

## Public Comment ROGC 6/5 Item C.1. "Code Enforcement Process and Blight Abatement of Properties"

Jordan Moldow [REDACTED]

Mon 6/3/2024 11:03 PM

To: City Clerk <city.clerk@sanjoseca.gov>; Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>; Agendadesk <Agendadesk@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>

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I support this [Memorandum from Mayor, Torres, Foley, and Jimenez](#) to hold a *Code Enforcement Process and Blight Abatement of Properties* Study Session.

I ask that DOT be included in the study session, to speak about what they are empowered to do (or what Council could empower them to do) when a derelict building on private property is endangering safety along public transportation rights-of-way such as sidewalks, bike lanes, and transit stops.

This is particularly important to understand for the area adjacent to the burned Lawrence Hotel, on the north side of E San Fernando St between S 3rd St and S 2nd St. The sidewalk next to the facade has been fenced off for years, forcing pedestrians to walk into the bike lane. Walking in the bike lane is incredibly common in this location. You can see it in at least two different streetview captures, [one in Google Streetview <https://maps.app.goo.gl/oPdKqw2k5B5YFJEu8>](https://maps.app.goo.gl/oPdKqw2k5B5YFJEu8) and [one in Mapillary <https://www.mapillary.com/embed?image\\_key=3318329248496506&style=split>](https://www.mapillary.com/embed?image_key=3318329248496506&style=split).

It is reasonable for pedestrians to do this (I have done it myself during a D6 Longevity Walk last year), but it does put them in harm's way if a cyclist does not yield to them. It also puts cyclists in harm's way if they swerve out of the bike lane and into car traffic.

Council should use this study session to ask DOT what they are empowered to do (or what Council could empower them to do) to enhance safety and accessibility in this specific situation, or others like it. For example:

- Is there any kind of safety scaffolding that could be deployed on this section of the sidewalk that could protect pedestrians from falling debris and allow the sidewalk to reopen? Or is there not scaffolding that is strong enough to protect against the kinds of unexpected collapses that we expect of that facade?
- Can DOT remove the four parking spaces that are adjacent to the closed sidewalk, and use temporary materials (eg. cones) to shift the bike lane away from the curb, allowing pedestrians to have exclusive access to the area of the street next to the curb? And can DOT add temporary curb ramps (like those in San Pedro Square) at both ends of the closed sidewalk, to allow ADA access in and out of the impromptu walking path?

DOT and Code Enforcement should also be asked whether they have any enhanced enforcement powers in cases where the public transportation right-of-way is impeded or endangered by a derelict

building.

Perhaps the City Attorney's office can also weigh in, about whether the city has authority to perform emergency work on the edge of the private property, with or without the permission of the property owner, if the property owner is refusing to do such work themselves in a timely manner. And if the city can do that, can it also sue the private property owner to recover the expenses of that work?

Thanks,  
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