



Clarifying Misinformation about the City's Oversized Vehicle Ordinance

There has been a significant amount of misinformation regarding the City's Oversized Vehicle Ordinance ("OSV Ordinance") published on social media. Here are the facts.

1. To address safety concerns resulting from oversized vehicles parking on Pacifica Streets, on January 27, 2020 the City Council enacted an OSV Ordinance which prohibits oversized vehicle parking on approximately 95% of streets in the City. The prohibited streets were selected based on specific traffic safety criteria and were included on a list attached to the OSV Ordinance ("Prohibited Street List"). Oversized vehicles that comply with the 72-hour parking restriction in Pac. Mun. Code § 5-2.03 are able to park on streets not on the Prohibited Street List. **This was also the case prior to enactment of the OSV Ordinance.**
2. The City discussed restricting OSV parking at multiple meetings before adoption of the OSV Ordinance and the City held two public meetings specifically devoted to consideration of the OSV Ordinance. In total, hundreds of residents attended those meetings.
3. Prior to the adoption of the OSV Ordinance, Pacifica had **limited parking restrictions related to oversized vehicles**. As a result of the City Council's actions the number of oversized vehicles unsafely parking on Pacifica streets declined significantly.
4. On March 15, 2021 the ACLU, San Mateo County Legal Aid, and the Disability Rights Foundation ("Plaintiffs") brought a lawsuit against the City to overturn the OSV Ordinance. As part of their lawsuit, Plaintiffs also sought an immediate injunction to block the City from enforcing the OSV Ordinance. **Had this effort succeeded, it would have reversed all the progress the City has made in reducing the number of OSVs unsafely parking on Pacifica streets.**
5. Under controlling case law, cities cannot enact ordinances that criminalize homelessness unless they have sufficient shelter beds to accommodate the unhoused population. Pacifica does not have any shelter beds, therefore any attempt to ban oversized vehicle parking or to criminalize homelessness has been challenged as an ordinance that criminalizes homelessness.
6. On July 14, 2021 the Court issued a limited injunction that preserved Pacifica's ability to enforce the OSV Ordinance but required the City to make available on its website, at City Hall, and at Pacifica libraries a list and map of the **already existing places** where oversized vehicles can safely park.
7. On June 27, 2021 the City Council amended the Ordinance to make it clearer and stronger.
8. The lawsuit is ongoing, and Pacifica continues to aggressively defend its right to regulate unsafe parking of oversized vehicles. **If the City loses this lawsuit, the Court could order the City to permit oversized vehicle parking on all streets in Pacifica regardless of safety.**