

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 13-52

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of the City and County of San Francisco; and
- WHEREAS, Pier 9, located at Broadway and The Embarcadero in the City and County of San Francisco, is in the Northeast Waterfront area of the Waterfront Land Use Plan; and
- WHEREAS, Autodesk, Inc. a Delaware corporation ("Autodesk") currently leases approximately 27,190 square feet in Pier 9 under Lease No. 15169 which expires on January 22, 2023 (as amended, the "Lease") which was approved by the Port Commission and the Board of Supervisors; and
- WHEREAS Port staff has negotiated a third amendment to the Lease to add the adjacent approximately 3,400 rentable square feet to the Lease, at an initial rental rate of \$4,590.00 per month or \$1.35 per square foot, on the terms described in the staff report accompanying this resolution; and
- WHEREAS, the Amendment provides for a one hundred eighty (180) day free rent period and total rent credits in the maximum amount of \$400,000.00 in consideration for Tenant's construction, at its sole expense, of a minimum of \$2,040,500 of core and shell and tenant improvements (collectively, "Improvements") which will have value to the Port following the end of the Lease term; and
- WHEREAS, the Lease contains other material terms and conditions that differ from the Port's form lease that were previously approved by the Port Commission, which differences are further described in the staff report accompanying this Resolution; and
- WHEREAS, the permitted uses in the Amendment are a continuation of existing and related uses and are therefore covered under the General Rule Exclusion pursuant to the California Environmental Quality Act; now, therefore be it
- RESOLVED, that the Port Commission approves the Amendment subject to approval by the Board of Supervisors and upon such approval authorizes the Executive Director or her designee to execute the Amendment; and, be it further

RESOLVED,

that the Port Commission authorizes the Executive Director or her designee to enter into any additions, amendments or other modifications to the Amendment that the Executive Director, in consultation with the City Attorney, determines are in the best interest of the Port, do not materially increase the obligations or liabilities of the City or Port or materially decrease the benefits to the City or Port, and are necessary or advisable to complete the transactions which the Amendment contemplates and effectuate the purpose and intent of this Resolution, such determination to be conclusively evidenced by the execution and delivery by the Executive Director or her designee of the Amendment, and any such amendments thereto.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of December 12, 2013.

Secretary