



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Legitimization

January 6, 2012

J. Gregg Miller, Jr.
Pillsbury Winthrop Shaw Pittman, LLP
50 Fremont Street
San Francisco, CA 94105

Site Address:	375 Alabama Street
Assessor's Block/Lot:	3966/002
Zoning District:	PDR-1-G
Staff Contact:	Corey Teague, (415) 575-9081 or corey.teague@sfgov.org

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Dear Mr. Miller:

This letter is in response to your request for a Letter of Legitimization per Planning Section 179.1 regarding the property at 375 Alabama Street. This parcel is located in the PDR-1-G Zoning District and a 68-X Height and Bulk District. The request is to legitimize the existing office use on the entire third floor and a portion of the fourth floor, totaling 48,189 gross square feet.

Procedural Background

The Department received the request for legitimation of office space at 375 Alabama Street on August 25, 2011. Staff reviewed the request and associated materials and the Zoning Administrator issued a 30-day public notice of the intent to issue the Letter of Legitimization on December 5, 2011. The public notice also included a draft letter for review, and was sent to 1) all owners of property within 300 feet of the subject property, 2) all current tenants of the subject property, and 3) all individuals and neighborhood associations that had requested to receive such notice. Additionally, notice was posted on the site during the notification period. The notification period expired on January 4, 2012.

Eligibility

The land use proposed for legitimation is deemed eligible if it meets the following criteria:

- i. The land use existed as of the date of the application;

Lease documentation indicates that office use existed in each of the relevant units as of August 23, 2011. Specific tenants and general leasing times are listed in a timeline table under Section iv below.

- ii. The land use would have been principally permitted or permitted with conditional use authorization under provisions of the Planning Code that were effective on April 17, 2008;

Prior to the Eastern Neighborhoods rezoning, the subject property was located in the M-1 Zoning District, which principally permitted office uses.

- iii. The land use would not be permitted under current provisions of the Planning Code;

The property containing the subject building is located in the PDR-1-G Zoning District, which prohibits office use except in designated landmark buildings.

- iv. The land use either has been (1) regularly operating for functioning on a continuous basis for no less than 2 years prior to the effective date of Planning Code Section 179.1, or (2) functioning in the space since at least April 17, 2008, and is associated with an organization, entity or enterprise which has been located in this space on a continuous basis for no less than 2 years prior to the effective date of Planning Code Section 179.1;

Lease documentation indicates the office use has been regularly operating for no less than 2 years prior to January 19, 2009. Specific tenants and general leasing times are listed in a timeline table below.

Tenant Information for Units Requesting Legitimization					
Unit	2011	2010	2009	2008	2007
300	Dyna. Co.	Dyna. Co.	Dyna. Co.	Dyna. Co.	SFCCD
325	ASS, Inc	ASS, Inc	ASS, Inc	ASS, Inc	SFCCD
350	ASS, Inc	ASS, Inc	ASS, Inc	ASS, Inc	SFCCD
355	LK Group	LK Group	LK Group	LK Group	SFCCD
356	LK Group	LK Group	LK Group	LK Group	SFCCD
360	HE, Inc	HE, Inc	HE, Inc	N/A	SFCCD
361	HE, Inc	HE, Inc	HE, Inc	N/A	SFCCD
365	Heist	Heist	Heist	Heist	SFCCD
366	D & Assoc.	D & Assoc.	D & Assoc.	D & Assoc.	SFCCD
370	Heist	Heist	Heist	Heist	SFCCD
371	Heist	Heist	Heist	Heist	SFCCD
380	DD, Inc.	DD, Inc.	DD, Inc.	DD, Inc.	SFCCD
400	DM Arch	DM Arch	DM Arch	ASS, Inc	ASS, Inc
410	BD, Inc	BD, Inc	BD, Inc	BD, Inc	BD, Inc
440	Kenn. Arch	Kenn. Arch	Kenn. Arch	Kenn. Arch	Kenn. Arch

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San Francisco, CA 94105

January 6, 2012
Land Use Legitimization Letter
375 Alabama Street

- v. The land use is not accessory to any other use;

The subject office uses occupy a portion of the third floor and the entire fourth floor as principle uses.

- vi. The land use is not discontinued and abandoned pursuant to the provisions of Planning Code Section 183 that would otherwise apply to nonconforming uses.

Leasing documentation indicated that the relevant units have remained occupied during the required period. Units 360 and 361 are the only exceptions, as it took approximately two years for the owner to lease these units between 2007 and 2009.

Determination

It is my determination that the request for legitimization of the existing 48,189 gross square feet of office use on a portion of the third floor, and the entire fourth floor of the subject building as shown on the attached plans, meets all the required criteria of Planning Code Section 179.1. Therefore, the subject gross floor area is deemed legitimate office space as defined in Planning Code 870.90. A Notice of Special Restrictions shall be filed on the subject property documenting the specific building area legitimized as office space as listed in this letter and documented on the proposed plans, attached as Exhibit A, prior to the approval of a site or building permit establishing such office space. This determination is **not** a project approval, or in any way a substitute for a Building Permit Application for the change of use to office space.

Please note that before a Building Permit Application may be approved to legally convert the subject gross floor area to office, this project must (1) undergo an Annual Limit review for office space before the Planning Commission per Planning Code Section 321, and (2) pay the legitimization fee of \$10.50 per gross square foot.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of the Letter of Legitimization. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

J. Gregg Miller, Jr.
Pillsbury Winthrop Shaw Pittman, LLP
50 Fremont Street
San Francisco, CA 94105

January 6, 2012
Land Use Legitimization Letter
375 Alabama Street

cc: Corey Teague, Planner
Alabama Street Partners, LP
Planning Commissioners
All Parties on the Notification Request List

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August 23, 2011

ID # 9831 - SE J. BANAJES
 CK # 1043609 \$ 577. -

Via Hand Delivery

RECEIVED

Mr. Scott F. Sanchez
 Zoning Administrator
 San Francisco Planning Department
 1650 Mission Street
 San Francisco, CA 94103

AUG 23 2011

CITY & COUNTY OF S.F.
 PLANNING DEPARTMENT

Re: 375 Alabama Street, San Francisco; Application and Request for Office Use
 Legitimization Under Section 179.1 of the Planning Code

(3966/002)

Dear Mr. Sanchez:

This firm represents Alabama Street Partners, LP, a California limited partnership (“Owner”), which is the owner of the above-referenced property (the “Property”). We submit this letter and enclosed materials pursuant to Section 179.1 of the San Francisco Planning Code (the “Code”). A list of the enclosed materials is attached at Exhibit A to this letter. Also enclosed is a check no. 1043609 in the amount of Five Hundred Seventy-Seven Dollars (\$577.00), which represents the San Francisco Planning Department’s (the “Department”) current fee for issuing a letter of determination. Pursuant to Section 179.1 of the Code, we request that the Zoning Administrator determine that the current uses on the entire third floor and a portion of the fourth floor of the Building (as defined below) are eligible to obtain the permits necessary to legitimize the office use. These uses occupy a total of 48,189 square feet of gross floor area. We are not seeking a determination as to any of the space on the first or second floors of the Building.

I. Information Regarding the Property.

A. Background Information about the Building.

The Property is located on Assessor’s Block 3966, Lot 002. A building commonly known as 375 Alabama Street, San Francisco, California 94110 is located on the Property (the “Building”). Portions of the Building contain office uses which the Owner seeks to legitimize. The Building

was constructed in 1926. The Building contains approximately 131,063 square feet of gross floor area¹ and is four stories (approximately 50') tall.

B. Current and Prior Uses At the Building.

i. Current and Prior Uses Generally.

Uses on the first floor, which contains approximately 37,297 square feet of gross floor area, consist primarily of parking and warehousing. Uses on the second floor, which contains approximately 37,323 square feet of gross floor area, consist primarily of PDR uses. The Owner is not seeking to legitimize the uses on the first or second floors.

The third floor, which contains approximately 35,653 square feet of gross floor area, is leased primarily to two companies: (1) Dynalectric Company, which is a mechanical and electrical construction and facilities services firm, whose services include planning, consulting, operations, and maintenance, and (2) Atlassian Software Systems, Inc., which makes software development and collaboration tools. The balance of the space on the third floor consists of small spaces leased to the following companies, each of which is engaged in office uses: Katz (offices of an electrical contractor), HouseWorks (a construction management and administration firm), Heist (an audio/visual production firm), Dunkirk & Associates (office operations for a furniture firm), and Daylight Design (an industrial engineering and product development firm). Past occupants of the third floor include America Online (AOL f/k/a Spinner Networks) and City College of San Francisco. The Owner is seeking to legitimize the entire third floor.

The fourth floor, which contains approximately 20,790 square feet of gross floor area, is leased to a variety of tenants. However, the Owner is seeking to legitimize only a portion of the fourth floor consisting of 12,536 square feet of gross floor area. This portion of the fourth floor is currently leased to three tenants: (1) Bridge Design, a hardware and software design company, (2) Kennerly Architects, an architecture firm, and (3) DeMeza Architecture and Interiors, an architecture and interior design firm. Recent previous occupants of the fourth floor include Sonic.Net, Atlassian, Paradesa Media, and NG Topo.

The Owner intends to continue using the portions of the third and fourth floors of the Building for office use following the termination of any of the leases for such.

ii. The Dynalectric Space.

Dynalectric's offices occupy 10,064 square feet of space on the third floor of the Building. On April 23, 2007, the Zoning Administrator issued a letter of determination in which it was

¹ Gross floor area is defined in Section 102.9 of the Planning Code.

determined that Dynalectric's operations were classified within Section 222(f) of the Code² and that Dynalectric was a PDR business. The use described in Section 222(f) of the Code is permitted as of right in M-1 zoning districts and currently is permitted as of right in PDR-1-G districts. However, the Owner believes that if the Zoning Administrator were asked to determine what kind of use Dynalectric's business constituted today, the Zoning Administrator would determine that Dynalectric was an office use because (i) Dynalectric is no longer storing its equipment on site and, as a result, is no longer engaged in loading, unloading and parking vehicles at the Building and (ii) Dynalectric's only active operations at the Building currently are its office activities, which are located solely on the third floor. As such, if, in the future, the Owner attempts to lease the third floor space that Dynalectric's office functions currently occupy, the owner will be unable to lease it to an office user unless the space has been legitimized under Section 179.1 because the use will not be able to satisfy the requirements of Section 222(f). Accordingly, the Owner desires to legitimize the Dynalectric office space.

C. Zoning and Use History.

i. Zoning and Use Prior to Adoption of the Eastern Neighborhoods Plan.

When originally built in 1926, the Building was used for the manufacture of sails for sailboats and related uses, such as storage, shipping and office functions. More recently and prior to the Eastern Neighborhoods re-zoning, the Property was located in the former M-1 zoning district in which office and light industrial uses were principally permitted. In light of the flexibility of the prior M-1 zoning, a mixture of light industrial and office-type uses have existed in the Building since the mid 1990s. Because the prior M-1 zoning permitted office uses as of right, based on current evidence, it appears that the Owner never sought a formal conversion of the Building from its original industrial use to an office use.³ As a result, it appears that the office uses must be legitimized under Section 179.1 in order to establish the legal right to maintain such uses in the future.

ii. Zoning and Use under the Eastern Neighborhoods Plan.

Under the Eastern Neighborhoods Plan, the Property has been re-zoned as PDR-1-G. Under the PDR zoning, PDR use is principally permitted while office use is prohibited. Nevertheless, under Section 179.1 of the Code, a property owner is allowed to legitimize existing office uses in

² As of April 23, 2007, Section 222(f) of the Code provided that the "(f) Office of a building, plumbing, electrical, painting, roofing, furnace or pest-control contractor, including storage of incidental equipment and supplies entirely within the same building, where provision is also made entirely within the structure for parking, loading and unloading of all vehicles used" was a permitted use in M-1 zoning districts. The language of Section 222(f) has not been amended since April 23, 2007 other than to make the use described therein a permitted use in PDR zoning districts.

³ For example, whenever the Owner obtained a building permit, even permits in which space was to be altered from an industrial use to an office use, the Department would review such permit and indicate that the Department's approval was not applicable, because the M-1 zoning allowed office uses.

the PDR zoning districts if certain conditions are met. The Planning Department and the Planning Commission have stated that where computers are the predominant means for creating the user's product (whether the product is, for example, software, hardware design, animation, or architectural plans) or conducting business, the use would be treated as an office use. The Planning Department's and Planning Commission's position on this issue is embodied in Sections 219 and 890.70 of the Code which, as amended by the Eastern Neighborhoods legislation, list the various types of uses that are considered office uses.⁴ In addition, the Code treats the use of space by design professionals, such as architects, as an office use.⁵ Accordingly, as office uses under Sections 890.70 and 219 of the Code, a software company or an architecture or design firm would be prohibited from occupying any space in a building in the PDR-1-G zoning district if a party were to seek permits for such a use today.⁶ Therefore, the Owner desires to legitimize the office uses that are located on the third floor and on a portion of the fourth floor pursuant to Section 179.1 of the Planning Code in order to preserve the right to continue the office uses in the future, including after the termination of the any existing lease for such space.

II. The Office Uses at the Property are Eligible for Legitimization Under Section 179.1 of the Code Because They Satisfy Section 179.1's Test for Eligibility.

A. The Test for Eligibility.

The Zoning Administrator should determine that the office uses at the Property are eligible for legitimization. Section 179.1(b) of the Code sets forth the test for eligibility. Under the criteria

⁴ For example, Section 890.70 provides: (a) "Office use" shall mean space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: Professional; banking; insurance; management; consulting; technical; sales; and design; and the non-accessory office functions of manufacturing and warehousing businesses; all uses encompassed within the definition of "office" in Section 219 of this Code; multimedia, software development, web design, electronic commerce, and information technology; all uses encompassed within the definition of "administrative services" in Section 890.106 of this Code; and all "professional services" as proscribed in Section 890.108 of this Code excepting only those uses which are limited to the Chinatown Mixed Use District.

(b) "Office use" shall exclude: retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.

⁵ Section 890.28 of the Code, entitled Design Professional, describes such use as: "An office use which provides professional design services to the general public or to other businesses and includes architectural, landscape architectural, engineering, interior design and industrial design services. It does not include (1) the design services of graphic artists or other visual artists which are included in the definition of arts activities described in Section 102.2 of this Code; (2) the services of advertising agencies or other services which are included in the definition of professional service activities described in Section 890.108 of this Code or administrative services, financial services or medical service activities as identified in Sections 890.106, 890.110 or 890.114 of this Code."

⁶ There is an exception under Section 219(e) of the Code that allows office uses in designated landmark buildings located in PDR-1-G zoning districts. The building is not a designated landmark.

of Section 179.1 applicable to the Property, in order to be eligible for legitimization: (i) the use must be located within an Eastern Neighborhoods PDR zoning district, (ii) the use must exist as of the date of application for eligibility, (iii) the use would have been principally permitted under the Code as of April 17, 2008, (iv) the use would not be permitted under the Code, as amended by the adoption of the Eastern Neighborhoods plan, (v) the use has been regularly operating on a continuous basis for no less than two years prior to the adoption of Section 179.1, (vi) the use is not accessory to another use, and (vii) the use has not been discontinued or abandoned pursuant to Section 183 of the Code. Section 179.1 also requires that the applicant submit certain materials that provide a factual basis for the applicant's assertion that it meets the eligibility test.

B. The Office Uses at the Property Satisfy the Applicable Eligibility Criteria.

The office uses at the Property satisfy the applicable criteria for eligibility under Section 179.1(b)(2):

i. The property must be located in a PDR zoning district.

As shown on the attached zoning map, the Property is located within the PDR-1-G zoning district within the Eastern Neighborhoods Project Area. Therefore, Section 179.1 applies to the Property.

ii. The use must exist as of the date of the application.

As shown in the attached photographs and the attached current business licenses for Dynalectric, Atlassian, DeMeza, Kennerly, Bridge Design, Katz, HouseWorks, Heist, and Daylight Design, (a) the office uses on all of the third floor and the designated portion of the fourth floor exist as of the date of this application and (b) the office uses on the third floor and the designated portion of the fourth floor have existed for many years prior to the date of this application.

a. The Third Floor.

Specifically, regarding the third floor: (1) Dynalectric has been a tenant with offices on the third floor of the Building since approximately January 1, 2008, and prior to Dynalectric's occupancy of its space on the third floor, AOL had occupied the space for office use from approximately late January 1999 to mid April 2004, and City College of San Francisco had occupied the space from approximately July 1, 2004 to November 30, 2007. Currently, Dynalectric subleases most of its space to AutoTracker, which uses the space for its offices; (2) Atlassian has been a tenant on the third floor of the Building since approximately February 1, 2008, and prior to Atlassian's occupancy, AOL had occupied the space for office use from approximately late January 1999 to mid April 2004, and City College of San Francisco had occupied the space from approximately July 1, 2004 to November 30, 2007; and (3) Katz has occupied its space since mid-July 2008, HouseWorks since early October 2009, Heist since mid-June 2008, Dunkirk & Associates since early June 2008, and Daylight Design since early July 2008; prior to their occupancy AOL and then City College occupied the space as noted above.

b. The Fourth Floor.

Specifically, regarding the fourth floor: (1) DeMeza has been a tenant on the fourth floor of the Building since June 1, 2008; (2) Bridge Design has been a tenant on the fourth floor of the Building since December 1, 2002; and (3) Kennerly has been a tenant on the fourth floor of the Building since December 1, 2006. Prior tenants of the subject space on the fourth floor include Sonic.Net, which occupied a portion of the space from May 1997 to late April, 2002, Paradesa Media (a multi-media/software publishing firm), which occupied a portion of the space from mid-August 1998 to the end of May 2002, NG Topo (computer software and design firm), which occupied a portion of the space from mid-June 2003 to the end of June 2006, and Atlassian, which occupied a portion of the space from December 2007 to February 2008, until consolidating its operations on the third floor.

iii. The use would have been principally permitted under provisions of the Code in effect as of April 17, 2008.

As per Section 219 of the Code, as in effect prior to the adoption of the Eastern Neighborhoods legislation, office use was a permitted principal use in the M-1 zoning district (see attached Eastern Neighborhoods zoning map amendment showing M-1 zoning previously applicable to the Property - Block 3966; Lot 002). The Property was zoned M-1 prior to the adoption of the Eastern Neighborhoods re-zoning.

iv. The use would not be permitted under the Code currently.

Pursuant to Section 219 of the Code, as amended by the Eastern Neighborhoods legislation, it appears that the current third and fourth floor uses for which the Owner is requesting legitimization would not be allowed in the building under the PDR-1-G zoning because such uses would be treated as an office use under Sections 219 and 890.70 of the Code, as amended by the Eastern Neighborhoods legislation. Under the Eastern Neighborhoods Plan, office uses are prohibited in PDR-1-G zoning districts.

v. The use has been operating on a continuous basis in the Building.

Per the attached lease excerpts and permits and as also described in Section II.B.ii of this letter, the third and fourth floor office uses have been regularly operating on a continuous basis for no less than two years prior to the adoption of Section 179.1. In fact, office uses on the third floor and the designated portion of the fourth floor of the Building have existed continuously since the late 1990s.

The sample of permits for the Building that is included with this letter show that office uses were present at the Building continuously from 1999 to the present and that, during such time period,

the Owner was performing office-related improvements. For example, Permit No. 890298, issued September 23, 1999, describes the present and proposed uses at the Building as “commercial/office”, shows a “B” occupancy classification for the Building, which is the classification applicable to office uses, and pertains to fire alarm system upgrades. Permit No. 895998, issued December 2, 1999, describes the present and proposed uses as “Office”, shows a “B” occupancy classification, and pertains to office improvements on the fourth floor; and Permit No. 898995, issued January 7, 2000, contains the same “office” use description and “B” classification and pertains to sprinkler work on the fourth floor. In addition, Permit No. 1044288, issued December 22, 2004, shows the “office” use and “B” classification and pertains to sprinkler work on the third floor, while Permit No. 1157303, issued June 11, 2008, shows the “office” use and “B” classification and pertains to the construction of office improvements. As the permits demonstrate, office uses have existed on the third and fourth floors for more than ten years.

vi. The office uses are not accessory uses.

Per the attached leases, as shown in the attached photos, and as described in Section II.B.ii of this letter, the office uses on the third and fourth floors of the Building are not accessory to another use.⁷

vii. The uses have not been discontinued or abandoned.

As the leases covering the third and fourth spaces for which the Owner has requested an eligibility determination and the current business licenses for such tenants demonstrate, and as shown in the attached photos, the office uses occupying all of the third floor and the designated portion of the fourth floor of the Building have not been discontinued or abandoned. In addition, for over ten years, the third floor space and the portion of the fourth floor space for which the Owner is requesting a determination of eligibility have been continuously used for office. It is the Owner’s intention to continue using the third and fourth floor office portions of the Building for office use following the termination of any of the leases or the earlier cessation of any office tenant’s activities at the Building.

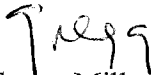
⁷ The office component of Dynalectric’s operations is not an accessory use for two reasons, and therefore, the Owner can seek to legitimize the use under Section 179.1. First, per the plain language of Section 222(f), the use described in 222(f) is the offices of certain contractors, along with the attendant storage and loading/parking activities. The office, storage and parking/loading activities are all required primary components of the use described under Section 222(f) – each must be present in order to satisfy the defined use allowed under Section 222(f). As such, the office use is not considered accessory to the storage and loading/parking activities. Second, Dynalectric’s recent operations in its office space included activities, such as project management, that are not accessory to the PDR activities that Dynalectric had been conducting on the first floor of the Building, but, instead, are entirely unrelated to the former PDR activity there. In addition, for over a decade, tenants such as AOL and City College of San Francisco have used the third floor for office uses. The Owner believes Dynalectric’s third floor office space is not accessory office space and therefore is eligible for legitimization under Section 179.1. Accordingly, the Owner desires to legitimize the Dynalectric office space.

Mr. Scott F. Sanchez
August 23, 2011
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Because the current office uses on all of the third floor and a portion of the fourth floor satisfy all the tests for eligibility under Section 179.1, the office uses in the spaces described herein are eligible for legitimization. In addition, the enclosed materials support the proposition that the office uses at the Property are eligible for legitimization. The leases, the permits, the photos, and the business licenses all establish the existence of a lengthy period of continuous office use in the spaces at issue.

Accordingly and pursuant to Section 179.1(e), we respectfully request that the Zoning Administrator give notice of the intent to render a determination and, following the expiration of the applicable notice period, issue a written decision in which the Zoning Administrator determines (i) that office uses in the entire third floor of the Building and the designated portions of the fourth floor of the Building, as described in this letter, are eligible for legitimization as an office use and (ii) that the Owner may proceed to obtain legitimization from the San Francisco Planning Commission pursuant to Sections 179.1(f)(1) and 321(b)(4) of the Code for such uses as to the space such uses currently occupy, as outlined on the attached floor plans.

Respectfully Submitted,



J. Gregg Miller, Jr.

Encls.

cc: Brad Koch (w/ encls.)

Exhibit A

List of Materials Submitted in Support of Section 179.1 Eligibility Determination

1. Eastern Neighborhoods December 2008 Zoning Map showing PDR-1-G Zoning for Block 3966; Lot 002.
2. Zoning Map amendments per Eastern Neighborhoods legislation showing re-zoning of Block 3966; Lot 002 from M-1 to PDR-1-G.
3. Various photos of the operations of Dynalectric, Atlassian, Bridge Design, DeMeza, and Kennerly.
4. San Francisco business licenses currently in Owner's files for Dynalectric, Atlassian, Daylight Design, Heist, Inc., Houseworks, Lori Katz Group, Inc., Bridge Design, DeMeza, and Kennerly.
5. Leases. Please note that in order to protect the confidentiality of the leases' terms, in some cases only a portion of the lease and of any related amendments has been included with this application and, in some cases, parts of the lease and of any related amendments that have been included with this application have been redacted.

A. Third Floor Leases.

- (1.) Dynalectric's lease, dated August 13, 2007, for Suites 125 and 300. Lease is still in effect.
- (2.) Atlassian's lease, dated December 3, 2007, for Suite 325. Lease is still in effect.
- (3.) Lori Katz Group lease, dated June 19, 2008, for Suites 355 and 356. Lease is still in effect.
- (4.) Housework's lease, dated September 2, 2009, for Suites 360-361. Lease is still in effect.
- (5.) Heist's lease, dated June 4, 2008, for Suite 365. Lease is still in effect.
- (6.) Dunkirk's lease, dated May 12, 2008, for Suite 366. Lease is still in effect.

(7.) Daylight Design's lease, dated June 24, 2008 for Suite 380. Lease is still in effect.

(8.) Spinner Networks' lease (later became AOL), dated January 21, 1999, for the entire 3rd floor. Lease is no longer in effect. Spinner/AOL was a prior occupant of the 3rd floor.

B. Fourth Floor Leases.

(1.) Bridge Design's lease, dated November 3, 2000, for Suite 410. Lease is still in effect.

(2.) DeMeza Architecture's lease, dated May 15, 2008, for Suite 400. Lease is still in effect.

(3.) Kennerly Architecture's lease, dated November 14, 2006, for Suite 440. Lease is still in effect.

(4.) Atlassian's prior lease, dated August 9, 2005, for Suite 400 (approx. 3,300 sq. ft.). Lease is no longer in effect. Atlassian was a prior occupant of the 4th floor.

(5.) Sonic Net's prior lease, dated April 14, 1997, for Suite 480 (approx. 8,350 sq. ft.). Lease is no longer in effect. Sonic Net was a prior occupant of the 4th floor.

(6.) NG Topo's prior lease, dated June 12, 2003, for Suite 400 (approx. 3,300 sq. ft.). Lease is no longer in effect. NG Topo was a prior occupant of the 4th floor.

6. Floor plans for the Building. We are requesting eligibility for legitimization of all of the Third Floor and a portion of the Fourth Floor, as indicated in the attached floor plans. We are not requesting legitimization of the Ground Floor or Second Floor.

7. Various Building Permits.

8. 300' Radius Notice Materials per Section 306.3(a)(2) and list of all current occupants of the Building.