



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Aitken

**SUBJECT:** SEE BELOW

**DATE:** March 20, 2023

Approved

Date

3/30/23

**COUNCIL DISTRICT: #6**

**SUBJECT: EXTENSION OF TEMPORARY CLOSURE OF SPRING STREET,  
ASBURY STREET AND IRENE STREET**

## **RECOMMENDATION**

- (a) Adopt a resolution to extend the temporary closure of the following streets within the Guadalupe Gardens for eighteen months, from April 19, 2023, to October 19, 2024:
  - i. Spring Street between Hedding Street and Asbury Street,
  - ii. Asbury Street between Walnut Street and Irene Street, and
  - iii. Irene Street between Taylor Street and Asbury Street.
- (b) Conduct a public hearing on the proposed temporary closure of Spring Street between Asbury and Taylor Street
- (c) Adopt a resolution for the temporary closure of Spring Street between Asbury Street and Taylor Street, within the Guadalupe Gardens

## **SUMMARY AND OUTCOME**

Approval of this recommendation will extend the authority to temporarily close the existing identified street segments for 18 months. If approved, the new expiration date would be October 19, 2024. Approval of this recommendation will also provide authority for a new temporary closure of Spring Street between Asbury and Taylor Street. During the next 18 months, staff anticipates developing a proposal to permanently vacate certain sections of streets within the Guadalupe Gardens.

## **BACKGROUND**

On October 19<sup>th</sup>, 2021, City Council Adopted Resolution No. 80264 to temporarily close Spring Street between Hedding Street and Asbury Street, and Asbury Street between Walnut Street and Irene Street, and Irene Street between Taylor Street and Asbury Street for a period of eighteen (18) months, which expires on April 19, 2023. Pursuant to California Vehicle Code 21101.4, these streets were approved to be temporarily closed by City Council due to criminal activity and illegal dumping concerns.

During this 18-month period, staff prepared a proposal to permanently vacate Spring Street, Emory Street, University Avenue, Walnut Street, Bruce Avenue, and Irene Street between Asbury Street and Emory Street, which supports the goals of the Guadalupe Gardens Master Plan (Attachment - Exhibit 1). Vacation and formal abandonment of the Spring Street right-of-way from Hedding Street to Asbury Street also supports work being completed by Parks, Recreation and Neighborhood Services through the Columbus Park renovation project. The City accepted the dedication of the street right-of-way for street purposes. Since the City does not intend to use the streets any longer for that purpose, the City will need to vacate the streets through a formal vacation process since park uses are not authorized on street right-of-way.

The street vacation research and title investigation undertaken by staff is largely complete, however staff is requesting the street closure extension to ensure that all stakeholders have sufficient time to review the proposed street vacation memorandum prior to bringing it to Council. Keeping the street closure active will ensure the ability of staff to close sections of roads during this final coordination period. Since the street closure was enacted, the action has reduced criminal activity and illegal dumping, prevented vehicles from illegally parking on Spring Street, on Airport property, and discouraged further encampments, following abatement activity.

In addition to extending the existing closures adopted on October 19<sup>th</sup>, 2021, planning and design work for the Columbus Park renovation project has progressed over the past 18 months and it was determined that a new temporary closure of Spring street between Asbury and Taylor Street was required to support abatement activities.

## **ANALYSIS**

Spring Street, Asbury Street, and Irene Street through the Guadalupe Gardens are two-lane neighborhood collector roadways. The closed portion of Spring Street is approximately one-quarter of a mile long. The closed portion of Asbury Street is approximately one-quarter of a mile long and Irene Street is approximately one-tenth of a mile. The proposed new closure for a portion of Spring Street between Asbury Street and Taylor Street is approximately one-tenth of a mile. There are no privately-owned parcels or residencies/businesses within the proposed closure boundaries. Continuation of the temporary closure option and proposed new closure to October 19, 2024, will prevent re-occurrence of the criminal activity and illegal dumping that led to

unsafe and unsanitary conditions that existed prior to the initial street closure. Additionally, it will ensure successful completion of the vacation work supporting the Guadalupe Gardens Master Plan, construction activities related to the Prototype Park, installation of vehicle deterrents along the trail entrances, and the Columbus Park renovation project discussed further below. This proposed action is designed to allow staff the flexibility to close these sections of roads as needed to support the above objectives.

It is necessary to extend the existing street closures of Spring Street, Asbury Street, and Irene Street and to add a new closure of Spring Street between Asbury Street and Taylor Street to complete the removal of vehicles and dwellers from the Columbus Park area and to prevent re-encampment in and along the surrounding streets. These vehicles and dwellers transitioned to this section of Spring Street at the time of the Guadalupe Gardens abatement, mandated by the Federal Aviation Administration. The proposed street closure extension and new street closure is in alignment with removing hazards near the construction area of the Prototype Dog Park in Guadalupe Gardens and the future reconstructed Columbus Park. The Department of Parks, Recreation and Neighborhoods Services is coordinating with Department of Transportation and Fire Department on updated closure plans. Additional closure will not thwart traffic or access to Community Gardens or City service yard as it is accessible through Coleman and Walnut.

The authority to temporarily close Spring Street, Asbury Street, and Irene Street approved in 2021 allowed for temporary gates to be installed as needed to prevent unauthorized vehicular access to the closed portions of Spring Street. Vehicular access facilitated illegal camping and parking and supported access to the open space north of Columbus Park. The open space was the site of encampments and dumping on the Airport's federally regulated land bounded by Coleman Avenue, Asbury Street, Hedding Street, and the Guadalupe River Park Trail.

The initial closure was reviewed by all vested departments including, but not limited to, Fire, Housing, Parks, Recreation, and Neighborhood Services, Police, Public Works, and Transportation. All departments concurred in the initial closure of locations shown on the attached Exhibit 1. The street section and pavement will continue to remain intact through any closures to maintain emergency vehicle access and park maintenance access for seasonal weed abatement. Two vehicle gates were installed following the street closure, one located at each end of Spring Street, and will remain until such time where the Guadalupe Gardens Master Plan is implemented by the City.

### ***Policy Alternatives***

**Alternative #1:** Council could choose not to approve the temporary extension of the closure of Spring Street, Asbury Street, and Irene Street and the closure would expire as scheduled on April 19, 2023.

**Pros:** None

**Cons:** Spring Street would re-open as public streets on April 19, 2023, the public would have a right to re-enter the streets and increase the potential for habitation to resume on the

property. Staff would lose the ability to proactively close any of these streets in support of construction activities or the prevention of re-encampment.

**Reason for not recommending:** The City could jeopardize future federal grant funding and collection of Passenger Facility Charges, as the land surrounding the street closures was acquired with FAA grant funds on the condition that it would remain uninhabited. The Guadalupe Gardens area again could be encumbered with incompatible use and have noise and safety exposure to the inhabitants.

### **EVALUATION AND FOLLOW-UP**

The street closure extension to October 19, 2024, will be followed by a formal process to permanently vacate several rights-of-way within the Guadalupe Gardens. The request for permanent vacation will be presented in a forthcoming memorandum to City Council prior to the end of the extension period.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, City Manager's Budget Office, Fire Department, Parks and Recreation Neighborhood Services Department, Police Department, Public Works Department, and Transportation Department.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the April 11, 2023, City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Not a project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

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**PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

JOHN AITKEN, A.A.E.

Director of Aviation, Airport Department

For questions, please contact Matthew Kazmierczak, Manager of Strategy and Policy for the Airport, at email or (408) 392-3640.

**ATTACHMENTS**

Exhibit 1

# Exhibit 1

