

CITY OF SAN RAFAEL ADMINISTRATIVE ORDER

**ADMINISTRATIVE ORDER OF THE CITY MANAGER
PROHIBITING CAMPING ON CERTAIN PUBLIC PROPERTY:
FALKIRK CULTURAL CENTER AND MENZIES PARKING LOT, NON-OPEN SPACE
(REVISED: EFFECTIVE JULY 27, 2023 THROUGH SEPTEMBER 30, 2023)**


On July 27, 2023, the City Manager of the City of San Rafael (“City”) issued an Administrative Order (“Administrative Order”) temporarily prohibiting camping in or on non-Open Space portions of the Falkirk Cultural Center and Menzies Parking Lot, in the City of San Rafael. A true and correct copy of the Administrative Order is attached hereto as **Exhibit A**. The effective date of the Administrative Order was from July 27, 2023 through August 31, 2023, unless otherwise extended.

Pursuant to authority vested in the City Manager under Sections 19.20.070(A), 19.20.080(C), and 19.20.090 of the San Rafael Municipal Code, I hereby continue the effective date of the Administrative Order through September 30, 2023. Since the Administrative Order was issued, all but one person camping at the Menzies Parking Lot have relocated from the area.¹ The relocation of individuals from the encampment at the Menzies Parking Lot has significantly reduced public safety risks in the area. Continuing the Administrative Order is necessary to ensure that this status quo continues, and that safety risks in the area remain low. The Administrative Order may be further extended by the City Council by resolution or the City Manager by subsequent administrative order.

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 (Aug 31, 2023 11:20 PDT)
CRISTINE ALILOVICH, City Manager

Aug 31, 2023

**ATTEST:
City Clerk**


Brenna Nurmi (for) (Aug 31, 2023 11:30 PDT)
LINDSAY LARA, City Clerk

¹ One individual remains at the location pursuant to a Temporary Restraining Order issued in the case of *Mark Rivera v. City of San Rafael, et al.*, N.D. Cal., Case No. 4:23-cv-03804-YGR.

CITY OF SAN RAFAEL ADMINISTRATIVE ORDER

ADMINISTRATIVE ORDER OF THE CITY MANAGER PROHIBITING CAMPING ON CERTAIN PUBLIC PROPERTY: FALKIRK CULTURAL CENTER AND MENZIES PARKING LOT, NON-OPEN SPACE (EFFECTIVE JULY 27, 2023 THROUGH AUGUST 31, 2023)

This Administrative Order of the City Manager of the City of San Rafael prohibits camping in or on non-Open Space portions of the Falkirk Cultural Center and Menzies Parking Lot, in the City of San Rafael. This Order is effective from the date of this Order through August 31, 2023, unless otherwise extended. This Order is being issued pursuant to the authority of the City Manager, under San Rafael Municipal Code section 19.20.080(C), to “absolutely prohibit camping at any time in one (1) or more specific parks where such prohibition is determined to be a threat to the public, health, safety, or welfare.”

I. BACKGROUND

The Falkirk Cultural Center, located at 1408 Mission Avenue, San Rafael, is a recreational and special use park in the City of San Rafael, identified in the [Citywide Parks and Recreation Master Plan](#). The Falkirk Cultural Center consists of approximately 7.5 acres of Open Space and 3.6 acres of non-Open Space (Special Use Park), and is served by the 0.77-acre Menzies Parking Lot, located at 1428 Mission Avenue, shown in **Exhibit A**, attached hereto and incorporated herein.

Since the Spring of 2023, many individuals have established and occupied new campsites at the Menzies Parking Lot of the Falkirk Cultural Center. City staff estimate that there are presently eight (8) individuals camping, including in tent structures and vehicles. The Menzies Parking Lot is directly adjacent to and abutting single-family, residential properties on Bryn Mawr Drive.

As the number of campsites have increased and concentrated at the Menzies Parking Lot, the San Rafael Police Department has responded to an increase in volume of calls for service related to the campsites, including calls and incidents involving public alcohol consumption and intoxication; drug possession and use; vandalism; theft from vehicles; disruptive behavior of the campsite occupants; and sanitation, human waste, biohazards, and litter and refuse. Since March 27, 2023, the San Rafael Police Department has responded to 107 incidents, including 74 calls for service, at the Menzies Parking Lot related to the campsites or camping activities, and made six (6) arrests for violations of non-camping criminal laws.

The calls for service and criminal activity at the Menzies Parking Lot recently culminated in a reported shooting with a firearm that occurred during an attempted burglary of a campsite in the early morning hours of July 22, 2023. Residents in the area

reported the shooting and expressed concern for the safety of themselves, their children, and their families. This incident is currently under investigation by the San Rafael Police Department.

This Administrative Order adopts a temporary prohibition on camping in or on the non-Open Space portions of the Falkirk Cultural Center and Menzies Parking Lot, from July 27, 2023 through August 31, 2023. This Order is necessary to mitigate a substantial risk or risks to the public health, safety and welfare of the City's residents, businesses, visitors and/or property, and such prohibition is permissible under applicable law, including San Rafael Municipal Code section 19.20.080(C).

Note: On July 17, 2023, the City Council adopted Ordinance No. 2023 to further regulate camping on public property within the jurisdiction of the City of San Rafael. Ordinance No. 2023 will add reasonable time, place, and manner conditions on camping by persons who have no alternative shelter available. Among the new conditions, camping areas will be limited in size to 10 ft. by 10 ft. for one person and 10 ft. by 20 ft. for two or more persons; and, no camping area may be established within 200 ft. of another camping area. Ordinance No. 2023 will become effective on August 16, 2023. Further, Ordinance No. 2023 will carry over current provisions of the existing camping ordinance, including that the City Council or City Manager may, by resolution or administrative order, absolutely prohibit camping, or adopt time, place, or manner conditions on camping, at any time in or on one (1) or more public properties, or portion thereof, where such camping is determined to be a threat to the public health, safety, or welfare.

II. RECITALS

WHEREAS, the Falkirk Cultural Center, located at 1408 Mission Avenue, San Rafael, is a recreational and special use park in the City of San Rafael, identified in the [Citywide Parks and Recreation Master Plan](#). The Falkirk Cultural Center consists of approximately 7.5 acres of Open Space and 3.6 acres of non-Open Space (Special Use Park), and is served by the 0.77-acre Menzies Parking Lot, at 1428 Mission Avenue, shown in **Exhibit A**, attached hereto and incorporated herein; and

WHEREAS, camping is absolutely prohibited in or on the Open Space portions of the Falkirk Cultural Center, pursuant to Section 19.10.060(4) of the San Rafael Municipal Code; and

WHEREAS, the City of San Rafael's camping ordinance, at Section 19.20.080(C) of the San Rafael Municipal Code, also prohibits camping, or using or storing camp facilities or camp paraphernalia, in any park in the City; and

WHEREAS, Section 19.20.080(C) further provides that, "[n]othing in this section shall be deemed to prohibit camping on all public property, including parks, when there is no alternative shelter available to the person camping; provided that the city manager

may nevertheless absolutely prohibit camping at any time in one (1) or more specific parks where such prohibition is determined to be a threat to the public, health, safety, or welfare”; and

WHEREAS, it is estimated that there are presently approximately eight (8) individuals camping, in or on the Menzies Parking Lot of the Falkirk Cultural Center, including in tent structures and vehicles; and

WHEREAS, the Menzies Parking Lot, where the campsites are concentrated, is directly adjacent to and abutting single-family, residential properties on Bryn Mawr Drive; and

WHEREAS, camping at the Falkirk Cultural Center and Menzies Parking Lot is a threat to public health, safety, and welfare in the City of San Rafael, and particularly to the adjacent residents on Bryn Mawr Drive; and

WHEREAS, since the Spring of 2023, the San Rafael Police Department has responded to an increase in volume of calls for service related to campsites at the Menzies Parking Lot, including public alcohol consumption and intoxication; drug possession and use; vandalism; theft from vehicles; disruptive behavior of the encampment occupants; and sanitation, human waste, biohazards, and litter and refuse; and

WHEREAS, since March 27, 2023, the San Rafael Police Department has responded to 107 incidents, including 74 calls for service, at the Menzies Parking Lot related to the campsites or camping activities, and made six (6) arrests for violations of non-camping criminal laws; and

WHEREAS, on July 22, 2023, at approximately 4:30 a.m., the San Rafael Police Department responded to a report of a shooting with a firearm which occurred during an attempted burglary of a campsite at the Menzies Parking Lot. This incident is currently under investigation by the San Rafael Police Department; and

WHEREAS, a temporary prohibition on camping in or on the non-Open Space portions of the Falkirk Cultural Center and Menzies Parking Lot, from the date of this Order through August 31, 2023, is necessary to mitigate a substantial risk or risks to the public health, safety and welfare of the City’s residents, businesses, visitors and/or property, and such prohibition is permissible under applicable law, including San Rafael Municipal Code section 19.20.080(C); and

WHEREAS, on July 17, 2023, the City Council adopted Ordinance No. 2023 to regulate camping on public property within the jurisdiction of the City. Ordinance No. 2023 will add reasonable time, place, and manner conditions on camping by persons who have no alternative shelter available. Among the new conditions, camping areas will be limited in size to 10 ft. by 10 ft. for one person and 10 ft. by 20 ft. for two or more persons; and, no camping area may be established within 200 ft. of another camping area; and

WHEREAS, Ordinance No. 2023, regulating camping on all public property in the jurisdiction of the City, including the Falkirk Cultural Center and Menzies Parking Lot, will become effective on August 16, 2023. And further, Ordinance No. 2023 was adopted with the intention that it will continue to provide the City Council or City Manager the authority to absolutely prohibit camping, or adopt time, place, or manner conditions on camping, at any time in or on one (1) or more public properties, or portion thereof, where such camping is determined to be a threat to the public health, safety, or welfare. Therefore, this Administrative Order will remain effective until it expires by the terms described herein.

III. ORDER

NOW, THEREFORE, pursuant to authority vested under Section 19.20.080(C) of the San Rafael Municipal Code, the City Manager of the City of San Rafael hereby orders as follows:

1. No person shall camp, including in a tent, on the ground, or in a motor home or other vehicle, or use or store camp facilities or camp paraphernalia, as defined in the San Rafael Municipal Code, in or on the non-Open Space portions of the Falkirk Cultural Center and Menzies Parking Lot property, or any portion thereof, located at 1408 and 1428 Mission Avenue, San Rafael, as shown in **Exhibit A**.

2. The forgoing prohibition shall be effective immediately, from July 27, 2023 through August 31, 2023, unless extended by the City Council by resolution or the City Manager by subsequent administrative order.

3. This Order shall have no effect on the absolute prohibition of camping in or on Open Space under Section 19.10.060(4) of the San Rafael Municipal Code.

4. City staff, including the San Rafael Police Department and Department of Public Works, shall have the authority to take all actions deemed appropriate to implement the prohibition established by this Order.

[Continued on next page.]

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:

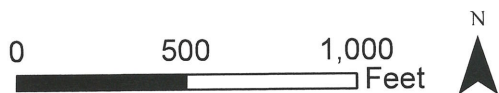
clu
Cristine Alilovich (Jul 27, 2023 19:12 EDT)
CRISTINE ALILOVICH, City Manager

Jul 27, 2023

ATTEST:
City Clerk

Brenna Nurmi (for)
Brenna Nurmi (for) (Jul 27, 2023 16:18 PDT)
LINDSAY LARA, City Clerk

Exhibit A



Falkirk Cultural Center and Menzies Parking Lot,
1408 and 1428 Mission Avenue, San Rafael











Extension Administrative Order Falkirk and Menzies Camping Prohibition (Temporary)

Final Audit Report

2023-08-31

Created:	2023-08-31
By:	Laraine Gittens (laraine.gittens@cityofsanrafael.org)
Status:	Signed
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"Extension Administrative Order Falkirk and Menzies Camping Prohibition (Temporary)" History

-  Document created by Laraine Gittens (laraine.gittens@cityofsanrafael.org)
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-  Document emailed to cristine.alilovich@cityofsanrafael.org for signature
2023-08-31 - 5:29:52 PM GMT
-  Email viewed by cristine.alilovich@cityofsanrafael.org
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-  Signer cristine.alilovich@cityofsanrafael.org entered name at signing as Cristine Alilovich
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-  Document e-signed by Cristine Alilovich (cristine.alilovich@cityofsanrafael.org)
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-  Document emailed to Brenna Nurmi (brenna.nurmi@cityofsanrafael.org) for signature
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-  Signer Brenna Nurmi (brenna.nurmi@cityofsanrafael.org) entered name at signing as Brenna Nurmi (for)
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Signature Date: 2023-08-31 - 6:30:39 PM GMT - Time Source: server- IP address: 199.88.113.8
-  Agreement completed.
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