

April 26, 2005 – Santa Clara City Council Meeting Pre-Meeting Notes

April 21, 2005

To Santa Clara Council Members:

I am including the following information for you to review and have on hand during the council meeting on April 26th. Since I have limited time to speak to you, I wanted to give you as much background as possible. My goal for my presentation to you is three fold:

1. To show the council (and citizens) that BAREC will benefit Santa Clara and San Jose financially by utilizing the land as public open-space
2. To show the council (and citizens) the value in keeping BAREC zoned agriculture, allowing it to stay as open-space and serve the public in many ways (listed below)
3. To encourage and direct the City Staff and Mr. Goodfellow's team to meet with SaveBAREC.org members (both San Jose and Santa Clara citizens) to discuss fiscally responsible alternative plans (non-housing) for BAREC land use

I know this is a lot of information to digest. Since there are three new members on the council I will continue to make myself and our organization available to you at anytime. We want San Jose and Santa Clara to work together and make this a successful project and one that the community stands behind.

Our website: <http://www.savebarec.org> has many documents that include: supporters (both organizations and people), notable quotes, some proposed land use ideas, bird listings, videos, and much more. I have selected a few notable quotes, ideas, and items that I think you would like to know about. I know your Council is in a difficult position and we would like to help navigate the problem with you. We believe we have a solution that will work for the people of Santa Clara and San Jose; one that best serves the community. BAREC could become a destination, like Santa Row and Valley Fair, generating economic growth in the area.

Lastly, I have included a letter from the San Jose Parks and Recreation Commission dated February 16, 2005 showing complete support for keeping the entire 17 acres as open-space.

The City Council has the power and authority to keep BAREC zoned for agriculture and open-space. Jeff Crone, Senior Real Estate Officer, California State Dept. of General Services, stated: "The State has never challenged a city on a zoning issue." Note that Dan Potash is the State's consultant in charge of selling BAREC and his boss is Jeff Crone.

Thank you for your time in reviewing this material.

Sincerely,

Kirk Vartan
SaveBAREC.org
kirk@savebarec.org

Background Information Favoring Preservation:

The following are quotes (with source links where possible) that will help build a story as to why BAREC should be kept as an open-space agricultural property and why some of the past processes might not have been properly followed or even go in direct conflict with California policy. Again, if you add all of these pieces of data up, I think you will find a very reasonable and compelling argument as to why the land should not be used for housing...one that will work for the community.

“Following its reversion to the State, any development on the site would involve a thorough public approval process.”

<http://www.universityofcalifornia.edu/regents/regmeet/mar00/502.pdf>

March 8, 2000

Has a “thorough public approval process” been done? If so, where is the supporting data? We have lots of data that says just the opposite, including meeting minutes from the January 15, 2003 Santa Clara City Council meeting where the people spoke out in favor on keeping BAREC zoned agriculture and for open-space.

“Regent-designate Miura observed that the 2000-2001 budget provides \$1 million to find a site for a satellite campus for UC Santa Cruz. She asked whether the BAREC site might be used for that purpose. Mr. Gomes responded that the option had been discussed but that the State was not interested in conveying control of the property for any use other than agricultural. He noted that 12 sites, including BAREC, were evaluated for use by the Santa Cruz campus and that the BAREC site was deemed unsuitable.”

<http://www.universityofcalifornia.edu/regents/minutes/2000/fin300.pdf>

March 15, 2000

Here the Regents clearly state that the State wants the land to be used for agricultural purposes only.

Additionally, Dr. Carol Shennan contradicts the notion that UC Davis would not be interested in the land when she stated:

"If this parcel of land has the agriculture zoning removed, it would not only be a tragic loss to the community's heritage and its future, but also close the door to any opportunities we may have in the future to pursue our research and education work in the Santa Clara Valley."

Dr. Carol Shennan, Director of UC Santa Cruz's Center for Agroecology and Sustainable Food Systems

It is clear that all the facts were not agreed upon when this decision was made.

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The following is an excerpt from the California Civil Code, Section 815 (link below). I think you will see that BAREC is one of the “most important environmental assets of California” according to the Civil Code; it qualifies on multiple fronts. It even looks like there is an opportunity for the City of Santa Clara or the City of San Jose to take ownership of the land (or direct it to a qualified nonprofit). I included a few subsection for completeness, but the real heart of the code is in the first two sentences.

<http://www.leginfo.ca.gov/calaw.html>

CALIFORNIA CODES
CIVIL CODE
SECTION 815-816

815. The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations.

815.1. For the purposes of this chapter, "conservation easement" means any limitation in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition, which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon successive owners of such land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.

815.2. (a) A conservation easement is an interest in real property voluntarily created and freely transferable in whole or in part for the purposes stated in Section 815.1 by any lawful method for the transfer of interests in real property in this state.

(b) A conservation easement shall be perpetual in duration.

(c) A conservation easement shall not be deemed personal in nature and shall constitute an interest in real property notwithstanding the fact that it may be negative in character.

(d) The particular characteristics of a conservation easement shall be those granted or specified in the instrument creating or transferring the easement.

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Important Quotes:

Some additional quotes (some by Council members and City Staff) that I think you will find very pertinent to this discussion:

"In the summer of 2002 our City did a study of where to place Santa Clara's required housing for the next five years. This study showed that BAREC was not needed for this required housing."

Santa Clara City Mayor Patricia Mahan

The City [Santa Clara] loses money with housing as it is costly to maintain it."

Geoffrey Goodfellow, Santa Clara Planning Director at a Neighborhood Outreach Meeting on January 15, 2003

"BAREC is so important to the City and region that it should be placed on the National Historical Registry."

Lori Garcia, Santa Clara City Historian and Commissioner on the Santa Clara County Historical Commission and Chairman of the Santa Clara Planning Commission

"Our recent poll shows that 8 out of 10 people in Santa Clara Valley are concerned about the lack of open space in the Santa Clara Valley."

Bob Gerard, Attorney and Retired Stanford Professor, February 2004

"The State has never challenged a city on a zoning issue."

Jeff Crone, Senior Real Estate Officer, California State Dept. of General Services.

Note: that Dan Potash is the State's consultant in charge of selling BAREC and his boss is Jeff Crone.

Land Use Options:

The following are some ideas of programs that BAREC could satisfy. This is not a complete list, but it shows some of the many possibilities the land has.

Visitor's Center: a Museum with Valley of Hearts Delight history including BAREC research, Interpretive Center, collection of Spanish Mission plants with farm from that period, Ethnic Foods and Cultural Contributions to our Food, Tours, Workshops, and Learning Resource Center.

Supporters: Local Foundations, Archeology Dept. at Santa Clara University; Smithsonian Institute, Proposition 40, Federal Farmland Protection Act, Pioneer Society and California Historical Society, San Jose History Museum, and California History Center at DeAnza College;

Organic Food and Nutrition: Local Farmers, Food and Flower Market, CSA Distribution Center, School and Senior Food Programs, Edible Landscaping, restaurant.

Supporters: California Farm Link, Ecological Farming Association, CSA Program, Hidden Villa, U.S. Dept of Agriculture, Village Harvest Food Bank, Chez Panisse Foundation, home owners, School Districts, UC Santa Cruz Agroecology and Sustainable Food Systems, various agricultural organizations;

Urban Gardening Research and Demonstration Center for Sustainability: Offices, Educational Rooms, Demonstration Gardens, Weather Station, Field Trials, Continuing Education Library for Environmental, Agricultural, Horticultural, Landscape, Master Gardeners, and local colleges and universities.

Supporters: Acterra, Audubon Society, CA Assoc. of Nurseries and Garden Centers, UC Santa Cruz Agroecology and Sustainable Food Systems, Environmental Studies at all local colleges, CA Landscape Contractors Association, Santa Clara Valley Water District, Sierra Club, Saratoga Horticultural Foundation, Silicon Valley Toxics Coalition, Ecological Farm Association, Common Ground, CA Horticultural Society; CA Oaks Foundation, Garden Clubs;

Horticultural Therapy and Alternative Medicine: Horticultural Rehabilitation Program, Alternative Medicine Plant Collection, Educational Programs, Inter-generational Gardening.

Supporters: nearby Hospitals (O'Connor and Valley), O'Connor Alternative Medicine Center, Mission Rehabilitation Center, Cabrillo College Horticultural Therapy Program, American School of Herbalism.

Soil Stewardship: Soil Testing Lab for the Biology of Soils (this will be the first in California), Master Composters, Composting research, Soil Micro-organism Pollution Clean-up.

Supporters: Santa Clara Valley Water District, Santa Clara Valley Master Composters Program, Silicon Valley Toxics Coalition, Santa Clara Valley cities for their Greenwaste programs and chemical reduction programs, California farmers, landscape professionals, golf course and parks maintenance personnel.

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Children's Gardening: Demonstration Play Gardens, Gardening Day Care Center, Teacher Training, Natural Materials for Play, Plants for children, Plant Stories, Enriching the senses (beauty, smell, color) Garden as an art and science, School Outreach.

Supporters: Valley Fair and Santana Row, School Districts, City Arts Commissions, Horticultural and Agricultural Societies, parents, Foundations interested in Children's health and education.

Job Training: Training in all aspects of urban horticulture and agriculture.

Supporters: The Nursery and Landscape Professionals, local schools, Mentoring Programs, Agroecology Program at UC Santa Cruz, Center for Employment Training, Job Corps, City Year, and California Conservation Corps.