

1 [Real Property Lease - Retroactive - Autodesk, Inc. - Pier 9, Suite 116, and Bays 1-3 -
2 Monthly Rent \$124,508]

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3 **Resolution retroactively approving Port Commission Lease L-16848 with Autodesk,**
4 **Inc., a Delaware Corporation, located at Pier 9, Suite 116, and Bays 1-3 for**
5 **approximately 30,590 square feet of office and shed space and license area for solar**
6 **panels and public improvements for a term of one year with one option to extend the**
7 **term for one year, effective upon approval of this Resolution at a monthly rent of**
8 **\$124,508; and to authorize the Executive Director of the Port to enter into any**
9 **additions, amendments or other modifications to the Lease that do not materially**
10 **increase the obligations or liabilities of the City or Port and are necessary or advisable**
11 **to complete the transactions which this Resolution contemplates and effectuate the**
12 **purpose and intent of this Resolution.**

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14 WHEREAS, California Statutes of 1968, Chapter 1333 (the "Burton Act") and Charter
15 Sections 4.114 and B3.581 empower the Port Commission with the power and duty to use,
16 conduct, operate, maintain, manage, regulate and control the Port area of the City and County
17 of San Francisco; and

18 WHEREAS, Autodesk, Inc. ("Autodesk") is a tenant in good standing under its current
19 lease L-15169 located at Pier 9, Suite 116 and Bays 1-3 in the Northern Waterfront in the City
20 and County of San Francisco (the "Premises"); and

21 WHEREAS, Port Staff has negotiated the terms of a new one year lease with one
22 option to extend the term for one (1) additional year for approximately 30,590 square feet of
23 office and shed space for continued use as office, research and development, and workshop
24 space (the proposed "Lease"); and

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1 WHEREAS, In November 2022, through Resolution No. 22-53, the Port Commission
2 approved the Lease with Autodesk; and

3 WHEREAS, The permitted use under the proposed Lease is a continuation of an
4 existing use, and has no potential to result in any new direct or indirect physical change to the
5 environment; approval of the proposed Lease is therefore not a project subject to review
6 under the California Environmental Quality Act (CEQA); and

7 WHEREAS, The Lease will initially generate revenues of approximately \$124,508 per
8 month, increasing to approximately \$128,212 per month if the one year option is exercised;
9 and

10 WHEREAS, The Lease is on the Port's standard form lease, provides the following key
11 terms: monthly rent equal to the current parameter rental rate of \$4.25/sf per month for a
12 portion of the Premises, \$1.75/sf per month for the remainder of the Premises and a
13 maintenance fee of \$3,000/month adopted by the Port Commission (with a three percent
14 increase in the rent for the option term); Autodesk must maintain and repair the solar panels
15 at no cost to the Port and agrees that the solar license is revocable on 30-days notice;
16 Autodesk must repair the Public Improvements (as defined in the Lease); no transfers without
17 Port's consent in its sole discretion; no holdover rights; and includes the Port's standard
18 provisions regarding as-is conditions, the Seawall project, Port participation in sale of the
19 lease, hazardous materials, indemnity, insurance, and all required City provisions; and

20 WHEREAS, San Francisco Charter, Section 9.118, requires Board of Supervisors'
21 approval of non-maritime leases under the jurisdiction of the Port Commission which either
22 have a term in excess of ten years or have anticipated revenue to the City of \$1,000,000 or
23 more; and

24 WHEREAS, The Port anticipates revenues from this Lease to exceed \$1,000,000; and
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1 WHEREAS, The proposed rent under the Lease, along with other negotiated terms, is
2 not less than Market Rent as defined in Administrative Code, Section 23.2; and now therefore
3 be it

4 RESOLVED, That the Board of Supervisors retroactively approves the proposed Lease
5 and authorizes the Executive Director of the Port or her designee to execute such Lease in
6 substantially the same form as the Lease on file with the Clerk of the Board of Supervisors in
7 File No. 230009; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive
9 Director to enter into any additions, amendments or other modifications to the Lease that the
10 Executive Director, in consultation with the City Attorney, determines, when taken as a whole,
11 to be in the best interest of the Port, do not materially increase the obligations or liabilities of
12 the City or the Port, and are necessary or advisable to complete the transactions which this
13 Resolution contemplates and effectuate the purpose and intent of this Resolution, such
14 determination to be conclusively evidenced by the execution and delivery by the Executive
15 Director of such documents; and, be it

16 FURTHER RESOLVED, That within thirty (30) days of the Lease being fully executed
17 by all parties, the Port shall provide a copy of the Lease to the Clerk of the Board for inclusion
18 into the official file.

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