

Questions Related to the Revitalization

- 1. What is the actual reason for not having dock boxes?** Alamos Bay Marina was recently revitalized by Bellingham Marine (owned by Joseph Ueberroth) and finished in 2018. The tenants received **“Smart Dock Boxes”** according to a report by Bellingham Marine listing all of the amenities that were upgraded in the Alamos Bay project. How can the revitalization of Dana Point Harbor be labeled as **“State of the Art”** and the **“Most Modern Harbor on the West Coast”** by DPHP, if the most basic amenity of all, a simple dock box, is not included as part of the revitalization? **Is this a cost-cutting necessity manifested by DPHP’s insufficient funds or retribution by DPHP against the class-action law suit opposing the exorbitant rent increases? The reason for this ludicrous omission from the revitalization must be exposed and thoroughly investigated!**
- 2. Where are the pump out stations for boats under 40 feet?** Boaters should know where these facilities will be before selecting their final slip location. The current locations have been replaced on the August 2, 2022 layout with large end tie slips. Is it possible they have intentionally removed general use pump out stations in an effort to save money? Or is the reason we will not have dock boxes based on the location of the individual pump out stations for all slips over 40 ft? Is it possible there is not sufficient room for a utility pedestal, dock box, and the pump out enclosure for the pump out equipment? This would mean if you don’t have at least a 40 ft slip you will have **no access to a pump out station and no dock box**. This would ultimately create yet another additional expense for boater’s with boats under 40 feet; hiring a pump out service.
- 3. Will Cable TV hookups still be available to each slip?** If not, it becomes yet another existing amenity that has been arbitrarily discontinued with no input from the stakeholders. If DPHP expects everyone to stream television programming instead of providing cable hookups to each slip, then the Marina free WiFi service must be upgraded to accommodate this service. The current free WiFi speed is far below the industry standard and is useless for streaming any programing.
- 4. Why are there fewer slips depicted on the August 2, 2022 layout as compared to the October 19, 2021 layout?** Many end ties are now occupied by 1 large boat instead of 2 smaller boats. Which iteration is on file with the Coastal Commission? It certainly is not the layout that DPHP displayed in their Coastal Commission permit application presentation made on Sept. 9, 2020. How many more unannounced changes will there be? Why were we told that the October 19, 2021 design (that was on display in the Marina Office) was the final iteration for nearly a year, and all that had to be added were slip numbers? Obviously DPHP has arbitrarily changed the layout at least twice since their Coastal Commission permit presentation. DPHP must have not agreed with the 53rd iteration of the marina layout the Coastal Commission approved with the Commission’s 23 provisions. DPHP obviously decided to illegally modify this permitted layout design to satisfy its loyal commitment to their greed-driven conglomerate of unscrupulous corporate demagogues and their multi-million mega yachts.

5. Where are the tender or dinghy storage slips? Where is everyone supposed to store their tenders if they have not included space on the August 2, 2022 layout? Is this going to be another afterthought, an unannounced design modification, or is DPHP just going to allow people to keep their tenders behind their boats *illegally* like they do now? Or we will be forced to put them in a full-sized 21 foot or 25 foot slip if there are any available? There has been no mention of tender storage at all up to this point; another example of the lack of transparency by DPHP.

6. Will there be boater service buildings on the Cove East Basin of the Marina? According to the August 2, 2022 copy of the slip layouts, the boater service buildings have been replaced with commercial buildings and two new hotels. Will the boaters assigned to the Cove East Basin be sharing restroom facilities with the public? This will not be very popular with the elite clientele that will be populating that particular phase of the marina based on the size of slips that are delineated on the August 2, 2022 layout. **How can DPHP eliminate 4 boater service buildings?** One of the Coastal Commission's commissioners specifically asked Mr. Ueberroth on Sept. 9 2020, **"Will there be a reduction of boater and public bathroom facilities?"** Mr. Ueberroth reassured the Commissioner, **"There will not be a reduction in the number of restroom facilities."** If the current layout is accurate there are zero boater service buildings depicted on the Cove East Basin layout. **Isn't that a reduction?**

7. Why has the number of boater service buildings been reduced from 14 to 9? The West Island Basin has basically the same number of slips but one less boater service building. The same is true for the East Island Basin. The number has been reduced from 4 to 3 boater service buildings. Combined with the elimination of the 4 boater services buildings on the Cove East Basin the total shown on the layout is now 9. **Is this another cost-cutting necessity and design modification stakeholders were not made aware of?**

8. Will the Dana West Yacht Club building be removed? According to the August 2, 2022 layout, the current Dana West building has been replaced with a parking lot. The Dana Point Yacht Club is illustrated on the current layout but the Dana West Yacht club is not displayed. **Does this mean Dana West Yacht Club will no longer exist after the Marina is revitalized?**

9. Will each slip literally be metered for both electricity and water? Will we pay each utility separately to their respective departments as if we were in an apartment, condo, or single family residence? **If not how will the monthly usage for each utility be determined accurately? Will the utility charge be a flat Kilowatt rate or will the marina have the opportunity to charge what they feel is "MARKET RATE."** If there are no individual meters at each slip, the marina can literally charge what ever they want and just wait for people to contest their monthly bills.

How can we take the word of management to accurately accomplish this daunting logistical undertaking each month, when they can't measure two identical boats (make, year, and model) and come up with identical dimensions? This has ultimately resulted in identical boats paying different monthly slip fees for the same sized slips. Nothing is being done about this blatant disrespect for the accurate accountability of the billing process. So why should we believe our new utility billing will be treated any differently? **What is next? A monthly charge based on the measurement of each vessels's beam?**

10. If we are going to be charged for utilities, how do we prevent some one other than ourselves from using our water and electricity when we are not there? Numerous divers use shore power outlets to power compressors while they clean multiple boats. Wash-down companies and detail services use the most convenient hose bib to complete multiple jobs. **Why should we be charged for someone else using our utilities and still pay exorbitant slip fees?**

11. Why isn't the marina being dredged before the new slips are installed? According to the lease agreement dredging is the responsibility of the leaseholder. **Why is the county allowing DPHP to ignore this responsibility? Is it possible this once again exposes DPHP's insufficient funding to fulfill this stipulation of the lease?**

12. How and when will the 9,964 linear feet of seawall repairs listed in the Coastal Commission permit be accomplished? This vital component of this revitalization was not listed on DPHP's Cost Summary for phase 1. **Is this yet another element of the process DPHP hopes everyone will ignore like the dredging of the harbor?**

13. Why is the slip selection process based on current slip size and not the first year of tenancy in the marina? This is not a fair and equitable implementation of a seniority based selection process.

The corporate world counts the first day of employment to establish seniority. People in the field of education do not have their tenure start over if they change schools within the same district. Therefore, seniority for the slip selection should be based on the date of an original lease agreement and uninterrupted tenancy of every tenant, not the length of time they have been in their current size of slip.

The definition of seniority:

1. The fact or state of being older or higher in position or status than someone else.
2. A privileged position earned by reason of longer service or higher rank.

Example:

Boater A signs his first lease agreement for a 22 foot slip in **1985**. Then goes on the list for a 40 foot slip in **1997**, but continues to be a tenant. His name comes up for a 40 foot slip in **2000** and he signs his second lease (for a 40 foot slip) where he currently remains.

Boater A's seniority in his 40 foot slip: **22 years.**

Boater A's seniority in the marina as an active member of the marina: **37 years.**

Boater B puts his name on the 40 foot waiting list in **1995**. His name comes up in **1999** and ultimately signs his **first lease agreement** for a 40 foot slip where he currently remains.

Boater B's seniority in his 40 foot slip: **23 years.**

Boater B's seniority in the marina as an active member in the marina: **23 years.**

Boater A followed the normal progression of moving up in size of slips. This process involved **Boater A** paying 10 years worth of slip payments, property taxes, boat insurance, and boat maintenance (bottom cleaning), while waiting for his 40 foot slip.

Boater B only had to pay for a one-time expense to be put on the 40 foot list while waiting only 3 years for his name to come up for a 40 foot slip.

Using the published slip selection policy (Sept. 2, 2022), **Boater B** would have **1 year of seniority** over **Boater A** for slip selection of a new permanent 40 foot slip.

Boater B only invested **23 years** in the financial infrastructure of the marina while **Boater A** invested a total of **37 years** in the marina; not to mention **Boater A's** 37 years of patronizing the many restaurants and businesses within the marina during this tenure.

Why is Boater A not given any seniority credit for the extra 14 years of his financial commitment to the marina?

According to the August 26th (2022) Dana Point Times Article, Mr. Ueberroth clearly states: ***"In choosing new slips, the decision will be based on seniority in which the boaters who have been in the harbor the longest will have the first pick."*** No where in the article does he refer to the "current slip size" seniority policy published in the Sept. 2, 2022 newsletter from the Marina office.

Why is there a disparity? Shouldn't everyone on the management side of this project be sending the same messages? This is just inviting the proverbial litigious can of worms to be opened over and over. Settling the potential legal battles over seniority will be an extremely entertaining side show.

It can be reasonably assumed that the explanation for using "current slip size" to determine seniority, is directly related to the 2018 mandatory measurement of every vessel. This process was supposedly implemented to update the Marina Office data base to verify that every boat was in the correct slip, properly registered, properly insured, and was in the proper length slip.

Unfortunately, the only visible by-product of these cursory measurements was individual slip fee increases. Why? Because EVERY boat measured longer than their factory LOA specifications.

Every vessel's insurance appraisal, tax assessment, and Coast Guard documentation or DMV registration records are officially determined by the vessel's Factory LOA Specifications **not the cursory measurements in our lease agreement! Prior to the 2018 measurement mandate, all vessels were assigned to a slip by management using factory LOAs. There was no measurements made. Slip assignments were finalized by providing the marina office your DMV registration or Coast Guard documentation depending on the vessel. Therefore, any discrepancies in the slip assignment process should have been rectified by the office at the time the original lease agreement was signed.**

It should also be noted that boats that are in the wrong size slips (either under-sized or oversized) still exist in their same slips 4 years after these mandatory measurements were implemented. Nobody was relocated because of being the wrong size boat in the wrong size slip. **THERE ARE CURRENTLY NUMEROUS VESSELS IN THE WRONG SIZED SLIPS! THERE ARE ALSO CURRENTLY MANY INDIVIDUAL SLIPS OCCUPIED BY ONLY PERSONAL WATERCRAFT. (jet skis, kayaks, paddle boards, and dinghies) Why are these violations not being rectified. Will the database be updated accurately before the slip selection process begins?**

If a boat is currently in the wrong sized slip, what size slip will dictate their eligibility for the permanent slip selection process; the one they are currently in or the one they should actually be in? If a slip is full of only personal watercraft, what vessel's LOA will be used to determine current slip length? How is this going to be monitored?

The only way to accurately guarantee a fair and accurate slip selection process is to be totally transparent and publish the actual seniority lists from 1971 for the East Basin and 1976 for the West Basin. If current waitlists can be published, accurate seniority lists (if they exist) can be published as well. ***Isn't total transparency and accountability mandatory in every aspect of this revitalization?***

14. How does the temporary relocation lease agreements affect a tenant's current slip length? Some boaters will be in their relocation slip for as many as 5 or 6 years. The slip relocation process also requires some boats to be moored in smaller slips. Some boats will be moved numerous times ultimately creating a bookkeeping quagmire of permanent and temporary lease agreements. How will seniority be accurately determined during this logistical nightmare? We will simply have to take the word of the office to determine our seniority for permanent slip selection. ***There will be no way to verify the seniority records unless they are made public.***

If the dates of every current tenant's **ORIGINAL LEASE AGREEMENT** is used to develop a seniority list for the selection process, there would be no question who has priority of selection. Hopefully, an accurate data base containing these dates actually exists.

The fact that Mr. Ueberroth chose to redesign the entire foot print of the marina to accommodate his greed-driven corporate cronies and their multi-million dollar yachts, many tenants will be forced into choosing larger slips and be required to pay an increased monthly slip fee. Because Ueberroth eliminated slips, there are less small slips available.

Example:

Boaters currently in 28 foot slips will more than likely be forced into 30 foot slips because there will be less 28 foot slips that currently exist . At the current rate, this is approximately \$100 more per month plus the new charge for utilities (est. \$20+). Many boaters believe they will be able to select their same size slip for their new slip. This is simply not the case. Ueberroth's money-grubbing redesign makes this scenario logistically impossible.

14. Can the marina management team force a tenant to move to a new slip if they don't want it?

Example:

Phase 1 will have (8) 21 foot slips and (132) 25 foot slips available upon completion.
What if no one that currently has a 21 or 25 foot slip-eligible boat wants to move into the new Phase 1 because they don't want to pay utilities, won't have a dock box?

Will the marina have the legal jurisdiction to move people into these new vacant slips against their will? If no one chooses to use up their slip selection seniority to move to these slips, what will the marina do with 140 brand new "State of the Art" empty slips?

If they call people on the waitlists to fill Phase 1 (after calling all of the eligible tenants currently with a boat in the marina), what happens to current tenants when all of their slips have been filled using the waitlist? There will not be enough slips, especially in the 21 to 25 range to accommodate everyone.

DPHP can't afford to have 150, 200, 250, 300, or more empty slips per month and still provide sufficient Evidence of Financing to the county at the beginning of each phase. Considering Thomas Miller (CEO of Orange County Real Estate) blatantly declared at the March 8, 2022 Board of Supervisor's meeting "**The primary source of funding for the revitalization is slip fees,**" one can only reasonably assume another exorbitant increase in slip fees will soon be arbitrarily thrust upon the the loyal tenants of Dana Point Harbor.

DPHP manipulated the design process and deceived the Coastal Commission into believing that the classic small-boat integrity of Dana Point Harbor was going to be preserved. In reality DPHP arbitrarily reduced the number of slips from 2,409 to 2,196. Hundreds of empty slips will be required to relocate the proper number of boats for the completion of each phase. The only way to compensate for this financial deficit, if slips fees are the primary source of financing the revitalization, will be to increase the slip fees of the tenants that decide to endure this chaotic atrocity.

Because of the lack of transparency by DPHP many boaters still believe they will simply be relocated for a few months and when their slip is finished they will return to their exact same slip location. Many have not even looked at the new layout and are not aware they will have to choose another slip, and they are certainly not aware they could potentially be forced to choose larger slip at a higher rate.

Combined with the exorbitant slip fees, the potential for yet another 35%-45% "Market Rate" increase in the near future, the addition of utility charges, no dock boxes, less boater service buildings, the unfairness and inequity that riddles the permanent slip location process, multiple restaurant and business closures, and who knows how many more modifications DPHP will make, many longtime Dana Point boaters will simply not accept these transgressions and ultimately leave the harbor. Subsequently, DPHP will succeed in the complete takeover of Dana Point Harbor and the classic ambiance of Dana Point Harbor will only be a memory.

Pros of the Revitalization:

1. New concrete (state of the art) docks
2. New steel pilings
3. New gates and gangways
4. ?????????
5. ?????????

Cons of the Revitalization:

1. 26-96% increase in slip fees created to finance the Revitalization
2. Slip fees increase based on cursory LOA measurements rather than length of slips
3. Additional charge for water and electricity (un-metered)
4. Charges for guest parking
5. NO DOCK BOXES
6. No cable tv access
7. Weak WiFi signal throughout the marina
8. Elimination of waterway slips for all boats under 55 feet
9. Reduction in the overall number of slips from 2,409 to 2,196
10. Being subjected to the chaos of the relocation process for minimum of 6 years or more than likely 15 years like Alamitos Bay Marina
11. Losing longtime boat neighbors forever
12. Overall seniority in the marina ignored by management to determine permanent slip selection
13. Closure of iconic restaurants and businesses
14. Unaffordable high end restaurant and businesses moving in
15. Uncertainty as to when we will be able to select our permanent slip
16. Reduced number of boater service buildings
17. Reduced accessibility to pump out stations
18. Reduced day storage parking
19. No parking structure as promised by DPHP
20. No dry storage structure as promised By DPHP
21. Lack of transparency and intentional deception by DPHP
22. Dana Point becomes Newport