

FIRST AMENDMENT TO THE AMENDED AND RESTATED USE PERMIT NO. 17525
17525

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED USE PERMIT NO. 17525 is made and entered, in duplicate, as of November 10, 2021 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on November 9, 2021, by and between MARINA PACIFICA LLC, a California limited liability company ("Permittee"), with a place of business at 6376 E. Pacific Coast Highway, Suite C, Long Beach, California 90803 and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Permittee (the "Parties") entered into the Amended and Restated Use Permit No. 17525 (the "Permit"), approved by minute order on July 14, 1998 by the City Council of Long Beach, whereby Permittee was granted permission to, and did, install and operate a guest dock approximately 952.9 linear feet in length (the "Dock") adjacent to and immediately west of the Marina Pacifica mall; and

WHEREAS, the Parties desire to enter into a First Amendment to the Amended and Restated Use Permit No. 17525 to allow, only within the designated 330 linear feet of the dock measured 21 feet, 6 inches northwesterly of Pylon 19, to 11 feet, 3 inches southeasterly of Pylon 11, the berthing of new and used vessels being offered for sale in connection with a business being conducted at or from the shopping center and/or the rental of electric boats, with all other uses unchanged.

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions in the Amended and Restated Use Permit No. 17525, the Parties agree as follows:

1. Section 3 of the Permit is hereby amended to read as follows.

"City grants to Permittee the right to use the dock for (a) the berthing of vessels by customers and patrons of the Marina Pacifica Mall for periods of time not to exceed twenty-four (24) hours and (b) only within the designated 330 linear feet of the dock measured 21 feet, 6 inches northwesterly of Pylon 19, to 11 feet, 3 inches southeasterly of

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CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

Pylon 11, the berthing of new and used vessels being offered for sale in connection with a business being conducted at or from the shopping center and/or the rental of electric boats. Permittee shall post and maintain signage that clearly indicates which areas of the dock are for customer and patron use, and which area is for vessel sales and rentals. The dock shall be used for no other purpose(s) without the prior written approval of the City Council."

2. Except as expressly modified herein, all of the terms and conditions contained in the Amended and Restated Use Permit No. 17525 are ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

MARINA PACIFICA, LLC, a California limited liability company

12/10/21, 2021

By _____
Name AVI LERNER
Title _____

12/15/21, 2021

By _____
Name C. GUS
Title _____

"Consultant"

CITY OF LONG BEACH, a municipal corporation

_____, 2021

By _____
City Manager

"City"

This First Amendment to the Amended and Restated Use Permit No. 17525 is approved as to form on _____, 2021.

CHARLES PARKIN, City Attorney

By _____
Deputy

OFFICE OF THE CITY ATTORNEY
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Long Beach, CA 90802-4864

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MARINA PACIFICA, LLC, a California limited liability company

12/10/21, 2021

By [Signature]
Name AVI LERNER
Title _____

12/15/21, 2021

By [Signature]
Name CEZUS
Title _____

"Consultant"

CITY OF LONG BEACH, a municipal corporation

1/21/2022, 2021

By [Signature]
City Manager

"City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

This First Amendment to the Amended and Restated Use Permit No. 17525 is approved as to form on December 21, 2021.

CHARLES PARKIN, City Attorney

By [Signature]
Anita Lakhani, Deputy City Attorney

Attachment A Subject Property



330 Linear Feet of Dock Space
Adjacent to Marina Pacifica Shopping Center
6270-6380 Pacific Coast Hwy.