



**San Francisco Bay Area Water Trail  
Implementation Meeting #4  
June 5, 2012**

**Meeting Summary**

**Attendees:**

*Project Management Team (PMT):* Ann Buell, Ellen Miramontes, Laura Thompson (Not present: Steve Watanabe)

*Water Trail Staff:* Galli Basson (Water Trail Planner)

*Advisory Committee (AC):* Thomas Boone, Ted Choi, Lynn Cullivan, Bill Curry, Jill Demers, Cheryl Essex (phone), Cecily Harris, Jennifer Heroux, Anne Rockwell (Alternate), Richard Skaff (phone), Ted Warburton (Not present: John Krause, Barbara Salzman, Brian Wiese, Penny Wells)

*Stakeholder Group:* David Fazio, Paul Kamen, Preeti Talwai, Jack Judkins (Conservancy counsel), Amy Hutzler (Conservancy Bay Program Manager), Paul Nixon, Fran Sticha, Don Brubaker, Dennis Davidson, Jim McGrath, Nancy Peate (sp?)(phone), Antoinette Romeo (phone)

*Meeting Facilitator:* Ariel Ambruster (from Center for Collaborative Policy)

*Guests:* Ranger Kathleen Jones, Sue Labouvie (Studio L'Image), Max Heim (Studio L'Image)

Introductions were made. Agenda review.

**Trailhead Designation: Palo Alto Baylands Sailing Station**

Galli Basson provided an overview of the Palo Alto Baylands Sailing Station; introduced Ranger Kathleen Jones. Provided maps and aerial images of the Palo Alto Baylands Preserve

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and Sailing Station. Site amenities: large gravel parking lot with two accessible spaces near the pier, and an accessible portable restroom with two accessible parking spaces nearby; boat wash; drop-off area; pier, gangway and dock; sign with rules and advisories and tide chart; bay can be very shallow during low tide here, tide differences are significant (return three hours before low tide); dock has two levels, one is a low-float dock.

Environmental element highlights: four-mile buffer shown on map, hunting within the four-mile area; unauthorized landings can harm burrowing owls, clapper rails, snowy plovers, sign will provide details; two harbor seal haul-outs (Newark Slough and Calaveras Point); signs and outreach materials will have details about buffers; site allows potential access to rafting waterfowl; clapper rail habitat within the area, sign will include buffer distance within 50 feet of clapper rail habitat.

Conditional designation suggested:

- 1) WT logo, basic Water Trail identification sign, Water Trail sign program, Water Trail website, and Water Trail general brochure have been developed.
- 2) Water Trail identification sign (WT logo) is installed at Palo Alto Sailing Station with WT website address. Educational messages about not disturbing wildlife including California clapper rails, Pacific harbor seals, and rafting waterfowl, not landing in marsh, and hunting information are included either in that WT identification sign or in another mutually agreeable manner on site (to be determined).

Discussion among PMT and AC:

- |            |   |
|------------|---|
| Miramontes | What is the freeboard height?   |
| Jones      | About one foot.   |
| Warburton  | How old are the docks at the site? Low tide is a hazard to navigation. What happens if someone gets stuck?  |
| Jones      | Menlo Park fire department has an airboat. Otherwise, rangers go out in mud shoes and canoes to pull them in.   |
| Cullivan   | Any concerns about habitat impacts?   |
| Jones      | Typical user is respectful of wildlife. More problems possible from the land.   |
| Demurs     | How many people use it?   |
| Jones      | No numbers have been collected. It is a popular windsurfer site. Hunting only for four or five people, not a high volume at the site.   |
| Demurs     | Any educational programs?   |
| Jones      | Environmental Volunteers, rangers have canoe programs, day camps for school children.   |
| Harris     | Great site, has used it, some limitations. Because of location in south bay you end up being out for most of the day. Gate closes at sunset. Consider extending hours to accommodate moonlight paddles? |
| Jones      | No, will not extend hours, but can request a special permit.  |
| Harris     | Pacific harbor seal or California harbor seal? [Pacific.]   |
| Harris     | Boat wash is fantastic; consider installing a sawhorse or rack?   |

- Jones Good suggestion, will consider.
- Skaff Is WT sign already up at this site?
- Basson No, the Palo Alto sign is up at the site.
- Skaff Assumes publically owned by City of Palo Alto. Has the City done its required transition and self-evaluation plan?
- Basson Gangway is accessible by law. Gangway is over 30 feet and has less than 25 boat slips.
- Skaff Using new regulation, it was built before that and needs to use the 2010 regulations. All public sites should have transition and self-evaluation plan required by entities with more than 50 employees.
- Skaff Parking: CA regulations for landside facilities, this site 1) has no fully designated accessible parking, because gravel is not an accessible surface by CA or Feds, 2) Signage has not been maintained; tow-away signs need to be included for illegal parking in accessible space, 3) there are no painted parking spaces. Restroom is on opposite side of the parking lot – requires someone to walk/roll across gravel or drive to accessible parking space near the restroom. Space requires person to go behind a vehicle when accessing the restroom (Title 21). Toilet: what is the brand? Only one manufacturer makes single-unisex bathroom with 5-foot turnaround and a tank that allows a side transfer. Does not look like a Satellite brand toilet, the only one compliant with Title 21. Boat wash: what is the distance from the gangway (15 feet), using a trailer for the kayak on gravel is not accessible. Need firm slip-resistant path between boat wash and gangway. Faucet: Does it have a paddle handle? Agrees that there should be some type of rack, a more stable/permanent rack other than sawhorse. Pier: drop off between pier and gravel surface (washout) could be dangerous. Maintenance of accessible feature requirement (Title 24). Sign: The Water Trail sign should have a symbol for universal accessibility. This sign does not have that symbol. Bay Trail has the same problem. Gangway and dock: No extensions of handrails on gangway. Needs handrails. Has guardrails but no handrails or extensions. At transition ramp, there are extensions but transition plate does not appear to have any barriers on either side of the transition plate, difficult to maintain control of wheelchair when letting go of the extension of handrail with a steeper transition plate. How do they get past that when going up? All of these things should be on a checklist. Moving forward, determine how to best handle these issues. Transition plate on slide 10: does not accommodate broad range of users. Rubberized material on the deck is coming apart and causes a hazard. (Jones: on list for maintenance this summer). In the bay: sensitive sites – are there signs in the bay warning when people get too close? (Basson, no, not part of designation, could be a navigational hazard). Skaff suggests in-bay signs so people can have this information and help them remember. Safety: strongly suggest the use of marine radios. Suggests including this on the sign or the website. Hours of operation. Closed gate causes a problem for wheelchair access.
- Boone Buoys with signs could impede safe navigation, and may require approval of U.S. Coast Guard district.

- Demurs Buoy could also be posts for raptors.
- Romeo Signage in bay causes jurisdiction problem. Most managers of sites do not have jurisdiction into the bay. Can recommend, but cannot install or maintain signs outside their boundaries. Not responsible for emergencies outside boundary in the bay.
- Demurs Appropriate signage can address potential impacts. Key message is unauthorized landings. Signage subcommittee has discussed this issue.
- Heroux Agree with Jill Demers. With reopening of Alviso Marina, more people are getting stuck. WT can help assist potential site managers. Education needs to happen before people get out on the water.
- Buell Salzman reviewed site description, talked to someone from Sequoia Audubon who said that inappropriate landings are being handled by the rangers.
- Jones Keeps people from going off trail and into the mud. Rangers are there to explain habitat and endangered species. Once people realize limitations of mud, the point is clear. Usually people who get stuck are new to the bay and tides.
- Basson Spoke with Richard Bicknell, supervising ranger: only inappropriate landings have been in emergency situations and it does not happen often.
- Harris Compared to Angel Island and Tidewater (heavily used), Palo Alto is not nearly as busy. Dredging has stopped. Stressed importance of proactive education for new users.
- Warburton This is an aged location with old docks (50 years old?). Wildlife, accessibility and public safety – are they patrolled? Opportunity to make contact with people on a regular basis?
- Jones Yes. These activities are carried out by rangers to the extent they are able as they complete other responsibilities.
- Warburton Gate closes?
- Jones Yes, this area is off-limits to cars after hours.
- Demurs EcoCenter and Lucy Evans Interpretive Center present opportunities for education near the site. Share the Water Trail messages with a broader user group and general public.
- Jones There are between 500,000 and 1 million users per year on the land-based trails.
- Choi Outfitters could be located near the site; that could bring in more programs and people.
- Cullivan Spoke about how to educate from the water. Example: National Park Service historic ship “Alma” is an old scow schooner (flat-bottomed) that could be used as a new way to provide interpretation of the shoreline from the water.
- Danielson (A kayaker) Would be nice to have a destination where you can get out of your boat during a four-hour paddle to stretch and have lunch. Could there be a legal place to do this? Understands jurisdictional issues.
- Fazio Signage. Difficult to inform people before they embark on trip and expect them to remember the messages while in the water. Maybe “bumper sticker” concept warning boaters that they are getting too close. Important to use technology. Consider developing mobile programs on cell phones. Provide them with real-time information and education and safety messages. Important

- to have signs placed before location of hazard. Consider the needs of people from outside the area when you plan your messages.
- Skaff Free tide chart available on smart phones.
- Kamen Concerns about how tidal information is provided. Three-hour limit before low tide is extremely restrictive. Needs to have more information than just high and low water. Tidal information could present a tide height when dock is not accessible to kayaks or a predicted high chart. Need +1 or +2 to get in or out, for example. All these issues go away when used by a group of people that can help those with disabilities. Human help is more valuable than facilities. Any consideration of on-site storage? Need to broaden accessibility to those with economic or mobility constraints. Group storage can be maintained by a local group.
- Fazio No accessible features at site that help people get into or out of boat. Would like to see a crane as discussed with Angel Island site. Accessibility of other trails in the area? This has not been addressed. Other amenities should be accessible at the site. Should not just focus on the launch. Inclusion of people holistically.
- McGrath Anything put in the bay breaks down immediately. In-water buoys are not feasible (access, maintenance, permitting). Cell phone options are unlimited.
- Nixon Bay Access, Dolphin Club, Kayaks Unlimited. Need more attention to club activities. Clubs have transformed entire areas and have brought in many people with disabilities. People-to-people help, inclusion rather than facilities.
- Brubaker (Works at San Pablo Bay U.S. National Wildlife Service refuge) Cell phone usage can be difficult in southern and northern reaches of the bay.
- Fazio Wi-fi hot spots can cover these areas.
- Harris Will not use smart phone very often in weather, etc. Consider low-tech ideas, such as magnetized tide charts.
- Harris Move to endorse as conditional trailhead designation.
- Skaff Cannot endorse when physical access is lacking at the site. Support group ideas do not meet the civil rights that are covered in ADA laws. This trailhead does not currently provide equivalent access because of structural issues and maintenance. With minimal improvements/costs this site could become an accessible site in next couple of months. Could support designation that this could be a Water Trail site soon.
- Warburton Agrees with Richard. Many sites have engineering challenges. As we move forward, identify these spots where conditional designation is feasible.
- Skaff Suggests a timeline rather than leave as open-ended.
- Warburton Would not suggest a timeline.
- Skaff But once signs are installed it will be designated.
- Basson Right now, the proposal is a conditional designation until the logo, signs, website and brochure and educational messages are developed. Once sign is in the ground it would become a Water Trail site.
- Skaff What about outstanding accessibility issues? Needs to be some commitment to designating accessible sites. Perhaps six months.

- Harris (As County park representative) This would be a fiscal hardship on existing sites. If a long list of improvements are required, would not request to be part of the Water Trail system.
- Skaff A Title II entity is required to conduct a transition and self-evaluation program.
- Miramontes Give Palo Alto a chance to find out about how they could address improvements. With accessibility consultant coming on board, could look at feasibility of improvements. Does Water Trail program have funds for programs?
- Buell Could grant funds to programs such as ETC, BADs, etc. that improve accessibility to the water. Chris Tiedemann (Deputy Attorney General, State of California) will discuss what it means for the Water Trail program to be accessible. Consultant will be coming on board soon and will help provide a regional plan for meaningful access. Will prioritize which sites would make most sense on a large scale. Conservancy does not have regulatory authority to require these changes. For now, Palo Alto site will be eligible for funds for improvements.
- Curry Serious concern about safety. 1) Low tide mudflat condition is unsafe. Should be chained off when at low tide. Float is not a safe and reliable landing during these times. Float needs to come to rest at a flat angle and be stabilized. 2) On transition from high float to low float, if it exceeds 6 inches, it becomes a ramp and triggers railings and handrails. Needs to be addressed prior to designation. Should be added as a condition of this designation.
- Ariel Two proposals: 1) add timeline by which site will be accessible, 2) add condition that dock should be level at all water levels and handrail provided if more than six inches of transition.
- Choi Recommend conditional provision that we hear what the site owner is able to provide. Afterwards, we decide if proposal is accessible. At this point, the site owner does not know what can be delivered. Give site owner time to consider these issues.
- Jones Yes, City can take a look at proposals and take a few months to see what can be done. Needs written version.
- Skaff Need to get transition and self-evaluation plan before temporary designation.
- Ariel Come back to the next meeting (September).
- Heroux Seconds coming back to the next meeting. Accept as conditional with other elements in addition to Water Trail signs. Needs to know the site owner/manager plan before officially designating. Not actually a Water Trail site until plan is reviewed. Makes site owner eligible to apply for the grants.
- Brubaker Cullinan Ranch water trail proposal. Needs to change his process to comply.
- Buell So far all designations have been conditional on signs, website, etc. We are working on accessibility plan. Likes adding condition that the city explore ideas presented today and bring back to the group at next meeting or following meeting for consideration.
- Ariel Support for conditional designation with this added condition.
- Buell Timing of next meeting will work. When brought back, there will be an additional opportunity for designation.

- Warburton Suggests different proposal: Lincoln Highway example. Route identified and improved later. Suggesting this approach. Get logo on the sites now, come back and develop long-term strategic improvements.
- Curry Dock situation is more serious than gravel parking lot. Prioritize urgency with elements based on safety.
- Ariel Condition on table – come back to Advisory Committee after reviewing plan for addressing improvements.
- Skaff Accept as temporary designation until site owner decides whether to make improvements.
- Essex Does not want to wait until improvements happen to conditionally designate. Increased use is the driver that will lead to increased demand for improvements. Difficult to invest funds into facilities that are not well used. Supports conditional designation.

**Advisory Committee Guidance:**

An additional condition that site owner consider accessibility and safety issues raised today and bring back information to a future meeting about what the City of Palo Alto plans to improve. All Advisory Committee members present or on the phone supported the original conditions plus this added condition except Skaff.

**Project Management Team Decision:**

The Project Management Team decided to conditionally designate Palo Alto Sailing Station with the original conditions and the added condition about reporting back to the group at a future public meeting.

- Buell Supports conditional designations on screen and additional condition.
- Thompson Also supports.
- Miramontes Feasible to ask accessibility consultant for feedback? Would like to have their feedback too. [Buell confirmed this will happen.]

**Accessibility and the Water Trail**

INTRODUCTION

Chris Tiedemann (Supervising Deputy Attorney General, State of California) emphasized that it is important to understand that her comments were concerned with legal requirements with respect to accessibility of the Water Trail and as such describe a minimum level of program compliance below which the Water Trail may not go without violating the law. It's important that the Advisory Committee not mistake the floor for the ceiling. Naturally, the Water Trail Advisory Committee can and should attempt to make as much of the Trail as possible accessible to as many people as possible.

ADA DESCRIPTION

The ADA (Americans with Disabilities Act) is the primary accessibility law in the United States. Two parts of the ADA pertain to the Water Trail: Title II and Title III. Title II

applies to public entities including state and local governments and their departments and agencies. Title III applies to people who own, lease or operate a place of public accommodation, such as a marina or kayak rental facility.

Title II of the ADA requires that the Water Trail program may not refuse to allow a qualified person with a disability to participate in the program, must make reasonable modifications to the program so that it doesn't deny access to it to persons with disabilities, must operate the program so that when viewed in its entirety it is readily accessible to and usable by persons with disabilities, and must provide service in an integrated setting unless a separate program is necessary to allow persons with disabilities an equal opportunity to participate in the program.

Title III of the ADA requires that the owners and operators of public accommodations assure that persons with disabilities be provided the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation.

#### WHAT LAW APPLIES TO WHOM

At this point it is not anticipated that the Water Trail program will own or operate any of the public accommodations that might be designated as Water Trail sites. The Water Trail program is a program for encouraging use of the Bay by human-powered watercraft through various means, such as designation of sites as WT sites, publication of maps of such sites and other information regarding use of the Bay for human-powered watercraft. The WT program must comply with Title II of the ADA in all of its WT efforts, but it does not become the owner and operator of WT sites simply because they are part of the WT. The owners and operators of those sites have their own independent ADA obligations. If the owner/operator is a public entity such as the Dept. of Parks and Recreation it is subject to all Title II requirements. If the owner/operator is a private business, such as the owner of a private marina, it must comply with all Title III requirements of the ADA.

#### DISCUSSION OF PROGRAMMATIC ACCESSIBILITY OF A GOVERNMENT PROGRAM

The law does not require that every site and every aspect of every site must be accessible to all persons with disabilities. Rather, the law requires that the WT program when viewed in its entirety must provide meaningful access to its benefits and services to “qualified people” with disabilities. Qualified people are those who meet essential eligibility requirements of the program with reasonable modifications to the program.

#### HOW TO DETERMINE WHETHER A WT SITE IS ACCESSIBLE

Suggestion that Advisory Committee consider instead of classifying WT sites as either "accessible" or "not accessible" that it plan to provide public with information about accessible features of all sites, while, of course also assuring that the WT program meets the programmatic accessibility requirements of the ADA. Suggestion is based on the broad array of disabilities among non-motorized small boat users and the fact that some sites that might



be accessible to a person with sight limitations or blindness, for instance, might not be accessible to a person who uses a wheelchair and vice versa. WT might best serve persons with disabilities by not only ensuring programmatic accessibility of the program but also providing additional public information to aid persons with disabilities in determining whether they can or want to use a particular site.

### **Overview of process and progress on WT Accessibility Plan**

- Buell Released on May 31 the RFS for consultant to help develop accessibility plan. Background: Received feedback on original accessibility plan outline. Rethought the process. Saw the need for high level of effort from the consultant to complete the accessibility plan. Forming an accessibility sub-committee to have a broader base of people to meet with. Sub-committee includes accessibility representatives on advisory committee, members of the community, staff, PMT. Need more advisory committee members on the sub-committee. Please let Buell know if interested.
- McGrath Acknowledged Chris Tiedemann, Tim Eichenberg (BCDC counsel) and Richard Skaff for putting the discussion of ADA issues on the agenda, so to speak. What is the best strategic direction and how does BCDC fit into it? BCDC authority has ability to protect access where required and require enhancement (contingent on maximum feasibility). May not have authority to keep site accessible if not required by permit. How do we deal with the last \$1 million? Talked to Sam Schuchat. Overall plan will enable process with a list of features. Not everyone will get what they want. But we can begin to identify a process and enable disabled community to set priorities. Long term and short term strategic visions should be consistent.
- Kamen Group creation does not require a lot of funding. Allow for land to accommodate storage, etc. Provides site management services that offset site owner responsibilities. Resources could be used to incubate creation of groups.
- Buell Conservancy does not preclude creation of clubs.
- Fazio Focus on inclusion and meet broadest range of people.
- Skaff Wants Chris' statement in writing. Program accessibility not understood well. None of these sites are similar. Unique experiences are across the board for all sites. Civil rights issue. Palo Alto site: parking lot requirements simple to understand. Goes deeper than Water Trail. Will ask for transition plan for every single Title II entity. Frustrated with clear and apparent direction this process is taking. Doing everything we can to get around providing cross-disability access to sites. Public funds being used. Wants copy of power point presentation.

### **Water Trail Logo Concepts and Branding**

- Basson Provided overview of logo process, and presented initial logo drafts received the previous week. Need feedback from Advisory Committee: what level of

differentiation is needed from Bay Trail and Public Shore signs; what about wildlife images on sign; opinion on different boat types; think about messages conveyed to viewers; how to be inclusive. Introduced Studio L'Image, Sue Labouvie and Max Heim.

Studio L'Image: Developed seven concepts. Key themes: Inclusion, non-linear, diversity. Colors may change.

- 1) Kayak  
Shows specific type of watercraft.
- 2) Wavescape  
Abstract, focus on environment, simple windsurfer image (sail concept), Water Trail font larger
- 3) Reflections  
Image of kayaker, sail, abstract waves, represents paths across bay
- 4) Ribbon  
Inspired by same concept, bold shapes, kayaker and bird, movement and action
- 5) Tern  
White tern on environment background, emphasis on environment, feeling of experience, no boat
- 6) Voyager  
Canoe with paddle, Water Trail font large, circle shape, ambiguous watercraft, differentiate from other signs
- 7) Symmetry  
Abstracted image, recognizable symbol, boat and oars, reeds or plants, light blue on dark blue. Most Water Trail logos have image of paddler; more unique to have the W.

Comparison slide shown with Bay Trail and Public Shore signs.

Demurs	Should we be concerned about number of colors?
Basson	Concepts now. Colors could change.
Heroux	Likes intimate view of boat, #6, particularly in the South Bay emphasizes boat and human, distinguishes between land signs.
Harris	#6 not just about kayaks, could be canoe, whale boats, scull
Choi	Make it obvious that it is a kayak, like #3; needs watercraft icon. Show a boat.
Warburton	Prefers that it be square. Uniform shape to sign groupings is better.
Demur	#6, Likes circle, everyone else square.

Skaff #1, contrast is good, #6, #5  
Essex #2, unique, like bold Water Trail words, representation of person is important.  
Connection between people and water  
Miramontes #2, #3, #7  
Warburton #1, #5, #6  
Boone #3  
Choi #1, #3  
Kamen #2 is the only one he does not like. #1, #3, #4  
Nixon #3, #4, #5 lettering, likes waves; Water Trail emphasis is important.  
Fazio #4, should have sailboat, bolder, needs more than one boat, simple  
Rockwell #3, with larger lettering (red) and #6 if square  
Facilitator Noted comments: Bird image – misleading. Boat type – using kayak vs  
ambiguous boat.  
Harris #6 shows destination, #3 or #4 could be in the middle of the ocean.  
Demurs #6 likes its intimacy, agrees with Harris  
Talwai #6 as square. Likes Water Trail letter aligning with panel. How would word  
placement change? Could fit with paddle.  
Curry San Francisco is lost in most images except #1.  
Fazio Not abstract, be simple, bold, clear. Don't leave open to interpretation.

### Public Comment

Kamen Expressed strong concern that he was asked by Water Trail staff to modify his  
posting about Water Trail accessibility on Facebook. Demanded an apology.  
Thompson Encouraged him to voice his opinion about the issue at this public meeting as  
he did today. Hopeful that Facebook can be a forum for sharing Water Trail  
experiences.

### Next Steps

Meeting summary, progress on logos, first accessibility meeting in July, next meeting  
September 6 [canceled].