



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Paul Joseph

SUBJECT: See Below

DATE: February 19, 2025

Approved

Date

2/25/2025

COUNCIL DISTRICT: Citywide

SUBJECT: Amendment to Chapter 10.10 of Title 10 (Pedestrian Facilitation Ordinance) of the San José Municipal Code

RECOMMENDATION

Approve an ordinance amending Chapter 10.10 of Title 10 of the San José Municipal Code to adjust the hours the Pedestrian Facilitation Ordinance is in effect from between the hours of 10:00 a.m. and 12:00 a.m. (midnight) to between the hours of 8:00 a.m. and 12:00 a.m. (midnight).

SUMMARY AND OUTCOME

Approval of this recommendation will amend Chapter 10.10 of Title 10 of the San José Municipal Code - Pedestrian Facilitation Ordinance (Ordinance) to add two hours to the beginning of the time during which the Pedestrian Facilitation Zone is in effect on a daily basis. The revised Ordinance would prohibit a person from sitting or lying down upon a public sidewalk in the pedestrian facilitation zone¹ between the hours of 8:00 a.m. and 12:00 a.m. (midnight). Revising this Ordinance will better align the Ordinance’s enforcement hours to morning commute hours.

¹ Section 10.10.020 of the San José Municipal Code defines the pedestrian facilitation zone as “the area bounded by Route 87, Julian Street, Fourth Street and Interstate 280; and shall further include Santa Clara Street between Fourth Street and Tenth Street. This area shall include all public sidewalks found within the zone, including the sidewalks on both sides of Julian and Fourth Streets at the north and east boundaries of the pedestrian facilitation zone and the sidewalks on both sides of Santa Clara Street between Fourth and Tenth Streets.”

BACKGROUND

It has long been the aim of the City's government to make the downtown area a vibrant, attractive, and safe environment for residents and visitors to shop, dine, and do business. The downtown corridor of San José is home to numerous business offices, restaurants, and retail outlets, most of which open for business during the morning hours and remain open late into the evening.

In 1996, the City enacted the Ordinance with the intent of keeping City sidewalks free from obstructions and making the downtown area a safer place to walk. The Ordinance prohibits sitting or lying down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, in a designated area of downtown, during the hours between 10:00 a.m. and 12:00 a.m. (midnight).

The designated area, which was termed the "pedestrian facilitation zone," is defined in Section 10.10.020 as the area bounded by Route 87, Julian Street, Fourth Street, and Interstate 280 and further includes Santa Clara Street between Fourth Street and Tenth Street. The Ordinance specifies this area "include[s] all public sidewalks found within the zone, including the sidewalks on both sides of Julian and Fourth Streets at the north and east boundaries of the pedestrian facilitation zone and the sidewalks on both sides of Santa Clara Street between Fourth and Tenth Streets."

While the Ordinance's original intent was to make it safer for City residents to walk on downtown sidewalks, many of the people who work in these businesses also reside in the downtown area and enjoy walking to work from their homes. The fact that many, if not most, of these businesses open during the morning hours surrounding 8:00 a.m. makes the ordinance, which does not go into effect until 10:00 a.m., less impactful.

Violation of the Ordinance constitutes a misdemeanor, which means that a violator can be either arrested or issued a criminal citation for the violation. Section 10.10.040 of the Ordinance prohibits officers from making an arrest or issuing a citation unless a person engages in conduct prohibited by the Ordinance after having been previously notified by a police officer at least once within a 30-day period that the conduct violates the Ordinance or the person is within 300 feet of signage stating that sitting or lying upon the public sidewalk is prohibited.

If the person has already been notified of a previous violation in the past 30 days, or the person is within 300 feet of signage, the officer will either issue the person a citation or arrest them and book them into County of Santa Clara Jail, depending, in part, on the person's level of cooperation and willingness to cease the act or acts that are in violation of the Ordinance.

The Ordinance does not apply to permitted vendors, sidewalk cafes, people experiencing medical emergencies, people using wheelchairs, walkers, or similar devices, or under other special circumstances.

ANALYSIS

City staff propose to amend San José Municipal Code Section 10.10.010 and 10.10.040 to start the time of day in which the Ordinance is in effect two hours earlier, with the following language (the new language is italicized and underlined) below.

Section 10.10.010: No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, in the pedestrian facilitation zone, during the hours between 8:00 a.m. and 12:00 a.m. (midnight).

Section 10.10.040: No person shall be cited or arrested under this chapter unless the person engages in conduct prohibited by this chapter:

- A. After having been once previously notified by a police officer within a thirty day period that the conduct violates this chapter; or
- B. Within three hundred feet of a sign which states that sitting or lying upon the public sidewalk is prohibited during the hours between 8:00 a.m. and 12:00 a.m. (midnight).

Starting the time during which the Ordinance is in effect two hours earlier gives the City the ability to enforce this law during hours of heavy morning foot traffic which will increase the safety of City residents and downtown patrons.

EVALUATION AND FOLLOW-UP

No evaluation or follow-up is needed for this ordinance amendment.

COST SUMMARY/IMPLICATIONS

This Ordinance has no cost implications for the City. The City Attorney's Office may see an increase in cases requiring prosecution, but the increase will be small relative to current caseloads. The City Attorney's Office anticipates being able to absorb any increase in caseload with its current staffing. The recommended change is not anticipated to have a significant budgetary impact.

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COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office, and City Manager's Office of Administration, Policy and Intergovernmental Relations.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for March 11, 2025 City Council meeting.

The Police Department's Media Relations Unit will remind the public of the original Ordinance and communicate the new hours and the penalties for violating the Ordinance through press releases and social media posts.

COMMISSION RECOMMENDATION AND INPUT

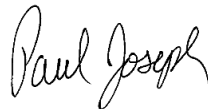
No commission recommendation or input is associated with this action.

CEQA

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

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.



Paul Joseph
Chief of Police

For questions, please contact Lieutenant Paul Hamblin #3600, San José Police Department Research and Development Unit, at (408) 277-5200.