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Vote to steer fate of BAREC site

OPPONENTS WANT TO PRESERVE LAND; CITY WANTS HOUSES, SENIOR COMPLEX

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Whether a developer may build houses on land near Westfield Valley Fair will be decided Tuesday when Santa Clara city residents head to the polls to vote on Measures A and B.

A "yes" vote on both measures would rezone the 17-acre site from agricultural to residential and amend the city's general plan to allow SummerHill Homes of Palo Alto to build 110 houses, priced from \$700,000 to under \$1 million. It would also permit Charities Housing to develop 165 affordable senior apartments.

The site known as BAREC, for Bay Area Research and Extension Center, has become one of the most hotly contested issues in a city that's had its share of controversy, including the current debate over building a stadium for the San Francisco 49ers. Since 2003, SummerHill Homes has sought to develop the acreage, long prized by regional developers despite being contaminated with toxins left from decades of use as a testing site for pesticides and insecticides.

SummerHill has agreed to pay the state Department of General Services, which owns the land, \$34 million for 11 acres of the parcel. That price would allow the state to sell the remaining six acres to the city for \$10 million for the affordable senior housing project.

SaveBAREC, a group that collected enough signatures to put the issue on the ballot, believes the land should be preserved pending a thorough cleanup of the property.

"Our biggest contention is that once this land is privatized, it can no longer serve as a public use," said Kirk Vartan, a spokesman for SaveBAREC. "If this was private land, we would not be having this conversation, but it's not.

"It's the last piece of vacant land in Santa Clara. It's almost extinct."

SaveBAREC proposes to use the land as open space, a working farm or a park. But SummerHill said the state was clear when it solicited ideas for the property in 2003 that it will sell the land for its highest value, which is not agricultural.

Katia Kamangar, SummerHill's senior vice president, said if Measures A and B fail, "The state will not sell it for its ag value. They will reuse it for another institutional use."

The plan to remove the toxins from the site is another concern for SaveBAREC. Vartan said excavating the dirt will release toxins such as arsenic and dieldrin into the air, endangering neighbors.

"The cleanup is not adequate to remove the toxins from the site," he said. "Stop digging up the dirt and fix it in place, because excavating means the toxins will be airborne."

Kamangar said SummerHill agreed to the estimated \$1 million plan outlined by the state Department of Toxic Substance Control that calls for excavating 8,000 tons of soil.

"Our cleanup will be comprehensive because the

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end result is to offer an unrestricted residential use of the property - that's the highest standard," she said. "There's lots of negatives associated with bio-remediation. You must inject water into the soil and till the land, which also results in airborne toxics."

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