

Dear President Eubanks,

Due to a number of obligations and inclement weather conditions my wife and I have not been able to visit the marina in person for over a month and a half. When we did revisit phase 1, we were surprised at the following design choices that have been implemented by Bellingham Marine:

1. **The use of ipe wood for top rails caps for guard rails and gangways**
2. **The use of a horizontal railing system for guardrails and gangways**
3. **The use of a gangway not connected to the main walkway**

As referenced in the January Dana Point Marina Newsletter, **“the office has heard from so many of you that the gangways look amazing. We are excited to announce that Bellingham Marine has just begun installing the new railing system, which is also capped with ipe wood.”**

Has anyone questioned this design choice? To install thousands of feet of ipe wood top rail capping cannot be cost effective. Anyone that has been around boats knows that a boat’s exposed wood accents require regular maintenance. If this maintenance is ignored, a costly replacement will be the end result.



Ipe Cap Railing on Gangways and Guardrails

Ipe wood is considered to be extremely durable. However, it still requires an annual oiling process to retain its durability, strength and aesthetic quality. The total amount of ipe wood that will be required for the new guardrail system and gangways throughout the marina is mind boggling. Therefore, it is unclear why Bellingham Marine has chosen this particular design element considering its required maintenance and additional cost in comparison to the durability and economic savings of a metal cap rail system similar to the current design.

The maintenance of this railing system can only be compared to the painting of the Golden Gate Bridge. By the time you finish repairing, sanding, and oiling the multitude of inevitable imperfections that this system will be subjected to, it will be time to start all over again. There will never be a time that this wooden top rail capping system will not require attention. This additional maintenance will undoubtedly be an additional strain on the already limited resources of the Marina maintenance staff.

This system will also be extremely vulnerable to theft. The wood top cap is attached to the aluminum frame with only

Phillips head screws. If someone needs a new section of wooden top cap for their home patio deck it is easily removed with just a screw driver or a reciprocating saw.

The wooden top rail will also be a very attractive nuisance for vandals. The unavoidable carving of initials and other meaningless artifacts into the wooden surface exemplifies yet another reason this design choice has no place in this setting.

The two gangways that have been installed in phase one have yet to have their rail caps oiled (photo). As a result, these four rail caps already have visible cracks and discoloration. For whatever reason, the top rail cap of the new guardrails are being oiled prior to installation. Ultimately there is a significant color difference and level of deterioration between these two rail cap systems. **Is this the type of quality control being used to oversee the entire project?**

Another questionable design choice is evidenced by the use of nine thin aluminum horizontal rods on the guard rail system. The fact this design component has literally created a ladder for anyone that wants to climb over the rail is simply ludicrous. The current guardrail, that has existed for over 50 years, utilizes vertical bars discouraging climbing over the rail. The new gangways also incorporate the nine-rod design inviting individuals to climb up the outside of the gangway.

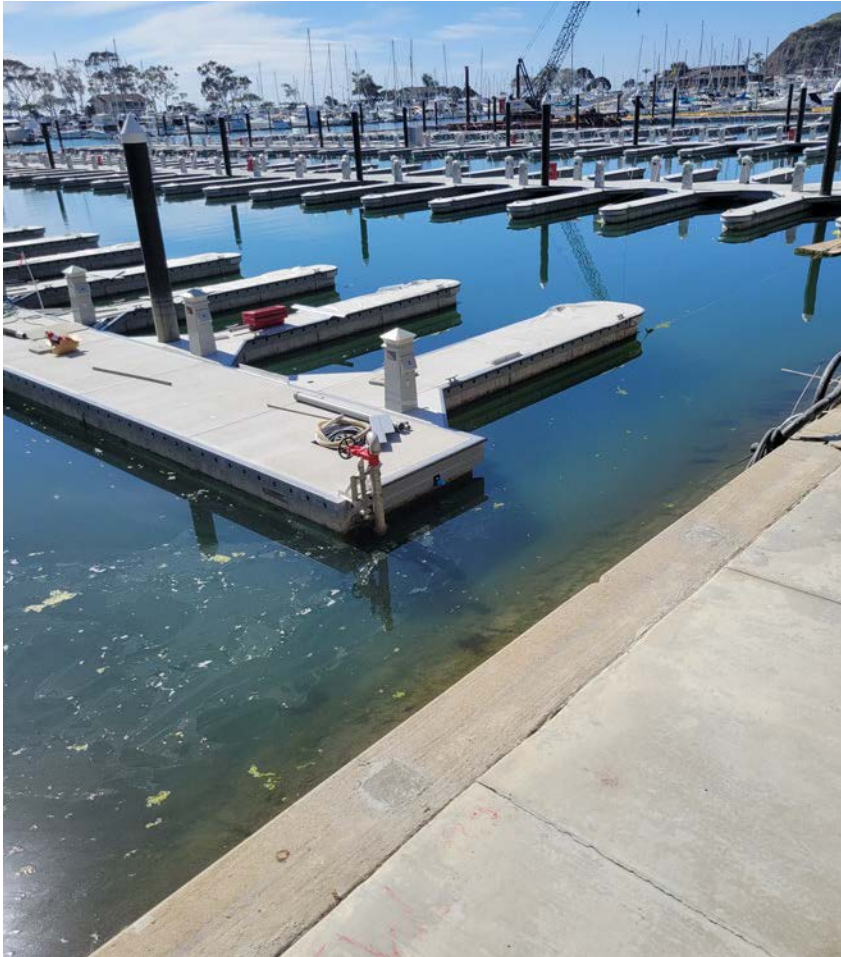


The current system is secured to the walkway and sea wall crown with a hidden attachment system embedded into the cement surface. The new Bellingham guardrails are attached to the walkway with exposed studs and cap nuts. A crescent wrench is all that is necessary to remove complete sections of the new guardrail; an obvious design flaw.



Current Guardrail vs. New Guardrail Design

Finally, we were surprised to learn from a local resident who walks the perimeter of the marina every morning, that the reason gangway number one had to be removed is that it was not in compliance with ADA regulations.



Missing Gangway No. 1

that the reason gangway number one had to be removed is that it was not in compliance with ADA regulations. This gentleman conveyed to me that on one of his morning walks he asked one of the Bellingham workers why it has taken so long for phase one to be completed. The worker revealed that gangway one was out of ADA compliance because of its design. The fact that the gangway was not attached to the main walkway is the main concern. Supposedly, there is not enough room at the end of the gangway for a wheel chair to stop in an emergency before going into the water.

If this information is accurate it would explain why gangway one has been attached and removed numerous times throughout the construction process and continues to be missing. One would think Bellingham Marine with its world renowned reputation would not make such an obvious mistake. **Isn't this design element part of the permit process? How was this ADA compliance violation missed?**

The fact we are being inundated with mistruths, superficial rhetoric, and outright deception is beyond frustrating. For the Marina management to suggest in their January newsletter the reason there are no boats in phase 1 is that there is a production delay affecting the gates and the power pedestals must be updated is simply insulting. If there is an ADA violation why did it take so long to be identified? Why would you install 119 outdated power pedestals in the first place? We all know as you have so eloquently referenced all of these delays and deceptive rhetoric is nothing more than a stalling tactic created by DPHP's financial deficiencies and lack of sufficient financing.

In the same newsletter, it is stated, "**Although *we are not required* to have gates in the marina, we all understand that they are a necessary and critical element of the project and would not seek to have docks be occupied without them.**" Should not having gates even be a consideration? After all they have already eliminated dock boxes, slips for dinghies, and initiated billing for utilities. What else are they going to surprise us with? They ***are not required*** to put toilets in the bathrooms? Now that they are requiring all boats pass a

GFI test before they are allowed into a new slip, it will be interesting how many current boats will be in compliance with this new regulation.

In our humble opinions, we believe we have reached a point where there is overwhelming evidence that would validate a Grand Jury investigation of DPHP. There is obviously no oversight being provided by the County, therefore, if it is possible we should investigate the possibility to file our own complaint on behalf of all the current tenants of Dana Point Harbor. We are not sure if this a viable solution to our current status or not, but we firmly believe it is time our questions and concerns deserve accurate and truthful answers.

DPHP's futile attempt to answer our initial list of questions was an embarrassment and insulting. Their outright disrespect, contempt, and disdain for the truth has destroyed all of the credibility Dana Point Harbor's management team we all once valued so much.

The first piling was ceremoniously pulled on August 4, 2022. We are approaching our eighth month of phase 1 and fifth year since the signing of the lease. Not one new slip has been occupied. It is obvious that Supervisor Bartlett and the Board of Supervisors fell victim to a good old fashion "bait-and-switch" scheme. There is no way in the world the revitalization of all three components will ever be completed in the projected 6 or 7 years, especially if DPHP is financially deficient. If our concerns are not addressed in a timely manner, this debacle will continue to contaminate, undermine, and destroy Dana Point Harbor for decades. Hopefully Supervisor Foley will follow through with her campaign promises and provide the leadership that will be required to repair and restore the pride and ambiance of Dana Point Harbor by exposing and eliminating the deceptive, unscrupulous, and greed-driven tactics of DPHP.

Thank you for all of your time, hard work, support and professionalism.

