

**From:** Alwin Warfel <

**Date:** July 18, 2018 at 12:48:35 PM PDT

**To:** "[clayh@ci.brisbane.ca.us](mailto:clayh@ci.brisbane.ca.us)"

**Subject:** BAYLAND DEVELOPEMENT

To: Brisbane City Officials

Brisbane, California

From: Alwin Warfel

Re: BAYLAND DEVELOPMENT

Date: July 18, 2018

My family members have been property owners and residents in Brisbane since the 1930s, I grew up in Brisbane and am also a Brisbane property owner, consequently, I have a personal concern and financial interest in Brisbane.

I am opposed to the Bayland development for multiple reasons. But for now I want to focus on only one of the reasons, which are the claims by individuals and reports by the news media of toxicity in the land in question and its ramifications. It is apparent that because of the political power/influence of the Sacramento and San Francisco political establishments and that of developers who will be financially enriched, the Bayland will be developed to some as yet undetermined extent. If the development is on or near the toxic area the detrimental effects on human health could take many years to express itself and it would more likely effect growing children and possibly the fetuses of pregnant women more frequently than adults. Unfortunately, there are actual examples of similar past scenarios (See:

[\[https://www.bxtimes.com/stories/2013/33/33\\_toxic\\_2013\\_08\\_15\\_bx.html\]](https://www.bxtimes.com/stories/2013/33/33_toxic_2013_08_15_bx.html)

[\[www.nydailynews.com/news/landfill-ills-article-1.236710\]](http://www.nydailynews.com/news/landfill-ills-article-1.236710)

[\[https://www.greenleft.org.au/content/landfills-are-dangerous\]](https://www.greenleft.org.au/content/landfills-are-dangerous)).

If Brisbane authorizes Bayland development knowing of possible toxicity and if there are future deleterious health consequences to some individuals could Brisbane be held financially liable? If so, what steps can Brisbane take now to protect itself from such a situation? Because of the political pressure from San Francisco and Sacramento to develop Bayland would these governments also be financially liable? Legal action is pending in Texas because the government allowed developers in the 1980's to build houses on land known to be unsafe, that is susceptible to potential flooding, and in 2017 Hurricane Harvey flooded the homes causing damage and destruction (See April 1, 2018 New York Times article "How a Houston Suburb Ended Up in a Reservoir").

It seems to me that all persons in contact with the Bayland should be informed of its potential toxicity and potential harmful health consequences, and be required to sign a legal document acknowledging such, and also sign a legal document exonerating Brisbane from any future legal liability or action. Equipped with such information the persons in question will then be freely making knowledgeable and well informed choices as to their interactions on the land based on prior knowledge of the situation.

It would be just if the political establishments pushing for Bayland development were to be legally liable if the above harmful human health scenario occurs. But as happened in San Francisco with the Kate Steinle's murder there is no personal responsibility on the part of politicians for the consequences of or negative repercussions of their poor legislative or influential actions.

Again, I express my **opposition** to developing Bayland.