



**San Francisco Bay Area Water Trail
Implementation Meeting #3
March 6, 2012**

Meeting Summary

Attendees:

- Project Management Team (PMT):* Ann Buell, Steve Watanabe, Ellen Miramontes, Laura Thompson
- Water Trail Staff:* Galli Basson
- Advisory Committee (AC):* Richard Skaff (via phone), Jonathon Goldman (Alternate), Penny Wells, Lynn Cullivan, Cecily Harris, Brian Wiese, Jill Demers, Bill Curry, Ted Warburton, Ted Choi, Anne Rockwell (Alternate), Cheryl Essex, Jennifer Heroux, Thomas Boone
- Stakeholder Group:* Jack Judkins (via phone), Antoinette Romeo (via phone), David Fazio, Nancy Peake, Amy Hutzal, Fran Sticha, Paul Kamen, Bob Batha
- Meeting Facilitator:* Ariel Ambruster (from Center for Collaborative Policy)
- Not in Attendance (AC):* John Krause, Barbara Salzman
- Guests:* Amy Brees (California State Parks)

Review and Discussion of Water Trail Designation Process for Site Owners and Managers (Led by Ann Buell)

Ann provided an overview of the four-page document summarizing the steps for a site to be designated into the Water Trail (WT) system. She informed the Committee that she has received multiple requests from potential Water Trail site owners for this information to share with decision-making bodies. The primary components of the document were outlined: it is a voluntary program; requires limited availability of site staff; WT staff collects information about each site; all sites will have a sign with the Water Trail logo; any other sign content needs to be determined; conditional

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designation may include requirements related to wildlife and navigational safety; sites that receive grant funds will enter into grant agreement with ABAG and will be required to maintain the site for 20 years; site owners will work with BCDC to obtain permits or permit amendments, if necessary. The WT Program can help with the cost of the sign and permit applications.

Skaff: Asked about the maintenance timeline required under grants. Response: ABAG/Conservancy and Department of Boating and Waterways grants have this requirement. Skaff questioned whether 20-year maintenance requirement will work since his understanding is that State and Federal standards require maintenance without a deadline.

Buell: Grant funding from the Conservancy will have a 20-year timeline, but each source has its own parameters.

Watanabe: If an improvement is a grant, a 20-year maintenance timeframe is required. If improvement is funded through the capital program with another state agency, no contract is required.

Warburton: Asked how the Water Trail program will make grant determinations for funding.

Buell: Some priority will be given to those sites that improve ADA accessibility, but the full grant program criteria have not yet been developed. We will conduct an internal assessment.

Warburton: Recognized the diverse needs for each site and asked how Department of Boating and Waterways plans to accommodate new Bay Area projects within their budget.

Watanabe: Funding is allocated on a statewide basis – there is no designated pot for the Water Trail. Water Trail sites will compete with all proposals.

Buell: Staff will help site owners secure other funding sources and will raise the profile of the Water Trail so it becomes more attractive to other funders.

Choi: Under the scenario where a site may no longer be usable due to natural changes, etc., does the site owner need to pay back the grant funds?

Buell: In theory, the grantee would need to pay back the public money used for the improvements.

Skaff: We still have not resolved the maintenance issue and will need to decide how this is shown in the grant contracts.

Introduction to Water Trail Programmatic Accessibility Plan Concepts (Led by Galli Basson)

Galli provided a PowerPoint overview of the Accessibility Plan framework. The purpose of the plan is to provide guidance on how the Water Trail as a whole will accommodate persons with disabilities. The goals of the plan include: provide meaningful experiences on San Francisco Bay waters for users with disabilities; provide information on site accessibility; and make the Water Trail program as accessible as feasible.

Methods for achieving these goals include site accessibility and program accessibility. Site accessibility involves categorizing sites into types of experiences; sites with the least limitations to access are defined as Accessible Sites; high priority outreach will be conducted to Accessible Sites; and an expanded site description will be shared with the public. Program accessibility involves outreach to water-based groups and programs; compiling a list of programs and posting on the Water

Trail website; a list of the accessible sites with a definition on the website; and the website, signs and brochure will have features to provide information to persons with disabilities; staff will seek additional grant funding; staff will work with public agencies and non-profits during planning phase of waterfront development; accessibility improvements will be a criteria for grant decisions.

Adaptive management will be implemented including a five-year review of the plan by the Advisory Committee and PMT; and sites that are not accessible may still be designated.

Timeline for the Plan

March – June 2012 Staff draft Accessibility Plan and complete list of Accessible Sites and site “experiences.”

June 5, 2012 Draft Accessibility Plan presented to PMT for review input

September 6, 2012 Accessibility plan approval from PMT

September 2012 – 2017 Accessibility Plan Implementation

September 2017 Five-Year-Review of Accessibility Plan during Implementation Meeting

Skaff: Requested a copy of the PowerPoint. Asked what staff has done to review all Federal and State regulations.

Basson: Staff has reviewed the Regulatory Negotiating Committee on Accessibility Guidelines for Outdoor Developed Areas (REGNEG) decision, the State Parks transition plan and the Conservancy will hire an ADA consultant to assist with this process.

Skaff: Staff needs to review the California Public Resources Code and the California Recreational Trails Act, §5070.507.8.

Fazio: Any law that is most stringent prevails and cross reference is necessary.

Heroux: Where it is not possible to achieve ADA standards at a site, we should strive to use Universal Design Standards - to remove barriers to access.

Brees: Even if changes cannot be made, info can be provided for what people can expect, such as grades.

Essex: Asked how the Advisory Committee will provide input.

Basson: Staff will send documents to Advisory Committee and meet with Advisory Committee members.

Miramontes: Asked if consultant will assist in development of plan or physical assessment of sites.

Basson: Staff would like the consultant to help with plan, but the consultant will not be hired until June.

Miramontes: Asked if there will be a separate accessibility committee.

Basson: This has not yet been decided.

Skaff: Expressed his concern about the plan. Need to look for every way to ensure we can do it and make some sites accessible as a program. Each site is unique. How to define how the program is accessible? Experiences are so unique. How to make only one Sausalito site accessible and how to define program as accessible? Bay and Ridge Trail are a concern also. Suggested setting up criteria with a programmatic definition to back up site selections. How does funding affect the need to make a site accessible? Ask the attorney general's office. The EZ Dock transfer system makes it accessible for more people. Will the consultant look at a system that reduces argument that sites cannot be accessible? Should we use Conservancy funds for signs, etc. and other funds for ADA improvements? What direction will be given to the consultant?

Basson: Criteria will be developed over the next three months. Not all Conservancy grant funds will be used for accessibility improvements. The consultant will be a neutral, third party making recommendations such as how to remove barriers, provide cost estimates and a timeline (short-long term).

Skaff: Likes the concept of a neutral consultant. Consultant should be unbiased. But ADA in the context of the Water Trail is a narrow area. The process for developing the RFP needs to go through the Advisory Committee to help define the types of questions to find the right person in this narrow field.

Goldman: Consider shifting to this: every public and private entity is required to make it accessible. We are allowed to, by virtue of equitable criteria, prioritize limited resources. However, we are not allowed to decide that certain sites will not be accessible.

Fazio: It is a continuous process of removing barriers and it is important to start now before implementation. Need to hire consultant prior to development of accessibility plan. Focusing on "access" is negative – a separate but equal experience. Consider cerebral palsy, blind, deaf, and cognitive disabilities. Focus on inclusion and "universal design" in a program usable by the broadest range and meaningful participation. People with disabilities need to have the same experience.

Trailhead Designation: Angel Island (Led by Ann Buell and Amy Brees)

Ann provided an overview of Angel Island State Park as a destination site not reachable by car. Ayala Cove is the main entry point, even though there are many other landing sites on the island.

Amy took the group on a PowerPoint tour of Angel Island, highlighting Ayala Cove, Kayak Group Camp, West Garrison (Camp Reynolds), Perle's Beach, Sand Springs Beach, Quarry Beach, East Garrison and China Cove.

Ann provided a summary of the environmental topics related to Angel Island State Park from the Water Trail FEIR. She pointed out that there are no immediate plans to modify existing facilities and that shipping channels are nearby and users need to be informed. Aesthetics – no plans to alter. Biology – no marsh habitat. Rafting birds and harbor seals are located nearby - educational materials and signs are needed. Cultural Resources, Hydrology, and Transportation/Circulation/Parking – no issues. The website is an important tool to alert users before they arrive.

Ann asked for conditional designation of Angel Island with these conditions:

- 1) Water Trail logo, basic Water Trail identification sign, website and Water Trail general brochure has been developed;
- 2) Water Trail logo installed at Ayala Cove with Water Trail website address, educational messages about seals and rafting birds are included, either in Water Trail identification sign or in another mutually agreed manner on site (to be determined).

Skaff: Confirmed that Ayala Cove is used by ETC and other disabled users. The beach has a high sea wall – not accessible. The ramp looks new but is being undercut by sand at Quarry Beach. The restroom at group camp did not have adequate ADA signs. There is a lawsuit underway with State Parks. Skaff filed a complaint 20 years ago to get the Ayala Cove ramp improved. There is no dock available for disabled kayakers. ETC use does not make the State Park accessible. Only two conditions, logo and sign are being proposed. Does not address need to make Angel Island accessible. This is a highly used area. Pointed out that kayak camp beach and trail are not accessible.

Buell: Location under consideration is Ayala Cove. Angel Island State Park is compliant with ADA laws. We have begun work on the programmatic accessibility plan to make entire program as accessible as feasible. Transfer systems will be explored. There is potential to make changes at Ayala Cove.

Skaff: Dock at Ayala Cove is accessible for sailboats and motorboats. The freeboard does not create a barrier for those users. 8” -12” freeboard does not work for him as a kayaker.

Choi: Has run a kayak business for eight years and disabled users have diminished over time to a small number of people. Would hate to see a scenario where public funds are used and a small number of people use it. Discuss at a program level rather than each site.

Harris: Stated that she supports designation of Angel Island.

Wells: Also supports designation. Unisex bathrooms do not need men’s and women’s signs.

Skaff: Yes, there is access but there is not kayak access if [this site is] considered accessible [as is].

Curry: 2010 ADA standards are enforceable federal rules in the 50 states and 5 territories as well as the California Building Code. One size does not fit all. California Building Code does not provide details on freeboard distance. Suggests marrying together enforceable guidelines and applicable laws that are part of this specific project. Design and construction criteria need to be developed and signs need to be posted.

Cullivan: Suggests coming up with a baseline of accessibility. Less than 100% of the plan – a percentage of the program. If Angel Island is not a Water Trail site, I do not know what is a Water Trail site.

Harris: Expressed concern. Not every user group will be able to use every site. Dragon boats and whale boats will be able to use only some of the sites.

Demurs: Can accept signs for seals as part of conditional designation. Seals are protected under the Marine Mammal Act. Make clear that it is a State Park action to remove seals from docks, but not just anyone can do this. Signage needs to be clear, and this will be a challenge.

Warburton: Users of Angel Island will need to have knowledge of shipping channels, tides and Raccoon Strait. The environmental condition will limit users depending on the watercraft used.

Wells: Requiring boaters to be 100-feet from Point Ione can create an unsafe condition. Recognize the importance of website safety messages. [The requirement is approx. 100 yards/100 meters.]

Demurs: Recommends Water Trail website integration with State Parks website.

Brees: Sees no conflict with the messages and wildlife. Signs must be under State control, with regulatory signs being larger and educational signs smaller. State Parks has some parameters it must follow.

Wiese: Keep in mind we have had lots of discussion about sign clutter and conveying messages in other forms such as website and brochure.

Essex: A variety of watercraft use the Water Trail. Website should include how people use different landings with different types of boats and call out preferences for different modes.

Brees: State Parks is seeking grants from Department of Boating and Waterways to address accessibility and visitor group needs. Talking about getting a low-float dock in Ayala Cove and interested in working with Water Trail on a solution.

Skaff: Compared this issue with public transit accessibility. Before requirements, one couldn't really call it accessible. That's why disabled people were not using public transit. There has been progress in transit design. If you don't see many disabled boaters, maybe it's because they can't come. We should look at actual designs that provided access. BADS (Bay Area Disabled Sailors) is a good example of increasing numbers. Let's not designate as accessible.

Fazio: Standard criteria must consider all types of disabilities: visual, physical, cognitive, emotional. Use social and digital media.

Kamen: Serves on the Berkeley Waterfront Commission. Could add a low float dock – it would be easy and not controversial. It is physical vs. social. ADA groups are accommodated – this is the essence of accessibility. Need to focus on social design and integrate plans with local jurisdictions and non-profit organizations.

Goldman: Persons with disabilities are a protected class under the Civil Rights Act. They have to have equal access to that facility. He wants a commitment to remove barriers through a continuous process requiring recognition that there is a barrier to equal access and site owner is committed to removing that barrier.

15-minute break

Watanabe: Regarding the continuous barrier removal concept, internal capital improvements require rigorous review. A one step-at-a-time process is best.

Demurs: Confirmed that Ayala Cove is the site up for designation.

Brees: During a busy summer weekend, kayakers do not use Ayala Cove. Would like more information about other sites so people can make informed decisions.

Buell: Water Trail program wants to serve a variety of boat users and will be working to make sites as accessible as possible. Reiterated the importance of the program-level accessibility plan. The plan will be complete in September. The RFP for the logo/sign/website consultant has gone out. By fall, these pieces will start to come together.

Brees: Angel Island has designated areas for priority funding for ADA improvements as the result of rulemaking from a lawsuit. A future ADA-compliant trail to connect from Ayala Cove to perimeter road will be complete in 2-3 years.

Essex: Regarding Ayala Cove as trailhead, State Parks is open to funding to improve other access points. Does not want to limit opportunities for other improvements.

Miramontes: Confirming Ayala Cove as the official trailhead. Need to be open to improving Ayala Cove beyond its current condition for ADA access. Explore a solution, such as low float dock and transfer system.

Brees: State Parks is open to this.

Wiese: If Ayala Cove is not used by kayaks, should we be looking at other sites?

Wells: Kayakers use the cove when it's not busy in the summer. Other places are not as accessible, even for able-bodied people.

Harris: Ayala Cove is the best designation.

Curry: Fine line between physical improvements and helping with ADA accessibility. Described story from experience on an advisory committee where one disabled person stated: "Don't touch our bodies; do what you can so we can do what we can."

Skaff: Does not agree that Angel Island should be conditionally designated unless there is a specific timeframe for accessibility, such as six months. This is a busy site; all the more reason to make it accessible. Referenced an e-mail sent to Ann with an EZ Dock video. Voiced his position to commit to making Angel Island accessible within a clear timeline.

Buell: Stated that the Water Trail program cannot commit to something on behalf of the site owner. We can commit to continued work with the site owner and reporting back to the Advisory Committee.

Skaff: Requested a timeframe of six months to a year. If not fully accessible in one year, take the designation back.

Essex: Agrees with the concept of pushing technology. The more people on the water helps this. If we don't designate, the project will not get off the ground.

Wiese: Galli's presentation will bring forward baseline information. We will continue with the discussion and review after plan is developed. Also review feasibility of site improvements. The Accessibility Plan will be brought back to the Advisory Committee in September 2012 (six months from now). If it is determined that Angel Island cannot be made accessible, site would not be accessible but it would remain as a designated site. It is the responsibility of the ADA community to come up with a solution.

Heroux: Ayala Cove is accessible to some non-motorized boats, but difficult for kayakers. This is a disagreement about how accessibility is defined.

Skaff: Stated that he would agree with conditional designation with a limited timeframe.

Miramontes: The draft plan will be reviewed in June. Could come up with a plan for improving Ayala Cove and present a solution in September as part of the final plan.

Basson: The plan will not look at each site in six months. Can have consultant look at the designated sites. Reiterated that this is a programmatic plan.

Buell: We are hiring a consultant to help with this. We cannot agree to Richard's condition. We can commit to exploring solutions and reporting back on what we find.

Skaff: Requested that Ann forward his e-mail from earlier today to the Advisory Committee.

Buell: Proposed conditional designation of Angel Island.

At the June meeting, we will be advised of initial ideas for ADA improvement at Ayala Cove. Brees needs criteria for desired improvement in order to move forward, such as acceptable freeboard distance. At the September meeting, we will evaluate what we have learned and discuss desirable enhancements.

Advisory Committee Guidance

The Advisory Committee provided divided support for the conditional designation of Angel Island as a Water Trail site, with all members in attendance expressing full support except for Richard Skaff, who voiced his opposition to the action unless the site is made "fully accessible" within a year.

Project Management Team Decision

The Project Management Team decided to conditionally designate Angel Island with the conditions presented by Buell and included in these minutes on page 5.

Explanation of BCDC Permitting (Led by Ellen Miramontes)

BCDC Water Trail site permitting could take several forms: 1) material amendment of an existing permit (Commission approval) or non-material amendment of an existing permit (staff approval). BCDC will strive to expedite these permits; 2) a new major or minor permit; 3) only plan review of proposed signage would be needed if existing permit already authorizes signs; or 4) region-wide permits which cover routine maintenance.

Tidewater was listed as an example where sign approval would be conducted through plan review. Angel Island would likely involve plan review for signage; Cuttings Wharf would likely involve a non-material amendment to existing permit; at Turney Street (Sausalito) a new permit would be needed since no BCDC permit exists for this site; Redwood City would likely require amendment of an existing permit.

BCDC's role requires public access as a part of its mandate. There is growing demand for water access.

Put permit discussion on agenda for future meeting since we ran out of time. Meeting adjourned.