forum for items not on the agenda, as no public comments were received.

10. Field Trip Report: *None*

11. Regular Calendar:

- a. PLN2025-00195, VARIANCE and SITE DEVELOPMENT REVIEW, LYNDIA TEMPLE / DANIEL DEL RIO** –Variance to allow side yard setbacks of 5-foot where 15-foot is required and Site Development Review to allow an addition measuring over 50% of the floor area of the existing single family dwelling, located at 24532 Fairview Ave., east side, 190 feet south east of Hansen Rd., in the Fairview Area Specific Plan, R1-BE (Single-family Residence, 10,000 sq. ft. Minimum Building Site Area) District, with a Eden Area General Plan land use designation through the Very Low Density Residential, bearing Assessor's Parcel Number: 417-0261-001-00. This Project is exempt from the requirements of the California Environmental Quality Act (CEQA, 1970 as amended), per Article 19, Section 15301, Class 1, (Existing Facilities).

Staff Planner: Michael Flemming, Action Item

Staff Planner Michael Flemming of the Alameda County Planning Department explained that the 50-by-200-foot lot was developed under older zoning with 5-foot side yard setbacks, but current zoning requires 15 feet, which would leave only about 20 feet of buildable width and substantially limit reasonable use of the property. He outlined the proposed project—a first-story rear addition and a new second story over the existing structure—both maintaining the existing 5-foot setbacks and noted that a similar variance had been approved on the same block in 2019. He reported that Fairview MAC reviewed the project on February 3, 2026, and unanimously recommended approval. Fleming confirmed floor-area calculations showing an increase from roughly 1,050 sq. ft. to 3,496.15 sq. ft., exceeding the allowable 2,075 sq. ft. by about 1,421 sq. ft., and clarified fire code requirements indicating sprinklers would be needed only in new or altered areas. Staff recommended approving the variance for 5-foot side setbacks and recommending Planning Director approval of the Site Development Review based on the November 13, 2025, plans.

Board Comments:

Board members discussed several technical issues related to the project, focusing on setbacks, floor-area calculations, fire-sprinkler requirements, and Public Works conditions. Members confirmed that the variance

was needed solely because zoning changes made the existing 5-foot side setbacks non-conforming, not due to new encroachments. **Chair Voves** sought clarification on floor-area and fire-code triggers, and Staff confirmed that sprinklers would be required only in new or altered areas. **Vice-Chair Seibert** raised concerns about broad or open-ended Public Works conditions, including redundant requirements for Fire Department approval and general references to Public Works obligations such as stormwater and frontage improvements. **County Counsel Aaron Foxwothy** clarified that while the Board could remove redundant conditions, it could not limit other County agencies' authority to enforce adopted ordinances. Staff noted that Public Works had submitted "no comment" for this project and that some boilerplate language had been included by default. The Board agreed that one of the Public-Works-related conditions was redundant and should be removed.

Public Comments:

Sebastian, representing Bay Area Design Consultants, spoke online on behalf of the applicant and requested clarification on whether the fire-sprinkler requirement originated from the Fire Department or the Building Department. Staff and the Chair explained that the requirement came from the City of Hayward Fire Department and that implementation details would be resolved during plan check and building permit review. Staff also confirmed that the conditions presented were identical to those previously reviewed by the Fairview MAC.

No property owner appeared in person or online and no other public speakers appeared.

Board members commented that the variance was appropriate and equitable given the existing 5-foot side setbacks and the presence of similar two-story homes on the block. The Board emphasized maintaining the applicable fire-department conditions and agreed to remove a redundant condition referencing City of Hayward Fire Department approval.

Summary of Action:

The Board approved a variance permitting 5-foot side yard setbacks where 15 feet are required and recommended that the Planning Director approve the Site Development Review for additions exceeding a 50% increase in floor area, based on plans dated November 13, 2025. The Board also modified the conditions of approval by removing a redundant Fire Department approval condition while retaining the general requirement to comply with City of Hayward Fire Department, Public Works, and Building Inspection standards.

Motion: Moved by Member Spalding and seconded by Vice-Chair Seibert.

Ayes: Chair Voves, Vice-Chair Seibert, Member Lewis, Member Spalding

Noes: None

Excused: Member Santos

Abstentions: None

Motion passed: 4-0-1-0

- b. PLN2025-00147, CONDITIONAL USE PERMIT (CUP), AT&T / 51 WIRELESS / NICHOLAS TAGAS (Agent)** – Application to allow a new telecommunications facility in the form of a 80 ft. monopine (New AT&T faux monopine cell tower) in the "C-N" (Neighborhood Business) Zoning District, located at 2637 East Avenue, southwest corner of its intersection with Windfeldt Road, bearing Assessor's Parcel Number 426-0140-009-02, in the Fairview area of unincorporated Alameda County. This project is Categorically Exempt from the requirements of the California Environmental Quality Act; Article 19, Section 15303, New Construction or Conversion of Small Structures. **Staff Planner: Pat Anekayuwat, Action Item**

Staff Planner Pat Anekayuwat summarized the proposal for an 80-foot monopine telecommunications facility, including a 75-foot structural pole with faux-tree screening, an enclosed ground equipment area, and a backup emergency generator. The site is zoned FA, DA, CN-22-SE within a predominantly residential area and is one

of the few commercial parcels in Fairview. The project is CEQA-exempt under §15303, and the Fairview MAC previously recommended denial (3–1) on January 6, 2026. Staff explained that the facility would be in the Bay Hill Foods parking lot, visible from East Avenue and Winfield Road, and noted nearby existing T-Mobile facilities. Staff reviewed County telecommunications siting policies, presented photo simulations, and stated that the project met alternative findings if approved, including demonstrated public need, land-use compatibility, FCC RF compliance, and adherence to noise and zoning standards. Staff recommended that the Board consider the MAC recommendation, staff analysis, applicant and public testimony, and, if findings were met, approve CUP PLN 2025-00147.

Board Comments:

Board members questioned Staff on several topics, including potential parking impact. Staff indicated the enclosure would not remove striped stalls and was partly within a utility easement. Regarding the County’s 1,000-foot separation guideline, staff explained that it applies to freestanding telecommunication towers, not antennas mounted on PG&E transmission structures, so the nearby T-Mobile installation did not trigger that standard. A Board member noted an additional telecommunications site on Fairview Avenue not shown on one map, and Staff acknowledged its presence while reiterating that co-location opportunities on the PG&E tower were limited. Also clarified the CN zoning with a Housing Element overlay, which allows commercial, residential, or mixed-use development. In response to a question about access between the site and the adjacent Pilgrims Temple Church, staff confirmed that the existing gate and access arrangement would remain unchanged.

Applicant representative Nick of AT&T/51 Wireless addressed parking, access, tower-separation policy, co-location feasibility, tower height options, generator use, and easement mapping. The equipment enclosure was described as located in an unstriped portion of the lot within a utility easement, ensuring that no required market parking stalls would be removed. The legally established access between the market property and the adjacent Pilgrims Temple Church would remain unchanged. Regarding the 1,000-foot separation guideline, Nick stated that the standard applies to freestanding telecommunication towers and not antennas mounted on PG&E transmission structures. Existing PG&E towers in the area were described as structurally limited to a single carrier per tower, and alternative commercial or HOA-controlled parcels had declined to host telecommunications facilities. Nick emphasized the need for reliable wireless coverage for daily and emergency communications and stated that the commercial site aligned with County siting policies. AT&T indicated willingness to reduce the monopine height from 80 feet to 70 or 60 feet, acknowledging reduced coverage and decreased potential for future co-location. The proposed “whisper” diesel generator would operate only during emergencies and for limited monthly testing within daytime hours. Easement lines shown on plans reflected NEPA mapping requirements, and the facility would operate as an unmanned site with periodic technician visits via the existing parking lot.

Public Comments:

In-Person Speakers – Opposition

Chuck Meadows – zoning/housing element consistency, alternative sites, traffic/access and safety concerns

Karen Carey – Winfield Road access, traffic safety, adjacent property impacts

Dale Silva – visual impact, neighborhood character.

Sally Philbin – proximity to residences, visual impact, service need questioned

Carol (Mary) – commented/concerned (visual impacts, future housing compatibility)

Remote / Online Speakers – Support

Anoop – wireless infrastructure as critical service; coverage need

Steve – poor AT&T service; remote work reliability

Seerit Brar – emergency communication concerns.

Graham Williamson – calls failing; need for reliable coverage.

Jenny Wong – design preference; service improvement.

Ashley Rickett – dropped calls; work-from-home impacts.

Samantha Brown –connectivity challenges.
Tamir Taylor – emergency call reliability.
Rose Jones – school communication; safety concerns.
Robert Mason –long-term resident; service gaps.
David Virk –call dropped during testimony.
Malhi – personal safety concerns.
Henry – parent; park/school communication reliability.

Supportive correspondence was received from:

Tariq Bulali
Naomi M.
Paul Malayo
Armando Ochoa
Ivan Solace
Indra Ferguson

Additional written comments both in support and opposition were included in the record.

Several in-person speakers opposed the project, raising concerns about zoning, safety, traffic, visual impacts, and alternative sites. Chuck Meadows argued that the Housing Element shifted the parcel's emphasis toward residential use, questioned the adequacy of alternative-site outreach, cited collapse and fire risks near transmission lines, and opposed any access via Winfield Road due to sight-distance and congestion issues. Karen Carey, an adjacent resident, opposed both the tower and any re-established Winfield access, describing severe traffic hazards and expressing concern that a new access route could facilitate future housing development. Dale Silva focused on the visual prominence of an 80-foot monopine in a semi-rural area and urged consideration of alternatives. Sally Philbin stated that nearby residences were within 1,000 feet and questioned whether a true service gap existed. Carol (Mary) commented on visual impacts and potential future development, noting that eventual multi-story housing could recreate compatibility issues. Members of the public also raised questions about mapped easements and whether the store might be removed in future redevelopment.

Numerous remote speakers supported the CUP, citing poor AT&T coverage, difficulties with remote work, and the need for reliable emergency communication. Supporters described chronic call failures, dropped connections, safety concerns, and coverage gaps affecting daily life, school communication, and medical emergencies. Additional written comments included both support and opposition, with staff noting that the Fairview MAC had previously recommended denial before many supportive emails were submitted.

Following public testimony, the applicant provided additional clarification on height, coverage, alternative sites, access, and noise. Propagation maps showed that an 80-foot monopine offered the strongest indoor/outdoor coverage, while 70- and 60-foot options provided reduced but still adequate service, with diminished capacity for future co-location. Regarding alternative sites, the applicant stated that coverage gaps centered on the East Avenue/Winfield corridor; outreach to Lone Tree Cemetery, nearby property owners, and HOAs resulted in no responses or explicit refusals. The applicant indicated willingness to limit all construction and maintenance access to East Avenue only, with no vehicular access from Winfield Road, and explained that easement lines shown on plans were largely artifacts of NEPA mapping. The equipment compound would be enclosed by an 8-foot decorative CMU wall, and generator operation would be limited to emergencies and daytime monthly testing. The applicant also agreed to use standard antenna camouflage socks to improve visual screening.

During deliberation, the Board acknowledged clear community need for improved AT&T coverage but focused on issues of siting, height, and visual impact, particularly given the parcel's long-term housing potential under the Housing Element. The Miramar/Nazarene cross-tower case was cited as a cautionary example of conflicts

created when telecommunication structures predate subsequent residential development. Board members supported reducing the total monopine height to 60 feet, consistent with prior County practice, with the applicant confirming technical feasibility at that height. The Board required a landscape and irrigation plan with trees and shrubs to visually integrate the monopine and to screen the equipment compound, along with an 8-foot decorative split-face or fluted CMU wall designed for sound attenuation and graffiti resistance. The Board rejected any access from Winfield Road and directed that all construction and maintenance access occur from East Avenue through the existing parking lot. FCC “shot clock” timing concerns were discussed, with County Counsel noting potential legal risk, but the applicant requested a final decision rather than a continuance. The Board moved toward approval with strengthened conditions to balance demonstrated service needs, potential future development conflicts, and timing constraints.

Summary of Actions:

The Board approved a motion by Member Spalding to approve Conditional Use Permit PLN 2025-00147 for the AT&T telecommunication facility at 2637 East Avenue, subject to staff-recommended conditions as amended by the Board. Key modifications included limiting the total monopine height to 60 feet (with an antenna centerline of approximately 51 feet), requiring all construction and maintenance access from East Avenue only, and prohibiting vehicular access from Winfield Road. The Board required an 8-foot decorative CMU enclosure wall using split-face or fluted block with standard maintenance and graffiti-removal conditions. A landscape and irrigation plan was required with trees and shrubs to screen the compound and visually integrate the monopine while avoiding obstruction of the antenna array; landscaping must be installed by final inspection and maintained thereafter. Antenna stealthing (camouflage socks) was required. Generator operation was limited to emergencies and one hour of weekday daytime testing per month. All condition languages referencing 75- or 80-foot heights were to be corrected to reflect the 60-foot maximum height.

Motion: Moved by Member Spalding and seconded by Member Lewis.

Ayes: Chair Voves, Vice-Chair Seibert, Member Lewis, Member Spalding

Noes: 0

Excused: Member Santos

Abstained: 0

Motion passed: 4-0-1-0

- c. **PLN2024-00043, CONDITIONAL USE PERMIT, NANA DONG** - Conditional Use Permit to allow continued operation of a massage business (Noy Massage), in an ACBD-DMU (Ashland and Cherryland Business District Specific Plan - District Mixed Use) Zoning District, within the Eden Area General Plan - General Commercial with Medium-High Density Residential (EAGP-GC-MHDR) land use designation, located at 16242 E. 14th St., east side, approximately 200 feet south of 162nd Avenue, Ashland area of Unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0063-036-00. This project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities. **ITEM CONTINUED FROM JANUARY 28, 2026**

Staff Planner: Pat Anekayuwat, Action item

Staff Planner Pat Anekayuwat presented the project description for PLN 2024-00043, a request for continued operation of a massage business at 16242 East 14th Street, located in the ACBD Mixed Use District and consistent with the Eden Area General Plan. The project is exempt under CEQA §15301. The item had been continued from January 28, 2026, to address concerns about opaque window coverings and storefront transparency. Staff reported that the Sheriff's Office issued no additional safety directives and that the applicant had removed the window coverings, restoring interior visibility. No new signage was proposed, and the existing legal non-conforming plywood sign would remain unless a new sign permit is requested. Staff recommended approval of the Conditional Use Permit with conditions addressing state and County licensing requirements, window transparency and safety, and operating-hours controls.

Board Comments:

Board members discussed signage, storefront transparency, operating-hours conditions, and owner attendance. The Board confirmed that the existing plywood sign was legally non-conforming and not required to meet current standards unless a new sign permit was requested. Members agreed that removal of storefront window coverings improved safety and appearance and emphasized maintaining transparency during business hours. Regarding the operating-hours condition, the Board noted that requiring Planning Director approval for extended hours was appropriate, but approval should not be required for reduced hours. Staff also noted that the business owner had been present earlier in the meeting but had to leave due to commuting constraints.

No public comments were received.

Summary of Actions:

The Board approved Conditional Use Permit PLN 2024-00043 for continued operation of the massage business at 16242 East 14th Street, incorporating Staff's recommendation with modifications. Hours of operation may not be extended during the term of this permit, and the main entry shall remain open during business hours, during which the storefront and windows will maintain transparency.

Motion: Moved by Member Spalding and seconded by Member Seibert.

Ayes: Chair Voves, Vice-Chair Seibert, Member Lewis, Member Spalding

Noes: None

Excused: Member Santos

Abstentions: None

Motion **passed: 4-0-1-0**

12. Approval of Minutes: January 28, 2026

Chair Voves proposed a minor amendment (page 3) to clarify that, in the Miramar/Cross item, the Board had mentioned the option of constructing a steeple with a cross elsewhere on the site in the future.

Motion: Moved by Member Lewis and seconded by Member Seibert

Ayes: Chair Voves, Vice-Chair Seibert, Member Lewis

Noes: None

Excused: Member Santos

Abstained: Member Spalding

Motion **passed: 3-0-1-1**

13. Staff Comments & Correspondence:

Board members briefly discussed an upcoming Planning Commission agenda item proposing to shift certain Conditional Use Permits and variances from WBZA to the Planning Commission. Member Spalding suggested that, if roles were being reconsidered, a higher planning priority would be integrating the Fairview Area Specific Plan with the Castro Valley General Plan. Board members noted their review of the related staff report and observed that staff did not appear strongly supportive of transferring WBZA responsibilities.

14. Board's Announcements, Comments and Reports: *None***15. Adjournment:**

The Chair adjourned the meeting at **5:26 PM**

Albert Lopez - Secretary
West County Board of Zoning Adjustments