Planning Commission Staff Report

February 27, 2013
Item 6.d.

SUBJECT:	**Appeal of P12-1791**
APPLICANT/ APPELLANT:	Rajitha Sumanasekera, Little Flowers Montessori
PROPERTY OWNER:	Sim & Yoon LLC
PURPOSE:	Appeal of the Zoning Administrator's denial for Sign Design Review to retain a non-approved but already installed non-illuminated wall-mounted sign.
LOCATION:	3550 Bernal Avenue, Suites 115, 120, and 125
GENERAL PLAN:	Retail/Highway/Service Commercial; Business and Professional Offices.
ZONING:	PUD-C-N (Planned Unit Development – Commercial - Neighborhood) District.
EXHIBITS:	A. Draft Conditions of Approval B. Site and Wall Sign Plans dated "Received November 27, 2012" C. Zoning Administrator's Denial Letter dated "December 18, 2012" D. Letter of Appeal dated "Received January 2, 2013" E. Vintage Hills Shopping Center Comprehensive Sign Program and Amendments F. Location and Noticing Maps

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BACKGROUND

On February 22, 2012, the Planning Commission approved Rajitha Sumanasekera's request for a Conditional Use Permit (Case No. P11-0859) to operate Little Flowers Montessori at 3550 Bernal Avenue, Suites 115, 120, and 125, within the Vintage Hills Shopping Center.

On October 17, 2012, Cal-Neon Signs received over-the-counter approval from the City for one illuminated wall-mounted tenant sign to be installed over the entry of Little Flowers Montessori's tenant spaces that conformed to the Vintage Hills Shopping Center's comprehensive sign program. During Little Flowers Montessori's final inspection for its tenant improvements in November 2012, staff observed an additional sign that was installed without City approval: a non-illuminated wall-mounted sign located adjacent to the entry of the tenant space. Staff informed Mr. Sumanasekera to either remove the sign or apply and receive

approval from the City for a modification to amend shopping center's comprehensive sign program to retain the sign.

On November 27, 2012, Mr. Sumanasekera submitted an application to retain the non-illuminated, wall-mounted sign. The Zoning Administrator determined that: (1) the sign is located on a wall of Suite 110, a tenant space that is not associated with Little Flowers Montessori, which is located in Suites 115, 120, and 125; (2) Little Flowers Montessori already has approved tenant signage above its associated tenant spaces that provides adequate business identification; and (3) the wall sign is not consistent with the comprehensive sign program for Vintage Hills Shopping Center. Therefore, the application was denied (please refer to Exhibit C). Mr. Sumanasekera filed an appeal of the Zoning Administrator's denial to retain the non-illuminated, wall-mounted sign and, accordingly, the appeal is now before the Planning Commission for review and action. Please refer to Exhibit D for the letter of appeal.

SITE AND BUILDING DESCRIPTION

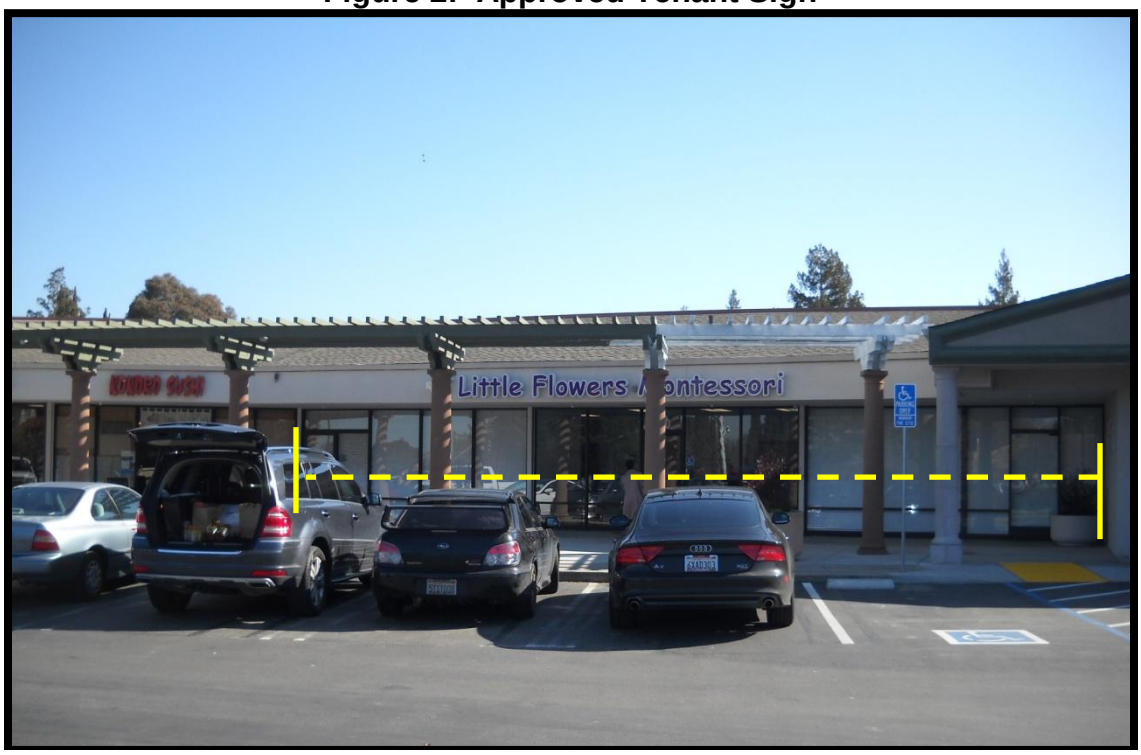
The subject site is located on the east side of Bernal Avenue and south of Tawny Drive (please refer to Figure 1 on page 3). The subject building is one story and approximately 47,401 square feet in area and is at a higher grade level than Tawny Drive and Bernal Avenue. The main entrance to the site is from Bernal Avenue with additional access being provided from Tawny Drive and Palomino Drive. Little Flowers Montessori is located in three combined suites within the building, Suites 115, 120, and 125. Other businesses currently within the shopping center include: a hair cutting salon (Cutt Company), a spa (Nirvana Day Spa), a frozen yogurt shop (Yogoholic), a laundry and dry cleaning shop (Vintage Hills Cleaners), a jewelry store (Gold N Time), a sushi restaurant (Kokoro Sushi), a 24-hour fitness facility (Anytime Fitness), and a coffee shop (Coffee Ali). Staff notes that New Leaf Market is currently undergoing tenant improvements to occupy the vacant grocery store space.

Figure 1: Aerial View

PROJECT DESCRIPTION

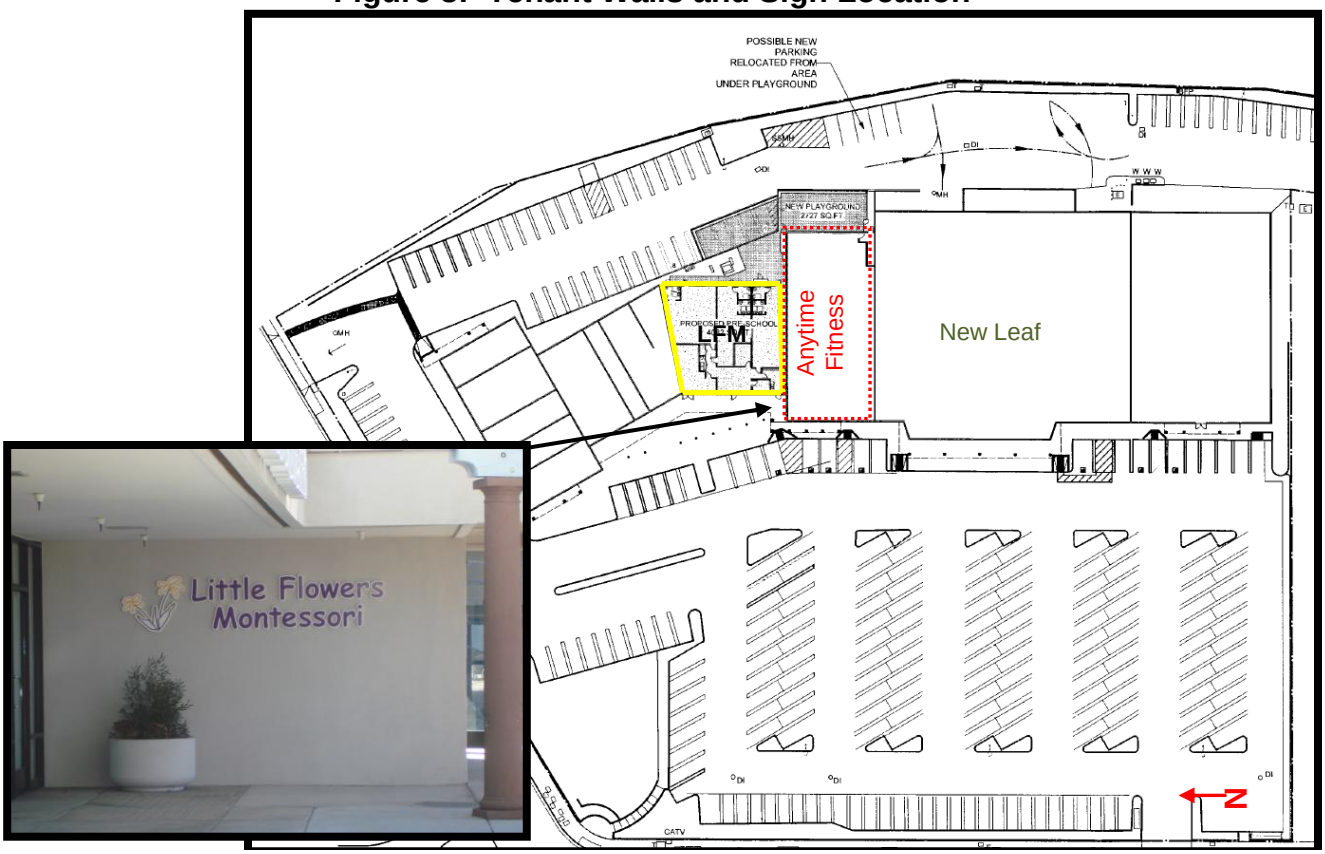
Little Flowers Montessori received approval to install one 18-inch tall, 22-foot 5-inch long, internally illuminated sign above the child care center. Please refer to Figure 2 below for the photograph of the approved sign. The applicant is requesting to retain the 2-foot tall, 9-foot, 5-inch long, double stacked, non-illuminated, wall-mounted sign located adjacent to Little Flower Montessori's main tenant entrance. Although the applicant shares a common wall with the adjacent use, Anytime Fitness, the portion of the wall where the sign is located is on a portion of Anytime Fitness's wall that is not a shared wall. Please refer to Figure 3 on page 4 for the picture of the wall-mounted sign and its location.

Figure 2: Approved Tenant Sign



Please refer to the next page for Figure 3

Figure 3: Tenant Walls and Sign Location



ANALYSIS

The comprehensive sign program for Vintage Hills Shopping Center was approved at staff level on July 14, 2008. The sign program allows one internally illuminated channel letter sign above the tenant space of each business. On September 25, 2009, staff approved an amendment to the sign program to allow Yogoholic, a corner tenant space, an additional tenant sign facing Bernal Avenue. On March 22, 2011, staff approved a second amendment to the sign program to increase the maximum length of proposed signs to not exceed 70 percent of the storefront fascia and to allow logos up to 24-inches in height, but not to exceed 25 percent of the total sign area. The sign program, with amendments, is similar to other sign programs approved for other shopping centers in Pleasanton (e.g., Gateway Square in Hacienda Business Park, Hopyard Village, Valley Plaza, Meadow Plaza, etc.) where one tenant sign is allowed per tenant space that is not located in a corner suite. A copy of the Vintage Hills Shopping Center's approved sign program and amendments is included as Exhibit E.

Staff believes that it is not appropriate to have the wall-mounted sign on the adjacent tenant's wall and that the existing fascia-mounted sign for Little Flowers Montessori provides adequate tenant identification for cars approaching the tenant space. If pedestrian-oriented signage is desired, staff believes there are better options, such as adding blade signs mounted below the soffit adjacent to the tenant entry or window signage, which would be reviewed as part of a comprehensive sign program modification applicable to all tenants in the shopping center rather than to a single tenant to ensure that the locations and design are appropriate.

However, should the Commission find that the wall-mounted sign is appropriate; staff has included conditions of approval as Exhibit A for the Commission's consideration.

PUBLIC NOTICE

Notice of this appeal was sent to surrounding property owners and tenants within a 1,000-foot radius of the site. At the time this report was published, staff had not received comments regarding this appeal. The location and noticing maps are included as Exhibit F.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15311, Accessory Structures, Class 1(a), on-premise signs. Therefore, no environmental document accompanies this report.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal of P12-1791, thereby upholding the Zoning Administrator's denial of the wall-mounted sign.

Staff Planner: Natalie Amos, Associate Planner, 925.931.5613, namos@cityofpleasantonca.gov

EXHIBIT A
Draft Conditions of Approval

P12-1791 / Sign Design Review
3550 Bernal Avenue, Suite 115, 120, and 125

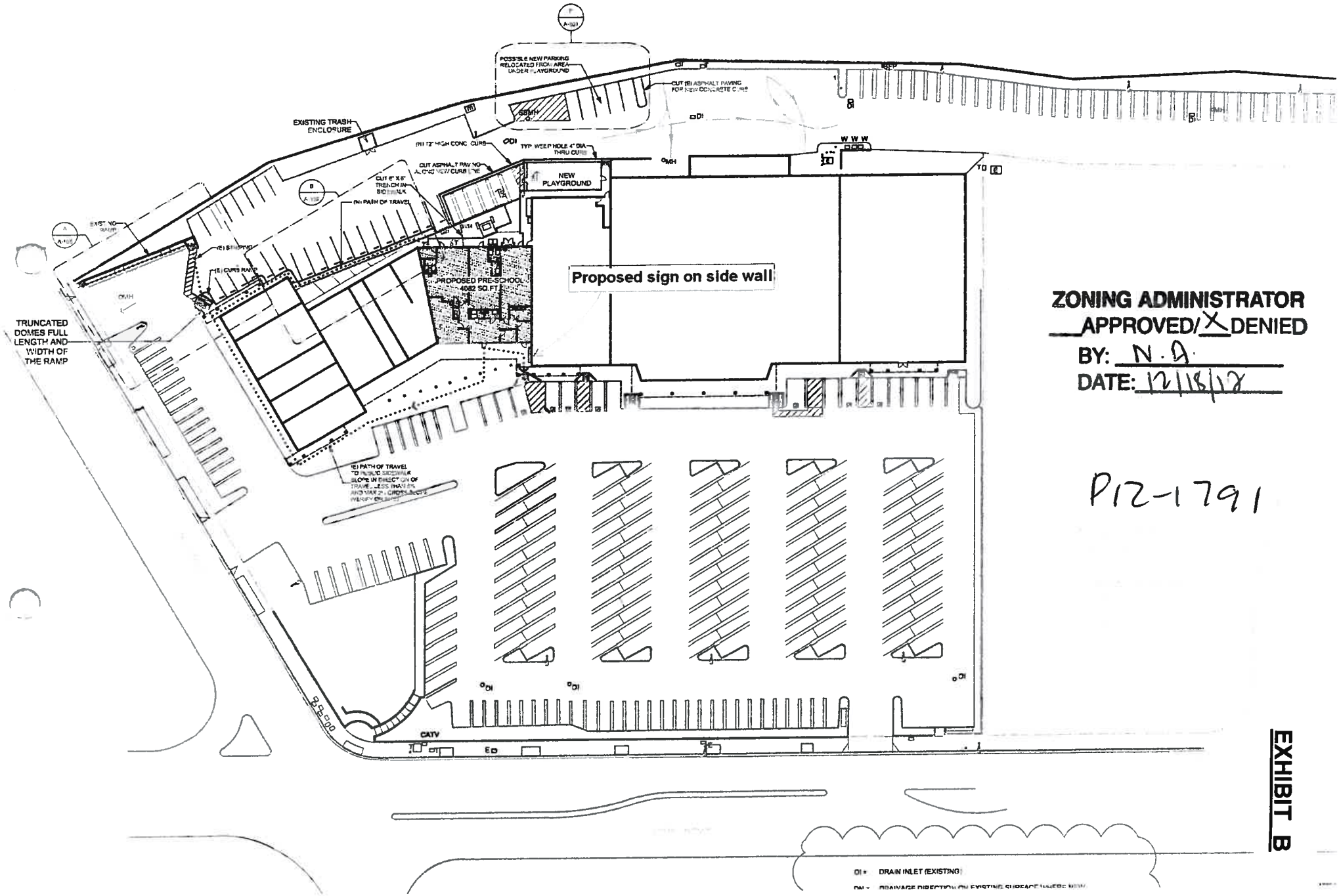
1. The non-illuminated, wall-mounted sign shall conform substantially to site plan and elevation drawing, Exhibit B, marked "Received January 2, 2013," on file at the Planning Division. Minor changes to the sign may be approved by the Director of Community Development if found to be in substantial conformance with this approval.

2. There shall be no additional signage on the subject building or property without prior approval from the City.

3. All applicable City permits and associated fees for the sign shall be obtained within 15 days of the effective approval date.

4. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees, and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

END



ZONING ADMINISTRATOR
___APPROVED/X DENIED
BY: N.A.
DATE: 12/18/12

P12-1791

EXHIBIT B

2 **Elevation View** Scale: ½"=1'

Qty. 1

1" thick White PVC FCO letters with vinyl graphics.

2a **Side View**

Vinyl Colors

- Calon #128 Plum vinyl
- Calon #15 Yellow vinyl

CAL-NEON
ELECTRIC SIGNS OF ALL KINDS SINCE 1975

For: Little Flowers Montessori, 3550 Bernal Rd., Pleasanton, CA

Date: 3/12/12

Drawing No.: 3080	**Salesperson:** David Gale
File Name.: dd-Little Flowers 3080	**Designer:** P. Pemberton
File Path: d:/Cal-Neon Job Files/Little Flowers	**Approved** _____ Date_____

Revisions

	Date	By		Date	By
1			5		
2			6		
3			7		
4			8		

COPYRIGHT NOTICE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING SUBMITTED FOR USE IN CONNECTION WITH A PROJECT PLANNED BY CAL-NEON SIGNS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IS IT TO BE COPIED, REPRODUCED, OR EXHIBITED IN ANY FASHION WITHOUT THE WRITTEN PERMISSION OF AN AUTHORIZED OFFICIAL OF CAL-NEON SIGNS.

EXHIBIT C

THE CITY OF
PLEASANTON.

CORRECTED LETTER

December 18, 2012

Rajitha Sumanasekera
Little Flowers Montessori
3550 Bernal Avenue, Suite 120
Pleasanton, CA 94566

Subject: **P12-1791, Sign Design Review**
Effective Date : ~~January 3, 2012~~ January 3, 2013

Dear Mr. Sumanasekera:

The Planning Division has completed its Sign Design Review procedure for your proposal to **retain the existing non-illuminated, wall-mounted sign located on the north wall of the existing building located at 3550 Bernal Avenue, Suite 110.** Based on the information submitted, the Zoning Administrator has determined that: (1) the sign is not located on a wall/tenant space associated with Little Flowers Montessori, which is located in Suites 115, 120, and 125; (2) Little Flowers Montessori already has approved tenant signage above their associated tenant spaces; and (3) the wall sign is not consistent with the comprehensive sign program for Vintage Hills Shopping Center and, therefore, the Sign Design Review application is not approved.

This action will become effective on January 3, 2013, unless appealed prior to that time. The Zoning Administrator's decision may be appealed to the Planning Commission by submitting an application for appeal with a letter stating the basis for the appeal, along with a fee in the amount of $3.75 and 15 sets of plans, to the Planning Division at 200 Old Bernal Avenue, Pleasanton, prior to the expiration date of the appeal (January 3, 2013).

The wall sign shall be removed within 14 days of the effective action date.

Should you have any questions concerning this decision, please feel free to contact me at (925) 931-5613 or via email at namos@cityofpleasantonca.gov.

Sincerely,

Natalie Amos
Associate Planner

C: Sim & Yoon LLC, Sang Yol Sim, 22 Sea Cliff Avenue, San Francisco, CA 94121
Walter Wickboldt, Senior Code Enforcement Officer

EXHIBIT D

Little Flowers Montessori, Inc
34735 Ardenwood Blvd, Fremont, CA 94555
Phone: 510-793-1696 Fax: 510-794-9121
www.LittleFlowersMontessori.com

APPEAL OF P12-1791

RECEIVED
JAN 02 2013
CITY OF PLEASANTON
PLANNING DIVISION

December 31, 2012

Natalie Amos,
Planning Division
City of Pleasanton

RE: P12-1791, Sign Design Review - Rejection

Dear Natalie:

I wish to appeal the decision for the above sign design review. The Sign on the North wall was denied due to 1) not being located in a space associated with the tenant and 2) Sign is not consistent with the shopping center sign program.

Consider point 1), As the photograph below illustrates, the sign on the side wall is facing the Little Flowers Montessori (LFM) tenant spaces. The next door tenant has premium signage at the front of the building. The side wall sign does not impact the adjacent/next door tenant space. The landlord has also approved the side sign. Other tenants and the landlord have also indicated that the sign makes that wall nicer than it was previously.

For point 2) that the sign is not consistent with the shopping center signage, earlier this year when the original application for this signage was submitted Ms Natalie indicated that it needs an ammendment to the shopping center signage program. I would like to apply for ammending the shopping center sign program to include this side wall sign assuming 1) above can be satisfied.

Please kindly reconsider allowing the sign on the North wall for the reasons stated above.

Sincerely,

Rajitha Sumanasekera
Little Flowers Montessori, Inc

EXHIBIT E

THE CITY OF
PLEASANTON

July 14, 2008

Peter Shutts, AIA
4133 Mohr Avenue
Pleasanton, CA 94566

RE: PSDR-380/3550 Bernal Avenue

Dear Mr. Shutts:

The City of Pleasanton Planning Division has completed the review of a sign design review application for a sign program for Vintage Hills Shopping Center located at 3550 Bernal Avenue. The application has been approved subject to the following conditions:

1. The signs shall be in substantial conformance to the sign program, shown as Exhibit A, dated "Received July 8, 2008," on file with the Planning Division. Minor changes to the sign program may be allowed subject to the approval of the Director of Planning and Community Development if found to be in substantial conformance to the approved exhibits.

2. Approval from shopping center's management office is required prior to submittal to the City for review and permit.

3. All signs shall conform to the following requirements:

   - Tenant sign area shall not exceed ½ square foot per each lineal foot of the store front facing the street.
   - Tenant sign shall be internally illuminated channel letters.
   - Sign letter height shall not exceed the following:
     - Anchor tenant: 48 inches including logos, centered within the fascia element of the building.
     - Secondary anchor Tenants: 24 inches including logos, centered within the gable element of the building;
     - Other tenants: 18 inches including logos, centered within the fascia element.
   - No exposed raceway is allowed.
   - Returns shall be painted to match the sign.
   - No moving elements or flashing lights are permitted on the signs.

P. O. Box 520, Pleasanton, CA 94566-0802 **200 Old Bernal Avenue**

Planning & Community Development (925) 931-5600 Fax: 931-5483
Building Inspection (925) 931-5300 Fax: 931-5478
Utility Billing (925) 931-5425 Fax: 931-5485
Business License (925) 931-5440 Fax: 931-5485

This approval will become effective 15 days from the date of this letter unless appealed prior to that time.

If you have any questions, please call me at (925 0931-5615, or via email at: jsoo@ci.pleasatnon.ca.us

Sincerely,

Jenny Soo
Associate Planner

THE CITY OF
PLEASANTON

September 25, 2009

Won Ik Cho
Capital Electrical and Sign
990 Helen Drive #1
Sunnyvale, California 94086

Re: Case PSDR-429, Wall Sign
Effective Date: October 13, 2009

Dear Mr. Cho:

The Planning Division has completed its design review procedure for your proposal to allow one wall sign on the northwest front façade of the building located at 3500-3550 Bernal Avenue.

Your application has been approved subject to the following conditions:

1. The proposal shall conform substantially to the elevations and related materials, marked Exhibit B, dated "Received September 16, 2009," on file with the Planning Division.

2. Should the tenant vacate the building or the signage be removed for another reason, the appearance of the sign shall be eliminated by repair, replacement, or other treatment of the facade. No holes, shadows from the lettering, or other remnants of the sign shall remain after the sign is removed.

3. There shall be no additional signage on the subject property without prior approval.

4. All applicable City permits for the signs shall be obtained prior to the installation of the sign.

In accordance with Section 18.144.010 of the Pleasanton Municipal Code, the City Council may elect to review this action within 15 days of the date of approval, October 12, 2009 or at its next regular meeting October 6, 2009, whichever is later. Therefore, approval of the sign design review will become effective on **October 13, 2009**, unless appealed prior to that time. Sign design approval shall lapse and become void one year following the effective date of project approval, unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion, or an extension has been approved by the City.

If you have any questions, please feel free to give me a call at (925) 931-5611.

Sincerely,

Shweta Bonn
Assistant Planner

c: Peter Shutts; 4133 Mohr Avenue Suite H; Pleasanton, California 94566

A COPY OF THIS LETTER AND A COMPLETED BUILDING PERMIT QUESTIONNAIRE (ATTACHED) MUST BE PRESENTED TO THE BUILDING AND SAFETY DIVISION WHEN APPLYING FOR BUILDING PERMITS. THE QUESTIONNAIRE MUST THEN BE SUBMITTED TO THE PLANNING DEPARTMENT.

CITY OF
PLEASANTON

March 22, 2011

Lauren Devine
Devine Portfolio
2559 Bradford Avenue
Hayward, California 94545

Re: PSDR-484, Coffee Ali, 3550 Bernal Avenue Vintage Hills Shopping Center
EFFECTIVE DATE: April 7, 2011

Dear Ms. Devine:

The Planning Division has completed its design review procedure for your proposal to modify the existing comprehensive sign program for tenants (not including anchor tenants or secondary anchor tenants) of the above address. The modification would change the allowable length of a sign to be 70% of the storefront fascia (instead of ½-square foot of signage for each linear foot of storefront fascia) and would allow logos up to 24-inches in height. The modification would allow one wall-mounted, approximately 24-inch tall by 133.8-inch long identification sign to be attached to the existing fascia of the Vintage Hills Shopping Center located at 3550 Bernal Avenue, Suite 140, for Coffee Ali as proposed. Based on the information submitted, the Zoning Administrator has determined that the design of the Coffee Ali sign and the modified regulations for the tenant signs would not be detrimental to the public health, safety, and general welfare. Therefore, approval is hereby granted, subject to the following conditions:

1. The sign program (PSDR-380) for the Vintage Hills Shopping Center is amended as follows:
   - Anchor tenants and secondary anchor tenants: Tenant sign area shall not exceed ½ square foot per each lineal foot of the storefront facing the street *(no change – see approval letter for PSDR-380)*.
   - Other tenants: Tenant sign length shall not exceed 70% of the storefront fascia. The limitation for ½-square foot for each foot of frontage is eliminated with this modification.
   - Sign letter height shall not exceed the following:
     - Anchor tenant: *(no change – see approval letter for PSDR-380)*
     - Secondary anchor tenants: *(no change – see approval letter for PSDR-380)*
     - Other tenants: 18-inches, centered within the fascia element. One logo up to 24-inches in height is allowed as long as the logo area does not exceed 25% of the total sign area

All other requirements and conditions of the sign program (PSDR-380) as described in the approval letter dated July 14, 2008, shall apply.

2. The proposed sign for Coffee Ali shall conform substantially to the elevations and related materials, marked Exhibit B, dated "Received, February 15, 2011," on file with the Planning Division, unless modified by the following conditions. Minor changes to the sign plans may be allowed subject to the approval of the Director of Community Development.

3. All applicable City permits for the sign shall be obtained prior to its installation.

4. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employee and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

5. There shall be no additional signage on the subject property without prior approval by the Planning Division.

Approval of the Sign Design Review will become effective on April 7, 2011 (Pleasanton Municipal Code Chapter 18.144), unless appealed prior to that time. Sign Design Review approval shall lapse and become void one year following the effective date of project approval, unless prior to the expiration of one year, a building permit is issued and installation is commenced and diligently pursued toward completion or an extension has been approved by the City.

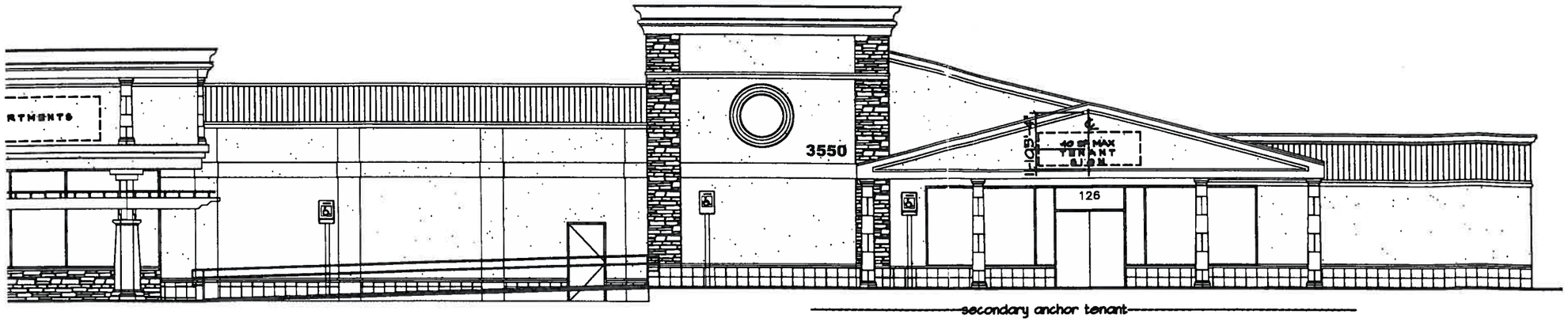
If you have any questions, please feel free to give me a call at (925) 931-5611.

Sincerely,

Shweta Bonn
Assistant Planner

c: Sim and Yoon LLC, 22 Sea Cliff Avenue, San Francisco, California 94121

A COPY OF THIS LETTER AND A COMPLETED BUILDING PERMIT QUESTIONNAIRE (ATTACHED) MUST BE PRESENTED TO THE BUILDING AND SAFETY DIVISION WHEN APPLYING FOR BUILDING PERMITS. THE QUESTIONNAIRE MUST THEN BE SUBMITTED TO THE PLANNING DIVISION.



ELEVATION A1
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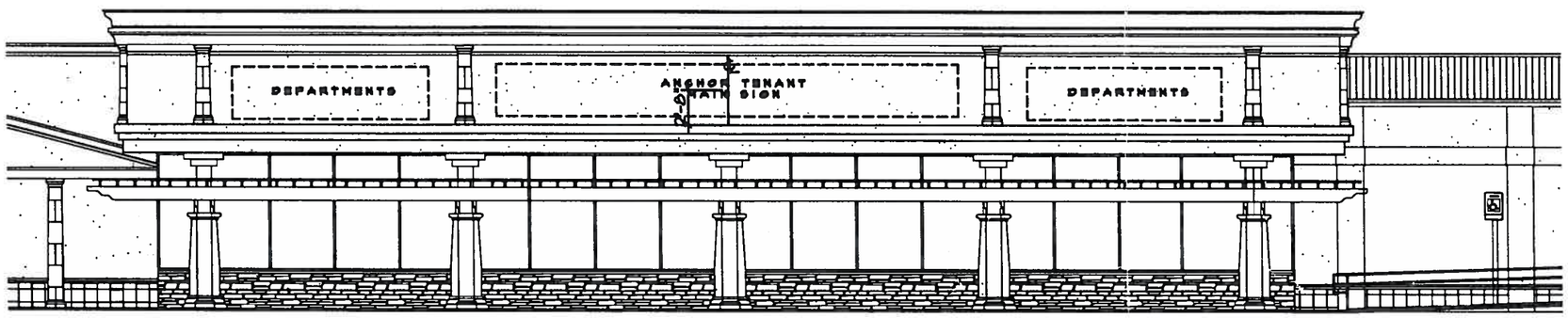
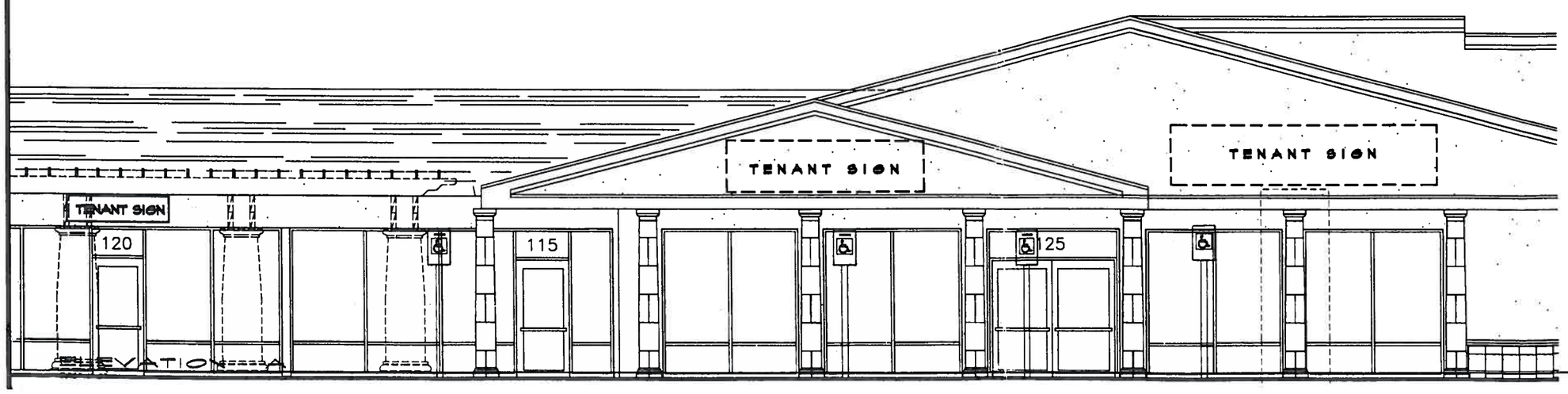


SIGNAGE NOTES:

1. AREA OF TENANT SIGN MAY NOT EXCEED ½ SQUARE FOOT PER LINEAL FOOT OF FRONTAGE TO THE SIDEWALK.
2. THE AREA OF A SIGN SHALL BE CALCULATED WITH AN EIGHT SIDED POLYGON ENCOMPASSING THE TEXT OF THE SIGN, BORDERS AND FRAMES AROUND THE TEXT ARE NOT COUNTED.
3. TEXT CHARACTERS MAY BE OF ANY FONT AND COLORS.
4. ILLUMINATION SHALL BE INTERNAL.
5. LETTER HEIGHT SHALL BE AS FOLLOWS:
   - ANCHOR TENANT: 48" MAXIMUM CHARACTER HEIGHT, CENTERED VERTICALLY AND HORIZONTALLY WITHIN THE FASCIA ELEMENT.
   - SECONDARY TENANT: 24" IN GABLE ELEMENTS, CENTERED AS SHOWN ON THIS DRAWING.
   - ALL OTHER TENANT SPACES: 18" MAXIMUM HEIGHT CENTERED IN THE FASCIA UNDER THE GUTTER.
6. NEON MAY BE USED WITHIN THE DESIGN OF THE SIGN
7. NO MOVING ELEMENTS
8. NO FLASHING LIGHTS

ELEVATION A1
3/16"=1'-0"



ELEVATION A1

ZONING ADMINISTRATOR
APPROVED/ DENIED
BY:
DATE:

75DR-380

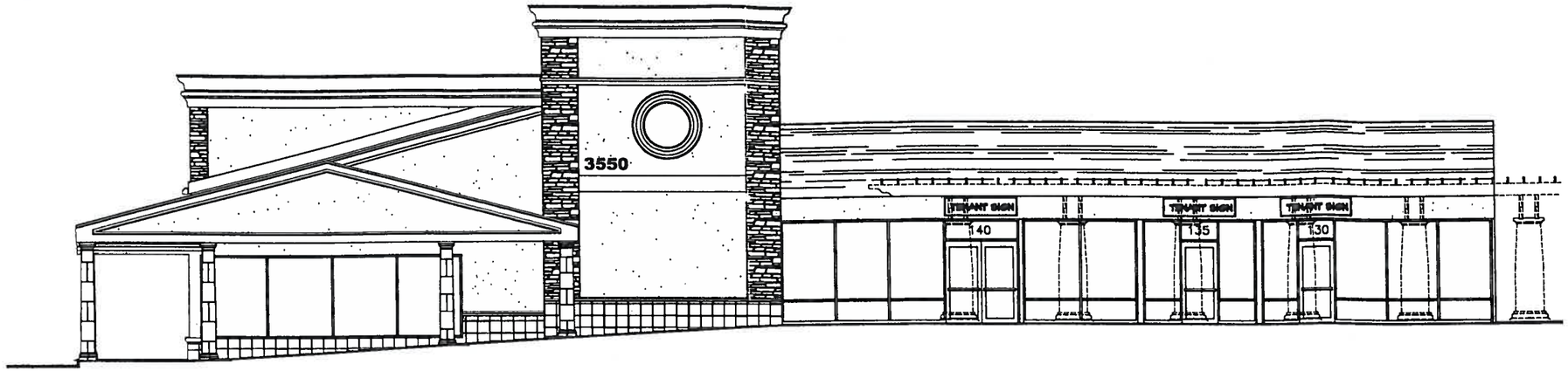
REVISIONS

Peter G. Shutts A
Architecture Planning
4133 Mohr Avenu
Pleasanton
California 94566
(510) 484-0903

LICENSED ARCHITECT
PETER GOTTFRIED SHUTTS
10/18
10-23-01
STATE OF CALIFORNIA

VINTAGE HILLS SHOPPING CENTER
REMODEL AND RENOVATION
SANG & YOON SIM
22 SEA CLIFF AVENUE, SAN FRANCISCO 94121

DRAWN PGS/CP
CHECKED PGS
DATE 02/12/0
SCALE AS NOTE
JOB NO. 0668
SHEET A-3.



ELEVATION B
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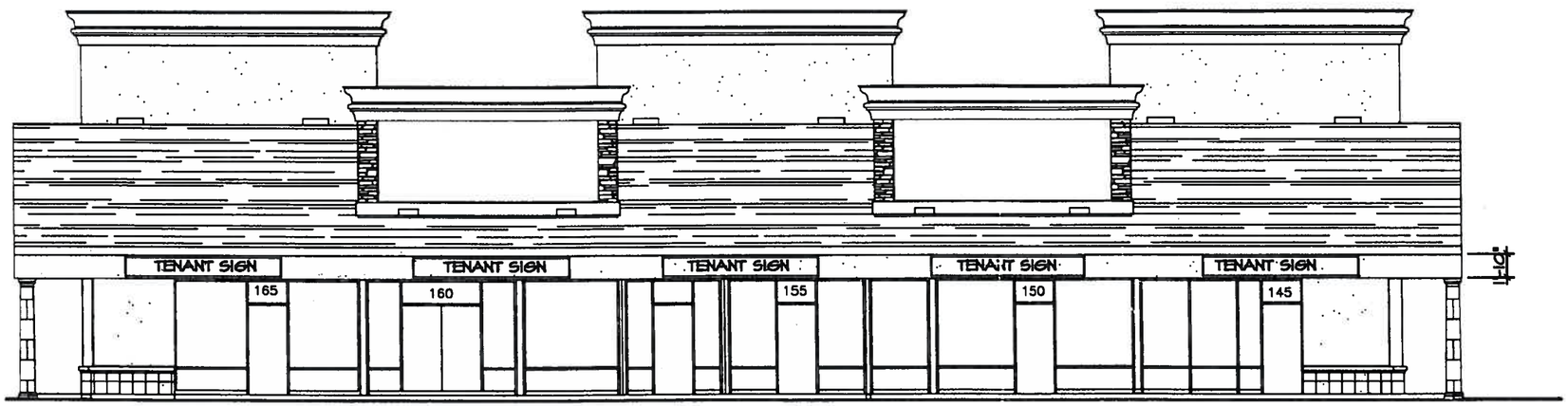

ELEVATION C
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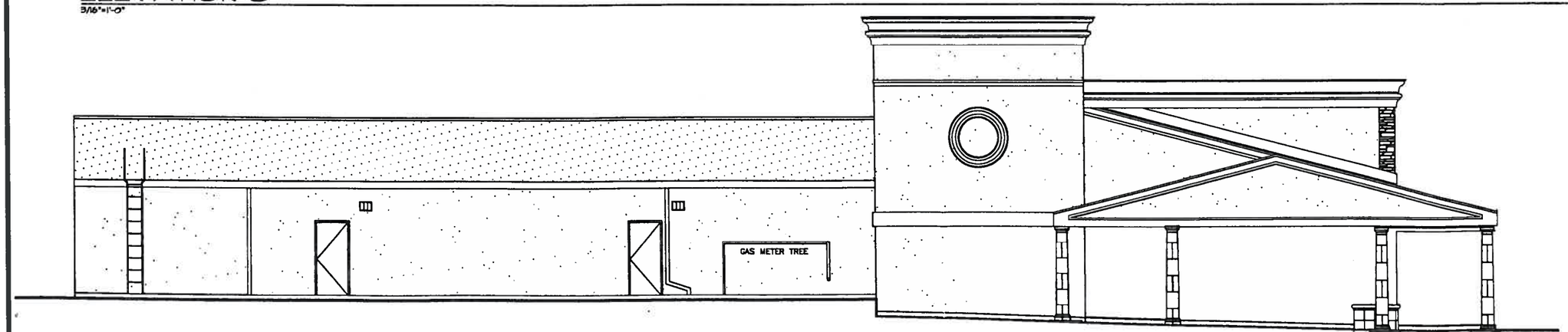


ELEVATION BD
3/16"=1'-0"

REVISIONS	BY
DEFER SIGNAGE 4-10-07	PGS
PLAN CHECK REV. 03/16/07	CPD

Peter G. Shutts AIA

Architecture Planning

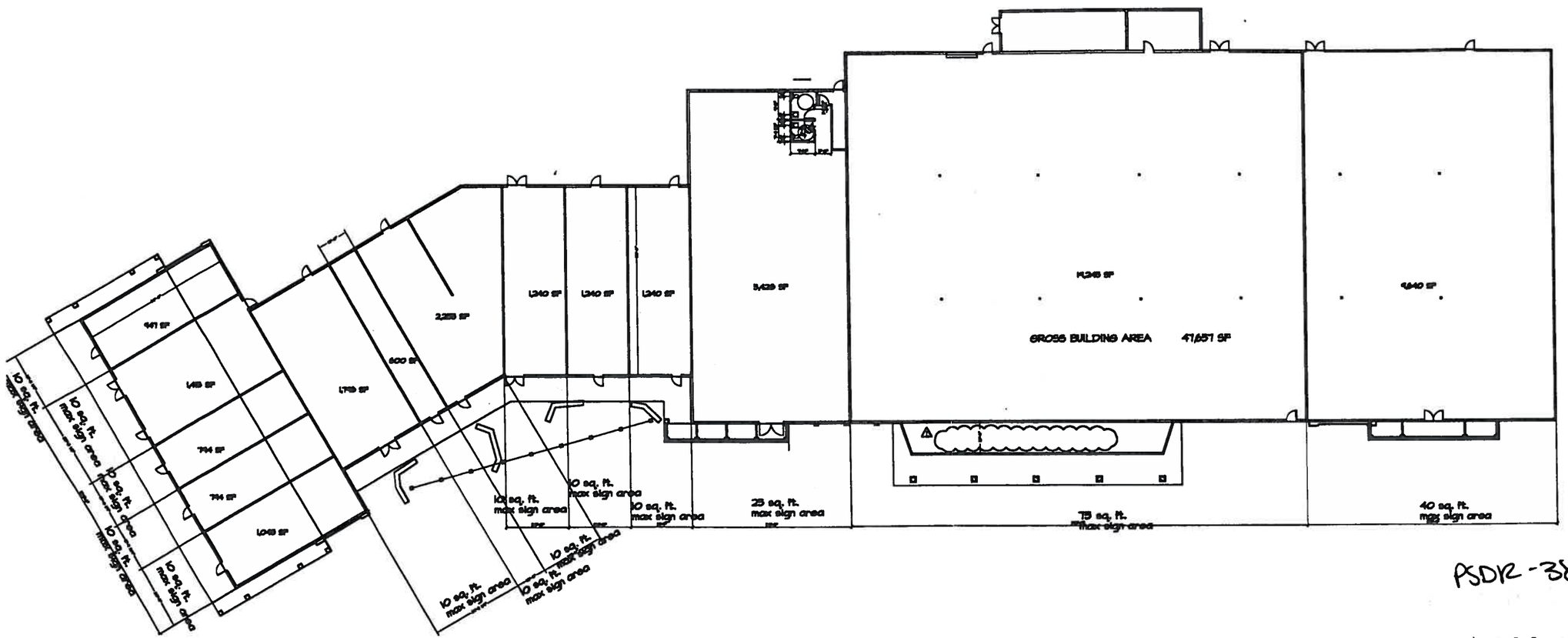
4133 Mohr Avenue
Pleasanton
California 94566
(510) 484-0903

LICENSED ARCHITECT
PETER G. SHUTTS
10-26-01
STATE OF CALIFORNIA

VINTAGE HILLS SHOPPING CENTER

REMODEL AND RENOVATION
SANG & YOON SIM
22 SEA CLIFF AVENUE, SAN FRANCISCO 94121
3500 BERNAL AVENUE
PLEASANTON, CA 94566

DRAWN	PGS/CPD
CHECKED	PGS
DATE	02/12/07
SCALE	AS NOTED
JOB NO.	0668
SHEET	A-3.1



PSDR-380

JUL 08

Allowable Sign Area Plan

REVISIONS	BY

Peter G. Shutts AIA

Architecture Planning

4133 Mohr Avenue
Pleasanton
California 94566
(510) 484-6905

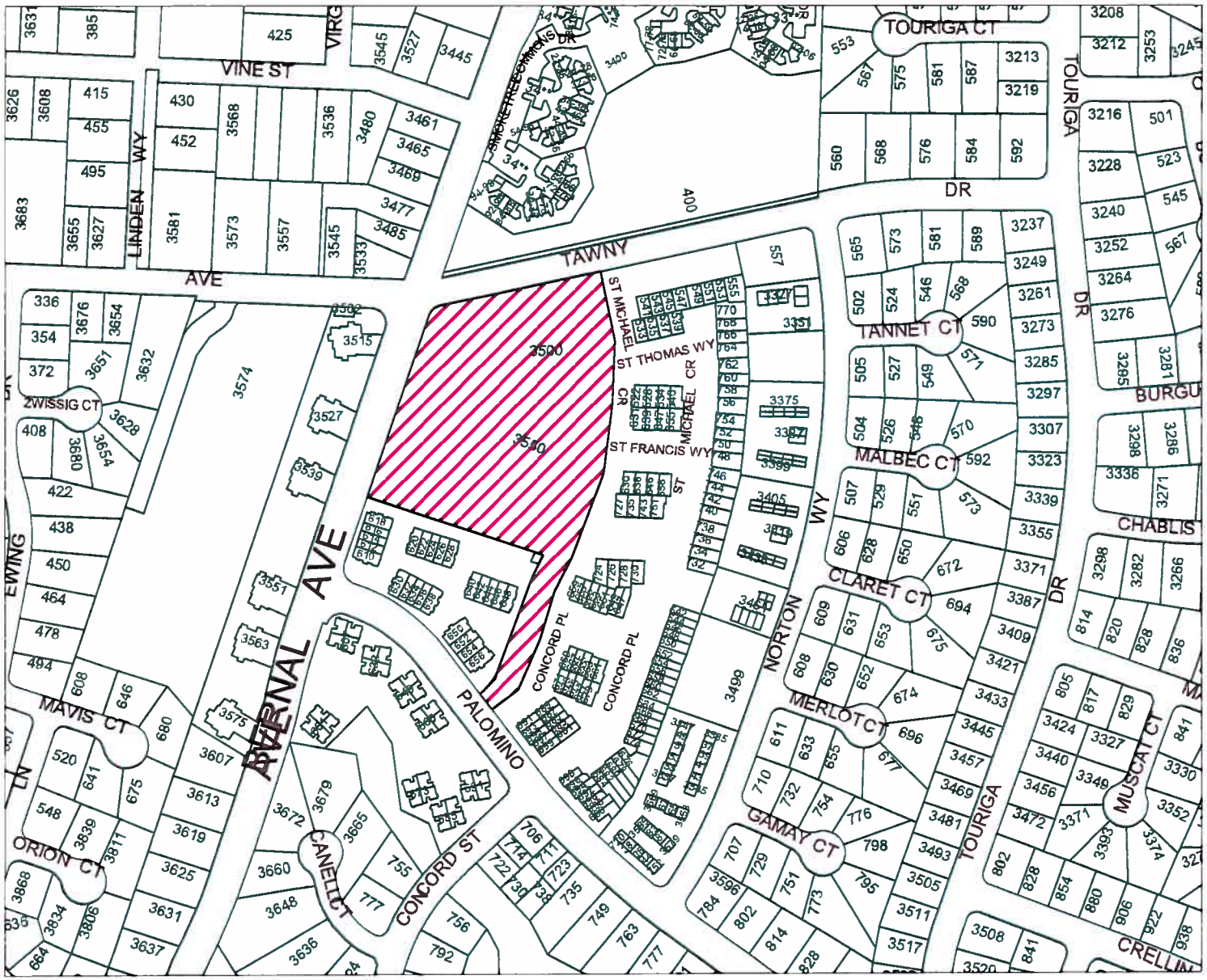
LICENSED ARCHITECT
PETER G. SHUTTS
10-31-01
STATE OF CALIFORNIA

VINTAGE HILLS SHOPPING CENTER

SIGNAGE PLAN

SANG & YOON SIM
22 SEA CLIFF AVENUE, SAN FRANCISCO 94121
3500 BERNAL AVENUE
PLEASANTON, CA 94566

PGS/CPD
PGS
02/12/07
AS NOTED
0666
A-1.0



3550 Bernal Avenue

City of Pleasanton

GIS

Department

Location Map

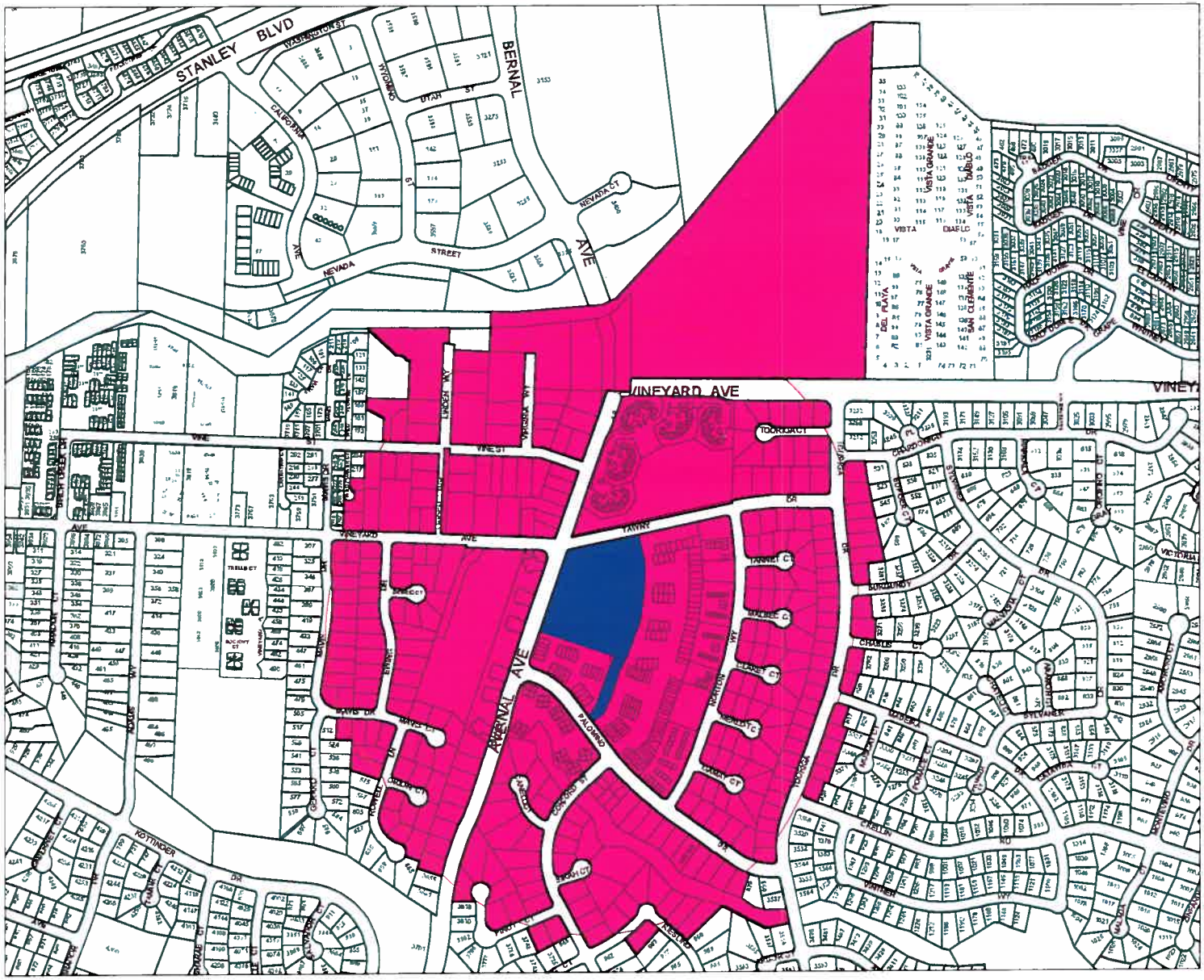
N
W E
S

0 150 300 450

THE CITY OF PLEASANTON

Printed 2/13/2013

EXHIBIT F



3550 Bernal Avenue

City of Pleasanton

GIS

Department

Noticing Map

N
W E
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