A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ohlson at 7:01 P.M. on Tuesday, January 8, 2008, in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Diokno, Garcia, Harris, Kelley, Ramirez, Wegerbauer, Chairperson Ohlson

Absent: None

Staff: Planning Director Melissa Ayres, Senior Planner Dana Hoggatt, Pittsburg Police Department Officer Dan Callahan, and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, January 4, 2008.

PLEDGE OF ALLEGIANCE:

Commissioner Garcia led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.
CONSENT:

a. Minutes - December 11, 2007

MOTION:

Motion by Commissioner Garcia to adopt the Consent Calendar, as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Diokno, Garcia, Harris, Kelley, Ramirez, Wegerbauer
Noes: None
Abstain: Chairperson Ohlson
Absent: None

PUBLIC HEARING:

Item 1: Red Door Lounge Fence Exception. Appeal of the Zoning Administrator Denial of AP-07-485 (FE)

A public hearing on an appeal of the Zoning Administrator’s denial of a fence height exception request to allow a nonconforming fence to remain in the front yard of the property located at 3788 Railroad Avenue. The project site is zoned CN (Neighborhood Commercial) District; APN 087-121-028.

Senior Planner Dana Hoggatt presented the staff report dated January 8, 2008. She recommended that the Planning Commission deny the appeal and uphold the Zoning Administrator’s denial of Fence Height Exception Application No. 07-485 (FE).

Ms. Hoggatt reported that she had received a telephone call from Rose DeMonner, daughter of Marie Aiello, the property owner, who was unable to attend the meeting and who wanted to have her comments read into the record. Mrs. DeMonner expressed her support for the fence height exception request since she believed the fence was nice and made the business more attractive. She suggested the fence was not a safety hazard, and that the fence would not restrict egress from the building any more than the existing storefront doors. She concurred with the applicant that the fence kept out the homeless. Mrs. DeMonner also reported there had been problems with trash and cigarettes in the past causing fire damage to the building.

In response to Commissioner Wegerbauer, Ms. Hoggatt clarified that a six-foot high or shorter fence would not require a building permit, although an encroachment permit would be required because the fence was installed six inches beyond the front property line and in the public right-of-way. As to the future use of the patio area, an outdoor dining permit would be required.
Ms. Hoggatt acknowledged that the California Department of Alcoholic Beverage Control (ABC) would impose some requirements if the applicant planned to serve alcohol outside of the building and which would be encompassed in any conditions for an outdoor dining permit. If no alcohol was being served, the applicant could opt not to have a fence. The zoning code stipulated that a maximum three-foot high fence was permitted in the front yard for commercial buildings.

Commissioner Ramirez commented that the building had been undergoing a remodel for several months. He had recently visited the property and he questioned whether or not City Inspectors during visits to the property had indicated that the fence was too high and not permitted. In his opinion, the fact that a portion of the fence was located within the public right-of-way should have been caught earlier in the process.

Planning Director Melissa Ayres explained that the Building Inspector’s focus was on the building code issues and they would not have caught the fence issue since it would not have required a building permit if the fence was less than six feet in height. The issue now was that the fence was not up to the zoning code and a portion was located within the public right-of-way. An encroachment permit would be required from the Engineering Department, which had the responsibility to either approve or deny an encroachment permit.

Senior Civil Engineer Alfredo Hurtado added that an irrevocable encroachment permit would be required and would include an agreement between the applicant and the City, with any liability to fall on the applicant.

Commissioner Garcia questioned whether or not a survey had been done to clarify that the fence was actually located within the public right-of-way. He understood that the City did not have an easement along the east side of Railroad Avenue between Bliss Avenue and Leland Road. When measuring in inches, in this case the six inches that staff suggested was located within the public right-of-way, he doubted that the fence had been surveyed accurately to affirm that it encroached into the public right-of-way.

Mr. Hurtado advised that the benefit of the doubt was on the property owner who would have to show that the City was wrong and who would have to conduct a survey. He stated otherwise the issue with the fence was really the height requirements and not the encroachment issue.

Commissioner Harris inquired whether or not staff had actually measured the height of the fence, to which Ms. Hoggatt advised that she had measured the height of the fence. The majority of the fence to the spikes/points was four and a half feet in height. If the spikes were removed, the fence would be closer to four feet in height.
Commissioner Harris commented that in the event of an emergency, regardless of the gate or the fence whether open or closed, there was only one main door from the restaurant. There was another door in the rear of the dining area and one at the banquet room. If the spikes at the top of the fence were removed, the fence would be approximately four feet tall.

Ms. Hoggatt stated that if the spikes were removed from the top of the fence it would still be approximately four feet in height and would still require a fence exception since it was more than three feet in height in the front of the property. She added that since the fence was more than three feet tall, if the spikes were removed, the fence would still be too tall in staff’s opinion to enclose a dining patio and would still require a fence exception.

Commissioner Harris reiterated that there were two other doors, other than the main entry door which had not been mentioned in the staff report, where in the event of an emergency anyone could exit the building.

Officer Dan Callahan explained that he had been asked by his Captain to address the fence height issue. When he had first seen the fence he had been concerned with the height and location relative to the front of the building. He reported that the prior restaurant use had experienced several emergencies where evacuation had to occur quickly and at which time there was no fence present. At that time, people had been able to evacuate the site quickly and easily without any issues and emergency personnel had been able to enter the building absent any barriers.

Officer Callahan acknowledged that exiting from any building would have to be done through a door and the front door was a barrier. However, he described the fence as a secondary barrier requiring people to funnel into a single line slowly exiting from the building. The other exits could be blocked by fire, as an example, and the concern was the ability to exit the building quickly and safely and the ability for emergency personnel to enter the building without having to funnel through.

Commissioner Garcia noted in the past that the former restaurant use had allowed parking in the patio area in front of the building. He agreed that the spikes on top of the fence should be removed. He otherwise suggested that he would be able to scale a four foot high fence, although if the area was used for outdoor dining, there would be tables in the patio area that could be a future obstacle. If the intent was to make the fence safe enough to climb over, the spikes should be removed from the top.

Commissioner Garcia suggested that if the Police Department was concerned with the gates being closed and locking emergency personnel in after entering the building, that issue could be addressed by requiring the gates to remain open and locked in place during business hours. He agreed that the site should be better illuminated with more lights on the building.
Commissioner Garcia also commented that he was familiar with the use of outdoor dining in other communities where there were higher fences. He suggested that a three foot fence could easily be breached. He suggested the fence should be allowed to be higher than three feet but with the spikes on top to be removed since they posed a safety hazard.

Officer Callahan disagreed and again suggested that the fence he described as a secondary barrier would disallow a quick evacuation from any building. If emergency personnel had to make entry to the building for any reason, the fence could deter a quick and safe entrance. A three foot high fence, if allowed, could be stepped over. He commented that he had tried to scale the existing fence and suggested it could not be easily scaled.

Commissioner Ramirez referenced City code for commercial businesses which required that front doors must swing outwards in the event of an emergency. He reiterated that he had visited the site and had inspected the gates. If the gates were swinging in and not out, that would have been a concern; however, the gates swung in either direction with no problem unless locked. He agreed that the gates should be required to remain open and unlocked during the business hours.

Officer Callahan reiterated that the concern of the Police Department was that the fence would funnel everyone through the gate when evacuating the building.

Commissioner Harris commented that with the gate open during business hours, the front would be open with signage on the wall indicating exiting. He did not see a problem. He pointed out that in the event of a fire the fire truck would be in the front of the building. He noted that the former restaurant use had been in business for a number of years. In this case, the applicant was trying to open a new business and he was very disappointed at the difficulties a small business owner was having with the City.

PUBLIC HEARING OPENED

OMAR FERNANDEZ, the appellant, identified himself as the General Contractor for the applicant. He presented photographs of the front of the subject property and the fence under discussion. He noted that some sections of the fence were actually four and a half feet with the spikes on top. He advised that he had experience with building fences for several restaurants in the Bay Area where most fences in those areas were around four feet in height and which had been acceptable in those communities. In this case, the gates swing in/out allowing access in the event of an emergency. If the fence was reduced to three feet in height, in the event of an emergency he suggested that people would panic and run straight onto Railroad Avenue creating more problems. The intent was to create a better dining area where outdoor dining areas in East County were absent.
Mr. Fernandez verified that the site had experienced problems with trash, debris and human feces. He advised that an individual had recently been removed from the front of the site. He clarified that the building would be adequately illuminated during the evenings, although the lights had not yet been turned on pending some work. He also suggested that as the contractor, and based on the existing curb, there was no way to tell that the fence had not been located on the property line. He suggested that the fence would be open and easily accessible and that the height of the fence was not a concern, with the exception of the spikes on the top.

In response to the concerns of the Police Department, Mr. Fernandez could not see that it would make a difference to remove the fence in that the fence would prevent people from running straight out. In his opinion, he reiterated that if the fence was lowered in height people would run out into the middle of the street. In his opinion, the fence in place would slow people down from racing out of the building in the event of an emergency inside the building.

Commissioner Diokno understood that the General Contractor had contacted City staff to inquire whether or not a four-foot high fence was allowable.

Mr. Fernandez affirmed that he had spoken with a staff person who had indicated that a four-foot high fence with a design on top would be acceptable as long as there was a sketch of what was being proposed. While he recognized that each city had different requirements, he had contacted staff to advise that they were considering a four-foot high fence with the spikes on the top. He acknowledged that the applicant had received two letters from the City advising that the fence was too high and located within the public right-of-way, at which time he had discussed working out the issue with the applicant.

Mr. Fernandez commented that this was the first time he had an issue with a front yard fence in a dining area. He added that ABC had indicated that a four-foot high fence would be sufficient.

Commissioner Ramirez questioned whether or not the applicant had spoken with the property owners with respect to the fence situation, to which Mr. Fernandez explained that he had spoken with his client, the applicant, but not the property owner. He understood that the property owner was aware of the situation and was agreeable to the fence.

Commissioner Wegerbauer commented that she lived near the facility and had she not been aware of the staff report and understood the security issues, she would not have thought to question the fence which she found to be nice. Experienced with commercial development and concerns related to public safety, she suggested that if a four-foot high fence was acceptable in another city, it would likely not have enclosed the main entrance.

Mr. Fernandez suggested that the main entrance was not being enclosed. He noted that
the front door was a 32-inch wide door and the gate was directly in the front and could swing in either direction. The intent was to prevent a panic situation in the event of an emergency.

Commissioner Wegerbauer questioned what alternative would be considered if the fence height exception were denied. She questioned whether or not the front patio could be partially enclosed without enclosing the front door.

Officer Callahan reiterated that the concern of the Police Department was the secondary funnel effect of a gated area. He cited examples of emergency situations where people may exit a building and where people may funnel out to the opening, with the fence and gates slowing people down. The intent was to exit in all ways and go everywhere which way and at the same time allow emergency personnel to enter the building. The intent was to get out quickly and disperse. Again, a three foot high fence could easily be climbed by police, but if it were higher, there could be issues getting in and out easily which he described as a public safety concern of the Police Department.

If the fence height exception were denied, Mr. Fernandez stated that he would have to discuss that with his client to make a determination. He reiterated his experience with such development. He cited, as an example, the Rising Loafer Restaurant, located in the Town of Danville, which had an Americans with Disabilities Act (ADA) required front door and a four-foot high fence in the front that enclosed a patio area and that had been permitted in that community. In that case, the restaurant use was anywhere between 800 to 1,000 square feet smaller in size than the subject site. Also in that case, the property was surrounded by residential housing and exiting was only from the front door.

Commissioner Wegerbauer inquired of the intended hours of operation for the restaurant and questioned whether or not the front gates would be kept locked during non hours of operation.

The applicant, speaking from the audience, stated that the gates would be closed but not locked outside of business hours.

Commissioner Harris questioned the setback from the property to the curb, to which Mr. Hurtado advised that he was uncertain and would have to review the site to clarify the measurement.

Ms. Ayres noted that per the zoning code, the setback had been measured from the back of the right-of-way.

Commissioner Harris stated that based on his measurements, the area was nine feet from the face of the curb to the fence.

Mr. Hurtado commented that the photograph attached to the staff report showed a City street lamp next to the fence. Mr. Hurtado added that City street lamps are placed in
public rights-of-way and not on private property.

Ms. Hoggatt explained that the three-foot height requirement had been imposed since the fence was located in the front yard, in front of the building. The placement of the fence within the right-of-way next to the street lamps was a separate issue that would require an encroachment permit from the Engineering Department. She stated that within the first 15 feet of the property, as measured from the front property line, the maximum allowed height of a fence was three feet.

Commissioner Harris suggested that the office building also owned by the same property owner, also located along Railroad Avenue, was right on the sidewalk and on the property line. He questioned the City not permitting a fence for a building that had been in existence for many years. He also questioned whether or not the fence actually encroached into the public right-of-way.

Commissioner Garcia commented that he recently had to evacuate a restaurant and the way that facility had been designed had allowed for exiting at the front, although there was a hold up with everyone going out at one time exiting straight ahead and out into the parking lot far enough way from the building. Whether or not there was a fence in the front, he suggested that patrons of the subject building would likely exit out onto Railroad Avenue. Also if there was no fence in the front and if there was outdoor dining furniture in the front people would still have to exit straight out of the building.

Officer Callahan reiterated that he had to evacuate the subject building in the past on more than one occasion. Based on his experience, people were going every which way to the nearest point of relief. Again, if people could not exit out of the building safely, emergency personnel would have difficulty with the funneling effect with the secondary barrier. He was not suggesting that outdoor dining not be allowed. His concern was the public safety issue. The fence was so high as to be a public safety concern. He clarified that he was present on behalf of the Pittsburg Police Department on a perceived public safety issue.

Commissioner Kelley inquired whether or not anyone had spoken to the property owner as to the possible danger of the higher fence in that anything could happen. Based on the testimony, she commented that while the fence was nice it was too high and there could be a dangerous situation if people needed to evacuate the property.

Mr. Fernandez agreed that the spikes were a hazard.

VINCE AIELLO, 229 Mariposa Drive, Pittsburg, reported that he had operated the former restaurant for the past 37 years. Five of those years there was a four and a half foot high patio fence leaving the only opening to the front door, at six feet wide. At that time, the lattice work fence had been painted white and it was obvious it existed. During that time, the Police Department had never inquired of any safety concerns and
there had been City functions held at that facility. At no time had the City suggested that fence was in violation of any regulations. The fence had only been removed due to a bad winter storm when it had been damaged and at which time the patio dining had been removed.

Mr. Aiello commented that if he were to exit the door to the right, he could not run out since the adjacent property was three feet higher and had a fence across from the building to the sidewalk. He suggested that people could go straight out and disperse around things, but that with 16-foot and eight-foot wide gates, people would exit out easier than they had previously. He acknowledged that he too did not like the spikes on the top of the fence.

Mr. Aiello suggested that when he had a fence it had been higher since it was close to the sidewalk and patrons in the outdoor dining area in the the past had been harassed by young people and vagrants. He pointed out that there were lights all over the building which had not yet been turned on, including a City light post, canopy lights and the like. The lights had not been turned on for the past two and a half years. He added that the City’s street light would adequately illuminate the front of the building even without any lights on his building.

Mr. Aiello noted that the City’s street light had not always worked although he had contacted the Public Works Department on numerous occasions. He understood the concerns of the Police Department, although he noted that there was outdoor dining in many communities such as in downtown Walnut Creek. He agreed that the spikes on the top of the fence should be removed, although the fence should remain. As to the curb, he stated the City had taken ten feet from the property frontage to widen Railroad Avenue with no compensation to the property owner. The City had built a planter strip and had then poured the curb.

Mr. Aiello otherwise reported that the only fire in the former restaurant had been caused by an arsonist and the building had been rebuilt per code at great expense due to changes in the code after the restaurant had reopened. At that time, the parking in the front had been taken away.

Commissioner Diokno inquired whether or not the property owner had experienced problems with the homeless and with trash in the front of the property prior to the installation of the former wooden fence.

Mr. Aiello affirmed that he had experienced such problems in the front area of the building and that those problems had gotten worse with the installation of his former fence, which was solid with latticework.

Mr. Aiello emphasized that although calls had been made to the Police Department at that time regarding the problems with vagrants and drug users, the police at that time had
suggested that people were not bothering anyone since they were just sleeping in the front. He reiterated that his former fence had not stopped people from entering the front area, although his fence did not have a gate or something to climb over. In this case, he suggested that the applicant had improved his property and had expended a great deal of money in the restaurant to bring the business to the area. He stated that the applicant had been faced with constant hurdles and lack of cooperation from the City. He otherwise agreed with the safety concerns.

Commissioner Wegerbauer commented that she was a new resident having lived in the City for the past three years and she supported businesses coming to the City. She missed the former restaurant since it had closed. She was considerate of the participation in the process given her experience working in other cities in the Bay Area. She acknowledged the difficulties in opening a new business but recognized the need to comply with City codes and the reasons for those codes. She clarified with Mr. Aiello that his prior fence did not have a gate or barrier with a designated patio area although his patio area had been enclosed with a six-foot wide opening to the front door.

JOAQUIN ERAZO, the applicant, suggested that even without the fence people would likely still not be able to run freely out of the business due to existing bushes that were in front of the fence and due to the location of City plumbing equipment. If people were scattering around the front of the building, he suggested they would all bump into each other with the emergency personnel trying to enter the building. While the spikes at the top of the fence could be removed, he suggested the fence made no difference even if taller since people would exit through the gates.

When asked by Commissioner Harris, Mr. Erazo stated that he could reduce the height of the fence and remove the spikes all the way across if that was the decision of the Planning Commission although the fence would have to be cut and the problems with the homeless and people jumping over the fence would remain. He acknowledged that he would do whatever had to be done at the direction of the Planning Commission.

Officer Callahan acknowledged that a three foot fence all the way across would be in compliance with the City ordinance and would be acceptable.

Ms. Ayres stated that if a bar was placed over the spikes and if the fence was reduced to three feet in height, it would be consistent with City code. She explained that the action before the Commission at this time was to consider the appeal of the Zoning Administrator’s denial of the fence height exception. The fence could still be built in compliance with City code if it were reduced in height to three feet and as long as the applicant obtained an encroachment permit for that portion of the fence located within the public right-of-way. She did not see that the Engineering Department would oppose the issuance of an encroachment permit if the fence were reduced in height to three feet.

Mr. Hurtado agreed that an encroachment permit would likely be approved for the fence.
where located as long as the height was reduced to three feet.

In response to Commissioner Garcia, Mr. Fernandez affirmed that the wrought iron fence had been custom made at great expense to the applicant and it would be less expensive to start all over with the exception of the anchor posts that could be reused.

Commissioner Garcia recommended that the spikes on the top of the fence not be covered but be located on the anchor posts with only a flat bar over the three foot high fence. He suggested that the only thing to salvage would be the anchor posts. As to the six-foot tall fence located on the neighboring property line, he questioned what would be done with that portion of the fence.

Mr. Fernandez understood that the fence was six feet to the subject property but to code on the adjacent property since there was a three and a half foot elevation difference to the beauty salon.

Ms. Ayres clarified that the adjacent property was higher in elevation, with height measured from the highest adjacent grade. That portion of the fence met code when measured from the highest adjacent grade.

Commissioner Garcia reiterated that the spikes should only be included on the anchor posts.

In the event the appeal was denied and if the fence were reduced in height regardless of how it was done, Mr. Erazo advised if it had to be done the fence would have to be taken down until he was able to afford to replace or repair it, defeating the purpose of the fence. If the code could not be changed, he questioned why an exception to the code would not be considered.

Commissioner Harris advised that any decision of the Planning Commission could be appealed to the City Council.

Mr. Erazo suggested that the fence should be allowed to remain, as is, with the removal of the spikes on the top. He commented that he had addressed all of the appeal points.

PUBLIC HEARING CLOSED

Commissioner Diokno expressed concern with the safety aspect for customers and emergency personnel attempting to access the building. He suggested that people exiting in a panic situation would disperse as quickly as possible although the elderly would not be able to climb over the four-foot tall fence. As to the City ordinance, he supported the requirement where applicable, although he was concerned with the safety of property.
If the fence were allowed to remain as is, Commissioner Diokno stated it would set a precedent in opposition to City ordinance. If a higher fence was necessary to prevent vagrancy, it was possible the City ordinance may have to be modified. In this case, he supported the City ordinance and the requirement for a three foot-high fence in the front yard.

Commissioner Ramirez noted that the applicant was willing to spend money to improve an existing facility in the community. If the fence were required to be reduced in height it would result in further expenses for the applicant which he found to be unnecessary. He suggested that the fence be allowed to remain at four feet tall with the spikes removed. The gates would swing in either direction. He disagreed with the argument that the fence would be a safety concern if someone had to climb over it.

Commissioner Garcia recommended that the property owner not do anything to the existing fence until he had approval of an outdoor dining permit to avoid expenditures for something that might not be allowed anyway.

Commissioner Wegerbauer was supportive of the various businesses showing interest in the City although she was torn because she also supported public safety. She supported compliance with City code.

Commissioner Harris commented that regardless of the status of an outdoor dining permit, the fence would have to be addressed whether it was reduced in height or removed. He recommended that action be taken on the appeal one way or another.

Chairperson Ohlson supported the business, wished them all success, and supported outdoor dining, although he stated that the applicant would have to comply with City code. He would therefore have to support denial of the appeal as recommended by staff. He thanked the property owner for his attendance. He pointed out that an enclosed fence had not worked to keep out the homeless in the past and that a four foot high fence would not be compatible with the adjacent properties which he understood had not experienced problems with the homeless as far as he was aware. He expressed his appreciation for the comments and concern from the Police Department. He supported a denial of the appeal.

Chairperson Ohlson inquired of staff if the fence were adjusted in height and the appeal was denied whether or not a recommendation could be made on the design of the fence itself.

Ms. Ayres explained that the question was whether or not the property would be allowed a fence over three feet in height. The action before the Commission was to deny the appeal and not allow a four-foot high fence or to uphold the appeal with the applicant to work with staff on the design of a three-foot high fence and an outdoor dining permit, or on their own.
without a dining permit.

Ms. Hoggatt explained that since the subject property was a commercial property, if the fence were reduced in height to three feet it would be permitted and it would be possible to tack on conditions on the outdoor dining permit. No administrative design review would be required since no building permit would be required. If the Commission were to grant a higher fence than allowed by code, conditions could be added for that taller fence.

Commissioner Diokno made a motion to adopt Resolution No. 9743, denying the appeal. Commissioner Wegerbauer seconded the motion.

On the motion, Ms. Ayres clarified that if the appeal of the Zoning Administrator’s denial of the fence height exception were to be upheld, the existing fence would have to be removed within 60 days.

**MOTION: AP-07-485 (FE)**

Motion by Commissioner Diokno to adopt Resolution No. 9743, denying the appeal and upholding the Zoning Administrator’s denial of a fence exception to allow an existing noncompliant fence to remain in the front yard at 3788 Railroad Avenue, for “Red Door Lounge Fence Height Exception Request. AP-07-485 (FE),” as conditioned. The motion was seconded by Commissioner Wegerbauer and carried by the following vote:

- **Ayes:** Commissioners Diokno, Kelley, Wegerbauer, Ohlson
- **Noes:** Commissioners Garcia, Harris, Ramirez
- **Abstain:** None
- **Absent:** None

Chairperson Ohlson identified the process to file with the City Clerk a written appeal of the Planning Commission decision. He specified that the appeal must be filed within 10 days of the date the Commission’s decision and would be considered by the City Council.

Commissioner Garcia thanked Officer Callahan for his comments and for his attendance.

**COMMISSION CONSIDERATIONS:** None

**STAFF COMMUNICATIONS:**

Ms. Ayres reported that packets had been presented to the Commission on the Hillside Development Standards and Guidelines prior to the special meeting scheduled for January 15. All information had been provided minus the California Environmental Quality Act (CEQA) documents.

Ms. Ayres added that since she would be leaving the City’s employ on January 18 for new...
pursuits, a workshop could be scheduled by January 18 for the sign code update.

Otherwise, the discussion could be scheduled for the regularly scheduled Planning Commission meeting of January 23.

By consensus, the Planning Commission decided to hold an informal workshop on January 17 from 4:00 to 6:00 P.M. on the sign code update.

**COMMITTEE REPORTS:**

Chairperson Ohlson reported that the next meeting of the TRANSPLAN Committee had been scheduled for January 10.

Commissioner Wegerbauer reported that the Land Use Committee had met and had received presentation of the Alves Ranch Plan.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Wegerbauer spoke to the palm trees along Railroad Avenue and asked that the older limbs be pruned, particularly one near the Suzuki Dealership on Railroad Avenue.

Commissioner Diokno spoke to the Vidrio development and his understanding that the project had been approved in three phases. He questioned whether or not the project phases had included an expiration date of when construction was to occur.

Ms. Ayres recommended that the Redevelopment Director be contacted on the status of the Vidrio development.

Commissioner Kelley wished Ms. Ayres well on her new endeavors. She otherwise questioned whether or not there was a law for people to clean up after their pets.

Officer Callahan was unaware of a City ordinance to deal with pet clean up. He noted that the East Bay Regional Park District (EBRPD) had such laws and typically provided clean up bags on their trails.

Commissioner Harris spoke to the area of Garcia Avenue and the parking of big rigs and a trailer which was obstructing traffic. He stated that the owners of those rigs should be directed to park on one or the other side.

Officer Callahan reported that such vehicles could be cited and he would be willing to run the plates to do so.

Commissioner Harris also spoke to the area of Garcia Avenue with sitting asphalt and water. He asked the City to consider the installation of a sidewalk along that area and to
Chairperson Ohlson reported that Commissioner Garcia had been scheduled to receive an award from the TRANSPLAN Committee although he would be unable to attend that meeting and he [Chairperson Ohlson] would be willing to accept the award on his behalf.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:05 P.M. to a Special Meeting scheduled on January 15, 2008, in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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Marc S. Grisham, Secretary
Pittsburg Planning Commission