



Memorandum

TO: Honorable Mayor
and City Council

FROM: Councilmember Campos

**SUBJECT: Parking Vehicles For-Sale on
Public Right of Way**

DATE: June 13, 2006

Approved

Mauro Campos

Date

6/13/2006

RECOMMENDATION:

Direct the Department of Transportation to determine, where it is appropriate, to install "Time Limited" or "No Parking" zones in areas of San José which have five vehicles or more on a City block displaying "For Sale" signage.

BACKGROUND:

The City Attorney has advised the City Council and Staff that prohibition on parked cars, which is based exclusively on the display of a "for sale" sign (San José Municipal Code Section 11.36.100), has been ruled unconstitutional. As a consequence there is a growing number of "de facto used car lots" in our neighborhoods that are contributing to traffic accidents, increased congestion and visual blight.

My office has worked with the Departments of Transportation and Code Enforcement to develop and use alternative methods to achieve the goal of the ordinance. These methods included the creation of time-limited zones or no-parking zones in some problem areas of East San José.

The blight, congestion, and driver distractions caused by de facto used car lots are degrading quality of life and affecting safety for our residents. Staff has identified 10 areas in the City which had five vehicles or more on a City block displaying "For Sale" signage. Installation of "Time Limited" or "No Parking" zones in areas heavily impacted by vehicles with "For Sale" signage is a legal and enforceable alternative that will protect our neighborhoods and accomplish the intentions of the current ordinance. The City Attorney has identified other California cities which have used this method to regulate this growing problem.