

Biddle, Jennifer

From: Jacobs, Carol
Sent: Tuesday, June 11, 2019 12:18 PM
To: Biddle, Jennifer
Subject: Fwd: Title 17 comments

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For the Commission

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Begin forwarded message:

From: Jim Mosher <jimmosher@yahoo.com>
Date: June 11, 2019 at 12:09:08 PM PDT
To: Carol Jacobs <cjacobs@newportbeachca.gov>
Subject: Title 17 comments

Carol,

Thank you for posting the [updated redline](#) highlighting *all* the changes being proposed to Title 17 at the Harbor Commission's June 12, 2019, meeting.

Regarding the definitions, I think that in the body of the code it would be helpful, as some jurisdictions do, to permanently highlight defined terms in some way (for example by putting them in bold, italics or capital letters -- and ideally to hyperlink them to the definition). That would alert readers to terms that are intended to have a specialized meaning, and conversely give readers confidence that the remaining words were intended to be understood as in common usage.

I remain puzzled by the many definitions that are provided for words not used in Title 17.

Among those are the definitions related to tidal height [datums](#) in **Subsections 17.01.30.J** ("6" through "9" on page 7 of the new 31 page PDF linked to above).

To put it charitably, they are all fouled up.

In "6" and "8", the parenthetical reference to "diurnal tides" is both irrelevant and confusing. California does not experience [diurnal tides](#) (with a single high and low per

day). We live, instead, in a part of the world with "mixed tides," having two highs and two lows (each of differing magnitude) each day.

"6" misstates the [definition](#) of "Mean High Water." It is not the "*average of the **higher** high water heights*" (one per day), but rather the "*average of the **high** water heights*" (two per day) over the 18.6 cycle of the National Tidal Datum Epoch ([currently](#) 1983-2001).

"8" likewise misstates the definition of "Mean Low Water." It is the average of the two **low** water heights per day, not the average of the single **lower** low water.

"9" mistates the conversions from MLLW to NAVD88, and from MLLW to MSL. According to NOAA's definitive [VDatum tool](#), a reading of 0 MLLW in Newport Harbor equates to approximately **-0.19 feet** NAVD88 (with an estimated [uncertainty](#) of about 8 centimeters [0.3 feet]) -- very different from the number to be ordained in the proposed text. And a reading of 0 MSL (more properly LMSL for "Local" Mean Sea Level) equates to approximately **+2.79 feet** MLLW (representing roughly half the tidal range in the harbor). I do not know where the numbers in the proposed code came from, but it should be understood that none of them are fixed -- indeed, they would be expected to change slightly when NOAA shifts to a new National Tidal Datum Epoch reflective of observations in a more recent 18.6 year period.

My guess was these definitions are used in, and important to, the [Harbor Design Criteria for Commercial and Residential Facilities](#). However, I find only "MLLW" there, and it doesn't refer to Title 17.

Conversely, I am puzzled by the reference to those Design Criteria in the proposed definition of "Project Line" in "8" on page 9 of the new PDF. The Design Criteria provide nothing I could find to clarify the somewhat inscrutable definition being proposed.

Yours sincerely,

Jim Mosher