

WHY WE NEED A MODERATOR FOR BAREC (JUNE 2, 2003)

The historical 17 acre BAREC (UC Agricultural Research Center) property on Winchester Blvd. across from Valley Fair could shortly become all housing with no remnants of its one-hundred plus years of community contributions to the "Valley of Heart's Delight". There is \$1 Billion available from the Federal Farmland Protection Program, \$4 million between San Jose and Santa Clara for acquisition and development from Proposition 40 (not a state budgeted item), and money for development of programs from various non-profits. However, no governmental official is looking at these creative sources of funding to keep at least a portion of the land in agriculture and thus meeting the needs and desires of the community. Contrary to what the State would like us to think, there are many unresolved issues that need to be resolved before the land can be sold to developers. THE STATE IS PUSHING THE SALE AS FAST AS POSSIBLE HOPING THE COMMUNITY WILL NOT UNDERSTAND THE ISSUES AND, THEREFORE, NOT COME TOGETHER QUICKLY. BY JUNE 9TH THEY ARE SCHEDULED TO SELECT A DEVELOPER FOR THE LAND WITHOUT KNOWING EXACTLY HOW MUCH LAND THEY HAVE TO SELL. The State destroyed BAREC's historical papers, which were kept on the property. This loss and the State's fast agenda have made it more difficult to piece together the story accurately. These issues have been presented to the Santa Clara City Council with no response on their part.

GOVERNMENTAL MEETINGS ON BAREC ARE BEING HELD BEHIND CLOSED DOORS. THE PUBLIC IS NOT BEING ALLOWED TO KNOW WHAT IS HAPPENING. FOR SUCH A COMPLEX AND HISTORICALLY IMPORTANT ISSUE IT IS IMPORTANT THAT THE PROCESS BE MORE OPEN. All the open space, agricultural, and governmental organizations need to come together to openly discuss the future of this land and what the community wants and needs. Meetings in favor of keeping as much land in open space have standing room only attendance and people from the region are supporting some kind of agricultural and historical preservation for this land. It is unlikely that ever again the Valley will have such interest in any piece of open space. This is a unique one of a kind piece of historical land in an area that is over-built and lacking in open space. Such public land in the heart of one of California's densest populations needs to be treasured and not thrown to just any developer to build whatever housing he likes.

The various governmental organizations (federal, state, regional, and local) appear to be in their own box. To create a positive future for the community and this land, they need to come together and begin thinking about the interconnections listed below. THE SMALL 100,000 PLUS POPULATION OF SANTA CLARA CANNOT DEAL WITH THESE COMPLICATED REGIONAL AND STATE ISSUES. BECAUSE OF THEIR INABILITY TO COMMUNICATE THE ISSUES OPENLY AND THEIR INABILITY TO FOLLOW THROUGH WITH THEIR PROMISES TO THE PUBLIC ABOUT OPEN SPACE FUNDING SOURCES, IT APPEARS THEY ARE ACTING OUT OF FEAR OVER THE STATE'S POWER OVER THEM. THE CITY OF SANTA CLARA NEEDS HELP. Following are some examples of the communication problems between different governmental organizations:

1. The Santa Clara City Council in an approved motion told their staff to study the feasibility of as much open space as possible but they are not doing this. Their staff has little experience in the kinds of open spaces and the open space processes we are recommending. It is unlikely if their parks department has ever coordinated with other open space organizations outside the city. San Jose is working on getting money for BAREC open space because it bounds the property on two sides and because this portion of San Jose lacks 20 acres of open space. However, Santa Clara's head planner doesn't know anything about San Jose's BAREC open space efforts.
2. The County Parks Department in a special public meeting reported: because Valley land is so expensive, they reach out to many open space organizations to purchase and maintain public open space. Their Director thinks the UC Ag land has already been sold and was never contacted. There are a number of county and regional parks nearby which have several governmental owners and program facilitators. BAREC could use some of this kind of creative development. There is no county park in the district in which the UC Ag land is located and no agriculture land in the county parks system. There are current efforts to save some of the south county agriculture land, but this is not where the dense population lives and not where there is public transportation.
3. The open space systems buy land for the hills but not the valley floor where the soil is best and where most of the Valley's history and population are located. These areas are where the wealthy live and where there is no public transportation. Spending tax money in these locations is subsidizing the wealthy by increasing their property values. Meanwhile, the Valley floor gets more crowded open spaces. Because there is little available land on the Valley floor, new open spaces are often placed under airplane flyways or next to freeways where there is more noise and air pollution.
4. The Santa Clara City Council has discussed keeping some of the land zoned agriculture but their head planner says in front of the State's consultant "but we do not know the legal ramifications." The State will not respond to this comment when asked. Non-profit organizations are interested in helping with programs on the property but need the land secured before this can happen.
5. The land has been contributing to the Valley since at least 1886 (programs for mentally disturbed children from 1886-1920; a historical building which remains on the property housed families of Civil War Veterans from 1928 to the 1960s, agriculture research and education from 1928-2002). The community itself raised the money needed for these community needs. Despite this history, the State is now saying that there is no historical value anywhere on the property. They discarded all the historical records on the property to support this.
6. The State will not say how much the land will cost if left zoned agriculture or even discuss the issue so the City and the public can know what kind of money needs to be raised for open space.
7. When the State consultant was asked about saving the one-acre heritage orchard on the property, he said that there was so much chemical contamination on the property that most likely all vegetation and two feet of topsoil will be taken off the property. When asked about bioremediation as an ecological solution, he ignored the question. He has no concept of the incredible richness of the valley topsoil and isn't concerned about moving the toxins somewhere else.

8. Santa Clara University wants and needs open space for its environmental and biology courses. They have a new Santa Clara Valley Historical Ecology Program that is also interested in the property. Recently they have lost their land for their coursework. If their environmental programs are to grow and compete with those of other universities, they need such a place.

9. Mission College's Corporate Education and Training Program in Santa Clara needs a Horticultural Training Center and would like to use the BAREC site. Several nonprofit environmental and farming organizations would like to be at the Center if there is agricultural land associated with it. One of these is the Ecological Farming Association that is the major organization in the West representing organic farmers and suppliers.

10. The University of California Center for Agroecology and Sustainable Food Systems in Santa Cruz has had plans to bring their educational and internship programs into Silicon Valley and BAREC would be a perfect place for this. There is a great need to have a place to train gardeners and home owners about growing healthy food and plants for our gardens and commercial and public open spaces. San Jose is the tenth largest city in the United States and the only one of its size that does not have such a center.

11. Santa Clara is one of two cities in the Valley that does not have a heritage orchard. It also has no public community garden. San Jose, on the other hand, has many with a large waiting line for them. The City Council has discussed having the existing one acre apple orchard as their heritage orchard but one acre is very small and would be difficult to maintain. They appear to make such decisions without expert advice.

12. The head of Santa Clara's Chamber of Commerce and Convention Center has indicated that Santa Clara needs more places for tourists to visit. There are few good Agri-Tourism locations in the Valley and BAREC could be one of them.

12. It appears that the State's consultants have given and organized funds for the campaigns of at least one Santa Clara City Councilman. Is this ethical and legal?

13. There are several funding sources which could be used to purchase the BAREC land and for programs. The Federal Farmland Protection Program has \$1 billion. Proposition 40 has \$4 million in funds for San Jose and Santa Clara. The Santa Clara County Open Space Authority has about \$800,000 between San Jose and Santa Clara. There are several San Jose City Council Members who are interested in helping San Jose raise the open space money since San Jose has two contiguous boundaries with BAREC and since San Jose needs 20 acres of open space in this part of the city. Because San Jose is a much larger city, it has much more money available for open space than Santa Clara. There are other sources for historical property and buildings.

14. As of June 1, 2003, it is not yet clear who has title to at least one BAREC parcel. For certain the majority of the land is titled to the Regents of the University of California and nothing is titled to the State of California. These are two very different organizations that have two different real estate offices and staffs. Yet, the State is selling the land. A front parcel and another have deed restrictions, which state that when they are "no longer desirable or necessary for use in agricultural research, the fee title to said property described in such resolution shall revert to and vest in the State of California." The State placed a "for sale" sign on the property around April 1 and shortly thereafter began accepting proposals from potential developers. They plan to have selected a buyer by June 9th. The State cannot legally sell land owned by the Regents. We have a letter from UC's attorney that addresses this problem and recommends that the Regents not transfer

the land to the State because then they will not receive the money from the sale. He states that this would be possible because the public does not know the difference between the State of California and the Regents of the University of California. The title issues should be resolved before the land is sold.

We need a moderator, someone who will bring these various groups together to find a resolution to the many holes in the discussion, the silence and non activity that prevails, misunderstandings, and lack of accurate and professional information available at all levels. This moderator also needs to help the community coordinate with and understand the State. One person we are considering is Assembly Member Joe Smitian since he represents the Santa Clara Valley, is interested in land use and urban environmental issues, was the mayor of Palo Alto, is a lawyer, was on the School Board, received the UC Alumni 2002 Legislator of the Year, and will be running for State Senate in 1 ½ years. He has the kind of experiences we need for this complicated multi faceted issue. However, you may have other ideas and we welcome them. We need someone to guide us through this thorny weed patch, someone to help us create a more open process. Visit our website if you need additional information or their addresses (www.secretgardens.com).

Sincerely,

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