
Subject: FW: Request for Consent Calendar NB City Council Meeting June 13, 2023

From: Jim Palmer <jimpalmer8088@gmail.com>

Sent: June 11, 2023 12:29 PM

To: Blom, Noah <NBlom@newportbeachca.gov>; Avery, Brad <bavery@newportbeachca.gov>; Grant, Robyn <rgrant@newportbeachca.gov>; O'Neill, William <woneill@newportbeachca.gov>

Cc: Scully, Steve <sscully@newportbeachca.gov>; Blank, Paul <PBlank@newportbeachca.gov>; Nichols, Heather <hnichols@newportbeachca.gov>; Kleiman, Lauren <kleiman@newportbeachca.gov>; Stapleton, Joe <jstapleton@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>

Subject: Request for Consent Calendar NB City Council Meeting June 13, 2023

Honorable Mayor Blom and City Council Members Avery, Grant and O'Neill
cc: Councilmembers Kleinman, Stapleton and Weigand, Harbor Commission Chair Scully, Harbormaster Blank, City Attorney Harp

The Consent Calendar for the June 13, 2023 City Council meeting includes NBMC Ordinance 2023-8 Mooring Field "C" Navigation, Safety and Optimization Test. While I wholeheartedly support the mooring field test, this email is to request you pull this topic from the Consent Calendar and vote to add one contingency to your approval: Removal of the code change that limits mooring permit transfers to family members only.

The phrase *"policy related to transferability for existing mooring permit holders remains unchanged"* has been consistently stated by ordinance promoters for over a year. While it may be technically accurate that existing permits may be transferred, it avoids addressing the change to the harbor code that states *"permitee/transferee qualifications are limited to... immediate family members only."* Modifying permit transferee qualifications is a material code change with substantial ramifications.

For reference, the attachment provides a comparison of the prior code, the redlined Harbor Commission recommendation and the newly approved NBMC Ordinance 2023-8 Section 3. Permitee/Transferee Qualifications, showing how the policy related to transferability *criteria* for existing permit holders changes.

I respectfully request you to remove NBMC Ordinance 2023-8 Mooring Field Safety, Navigation and Optimization Test from the Consent Calendar and vote to: *approve NNMC 2023-8 contingent upon removal of 17.060.040 Section 3. Permitee/Transferee Qualifications. Item d. Immediate Family.*

Thank you all for your service to the City of Newport Beach,
Sincerely,
Jim Palmer
Mooring Permit D10
949-433-6512

Addendum and direct requests:

Councilmember O'Neill - I know you to be a self-identified policy wonk and you understand that regardless of good intentions, verbal assurances are of little value when it comes to the written law. The promise of "transferability unchanged" will soon be forgotten and the code, as written, limiting permit transferee qualifications to family members only, will be enforced.

Councilmember Avery - You mentioned you "sold" and transferred your family's mooring permit. I believe it is safe to assume that it was not to an immediate family member and you were paid about \$1,000 per linear foot. I ask you to allow the same transferee criteria that benefited you to continue for existing permit holders when choosing to no longer hold a mooring permit.

Mayor Blom - As a restaurateur, no doubt you are well versed with the private marketplace for CA liquor licences. Rightly or wrongly, for over 75 years there has been a similar private marketplace for mooring permits available to the general public. By comparison, if the state changed the law so that you could only transfer your liquor licenses to an immediate family member, the amount you paid to obtain your licenses would evaporate overnight along with perhaps an aggregated hundreds of millions of dollars paid by liquor licence holders statewide. For mooring permit holders, I estimate the aggregate amount to be about \$40 million. For documented support for this claim, please visit the City's Harbor Department/Mooring Permittees website link below, scroll down Mooring Transfers and download the lists of 380 mooring permits transferred to non-family members (out of 556 total) since 2017 in the private marketplace for an aggregated price of \$12.4 million.

<https://www.newportbeachca.gov/government/departments/harbor/mooring-permittees>

Councilmember Grant - I recognize that you are extremely sharp and not much gets by you. I request you to read the ordinance, vote to pull the item from the Consent Calendar only to vote to approve the test contingent upon removal of the family qualification requirement for permit transferees. This issue is by no means "cherry picking" as City Attorney Harp stated, and changing transferability criteria for *all* permit holders is completely unnecessary to conduct the test. Rather I'm calling your attention to a detail that has progressed into ordinance without any open debate of the ramifications of changing 17.060.040 Section 3. Permittee/Transferee Qualifications. d. Immediate Family altering 75 years of legacy policies and practices.