



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager

**Prepared by: John Stefanski
Assistant City Manager**

City Manager Approval: _____

TOPIC: PROHIBITION OF CAMPING ON SOUTH MAHON CREEK PATH

SUBJECT: ORDER OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE PROHIBITION OF CAMPING ON THE SOUTHERN PORTION OF THE MAHON CREEK PATH BETWEEN LINCOLN AVENUE AND ANDERSEN DRIVE.

RECOMMENDATION:

Adopt the resolution prohibiting camping on the South Mahon Creek Path pursuant to San Rafael Municipal Code Section 19.50.030(B).

BACKGROUND:

On September 9, 2024, the City Manager of San Rafael issued an Administrative Order (Attachment 1) authorizing the creation of a Sanctioned Camping Area along the North Mahon Creek Path and prohibiting camping in that location to facilitate its creation. When the September 9, 2024, Administrative Order is lifted, the City anticipated that camping along the North Mahon Creek Path will be permitted only as part of the Sanctioned Camping Area.

The Sanctioned Camping Area will cover the section along Mahon Creek Path from Francisco Boulevard West to Lincoln Avenue ("Northern Mahon Creek Path"). Funding for the Sanctioned Camping Area comes from State Encampment Resolution Fund (ERF-3) grant funds awarded to the City of San Rafael and the County of Marin in April 2024. The Sanctioned Camping Area will include up to 50 tent sites for enrolled participants and is anticipated to be operational for 12-18 months.

[Section 19.50.030\(B\)](#) of the San Rafael Municipal Code provides the authority to the City Council and the City Manager to "absolutely prohibit camping, or adopt time, place, or manner conditions on camping, at any time in or on one or more public properties, or portion thereof." With the establishment of the Sanctioned Camping Area, staff recommends the City Council prohibit camping on the South Mahon Creek Path.

ANALYSIS:

The Sanctioned Camping Area intends to provide safe and secure campsites for participants. The City has determined that enacting a camping prohibition on the southern portion of Mahon Creek Path from

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

Lincoln Avenue to Anderson Drive ("South Mahon Creek Path") will aid the City's intent of creating a safe and secure environment. This camping prohibition on South Mahon Creek Path will limit individuals from camping near the Sanctioned Camping Area.

Prohibiting camping around sanctioned camping sites is considered a best practice as it encourages participation in structured and secure camping programs and ensures that limited resources and services are focused on those within the designated area. Similar measures have been implemented in other jurisdictions. For example, the City of Rohnert Park established a "Safe Sleeping Program" and included a city ordinance prohibiting unauthorized camping within 1,000 feet of any facility offering shelter, safe sleeping, or safe parking for homeless individuals. This provision prevents unregulated encampments from forming near regulated ones. Similarly, the City of San Francisco implemented such practices at its Embarcadero Navigation Center, discouraging individuals from camping outside while awaiting program acceptance.

Individuals camping on South Mahon Creek Path and not participating in the Sanctioned Camping Area will be permitted to camp elsewhere in the City, subject to the Camping Ordinance in [Chapter 19.50](#) of the San Rafael Municipal Code.

The proposed resolution (Attachment 1) prohibits camping on the South Mahon Creek Path effective October 10, 2024, at 8:00 AM. The prohibition shall remain in effect until a subsequent administrative order of the City Council or the City Manager rescinds or modifies the prohibition.

COMMUNITY OUTREACH:

The City has held many individual meetings with businesses, residents, and other community groups regarding the City's response to homelessness, including the Sanctioned Camping Area program. On October 3, 2024, the City held a community-wide webinar. An additional webinar for Davidson Middle School guardians and faculty is planned for October 24, 2024. Additionally, the City has developed specific social media messaging, a detailed [storyboard](#) about the City's response to homelessness in San Rafael, and an updated City [website](#) covering [frequently asked questions](#), [encampment regulations](#), and other information on the City's response to homelessness.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of this order. Funding for the Sanctioned Camping Area, including all start-up and clean-up costs, is provided through the Encampment Resolution Fund Round 3 grant award as well as the State appropriation secured by Senator McGuire. The City Council approved budget appropriations and related contract authorizations at their [August 19, 2024](#), meeting.

RECOMMENDED ACTION:

Adopt the resolution prohibiting camping on the South Mahon Creek Path pursuant to San Rafael Municipal Code Section 19.50.030(B).

ATTACHMENTS:

1. Resolution prohibiting camping on the South Mahon Creek Path pursuant to San Rafael Municipal Code Section 19.50.030(B).
2. September 9, 2024, Administrative Order

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AUTHORIZING AND ORDERING THE PROHIBITION OF CAMPING ON SOUTH MAHON CREEK PATH

WHEREAS, Homelessness remains a significant challenge across the United States and San Rafael is no exception; and

WHEREAS, the City Council through their Fiscal Year 2023-24 and 2024-25 Goals and Objectives has made Housing and Homelessness one of their top priorities; and

WHEREAS, the California Interagency Council on Homelessness (Cal ICH) established the Encampment Resolution Funding, Third Round (ERF3) Program to increase collaboration between itself, local jurisdictions, and continuums of care for the purposes of (1) Assisting local jurisdictions in ensuring the wellness and safety of people experiencing homelessness in encampments, including short-term needs arising from their unsheltered homelessness and their long-term needs through a path to safe and stable housing; (2) Providing grants to local jurisdictions and continuums of care to support innovative and replicable efforts to resolve critical encampment concerns, and to support individuals in accessing safe and stable housing, using Housing First approaches; and (3) Encouraging a data-informed, coordinated approach to addressing unsheltered homelessness at encampments; and

WHEREAS, The City and the County of Marin partnered on an ERF3 grant application earlier this year. In April, Cal ICH announced its intent to award the County of Marin and the City a total of \$5,999,241 in funding; and

WHEREAS, the City and County proposed utilizing the funds to address San Rafael's largest encampment, and Marin County's largest urban encampment, known as the Mahon Creek Area encampment, in two phases; and

WHEREAS, on August 19, 2024, the City Council authorized the City Manager to execute and enter into agreements for services for the first phase of the ERF3 grant program, including use of the funds to establish a sanctioned camping area; and

WHEREAS, on September 9, 2024, the City Manager issued an Administrative Order authorizing creation of a sanctioned camping area along the North Mahon Creek Path and prohibiting camping in that location to facilitate the creation of the Sanctioned Camping Area; and

WHEREAS, the intent of the Sanctioned Camping Area is to provide safe and secure campsites for participants. The City has determined that enacting a camping prohibition on the southern portion of Mahon Creek Path from Lincoln Avenue to Anderson Drive ("South Mahon Creek Path") will aid the City's intent of creating a safe and secure environment; and

WHEREAS, this camping prohibition on South Mahon Creek Path will limit individuals from camping near the sanctioned camping area to take advantage of its services or engage in behavior that is counter to the mission of the sanctioned camping area.

NOW, THEREFORE BE IT RESOLVED, pursuant to authority vested in the City Council under Section 19.50.030(B) of the San Rafael Municipal Code to "absolutely prohibit camping, or

adopt time, place, or manner conditions on camping, at any time in or on one or more public properties, or portion thereof,”; and

FURTHER BE IT RESOLVED, the City Council of the City of San Rafael does hereby order, effective on October 10, 2024, at 8:00 AM, camping is prohibited on South Mahon Creek Path. The prohibition shall remain in effect until a subsequent administrative order of the City Council or the City Manager rescinds or modifies the prohibition.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City on the 7th day of October 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk

EXHIBIT A

CITY OF SAN RAFAEL ADMINISTRATIVE ORDER

ADMINISTRATIVE ORDER PROHIBITING CAMPING ON SOUTH MAHON CREEK

This Administrative Order of the City Council of the City of San Rafael prohibits camping on the southern portion of the Mahon Creek Path. This Order is effective as of October 10, 2024 at 8:00 AM (the “Effective Date”). This Order is being issued pursuant to the authority of the City Manager, under San Rafael Municipal Code section 19.50.030(B), to “absolutely prohibit camping, or adopt time, place, or manner conditions on camping, at any time in or on one or more public properties, or portion thereof.”

I. BACKGROUND

On September 9, 2024, the City Manager of San Rafael issued an Administrative Order authorizing creation of a Sanctioned Camping Area along the North Mahon Creek Path and prohibiting camping in that location to facilitate the creation of the Sanctioned Camping Area. The City anticipates that when the September 9, 2024 Administrative Order is lifted, camping along the North Mahon Creek Path will be permitted only as part of the Sanctioned Camping Area.

The Sanctioned Camping Area will cover the section along Mahon Creek Path from Francisco Boulevard West to Lincoln Avenue (“Northern Mahon Creek Path”). Funding for the Sanctioned Camping Area comes from ERF-3 grant funds awarded to the City of San Rafael and the County of Marin in April 2024. The Sanctioned Camping Area will include up to 50 tent sites for enrolled participants, and is anticipated to be operational for 12-18 months.

The intent of the Sanctioned Camping Area is to provide safe and secure campsites for participants. The City has determined that enacting a camping prohibition on the southern portion of Mahon Creek Path from Lincoln Avenue to Anderson Drive (“South Mahon Creek Path”) will aid the City’s intent of creating a safe and secure environment. This camping prohibition on South Mahon Creek Path will limit individuals from camping near the Sanctioned Camping Area to take advantage of its services or engage in disruptive behavior that is counter to the mission of the Sanctioned Camping Area.

Individuals who are camping on South Mahon Creek Path and do not participate in the Sanctioned Camping Area will be permitted to camp elsewhere in the City, subject to the Camping Ordinance in Chapter 19.50 of the San Rafael Municipal Code.

II. ORDER

NOW, THEREFORE, pursuant to authority vested in the City Council under Section 19.50.030(B) of the San Rafael Municipal Code to “absolutely prohibit camping, or adopt time, place, or manner conditions on camping, at any time in or on one or more public properties, or portion thereof,” the City Council of the City of San Rafael hereby orders as follows:

1. Effective October 10, 2024 at 8:00 AM, camping is prohibited on South Mahon Creek Path. The prohibition shall remain in effect until a subsequent

administrative order of the City Council or the City Manager rescinding or modifying the prohibition.

CITY OF SAN RAFAEL ADMINISTRATIVE ORDER

ADMINISTRATIVE ORDER AUTHORIZING CREATION OF SANCTIONED CAMPING AREA AND PROHIBITING CAMPING ON NORTH MAHON CREEK PATH TO FACILITATE CONSTRUCTION OF SANCTIONED CAMPING AREA

This Administrative Order of the City Manager of the City of San Rafael authorizes the creation of Sanctioned Camping Area (outlined below) on the northern portion of the Mahon Creek Path and prohibits camping in this location to facilitate creation of the Sanctioned Camping Area. This Order is effective as of September 17, 2024 at 8:00 AM (the "Effective Date"). This Order is being issued pursuant to the authority of the City Manager, under San Rafael Municipal Code section 19.50.030(B), to "absolutely prohibit camping, or adopt time, place, or manner conditions on camping, at any time in or on one or more public properties, or portion thereof."

I. BACKGROUND

The City and the County of Marin partnered on an ERF-3 grant application earlier in 2024. In April, Cal ICH announced its intent to award the County of Marin and the City a total of \$5,999,241 in funding. The City and County proposed utilizing the funds to address San Rafael's largest encampment, and Marin County's largest urban encampment, known as the Mahon Creek Area encampment. The Mahon Creek Area encampment includes two sections along the Mahon Creek Path, one from Francisco Boulevard West to Lincoln Avenue ("North Mahon Creek Path") and a second from Lincoln Avenue to Anderson Drive ("South Mahon Creek Path").

Utilizing the ERF-3 grant funds, the City intends to establish a Sanctioned Camping Area along the North Mahon Creek Path. The Sanctioned Camping Area will include up to 47 tent sites for enrolled participants. This is a joint effort between the City and the County of Marin which aims to focus resources to support participants on their pathways to housing. Marin County Health and Human Services will contract with a housing case management provider to have three full-time housing case management staff and one full-time outreach worker dedicated to ERF-3 enrolled participants, including individuals in the Sanctioned Camping Area. There will also be a program operator on-site who will, in a trauma-informed manner, provide a variety of operations related services. This includes, but is not limited to, conducting regular participant check-ins and assisting case management staff in maintaining contact with participants.

The Sanctioned Camping Area is intended to provide safe and secure campsites, with gates, fencing, and 24/7 security personnel on-site to assist with resident safety, notify emergency services as needed, and monitor the overall location. Fire extinguishers will be placed in outdoor cabinet locations throughout the Sanctioned Camping Area. Participants will be provided with 10' x 10' tents that will be set up by program staff prior to their entry into the camping area. Up to two small office units will be placed on-site to be used by housing case managers and outreach staff. Shade canopies will be set up to provide meeting spaces for residents, as well as on-site staff. Four standard restroom

units and two ADA compliant units will be provided for residents. One restroom will be reserved for security and on-site staff use. Garbage dumpsters will be internally placed at the camping area gates, as well as trash bins throughout the site. Garbage pickup service will be provided regularly by Marin Sanitary Service. Additionally, participants will only be able to keep items inside their campsite areas and not add additional items to the exterior of their tents.

The Sanctioned Camping Area will be open to individuals identified as residing in the Mahon Creek Area encampment prior to January 31, 2024 (the submission date of the ERF3 grant application). City staff anticipate the Sanctioned Camping Area will operate for 12-18 months.

Participation in the Sanctioned Camping Area is voluntary, and individuals will be prioritized based on the following criteria (in rank order):

1. Plaintiffs in *Boyd v. City of San Rafael*
2. VI-SPDAT Score
3. Length of time residing in the MCA encampment
4. Previous participation in the City's Service Support Area

The City's goal is to have the Sanctioned Camping Area in operation by early October 2024. This is contingent upon the issuance of required permits by utility companies. The City is working collaboratively with those agencies to expedite the process.

In order to prepare North Mahon Creek Path for these improvements, the City needs to clear the area of all existing campsites, debris, and other obstructions. This Administrative Order prohibits camping on North Mahon Creek Path so that the City can make the necessary improvements. The City anticipates that when this Administrative Order is lifted, camping will be permitted on North Mahon Creek Path only as part of the Sanctioned Camping Area.

II. ORDER

NOW, THEREFORE, pursuant to authority vested in the City Manager under Section 19.50.030(B) of the San Rafael Municipal Code, the City Manager of the City of San Rafael hereby orders as follows:

1. A Sanctioned Camping Area shall be authorized on North Mahon Creek Path to be operating generally as described above. This Order is not intended to confer on any individual a right to reside in the Sanctioned Camping Area, or a right to require the City to provide any particular amenities or services at the Sanctioned Camping Area.

2. Effective September 17, 2024 at 8:00 AM, camping is prohibited on North Mahon Creek Path. The prohibition shall remain in effect until a

subsequent administrative order of the City Manager rescinding or modifying the prohibition.

IN WITNESS WHEREOF, the City Manager of the City of San Rafael has executed this Order as of the day, month and year below written.

CITY OF SAN RAFAEL:

DATE:

Cristine Alilovich

Cristine Alilovich (Sep 8, 2024 20:31 PDT)

September 9, 2024

CRISTINE ALILOVICH, City Manager

**ATTEST:
City Clerk**

Lindsay Lara

LINDSAY LARA, City Clerk









2024 09 06 DRAFT Administrative Order Regarding Mahon Creek Path (FINAL)

Final Audit Report

2024-09-09

Created:	2024-09-09
By:	John Stefanski (john.stefanski@cityofsanrafael.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAASUEhozxVlbX5X-KBPicRulpjoUDFYYYJ

"2024 09 06 DRAFT Administrative Order Regarding Mahon Creek Path (FINAL)" History

-  Document created by John Stefanski (john.stefanski@cityofsanrafael.org)
2024-09-09 - 1:52:04 AM GMT
-  Document emailed to Cristine Alilovich (cristinea@cityofsanrafael.org) for signature
2024-09-09 - 1:52:08 AM GMT
-  Document emailed to Lindsay Lara (lindsayl@cityofsanrafael.org) for signature
2024-09-09 - 1:52:08 AM GMT
-  Email viewed by Cristine Alilovich (cristinea@cityofsanrafael.org)
2024-09-09 - 3:31:36 AM GMT
-  Document e-signed by Cristine Alilovich (cristinea@cityofsanrafael.org)
Signature Date: 2024-09-09 - 3:31:54 AM GMT - Time Source: server
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2024-09-09 - 4:04:41 PM GMT
-  Document e-signed by Lindsay Lara (lindsayl@cityofsanrafael.org)
Signature Date: 2024-09-09 - 4:04:55 PM GMT - Time Source: server
-  Agreement completed.
2024-09-09 - 4:04:55 PM GMT