

FIRST AMENDMENT TO
PERMIT NO. 825
ISLAND YACHT ANCHORAGE, INC.

Permit No. 825 granted to ISLAND YACHT ANCHORAGE, INC. is hereby amended a first time as follows:

1. Section 5, "Uses", subsection (a), "Permitted Uses", is amended to read:

"(a) Permitted Uses. The Premises shall be used for construction, operation and maintenance of a facility for recreational vessel marina and related uses, including dry storage of vessels and for incidental purposes. Tenant may allow berthing occupants to live aboard vessels subject to the limitations set forth in Section 1 which defines "Liveaboards", provided that not more than five percent (5%) of total berthing capacity is so occupied. Liveaboard privileges shall be reduced to five percent (5%) by attrition. Tenant shall provide to City and maintain a listing of liveaboards in the form provided as Exhibit "B". Existing liveaboards living on vessels within the premises may remain provided they are listed on Exhibit "B" when this Agreement commences. Additionally, notwithstanding the foregoing, as of May 1, 2012, Tenant accepted existing liveaboards living together on one vessel within the former premises of Colonial Yacht Anchorage, as defined in Permit No. 800, due to the closure of Colonial Yacht Anchorage's former premises. Such liveaboards shall not count towards the aforementioned five percent (5%) liveaboard limitation. Liveaboard status may not be transferred. Tenant may also sell and provide incidental boater products and services, marine supplies and equipment, petroleum products (except fuel), sundry items, refreshments and soft drinks, insurance, conduct a business for the sale/brokerage of new and used boats/yachts and operate a yachting, boating, or sailing club and related club uses. Tenant may not conduct a boat/yacht repair business unless City agrees to amend this Permit to allow such use and unless special provisions are added related to such use. Tenant may allow berthing occupants' vessels to extend beyond the end of their respective berths to the length described in Exhibit "C", so long as such overhang is within the granted premises, but the overhang shall never exceed five (5) feet. Subject to the provisions of Section 10(e) of this Agreement, Tenant may sublease or license the use of the Premises for the marina uses described herein. Tenant may sublease one or more blocks of vessel berths, not to exceed fifty percent (50%) cumulatively of total berthing and not to exceed twenty-five (25%) of total berthing to any individual sublessee, subject to approval by Board. Vessel berthing shall be limited to recreational vessels which are seaworthy as determined by the Executive Director in the Executive Director's sole discretion. Notwithstanding the foregoing sentence, those specific structures which constitute Tenant's floating facilities, such as offices, support facilities and other uses as designated on Exhibit "D" attached, may

remain on the premises so long as they conform to applicable Building and Safety standards. To be seaworthy, a vessel must be able to withstand the ordinary attacks of wind and weather, must have its own motive power so that it can immediately vacate the marina if so directed by the Executive Director, and must be in a condition which guarantees that it is not and will not cause pollution of any type to harbor waters. Tenant shall remove or cause to be removed any unseaworthy vessels from the marina within six (6) months' written notice from the Executive Director. Tenant shall not use the Premises for any other purpose without the prior written approval of Board. If City so requests, Tenant shall provide City, at Tenant's expense, a marine survey of any vessel which City has reason to believe may be unseaworthy. The survey report must be prepared by a qualified marine surveyor who has conducted a physical inspection of the vessel in question within thirty (30) days of City's request for a survey. Tenant may include in its slip agreement with its subtenants a provision requiring the subtenant to reimburse Tenant the cost of such survey."

2. The First Amendment shall be deemed operative May 1, 2012, upon execution by the Executive Director and Board Secretary of the City of Los Angeles Harbor Department following approval of the Los Angeles City Council of the Order approving this Amendment.

Except as amended herein, all remaining terms and conditions of Permit No. 825 shall remain the same.

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IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Permit No. 825 on the date to the left of their signatures.

THE CITY OF LOS ANGELES, by its Board of Harbor Commissioners


Dated: _____

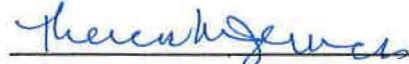
By _____
Executive Director

Attest _____
Board Secretary

ISLAND YACHT ANCHORAGE, INC.

Dated: 10-22-12

By: 
Chris Rollins, President
(Print/type name and title)

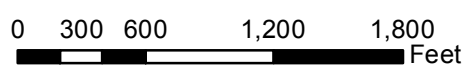
Attest: 
Terry Jenness, manager
(Print/type name and title)

APPROVED AS TO FORM AND LEGALITY
November 29, 2012
CARMEN A. TRUTANICH, City Attorney
Thomas A. Russell, General Counsel

By 
JANET KARKANEN, Deputy

East Basin Marinas - Wilmington

TRANSMITTAL 2



Harbor Department
Planning and Economic Development
Map Produced 09/2012



ORDER NO.

IT IS HEREBY ORDERED by the Board of Harbor Commissioners that the First Amendment to Permit No. 825 granted by the City of Los Angeles, acting by and through its Board of Harbor Commissioners, to ISLAND YACHT ANCHORAGE, INC., is hereby approved and the Executive Director and the Secretary of the Board are hereby authorized and directed to execute and attest to the same on behalf of the City of Los Angeles upon this Order being approved by the City Council as described below.

The Secretary shall certify to the adoption of this Order by the Board of Harbor Commissioners of the City of Los Angeles and shall cause a copy of the same to be presented to the City Council as provided in Section 606 of the Charter of the City of Los Angeles. If the Council shall approve this Order within 30 days after such Order shall have been presented to it, or if the Council shall fail to disapprove this Order within said 30 days, the Order shall be deemed approved and shall become effective upon such approval without publication. The Amendment approved by this Order shall become effective immediately upon execution by the City Executive Director and Board Secretary after such Council approval of the Order.

I HEREBY CERTIFY that the foregoing Order was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting of _____.

KORLA G. TONDREAU
Commissioner Secretary

APPROVED AS TO FORM

December 26, 2012
CARMEN A. TRUTANICH City Attorney

By Janet Kusano

BL429raw Order

TRANSMITTAL 3