



***Via Personal Delivery to a Food Not Bombs Representative at Lot 10;  
and Via Email to [keith@foodnotbombs.net](mailto:keith@foodnotbombs.net)***

Dear Keith,

I write to let you know that, effective immediately, Food Not Bombs (FNB) is hereby ordered to discontinue use of Lot 10 for food distribution activities.

The factors impacting this decision are as follows:

- FNB's activity in this lot lacks a Public Gathering and Expression Event permit as required by the City. *See* SCMC Chapter 10.65. Although the City previously authorized FNB's use of lot 10 for a limited period in January, 2023, that period expired and will not be extended due to the nuisance and health concerns associated with FNB's activity. *See* Cal. Penal Code 372.
- Experience has demonstrated that FNB's activities have caused numerous health and safety concerns and nuisance impacts:
  - Drug use and drug dealing have been witnessed several times by staff and customers
  - Fights, screaming, and public urination frequently occur when FNB operates
  - Additional calls for parking maintenance are required due to overflowing garbage, bio-waste, food-waste, and left-over belongings
  - Pathways to the garage, pay stations, doors to the parking attendant booth, and stairs are constantly blocked by FNB clientele
  - Parking gates have been raised due to staff not being able to safely operate the site, resulting in revenue loss
  - Police calls for service have increased due to the issues noted above
- FNB's presence in Lot 10 has negatively impacted parking and the flow of traffic within the lot. Customers and staff are unable to safely use the parking facility due to FNB's presence. Several corporate accounts have threatened close their accounts and park elsewhere due to the aforementioned nuisance conditions.
- FNB's continuous presence in this lot is simply illegal and not permitted by the City. *See* SCMC 9.64.030, SCMC 9.50.010 and SCMC 10.65.030.

Keith McHenry/FNB  
March 9, 2023  
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The City recognizes the importance of ensuring that our most vulnerable residents have access to nutritious meals, and of FNB's service to the community in that regard. The City remains open to discussing a modified permit that includes a suitable location for operations during inclement weather. Unfortunately, however, recent events have demonstrated that these services are not being or cannot be provided at the Lot 10 location without an unacceptable level of accompanying health and safety impacts and nuisance conditions. Accordingly, the City requires that FNB discontinue their activity in Lot 10, effective immediately. Commencing tomorrow, March 10, 2023, failure to take these actions could result in citation, arrest, and/or the City taking action to remove property unlawfully placed or stored at Lot 10.

Thank you for your attention to this communication, and I'd be happy to answer any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "Bernie Escalante". The signature is written in a cursive, flowing style.

Bernie Escalante  
City of Santa Cruz  
Chief of Police