



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

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PRESS RELEASE

November 3, 2021

City of Pacifica To Consider Approval of Settlement Agreement in Class Action Lawsuit Opposing Oversize Vehicle Ordinance

FOR IMMEDIATE RELEASE (Pacifica, CA) November 3, 2021 — At the November 8, 2021 City Council Meeting, the City of Pacifica will consider approval of a settlement agreement to resolve a class action lawsuit filed brought by the American Civil Liberties Union Foundation of Northern California, the Legal Aid Society of San Mateo County and Disability Rights Advocates. The lawsuit seeks to declare the City's Oversized Vehicle Ordinance ("OSV Ordinance") unconstitutional and asks the Court to order the City to stop enforcing the OSV Ordinance and to stop the City from issuing citations under the OSV Ordinance. If the proposed settlement agreement is approved by the City Council, the Plaintiffs will dismiss the lawsuit and the City will resume enforcement of the OSV Ordinance.

The OSV Ordinance prohibits oversized vehicle parking on approximately 95% of streets in Pacifica due to safety issues. Prior to its adoption, the City had few parking restrictions for oversized vehicles. Due to the enactment of the OSV Ordinance, the number of unsafely parked oversized vehicles in Pacifica declined significantly.

The proposed settlement agreement is in the best interest of the Pacifica community because it will : (1) continue to keep streets safe; (2) save the City hundreds of thousands of dollars in legal expenses; (3) allow the City the full breadth of enforcement options in the OSV Ordinance, up to and including towing; (4) enhance the environmental health and safety of the community by providing trash and dumping services to oversized vehicles; and (5) provide assistance to Pacificans who are unhoused and seeking permanent housing. The proposed settlement includes the following terms:

- Dismissal of the lawsuit;
- The City's OSV Ordinance will remain in full force and effect;
- The City will refund certain fines paid resulting from citations received under the OSV Ordinance up to the date the settlement agreement is signed, which we estimate to be approximately \$5,000;
- The City will develop and staff will recommend that Council approve a Safe Parking Permit Program to be implemented by the Pacifica Resource Center which would allow oversized

vehicles that meet certain safety standards that have operable restroom facilities, and where owners agree to a strict code of conduct, to park in 13 designated spots in the public right-of-way for up to 29 days at a time while owners are seeking PRC services towards permanent housing.

- The City will establish a twice monthly mobile dumping station accessible to OSV owners of oversized vehicles who receive a voucher from PRC.
- The City will establish a trash program that will be accessible to oversized vehicle owners who receive a voucher from PRC.

If the proposed settlement is rejected, the City's efforts to address unsafe parking of oversized vehicles will be put in jeopardy and the City will continue to incur significant costs to defend the OSV Ordinance. To date, the City has expended several hundred thousand dollars to defend the OSV Ordinance, and risks spending up to one million dollars if the case continues without settlement.

If the proposed settlement is approved, it will preserve the OSV Ordinance and allow the City to enforce its provisions, including citation or towing of oversized vehicles not participating in the Safe Parking Permit Program that park on City streets for longer than 72 hours. By providing trash and dumping services to oversized vehicles, it will enhance the environmental health and safety of the community. Finally, implementation of a Safe Parking Permit Program will assist in transitioning unhoused Pacificans participating in the program to permanent housing.

The Agenda for the November 8, 2021 meeting can be found here: https://pacificacityca.iqm2.com//Citizens/detail_meeting.aspx?ID=1399

For more information, contact: Kevin Woodhouse, City Manager, cmoffice@pacificacityca.gov or 650-738-7409.