

1 [Mutual Termination Agreement of Lease and License - 300 Jefferson Street - D&G Company,  
2 LLC dba Lou’s Pier 47]

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3 **Resolution approving and authorizing the execution of a termination agreement for**  
4 **Port Lease No. L-14630 and Port License No.14651 between the Port of San Francisco**  
5 **and D & G Company for space located at 300 Jefferson Street; and to authorize the**  
6 **Executive Director of the Port of San Francisco to enter into amendments or**  
7 **modifications to the Mutual Termination Agreement that do not materially increase the**  
8 **obligations or liabilities to the City and are necessary to effectuate the purposes of this**  
9 **Resolution.**

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

15 WHEREAS, D&G Company, LLC dba Lou’s Pier 47 ("Tenant") is the current tenant  
16 under Port Lease No. L-16430 ("Lease") and the licensee under License No. 14651  
17 ("License") for the space known as Lou’s Pier 47 located at 300 Jefferson Street, SWL 302,  
18 including the fronting patio; and

19 WHEREAS, The term of the Lease expires on June 30, 2025, and the License is  
20 month-to-month but terminates no later than Lease expiration date; and

21 WHEREAS, The Port and the Tenant now wish to agree on an orderly termination of  
22 the Lease and License pursuant to the terms of the Mutual Termination Agreement on file with  
23 the Clerk of the Board of Supervisors in Board File No. 230618 and is incorporated herein by  
24 this reference (the "Mutual Termination Agreement"); and

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1           WHEREAS, The Mutual Termination Agreement requires among other things, payment  
2 of lease termination fees by the Tenant to Port, the surrender of security deposits to Port,  
3 indemnities and the release of claims, and wind down of the lease relationship; and

4           WHEREAS, On April 25, 2023, through Resolution No. 23-17, the Port Commission  
5 approved the Mutual Termination Agreement and authorized the Executive Director or her  
6 designee to execute it after approval of the same by the Board of Supervisors; and

7           WHEREAS, Charter, Section 9.118(c), requires Board of Supervisors' approval of the  
8 termination of any lease which when entered into was for a period of ten or more years or  
9 having anticipated revenue to the City of one million dollars or more; now, therefore, be it

10          RESOLVED, That the Board of Supervisors approves the Mutual Termination  
11 Agreement and authorizes the Port Executive Director or her designee to execute the Mutual  
12 Termination Agreement in substantially the same form as the Mutual Termination Agreement  
13 on file with the Clerk of the Board of Supervisors in File No. 230618; and, be it

14          FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive  
15 Director to enter into any additions, amendments or other modifications to the Mutual  
16 Termination Agreement that the Executive Director, in consultation with the City Attorney,  
17 determines, when taken as a whole, to be in the best interest of the Port, do not materially  
18 increase the obligations or liabilities of the City or the Port, and are necessary or advisable to  
19 complete the transaction which this Resolution contemplates and effectuate the purpose and  
20 intent of this Resolution, such determination to be conclusively evidenced by the execution  
21 and delivery by the Executive Director of such documents; and, be it further

22          RESOLVED, That within thirty (30) days of the Mutual Termination Agreement being  
23 fully executed by all parties, Port shall provide a copy of the fully executed Mutual Termination  
24 Agreement to the Clerk of the Board for inclusion into the official file.