



CITY ATTORNEY

PO BOX 481, SANTA CRUZ, CA 95061-0481 • 831 420-6200 • Fax: 831 576-2269 • www.cityofsantacruz.com

Thursday, February 17, 2022

Keith McHenry
Food Not Bombs
PO Box 422
Santa Cruz, CA 95010

Sent via US mail and email to keith@foodnotbombs.net

Re: Food Not Bombs' Operations at the Town Clock

Dear Mr. McHenry,

First, I would like to convey that the City appreciates your mission and efforts to feed the hungry in our community. However, significant concerns about health, safety, and the preservation of City assets has prompted me to write to you today.

The City is aware that Food Not Bombs ("FNB") has been holding large, daily (from 11AM- 5PM), organized, advertised events at the Town Clock, which is a City park. During FNB's events, large congregations of people gather, and there are offerings of food, clothing, and haircuts. FNB maintains a daily, major presence at the Town Clock, with pop-up canopies, multiple tables, cones, caution tape, trash bins, and FNB's sign mounted on a City tree. FNB's all-encompassing presence at the Town Clock makes it quite difficult for other park users to (a) use and enjoy the area, and (b) conduct First Amendment activities at the Town Clock.

Our understanding is that FNB is conducting its activities without the appropriate permits. Specifically:

- FNB is required to obtain a Limited Service Charitable Feeding Operation Permit with the County. *See* Health & Safety Code section 114333. (Our understanding is that FNB does not have this permit, but please let me know if that understanding is incorrect.)
- FNB is required to obtain a Public Gathering and Expression Event Permit from the City. *See* SCMC 10.65.030(a), 10.65.050(a), (c), (f), (g), (h).

The City requests that FNB cease its operations at the Town Clock, until it applies for and obtains a Limited Service Charitable Feeding Operation Permit with the County and a Public Gathering and Expression Event Permit from the City. At this juncture, FNB is operating in an illegal, unpermitted fashion. Should this illegal conduct continue, the City reserves all of its rights under the law to take action to assure that FNB either comes into legal compliance or ceases illegal, unpermitted operations.

Additionally, we also wanted to make you aware that the City staff have observed and received public complaints concerning the following:

1. Parking along Knight Street has been severely impacted with FNB participants and organizers illegally parking in metered spaces and failing to pay meters.
2. Pedestrian pathways within the park are obstructed by FNB's operations, which has resulted in FNB event participants wandering in landscaped areas.
3. Trees, shrubs, and vegetation have been trampled or greatly disturbed by FNB organizers and event participants, including FNB illegally nailing or affixing signs on trees and shrubs.
4. Food and material debris have been illegally dumped into the water fountain by FNB participants.
5. Fountain maintenance issues have arisen due to food debris being lodged in pumps.
6. Vandalism has occurred due to FNB event participants chipping away at structure (blue tiles) of the Town Clock.
7. FNB event participants have pulled up irrigation lines.
8. FNB event participants smoke on site.
9. FNB event participants have posted stickers on the park's statute and fountain.
10. FNB event participants and organizers have shown a lack of respect for park hours. FNB requested contracted services from an outside vendor, after park hours, without seeking prior approval from city to conduct work onsite, and FNB event participants have stayed on-site after hours.

In addition to securing proper permitting, the City requests that FNB take reasonable measures to eliminate, or at minimum minimize, the above-described nuisance conditions in the area.

The City invites FNB to apply for a public gathering and expression permit for the events that FNB would like hold at the Town Clock. The permit application can be found here (<https://www.cityofsantacruz.com/government/city-departments/parks-recreation/event-permits/public-gathering-expression>). As a recipient of such a permit in the past, you are likely aware that it can be obtained free of charge.

Thank you for your attention to this letter, and please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cassie Bronson'.

Cassie Bronson
Deputy City Attorney