

1 Real Property Lease Amendment - Autodesk, Inc. - Pier 9]

2  
3 **Resolution approving Port Commission’s Second Amendment to Lease No. L-15169**  
4 **with Autodesk, Inc., a Delaware corporation for the lease of office space and**  
5 **unimproved shed space at Pier 9 in the Northern Waterfront with a one hundred and**  
6 **twenty month term.**

7  
8 WHEREAS, California Statutes of 1968, Chapter 1333 (the "Burton Act") and the San  
9 Francisco Charter Sections 4.114 and B3.581 empower the San Francisco Port Commission  
10 (“Port Commission”) with the power and duty to use, conduct, operate, maintain, manage,  
11 regulate and control the lands within Port Commission jurisdiction; and

12 WHEREAS, Autodesk, Inc. a Delaware corporation, (“Autodesk”) is a San Francisco  
13 based business currently located at Pier 9 pursuant to Port of San Francisco Lease No.  
14 L-15150, a 66-month lease for approximately 8,391 square feet with rent credits applied for  
15 significant tenant improvements, as approved by the Port Commission on September 11,  
16 2012 by Resolution 12-64 as amended by the First Amendment (“Lease”); and

17 WHEREAS, Port and Autodesk have mutually agreed on the terms and conditions of a  
18 Second Amendment to the Lease (the “Second Amendment”) approved by the Port  
19 Commission on October 23, 2012 by Resolution 12-79 to increase the Lease term to 120  
20 months, increase the minimum required tenant investment to \$7,000,000, increase the rent  
21 credit to \$2,861,311.50 (\$105.24 per sq.ft.) for core and shell improvements only, and add  
22 approximately 18,499 square feet of existing office space and unimproved shed space located  
23 at Pier 9. The total new premises is approximately 27,190 square feet with an initial monthly  
24  
25

1 rent of \$55,444.00 (\$2.25 & \$1.25 per sq. ft.) after a 180-day rent-free construction period;  
2 and

3 WHEREAS, a copy of the Lease, the First Amendment, and the Second Amendment,  
4 are on file with the Clerk of the Board in File No. 121170; and

5 WHEREAS, Pursuant to requirements under the California Environmental Quality Act  
6 (CEQA), the environmental effects of the Second Amendment were reviewed and determined  
7 to be exempt from CEQA under a General Rule Exclusion issued by the San Francisco  
8 Planning Department to the Port, dated November 2012, which allows the Port to lease and  
9 manage property where there is no change or substantial intensification of the existing use;  
10 and

11 WHEREAS, San Francisco Charter Section 9.118 requires Board of Supervisors  
12 approval of real property leases with terms of ten (10) or more years, including extension  
13 options, or having anticipated revenue to the City of One Million Dollars (\$1,000,000.00) or  
14 more; and

15 WHEREAS, with the Second Amendment, the Lease will have revenues that exceed  
16 One Million Dollars (\$1,000,000.00), and the term will be ten years; now, therefore, be it

17 RESOLVED, That the Board of Supervisors approves the Second Amendment; and, be  
18 it

19 FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive  
20 Director of the Port (the "Executive Director") to execute the Second Amendment in a form  
21 approved by the City Attorney and in substantially the form of the Second Amendment on file  
22 with the Clerk of the Board of Supervisors; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive  
24 Director to enter into any additions, amendments or other modifications to the Lease  
25

1 (including, without limitation, preparation and attachment of, or changes to, any or all of the  
2 exhibits and ancillary agreements) that the Executive Director, in consultation with the City  
3 Attorney, determines when taken as a whole, are in the best interest of the Port, do not  
4 materially increase the obligations or liabilities of the Port or City or materially decrease the  
5 public benefits accruing to the Port, and are necessary or advisable to complete the  
6 transactions contemplated and effectuate the purpose and intent of this Resolution, such  
7 determination to be conclusively evidenced by the execution and delivery by the Executive  
8 Director of any such documents; and, be it

9           FURTHER RESOLVED, That the Board of Supervisors approves, and ratifies all prior  
10 actions taken by the officials, employees and agents of the Port Commission, or the City with  
11 respect to the Lease.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25