

**ATTACHMENT 5**  
**Annotated Questions/  
Data Requests List**

**Baylands Data Requests/Questions**  
**6/19/17**

Red Text- responses provided as of 7/24/17  
Updated on 8/2/17

1. Historic Information/Information already in the record directly related to site/project
  - a. Previous Remediation related studies/reports (not implemented 2002 RAP, not implemented 2005 HVOC removal plan, Monitoring wells status, existing Lagoon studies, results of historic groundwater pump and treat system )
  - b. **Conceptual Grading Plan grading plan prepared by UPC (Provided with May 4 Council Report)**
  - c. Conceptual landfill closure plan prepared by UPC
  
2. Requested Information that is either available, has already been prepared and/or provided, is already in the process of being prepared, or staff has committed to providing
  - a. Provide visual representation of a vapor barrier system (**See Response OTHER-1 in 8/7/17 Council Report**)
  - b. Describe statutory performance standards/ design requirements for a Title 27-compliant landfill closure(**See Response OTHER-2 in 8/7/17 Council Report**)
  - c. **Project and Traffic mitigation requirements for nearby San Francisco projects (Schlage, Executive Park, Candlestick/Hunters Point Shipyard) (Provided with May 4 Council Report)**
  - d. **Applicability of Regional Welfare Doctrine as it pertains to approving housing (OTHER-1 in 7/24/17 Council Report)**
  - e. **Legal obligations on the part of the City to approve housing to comply with SCS and/or SB 375 targets (OTHER-2 in 7/24/17 Council Report)**
  - f. **Would we be required to implement the region's Sustainable Communities Strategy? (OConnell-29 in 7/24/17 Council Report )**
  - g. **Describe legal challenges to pre 1914 Water Rights (OTHER-3 in 7/24/17 Council Report)**
  - h. Are there cases of water agreement suspensions due to drought conditions?
  - i. **What is required elevation of new water tank? (OTHER-12 in 7/24/17 Council Report)**
  - j. **What tools are available to the City to compel property owner to stabilize/ protect Roundhouse from further deterioration? (OTHER-16 in 7/24/17 Council Report)**
  - k. **Identify metals associated with urban runoff(OTHER-13 in 7/24/17 Council Report)**
  - l. **How do the commute patterns of existing Brisbane residents compare with Baylands projections? (OTHER-14 in 7/24/17 Council Report)**
  - m. Provide fiscal and feasibility analyses of Planning Commission recommended land use program
  - n. **Provide data (existing and proposed acreage and building square footage) for Sierra Point (Conway-1 in 7/24/17 Council Report)**
  - o. **High Speed Rail status report update (Provided by CAHSRA at June 7 City Council Meeting and Liu-1 in 7/24/17 Council Report)**
  - p. **What are impacts of Schlage Project/other San Francisco planning efforts on Bayshore Station location (O'Connell-1 in 7/24/17 Council Report)**

- q. Clarify what constitutes a change in land use triggering Title 27 landfill closure
- r. What is the economic benefit for Brisbane if we have to maintain roads, police, fire, school and public works
- s. We need more financial analysis. Our consultants used old UPC numbers and admitted, in the hearing stated that they did no analysis. How can we determine if Brisbane can sustain the costs of either of the UPC submitted plans?
- t. **Liquefaction will result from an earthquake. Will all the leachate bubble to the top? (Davis-22 from 7/24/17 Council Report)**
- u. **What is the solution to traffic impacts in Brisbane from already approved development around us? (Davis-2 from 7/24/17 Council Report)**
- v. Specify how leachate currently being collected is disposed of.
- w. **Identify corrosive properties of underlying soils at Baylands (OTHER-4 from 7/24/17 Council Report)**
- x. **What is depth to bedrock at Baylands? (OTHER-5 from 7/24/17 Council Report)**
- y. Is the presence/absence of endangered butterflies on Ice House Hill documented?
- z. **Where is the water going to come from? (OTHER-6,8 from 7/24/17 Council Report)**
- aa. Is it truly safe for housing?
- bb. **What is the liability for the City of Brisbane for future health problems or effects of earthquakes or sea level rise on the development? (OTHER-11 from 7/24/17 Council Report)**
- cc. **Does our involvement in the Bi-County PDA restrict our ability to impose our own land use desires? (O'Connell-11 from 7/24/17 Council Report)**
- dd. **Do you have solid proof/documentation that all the toxins with potential long-term negative health effects can be removed or permanently covered up? If not, how can you approve housing on such toxic soil? (Liu-3 from 7/24/17 Council Report)**
- ee. What is city process if site cannot be remediated to support approved land use program?

### 3. Requested EIR Clarifications

- a. Discuss VMT information used in EIR GHG and Air Quality Analyses
- b. Describe modelling methodology for defining project noise contours
- c. Clarify if EIR considered noise impacts to both existing adjacent uses and future but not yet built adjacent projects?
- d. Does the need to transport high quantities of stockpiled soils represent an unusual condition that constitutes wasteful energy usage?
- e. **Respond to request for consideration of an alternative significance threshold for windsurfing impacts and consideration of new computer model for wind impact evaluation(Davis-1 from 7/24/17 Council Report)**
- f. **How does the mode shift associated using transit reduce traffic congestion in the Baylands and from SF development? (LENTZ-5 from 7/24/17 Council Report)**
- g. **How are we going to deal with the traffic and what is the impact of all this development on our ability to get in and out of Brisbane? (Davis-2 from 7/24/17 Council Report)**
- h. **How will 20 years of pile driving affect those already leaking pipelines? (Davis-3 from 8/7/17 Council Report)**
- i. **Respond to public comment assertion that EIR water supply analysis is inadequate based on Vineyard case. (Liu-4 from 7/24/17 Council Report)**



- j. CEQA requirements require specific water allocation and delivery agreements at the concept phase to guarantee that there is enough water for the specific plan - so decision makers have guarantees before they agree to make changes in things such as zoning, general plan etc. This is spelled out in CEQA Guidelines. Based upon Modesto's response, our FEIR is inadequate since there is no guarantee that the paper water can be delivered. FEIRs that are incomplete have been overturned in court, including the CA Supreme Court. What is the staff and City Council response to this issue that was brought before you? **(Liu-4 from 7/24/17 Council Report)**
  - k. Why does the EIR water supply assessment pretend that an OID exchange for Hetch Hetchy water is reliable when SF and Modesto have already said No to the concept? So how reliable is the OID exchange when both SFPUC and Modesto have already said no? **(OTHER-6 from 7/24/17 Council Report)**
  - l. Why are we not looking at the entire record? For example:
    - i. It was already explained to Brisbane in 2009 that, there would be no water for the Baylands.
    - ii. SFPUC has sole discretion about water deliveries to Brisbane and Modesto about exchanging Hetch Hetchy water.
    - iii. Furthermore, proposed future exchanges for Hetch Hetchy water are superseded by the 2009 CCSF Water Supply Agreement. **(OTHER-7 from 7/24/17 Council Report)**
  - m. How does the City prepared WSA (water supply assessment) meet CEQA requirements when there is no reliable water source? **(OTHER-8 from 7/24/17 Council Report)**
  - n. Why does the EIR say that the proposed OID agreement does not require the construction of any new facilities when SFPUC says it does**(OTHER-9 from 7/24/17 Council Report)**
  - o. Provide additional detail regarding water transfer agreement and role of MID**(OTHER-10 from 7/24/17 Council Report)**
  - p. Reconcile EIR conclusions regarding liquefaction risk versus testimony from applicant's consultant at the 5/23 hearing **(OConnell-24 from 7/24/17 Council Report)**
  - q. What is the basis for assumptions pertaining to rooftop solar generation potential for the DSP?
  - r. Can the City set the allowed time to pile drive? **(Davis-4/Lentz 67 from 7/24/17 Council Report)**
  - s. Can the City require that no dirt movement will occur when wind conditions meet a certain threshold? **(Lentz-68 from 7/24/17 Council Report)**
4. Requested Clarifications of Planning Commission Recommendation
- a. Flesh out the PC's recommendation regarding infrastructure development prior to site development **(Lentz-2 from 7/24/17 Council Report)**
  - b. How would you recommend implementing the Sustainability Framework into the General Plan? **(Lentz-2 from 7/24/17 Council Report)**
5. Policy/Plan- based questions/data requests
- a. Can we treat Brisbane's water at the Baylands? If so, how would that affect how much water would be needed at the Baylands? **(Lentz-39 from 8/7/17 Council Report)**

- b. Can we require that vacuum tube technology be incorporated throughout the development, so that waste goes directly from buildings to waste facilities? **(Lentz-44 from 7/24/17 Council Report)**
- c. Can we require a zero waste mandate similar to San Francisco? **(Lentz-43 from 7/24/17 Council Report)**
- d. Can we implement restrictions on packaging? **(Lentz-45 from 7/24/17 Council Report)**
- e. Can we require that the development be energy neutral? If so, how do you recommend we get there? **(Lentz-47 from 7/24/17 Council Report)**
- f. Explore the possibilities of building an urban bio-mass facility, so that all green waste is turned into energy and compost. Since Recology processes San Francisco's (and possibly other cities) green waste, could we require that a certain % of this waste is processed at the urban bio-mass facility to provide energy for the Baylands development? **(Lentz-48 from 8/7/17 Council Report)**
- g. Explore sewage treatment facilities that turn non-water elements into energy and compost **(Lentz-51 from 8/7/17 Council Report)**
- h. Lay out an economic analysis that shows how the Baylands would be required to fund its own needs regarding public service, infrastructure (Public Works issues), park and rec, and all other pertinent General Fund financial obligations
- i. How do we retain the rural remnants near Ice House Hill? Can we expand it so that we can create an urban farm? **(Lentz-22&62 from 7/24/17 Council Report)**
- j. Can we create a more natural environment for the shoreline around the Lagoon, while also protecting it from contamination from the landfill? **(Lentz-24&65 from 7/24/17 Council Report)**
- k. How will Brisbane be able to maintain public lands and provide city services if housing is built? Who will pay for this?
- l. If housing is allowed, can the City dictate the type of housing it would prefer? For example, could it require a certain number of work force housing units based on the square footage of a proposed development? **(Davis-5 and Lentz-58 from 7/24/17 Council Report)**
- m. Instead of the housing types proposed by UPC, could the City mandate that it wants housing for seniors or artists or real live/work communal environments? **(Davis-6 and Lentz-25 from 7/24/17 Council Report)**

## 6. Procedural questions

- a. What has happened to all of those questions? Who has been recording them?
- b. Could the goals and aspirations of the Framework help shape decisions regarding land use policy? If so, how?
- c. Can we provide a simple statement to the public regarding our relationship with MID, and their role in the process? **(Lentz-40 from 7/24/17 Council Report)**
- d. What is the timing for when the city should hire a remediation consultant? **(Lentz-35 from 7/24/17 Council Report)**
- e. What is the City's ability to influence regulators to use residential standards for risk assessment/remediation plans? **(Liu-10 from 7/24/17 Council Report)**



- f. Explain the process for requiring/negotiating cultural benefits such as public art, museums, activities for ethnic groups and clubs, seniors and youth **(Davis-7 and Lentz-19 from 7/24/17 Council Report)**
- g. Explain the process for requiring/negotiating recreational opportunities such as ball fields, gyms and trails **(Davis-8 and Lentz-18 from 7/24/17 Council Report)**
- h. How could the City impose a higher standard of remediation if it were to allow housing? **(Lentz-59 from 7/24/17 Council Report)**
- i. Could the City require Title 24 requirements regarding zero net energy for homes by 2020 and commercial by 2030 be implemented now? **(Lentz-50 from 8/7/17 Council Report)**
- j. Is it possible to make the NREL Feasibility Study more complete, so that it addresses land cost, Title 27 landfill closure costs, and impacts on development for other areas of the Baylands? **(Lentz-55 from 8/7/17 Council Report)**
- k. Could parks be designed and constructed for public use, but privately maintained? Trails and open space? **(Lentz-63 from 7/24/17 Council Report)**
- l. Could we set up an open space assessment district that provided funding habitat restoration and propagation of native plants? **(Lentz-64 from 7/24/17 Council Report)**
- m. How is the Baylands development being coordinated with all the Candlestick/Hunters Point/India Basin/Bayview and San Francisco development just north of Recology? **(Davis-9 from 7/24/17 Council Report)**
- n. Can we get insurance that covers earthquakes, sea rise, severe storms, tree roots, allowing people to live on toxic land? If yes, how much will that cost and who will pay in perpetuity? **(Davis-10 from 7/24/17 Council Report)**
- o. This development does not exist in a vacuum. There are 25K housing units approved by SF coming online, along with hundreds of thousands of feet of commercial and retail buildings. What is our City Council doing to demand mitigation from San Francisco?
- p. There are no transportation plans or funding sources for the Baylands projects. Again, UPC has provided studies and visions. How is the City Council ensuring that we won't have gridlock because visions without secured funding and plans don't fix traffic problems?
- q. **Are you willing to pay for a second opinion on remediation issues, such as the reputable Dr. Lee, who we have hired in the past? (Lentz-36 from 7/24/17 Council Report)**
- r. Do you understand that the City of Brisbane has no responsibility whatsoever for the "cleanup" of the toxics in the rail yard and landfill owned by a private party and that the cost of such cleanup was part of the land acquisition price back in 1989?

#### 7. Comparative/Example-based Information

- a. Provide examples of successfully redeveloped unregulated landfills **(Davis-11 from 7/24/17 Council Report)**
- b. Provide information on San Francisco Maher Requirements **(OTHER-4 from 8/7/17 Council Report)**
- c. Compare CalEPA standards to others (states, federal, international) **(Lentz-28 from 7/24/17 Council Report)**
- d. Compile the number of Title 27 compliant landfill closures in Bay Area, projects built on closed landfills, and approved uses within such projects

- e. Identify non-operating landfills in bay area that have not yet not undergoing Title 27 closure
- f. Have any epidemiological studies been prepared for projects built on closed landfills? If so, provide results **(Davis 12&28, Lentz-32 from 7/24/17 Council Report)**
- g. Describe impacts of Loma Prieta earthquake on development projects constructed on closed landfills**(Davis-13 from 7/24/17 Council Report)**
- h. For UPC-cited brownfield redevelopment projects (Mission Bay etc. ) provide a comparison of these sites to the Baylands in regard to underlying soil stability and contamination issues, proposed uses, risk based cleanup goals, etc.
- i. Provide examples of successful long term remediation monitoring**(OTHER-3 from 8/7/17 Council Report)**
- j. Are there cases where HOAs are burdened by after the fact remediation costs on a site originally considered closed? **(Davis-15 from 7/24/17 Council Report)**
- k. Provide comparison of Schlage Lock (underlying contaminants, land uses, remediation strategies) to Baylands
- l. Identify brownfield projects in CA where sites could not achieve clean-up goals for approved land uses**(Davis-16 from 7/24/17 Council Report)**
- m. What are lessons learned from other jurisdictions with projects built on remediated brownfields
- n. Provide information on other jurisdictions using VMT as the basis of traffic analysis
- o. What are SF guidelines for traffic analysis and parking requirements? **(Lentz-1 from 7/24/17 Council Report)**
- p. Provide examples of projects with established parking maximums or parking prohibitions to promote transit/public transportation/private shuttle usage **(Lentz-3 from 7/24/17 Council Report)**
- q. What are implications of multi- modal station access on reducing vehicle trips? **(Lentz-5 and OTHER-15 from 7/24/17 Council Report)**
- r. Provide examples of successful bike commuter cities **(Lentz-6 from 7/24/17 Council Report)**
- s. Provide examples of best walkable cities**(Lentz-8 from 7/24/17 Council Report)**
- t. Provide examples of multi modal transit hubs with private sector retail/hospitality/entertainment**(Lentz-9 from 7/24/17 Council Report)**
- u. Provide examples of multi-story buildings which are ZNE or energy positive**(Lentz-13 from 7/24/17 Council Report)**
- v. Can we achieve a zero carbon development that includes residential and commercial uses? **(Lentz-14 from 8/7/17 Council Report)**
- w. Show examples of Zero-carbon mixed use developments **(Lentz-14 from 8/7/17 Council Report)**
- x. Provide examples of small biomass, greenwaste to CNG, composting**(Lentz-15 from 7/24/17 Council Report)**
- y. Show examples of small wastewater facilities which reclaim water and convert biosolids into fuel and compost
- z. Provide examples of school districts receiving additional negotiated benefits and possible amounts
- aa. Show examples of insurance policies or funding structures that address issues such as natural disasters and potential contamination exposure**(Davis-17 from 7/24/17 Council Report)**



- bb. Provide examples of former rail yards that have been remediated and turned into developments that include housing **(Davis-18 and Lentz-57 from 7/24/17 Council Report)**
- cc. Show examples of how open space is embedded throughout the development, so that it is easily accessible to all and creates a “greener” landscape. Areas of the Presidio/Crissy Field are models that balance development and nature. **(Lentz-61 from 7/24/17 Council Report)**
- dd. What can we learn from the affordable housing toxic debacle at Midway Village?

8. Questions/ Information related to project implementation

- a. Provide analysis regarding possibility of contaminants/constituents of concern to be transported into environment via methane collection system
- b. Is the existing groundwater monitoring well system adequate to serve as the basis for risk assessment/remedial action plan?
- c. Have potential new site contaminants been introduced since 2010?
- d. When should a Human Health Risk Assessment (HHRA) be prepared?
- e. **Since the sides and bottom of the landfill are not sealed against bay water intrusion, what impact will sea level rise have? (Davis-19 from 7/24/17 Council Report)**
- f. **How will the cap be repaired in the eventually it fails? (Davis-20 from 7/24/17 Council Report)**
- g. Review state approved Title 27 closure plan including schedule for review and completion
- h. Provide further discussion of potential remediation measures which might be implemented for the project
- i. **What soil testing will be required to move soils from east side to west side of site? (Lentz-34 from 7/24/17 Council Report)**
- j. How will soil removal/redistribution be staged?
- k. Describe financial responsibilities/administration of environmental management association
- l. Need better understanding of implications of sea level rise on contaminants within Baylands as well as potential measures to alleviate these potential impacts
- m. Timing/duration of CEQA process for preparation of RAPs for OU-1 and OU-2
- n. **What is proposed grading solution for constructing HSR Maintenance yard on closed landfill? (Lentz-7 from 7/24/17 Council Report)**
- o. **What are recommended funding tools for land use program? (Lentz-53 from 7/24/17 Council Report)**
- p. **What are required steps to relocate multi modal station to Geneva Ave extension? (Lentz-4 from 7/24/17 Council Report)**
- q. **What steps are needed to implement a free shuttle service throughout the Baylands and the rest of Brisbane? (Lentz-11 from 7/24/17 Council Report)**
- r. **Could wind play a role with some aspects of energy generation? (Lentz-49 from 7/24/17 Council Report)**
- s. What are actual plans for remediation of the toxins?
- t. Is there going to be truly affordable housing? What are the plans for size and price? What income levels will be able to afford them?
- u. What financing tools are available to fund sustainability improvements/programs?



9. Other requested information not directly related to the Baylands development application

- a. Prepare additional lagoon water quality/sedimentation studies
- b. What is PCE business model for owning renewable energy generation facilities
- c. **What are available funding mechanisms to ensure basic health and wellness services for Brisbane residents/workers? (Lentz-20 from 7/24/17 Council Report)**
- d. Review manifests for BSP soils intake since 2010
- e. **Provide breakdown of truck haul fees between BSP and Brisbane Recycling (O'Connell-38 from 7/24/17 Council Report)**
- f. What are changes in soil quantities/elevations at BSP since 2010?
- g. **Status of Caltrans study regarding Highway 101 vulnerability to sea level rise(O'Connell-21 from 7/24/17 Council Report and updated in 8/7/17 Council Report )**
- h. **Describe current funding streams for education(Lentz-54 from 7/24/17 Council Report)**
- i. **What should we expect regarding the next regional housing needs allocation (RHNA)? (Lentz-73 from 7/24/17 Council Report)**
- j. What about the Tank Farm? Is there an evacuation plan in the event of earthquake or fire?
- k. What is in the dirt that is being "recycled" and piled higher on a daily basis?
- l. Was a request made for the truck manifest for the UPC owned soils processing business? Is there any soil from Bayview/Hunters Point?
- m. Is the soils manifest available to the public? Has the soil been tested by an independent company, not affiliated with UPC?
- n. Will we see each council member's 2016 Form 700 (public disclosure of revenues/gifts) before the council votes on how to proceed? The forms were due early 2017 and filed with the FPPC. They are public record.
- o. How will the fuel leaking from the tank farm effect the health of the site and people working there?
- p. **Describe Title 24 Zero Net Emissions requirements for residential and commercial(Lentz-12 from 7/24/17 Council Report)**

10. Other questions related to the City Council's decisionmaking

- a. Would we be willing to raise our children in housing on that land?
- b. **How are we going to deal with the noise from the endless pile driving that will go on for year after year? (Lentz-69 from 7/24/17 Council Report)**
- c. Why are we rushing this?
- d. Are you (the City Council) willing to accept the liability for people living on toxic land (with many known carcinogens) that has a cap that can be ruptured or penetrated by a medium sized earthquake (because it is a liquefaction zone), by sea rise or severe storms that surface the toxins that are in the water table, or by tree roots?
- e. Why does this have to be decided by the summer?
- f. Are you willing to pass these important zoning decisions on to uninformed citizens in a public vote when we know the developer has deep pockets to pay for marketing messages that may focus on alternative facts to further their financial interests?

- g. If you are willing to pass these important zoning decisions off to uninformed citizens, are you willing to pay for and provide workshops and literature that provides a fair and balanced facts?
- h. How many hazards are too many?
- i. Why are we moving so quickly through these hearings? It feels like a race since there hasn't been time to address the questions that the public has raised in the subsequent meetings.
- j. Why is Brisbane responsible for the developer making money? They bought the land in 1989 and part of the purchase agreement included the remediation.
- k. How can our lives in existing Brisbane be sustained?
- l. Who do you represent, land speculators, or regional housing developers, or your voters?
- m. How can you consider placing people in homes that are assaulted on three sides by noise levels in excess of 65 dBA (from Bayshore Blvd, from the CalTrain, and from Hwy 101?) They will also be shaken by the vibration of the CalTrain.