

CITY OF SAN RAFAEL ADMINISTRATIVE ORDER

ADMINISTRATIVE ORDER OF THE CITY MANAGER PROHIBITING CAMPING ON CERTAIN PUBLIC PROPERTY: LINDARO STREET (EFFECTIVE DATE: DECEMBER 6, 2023)

This Administrative Order of the City Manager of the City of San Rafael prohibits camping along a portion of Lindaro Street in the City of San Rafael. This Order is effective as of December 6, 2023 (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 (1) or more public properties, or portion thereof, where such camping is determined to be a threat to the public health, safety, or welfare.”

I. BACKGROUND

Beginning in the summer of 2023, several individuals established and occupied a homeless encampment on an undeveloped City-owned parcel, located on the east side of Lindaro Street immediately south of Andersen Drive in downtown San Rafael (the “Lindaro Encampment”), in the area shown as “Lindaro Street – Camping Prohibited” in **Exhibit A**, attached hereto and incorporated herein. (Also shown in Exhibit A is an existing prohibition on camping at Albert Park, across Lindaro Street.) City staff estimate that there are presently seven (7) individuals camping in tents or like structures at the Lindaro Encampment.

The Lindaro Encampment sits on the bank of the Mahon Creek reach of San Rafael Creek. The creek is the primary watercourse through downtown San Rafael that collects runoff from the upper watershed of central San Rafael and discharges to San Rafael Bay, a small embayment of San Francisco Bay. The reach of Mahon Creek between B Street and Highway 101 was restored in 2001. The reach is tidally influenced with wetlands bordering the channel downstream of Lindaro Street. The canal enters the bay near Pickleweed Park. Tiscornia Marsh at Pickleweed Park provides a habitat for native species. There are also intact woodland, grassland, and lagoon areas located along the watershed.¹

Most of the campsites are within 20 feet of the water line. There is no fence or other infrastructure separating the creek from the encampment. Since the encampment was established at this location, the City has received ongoing complaints from the public related to dumping and littering at the encampment, excessive trash observed in the waterway, and human waste on the bank of the creek. The City also received an inquiry from the San Francisco Bay Regional Water Quality Control Board (“Water Board”),

¹ See, Marin County Flood Control District, San Rafael Creek land use and habitat, at <https://marinflooddistrict.org/san-rafael-creek-land-use-and-habitat/>.

attached hereto as **Exhibit B** and incorporated herein, regarding actions taken to mitigate impacts to the creek.

Streamsideside homeless encampments pose a significant water quality and public health threat from excessive trash, human waste, and erosion.² The Water Board encourages local agencies to undertake efforts to eliminate and prevent adverse water quality impacts from homeless encampments.³ The City has been providing biweekly trash pickups and cleanups at the encampment, public restrooms are available across the street in Albert Park, and residents of the Mahon Creek Path encampment directly across Andersen Drive have installed serviced porta-potties for their use. However, these actions by the City have been insufficient to protect the creek. The City tries to enforce anti-littering laws, but enforcement is legally limited and entwined with complex and challenging societal issues.

This Administrative Order adopts a prohibition on camping in the area designated as “Lindaro Street – Camping Prohibited” in **Exhibit A**. This Order is necessary to mitigate a substantial risk or risks to the public health, safety, or welfare, and such prohibition is permissible under applicable law, including San Rafael Municipal Code section 19.50.030(B).

II. RECITALS

WHEREAS, beginning in the summer of 2023, several individuals established and occupied a homeless encampment on an undeveloped City-owned parcel, located on the east side of Lindaro Street immediately south of Andersen Drive in downtown San Rafael, shown as “Lindaro Street – Camping Prohibited” in **Exhibit A**; and

WHEREAS, the Lindaro Encampment sits on the bank of the Mahon Creek reach of San Rafael Creek, the primary watercourse through downtown San Rafael that collects runoff from the upper watershed of central San Rafael and discharges to San Rafael Bay, a small embayment of San Francisco Bay; and

WHEREAS, the reach of Mahon Creek between B Street and Highway 101 was restored in 2001 and is tidally influenced with wetlands bordering the channel downstream of Lindaro Street; and

WHEREAS, City staff estimate that there are presently seven (7) individuals camping in tents or like structures at the Lindaro Encampment, within 20 feet of the water line; and

² See, California Water Boards, Central Coast, Water Quality and Homelessness, at https://www.waterboards.ca.gov/centralcoast/water_issues/programs/wqh.html.

³ San Francisco Bay Regional Water Quality Control Board, Resolution No. R2-2015-0024, Actions to Address the Adverse Water Quality Impacts of Homeless Encampments, available at https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2015/May/9_final_to.pdf.

WHEREAS, since the encampment was established, the City has received ongoing complaints from the public related to dumping and littering at the encampment, excessive trash observed in the waterway, and human waste on the bank of the creek; and

WHEREAS, the City also received an inquiry from the Water Board, attached as **Exhibit B**, regarding actions taken to mitigate impacts to the creek; and

WHEREAS, streamside homeless encampments pose a significant water quality and public health threat from excessive trash, human waste, and erosion; and

WHEREAS, the Water Board encourages local agencies to undertake efforts to eliminate and prevent adverse water quality impacts from homeless encampments; and

WHEREAS, Section 19.50.030(B) of the San Rafael Municipal Code provides that, “[t]he 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;” and

WHEREAS, prohibiting camping in the area designated as “Lindaro Street – Camping Prohibited” in **Exhibit A** is necessary to mitigate a substantial risk or risks to the public health, safety, or welfare, and such prohibition is permissible under applicable law, including San Rafael Municipal Code section 19.50.030(B).

III. ORDER


NOW, THEREFORE, pursuant to authority vested 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. 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, in the area designated as “Lindaro Street – Camping Prohibited” in **Exhibit A**, or any portion thereof.
2. The forgoing prohibition shall be effective on the Effective Date of this Order and shall remain in effect until a subsequent order of the City Manager or ordinance of the City Council.
3. Persons currently camping in the area prohibited by this Order shall be given a reasonable amount of time after the Effective Date of this Order to relocate.

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 \(Dec 6, 2023 15:44 PST\)](#)
CRISTINE ALILOVICH, City Manager

Dec 6, 2023

ATTEST:
City Clerk


[Lindsay Lara \(Dec 6, 2023 20:00 PST\)](#)
LINDSAY LARA, City Clerk

Enclosures:

Exhibit A – Map of Lindaro Street – Camping Prohibited

Exhibit B – November 8, 2023, San Francisco Bay Regional Water Quality Control Board, *Illegal Dumping Complaint – vicinity of 649 Lindaro St in San Rafael*

Exhibit A

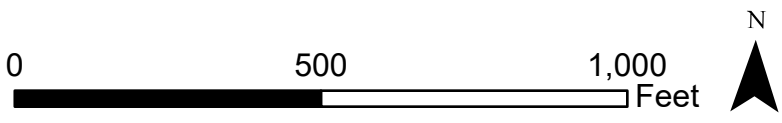
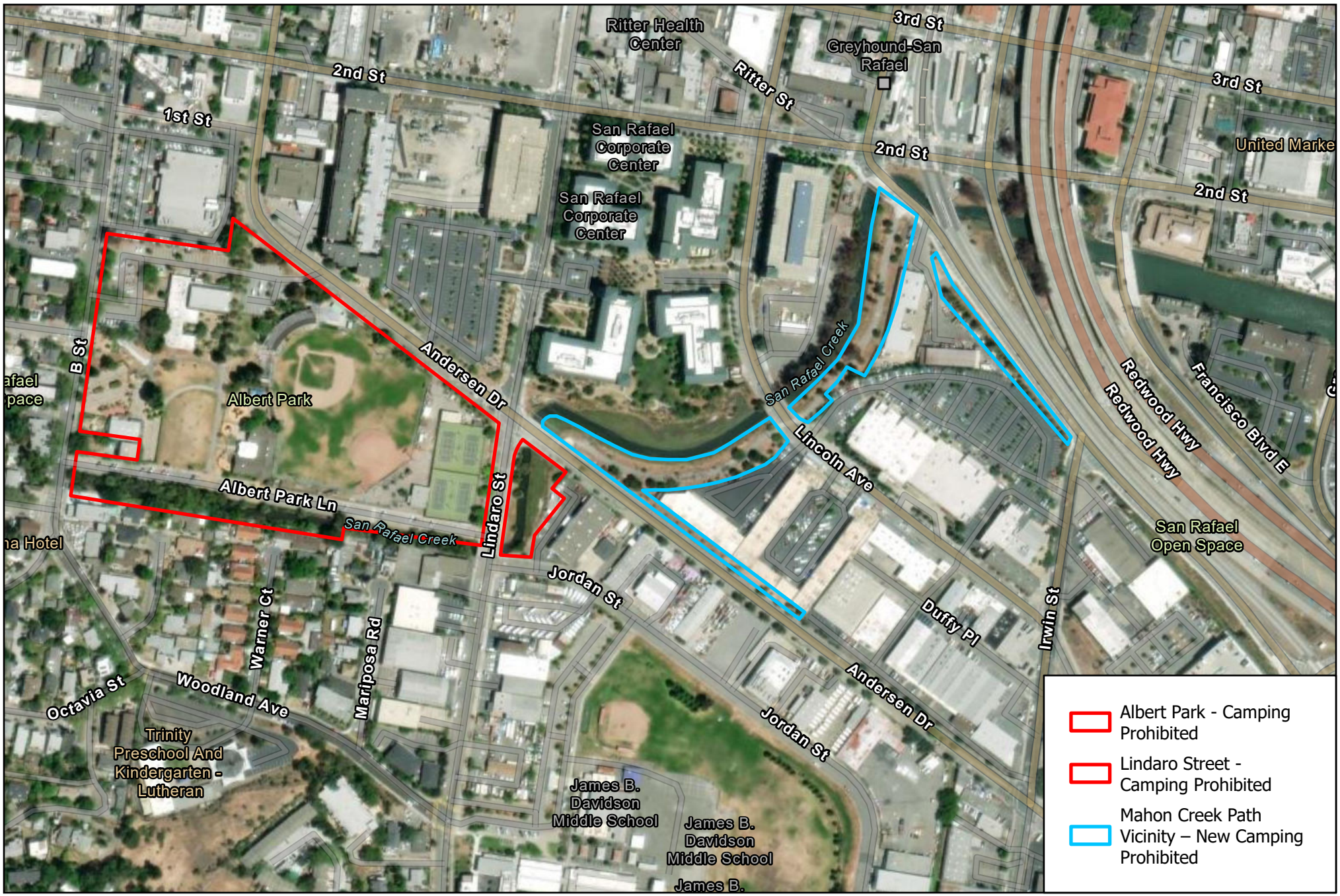


Exhibit B

From: Martinez, Joseph@Waterboards <Joseph.Martinez@Waterboards.ca.gov>
Sent: Wednesday, November 8, 2023 12:07 PM
To: April Miller <april.miller@cityofsanrafael.org>
Subject: Illegal Dumping Complaint - vicinity of 649 Lindaro St in San Rafael

Hello April,

I am forwarding a complaint we received about illegal dumping, and other discharges possibly associated with unhoused individuals on Lindaro St. in San Rafael.

Please follow up with me regarding actions at this location taken to mitigate impacts to the adjacent creek. Such as regular removal of accumulated trash, ensuring individuals residing at this location have access to restroom facilities, and other measures that the city is taking at this location.

Thanks,

Joseph Martinez (he/ him)
Environmental Scientist
Phase II Contact / Watershed Division
SF Bay Regional Water Board
510-622-2304



Complaint Report

COMP-58635

Complaint Information

Complaint Number	COMP-58635		
Status	Open		
Source	Web	Type	Water Quality Complaint
Date Received	10/08/2023 9:01 PM		
Date of Occurrence	10/08/2023 12:00 AM	On-going Occurrence	Yes
Spill	No	Refinery	No
EJ Complaint	No	Tribal Complaint	No

Complaint Categories

Air	No	Pesticides	No
Solid Waste	No	Toxic Substances	No
Water	Yes		

Complainant Information

First Name	████	Last Name	██████████
Street Address		City	██████████
State	██████████	Zip Code	██████
Phone		Mobile	
Email	██	Email Opt Out	No

Do you wish to keep your contact information confidential? Yes

Complaint Location

Address	649 Lindaro St	City	San Rafael
County	Marin County	State	CA
Zip Code	94901		
Latitude	37.96789703	Longitude	-122.52661678

CalEnviroScreen Information

Census Tract Number	6041112100	CalEnviroScreen Percentile Rank	54%
CalEnviroScreen Score	27.7847584882313		

Complaint Description

I've witnessed 5 different people dumping trash and human fecal mater and waste into San Rafael Creek. I contacted the local police about the illegal dumping but they dismissed it. I contact the Mayor but they said the homeless people are too hard to deal with and do not want to disturb them. I am very frustrated that our beautiful San Rafael Creek which flows into the San Francisco Bay and Pacific ocean is being polluted.

Additonal Information

Watershed		Name of Affected Water Source	San Rafael Creek and San Francisco Bay Area
Drinking Water	No	Cannabis/Marijuana	No
Water Quality	Yes	Other Water Related Concern	No
Water Rights	No		

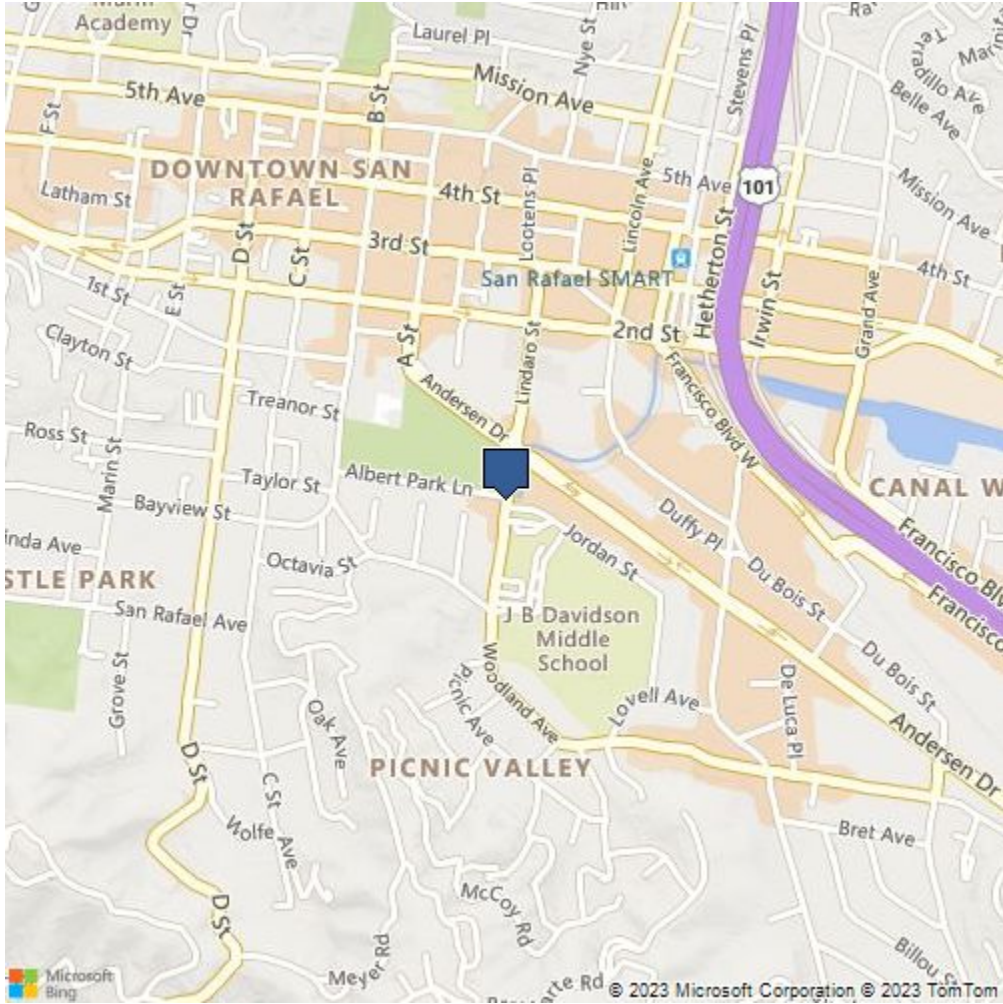
Jurisdictional Partners

Ag Commissioner	Marin County Agricultural Commissioner	Air District	Bay Area AQMD
CUPA	Marin County Department of Public Works	LEA	Marin County Environmental Health Services
Regional Water Board	San Francisco Bay Region		

System Information

Created By Owner	Complaint Site Guest User Agency	Last Modified By	Complaint Site Guest User
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Complaint Location Map



Complaint Assignments

CA-29019

Type	Water		
Group	State of California San Francisco Bay Regional Water Quality Control Board		
Status	New		
Owner	Deirdre Ryan		
Created By	Complaint Site Guest User	Last Modified By	Complaint Site Guest User

Email Message

From CalEPA Complaints <complaints@calepa.ca.gov>
Sent Sun, October 8, 2023 9:01 PM
To [REDACTED]
Subject Thank you for submitting an environmental complaint

DO NOT REPLY TO THIS MESSAGE. Thank you for submitting your environmental complaint to CalEPA. If this is an emergency, please dial 911 immediately. For hazardous material spill notification, call the State Warning Center at 1-800-852-7550. Dear [REDACTED], The California Environmental Protection Agency (CalEPA) received your complaint on 10/8/2023. Your complaint will be referred to the appropriate agency for investigation. Your complaint tracking number is COMP-58635. A summary of the information you provided is provided below. If you need to correct any information or have questions about your complaint, please send your request or questions to complaints@calepa.ca.gov. Thank you for taking the time to notify us of your concern. Description: I've witnessed 5 different people dumping trash and human fecal mater and waste into San Rafael Creek. I contacted the local police about the illegal dumping but they dismissed it. I contact the Mayor but they said the homeless people are too hard to deal with and do not want to disturb them. I am very frustrated that our beautiful San Rafael Creek which flows into the San Francisco Bay and Pacific ocean is being polluted. Date/Time of Occurrence: 10/8/2023 12:00 PM Location Address: 649 Lindaro St San Rafael, 94901 Location Description (if provided): Responsible Party Name: Responsible Party Company Name: Responsible Party Address: , California Your information: Email: Home Phone: Mobile Phone: Your Address: [REDACTED]

Click [REDACTED] to view original message.

Documents



ComplaintOriginalSubmission - COMP-58635
10/08/2023 · 3.09 KB · pdf

Administrative Order Lindaro Camping Prohibition 12.4.23


Final Audit Report

2023-12-07

Created:	2023-12-06
By:	Laraine Gittens (laraine.gittens@cityofsanrafael.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAZvsC0x5ggerCRE9scQaPo2rQJOO9rOXQ

"Administrative Order Lindaro Camping Prohibition 12.4.23" History


-  Document created by Laraine Gittens (laraine.gittens@cityofsanrafael.org)
2023-12-06 - 8:58:35 PM GMT- IP address: 199.88.113.8
-  Document emailed to Genevieve Coyle (genevieve.coyle@cityofsanrafael.org) for approval
2023-12-06 - 8:59:56 PM GMT
-  Email viewed by Genevieve Coyle (genevieve.coyle@cityofsanrafael.org)
2023-12-06 - 9:00:15 PM GMT- IP address: 104.47.65.254
-  Document approved by Genevieve Coyle (genevieve.coyle@cityofsanrafael.org)
Approval Date: 2023-12-06 - 9:26:30 PM GMT - Time Source: server- IP address: 199.88.113.8
-  Document emailed to cristine.alilovich@cityofsanrafael.org for signature
2023-12-06 - 9:26:31 PM GMT
-  Email viewed by cristine.alilovich@cityofsanrafael.org
2023-12-06 - 11:44:21 PM GMT- IP address: 174.249.147.232
-  Signer cristine.alilovich@cityofsanrafael.org entered name at signing as Cristine Alilovich
2023-12-06 - 11:44:47 PM GMT- IP address: 174.249.147.232
-  Document e-signed by Cristine Alilovich (cristine.alilovich@cityofsanrafael.org)
Signature Date: 2023-12-06 - 11:44:49 PM GMT - Time Source: server- IP address: 174.249.147.232
-  Document emailed to Brenna Nurmi (brenna.nurmi@cityofsanrafael.org) for signature
2023-12-06 - 11:44:51 PM GMT
-  Email viewed by Brenna Nurmi (brenna.nurmi@cityofsanrafael.org)
2023-12-06 - 11:45:12 PM GMT- IP address: 40.94.29.135

 Laraine Gittens (laraine.gittens@cityofsanrafael.org) replaced signer Brenna Nurmi (brenna.nurmi@cityofsanrafael.org) with Lindsay Lara (lindsay.lara@cityofsanrafael.org)


2023-12-07 - 1:03:38 AM GMT- IP address: 199.88.113.8

 Document emailed to Lindsay Lara (lindsay.lara@cityofsanrafael.org) for signature

2023-12-07 - 1:03:39 AM GMT

 Email viewed by Lindsay Lara (lindsay.lara@cityofsanrafael.org)

2023-12-07 - 1:04:18 AM GMT- IP address: 40.94.28.192

 Document e-signed by Lindsay Lara (lindsay.lara@cityofsanrafael.org)

Signature Date: 2023-12-07 - 4:00:24 AM GMT - Time Source: server- IP address: 67.169.52.201

 Agreement completed.

2023-12-07 - 4:00:24 AM GMT