

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE TO TEMPORARILY CLOSE SPRING STREET
BETWEEN HEDDING STREET AND ASBURY STREET;
ASBURY STREET BETWEEN WALNUT STREET AND
TAYLOR STREET AND IRENE STREET BETWEEN
TAYLOR STREET AND ASBURY STREET**

WHEREAS, the City of San Jose (“City”) owns and operates the Norman Y. Mineta San José International Airport (“Airport”); and

WHEREAS, the Guadalupe Gardens area is located on federally regulated land just south of the Airport in an approach zone, and must be kept clear of inhabitants; and

WHEREAS, in 2002, City Council adopted the Guadalupe Gardens Master Plan (“2002 Master Plan”), which guides street closures and re-use of the Guadalupe Gardens; and

WHEREAS, among other things, the 2002 Master Plan contemplates the (i) closure of part of Spring Street (from Hedding Street to Asbury Street) and Irene Street between Taylor Street and Asbury Street for implementation of the Master Plan; and (ii) conversion of roadway to a recreational path between Hedding and Asbury streets; and

WHEREAS, Spring Street, Asbury Street, and Irene Street in the Guadalupe Gardens area are currently inhabited with illegal camping and are experiencing serious and continuing criminal activity and illegal dumping, all of which is facilitated by vehicular and pedestrian access; and

WHEREAS, under California Vehicle Code Section 21101.4, City Council may temporarily close streets when serious criminal activity or dumping is a concern; and

WHEREAS, pursuant to California Vehicle Code Section 21101.4, the City Council held a public hearing on September 28, 2021, and the following conditions to exist:

- (1) There has been determined to be serious and continual criminal activity and illegal dumping in the area of the proposed temporary closure, and the City's Police Department recommends closure;
- (2) The subject street is not designated as a through highway or arterial street;
- (3) Pedestrian and vehicular traffic contributes to the criminal activity; and
- (4) The proposed closure will not substantially adversely affect traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of closure; and

WHEREAS, in order to address these challenges now, City desires to temporarily close to vehicular and pedestrian access on Spring Street between Hedding Street and Asbury Street; Asbury Street between Walnut Street and Taylor Street; and Irene Street between Taylor Street and Asbury Street, actions that support the goals under the 2002 Master Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The temporary closure to vehicular and pedestrian access of Spring Street between Hedding Street and Asbury Street; Asbury Street between Walnut Street and Taylor Street; and Irene Street between Taylor Street and Asbury Street, in the Guadalupe Gardens is hereby approved for an eighteen (18) month period commencing on September 28, 2021 and ending on March 27, 2023.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk