

HISTORY OF BAREC SALE

September 2006

1. **1999:** Senator John Vasconcellos has meetings with community and writes letters opposing BAREC's closing. However, he suddenly stops his communication with the community.
2. **March 15, 2000:** UC Regents vote to return BAREC to the State in exchange for a \$2 million permanent funding augmentation for UC Cooperative Extension Programs beginning in fiscal year 1999 to 2000. To date they have only received \$1 million. Some of the things the Regents were told about BAREC are questionable.
3. **September 2000:** The State Legislature passes SB 2099 introduced by Senator John Vasconcellos. In this legislature many parcels of state owned land were listed to be sold. BAREC was described as "land in Santa Clara County" and not by name. The bill was also voted upon without the community's knowledge the Friday before Labor Day weekend. Note that the bill states the land must not be sold to local governments for less than fair market value.
4. **December 22, 2000:** George Marcus, owner of Summerhill Homes and the State's BAREC developer (chosen in 2003), becomes a UC Regent nominated by Governor Grey Davis
5. **Summer 2002:** Study done by the Santa Clara Planning Department that states BAREC is not needed to fulfill the City's State mandated housing needs.
6. **October 2002:** John Powers and Associates write the historical portion of the BAREC EIR and probably more but the information has not yet been uncovered. There is a need to find Phase I and Phase II Reports regarding the chemicals on the property mentioned by the State Public Works Board on Feb. 14, 2003.
7. **November 2002:** Election held for new Santa Clara City Council. Mayor Mahan wins over John McLemore and Jamie Matthews becomes Vice Mayor. Councilmembers Matthews and Diridon Jr. received campaign funds for their campaigns from several of the State's consultants including those directly related to the BAREC sale (Dan Potash and Daniel Hillmer).
8. **December 2002:** George Marcus, owner of SummerHill Homes, becomes a UC Regent while the UC still owns BAREC. In six months the State will announce that SummerHill Homes will become the BAREC developer for 11 of the 17 BAREC acres.
9. **December 11, 2002:** First of two outreach meetings between the community and the Santa Clara Planning Commission. Both meetings are standing room only in favor of keeping BAREC in open space.
10. **December 17, 2002:** Department of General Services (DGS) reports that they mailed two letters to local governments regarding BAREC's availability for sale. The letters were mailed to Jennifer Sparacino, City Manager of Santa Clara, and Richard Wittenberg, Santa Clara County Executive Officer. Note that nothing was sent to any state agency or any other local government as required by law. The Santa Clara County Supervisors and the City of San Jose, which shares two BAREC boundaries with Santa Clara, were not aware that BAREC was available. No agency or government we know of knew about it except the City of Santa Clara. Before this date there had been many illegal (as per the Brown Act) meetings between the State's consultants and the City Council. Former City Councilmember John McLemore can describe these meetings. Note also that DGS sent out these letters while UC still owned BAREC. Note that the letter stated: "The department may not sell the land to local government agency for less than fair market value". Yet, the City of Santa Clara is purchasing it for below fair market value.
11. **December 20, 2002:** State files CEQA Notice of Exemption at the State Clearinghouse. The waiting period expires Jan 23, 2003.
12. **January 1, 2003:** The University of California officially closes BAREC.
13. **January 14, 2003:** DGS and the Environmental Services Section (ESS) conduct a site visit to BAREC.
14. **January 15, 2003:** Second of two outreach community meetings between the community with the Santa Clara Planning Commission. At this meeting Commissioner Chris Stampolis made a motion to keep BAREC in 12 to 17 acres of open space and the Planning Commission voted to approve his motion. However, we have noted that these minutes have been changed to say that the BAREC vote would be postponed to their next meeting on January 21st when the public was not there. The January 15th meeting had standing room only community support for keeping BAREC in 100 percent open space. However, the planning staff presents three plans. The one the State prepares with senior housing, private housing, and a one-acre park is the direction both the City and the State will be pushing for the remainder of the BAREC sale story. However, in these minutes Dan Potash, the State's representative states in the minutes "Their plans are based on earlier comments from the neighbors listing 8 plans." Again, these are untruthful minutes and clearly have been changed.

15. **February 4, 2003:** First public City Council meeting regarding BAREC. The City Council listens to a standing room only crowd of citizens who want BAREC as open space and a few highly orchestrated people who represent organizations that want housing. It is interesting that some of these people say they represent an organization (like the Sierra Club) when in fact they represent only themselves. There is no questioning of their credentials. Before the City Council begins discussing the issue Jamie Matthews make a motion and Rod Diridon seconds it to place housing on BAREC. Note that these were the two that received funds from the State's BAREC consultants. Only then is there discussion. The Council decides not to vote until the next meeting (the minutes have been changed as they say the Council's vote took place on this date).
16. **February 11, 2003:** The Council votes 4 to 3 to place 4 to 5 acres of senior housing on BAREC, 11 to 12 acres of private housing, and one acre of park. Those voting in favor of keeping BAREC in open space were McLemore, Casserta, and Mayor Mahan. Again, the minutes have been changed and do not reflect the correct date of the vote or the correct vote. A year later State Senator Elaine Alquist introduced State legislation and was told that all City Council votes were unanimous in favor of BAREC housing.
17. **February 14, 2003:** State Public Works Board discusses BAREC Phase I and Phase II Reports in which "Arsenic and Dieldrin are the potential concerns found at concentrations above US remediation goals." They also discuss the "voluntary agreement between the State Department of Toxic Substances (DTS) and DGS as being in the final stages and will be signed soon." They authorize the State's acquisition of BAREC consistent with staff analysis. Note that the staff analysis of the soil contamination is inaccurate and insufficient. The staff analysis does not mention the helicopters that flew over BAREC and the neighborhood spraying chemicals without notice from the early 1950s to the mid 1970s. They do not mention the large amount of neighborhood residents with cancer. They also do not mention the fact that Dieldrin is particularly dangerous when airborne and that moving the soil to another site, which is the State's solution to cleaning up the soil, or construction equipment, which will be necessary to build new housing as the State would like, or disking the soil to remove weeds, which is the State's current solution to removing weeds, will bring the carcinogenic problem back into the community.
18. **March 2003:** State announces to developers (via their website and a sign on the property and probably some phone calls to the developers of their choice...we surmise this because the State selected a UC Regent to be the State's developer)
19. **March 18, 2003:** San Jose City Council votes to support helping Santa Clara keep BAREC in open space.
20. **Late March and Early April 2003:** Property advertised for sale by DGS on the Internet and in three newspapers (San Jose Mercury, San Francisco Business Times, East Bay Business Journal).
21. **Late March:** DGS (Dan Potash) meeting with developers interested in becoming potential BAREC buyers held in the Santa Clara City Council Chambers.
22. **Spring 2003:** Close of Escrow
23. **April 22, 2003:** VIVA Letter to City Council and public presentation stating that many city and state agencies were not told about BAREC's availability including the County Parks Department. Also, they were not reaching out to the many foundations that would be willing to keep BAREC in open space. Staff did only slight research on these issues.
24. **May 12, 2003:** DGS agrees to a Voluntary Clean-Up Agreement with the Department of Toxic Substances Control (DTSC). At the DGS meeting with developers and other City Council meetings Dan Potash with DGS states that the "Voluntary Clean-Up" will remove the top two feet of soil off the entire BAREC site. According to Potash, this is the normal procedure the State has for all its polluted soil. Potash does not seem to understand that moving soil and construction will place the Dieldrin in the air. This process is not safe for BAREC neighbors given the research that shows Dieldrin creates cancer when it becomes airborne. There is three times more Dieldrin in the BAREC soil than EPA allows.
25. **June 2003 (first week):** State announces that SummerHill Homes will be BAREC's housing developer for 11 to 12 acres. Note that George Marcus, a UC Regent, is the owner of SummerHill Homes.
26. **June 2003:** City receives a letter from the Director of the Santa Clara County Parks that states they are not interested in BAREC as a county park. However, the Director is responsible to the County Supervisors and they never knew about this offer and BAREC's availability.
27. **July 15, 2003:** City Council votes to place 4 to 5 acres of senior housing on BAREC through their Redevelopment Agency and to send a letter to the State to request this. Again, the minutes are inaccurate about the timing of this. We believe they have been changed.
28. **July 22, 2003:** VIVA presents creative ways to keep BAREC in open space to the City Council.

29. **August 2003:** State announces that EDAW will be doing the BAREC EIR and that the due date for the public to file comments for research is August 16, 2003. The EIR is supposed to come out in the Fall of 2003, then the Winter of 2004, then the Spring of 2004, then the Summer of 2004. We wait and nothing happens.
30. **February 10, 2004:** Director of Planning presents to City Council at a Council meeting in words only some of the statistics about the proposed BAREC housing (number of housing units, housing density, square footage of units, acreage of senior vs. regular housing, building heights).
31. **April 23, 2004:** Revised Notice of Availability for Preparation (NOP) of the BAREC EIR (mailed April 27, 2004...because of late mailing there were probably few responses).
32. **July 2004:** There is a City Council meeting that is supposed to present the BAREC plans to the community. SummerHill Home's plans are on the wall when the audience enters the Council Chambers. Minutes before the meeting starts (and it starts 30 minutes late) the plans for the Senior Housing are hung on the walls. The City Council decides not to show or discuss the detail of the plans during the meeting. This is the only time the public actually sees that there are BAREC housing plans.
33. **July 2004:** SB 1102 is passed. This legislature states that all State land must be sold at fair market value for the next one year. Therefore, the deal with the City of Santa Clara and SummerHill Homes is suspended for one year. However, the community is told nothing.
34. **August 2004:** State passes a new law that states all State land must be sold at fair market value for one year (until July 1, 2004).
35. **August 23 to 25, 2004:** SummerHill Homes organizes three community meetings for the people living immediately adjacent to BAREC. They present their plans but there are none for the senior housing portion of the property.
36. **September 24, 2004:** VIVA files a Brownfield Application for BAREC with the State but receives a negative response.
37. **October 2004:** The Santa Clara Planning Department has a "Scoping Meeting" regarding the BAREC EIR. The community is given one week to respond and add information for the EIR. At this meeting the planning staff declares that the Preliminary EIR will come out in the spring.
38. **October 2004:** BAREC is discussed on two half-hour Comcast Environmental Concerns television programs. The following people were on the programs: Mayor Mahan, Environmental Attorney Terry Trumbul, Shiloh Ballard from the Silicon Valley Manufacturing (now Leadership) Group, Joe Cernac from the Sierra Club, Kathryn Mathewson and Cameron Colson from the Sierra Club.
39. **November 2004:** Mayor Mahan and San Jose City Councilman Ken Yeager meet to discuss how San Jose can help Santa Clara keep BAREC in open space. Yeager offers Santa Clara San Jose money to keep BAREC in open space but Mahan says and does nothing. Later in the Metro's BAREC article Mahan says she does not remember that Yeager made an offer but Yeager clearly does remember.
40. **February 18, 2005:** Senator Alquist introduces SB472 that states that the City of Santa Clara can purchase six acres of BAREC for below the fair market price.
41. **February 28, 2005:** Save BAREC gives a talk on BAREC's history at the Santa Clara library and gives their BAREC historical files to the library. Evidently the City has no written historical records of BAREC even though Santa Clara is a "Certified Local Government" and as such is required to have a preservation plan in place for its historical buildings and land.
42. **March 2005 to July 2005:** Senator Alquist's SB472 is presented at various Senate committees and each time it is presented it gets less and less votes. It passes the Senate but is not introduced into the Assembly. It is only by chance that Save BAREC discovers the bill. Save BAREC representatives go to Sacramento four times (between April and June) to present their case at hearings and to educate the aids of legislators. Because of Save BAREC efforts the bill has an increasingly difficult time moving through the legislature.
43. **April 26, 2005:** Save BAREC presents its case in detail with many handouts to the City Council
44. **June 23, 2005:** BAREC is on the front page of the San Jose Mercury's "The Guide", the part of the newspaper that covers local news.
45. **June 16 and 23:** BAREC is on the Santa Clara City Council agenda and Save BAREC representatives speak.
46. **June 2005:** The VIVA Foundation (Valley Initiative for Values in Urban Agriculture and Horticulture) sends a letter to DGS with an offer to purchase BAREC at the only agriculturally zoned price mentioned anywhere for BAREC (price discussed by UC Regents). The price is \$10,000 per acre.
47. **July 5, 2005:** Announcement that the State has made a "deal" behind closed doors about a discounted BAREC price with the City of Santa Clara.

48. **July 19, 2005:** DGS sends VIVA a letter stating that VIVA's offer to purchase BAREC is unsolicited and they cannot accept it because they already have chosen a developer for BAREC.
49. **July 2005:** The Guadalupe Coyote Resource Conservation District (GCRCD) sends a letter to DGS stating that they needed and wanted BAREC to fulfill their state mandated mission and wanted to work with a non-profit to purchase BAREC so it would remain as a resource for the community. GCRCD is a state agency and never received notice that BAREC was available. They claimed in their letter that the State did not legally follow the law in deciding who would purchase BAREC. Note that DGS did not inform any State agency about the availability of BAREC which they are required by law to do.
50. **August 11, 2005:** State (DGS) writes back to GCRCD saying that the BAREC developers have already been selected and they cannot accept their offer.
51. **August 2005:** BAREC is the cover article in The Californian, the California History Center's magazine. It is a short story about BAREC history since the 1860s and includes Osborn Hall (home for feebleminded children), Civil War Veterans families living there, and the UC Extension's agricultural research since the 1920s.
52. **September 2005:** DGS sends GCRCD a letter stating that they already have developers for BAREC.
53. **September 16, 2005:** Meeting with County Supervisor Jim Beall to inform him about the BAREC issues. BAREC is in the middle of Beall's district and his district is the only one with no county park. Beall found the meeting very informative and declared it was the best community presentation he had ever had in all his years of public service.
54. **September 21, 2005:** BAREC presentation to the County Board Of Education.
55. **September 29, 2005:** BAREC interview on Comcast Environmental Concerns television program.
56. **October 3, 2005:** City Planning Department has an EIR Scoping Meeting and gives the community a week to send their EIR concerns to them. They say that the final EIR will come out in the Spring.
57. **October 19 and 20, 2005:** Cover articles on BAREC in "The Metro" and "The Rose Garden Resident". The Metro article is the first time anything illegal and unethical is discussed in the media.
58. **November 9, 2005:** BAREC has about a four minute clip on Channel 7 6 pm News.
59. **November 10, 2005:** BAREC is presented to the Santa Clara Unified School Board. Even though BAREC is in the Santa Clara city limits, it is in the Campbell School District.
60. **November 10, 2005:** BAREC presentation to Santa Clara Unified School District Board
61. **November 14 and 16 2005:** Summerhill Homes organizes two community meetings held in the homes of adjacent BAREC residents to show their plans that are exactly the same as they showed at the first community meeting. This time they have Light and Shadow studies to show. This time they have representatives from Charities Housing that will be building the Senior Housing Redevelopment portion of BAREC and Dan Potash who represents the DGS. However, there are no plans for the Senior Housing portion of the project. Note that at both of these community meetings there are more people representing the developers than there are community members. These developers are not asking the community what they want. They are telling them what they are doing. They spend the time before the meeting talking to each other. Note also that no plans have yet been presented at a public meeting to the Santa Clara Planning Commission or to the City Council.
62. **December 2005:** Article on BAREC published in the Preservation Action Council of San Jose (PACSJ).
63. **January 2006:** SB 472 has not yet passed. It no longer is about BAREC. Starting in August 2005 it has been amended twice with two totally different titles and intentions. When it was first completely amended it was called: "Political Reform Act" and with the second total change it was called: "Math and Reading Professional Development Program". Senator Alquist remains the bills author.
64. **April 2006:** Draft "Santa Clara Gardens/BAREC" EIR is released and comments made. Save BAREC hires attorney Mark Wolfe and toxic engineers DTSC to make comments on the EIR.
65. **April 2006:** State Department of Toxic Substance Control Draft RAW (Remedial Action Work plan) is released and comments made by attorney Mark Wolfe and toxic engineers, DTSC.
66. **June 19, 2006:** CBS Channel 5 Investigates program on BAREC toxic soil issues
67. **August 2006:** Recirculated Draft EIR released and comments made; Save BAREC hires preservation attorney Brandt-Hawley Law Group to make comments on the historical portions of the EIR and Mark Wolfe again makes comments.
68. **September 28, 2006:** BAREC developers meeting to inform the community but meeting is not located in the community.

69. **October 2006:** Possible EIR vote by Santa City Planning Commission and City Council. If approved the City Council could vote to change BAREC's zoning at the same meeting.
70. **November 7, 2006:** City Council Election for mayor and two new councilpersons. It is important to note that several of the people who will be running for major political offices in this election are key players in the BAREC debate. John McLemore will be running against current Santa Clara Mayor Patricia Mahan after she lost to San Jose City Councilman, Ken Yeager for County Supervisor Jim Beall's seat in District 4. Yeager's district is adjacent to BAREC and is lacking in at least 18 acres of open space. Mahan doesn't appear to be willing to have discussions with Yeager. Incumbent Councilmember Dominic Caserta will be running against Planning Commissioner Karen Hardy. Brian Lowery is a BAREC supporter and is running for City Council for a different seat.
71. **December 2006:** In the first week the new City Council and Mayor take office.