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Mayor Timothy M. Keller

# CITY OF ALBUQUERQUE

Albuquerque, New Mexico

## Planning Department

### INTER-OFFICE MEMORANDUM

August 30, 2022

**TO:** Isaac Benton, President, City Council

**FROM:** Alan Varela, Planning Director Alan Varela (Aug 30, 2022 15:34 MDT)

**SUBJECT:** AC-22-12, PR-2022-007490, VA-2022-00239:  
Albuquerque Boca Hotel Limited Partnership dba Crown Plaza Albuquerque:  
appeals the Planning Department granting Dawn Legacy Pointe Temporary Use approval for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM.  
AC-22-13, PR-2022-007490-VA-2022-00240 Greater ABQ Hotel & Lodging Assoc.: appeals the Planning Department granting Dawn Legacy Pointe Temporary Use approval for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM.  
AC-22-14, PR-2022-007490-VA-2022-00238 Beth Brownell, Stronghurst Improvement Association:  
appeals the Planning Department granting Dawn Legacy Pointe Temporary Use approval for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM.  
AC-22-17, PR-2022-007490-VA-2022-00243 Menaul School:  
appeals the Planning Department granting Dawn Legacy Pointe Temporary Use approval for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM.

### Overview

On August 4, 2022, the City of Albuquerque's (City) Planning Department received an application submitted by Dawn Legacy Pointe for a Temporary Use Permit for a Safe Outdoor Space (SOS) for the property located at 1250 Menaul NE (Property). The Planning Department approved the temporary use application on August 10, 2022. The application was processed using the Integrated Development Ordinance (IDO) Section 14-16-6-5(D), "Permit – Temporary Use" and the use specific standards for a SOS in IDO Section 14-16-4-3(G)(8). After review of the SOS application, the Zoning Enforcement Officer (ZEO) determined that the proposed SOS met the regulations of the IDO and it was approved for 40 outdoor spaces 50 occupants.

The City Planning Department received the following Four (4) appeals on the Temporary Use Permit for SOS for the Property:

1. Albuquerque Boca Hotel Limited Partnership dba Crown Plaza Albuquerque (CPHA);
2. Greater Albuquerque Hotel and Lodging Association (GAHLA);
3. Beth Brownell; and
4. Menaul School;

All appeals were submitted in a timely manner and prior to the deadline of August 25, 2022.

### **Standing**

Pursuant to IDO Table 6-4-2, standing for appeals Temporary Use Permits are based on proximity to the subject property. Property owners within 100 feet and neighborhood associations that include or are adjacent to the property may appeal a Permit – Temporary Use. The appellants are either greater than 100 feet or their association does not include or is not adjacent to the Property. IDO Subsection 14-16-6-4(V)(2)(a)4 grants standing for “Any other person or organization that can demonstrate that his/her/its property rights or other legal rights have been specially and adversely affected by the decision.” The appellants have not provided any proof that this decision has specially or adversely affected their property or other legal rights.

Appellant Albuquerque Boca Hotel Limited Partnership dba Crown Plaza Albuquerque (CPHA), Appeal AC-22-11 PR-2022-007490, VA-2022-00239, does not have standing because the Appellant’s property at 1901 University Blvd. NE 87102 is located more than 100 feet from the Property.

Appellant Greater ABQ Hotel & Lodging Association, Appeal AC-22-11 PR-2022-007490, VA-2022-00240, provided only a P.O. Box and standing could not be determined.

Appellant Beth Brownell Stronghurst Improvement Association, Appeal AC-22-11 PR-2022-007490, VA-2022-00238, does not have standing because the Appellant’s property at 2921 Arno NE and 3010 Arno NE 87107 are both located more than 100 feet from the Property.

Appellant Menaul School AC-22-17 PR-2022-007490, VA-2022-00243, does not have standing because the Appellant’s property at 301 Menaul NE 87107 is located more than 100 feet from the Property.

### **Appeal and Response**

The appellants cite the following reasons for appeal (in bold text). Staff’s response to the appellants’ arguments follow (in regular text). The appeal reasons are summarized in this section. Appellants’ full arguments are available in the appeal applications.

#### **1. Grounds For Appeal**

Staff Response: The application approval was not “fast tracked” as alleged in the appeal. The temporary use application was submitted on July 30, 2022 and was approved on August 10, 2022, 11 days after the application was received. Many temporary use applications are approved within two (2) days of receiving, with many approved the same day. The appellant alleges the review was behind “closed doors without any public input, without notice to adjacent and surrounding property owners and without any public hearings”. The IDO requires applications for Permits – Temporary Use to notify abutting property owners. IDO

Subsection 14-16-6-5(D)(2)(a)(3) and Table 14-16-6-1-1. The IDO defines “abut” as, “To touch or share a property line.” There are only two (2) lots that abut the Property; one is owned by the City and the other is owned by Sunset Memorial Park. the City was notified and the applicant provided proof of notice to Sunset Memorial Park with the application. Public hearings are not required for an application for a Permit – Temporary Use.

## **2. Normal Application Process Ignored**

Staff Response: The Property is in zoning district NR-LM. This temporary use for a SOS is permissive in the NR-LM zone per IDO Allowable Use Table 14-16-4-2 and does not require a “special use” or “conditional use” approval. In addition, there was not a zone change application on the Property, as alleged in the appeal. The City followed the application process for Permit – Temporary Use pursuant to IDO Subsection 14-16-6-5(D).

## **3. City Failed To Give Notice And Give Opportunity To Be Heard**

Staff Response: The appellant alleges The City failed to notify the Appellants. As previously stated, public notice is not required for an application of a Permit – Temporary Use when, per IDO Table 14-16-6-1-1. City of Albuquerque / Bernalillo County Comprehensive Plan (Comp Plan) is a policy document that is used to guide discretionary zoning decisions and specific zoning regulations in the IDO. The IDO review and decision criteria for a Permit – Temporary Use does not require the applicant to address any policies in the Comp Plan. The City did not error in applying the requirements of the IDO to this application.

## **4. Preferential Treatment Given**

Staff Response: The City was not required or obligated to allow for institutions in the neighborhood to apply for neighborhood use of the property. The City denies giving preferential treatment to the applicant. The IDO amendments allowing SOS temporary permits became effective on July 28, 2022. The City did not accept or review any applications for a SOS before the effective date.

## **5. City Failure To Develop Operating Procedures**

Staff Response: On June 6, 2022, the City Council passed IDO amendments that included SOSs as a temporary use in the NR-LM zone and use specific standards for SOSs in IDO Subsection 14-16-4-3(G)(8). The applicant did provide a “Safe Outdoor Spaces Operating/Security Plan” with their application that was reviewed and approved by Elizabeth Holguin, Deputy Director, Family and Community Services Department, as required. The City Council did provide direction to City Departments with IDO Subsection 14-16-4-3-(G)(8) use specific standards for SOSs.

## **6. Plagiarized Operating Procedures**

Staff Response: SMMTNA alleges the operating procedures submitted by Dawn Legacy Pointe were copied from an unsanctioned encampment from another city. While the operating procedures were from another operator from another city, nothing prevents an applicant from using procedures from another operator or city.



Although IDO Subsection 14-16-4-3-(G)(8)(h)3 states, *“The management plan shall, at a minimum, include the following statement: “No person who is a registered sex offender shall be allowed to stay in a Safe Outdoor Space.”* this section conflicts with State law and is not enforceable. The state preempts the field of sex offender registration and notification. State statutes prohibit the department, cities, counties, home rule municipalities and other political subdivisions of the state from adopting an ordinance, rule, regulation or resolution on sex offender registration, notification, and any other restriction on sex offenders that is not included in the federal Sex Offender Registration and Notification Act (“SORNA”). NMSA 1978 § 29-11A-9 (2005, amended 2013).

## **7. On Site Security Plan Deficient**

Staff Response: IDO Subsection 14-16-4-3(G)(8)(h) states, *“Each safe outdoor space development shall include an operations and management plan or security agreement to ensure the safety of individuals occupying the designated spaces.”* Additionally, *“The plan or agreement shall indicate on-site support on a 24 hours a day, 7 days a week basis.”* Subsection 14-16-4-3-(G)(8)(h)(2). The IDO requires an operation and management plan or security agreement. An operation and management plan was submitted, negating the need for a security agreement. On-site support 24-hours, 7 days a week will be provided by the occupants with on-site peer support.

## **8. City Creating Public Nuisance**

Staff Response: The City denies creating a public nuisance by approving a temporary permit for a SOS. The applicant submitted an operations and management plan to ensure the safety of individuals occupying the SOS. Any concerns regarding the operations of the SOS may be addressed by the applicant.

## **9. Development Processes Ignored**

Staff Response: The City followed all processes as outlined in the IDO. Appellants allege a public hearing was required for the expansion of a nonconforming use or structure. The proposed SOS is neither nonconforming use or structure. The Property is currently vacant. Although the lot abutting the proposed location is zoned MX-M, the site plan submitted with the application indicates that all SOS activity and related activity, including dumpster and parking, will occur on the lot zoned NR-LM.

## **10. Detrimental Impact On Martinez Town Santa Barbara**

Staff Response: The ZEO determined the applicant met the review and decision criteria for a Permit – Temporary Use for a SOS in IDO Subsection 14-16-6-5(D) and Section 14-16-4-3(G)(8).

## **11. Announce Space For Safe Outdoor Space**

Staff Response: This section expresses concerns about possible occupants of the SOS. The

ZEO determined the applicant met the applicable provisions of the IDO.

## **12. Encampment Will Have Detrimental Effects On Neighborhood**

Staff Response: This section expresses concerns about possible future criminal activity in the neighborhood. The ZEO determined the applicant met the applicable provisions of the IDO.

/ Angelo Metzgar /  
Angelo Metzgar,  
Code Compliance Manager  
Code Enforcement Division  
Planning Department  
City of Albuquerque





# Memo 1250 Appeal Response For Signatutre

Final Audit Report

2022-08-30

Created:	2022-08-30
By:	Lucinda Montoya (lucindamontoya@cabq.gov) Signed
Status:	CBJCHBCAABAAKTJuqsOfYeMxGy5khUW12Nltr7OHoiID
Transaction ID:	

## "Memo 1250 Appeal Response For Signatutre" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)  
2022-08-30 - 8:41:20 PM GMT- IP address: 143.120.133.160
-  Document emailed to Alan Varela (avarela@cabq.gov) for signature  
2022-08-30 - 8:41:46 PM GMT
-  Document e-signed by Alan Varela (avarela@cabq.gov)  
E-signature obtained using URL retrieved through the Adobe Acrobat Sign API  
Signature Date: 2022-08-30 - 9:34:17 PM GMT - Time Source: server- IP address: 143.120.133.62
-  Agreement completed.  
2022-08-30 - 9:34:17 PM GMT



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.					
Administrative Decisions		Decisions Requiring a Public Meeting or Hearing		Policy Decisions	
<input type="checkbox"/> Archaeological Certificate (Form P3)		<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)		<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)	
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)		<input type="checkbox"/> Master Development Plan (Form P1)		<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)	
<input type="checkbox"/> Alternative Signage Plan (Form P3)		<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)		<input type="checkbox"/> Amendment of IDO Text (Form Z)	
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)		<input type="checkbox"/> Demolition Outside of HPO (Form L)		<input type="checkbox"/> Annexation of Land (Form Z)	
<input type="checkbox"/> WTF Approval (Form W1)		<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)		<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)	
		<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)		<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)	
				Appeals	
				<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)	
APPLICATION INFORMATION					
Applicant: Albuquerque Boca Limited Partnership dba Crowne Plaza Albuquerque				Phone: 505-884-2500	
Address: 1901 University Blvd NE				Email: Joani.jones@cpabq.com	
City: Albuquerque		State: New Mexico		Zip: 87102	
Professional/Agent (if any):				Phone:	
Address:				Email:	
City:		State:		Zip:	
Proprietary Interest in Site:		List <u>all</u> owners:			
BRIEF DESCRIPTION OF REQUEST					
Appeal in the matter of the application of Dawn Legacy point Application for Safe Outdoor spaces for 1250 Menaul NE Albuquerque NM					
SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)					
Lot or Tract No.: 1250 Menaul NE		Block:		Unit:	
Subdivision/Addition:		MRGCD Map No.:		UPC Code:	
Zone Atlas Page(s):		Existing Zoning:		Proposed Zoning:	
# of Existing Lots:		# of Proposed Lots:		Total Area of Site (acres):	
LOCATION OF PROPERTY BY STREETS					
Site Address/Street: 1250 Menaul NE		Between: North Pan American Freeway		and: Broadbent Pkwy / Lombardy Dr NE	
CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)					
Signature:				Date: 8.19.2022	
Printed Name: Joani Jones				<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent	
FOR OFFICIAL USE ONLY					
Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:				Fee Total:	
Staff Signature:		Date:		Project #	

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

**IN THE MATTER OF THE APPLICATION OF  
DAWN LEGACY POINT APPLICATION FOR  
SAFE OUTDOOR SPACES FOR 1250 MENUAL NE  
ALBUQUERQUE, NEW MEXICO**

**ALBUQUERQUE BOCA HOTEL LIMITED PARTNERSHIP DBA CROWNE PLAZA  
ALBUQUERQUE APPEAL OF PLANNING DEPARTMENT GRANTING DAWN  
LEGACY POINTE APPLICATION FOR “SAFE OUTDOOR SPACE” AT 1250  
MENUAL NE, ALBUQUERQUE, NM**

The Albuquerque Boca Hotel Limited Partnership dba Crowne Plaza Albuquerque, (CPHA) by and through its Hotel General Manager appeals the approval of the City of Albuquerque Planning Department’s approval of the Dawn Legacy Pointe application for a “Safe Outdoor Space” homeless encampment to be located at 1250 Menaul NE.

**IDO APPEAL PROVISIONS, STANDING AND TIMELINESS**

1. This appeal is being brought and filed by CPHA pursuant to the Integrated Development Ordinance (IDO), Sections 6-4(V) entitled “APPEALS”, Section 6-4(V)(2) entitled “Who May APPEAL”, 6-4(V)(3) entitled Procedure and 6-4(V)(3)(a) entitled “FILING AN APPEAL”, and 6-4(V)(3)(d), Land Use Hearing Officer (LUHO), pages 422 to 429 and any and all other related provisions of the IDO. The link to the IDO is here:

[https://documents.cabq.gov/planning/IDO/2021\\_IDO\\_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf](https://documents.cabq.gov/planning/IDO/2021_IDO_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf)

2. This appeal is timely filed in that it is being brought within 15 days of the Planning Department approval of the Dawn Legacy Pointe application for a “Safe Outdoor Space” to be located at 1250 Menaul NE.

3. The Albuquerque Boca Hotel Limited Partnership dba Crowne Plaza Albuquerque (CPHA) has standing to bring this appeal because we are a major Albuquerque hotel within the 1-25 Menaul quadrant. We provide lodging and meeting space for out of town guests. The hotel, by way of hotel proper, ownership and flag are entrusted to provide for a safe stay. We would be gravely and negatively impacted, not only by negative visual impact of tents, proximity to hotel and unknown elements of criminal and illegal activity created by the Dawn Legacy Pointe. On this basis we appeal the decision made by the planning department to grant the application for a Safe Outdoor Space. ( See Section 6-4(V)(2)(a) (5) of the IDO.)

**PROPERTY SUBJECT OF APPEAL IS CITY OWNED LAND**

4. The real property the Planning Department has approved for a Safe Outdoor Space is located 1250 Menaul NE. The property consists of more than 15 acres in two plots. One plot is 11.73 acres plot and a second plot is 3.89 acres. Both plots are owned by the city of Albuquerque and have a combined assessed value of \$4,333,500.

5. According to Bernalillo County Assessor's Office records reviewed, the City of Albuquerque owns the land and following are the plot numbers and assessed value of the property:

**Parcel ID Property 1 located at 1205 Menaul, NE:**  
**Plot Number 101505924018931414CA**  
**City of Albuquerque**  
**11.7263 acres including a warehouse**  
**\$3,061,100.00**

**Parcel ID Property 2 located 1205 Menaul, NE:**  
**Plot Number 101505927224131420CA**  
**City of Albuquerque**  
**TR1 PLAT OF TR1 LANDS OF M-T INVESTMENT**  
**3.8890 acres**  
**\$1,272,400**  
**5,717 sq. ft. warehouse is on the property, assessed value unknown.**

6. The property is zoned NR-LM. NR-LM stands for "NON-RESIDENTIAL – LIGHT MANUFACTURING ZONE DISTRICT (NR-LM)" Section 2-5(C)(1) of the Integrated Development Ordinance (IDO) provides that *"the purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and light manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses."*

Page 49 of the Integrated Development Ordinance found here:

[https://documents.cabq.gov/planning/IDO/2021\\_IDO\\_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf](https://documents.cabq.gov/planning/IDO/2021_IDO_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf)

7. Allowable uses for the property zoned NR-LM are provided in table 4-2-1 of the Integrated Development Ordinance. Table 4-2-1 lists "Safe Outdoor Spaces" as a CT (Conditional Primary, Temporary use) for property zoned for mix use and T (Temporary) use on property zoned "non-residential".

## **CHRONOLOGY AND BACKGROUND**

8. On June 6, the City Council enacted a series of amendments updating the Integrated Development Ordinance (IDO). One of the amendments was the "Safe Outdoor Spaces"

amendment. **“Safe outdoor spaces”** are organized, managed homeless encampments with 40 designated spaces for tents that allows for upwards of 50 people, require hand washing stations, toilets and showers, require a management plan, 6-foot fencing and social services offered. The Integrated Development Ordinance (IDO) sets a limit of two in each of the city’s 9 council districts. The cap does not apply to religious institutions.

9. The legislation passed on a 5 to 4 vote. Voting YES to allow Safe Outdoor Spaces were Democrats Isaac Benton, Pat Davis and Tammy Feibelkorn and Republicans Brook Bassan and Trudy Jones. Voting NO were Republicans Dan Lewis, Renee Grout and Democrats Louis Sanchez and Klarissa Pena. Mayor Tim Keller signed off on the legislation making it law.

10. Under the enacted amendment Safe Outdoor spaces are allowed in some non-residential and mixed-use zones and must be at least 330 feet from zones with low-density residential development. Under the IDO amendment, Safe Outdoor Spaces are allowed for up to two years with a possible two-year extension.

11. On June 22, after tremendous public outcry and objections to Safe Outdoor Spaces by her constituents, Republican City Councilor Brook Bassan, who had voted “YES” and previously voiced support for safe outdoor spaces, did an about face and changed her mind and introduced legislation to repeal the IDO amendment. Bassan introduced two bills.

12. One bill introduced would stop the city from accepting or approving safe outdoor space applications and the other will eliminate **“safe outdoor spaces”** from the zoning code altogether. Bassan wants to bar the city from accepting or approving Safe Outdoor Space applications for a full year unless it officially removes them from the zoning code sooner than that.

13. During the June 22 meeting the council did not act on the 2 bills and failed to enact the legislation that was to provide for rules and regulations promulgated by the Keller Administration for **“Safe Outdoor Spaces”**. June 22 was the last meeting of the City Council before it went on “summer break” until August 1.

14. The city council’s failure on June 22 to take any action on either the bills stopping the application process or repealing the land use resolution resulted in “Safe Outdoor Spaces” becoming a permissible land use on July 28. This allowed a very short time period of 3 weeks to allow individuals and organizations to apply for Safe Outdoor Spaces.

15 . On June 6, the City Council placed Item J for R-22-36 on the Agenda: Directing the City to Develop Operating Procedures for Safe Outdoor Spaces (Fiebelkorn, Benton, Davis). Attached was a pdf document R-36 with the following instructions:

SECTION 1. The Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department, and/or any other relevant department as determined by the City Administration, are directed to develop operating procedures for Safe Outdoor Spaces that promote the health, safety, and welfare of the served

population, while helping to mitigate potential impacts on the surrounding communities. The operating procedures for safe outdoor spaces should, at a minimum, address the following:

1. Management plans or security agreements to ensure the safety of 1 individuals occupying the designated spaces.

16 .The June 6, 2022 Minutes indicate that a motion was made by Councilor Fiebelkorn that this matter be postponed to June 22, 2022. The motion carried by the following vote: For – Bassan, Benton, Fiebelkorn, Grout, Jones, Lewis, Pena, and Sanchez. Excused - Davis

17. On June 22, the City Council placed Item G for R-22-36 on the Agenda, directing the City to Develop Operating Procedures for Safe Outdoor Spaces (Fiebelkorn, Benton, Davis). Attached was a pdf document R-36 with the following instructions:

SECTION 1. The Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department, and/or any other relevant department as determined by the City Administration, are directed to develop operating procedures for Safe Outdoor Spaces that promote the health, safety, and welfare of the served population, while helping to mitigate potential impacts on the surrounding communities. The operating procedures for safe outdoor spaces should, at a minimum, address the following:

1. Management plans or security agreements to ensure the safety of 1 individuals occupying the designated spaces.

18. The June 22 Minutes state “a motion was made by Councilor Fiebelkorn that this matter be postponed to **June 22, 2022**. The motion carried by the following vote: For – Bassan, Benton, Fiebelkorn, Grout, Jones, Lewis, Pena, and Sanchez. Excused – Davis

Note: The motion was made to postpone to June 22, 2022 on June 22, 2022.

19. On August 1, 2022, the City Council met; however, Agenda Item for R-22-36: Directing the City to Develop Operating Procedures for Safe Outdoor Spaces that had been postponed on June 6, 2022 to June 22, 2022; and postponed on June 22, 2022 to the same date, was not on the Agenda.

20. On August 15, 2022, the City Council will meet to establish a Moratorium for Safe Outdoor Spaces, listed on the Agenda as item R-22-56. The August 15, 2022 Agenda does not include an item for R-22-36 Directing the City to Develop Operating Procedures for Safe Outdoor Spaces. So the item that was introduced on June 6 that required ‘the Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department, and/or any other relevant department as determined by the City Administration, to develop operating procedures for Safe Outdoor Spaces that promote the health, safety, and welfare of the served population, while helping to mitigate potential impacts on the surrounding communities’ that would address procedures for management plans or security agreements to ensure the safety of individuals occupying the designated spaces to be submitted with Safe Outdoor Spaces applications was not continued as an action item for the



City Council to vote on. Therefore, the City has not developed any operating procedures for management plans or security agreements.

21. On August 8, according to the city's website that provides the listing and locations for the applications for "Safe Outdoor Spaces", the City of Albuquerque Planning Department approved the Dawn Legacy Pointe's application for a new Safe Outdoor Space Homeless campsite to be located at 1250 Menaul, NE. The announced intent of the homeless encampment made by applicants is to provide accommodations for victims of "sex-trafficking victims and exploitation" and other vulnerable populations.

The link to the city web site is here:

<https://cabq.maps.arcgis.com/apps/dashboards/768cc1b5e4404fa1a28db56c2019ee71>

The City Planning Department approved the **Safe Outdoor Space** on city owned property valued at \$4,333,500 to be operated by a third party and . subsidized by the City to house women in tents.

## **GROUND'S FOR APPEAL**

22 . This appeal is based on the City of Albuquerque Planning Department failure to follow their own policies, procedures and requirements.

23. What occurred with the Dawn Legacy Pointe application for a "Safe Outdoor Space" is that it was "fast tracked" by the City Planning Department to approve the application just 8 days before the City Council could repeal the Safe Outdoor Space amendment on August 16.

24. The City of Albuquerque Planning Department unilaterally decided that it would review the Dawn Legacy Point application behind closed doors without any public input, without notice to adjacent and surrounding property owners and without any public hearings . The Planning Department decided it had the authority under the IDO to simply grant the application before the City Council votes to repeal Safe Outdoor Spaces on August 15.

## **NORMAL APPLICATION PROCESS IGNORED**

25. Under normal procedures and City Planning precedent, when an application for a "special use" or "conditional use", which includes Safe Outdoor Spaces, is made by a private entity the City Planning Department assigns the application to a zoning hearing examiner to determine if it will be approved. Public notice is then given to surrounding property owners and the general public.

26. A notice of zone change must be posted on the property and adjoining landowners and neighborhood must be given the opportunity to attend and be heard by the zoning hearing officer. The hearing officer decision can be accepted or rejected by a private entity or appeal the

decision to the Land Use Planning and Zoning Committee and ultimately the City Council. The city council has the final and ultimate authority. Normally it is a six month to a year process to secure a zone change and it can take even longer.

#### **CITY FAILED TO GIVE NOTICE AND GIVE OPPORTUNITY TO BE HEARD**

27. The City of Albuquerque failed to notify the CPHA of the Safe Outdoor Space application filed by Dawn Legacy Pointe for 1250 Menaul NE .

28. The General Procedures for Public Notice were ignored (See IDO, Section 14-6-6-4(K)) The City of Albuquerque failed to follow the IDO and have a public hearing to address the concerns of the neighborhood.

29. The City never refers to the Albuquerque Comprehensive Plan where neighborhoods are protected from Safe Outdoor Spaces.

30. According to the Comprehensive Plan, Neighborhoods provide quality of life and remain distinct, vibrant places to live. Development in established neighborhoods matches existing character and promotes revitalization where desired.

31. Established neighborhoods are protected, preserved, and enhanced. The City fails to protect, protect and enhance the neighborhood. (See Albuquerque Comprehensive Plan 4.1 Community Identity)

32. The Planning Department did not provide a letter of approval of the permit for a Safe Outdoor Places and deadline for appeal. The SBMTNA was informed by Brad Day that the permit was approved on Tuesday, August 9, 2022.

33. Since June of 2022 and possibly earlier, City Councilor Brook Basan was informed and has been aware that 1250 Menaul NE was available for Safe Outdoor Spaces. The neighborhoods were never informed of the proposal.

#### **PREFERENTIAL TREATMENT GIVEN**

34. The City failed to provide opportunity for the institutions in the neighborhood to apply for neighborhood use of the property. (See City of Albuquerque regulations regarding these procedures.)

35. According to private citizen Brad Day and city employee Elizabeth Holguin, Mr. Day was given insider information and consulted with Department of Family and Community Services on what properties were available for Safe Outdoor Spaces.

36. Brad Day, a private business owner, was assisted and given preferential treatment by the city Planning Department, the City Council and the Family Community Services Department with the Dawn Legacy Pointe application for 1250 Menaul NE for a Safe Outdoor Space.

37. All applicants should have been given time to submit their application and provide an opportunity to be selected. The City of Albuquerque process indicates there were conflicts of interest and should be investigated.

38. According to the City of Albuquerque's Integrated Development Ordinance (IDO), the City Planning Department failed to follow its IDO regulations purpose of the IDO Section 1-3(A) 1-3(A-K). This request does not follow the Albuquerque Comprehensive Plan, Code of Ordinance, or the IDO.

39. The City of Albuquerque failed to provide the protection to all communities, especially those that have been historically underserved.

40. The Crowne Plaza Hotel has been a major draw for seventy (70) years in this neighborhood, serving the community first as a Hilton Hotel in bringing business to Albuquerque for individual business and tourist travelers. We have been an anchor for this neighborhood. With recent shuttering of nearby businesses, we have seen a huge increase in vandalism by homeless and criminal behavior. We have had to spend thousands of dollars on beefed up hotel security. Daily, we find drug paraphernalia, car break ins and attempted car breakins, human feces, passed out homeless under bushes and trees. To add this Tent encampment, would be adding insult to injury. We are dealing with already difficult elements at this corner. We trust that the City will reevaluate this proposition in favor of our neighbors, schools and businesses.

41. There is no promotion for the economic development and fiscal sustainability of Menaul NE. A Metropolitan Redevelopment Plan has recently been approved for the area and the City continues to ignore the problems of the homeless who are drug addicts and bring criminal elements into the neighborhood. The City does not follow the IDO requirements to Promote small-scale, neighborhood-serving economic development opportunities for the neighborhood

42. The City Planning Department does not address the efficient administration of City land use and development regulations. A city sanctioned tent encampment for the homeless on city owned property in proximity to T-Mobile call center, a cemetery, Menaul Junior High School, and apartments is not in conformity to what is the highest and best use for the city owned property having a high property value.

44. The neighborhood has dealt with crime and filth from the homeless population. The City imposed the Safe Outdoor Space on the neighborhood and fails to protect the health, safety, and general welfare of the Martinez Town Santa Barbara residents.

45. The Safe Outdoor Space fails to provide for orderly and coordinated development patterns in this area

### **CITY'S FAILURE TO DEVELOP OPERATING PROCEDURES**

46. When the City Council amended the Integrated Development Ordinance (IDO) to include 'Safe Outdoor Spaces' on June 6, 2022, failing to follow-through on directing the City to develop operating procedures or instructions for potential operators of Safe Outdoor Spaces tent encampments that would include management plans or security agreements, it opened the door for creating a 'No Man's Land' with no standardized self-created rules.

47. The City's application process posted on its website requires that an operations plan, management plan and security agreement be reviewed and signed by the City of Albuquerque Family & Community Services Department and included with the application for Safe Outdoor Spaces.

48. But the Albuquerque City Council, while initially planning for operating procedures on June 6 and then removing the motion to provide operating procedures from that evening's City Council Agenda, and failing to properly vote on any subsequent motion to require procedures be written, but approving an Amendment to the IDO that establishes encampments, has created a deficient process.

49. The City Council has thus failed to provide direction to the City departments charged with approving or disapproving Safe Outdoor Spaces applications and has allowed approvals to be made without any kind of objective, standards-based decision-making process. Thus, the City Council has created a pathway for a sloppy and potentially biased approval process with loopholes that would allow approval of applications based on favoritism and disapproval of applications based on possible personal grudges or management-based bias.

50. It is unconscionable that the City Council would put its citizens in a position that is ripe for cronyism or discrimination. By failing to provide standardized rules and regulations for city sanctioned encampments, the required regulations submitted can be approved or disapproved subjectively.

51. With no standard in the content and requirements for management and site security, there will be no oversight or guarantee of safety for residents of the encampments. By not providing direction to the City to develop operating procedures for the Safe Outdoor Spaces applicant Dawn Legacy Pointe for the proposed encampment at 1250 Menaul Boulevard, the City Council has removed the City from having to provide a standard of fairness in approval or disapproval of applications.

52. In effect, what this has done, has put into place a policy by omission: no standardized rules and regulations for running the encampments were established because the City Council failed to instruct the City to write the procedures for the Safe Outdoor Spaces operating

agreement with an appropriate management plan that includes a security plan. The result is a potential for disaster on every level.

53. It is impossible for the City of Albuquerque Family & Community Services Department to make an objective determination on whether a Safe Outdoor Spaces encampment will provide security and safety for individuals occupying the designated spaces without having operating procedures with guidelines for operation of the sites.

54. Without City provided directives, there is no accountability from anyone on the City's Administrative Staff. Dawn Legacy Pointe did not receive City written or City developed operating procedures because these procedures did not exist when Dawn Legacy Pointe made application.

### **PLAGERIZED OPERATING PROCEDURES**

55. In lieu of having City developed operating procedures, Dawn Legacy Pointe copied the operating procedures of a nonprofit unsanctioned encampment in another city and the City accepted these operating procedures. And since these rules were not developed by the City of Albuquerque administrative staff in the Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department and/or any other relevant department, it is impossible to assign accountability for lapses in fiscal and/or physical safety for the project. This is a slip shod way of doing business at best. At worst, it opens the door to allowing dangerous management practices without proper security in place.

56. The City is completely irresponsible in accepting the first Safe Open Spaces application with documents prepared for use by residents of an encampment in another city. Dawn Legacy Pointe submitted a Camp Hope Participant Assumption of Risk and Waiver of Liability Relating to Coronavirus/COVID 19 for an encampment located in Mesilla Valley. Albuquerque is not located in Mesilla Valley. The City of Albuquerque accepted this document, even though it is not enforceable in Albuquerque, NM.

57. The City accepted a list of agreements document submitted by Dawn Legacy Pointe for its residents' compliance. The document allows sex offenders to reside at the Safe Outdoor Spaces at 1250 Menaul Boulevard. Having a potential clientele of sex trafficked women and a stated mission of providing protection after the rescue of these women, Dawn Legacy Pointe has submitted and received approval for a document that allows sex offenders "provided they are registered with the LCPD Sheriff's Department." Note: this provides absolutely zero protection for encampment residents of Dawn Legacy Pointe in Albuquerque.

58. It simply means that sex offenders can be in the encampment and in close proximity to the sex trafficked women as well as unsuspecting neighbors. This population includes students at Menaul Middle School, which is within walking distance of the encampment. The document also states schools within one mile must be notified when a sex offender is in residence.

59. This document has been submitted, accepted and approved by the City of Albuquerque and as it stands, it presents a huge risk to residents in the immediate and surrounding neighborhood (as well as encampment residents).

60. The City apparently can and will accept any document as an acceptable part of an application and will do so without question, because they signed off on this attachment to Dawn Legacy Pointe's application without picking up on a single red flag.

61. There is only one way to describe this dereliction by the City Council and City of Albuquerque: the City Council has created a potentially dangerous condition by not providing needed direction with the Amendment to the IDO. Both the City Council and City Administration have jointly created a condition that is beyond 'unsafe' and the agencies that are charged with ensuring safety to our neighborhood and The Crowne Plaza Albuquerque, have abdicated their duties. There is no security operation on earth that can protect residents of a tent encampment from a sex offender: there is no housing with a door to lock and bar.

#### **ON SITE SECURITY PLAN DEFICIENT**

62. The security plan for Dawn Legacy Pointe does not provide an example of how the encampment will be protected with on-site security. The City's website that provides instructions for SOS encampment applications states that applicants must provide a 'Safe Outdoor Spaces Operational Security Plan.'

63. The criteria for the 'plan' include that the SOS will have an On-Site Manager and Assistant. The public was told by Brooke Bassan, when she initially campaigned for Safe Outdoor Spaces, that the SOS encampments would have 24-hour management - but the application wording does not nail this down as a requirement.

64. The wording is ambiguous: it states the SOS Manager is offsite after hours. Thus, a site manager is not present for 24 hours as promised. And without an on-site manager for the entire 24 hours, there is no guarantee that rules and regulations will be followed. The security agreement for Dawn Legacy Pointe that was accepted by the City states that the manager will have a cell phone in the case the police need to reach him or her.

65. Response time from the Albuquerque Police Department is notoriously slow. Rules may or may not be broken while the 'manager' is absent but security will not be provided. The City has accepted a management plan without the required security agreement and it is a plan for instability.

66. The residents of Dawn Legacy Pointe will not be safe without managers present for 24 hours. Nor will the neighborhood be safe. Worse still, the City of Albuquerque is off the hook for enforcement of rules that they did not create. All the encampments will be 'self-regulated' as we head into a virtual 'no man's land.' The neighborhood can expect to be less safe having a Safe Outdoor Spaces encampment as its newest resident.

## **CITY CREATING PUBLIC NUISANCE**

67. The proposed Safe Outdoor Space use is considered by the CPHA as a nuisance, it will bring negative impacts to the neighborhood, reduce property values and interfere with the neighborhood peaceful use and enjoyment of their properties. The City is not providing protection from possible nuisances and hazards and to otherwise protect and not improving the public health. According to Albuquerque Code Ordinance, Chapter 11, Morals and Conduct, Section 11-1-1-10 PUBLIC NUISANCES are PROHIBITED.

69. New Mexico statute defines a “public nuisance” as consisting “of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either:

- A. Injurious to public health, safety and welfare; or
- B. Interferes with the exercise and enjoyment of public rights, including the right to use public property.

Whoever commits a public nuisance for which the act or penalty is not otherwise prescribed by law is guilty of a petty misdemeanor.”

(30-8-1, NMSA 1978, Public Nuisance defined).

70. The City’s nuisance abatement ordinance defines nuisance as:

“Any parcel of real property, commercial or residential, ... on which ... illegal activities occur, or which is used to commit conduct, promote, facilitate, or aide the commission of ... any [delineated crimes, including illicit drugs and prostitution]”

71. The city’s nuisance abatement ordinance prohibits “public nuisances” as follows:

“It shall be unlawful for any owner, manager, tenant, lessee, occupant, or other person having any legal or equitable interest or right of possession in real property ...or other personal property to intentionally, knowingly, recklessly, or negligently commit, conduct , promote, facilitate, permit, fail to prevent, or otherwise let happen, any public nuisance in, on or using any property in which they hold any legal or equitable interest or right of possession.”

(11-1-1-10 PUBLIC NUISANCES PROHIBITED, City of Albuquerque.)

72. The City of Albuquerque’s Uniform Housing Code also defines “nuisance” as:

“(1) Any nuisance known at common law ...

(2) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. ...

(3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.

...

(6) Inadequate or unsanitary sewage or plumbing facilities

(7) Any violation of the housing standards set forth in this code.”

(14-3-1-4 ROA 1994 of Housing Code, Definitions)

73. The City of Albuquerque Planning Department and Solid Waste Department is knowingly allowing the creation of a public nuisance such as the Safe Outdoor Space in the Martinez Town Santa Barbara Neighborhood and should be held accountable. The Planning Departments actions is tantamount to the City allowing Coronado Park to become the city’s defacto city sanctioned homeless encampment in violation of the city’s own public nuisance law and city ordinances.

## **DEVELOPMENT PROSCESSES IGNORED**

74. The City of Albuquerque Planning Department did nothing to provide processes for development decision of 1250 Menaul NE to ensure a balance of the interests of the City, property owners, residents, and developers and ensure opportunities for input by affected parties.

75. According to the IDO, 1250 Menaul NE the Safe Outdoor Spaces requires Administrative and Enforcement, Part 14-16-6, requires a Public Hearing 6-6(C)(1): applicability an expansion of a nonconforming use or structure is regulated under the IDO 6-6(C), page 465.

76. The property owner failed to deal with the nonconformance portion of property that is zoned MX-M zone and request a conditional use in front of the Zoning Hearing Examiner. The permit and the recommended Safe Outdoor Space are moot. (*See IDO, Nonconforming site features may not be expanded. No nonconforming use or structure may be expanded unless an approval under this Subsection 14-16-6-6(C) is obtained by the property owner or applicant.*).

77. The City’s explanation that they didn’t need to deal with the nonconformance is that they would not use the portion of the property zoned MX-M. The City of Albuquerque cannot deny the patrons of this proposed use will need to enter on the MX-M portion of the land and on the site plan the lease is using the MX-M for the dumpster and parking. This expansion of nonconformance confirms the use of the land. The City illustrates in the plan the expansion is necessary and intentional bypasses the nonconformance requirements. (See Attached Site Plan)



78. The users on this site will need to walk to Second Street to obtain their meals. The expansion of pedestrian and transit will negatively impact the neighborhood. Menaul Boulevard is already a congested area. The transit buses cause problems to the foundation of the homes. There have been studies by the City of Albuquerque regarding the impacts of the buses on the residential area.

## **DETERMENTAL IMPACT ON THE CROWNE PLAZA HOTEL ALBUQUERQUE**

79. The Albuquerque Boca Hotel Limited Partnership dba Crowne Plaza Albuquerque, a neighborhood anchor, is bound on the north by Menaul Blvd NE, on the east by Carlisle Blvd, the south Indian School Rd and the west is I-25. We are certain that the neighborhood residents and businesses that Safe Outdoor Spaces will impact will be extremely negative.

80. All over the neighborhood including the streets and sidewalks tents are setup. The homeless throw trash all over the neighborhood. The parks are destroyed with feces where the children play, the picnic tables are burned or destroyed, garbage cans are graffiti on or burnt, and graffiti is written all over the neighborhood, etc.

81. Neighbors have moved out of nearby neighborhoods, CPHA has lost business, no new restaurants will lease the shuttered buildings waiting for tenants. Each day, we have the homeless begging for money, collapsing in our parking lot, our maintenance man was punched in the face. We are trying to run a business here and keep this corner of Menaul and University upstanding. We do expect our council to truly weigh what is right by its tax paying citizens and businesses. We hoteliers contribute to a city lodgers tax as well. We expect some protection to keep our guests, and employees safe so we can continue to operate.

## **ANNOUNCE USE FOR SAFE OUTDOOR SPACE**

82. Dawn Legacy Pointe has made it clear that it intends to provide accommodations for “sex-trafficking victims” and other vulnerable populations at the location. Kylea Good, the Board Chair of Dawn Legacy Point, said it would likely be easy to find people and most likely women, though it will not exclude men, willing to stay at the camp. She said she hoped to have the encampment up and running by October and she told the Journal:

*“I wouldn’t be surprised if we maxed out. The truth of the matter is it’s not like we’re looking at just one area. There’s a lot of [human] trafficking and exploitation that goes on around that area of Menaul, but you have a whole city that is dealing with it.”*

83. Brad Day, a local businessman and advocate for safe outdoor spaces, is advising Dawn Legacy Pointe. He told the Journal:

*“We did all the documents, and now what we’re going to do is basically work on the logistics of getting all the stuff we need, the tents, the sleeping bags, the air mattresses, get the fence built.”*

The link to the full unedited Journal news article is here:

<https://www.abqjournal.com/2521238/city-sees-1st-application-for-safe-outdoor-space.html>

84.. When the words “**trafficking and exploitation**” are used, what is meant are woman who are victims of crime such as kidnapping or forced prostitution. What Dawn Legacy wants to provide are tents in city sanctioned encampments to women who have already been victimized believing somehow that it is compassionate when such women need actual and permanent housing that is safe and secured and not living in a tent.

#### **ENCAMPMENT WILL HAVE DETERMENTAL EFFECT ON NEIGHBORHOOD**

85. Less than a half mile from the vacant land located at **1250 Menaul Blvd, NE** and within walking distance from the property is Menaul School, a private boarding school for 6th to 12th graders. Directly across the street from the property is the T-Mobile Call Center and a Quality Inn & Suites. Going West on Menaul and one block from the property is Carrington College and two apartment complexes.

86.. At Sunset Memorial Park, workers daily patrol the grounds, monitoring the activity of homeless people who have taken to lounging in the various meditative shelters provided for grieving families. The homeless are known to use the various fountains throughout the park to wash themselves or use the fountains as a toilet, despite there being easy-to-find portable toilets located at the northeast end of the park.

<https://www.abqjournal.com/2523606/cemeteries-lament-bathing-camps-on-grounds.htm>

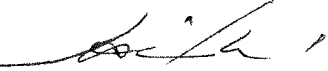
87. Directly West and bordering the property is Sunset Memorial Park and Cemetery. Immediately East of the Freeway is the massive TA Travel Truck Stop on University that can accommodate parking of upwards of 150 semitrucks. Within law enforcement circles, the truck stop is known for prostitution and illicit drug activity. Immediately south of the truck stop on University Blvd is the Crown Plaza Hotel. It's ironic that a few years ago it was proposed that the city buy the Crown Plaza Hotel for about \$8 million and dedicate it as a homeless shelter. Unthinkable! We cannot allow this area of town to become Gotham.

88. It's the actual location of **1205 Menaul, NE** that is the most troubling. The encampment will become a magnet for crime and prostitution or illicit drug trade given that it is in close proximity to a truck stop known for prostitution and illicit drug activity amongst law enforcement. The location is directly across the street from a major call center and a Quality Inn & Suites and within walking distance of Menaul Boarding School and apartments. Occupants of the Safe Outdoor spaces are not confined and are free to go and come as they please and could easily wind up uninvited wherever they want to go, including the truck stop, and disrupt the peaceful use and enjoyment at any one of those locations or engage in illicit activity themselves.

#### **REQUEST FOR RELIEF**

Because of all the forgoing, The Albuquerque Boca Hotel Limited Partnership dba Crowne Plaza Albuquerque respectfully requests denial of the Safe Outdoor Space at 1250 Menaul due to failure to follow City policies, procedures, and regulations-outlined above and further, and posing extreme risk to neighborhoods and businesses in its swath. We do ask that the approval of the Safe Outdoor Spaces be set aside and rescinded and that no Safe Outdoor Space be allowed at 1250 Menaul, NE.

Respectfully submitted,



Joani Jones, Hotel General Manager

**The Albuquerque Boca Hotel Limited Partnership dba Crowne Plaza Albuquerque**  
1901 University Blvd NE  
Albuquerque, NM 87102  
(505) 884-2500

**Applicant:**Dawn Legacy Pointe, fiscally sponsored by Street Safe New Mexico, a Non-Profit 501 (c)(3)

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Unique ID	16
Submitted Date/Time	7/30/2022, 9:30 AM
Review Status	Approved
Review Date	8/10/2022
Review Comments	Opaque screening to be installed
Last Edit Date	8/10/2022
Editor	ametzgar_CABQ
Address	1250 Menaul Blvd NE Albuquerque, New Mexico 87107
UPC	Not available currently
City Council District	2
Applicant Name	Dawn Legacy Pointe, fiscally sponsored by Street Safe New Mexico, a Non-Profit 501 (c)(3)
SOS Operator	same as above
Mailing Address of Applicant	8409 Central Ave. NE Albuquerque, New Mexico 87108
Email Address of Applicant	a.goodco@gmail.com
Phone Number of Applicant	720-333-8288
Max Number of Spaces	40
Max Number of Occupants	50
Religious Institution Activity	No
IDO Zone (Religious Institution)	
IDO Zone (Non-religious Institution)	NR-LM
Mixed Use Zone	No

**Attachments:**

Essentials for Safe Outdoor Spaces.docx

Edited by ametzgar\_CABQ on Wednesday at 1:43 PM

This is critical: the reason the ABQ police will be able to enforce the trespassing laws is that homeless individuals will be able to go to an alternative location where they are not trespassing, AND take their personal property with them.

What happens after individuals are assigned a Designated Space?

Once in the Safe Outdoor Space, the Rules and service requirements (6 hours per week) will apply.

There is a mandatory meeting per month for all residents. Additionally, there is a meeting every week to discuss what is going on in the Safe Outdoor Space, solve problems that arise, etc.

There is an ONSITE Manager and an ASSISTANT who will help oversee the operation of the Safe Outdoor Space daily. The SOS Manager is off site after hours, but available if there is an emergency. Both ONSITE Manager and ASSISTANT will be supplied with cell phones to be able to communicate with police and the SOS Manager.

Scheduling for Security and Cleanup will be done by the onsite management. If a resident fails to show up for their scheduled duty, one of the onsite managers will fill in.

There will be 6' fencing with screening (like a tennis court) and gates around the Safe Outdoor Space. The gates will be open from 7:00am to 8:00pm, then they will be locked for the night. There will also be a Safety Shack for the residents on security to occupy. It will have lights and other necessary equipment to perform their duties.

All requirements for Safe Outdoor Spaces will be observed based upon amendments passed by the City Council of Albuquerque, New Mexico.

Initially, the Safe Outdoor Spaces will have temporary and portable showers, bathrooms, hand washing stations, and meeting spaces. If the City Council removes the temporary edict, then permanent structures will be built to provide the above.



21. It is recommended that all residents perform and record 6 hours of service in camp a week.
  22. Every Tuesday at 10:00 AM the Camp hosts "The Great Conversation". The conversation allows campers, staff, and community members to address our differences and to recognize how much we all have in common. The first Tuesday of every month is a mandatory camp meeting, and the first two meetings after your intake are also mandatory.
  23. Campers will stay in the defined campground. A few spaces are available on the Camp parking area for vehicles to be used by camp residents. Vehicles must be registered and given permission to be on the Camp Hope premises. Their owners must follow all Camp Hope rules.
  24. No unregistered or inoperable vehicles are allowed on the campus at any time.
  25. Campers are responsible for cleaning up their tent before they move out of Camp. Residents who leave an untidy tent space will not be allowed back in camp. They will also be added to the MVCH banned list for littering (The number of months they are banned depends on the number of prior offenses by the resident). If items left behind are not removed within 3 days, they will be discarded as MVCH is not responsible for storing camp resident's property.
  26. Donations may not be sold to anyone, for any amount. Anyone found breaking this agreement will be asked to vacate immediately.
  27. When leaving Camp Hope, you may only leave with one reasonable truckload of items. This is to prevent hoarding and excess usage of camp resources.
  28. Campers who have complaints must follow the Grievance procedure.
  29. All dogs and pets coming in to Camp must be up to date on shots and be sprayed or neutered. If residents need help with either they will be referred to agencies that may assist them. All dogs must be on a leash at all times as this is City of Las Cruces property.
  30. Sex offenders must be registered with the LCPD/Sheriff Dept. Schools within one mile must be notified. This is the responsibility of the offender.
  31. No drugs except as prescribed and taken as prescribed.
  32. All residents must be fully clothed in common areas.
  33. Camp quiet hours are 10:00 p.m. to 8:00 a.m.
  34. Camp Clean up Fridays 9-10 a.m.
  35. MVCH has a responsibility to maintain confidentiality, respect and privacy for all residents at the Camp. We ask that clients not utilize social media when regarding to Camp Hope concerns. Contact the Camp Hope Outreach Coordinator for anything in regard to the Camp and Social media.
- There is ZERO tolerance for criminal behavior including alcohol and drug use, weapons violations, stealing, vandalism, assault, battery, etc. Offenses will be reported to MVCH staff and appropriate authorities. Criminal behavior will be reported to and dealt with by the Las Cruces Police Department.

I understand that if I violate the rules of the camp or the rules of MVCH I will be asked to leave the camp. I agree that I received the rules and I understand them in full.

Resident Name/Signature

Date

Witness Name/Signature

Date

I understand that depending on the nature of the crime committed or rule infraction, I may be asked to leave the camp immediately. I agree that I will leave the camp or that I may risk being banned from the property or risk the police being called.

Resident Name/Signature

Date

Witness Name/Signature

Date

I realize that I am staying at Camp Hope of my own volition. I understand that paid staff is not on-hand at the camp at all times.

Camp Hope resident does hereby release and forever discharge and hold harmless MVCH and its successors and assigns from any and all liability, claims, and demands of whatever kind or nature, either in law or in equity that arise or may hereafter arise from the resident's stay at Camp Hope. I agree to defend, indemnify and save harmless MVCH and its officers, agents and employees from any and all suits, actions and claims of any character brought because of any injury or damage received or sustained by any person, persons or property.

Resident Name/Signature

Date

Witness Name/Signature

Date



7022 167D 0003 2927 4442

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 Tracking #: 9590 9402 7272 1284 5409 53

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 Grand Total: \$19.85

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 Approval #: 036240  
 Transaction #: 300  
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 Clerk: 45

City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit

[Note: Items with an asterisk (\*) are required.]

[Date\*] 8/4/22



Sunset Memorial Park

[Name\* of Abutting Property Owner]

924 Memorial Blvd. NE 488, NW 87107

[Address\* of Property Owner]

RE: Public Notice of Temporary Use Permit

Dear Sunset Memorial Park Owners [Name\* of Property Owner],

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) Subsection 14-16-6-5(D)(2), this is written notice to you as an abutting Property Owner that an application for a Temporary Use Permit will be submitted to the City of Albuquerque Planning Department for a property next to you. This application will be reviewed and decided by the City of Albuquerque Planning Department staff, available by email at [codeenforcement@cabq.gov](mailto:codeenforcement@cabq.gov).

1. Property Owner of Subject Property\* City of Albuquerque
2. Agent\* [if applicable] not applicable
3. Subject Property Address\* 1250 Memorial Blvd. NE
4. Location Description NE corner of Memorial and I-25 Frontage Road
5. Zone Atlas Page 4-15-2 [available here: <http://data.cabq.gov/business/zonemap>]
6. Legal Description not available
7. Area of Property [typically in acres] 0.79 acres
8. IDO Zone District NR-LM
9. Overlay Zone(s) [if applicable] ---
10. Center or Corridor Area [if applicable] ---
11. Current Land Use [vacant, if none] vacant
12. Deviations Requested [if applicable] ---
13. Variances Requested [if applicable] ---

The application will request the temporary use for the following land uses and/or activities:

Site Outdoor Space

City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit

[Note: Items with an asterisk (\*) are required.]

The application will request that the temporary use be allowed for the following duration:

24 months with an option to extend number of days/months/years.  
24 months if approved by City of Albuquerque.  
This temporary use will operate in the following days and times:

24 hours a day / 365 days a year

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Subsection 14-16-6-4(f)). To request a Facilitated Meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <http://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

Please contact me with any questions or concerns at 760-333-8288 [phone number\*] or  
via 5.goddard@gmail.com [email\*].

More information about the project can be found here: [project webpage\*, if applicable]

Useful Links


Integrated Development Ordinance (IDO):

<http://www.cabq.gov/planning/codes-policies/regulations/integrated-development-ordinance>

IDO Interactive Map

<https://tinyurl.com/IDOnlineMap>

Sincerely,



[agent/Property Owner/Developer/Operator]

Cc: \_\_\_\_\_ [Other Property Owners, if any]

City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit

(Note: Items with an asterisk (\*) are required.)

The application will request that the temporary use be allowed for the following duration:

24 months with additional 24 months if approved by the City of Albuquerque  
24 hours a day / 365 days a year

This temporary use will operate in the following days and times:

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Subsection 14-16-6-4(Q)). To request a Facilitated Meeting regarding this project, contact the Planning Department at [deyhel@caba.gov](mailto:deyhel@caba.gov) or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <https://www.caba.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

Please contact me with any questions or concerns at 720.333.7888 (phone number\*) or via s.gooden@gwnl.com (email\*).

More information about the project can be found here: [project webpage\*, if applicable]

Useful Links

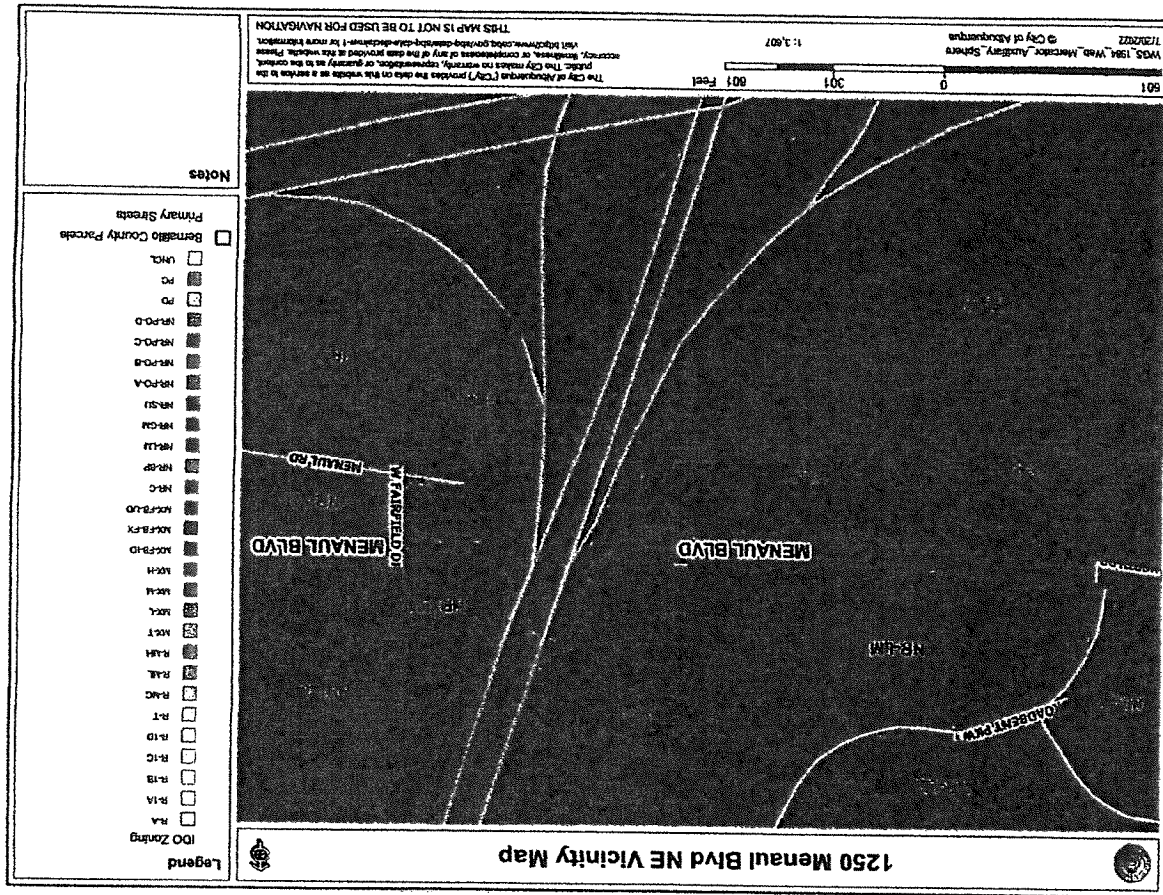
- Integrated Development Ordinance (IDO):  
<https://www.caba.gov/planning/codes-policies-regulations/integrated-development-ordinance>
- IDO Interactive Map  
<https://hnxurl.com/IDOnlineMap>

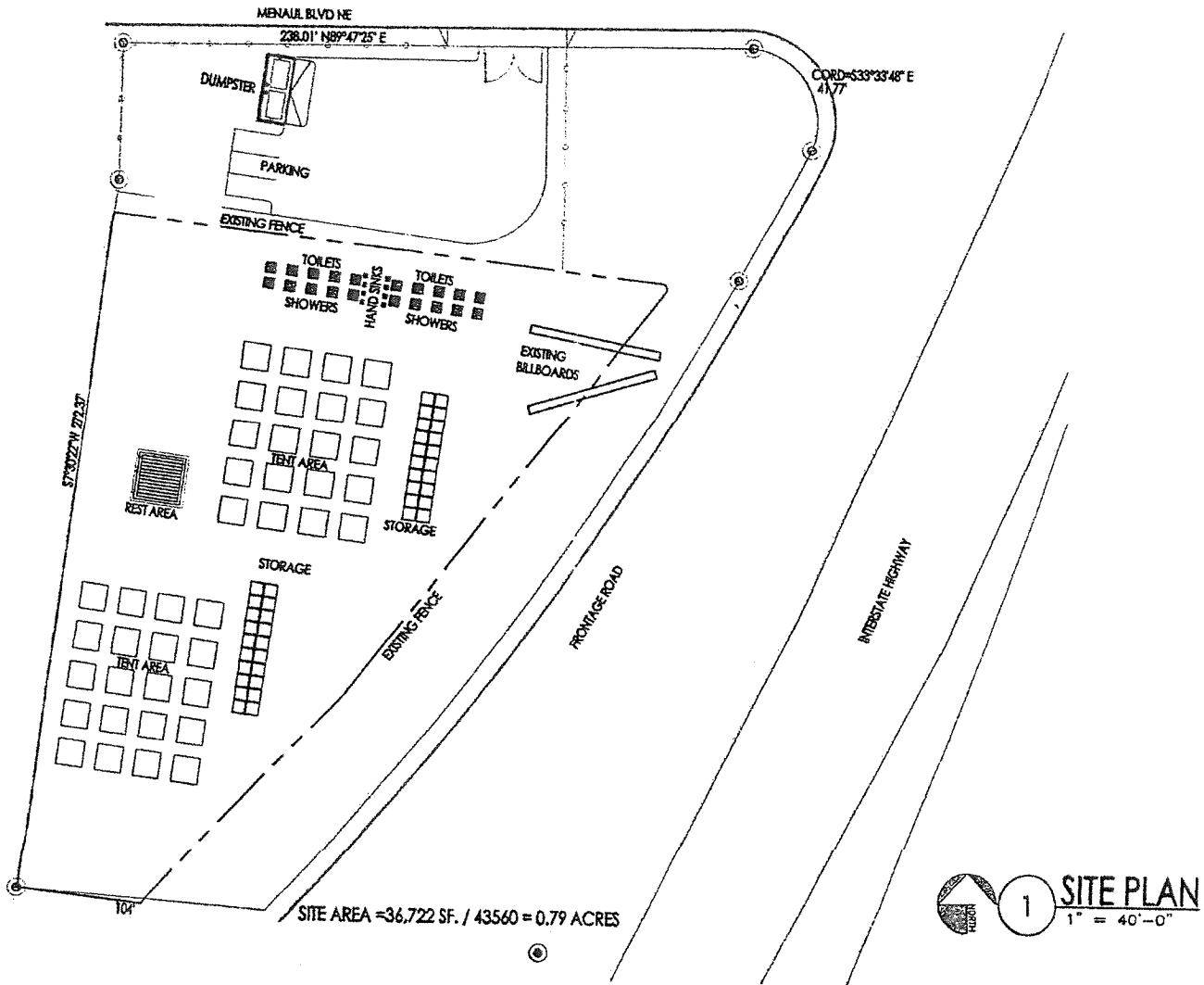
Sincerely,

[Signature] [Agent/Property Owner/Developer/Operator]

Cc: \_\_\_\_\_ [Other Property Owners, if any]









1901 UNIVERSITY BLVE NE

Customer NO: CU-164400185

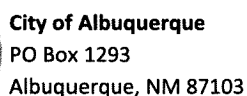
Date	Description	Amount
8/19/22	2% Technology Fee	\$2.60
8/19/22	Application Fee	\$130.00

**\$132.60**

Options to pay your Invoice:

1. Online with a credit card: <http://posse.cabq.gov/posse/pub/lms/Default.aspx>
2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



**Date:** 8/19/22  
**Amount Due:** \$132.60  
**Reference NO:** VA-2022-00239  
**Payment Code:** 130  
**Customer NO:** CU-164400185

ALBUQUERQUE BOCA LIMITED  
PARTNERSHIP DBA CROWN PLAZA  
ALBUQUERQUE  
1901 UNIVERSITY BLVE NE  
ALBQ. NM 87102



130 0000VA202200239001025467164400177000000000000001326CU164400185





<b>Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.</b>					
<b>Administrative Decisions</b>		<b>Decisions Requiring a Public Meeting or Hearing</b>		<b>Policy Decisions</b>	
<input type="checkbox"/> Archaeological Certificate (Form P3)		<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)		<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)	
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)		<input type="checkbox"/> Master Development Plan (Form P1)		<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)	
<input type="checkbox"/> Alternative Signage Plan (Form P3)		<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)		<input type="checkbox"/> Amendment of IDO Text (Form Z)	
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)		<input type="checkbox"/> Demolition Outside of HPO (Form L)		<input type="checkbox"/> Annexation of Land (Form Z)	
<input type="checkbox"/> WTF Approval (Form W1)		<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)		<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)	
		<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)		<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)	
				<b>Appeals</b>	
				<input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)	
<b>APPLICATION INFORMATION</b>					
Applicant: <u>GREATER ABQ Hotel &amp; Lodging Assoc.</u>				Phone: <u>303 681 4280</u>	
Address: <u>PO BOX 14757</u>				Email: <u>DAMEN.KOMPANOWSKI@</u>	
City: <u>ABQ</u>		State: <u>NM</u>		Zip: <u>87191</u> <u>sheratonoptima.com</u>	
Professional/Agent (if any):				Phone:	
Address:				Email:	
City:		State:		Zip:	
Proprietary Interest in Site:		List all owners:			
<b>BRIEF DESCRIPTION OF REQUEST</b>					
<u>APPR of 1250 MENDAL SALE outdoor SPACES</u>					
<b>SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)</b>					
Lot or Tract No.:		Block:		Unit:	
Subdivision/Addition:		MRGCD Map No.:		UPC Code:	
Zone Atlas Page(s):		Existing Zoning:		Proposed Zoning:	
# of Existing Lots:		# of Proposed Lots:		Total Area of Site (acres):	
<b>LOCATION OF PROPERTY BY STREETS</b>					
Site Address/Street:		Between:		and:	
<b>CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)</b>					
Signature: <u>[Signature]</u>				Date: <u>8/19/22</u>	
Printed Name: <u>DAMEN KOMPANOWSKI</u>				<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent	
<b>FOR OFFICIAL USE ONLY</b>					
Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:				Fee Total:	
Staff Signature:		Date:		Project #	

**FORM A: Appeals**

**Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.**

- ☐ **APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)**
- ☐ **APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)**
- ☐ **APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)**

\_\_\_ Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_\_\_

\_\_\_ A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.

\_\_\_ Project number of the case being appealed, if applicable: \_\_\_\_\_

\_\_\_ Application number of the case being appealed, if applicable: \_\_\_\_\_


\_\_\_ Type of decision being appealed: \_\_\_\_\_

\_\_\_ Letter of authorization from the appellant if appeal is submitted by an agent

\_\_\_ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(2)

\_\_\_ Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(V)(4)

\_\_\_ Copy of the Official Notice of Decision regarding the matter being appealed

<i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i>	
Signature: <u>Damen Kampanski</u>	Date: <u>8/19/22</u>
Printed Name: <u>DAMEN KAMPANOWSKI - PRESIDENT GAHLA</u>	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent
<b>FOR OFFICIAL USE ONLY</b>	
Case Numbers:	Project Number:
Staff Signature:	
Date:	

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

**IN THE MATTER OF THE APPLICATION OF  
DAWN LEGACY POINT APPLICATION FOR  
SAFE OUTDOOR SPACES FOR 1250 MENUAL NE  
ALBUQUERQUE, NEW MEXICO**

**Greater Albuquerque Hotel and Lodging Association (GAHLA) APPEAL OF PLANNING  
DEPTMENT GRANTING DAWN LEGACY POINTE APPLICATION FOR “SAFE  
OUTDOOR SPACE” AT 1250 MENUAL NE, ALBUQUERQUE, NM**

GAHLA by and through their Board of Directors appeals the approval of the City of Albuquerque Planning Department’s approval of the Dawn Legacy Pointe application for a “Safe Outdoor Space” homeless encampment to be located at 1250 Menaul NE.

**IDO APPEAL PROVISIONS, STANDING AND TIMELINESS**

1. This appeal is being brought and filed by GAHLA, pursuant to the Integrated Development Ordinance (IDO), Sections 6-4(V) entitled “APPEALS”, Section 6-4(V)(2) entitled “Who May APPEAL”, 6-4(V)(3) entitled Procedure and 6-4(V)(3)(a) entitled “FILING AN APPEAL”, and 6-4(V)(3)(d), Land Use Hearing Officer (LUHO), pages 422 to 429 and any and all other related provisions of the IDO. The link to the IDO is here:

[https://documents.cabq.gov/planning/IDO/2021\\_IDO\\_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf](https://documents.cabq.gov/planning/IDO/2021_IDO_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf)

2. This appeal is timely filed in that it is being brought within 15 days of the Planning Department approval of the Dawn Legacy Pointe application for a “Safe Outdoor Space” to be located at 1250 Menaul NE.

3. GAHLA has standing to bring this appeal because our members represent several Albuquerque hotels within the 1-25 Menaul quadrant. They provide lodging and meeting space for out of town guests. These hotels, by way of hotel proper, ownership and flag are entrusted to provide for a safe stay. We feel our members will have loss of revenue, safety for our guest and associates and negative guest perception by this safe space. Tourism is a bright spot in Albuquerque and the out of town guests bring millions of dollars income to hotel and lodger’s taxes, they support local businesses and the hotels employ hundreds in the community. This is not how we should welcome our paying guest and tourists to our city, nor should they be located next to free encampments. The location at the Big-I also would become a visual eyesore to thousands driving through the Albuquerque metro area.

On this basis, we appeal the decision made by the planning department to grant the application for a Safe Outdoor Space. ( See Section 6-4(V)(2)(a) (5) of the IDO.)

## PROPERTY SUBJECT OF APPEAL IS CITY OWNED LAND

4. The real property the Planning Department has approved for a Safe Outdoor Space is located 1250 Menaul NE. The property consists of more than 15 acres in two plots. One plot is 11.73 acres plot and a second plot is 3.89 acres. Both plots are owned by the city of Albuquerque and have a combined assessed value of **\$4,333,500**.

5. According to Bernalillo County Assessor's Office records reviewed, the City of Albuquerque owns the land and following are the plot numbers and assessed value of the property:

**Parcel ID Property 1 located at 1205 Menaul, NE:**

**Plot Number 101505924018931414CA**

**City of Albuquerque**

**11.7263 acres including a warehouse**

**\$3,061,100.00**

**Parcel ID Property 2 located 1205 Menaul, NE:**

**Plot Number 101505927224131420CA**

**City of Albuquerque**

**TR1 PLAT OF TR1 LANDS OF M-T INVESTMENT**

**3.8890 acres**

**\$1,272,400**

**5,717 sq. ft. warehouse is on the property, assessed value unknown.**

6. The property is zoned NR-LM. NR-LM stands for "NON-RESIDENTIAL – LIGHT MANUFACTURING ZONE DISTRICT (NR-LM)" Section 2-5(C)(1) of the Integrated Development Ordinance (IDO) provides that *"the purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and light manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses."*

Page 49 of the Integrated Development Ordinance found here:

[https://documents.cabq.gov/planning/IDO/2021\\_IDO\\_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf](https://documents.cabq.gov/planning/IDO/2021_IDO_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf)

7. Allowable uses for the property zoned NR-LM are provided in table 4-2-1 of the Integrated Development Ordinance. Table 4-2-1 lists "Safe Outdoor Spaces" as a CT (Conditional Primary, Temporary use) for property zoned for mix use and T (Temporary) use on property zoned "non-residential".

## CHRONOLOGY AND BACKGROUND

8. On June 6, the City Council enacted a series of amendments updating the Integrated Development Ordinance (IDO). One of the amendments was the “Safe Outdoor Spaces” amendment. “**Safe outdoor spaces**” are organized, managed homeless encampments with 40 designated spaces for tents that allows for upwards of 50 people, require hand washing stations, toilets and showers, require a management plan, 6-foot fencing and social services offered. The Integrated Development Ordinance (IDO) sets a limit of two in each of the city’s 9 council districts. The cap does not apply to religious institutions.

9. The legislation passed on a 5 to 4 vote. Voting YES to allow Safe Outdoor Spaces were Democrats Isaac Benton, Pat Davis and Tammy Feibelkorn and Republicans Brook Bassan and Trudy Jones. Voting NO were Republicans Dan Lewis, Renee Grout and Democrats Louis Sanchez and Klarissa Pena. Mayor Tim Keller signed off on the legislation making it law.

10. Under the enacted amendment Safe Outdoor spaces are allowed in some non-residential and mixed-use zones and must be at least 330 feet from zones with low-density residential development. Under the IDO amendment, Safe Outdoor Spaces are allowed for up to two years with a possible two-year extension.

11. On June 22, after tremendous public outcry and objections to Safe Outdoor Spaces by her constituents, Republican City Councilor Brook Bassan, who had voted “YES” and previously voiced support for safe outdoor spaces, did an about face and changed her mind and introduced legislation to repeal the IDO amendment. Bassan introduced two bills.

12. One bill introduced would stop the city from accepting or approving safe outdoor space applications and the other will eliminate “**safe outdoor spaces**” from the zoning code altogether. Bassan wants to bar the city from accepting or approving Safe Outdoor Space applications for a full year unless it officially removes them from the zoning code sooner than that.

13. During the June 22 meeting the council did not act on the 2 bills and failed to enact the legislation that was to provide for rules and regulations promulgated by the Keller Administration for “**Safe Outdoor Spaces**”. June 22 was the last meeting of the City Council before it went on “summer break” until August 1.

14. The city council’s failure on June 22 to take any action on either the bills stopping the application process or repealing the land use resolution resulted in “Safe Outdoor Spaces” becoming a permissible land use on July 28. This allowed a very short time period of 3 weeks to allow individuals and organizations to apply for Safe Outdoor Spaces.

15. On June 6, the City Council placed Item J for R-22-36 on the Agenda: Directing the City to Develop Operating Procedures for Safe Outdoor Spaces (Feibelkorn, Benton, Davis). Attached was a pdf document R-36 with the following instructions:

SECTION 1. The Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department, and/or any other relevant department as determined by the City Administration, are directed to develop operating

procedures for Safe Outdoor Spaces that promote the health, safety, and welfare of the served population, while helping to mitigate potential impacts on the surrounding communities. The operating procedures for safe outdoor spaces should, at a minimum, address the following:

1. Management plans or security agreements to ensure the safety of 1 individuals occupying the designated spaces.

16. The June 6, 2022 Minutes indicate that a motion was made by Councilor Fiebelkorn that this matter be postponed to June 22, 2022. The motion carried by the following vote: For – Bassan, Benton, Fiebelkorn, Grout, Jones, Lewis, Pena, and Sanchez. Excused - Davis

17. On June 22, the City Council placed Item G for R-22-36 on the Agenda, directing the City to Develop Operating Procedures for Safe Outdoor Spaces (Fiebelkorn, Benton, Davis). Attached was a pdf document R-36 with the following instructions:

SECTION 1. The Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department, and/or any other relevant department as determined by the City Administration, are directed to develop operating procedures for Safe Outdoor Spaces that promote the health, safety, and welfare of the served population, while helping to mitigate potential impacts on the surrounding communities. The operating procedures for safe outdoor spaces should, at a minimum, address the following:

1. Management plans or security agreements to ensure the safety of 1 individuals occupying the designated spaces.

18. The June 22 Minutes state “a motion was made by Councilor Fiebelkorn that this matter be postponed to **June 22, 2022**. The motion carried by the following vote: For – Bassan, Benton, Fiebelkorn, Grout, Jones, Lewis, Pena, and Sanchez. Excused – Davis

Note: The motion was made to postpone to June 22, 2022 on June 22, 2022.

19. On August 1, 2022, the City Council met; however, Agenda Item for R-22-36: Directing the City to Develop Operating Procedures for Safe Outdoor Spaces that had been postponed on June 6, 2022 to June 22, 2022; and postponed on June 22, 2022 to the same date, was not on the Agenda.

20. On August 15, 2022, the City Council will meet to establish a Moratorium for Safe Outdoor Spaces, listed on the Agenda as item R-22-56. The August 15, 2022 Agenda does not include an item for R-22-36 Directing the City to Develop Operating Procedures for Safe Outdoor Spaces. So the item that was introduced on June 6 that required ‘the Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department, and/or any other relevant department as determined by the City Administration, to develop operating procedures for Safe Outdoor Spaces that promote the health, safety, and welfare of the served population, while helping to mitigate potential impacts on the surrounding communities’ that would address procedures for management plans or security agreements to ensure the safety of individuals occupying the designated spaces to be

submitted with Safe Outdoor Spaces applications was not continued as an action item for the City Council to vote on. Therefore, the City has not developed any operating procedures for management plans or security agreements.

21. On August 8, according to the city's website that provides the listing and locations for the applications for "Safe Outdoor Spaces", the City of Albuquerque Planning Department approved the Dawn Legacy Pointe's application for a new Safe Outdoor Space Homeless campsite to be located at 1250 Menaul, NE. The announced intent of the homeless encampment made by applicants is to provide accommodations for victims of "sex-trafficking victims and exploitation" and other vulnerable populations.

The link to the city web site is here:

<https://cabq.maps.arcgis.com/apps/dashboards/768cc1b5e4404fa1a28db56c2019ee71>

The City Planning Department approved the **Safe Outdoor Space** on city owned property valued at \$4,333,500 to be operated by a third party and . subsidized by the City to house women in tents.

## **GROUND'S FOR APPEAL**

22 . This appeal is based on the City of Albuquerque Planning Department failure to follow their own policies, procedures and requirements.

23.What occurred with the Dawn Legacy Pointe application for a "Safe Outdoor Space" is that it was "fast tracked" by the City Planning Department to approve the application just 8 days before the City Council could repeal the Safe Outdoor Space amendment on August 16.

24. The City of Albuquerque Planning Department unilaterally decided that it would review the Dawn Legacy Point application behind closed doors without any public input, without notice to adjacent and surrounding property owners and without any public hearings . The Planning Department decided it had the authority under the IDO to simply grant the application before the City Council votes to repeal Safe Outdoor Spaces on August 15.

## **NORMAL APPLICATION PROCESS IGNORED**

25. Under normal procedures and City Planning precedent, when an application for a "special use" or "conditional use", which includes Safe Outdoor Spaces, is made by a private entity the City Planning Department assigns the application to a zoning hearing examiner to determine if it will be approved. Public notice is then given to surrounding property owners and the general public.

26. A notice of zone change must be posted on the property and adjoining landowners and neighborhood must be given the opportunity to attend and be heard by the zoning hearing

officer. The hearing officer decision can be accepted or rejected by a private entity or appeal the decision to the Land Use Planning and Zoning Committee and ultimately the City Council. The city council has the final and ultimate authority. Normally it is a six month to a year process to secure a zone change and it can take even longer.

### **CITY FAILED TO GIVE NOTICE AND GIVE OPPORTUNITY TO BE HEARD**

27. The City of Albuquerque failed to notify the our members properties of the Safe Outdoor Space application filed by Dawn Legacy Pointe for 1250 Menaul NE .

28. The General Procedures for Public Notice were ignored (See IDO, Section 14-6-6-4(K)) The City of Albuquerque failed to follow the IDO and have a public hearing to address the concerns of the neighborhood.

29. The City never refers to the Albuquerque Comprehensive Plan where neighborhoods are protected from Safe Outdoor Spaces.

30. According to the Comprehensive Plan, Neighborhoods provide quality of life and remain distinct, vibrant places to live. Development in established neighborhoods matches existing character and promotes revitalization where desired.

31. Established neighborhoods are protected, preserved, and enhanced. The City fails to protect, protect and enhance the neighborhood. (See Albuquerque Comprehensive Plan 4.1 Community Identity)

32, The Planning Department did not provide a letter of approval of the permit for a Safe Outdoor Places and deadline for appeal. The SBMTNA was informed by Brad Day that the permit was approved on Tuesday, August 9, 2022.

33. Since June of 2022 and possibly earlier, City Councilor Brook Basan was informed and has been aware that 1250 Menaul NE was available for Safe Outdoor Spaces. The neighborhoods were never informed of the proposal.

### **PREFERENTIAL TREATMENT GIVEN**

34. The City failed to provide opportunity for the institutions in the neighborhood to apply for neighborhood use of the property. (See City of Albuquerque regulations regarding these procedures.)

35. According to private citizen Brad Day and city employee Elizabeth Holguin, Mr. Day was given insider information and consulted with Department of Family and Community Services on what properties were available for Safe Outdoor Spaces.



36. Brad Day, a private business owner, was assisted and given preferential treatment by the city Planning Department, the City Council and the Family Community Services Department with the Dawn Legacy Pointe application for 1250 Menaul NE for a Safe Outdoor Space.

37. All applicants should have been given time to submit their application and provide an opportunity to be selected. The City of Albuquerque process indicates there were conflicts of interest and should be investigated.

38. According to the City of Albuquerque's Integrated Development Ordinance (IDO), the City Planning Department failed to follow its IDO regulations purpose of the IDO Section 1-3(A) 1-3(A-K). This request does not follow the Albuquerque Comprehensive Plan, Code of Ordinance, or the IDO.

39. The City of Albuquerque failed to provide the protection to all communities, especially those that have been historically underserved.

40. The Crowne Plaza Hotel has been a major draw for seventy (70) years in this neighborhood, serving the community first as a Hilton Hotel in bringing business to Albuquerque for individual business and tourist travelers. We have been an anchor for this neighborhood. With recent shuttering of nearby businesses, we have seen a huge increase in vandalism by homeless and criminal behavior. We have had to spend thousands of dollars on beefed up hotel security. Daily, we find drug paraphernalia, car break ins and attempted car breakins, human feces, passed out homeless under bushes and trees. To add this Tent encampment, would be adding insult to injury. We are dealing with already difficult elements at this corner. We trust that the City will reevaluate this proposition in favor of our neighbors, schools and businesses.

41. There is no promotion for the economic development and fiscal sustainability of Menaul NE. A Metropolitan Redevelopment Plan has recently been approved for the area and the City continues to ignore the problems of the homeless who are drug addicts and bring criminal elements into the neighborhood. The City does not follow the IDO requirements to Promote small-scale, neighborhood-serving economic development opportunities for the neighborhood

42. The City Planning Department does not address the efficient administration of City land use and development regulations. A city sanctioned tent encampment for the homeless on city owned property in proximity to T-Mobile call center, a cemetery, Menaul Junior High School, and apartments is not in conformity to what is the highest and best use for the city owned property having a high property value.

44. The neighborhood has dealt with crime and filth from the homeless population. The City imposed the Safe Outdoor Space on the neighborhood and fails to protect the health, safety, and general welfare of the Martinez Town Santa Barbara residents.

45. The Safe Outdoor Space fails to provide for orderly and coordinated development patterns in this area

### **CITY'S FAILURE TO DEVELOP OPERATING PROCEDURES**

46. When the City Council amended the Integrated Development Ordinance (IDO) to include 'Safe Outdoor Spaces' on June 6, 2022, failing to follow-through on directing the City to develop operating procedures or instructions for potential operators of Safe Outdoor Spaces tent encampments that would include management plans or security agreements, it opened the door for creating a 'No Man's Land' with no standardized self-created rules.

47. The City's application process posted on its website requires that an operations plan, management plan and security agreement be reviewed and signed by the City of Albuquerque Family & Community Services Department and included with the application for Safe Outdoor Spaces.

48. But the Albuquerque City Council, while initially planning for operating procedures on June 6 and then removing the motion to provide operating procedures from that evening's City Council Agenda, and failing to properly vote on any subsequent motion to require procedures be written, but approving an Amendment to the IDO that establishes encampments, has created a deficient process.

49. The City Council has thus failed to provide direction to the City departments charged with approving or disapproving Safe Outdoor Spaces applications and has allowed approvals to be made without any kind of objective, standards-based decision-making process. Thus, the City Council has created a pathway for a sloppy and potentially biased approval process with loopholes that would allow approval of applications based on favoritism and disapproval of applications based on possible personal grudges or management-based bias.

50. It is unconscionable that the City Council would put its citizens in a position that is ripe for cronyism or discrimination. By failing to provide standardized rules and regulations for city sanctioned encampments, the required regulations submitted can be approved or disapproved subjectively.

51. With no standard in the content and requirements for management and site security, there will be no oversight or guarantee of safety for residents of the encampments. By not providing direction to the City to develop operating procedures for the Safe Outdoor Spaces applicant Dawn Legacy Pointe for the proposed encampment at 1250 Menaul Boulevard, the City Council has removed the City from having to provide a standard of fairness in approval or disapproval of applications.

52. In effect, what this has done, has put into place a policy by omission: no standardized rules and regulations for running the encampments were established because the City Council failed to instruct the City to write the procedures for the Safe Outdoor Spaces operating

agreement with an appropriate management plan that includes a security plan. The result is a potential for disaster on every level.

53. It is impossible for the City of Albuquerque Family & Community Services Department to make an objective determination on whether a Safe Outdoor Spaces encampment will provide security and safety for individuals occupying the designated spaces without having operating procedures with guidelines for operation of the sites.

54. Without City provided directives, there is no accountability from anyone on the City's Administrative Staff. Dawn Legacy Pointe did not receive City written or City developed operating procedures because these procedures did not exist when Dawn Legacy Pointe made application.

### **PLAGERIZED OPERATING PROCEDURES**

55. In lieu of having City developed operating procedures, Dawn Legacy Pointe copied the operating procedures of a nonprofit unsanctioned encampment in another city and the City accepted these operating procedures. And since these rules were not developed by the City of Albuquerque administrative staff in the Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department and/or any other relevant department, it is impossible to assign accountability for lapses in fiscal and/or physical safety for the project. This is a slip shod way of doing business at best. At worst, it opens the door to allowing dangerous management practices without proper security in place.

56. The City is completely irresponsible in accepting the first Safe Open Spaces application with documents prepared for use by residents of an encampment in another city. Dawn Legacy Pointe submitted a Camp Hope Participant Assumption of Risk and Waiver of Liability Relating to Coronavirus/COVID 19 for an encampment located in Mesilla Valley. Albuquerque is not located in Mesilla Valley. The City of Albuquerque accepted this document, even though it is not enforceable in Albuquerque, NM.

57. The City accepted a list of agreements document submitted by Dawn Legacy Pointe for its residents' compliance. The document allows sex offenders to reside at the Safe Outdoor Spaces at 1250 Menaul Boulevard. Having a potential clientele of sex trafficked women and a stated mission of providing protection after the rescue of these women, Dawn Legacy Pointe has submitted and received approval for a document that allows sex offenders "provided they are registered with the LCPD Sheriff's Department." Note: this provides absolutely zero protection for encampment residents of Dawn Legacy Pointe in Albuquerque.

58. It simply means that sex offenders can be in the encampment and in close proximity to the sex trafficked women as well as unsuspecting neighbors. This population includes students at Menaul Middle School, which is within walking distance of the encampment. The document also states schools within one mile must be notified when a sex offender is in residence.

59. This document has been submitted, accepted and approved by the City of Albuquerque and as it stands, it presents a huge risk to residents in the immediate and surrounding neighborhood (as well as encampment residents).

60. The City apparently can and will accept any document as an acceptable part of an application and will do so without question, because they signed off on this attachment to Dawn Legacy Pointe's application without picking up on a single red flag.

61. There is only one way to describe this dereliction by the City Council and City of Albuquerque: the City Council has created a potentially dangerous condition by not providing needed direction with the Amendment to the IDO. Both the City Council and City Administration have jointly created a condition that is beyond 'unsafe' and the agencies that are charged with ensuring safety to our neighborhood and The Crowne Plaza Albuquerque, have abdicated their duties. There is no security operation on earth that can protect residents of a tent encampment from a sex offender: there is no housing with a door to lock and bar.

#### **ON SITE SECURITY PLAN DEFICIENT**

62. The security plan for Dawn Legacy Pointe does not provide an example of how the encampment will be protected with on-site security. The City's website that provides instructions for SOS encampment applications states that applicants must provide a 'Safe Outdoor Spaces Operational Security Plan.'

63. The criteria for the 'plan' include that the SOS will have an On-Site Manager and Assistant. The public was told by Brooke Bassan, when she initially campaigned for Safe Outdoor Spaces, that the SOS encampments would have 24-hour management - but the application wording does not nail this down as a requirement.

64. The wording is ambiguous: it states the SOS Manager is offsite after hours. Thus, a site manager is not present for 24 hours as promised. And without an on-site manager for the entire 24 hours, there is no guarantee that rules and regulations will be followed. The security agreement for Dawn Legacy Pointe that was accepted by the City states that the manager will have a cell phone in the case the police need to reach him or her.

65. Response time from the Albuquerque Police Department is notoriously slow. Rules may or may not be broken while the 'manager' is absent but security will not be provided. The City has accepted a management plan without the required security agreement and it is a plan for instability.

66. The residents of Dawn Legacy Pointe will not be safe without managers present for 24 hours. Nor will the neighborhood be safe. Worse still, the City of Albuquerque is off the hook for enforcement of rules that they did not create. All the encampments will be 'self-regulated' as we head into a virtual 'no man's land.' The neighborhood can expect to be less safe having a Safe Outdoor Spaces encampment as its newest resident.

## **CITY CREATING PUBLIC NUISANCE**

67. The proposed Safe Outdoor Space use is considered by the GAHLA as a nuisance, it will bring negative impacts to the neighborhood, reduce property values and interfere with the neighborhood peaceful use and enjoyment of their properties. The City is not providing protection from possible nuisances and hazards and to otherwise protect and not improving the public health. According to Albuquerque Code Ordinance, Chapter 11, Morals and Conduct, Section 11-1-1-10 PUBLIC NUISANCES are PROHIBITED.

69. New Mexico statute defines a “public nuisance” as consisting “of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either:

- A. Injurious to public health, safety and welfare; or
- B. Interferes with the exercise and enjoyment of public rights, including the right to use public property.

Whoever commits a public nuisance for which the act or penalty is not otherwise prescribed by law is guilty of a petty misdemeanor.”

(30-8-1, NMSA 1978, Public Nuisance defined).

70. The City’s nuisance abatement ordinance defines nuisance as:

“Any parcel of real property, commercial or residential, ... on which ... illegal activities occur, or which is used to commit conduct, promote, facilitate, or aide the commission of ... any [delineated crimes, including illicit drugs and prostitution]”

71. The city’s nuisance abatement ordinance prohibits “public nuisances” as follows:

“It shall be unlawful for any owner, manager, tenant, lessee, occupant, or other person having any legal or equitable interest or right of possession in real property ...or other personal property to intentionally, knowingly, recklessly, or negligently commit, conduct , promote, facilitate, permit, fail to prevent, or otherwise let happen, any public nuisance in, on or using any property in which they hold any legal or equitable interest or right of possession.”

(11-1-1-10 PUBLIC NUISANCES PROHIBITED, City of Albuquerque.)

72. The City of Albuquerque’s Uniform Housing Code also defines “nuisance” as:

“(1) Any nuisance known at common law ...

(2) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. ...

(3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.

...

(6) Inadequate or unsanitary sewage or plumbing facilities

(7) Any violation of the housing standards set forth in this code.”

(14-3-1-4 ROA 1994 of Housing Code, Definitions)

73. The City of Albuquerque Planning Department and Solid Waste Department is knowingly allowing the creation of a public nuisance such as the Safe Outdoor Space in the Martinez Town Santa Barbara Neighborhood and should be held accountable. The Planning Departments actions is tantamount to the City allowing Coronado Park to become the city's defacto city sanctioned homeless encampment in violation of the city's own public nuisance law and city ordinances.

## **DEVELOPMENT PROSSESSES IGNORED**

74. The City of Albuquerque Planning Department did nothing to provide processes for development decision of 1250 Menaul NE to ensure a balance of the interests of the City, property owners, residents, and developers and ensure opportunities for input by affected parties.

75. According to the IDO, 1250 Menaul NE the Safe Outdoor Spaces requires Administrative and Enforcement, Part 14-16-6, requires a Public Hearing 6-6(C)(1): applicability an expansion of a nonconforming use or structure is regulated under the IDO 6-6(C), page 465.

76. The property owner failed to deal with the nonconformance portion of property that is zoned MX-M zone and request a conditional use in front of the Zoning Hearing Examiner. The permit and the recommended Safe Outdoor Space are moot. *(See IDO, Nonconforming site features may not be expanded. No nonconforming use or structure may be expanded unless an approval under this Subsection 14-16-6-6(C) is obtained by the property owner or applicant.)*

77. The City's explanation that they didn't need to deal with the nonconformance is that they would not use the portion of the property zoned MX-M. The City of Albuquerque cannot deny the patrons of this proposed use will need to enter on the MX-M portion of the land and on the site plan the lease is using the MX-M for the dumpster and parking. This expansion of nonconformance confirms the use of the land. The City illustrates in the plan the expansion is necessary and intentional bypasses the nonconformance requirements. (See Attached Site Plan)

78. The users on this site will need to walk to Second Street to obtain their meals. The expansion of pedestrian and transit will negatively impact the neighborhood. Menaul Boulevard is already a congested area. The transit buses cause problems to the foundation of the homes. There have been studies by the City of Albuquerque regarding the impacts of the buses on the residential area.

#### **DETERMENTAL IMPACT ON THE CROWNE PLAZA HOTEL ALBUQUERQUE**

79. The Crowne Plaza Hotel Albuquerque, a neighborhood anchor, is bound on the north by Menaul Blvd NE, on the east by Carlisle Blvd, the south Indian School Rd and the west is I-25. We are certain that the neighborhood residents and businesses that Safe Outdoor Spaces will impact will be extremely negative.

80. All over the neighborhood including the streets and sidewalks tents are setup. The homeless throw trash all over the neighborhood. The parks are destroyed with feces where the children play, the picnic tables are burned or destroyed, garbage cans are graffiti on or burnt, and graffiti is written all over the neighborhood, etc.

81. Neighbors have moved out of nearby neighborhoods, GAHLA members have lost business, no new restaurants will lease the shuttered buildings waiting for tenants. Each day, we have the homeless begging for money, collapsing in our parking lot, our maintenance man was punched in the face. We are trying to run a business here and keep this corner of Menaul and University upstanding. We do expect our council to truly weigh what is right by its tax paying citizens and businesses. We hoteliers contribute to a city lodgers tax as well. We expect some protection to keep our guests, and employees safe so we can continue to operate.

#### **ANNOUNCE USE FOR SAFE OUTDOOR SPACE**

82. Dawn Legacy Pointe has made it clear that it intends to provide accommodations for “sex-trafficking victims” and other vulnerable populations at the location. Kylea Good, the Board Chair of Dawn Legacy Point, said it would likely be easy to find people and most likely women, though it will not exclude men, willing to stay at the camp. She said she hoped to have the encampment up and running by October and she told the Journal:

*“I wouldn’t be surprised if we maxed out. The truth of the matter is it’s not like we’re looking at just one area. There’s a lot of [human] trafficking and exploitation that goes on around that area of Menaul, but you have a whole city that is dealing with it.”*

83. Brad Day, a local businessman and advocate for safe outdoor spaces, is advising Dawn Legacy Pointe. He told the Journal:

*“We did all the documents, and now what we’re going to do is basically work on the logistics of getting all the stuff we need, the tents, the sleeping bags, the air mattresses, get the fence built.”*

The link to the full unedited Journal news article is  
here: <https://www.abqjournal.com/2521238/city-sees-1st-application-for-safe-outdoor-space.html>

84.. When the words “**trafficking and exploitation**” are used, what is meant are woman who are victims of crime such as kidnapping or forced prostitution. What Dawn Legacy wants to provide are tents in city sanctioned encampments to women who have already been victimized believing somehow that it is compassionate when such women need actual and permanent housing that is safe and secured and not living in a tent.

#### **ENCAMPMENT WILL HAVE DETERMENTAL EFFECT ON NEIGHBORHOOD**

85. Less than a half mile from the vacant land located at **1250 Menaul Blvd, NE** and within walking distance from the property is Menaul School, a private boarding school for 6th to 12th graders. Directly across the street from the property is the T-Mobile Call Center and a Quality Inn & Suites. Going West on Menaul and one block from the property is Carrington College and two apartment complexes.

86.. At Sunset Memorial Park, workers daily patrol the grounds, monitoring the activity of homeless people who have taken to lounging in the various meditative shelters provided for grieving families. The homeless are known to use the various fountains throughout the park to wash themselves or use the fountains as a toilet, despite there being easy-to-find portable toilets located at the northeast end of the park.

<https://www.abqjournal.com/2523606/cemeteries-lament-bathing-camps-on-grounds.htm>

87. Directly West and bordering the property is Sunset Memorial Park and Cemetery. Immediately East of the Freeway is the massive TA Travel Truck Stop on University that can accommodate parking of upwards of 150 semitrucks. Within law enforcement circles, the truck stop is known for prostitution and illicit drug activity. Immediately south of the truck stop on University Blvd is the Crown Plaza Hotel. It's ironic that a few years ago it was proposed that the city buy the Crown Plaza Hotel for about \$8 million and dedicate it as a homeless shelter. Unthinkable! We cannot allow this area of town to become Gotham.

88. It's the actual location of **1205 Menaul, NE** that is the most troubling. The encampment will become a magnet for crime and prostitution or illicit drug trade given that it is in close proximity to a truck stop known for prostitution and illicit drug activity amongst law enforcement. The location is directly across the street from a major call center and a Quality Inn & Suites and within walking distance of Menaul Boarding School and apartments. Occupants of the Safe Outdoor spaces are not confined and are free to go and come as they please and could easily wind up uninvited wherever they want to go, including the truck stop, and disrupt the peaceful use and enjoyment at any one of those locations or engage in illicit activity themselves.



## **REQUEST FOR RELIEF**

Because of all the forgoing, **The Greater Albuquerque Hotel and Lodging Association** respectfully requests denial of the Safe Outdoor Space at 1250 Menaul due to failure to follow City policies, procedures, and regulations-outlined above and further, and posing extreme risk to neighborhoods and businesses in its path. The lack of visual appeal could discourage new businesses for relocating to our destination. We do ask that the approval of the Safe Outdoor Spaces be set aside and rescinded and that no Safe Outdoor Space be allowed at 1250 Menaul, NE.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Damen Kompanowski', written in a cursive style.

Damen Kompanowski  
President

**The Greater Albuquerque Hotel Lodging Association**

Applicant: Dawn Legacy Pointe, fiscally sponsored by Street Safe New Mexico, a Non-Profit 501 (c)(3)

Unique ID	16
Submitted Date/Time	7/30/2022, 9:30 AM
Review Status	Approved
Review Date	8/10/2022
Review Comments	Opaque screening to be installed
Last Edit Date	8/10/2022
Editor	ametzgar_CABQ
Address	1250 Menaul Blvd NE Albuquerque, New Mexico 87107
UPC	Not available currently
City Council District	2
Applicant Name	Dawn Legacy Pointe, fiscally sponsored by Street Safe New Mexico, a Non-Profit 501 (c)(3)
SOS Operator	same as above
Mailing Address of Applicant	8409 Central Ave. NE Albuquerque, New Mexico 87108
Email Address of Applicant	s.goodco@gmail.com
Phone Number of Applicant	720-333-8288
Max Number of Spaces	40
Max Number of Occupants	50
Religious Institution Activity	No
IDO Zone (Religious Institution)	
IDO Zone (Non-religious Institution)	NR-LM
Mixed Use Zone	No

**Attachments:**

Essentials for Safe Outdoor Spaces.docx

Edited by ametzgar\_CABQ on Wednesday at 1:43 PM

This is critical: the reason the ABQ police will be able to enforce the trespassing laws is that homeless individuals will be able to go to an alternative location where they are not trespassing, AND take their personal property with them.

What happens after individuals are assigned a Designated Space?

Once in the Safe Outdoor Space, the Rules and service requirements (6 hours per week) will apply.

There is 1 mandatory meeting per month for all residents. Additionally, there is a meeting every week to discuss what is going on in the Safe Outdoor Space, solve problems that arise, etc.

There is an ONSITE Manager and an ASSISTANT who will help oversee the operation of the Safe Outdoor Space daily. The SOS Manager is off site after hours, but available if there is an emergency. Both ONSITE Manager and ASSISTANT will be supplied with cell phones to be able to communicate with police and the SOS Manager.

Scheduling for Security and Cleanup will be done by the onsite management. If a resident fails to show up for their scheduled duty, one of the onsite managers will fill in.

There will be 6' fencing with screening (like a tennis court) and gates around the Safe Outdoor Space. The gates will be open from 7:00am to 8:00pm, then they will be locked for the night. There will also be a Safety Shack for the residents on security to occupy. It will have lights and other necessary equipment to perform their duties.

All requirements for Safe Outdoor Spaces will be observed based upon amendments passed by the City Council of Albuquerque, New Mexico.

Initially, the Safe Outdoor Spaces will have temporary and portable showers, bathrooms, hand washing stations, and meeting spaces. If the City Council removes the temporary edict, then permanent structures will be built to provide the above.



21. It is recommended that all residents perform and record 6 hours of service in camp a week.
  22. Every Tuesday at 10:00 AM the Camp hosts "The Great Conversation". The conversation allows campers, staff, and community members to address our differences and to recognize how much we all have in common. The first Tuesday of every month is a mandatory camp meeting, and the first two meetings after your intake are also mandatory.
  23. Campers will stay in the defined campground. A few spaces are available on the Camp parking area for vehicles to be used by camp residents. Vehicles must be registered and given permission to be on the Camp Hope premises. Their owners must follow all Camp Hope rules.
  24. No unregistered or inoperable vehicles are allowed on the campus at any time.
  25. Campers are responsible for cleaning up their tent before they move out of Camp. Residents who leave an untidy tent space will not be allowed back in camp. They will also be added to the MVCH banned list for littering (The number of months they are banned depends on the number of prior offenses by the resident). If items left behind are not removed within 3 days, they will be discarded as MVCH is not responsible for storing camp resident's property.
  26. Donations may not be sold to anyone, for any amount. Anyone found breaking this agreement will be asked to vacate immediately.
  27. When leaving Camp Hope, you may only leave with one reasonable truckload of items. This is to prevent hoarding and excess usage of camp resources.
  28. Campers who have complaints must follow the Grievance procedure.
  29. All dogs and pets coming in to Camp must be up to date on shots and be spayed or neutered. If residents need help with either they will be referred to agencies that may assist them. All dogs must be on a leash at all times as this is City of Las Cruces property.
  30. Sex offenders must be registered with the LCPD/Sheriff Dept. Schools within one mile must be notified. This is the responsibility of the offender
  31. No drugs except as prescribed and taken as prescribed.
  32. All residents must be fully clothed in common areas.
  33. Camp quiet hours are 10:00 p.m. to 8:00 a.m.
  34. Camp Clean up Fridays 9-10 a.m.
  35. MVCH has a responsibility to maintain confidentiality, respect and privacy for all residents at the Camp. We ask that clients not utilize social media when regarding to Camp Hope concerns. Contact the Camp Hope Outreach Coordinator for anything in regard to the Camp and Social media.
- There is ZERO tolerance for criminal behavior including alcohol and drug use, weapons violations, stealing, vandalism, assault, battery, etc. Offenses will be reported to MVCH staff and appropriate authorities. Criminal behavior will be reported to and dealt with by the Las Cruces Police Department.

I understand that if I violate the rules of the camp or the rules of MVCH I will be asked to leave the camp. I agree that I received the rules and I understand them in full.

Resident Name/Signature

Date

Witness Name/Signature

Date

I understand that depending on the nature of the crime committed or rule infraction, I may be asked to leave the camp immediately. I agree that I will leave the camp or that I may risk being banned from the property or risk the police being called.

Resident Name/Signature

Date

Witness Name/Signature

Date

I realize that I am staying at Camp Hope of my own volition. I understand that paid staff is not on-hand at the camp at all times.

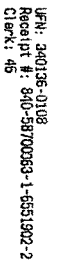
Camp Hope resident does hereby release and forever discharge and hold harmless MVCH and its successors and assigns from any and all liability, claims, and demands of whatever kind or nature, either in law or in equity that arise or may hereafter arise from the resident's stay at Camp Hope. I agree to defend, indemnify and save harmless MVCH and its officers, agents and employees from any and all suits, actions and claims of any character brought because of any injury or damage received or sustained by any person, persons or property.

Resident Name/Signature

Date

Witness Name/Signature

Date

[illegible]

City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit



(Note: Items with an asterisk (\*) are required.)

[Date\*] 8/4/22

[Name\* of Abutting Property Owner] Sunset Memorial Park

[Address\* of Property Owner] 924 Menaul Blvd. NE Albuquerque, NM 87107

RE: Public Notice of Temporary Use Permit

Dear Sunset Memorial Park Owners [Name\* of Property Owner],

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) Subsection 14-16-6-5(D)(2), this is written notice to you as an abutting Property Owner that an application for a Temporary Use Permit will be submitted to the City of Albuquerque Planning Department for a property next to you. This application will be reviewed and decided by the City of Albuquerque Planning Department staff, available by email at [codeenforcement@cabq.gov](mailto:codeenforcement@cabq.gov).

1. Property Owner of Subject Property City of Albuquerque
2. Agent\* (if applicable) not applicable
3. Subject Property Address 1250 Menaul Blvd. NE
4. Location Description NE corner of Menaul and F-25  
Frontage Road
5. Zone Atlas Page H-15-Z (Available here: <https://beta.cabq.gov/business/zonemap>)
6. Legal Description not available
7. Area of Property (typically in acres) 0.79 acres
8. IDO Zone District MR-LM
9. Overlay Zone(s) (if applicable) ---
10. Center or Corridor Area (if applicable) ---
11. Current Land Use (vacant, if none) vacant
12. Deviations Requested (if applicable) ---
13. Variances Requested (if applicable) ---

The application will request the temporary use for the following land uses and/or activities:

Safe Outdoor Space



City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit

(Note: Items with an asterisk (\*) are required.)

The application will request that the temporary use be allowed for the following duration:

24 months with an additional 24 months is approved by City of Albuquerque.  
This temporary use will operate in the following days and times:

24 hours a day / 365 days a year

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Subsection 14-16-6-4(D)). To request a Facilitated Meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <http://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

Please contact me with any questions or concerns at 720.333.8288 (phone number\*) or via s.goddard@gmail.com (email\*).

More information about the project can be found here: [project webpage\*, if applicable]

Useful Links

Integrated Development Ordinance (IDO):

<https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Interactive Map

<https://tinyurl.com/IDOzonlinemap>

Sincerely,



[Agent/Property Owner/Developer/Operator]

Cc:

[Other Property Owners, if any]

City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit

[Note: Items with an asterisk (\*) are required.]

The application will request that the temporary use be allowed for the following duration:

24 months with additional 24 months if approved by the City of Albuquerque (ex. number of days/months/years).

This temporary use will operate in the following days and times:

24 hours a day / 365 days a year

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Subsection 14-16-6-4(D)). To request a Facilitated Meeting regarding this project, contact the Planning Department at [devhel@cabq.gov](mailto:devhel@cabq.gov) or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <http://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

Please contact me with any questions or concerns at 720-333-7288 [phone number] or via sgood@qmail.com [email].

More information about the project can be found here: [project webpage\*, if applicable]

Useful Links


Integrated Development Ordinance (IDO):

<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Interactive Map

<https://rhnyurl.com/IDOnlinemap>

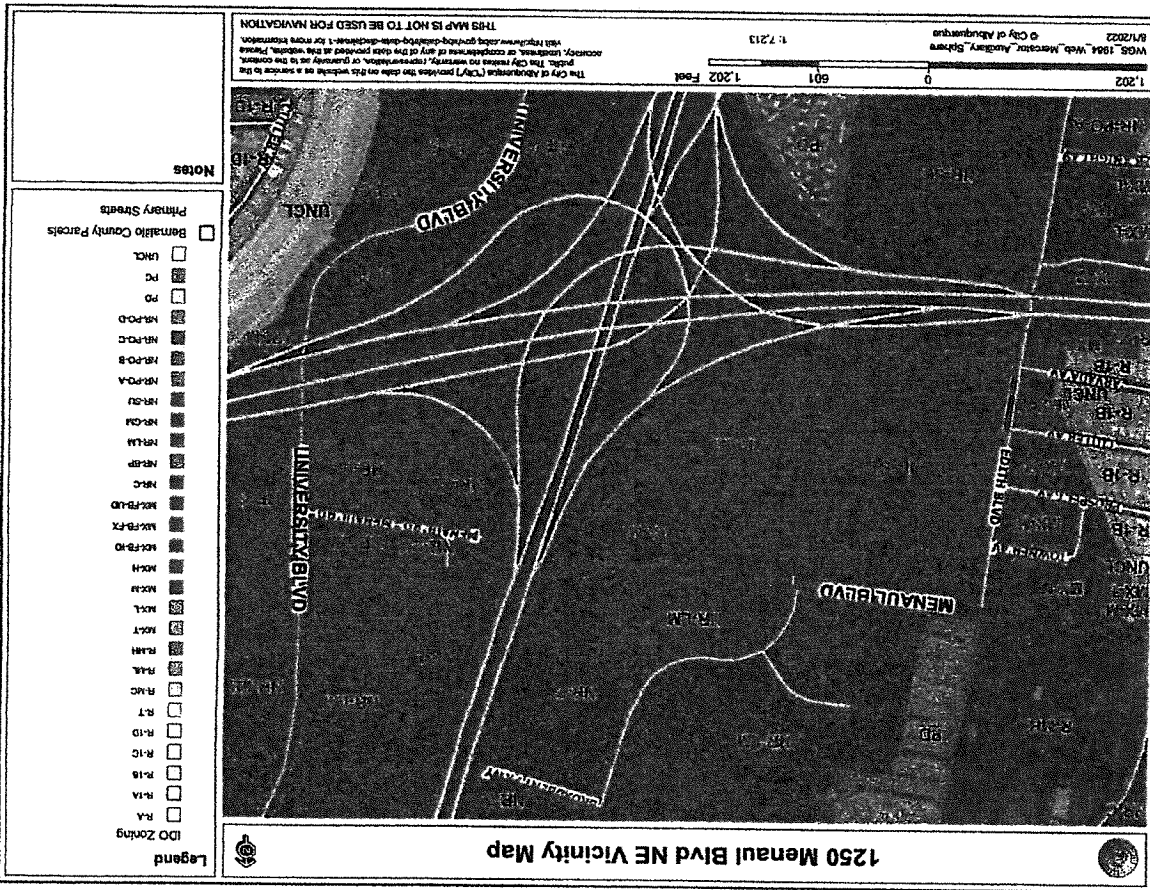
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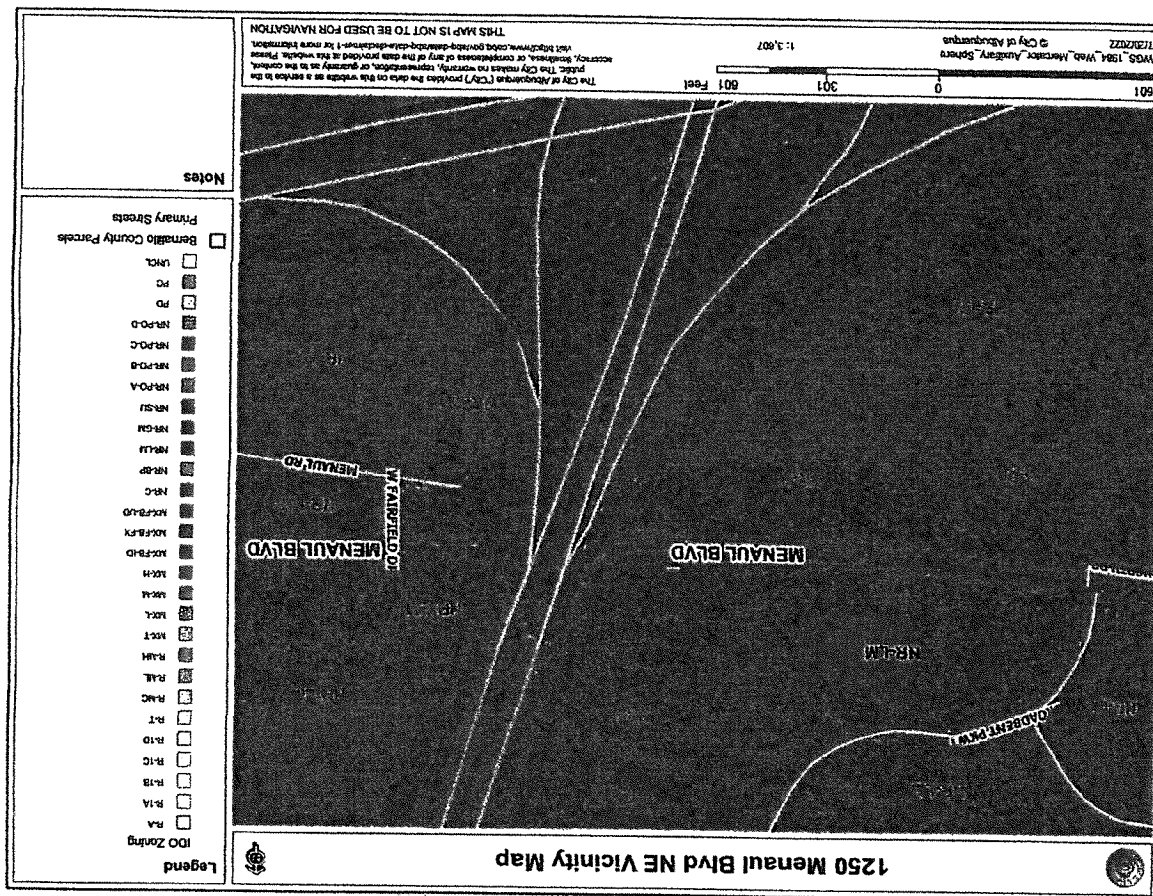


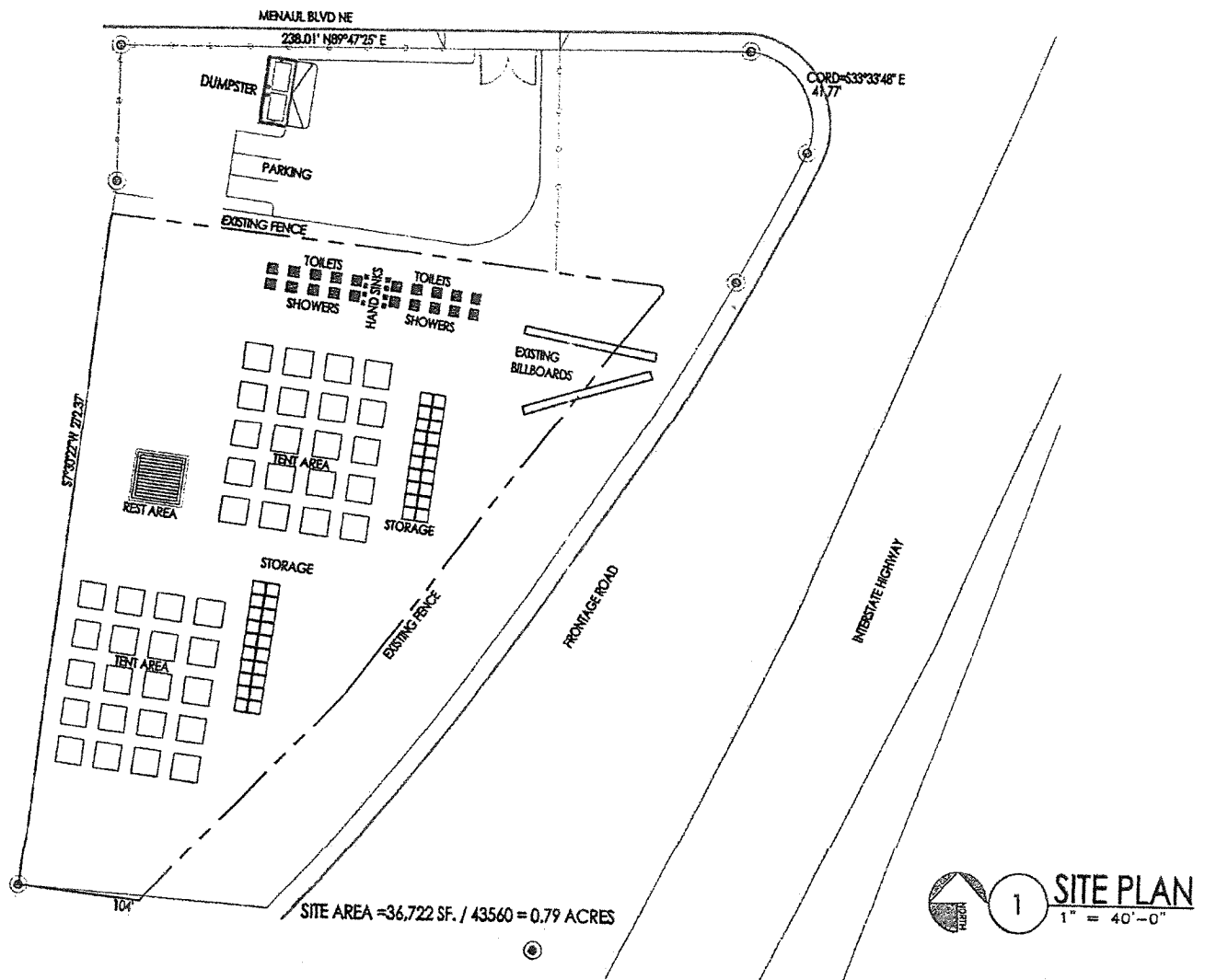
[Agent/Property Owner/Developer/Operator]

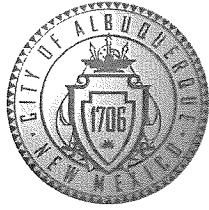
CC:

[Other Property Owners, if any]









# CITY OF ALBUQUERQUE INVOICE

**GREATER ABQ HOTEL AND LODGING ASSOC**

**PO BOX 14757**

Reference NO: VA-2022-00240

Customer NO: CU-164401229

Date	Description	Amount
8/19/22	2% Technology Fee	\$2.00
8/19/22	2% Technology Fee	\$130.00

Due Date: **8/19/22**

Total due for this invoice:

**\$132.00**

**Options to pay your Invoice:**

1. Online with a credit card: <http://posse.cabq.gov/posse/pub/lms/Default.aspx>
2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

**Date:** 8/19/22  
**Amount Due:** **\$132.00**  
**Reference NO:** VA-2022-00240  
**Payment Code:** 130  
**Customer NO:** CU-164401229

GREATER ABQ HOTEL AND LODGING  
ASSOC  
PO BOX 14757  
ALBQ, NM 87191



130 0000VA20220024000102546716440122100000000000013200CU164401229



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		<b>Appeals</b>
		<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

### APPLICATION INFORMATION

Applicant: <u>Beth Brownell</u>		Phone: <u>505-344-5623</u>
Address: <u>2921 ARNO NE</u>		Email: <u>bethbrownell@msn.com</u>
City: <u>Albuquerque, NM 87107</u>	State: <u>NM</u>	Zip: <u>87107</u>
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:		List <u>all</u> owners:

### BRIEF DESCRIPTION OF REQUEST

appeal the appraisal of application for SOS at 1250 Menaul NE

### SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: <u>101505924018931414CA</u>	Block:	Unit:
Subdivision/Addition: <u>TRI Plat of TRI Lands of</u>	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): <u>#45-2</u>	Existing Zoning: <u>NR-LM</u>	Proposed Zoning: <u>NR-LM</u>
# of Existing Lots: <u>2</u>	# of Proposed Lots: <u>2</u>	Total Area of Site (acres): <u>15</u>

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: <u>1250 Menaul NE</u>	Between: <u>T-25</u>	and: <u>Menaul</u>
--	----------------------	--------------------

### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Signature: <u>Beth Brownell</u>	Date: <u>8/19/22</u>
Printed Name: <u>Beth Brownell</u>	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:			Fee Total:		
Staff Signature:			Date:		
			Project #		

parcel 2 - 10150592722431420CA

bethbrownell@msn.com

## FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)
- ☒ APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

\_\_\_ Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_\_\_

\_\_\_ A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.

\_\_\_ Project number of the case being appealed, if applicable: \_\_\_\_\_

\_\_\_ Application number of the case being appealed, if applicable: \_\_\_\_\_

☒ Type of decision being appealed: approval of SOS application

\_\_\_ Letter of authorization from the appellant if appeal is submitted by an agent

\_\_\_ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(2)

\_\_\_ Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(V)(4)

\_\_\_ Copy of the Official Notice of Decision regarding the matter being appealed

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: Beth Brownell

Date: 8/19/22

Printed Name: Beth Brownell

☒ Applicant or ☐ Agent

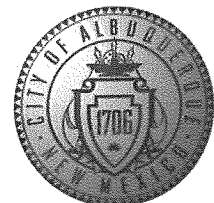
### FOR OFFICIAL USE ONLY

Case Numbers:

Project Number:

Staff Signature:

Date:





**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

**IN THE MATTER OF THE APPLICATION OF  
DAWN LEGACY POINT APPLICATION FOR  
SAFE OUTDOOR SPACES FOR 1250 MENDAL NE  
ALBUQUERQUE, NEW MEXICO**

**STRONGHURST IMPROVEMENT ASSOCIATION (SIA) APPEAL OF PLANNING  
DEPARTMENT GRANTING DAWN LEGACY POINTE (DPA) APPLICATION FOR  
“SAFE OUTDOOR SPACE” AT 1250 MENDAL NE, ALBUQUERQUE, NM**

The Stronghurst Improvement Association (SIA) duly authorizes Beth Brownell, Scott Cunningham and Mark Lines appeal the approval of the City of Albuquerque Planning Department’s approval of the Dawn Legacy Pointe (DPA) application for a “Safe Outdoor Space” homeless encampment to be located at 1250 Mendal NE.

**IDO APPEAL PROVISIONS, STANDING AND TIMELINESS**

1. This appeal is being brought and filed by Stronghurst Improvement Association pursuant to the Integrated Development Ordinance (IDO), Sections 6-4(V) entitled “APPEALS”, Section 6-4(V)(2) entitled “Who May APPEAL”, 6-4(V)(3) entitled Procedure and 6-4(V)(3)(a) entitled “FILING AN APPEAL”, and 6-4(V)(3)(d), Land Use Hearing Officer (LUHO), pages 422 to 429 and any and all other related provisions of the IDO. The link to the IDO is here:

[https://documents.cabq.gov/planning/IDO/2021\\_IDO\\_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf](https://documents.cabq.gov/planning/IDO/2021_IDO_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf)

2. This appeal is timely filed in that it is being brought within 15 days of the Planning Department approval of the Dawn Legacy Pointe application for a “Safe Outdoor Space” to be located at 1250 Mendal NE.

3. Stronghurst Improvement Association has standing to bring this appeal because it is a Neighborhood Association where residential property owners reside and that is being affected on the basis of proximity for the decision made by the planning department to grant the application for a Safe Outdoor Space (See Section 6-4(V)(2) (a)(5) of the IDO).

**PROPERTY SUBJECT OF APPEAL IS CITY OWNED LAND**

4. The real property the Planning Department has approved for a Safe Outdoor Space is located 1250 Mendal NE. The property consists of more than 15 acres in two plots. One plot is 11.73 acres plot and a second plot is 3.89 acres. Both plots are owned by the city of Albuquerque and have a combined assessed value of **\$4,333,500**.

5. The property is zoned NR-LM. NR-LM stands for “NON-RESIDENTIAL – LIGHT MANUFACTURING ZONE DISTRICT (NR-LM)”. Section 2-5(C)(1) of the Integrated Development Ordinance (IDO) provides that *“the purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and light manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses.”*

Page 49 of the Integrated Development Ordinance found here:

[https://documents.cabq.gov/planning/IDO/2021\\_IDO\\_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf](https://documents.cabq.gov/planning/IDO/2021_IDO_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf)

6. Allowable uses for the property zoned NR-LM are provided in table 4-2-1 of the Integrated Development Ordinance. Table 4-2-1 lists **“Safe Outdoor Spaces”** as a CT (Conditional Primary, Temporary use) for property zoned for mix use and T (Temporary) use on property zoned **“non-residential”**.

7. On August 8, according to the city’s website that provides the listing and locations for the applications for “Safe Outdoor Spaces”, the City of Albuquerque Planning Department approved the Dawn Legacy Pointe’s application for a new Safe Outdoor Space Homeless campsite to be located at 1250 Menaul, NE. The announced intent of the homeless encampment made by applicants is to provide accommodations for victims of “sex-trafficking victims and exploitation”, and other vulnerable populations.

The link to the city web site is here:

<https://cabq.maps.arcgis.com/apps/dashboards/768cc1b5e4404fa1a28db56c2019ee71>

The City Planning Department approved the **Safe Outdoor Space** on city owned property valued at \$4,333,500 to be operated by a third party and subsidized by the City. Is housing women in tents in accordance with the high dollar value assigned to this property?

## **GROUND FOR APPEAL**

8. This appeal is based on the City of Albuquerque Planning Department failure to follow their own policies, procedures and requirements.

9. What occurred with the Dawn Legacy Pointe application for a “Safe Outdoor Space” is that it was “fast tracked” by the City Planning Department to approve the application just 8 days before the City Council could repeal the Safe Outdoor Space amendment on August 16, 2022. Dawn Legacy Pointe is didn’t submit a proper application. A volunteer signed the application and no one from Dawn Legacy Pointe.

10. The City of Albuquerque Planning Department unilaterally decided that it would review the Dawn Legacy Point application behind closed doors without any public input, without

notice to adjacent and surrounding property owners and without any public hearings. The Planning Department decided it had the authority under the IDO to simply grant the application before the City Council voted to repeal Safe Outdoor Spaces on August 15, 2022.

## **NORMAL APPLICATION PROCESS IGNORED**

11. Under normal procedures and City Planning precedent, when an application for a “special use” or “conditional use”, which includes Safe Outdoor Spaces, is made by a private entity the City Planning Department assigns the application to a zoning hearing examiner to determine if it will be approved. Public notice is then given to surrounding property owners and the general public.

12. A notice of zone change must be posted on the property and adjoining landowners and neighborhood must be given the opportunity to attend and be heard by the zoning hearing officer. The hearing officer decision can be accepted or rejected by a private entity or appeal the decision to the Land Use Planning and Zoning Committee and ultimately the City Council. The city council has the final and ultimate authority. Normally it is a six month to a year process to secure a zone change and it can take even longer.

## **CITY FAILED TO GIVE NOTICE AND GIVE OPPORTUNITY TO BE HEARD**

13. The City of Albuquerque failed to notify the any neighborhood or surrounding businesses of the Safe Outdoor Space application filed by Dawn Legacy Pointe for 1250 Menaul NE .

14. The General Procedures for Public Notice were ignored (See IDO, Section 14-6-6-4(K)). The City of Albuquerque failed to follow the IDO and have a public hearing to address the concerns of the neighborhood.

15. The City never refers to the Albuquerque Comprehensive Plan where neighborhoods are protected from Safe Outdoor Spaces.

16. According to the Comprehensive Plan, Neighborhoods provide quality of life and remain distinct, vibrant places to live. Development in established neighborhoods matches existing character and promotes revitalization where desired.

17. Established neighborhoods are protected, preserved, and enhanced. In *this* instance, the City fails to protect, preserve and enhance the neighborhood (See Albuquerque Comprehensive Plan 4.1 Community Identity).

18. The Planning Department did not provide a letter of approval of the permit for a Safe Outdoor Places or a deadline for appeal.

19. According to the City of Albuquerque's Integrated Development Ordinance (IDO), the City Planning Department failed to follow its own IDO regulations proposal of the IDO Section 1-3(A) 1-3(A-K). **This request does not follow the Albuquerque Comprehensive Plan, Code of Ordinance, or the IDO.**

20. The Safe Outdoor Space fails to provide for orderly and coordinated development patterns in this area.

## **CITY'S FAILURE TO DEVELOP OPERATING PROCEDURES**

21. When the City Council amended the Integrated Development Ordinance (IDO) to include 'Safe Outdoor Spaces' on June 6, 2022, failing to follow-through on directing the City to develop operating procedures or instructions for potential operators of Safe Outdoor Spaces tent encampments that would include management plans or security agreements, it opened the door for creating a 'No Man's Land' with non-standardized self-created rules.

22. The City's application process posted on its website requires that an operations plan, management plan and security agreement be reviewed and signed by the City of Albuquerque Family & Community Services Department and included with the application for Safe Outdoor Spaces.

23. The Albuquerque City Council, while initially planning for operating procedures on June 6, then removed the motion to provide operating procedures from that evening's City Council Agenda. They then failed to properly vote on any subsequent motion to require procedures be written, but approved an Amendment to the IDO that establishes encampments, thereby creating a deficient process.

24. The City Council has thus failed to provide direction to the City departments charged with approving or disapproving Safe Outdoor Spaces applications and has allowed approvals to be made without any kind of objective, standards-based decision-making process. Thus, the City Council has created a pathway for a sloppy and potentially biased approval process with loopholes that would allow approval of applications based on favoritism and disapproval of applications based on possible personal grudges or management-based bias.

25. It is unconscionable that the City Council would put its citizens in a position that is ripe for cronyism or discrimination. By failing to provide standardized rules and regulations for city sanctioned encampments, the required regulations submitted can be approved or disapproved subjectively.

26. With no standard in the content and requirements for management and site security, there will be no oversight or guarantee of safety for residents of the encampments. By not providing direction to the City to develop operating procedures for the Safe Outdoor Spaces applicant, Dawn Legacy Pointe, for the proposed encampment at 1250 Menaul Boulevard, the

City Council has removed the City from having to provide a standard of fairness in approval or disapproval of applications.

27. In effect, what this has done, has put into place a policy by omission: no standardized rules and regulations for running the encampments were established because the City Council failed to instruct the City to write the procedures for the Safe Outdoor Spaces operating agreement with an appropriate management plan that includes a security plan. The result is a potential for disaster on every level.

28. It is impossible for the City of Albuquerque Family & Community Services Department to make an objective determination on whether a Safe Outdoor Spaces encampment will provide security and safety for individuals occupying the designated spaces without having operating procedures with guidelines for operation of the sites.

29. Without City provided directives, there is no accountability from anyone on the City's Administrative Staff. Dawn Legacy Pointe did not receive City written or City developed operating procedures because these procedures did not exist when Dawn Legacy Pointe made application.

## **PLAGERIZED OPERATING PROCEDURES**

30. In lieu of having City developed operating procedures, Dawn Legacy Pointe copied the operating procedures of a nonprofit, unsanctioned encampment in another city and the City accepted these operating procedures. And since these rules were not developed by the City of Albuquerque administrative staff in the Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department and/or any other relevant department, it is impossible to assign accountability for lapses in fiscal and/or physical safety for the project. This is a slip shod way of doing business at best. At worst, it opens the door to allowing dangerous management practices without proper security in place.

31. The City is completely irresponsible in accepting the first Safe Open Spaces (SOS) application with documents prepared for use by residents of an encampment in another city. Dawn Legacy Pointe submitted a Camp Hope Participant Assumption of Risk and Waiver of Liability Relating to Coronavirus/COVID 19 for an encampment located in Mesilla Valley. Albuquerque is not located in Mesilla Valley. The City of Albuquerque accepted this document, even though it is not enforceable in Albuquerque, NM.

32. The City accepted a list of agreements document submitted by Dawn Legacy Pointe for its residents' compliance. The document allows sex offenders to reside at the Safe Outdoor Spaces (SOS) at 1250 Menaul Boulevard. Having a potential clientele of sex trafficked women and a stated mission of providing protection after the rescue of these women, Dawn Legacy Pointe has submitted and received approval for a document that allows sex offenders "provided they are registered with the LCPD Sheriff's Department." Note: this provides absolutely zero protection for encampment residents of Dawn Legacy Pointe in Albuquerque.

33. It simply means that sex offenders can be in the encampment and in close proximity to the sex trafficked women as well as unsuspecting neighbors. This population includes students at Menaul School, which is within a short walking distance of the encampment. The document also states schools within one mile must be notified when a sex offender is in residence.

34. This document has been submitted, accepted and approved by the City of Albuquerque and as it stands, it presents a huge risk to residents in the immediate and surrounding neighborhood (as well as encampment residents).

35. The City apparently can and will accept any document as an acceptable part of an application and will do so without question, because they signed off on this attachment to Dawn Legacy Pointe's application without picking up on a single red flag.

36. There is only one way to describe this dereliction by the City Council and City of Albuquerque: the City Council has created a potentially dangerous condition by not providing needed direction with the Amendment to the IDO. Both the City Council and City Administration have jointly created a condition that is beyond 'unsafe' and the agencies that are charged with ensuring safety to Martinez Town Santa Barbara (MTSB) have abdicated their duties. There is no security operation on earth that can protect residents of a tent encampment from a sex offender: there is no housing with a door to lock and bar.

#### **ON SITE SECURITY PLAN DEFICIENT**

37. The security plan for Dawn Legacy Pointe does not provide an example of how the encampment will be protected with on-site security. The City's website that provides instructions for SOS encampment applications states that applicants must provide a 'Safe Outdoor Spaces Operational Security Plan.'

38. The criteria for the 'plan' include that the SOS will have an On-Site Manager and Assistant. The public was told by Brooke Bassan, City Councilor, when she initially campaigned for Safe Outdoor Spaces, that the SOS encampments would have 24 hour management - but the application wording does not nail this down as a requirement.

39. The wording is ambiguous: it states the SOS Manager is offsite after hours. Thus, a site manager is not present for 24 hours as promised. And without an on-site manager for the entire 24 hours, there is no guarantee that rules and regulations will be followed. The security agreement for Dawn Legacy Pointe that was accepted by the City states that the manager will have a cell phone in the case the police need to reach him or her.

40. Response time from the Albuquerque Police Department is notoriously slow. Rules may or may not be broken while the 'manager' is absent but security will not be provided. The City has accepted a management plan without the required security agreement and it is a plan for instability.

41. The residents of Dawn Legacy Pointe will not be safe without managers present for 24 hours. Nor will the neighborhood be safe. Worse still, the City of Albuquerque is off the hook for enforcement of rules that they did not create. All the encampments will be 'self-regulated' as we head into a virtual 'no man's land.' The neighborhood can expect to be less safe having a Safe Outdoor Spaces encampment as its newest resident.

## **DEVELOPMENT PROCESSES IGNORED**

42. The City of Albuquerque Planning Department did nothing to provide processes for development decision of 1250 Menaul NE to ensure a balance of the interests of the City, property owners, residents, and developers and ensure opportunities for input by affected parties.

43. According to the IDO, 1250 Menaul NE the Safe Outdoor Spaces requires Administration and Enforcement, Part 14-16-6, requires a Public Hearing 6-6(C)(1): applicability and expansion of a nonconforming use or structure is regulated under the IDO 6-6(C), page 465.

44. The property owner failed to deal with the nonconformance portion of property that is zoned MX-M zone and request a conditional use in front of the Zoning Hearing Examiner. The permit and the recommended Safe Outdoor Space are moot. *(See IDO, Nonconforming site features may not be expanded. No nonconforming use or structure may be expanded unless an approval under this Subsection 14-16-6-6(C) is obtained by the property owner or applicant.)*

45. The City's explanation that they didn't need to deal with the nonconformance is that they would not use the portion of the property zoned MX-M. The City of Albuquerque cannot deny the patrons of this proposed use will need to enter on the MX-M portion of the land and on the site plan the lease is using the MX-M for the dumpster and parking. This expansion of nonconformance confirms the use of the land. The City illustrates in the plan the expansion is necessary and intentionally bypasses the nonconformance requirements (See Attached Site Plan).

## **POOR PLANNING WILL CREATE PROBLEMS FOR RESIDENTS AT SITE AND SURROUNDING HOMES AND BUSINESSES AND SCHOOLS**

46. The residents on this site will need to walk to The Rock at Noonday (1 mile away) to obtain their meals. It is closed Monday and Saturday and open 9am -1pm on Tues –Fri. 11 am to 1pm on Sundays. No evening meal. Where do they get the other meals? Is it safe for these vulnerable women to be traipsing up and down Menaul daily? There is no food plan! This issue will cause a big problem to neighboring homes and businesses with increased foot traffic.

## ANNOUNCE USE FOR SAFE OUTDOOR SPACE

47. Dawn Legacy Pointe has made it clear that it intends to provide accommodations for **“sex-trafficking victims”** and other vulnerable populations at the location. Kylea Good, the to the Board Chair of Dawn Legacy Point, said it would likely be easy to find people and most likely women, though it will not exclude men, willing to stay at the camp. She said she hoped to have the encampment up and running by October. She told the Journal:

*“I wouldn’t be surprised if we maxed out. The truth of the matter is it’s not like we’re looking at just one area. There’s a lot of [human] trafficking and exploitation that goes on around that area of Menaul, but you have a whole city that is dealing with it.”*

48. Brad Day, a local businessman and advocate for safe outdoor spaces, is advising Dawn Legacy Pointe. He told the Journal:

*“We did all the documents, and now what we’re going to do is basically work on the logistics of getting all the stuff we need, the tents, the sleeping bags, the air mattresses, get the fence built.”*

The link to the full unedited Journal news article is here:

<https://www.abqjournal.com/2521238/city-sees-1st-application-for-safe-outdoor-space.html>

49. When the words **“trafficking and exploitation”** are used, what is meant are woman who are victims of crime such as kidnapping or forced prostitution. What Dawn Legacy wants to provide are tents in city sanctioned encampments to women who have already been victimized believing somehow that it is compassionate when such women need actual and permanent housing that is safe and secured and not living in a tent.

## ENCAMPMENT WILL HAVE DETERMENTAL EFFECT ON NEIGHBORHOOD

50. Less than a half mile from the vacant land located at **1250 Menaul Blvd, NE** and within walking distance from the property is Menaul School, a private boarding school for 6th to 12th graders. Directly across the street from the property is the T-Mobile Call Center and a Quality Inn & Suites. Going West on Menaul and one block from the property is Carrington College and Condo complex and Broadbent Business Park. All successful operations

51. At Sunset Memorial Park, workers daily patrol the grounds, monitoring the activity of homeless people who have taken to lounging in the various meditative shelters provided for grieving families. The homeless are known to use the various fountains throughout the park to wash themselves or use the fountains as a toilet, despite there being easy-to-find portable toilets located at the northeast end of the park.

<https://www.abqjournal.com/2523606/cemeteries-lament-bathing-camps-on-grounds.htm>



52. Directly West and bordering the property is Sunset Memorial Park and Cemetery. Immediately East of the Freeway is the massive TA Travel Truck Stop on University that can accommodate parking of upwards of 150 semitrucks. Within law enforcement circles, the truck stop is known for prostitution and illicit drug activity.

### **REQUEST FOR RELIEF**

Because of all the forgoing, the Stronghurst Improvement Association respectfully requests denial of the Safe Outdoor Space at 1250 Menaul due to failure to follow City policies, procedures, and regulations-outlined above and further asks that the approval of the Safe Outdoor Spaces be set aside and rescinded and that no Safe Outdoor Space be allowed at 1250 Menaul, NE.

Respectfully submitted on 8/18/2022,

Beth Brownell and Scott Cunningham  
2921 Arno NE  
Albuquerque, NM 87107

Mark Lines (Treasurer SIA)  
3010 Arno NE  
Albuquerque, NM 87107

Revised By FCS 8/1/22  
Signed by  
Elizabeth Hagan

## SAFE OUTDOOR SPACES OPERATIONAL/SECURITY PLAN

How do we get them in the door?

Once the facility is ready, the SOS Manager and the person selected for Outreach will begin visiting the encampments that are ranked in order of priority, as far as the need to disband them and get the individuals in a secure situation with the basic services they need.

The description of what is available at the Safe Outdoor Space is made clear to the individuals that are spoken to. (If the Mayor and ABQ Police Dept. have decided to enforce the trespassing laws that apply especially to City Parks, that enforcement will be made clear to the person - it may help them to decide they would like to apply for a designated space.)

If they decide they would like to apply, the Outreach person will sit down with the individual and review the Registration Form and fill in as much as possible.

A decision has to be made as to whether the individual will be able to reside in the Safe Outdoor Space. The SOS Manager has to have experience in dealing with mental illness, drug and alcohol addiction, and how this person would be able to handle the Rules for being in a designated space.

Not everyone will be a good fit. Those who have become homeless because of circumstances beyond their control; those who want to work but need a permanent place to clean up, receive mail, and get help obtaining a job are going to be at the top of the list as far as securing a space. We will take people who do take drugs, drink alcohol - but none of that is allowed when in the facility, and they have to follow the rules. Sex offenders will not be accepted as required by Safe Outdoor Spaces amendments passed by the City Council of Albuquerque.

We will coordinate with the other Non-Profits that can offer services that will help our residents. Being in 1 place is going to be really efficient for them - I have spoken with many of them and they feel this will be a big improvement over what they have to do now - track the people down that need help. Our Registration Form will help determine which individuals to work with, thus further increasing efficiency.

Once the individual signs the necessary paperwork, then we have to get them and their personal belongings to the Safe Outdoor Space. We are going to need a van or pickup truck to be able to do that.

This is critical: the reason the ABQ police will be able to enforce the trespassing laws is that homeless individuals will be able to go to an alternative location where they are not trespassing. AND take their personal property with them.

What happens after individuals are assigned a Designated Space?

Once in the Safe Outdoor Space, the Rules and service requirements (6 hours per week) will apply.

There is 1 mandatory meeting per month for all residents. Additionally, there is a meeting every week to discuss what is going on in the Safe Outdoor Space, solve problems that arise, etc.

There is an ONSITE Manager and an ASSISTANT who will help oversee the operation of the Safe Outdoor Space daily. The SOS Manager is off site after hours, but available if there is an emergency. Both ONSITE Manager and ASSISTANT will be supplied with cell phones to be able to communicate with police and the SOS Manager.

Scheduling for Security and Cleanup will be done by the onsite management. If a resident fails to show up for their scheduled duty, one of the onsite managers will fill in.

There will be 6' fencing with screening (like a tennis court) and gates around the Safe Outdoor Space. The gates will be open from 7:00am to 8:00pm, then they will be locked for the night. There will also be a Safety Shack for the residents on security to occupy. It will have lights and other necessary equipment to perform their duties.

All requirements for Safe Outdoor Spaces will be observed based upon amendments passed by the City Council of Albuquerque, New Mexico.

Initially, the Safe Outdoor Spaces will have temporary and portable showers, bathrooms, hand washing stations, and meeting spaces. If the City Council removes the temporary edit, then permanent structures will be built to provide the above.

SAFE OUTDOOR SPACE REGISTRATION FORM

Full Name/Nickname: \_\_\_\_\_ Date of Intake: \_\_\_\_\_

D.O.B./Age: \_\_\_\_\_ Date of Entry: \_\_\_\_\_

Race/language: \_\_\_\_\_ Date vacated: \_\_\_\_\_

Gender: \_\_\_\_\_ Veteran: \_\_\_\_\_

Health Concerns: \_\_\_\_\_ Pets: \_\_\_\_\_

Resident has read Rules \_\_\_\_\_

Staff Signature: \_\_\_\_\_

Status: \_\_\_\_\_

I hereby acknowledge that Safe Outdoor Spaces works closely with all branches of Law Enforcement.  
Safe Outdoor Spaces will not shelter residents absconding from the law and will assist law enforcement officials with vacating residents with open warrants.

Sign: \_\_\_\_\_

Employment: periodic – p/t – f/t- day labor

Income: Disability – Gen. Assist. – SSI-SSDI – SNAP – Retirement – Veteran Received:


Basic Needs: ID – Birth Certificate – Social Security Card

Seeking Housing: Yes No Housing Received:


Education: GED – College – Vocational Potential residents will be screened for housing barriers. If you have zero barriers to housing and are not working with a Housing Case Manager, tenancy if denied at intake.

Staff Signature:	
Date:	

Revised 12/2/20



Martinez To...-2022.docx  
39 KB



1250 Mena...n Nieto.pdf  
1.8 MB

**Applicant: Dawn Legacy Pointe, fiscally sponsored by Street Safe New Mexico, a Non-Profit 501 (c)(3)**

Unique ID	16
Submitted Date/Time	3/30/2022, 9:30 AM
Review Status	Approved
Review Date	3/10/2022
Review Comments	Opaque screening to be installed
Last Edit Date	3/10/2022
Editor	smetzer_CABQ
Address	1250 Menal Blvd NE Albuquerque, New Mexico 87101
LTC	Not available currently
City Council District	2
Applicant Name	Dawn Legacy Pointe, fiscally sponsored by Street Safe New Mexico, a Non-Profit 501 (c)(3)
SOB Operator	same as above
Mailing Address of Applicant	2409 Central Ave. NE Albuquerque, New Mexico 87106
Email Address of Applicant	a.gooden@gmail.com
Phone Number of Applicant	720-333-8288
Max Number of Spaces	40
Max Number of Occupants	50
Religious Institution Activity	No
ISO Zone (Religious Institution)	
ISO Zone (Non-religious Institution)	NR-LM
Address Use Zone	No

**Attachments:**  
Essentials for Safe Outdoor Spaces.docx

Edited by smetzer\_CABQ on Wednesday, 3/30/2022



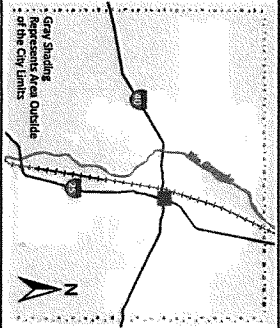


For more details about the Integrated Development Ordinance visit <http://www.cbq.gov/planning/codes/policies/regulations/integrated-development-ordinance>

# **IDO Zone Atlas** May 2018



IDO Zoning Information as of May 17, 2018  
The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).

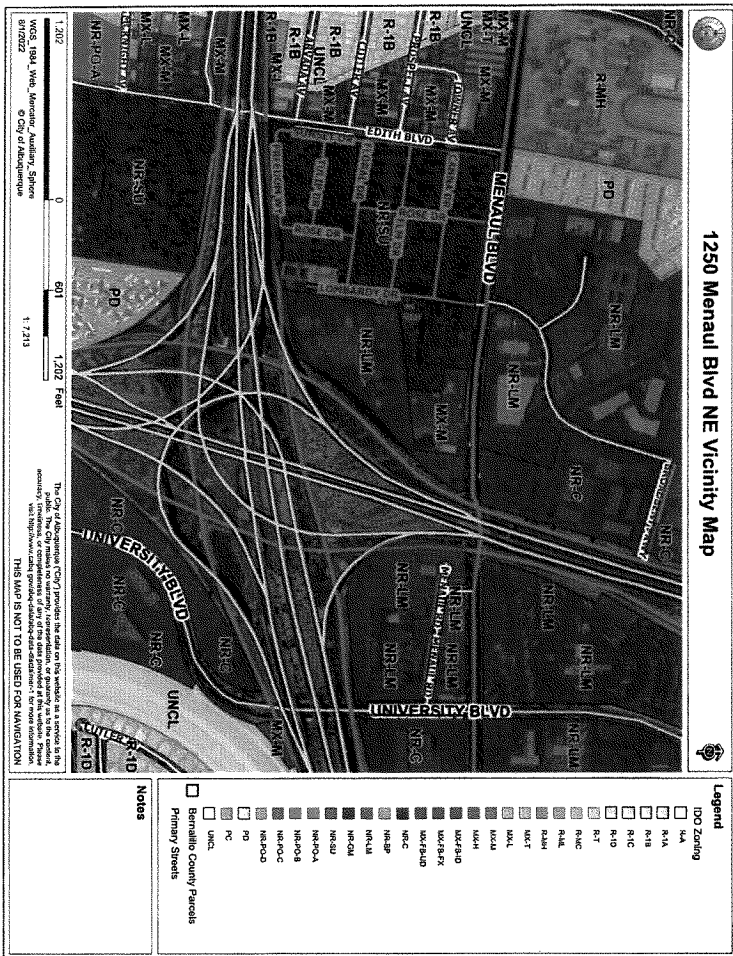


**Zone Atlas Page:**  
**H-15-Z**

**Legend:**

- Easement
- Easement
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

**Scale:** 0 250 500 1000 Feet









Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Alternative Landscape Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		<b>Appeals</b>
		<input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

### APPLICATION INFORMATION

Applicant: <u>Menaul School</u>		Phone: <u>505-341-7252</u>
Address: <u>301 Menaul Blvd NE</u>		Email: <u>lgilbert@menaulschool.org</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87107</u>
Professional/Agent (if any): <u>Lindsey Gilbert Jr.</u>		Phone: <u>505-341-7252</u>
Address: <u>301 Menaul Blvd NE</u>		Email: <u>lgilbert@menaulschool.org</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87107</u>
Proprietary Interest in Site: <u>1250 Menaul NE</u>		List all owners: <u>City of Albuquerque</u>

### BRIEF DESCRIPTION OF REQUEST

Appeal the approval of a Safe Open Space at 1250 Menaul NE in MTSB Neighborhood

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.) See Attachment

Lot or Tract No.:	Block:	Unit: <u>S 1015059272241314</u>
Subdivision/Addition:	MRGCD Map No.:	UPC Code: <u>10150592401893141</u>
Zone Atlas Page(s): <u>H-152</u>	Existing Zoning: <u>NR-LM/MX-M</u>	Proposed Zoning: <u>NR-LM</u>
# of Existing Lots: <u>1</u>	# of Proposed Lots: <u>1</u>	Total Area of Site (acres): <u>11.726313</u> <u>acres</u>

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 1250 Menaul Blvd Between: I-25 Frontage Rd and: Edith NE

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Signature: <u>Lindsey Gilbert Jr.</u>	Date: <u>August 23, 2022</u>
Printed Name: <u>Lindsey Gilbert Jr.</u>	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:			Fee Total:		
Staff Signature:			Date:		
			Project #		

## FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)
- ☒ APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

\_\_\_ Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_\_\_

\_\_\_ A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.

\_\_\_ Project number of the case being appealed, if applicable: \_\_\_\_\_

\_\_\_ Application number of the case being appealed, if applicable: \_\_\_\_\_

\_\_\_ Type of decision being appealed: \_\_\_\_\_

\_\_\_ Letter of authorization from the appellant if appeal is submitted by an agent

☒ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(2)

☒ Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(V)(4)

☒ Copy of the Official Notice of Decision regarding the matter being appealed

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

☒ Applicant or ☐ Agent

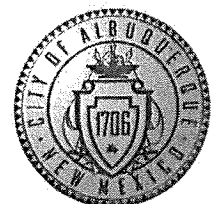
### FOR OFFICIAL USE ONLY

Case Numbers: \_\_\_\_\_

Project Number: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

**IN THE MATTER OF THE APPLICATION OF  
DAWN LEGACY POINT APPLICATION FOR  
SAFE OUTDOOR SPACES FOR 1250 MENUAL NE,  
ALBUQUERQUE, NEW MEXICO**

**MENAU SCHOOL APPEAL OF PLANNING DEPTMENT GRANTING DAWN  
LEGACY POINTE APPLICATION FOR “SAFE OUTDOOR SPACE” AT 1250  
MENUAL NE, ALBUQUERQUE, NM**

Menaul School, 301 Menaul Blvd NE, by and through it's the school's President and Head of School appeals the approval of the City of Albuquerque Planning Department's approval of the Dawn Legacy Pointe application for a "Safe Outdoor Space" homeless encampment to be located at 1250 Menaul NE.

**IDO APPEAL PROVISIONS, STANDING AND TIMELINESS**

This appeal is being brought and filed by SBMTNA pursuant to the Integrated Development Ordinance (IDO), Sections 6-4(V) entitled "APPEALS", Section 6-4(V)(2) entitled "Who May APPEAL", 6-4(V)(3) entitled Procedure and 6-4(V)(3)(a) entitled "FILING AN APPEAL", and 6-4(V)(3)(d), Land Use Hearing Officer (LUHO), pages 422 to 429 and any and all other related provisions of the IDO. The link to the IDO is here:

[https://documents.cabq.gov/planning/IDO/2021\\_IDO\\_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf](https://documents.cabq.gov/planning/IDO/2021_IDO_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf)

This appeal is timely filed in that it is being brought within 15 days of the Planning Department approval of the Dawn Legacy Pointe application for a "Safe Outdoor Space" to be located at 1250 Menaul NE.

Menaul School has standing to bring this appeal because it is a day and boarding school in proximity that is being affected on the basis of proximity for of the decision made by the planning department to grant the application for a Safe Outdoor Space. ( See Section 6-4(V)(2)(a) (5) of the IDO.)

**PROPERTY SUBJECT OF APPEAL IS CITY OWNED LAND**

The real property the Planning Department has approved for a Safe Outdoor Space is located 1250 Menaul NE. The property consists of more than 15 acres in two plots. One plot is 11.73 acres plot and a second plot is 3.89 acres. Both plots are owned by the city of Albuquerque and have a combined assessed value of \$4,333,500.

According to Bernalillo County Assessor's Office records reviewed, the City of Albuquerque owns the land and following are the plot numbers and assessed value of the property:

**Parcel ID Property 1 located at 1205 Menaul, NE:**

**Plot Number 101505924018931414CA**

**City of Albuquerque**

**11.7263 acres including a warehouse**

**\$3,061,100.00**

**Parcel ID Property 2 located 1205 Menaul, NE:**

**Plot Number 101505927224131420CA**

**City of Albuquerque**

**TR1 PLAT OF TR1 LANDS OF M-T INVESTMENT**

**3.8890 acres**

**\$1,272,400**

**5,717 sq. ft. warehouse is on the property, assessed value unknown.**

The property is zoned NR-LM. NR-LM stands for "NON-RESIDENTIAL – LIGHT MANUFACTURING ZONE DISTRICT (NR-LM)" Section 2-5(C)(1) of the Integrated Development Ordinance (IDO) provides that *"the purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and light manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses."*

Page 49 of the Integrated Development Ordinance found here:

[https://documents.cabq.gov/planning/IDO/2021\\_IDO\\_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf](https://documents.cabq.gov/planning/IDO/2021_IDO_AnnualUpdate/IDO-2021AnnualUpdate-2022-07-28-JulyEffective.pdf)

Allowable uses for the property zoned NR-LM are provided in table 4-2-1 of the Integrated Development Ordinance. Table 4-2-1 lists **"Safe Outdoor Spaces"** as a CT (Conditional Primary, Temporary use) for property zoned for mix use and T (Temporary) use on property zoned **"non-residential"**.

## **CHRONOLOGY AND BACKGROUND**

On June 6, the City Council enacted a series of amendments updating the Integrated Development Ordinance (IDO). One of the amendments was the "Safe Outdoor Spaces" amendment. **"Safe outdoor spaces"** are organized, managed homeless encampments with 40 designated spaces for tents that allows for upwards of 50 people, require hand washing stations, toilets and showers, require a management plan, 6-foot fencing and social services offered. The Integrated Development Ordinance (IDO) sets a limit of two in each of the city's 9 council districts. The cap does not apply to religious institutions.

The legislation passed on a 5 to 4 vote. Voting YES to allow Safe Outdoor Spaces were Democrats Isaac Benton, Pat Davis and Tammy Feibelcorn and Republicans Brook Basan and Trudy Jones. Voting NO were Republicans Dan Lewis, Renee Grout and Democrats Louis Sanchez and Klarissa Pena. Mayor Tim Keller signed off on the legislation making it law.

Under the enacted amendment Safe Outdoor spaces are allowed in some non-residential and mixed-use zones and must be at least 330 feet from zones with low-density residential development. Under the IDO amendment, Safe Outdoor Spaces are allowed for up to two years with a possible two-year extension.

On June 22, after tremendous public outcry and objections to Safe Outdoor Spaces by her constituents, Republican City Councilor Brook Bassan, who had voted “YES” and previously voiced support for safe outdoor spaces, did an about face and changed her mind and introduced legislation to repeal the IDO amendment. Bassan introduced two bills.

One bill introduced would stop the city from accepting or approving safe outdoor space applications and the other will eliminate “**safe outdoor spaces**” from the zoning code altogether. Bassan wants to bar the city from accepting or approving Safe Outdoor Space applications for a full year unless it officially removes them from the zoning code sooner than that.

During the June 22 meeting the council did not act on the 2 bills and failed to enact the legislation that was to provide for rules and regulations promulgated by the Keller Administration for “**Safe Outdoor Spaces**”. June 22 was the last meeting of the City Council before it went on “summer break” until August 1.

The city council’s failure on June 22 to take any action on either the bills stopping the application process or repealing the land use resolution resulted in “Safe Outdoor Spaces” becoming a permissible land use on July 28. This allowed a very short time period of 3 weeks to allow individuals and organizations to apply for Safe Outdoor Spaces.

On June 6, the City Council placed Item J for R-22-36 on the Agenda: Directing the City to Develop Operating Procedures for Safe Outdoor Spaces (Fiebelkorn, Benton, Davis). Attached was a pdf document R-36 with the following instructions:

SECTION 1. The Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department, and/or any other relevant department as determined by the City Administration, are directed to develop operating procedures for Safe Outdoor Spaces that promote the health, safety, and welfare of the served population, while helping to mitigate potential impacts on the surrounding communities. The operating procedures for safe outdoor spaces should, at a minimum, address the following:

1. Management plans or security agreements to ensure the safety of 1 individuals occupying the designated spaces.

The June 6, 2022 Minutes indicate that a motion was made by Councilor Fiebelkorn that this matter be postponed to June 22, 2022. The motion carried by the following vote: For – Bassan, Benton, Fiebelkorn, Grout, Jones, Lewis, Pena, and Sanchez. Excused - Davis

On June 22, the City Council placed Item G for R-22-36 on the Agenda, directing the City to Develop Operating Procedures for Safe Outdoor Spaces (Fiebelkorn, Benton, Davis). Attached was a pdf document R-36 with the following instructions:

SECTION 1. The Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department, and/or any other relevant department as determined by the City Administration, are directed to develop operating procedures for Safe Outdoor Spaces that promote the health, safety, and welfare of the served population, while helping to mitigate potential impacts on the surrounding communities. The operating procedures for safe outdoor spaces should, at a minimum, address the following:

1. Management plans or security agreements to ensure the safety of 1 individuals occupying the designated spaces.

The June 22 Minutes state “a motion was made by Councilor Fiebelkorn that this matter be postponed to **June 22, 2022**. The motion carried by the following vote: For – Bassan, Benton, Fiebelkorn, Grout, Jones, Lewis, Pena, and Sanchez. Excused – Davis

Note: The motion was made to postpone to June 22, 2022 on June 22, 2022.

On August 1, 2022, the City Council met; however Agenda Item for R-22-36: Directing the City to Develop Operating Procedures for Safe Outdoor Spaces that had been postponed on June 6, 2022 to June 22, 2022; and postponed on June 22, 2022 to the same date, was not on the Agenda.

On August 15, 2022, the City Council will meet to establish a Moratorium for Safe Outdoor Spaces, listed on the Agenda as item R-22-56. The August 15, 2022 Agenda does not include an item for R-22-36 Directing the City to Develop Operating Procedures for Safe Outdoor Spaces. So the item that was introduced on June 6 that required ‘the Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department, and/or any other relevant department as determined by the City Administration, to develop operating procedures for Safe Outdoor Spaces that promote the health, safety, and welfare of the served population, while helping to mitigate potential impacts on the surrounding communities’ that would address procedures for management plans or security agreements to ensure the safety of individuals occupying the designated spaces to be submitted with Safe Outdoor Spaces applications was not continued as an action item for the City Council to vote on. Therefore, the City has not developed any operating procedures for management plans or security agreements.

On August 8, according to the city’s website that provides the listing and locations for the applications for “Safe Outdoor Spaces”, the City of Albuquerque Planning Department approved the Dawn Legacy Pointe’s application for a new Safe Outdoor Space Homeless campsite to be located at 1250 Menaul, NE. The announced intent of the homeless encampment

made by applicants is to provide accommodations for victims of “sex-trafficking victims and exploitation ” and other vulnerable populations.

The link to the city web site is here:

<https://cabq.maps.arcgis.com/apps/dashboards/768cc1b5e4404fa1a28db56c2019ee71>

The City Planning Department approved the **Safe Outdoor Space** on city owned property valued at \$4,333,500 to be operated by a third party and . subsidized by the City to house women in tents.

## **GROUND FOR APPEAL**

This appeal is based on the City of Albuquerque Planning Department failure to follow their own policies, procedures and requirements.

What occurred with the Dawn Legacy Pointe application for a “Safe Outdoor Space” is that it was “fast tracked” by the City Planning Department to approve the application just 8 days before the City Council could repeal the Safe Outdoor Space amendment on August 16.

The City of Albuquerque Planning Department unilaterally decided that it would review the Dawn Legacy Point application behind closed doors without any public input, without notice to adjacent and surrounding property owners and without any public hearings . The Planning Department decided it had the authority under the IDO to simply grant the application before the City Council votes to repeal Safe Outdoor Spaces on August 15.

## **NORMAL APPLICATION PROCESS IGNORED**

Under normal procedures and City Planning precedent, when an application for a “special use” or “conditional use”, which includes Safe Outdoor Spaces, is made by a private entity the City Planning Department assigns the application to a zoning hearing examiner to determine if it will be approved. Public notice is then given to surrounding property owners and the general public.

A notice of zone change must be posted on the property and adjoining landowners and neighborhood must be given the opportunity to attend and be heard by the zoning hearing officer. The hearing officer decision can be accepted or rejected by a private entity or appeal the decision to the Land Use Planning and Zoning Committee and ultimately the City Council. The city council has the final and ultimate authority. Normally it is a six month to a year process to secure a zone change and it can take even longer.



## **CITY FAILED TO GIVE NOTICE AND GIVE OPPORTUNITY TO BE HEARD**

The City of Albuquerque failed to notify Menaul School of the Safe Outdoor Space application filed by Dawn Legacy Pointe for 1250 Menaul NE .

The General Procedures for Public Notice were ignored (See IDO, Section 14-6-6-4(K)) The City of Albuquerque failed to follow the IDO and have a public hearing to address the concerns of the neighborhood.

The City never refers to the Albuquerque Comprehensive Plan where neighborhoods are protected from Safe Outdoor Spaces.

According to the Comprehensive Plan, Neighborhoods provide quality of life and remain distinct, vibrant places to live. Development in established neighborhoods matches existing character and promotes revitalization where desired.

Established neighborhoods are protected, preserved, and enhanced. The City fails to protect, protect and enhance the neighborhood. (See Albuquerque Comprehensive Plan 4.1 Community Identity)

The Planning Department did not provide a letter of approval of the permit for a Safe Outdoor Places and deadline for appeal. The SBMTNA was informed by Brad Day that the permit was approved on Tuesday, August 9, 2022.

Since June of 2022 and possibly earlier, City Councilor Brook Basan was informed and has been aware that 1250 Menaul NE was available for Safe Outdoor Spaces. The neighborhoods were never informed of the proposal.

## **PREFERENTIAL TREATMENT GIVEN**

The City failed to provide opportunity for the institutions in the neighborhood to apply for neighborhood use of the property. (See City of Albuquerque regulations regarding these procedures.)

According to private citizen Brad Day and city employee Elizabeth Holguin, Mr. Day was given insider information and consulted with Department of Family and Community Services on what properties were available for Safe Outdoor Spaces.

Brad Day, a private business owner, was assisted and given preferential treatment by the city Planning Department, the City Council and the Family Community Services Department with the Dawn Legacy Pointe application for 1250 Menaul NE for a Safe Outdoor Space.

All applicants should have been given time to submit their application and provide an opportunity to be selected. The City of Albuquerque process indicates there were conflicts of interest and should be investigated.

According to the City of Albuquerque's Integrated Development Ordinance (IDO), the City Planning Department failed to follow its IDO regulations purpose of the IDO Section 1-3(A) 1-3(A-K). This request does not follow the Albuquerque Comprehensive Plan, Code of Ordinance, or the IDO.

There is no promotion for the economic development and fiscal sustainability of Menaul NE. A Metropolitan Redevelopment Plan has recently been approved for the area and the City continues to ignore the problems of the homeless who are drug addicts and bring criminal elements into the neighborhood. The City does not follow the IDO requirements to Promote small-scale, neighborhood-serving economic development opportunities for the neighborhood

The City Planning Department does not address the efficient administration of City land use and development regulations. A city sanctioned tent encampment for the homeless on city owned property in proximity to T-Mobile call center, a cemetery, Menaul High School, and apartments is not in conformity to what is the highest and best use for the city owned property having a high property value.

The neighborhood has dealt with crime and filth from the homeless population. The City imposed the Safe Outdoor Space on the neighborhood and fails to protect the health, safety, and general welfare of the Menaul School community.

The Safe Outdoor Space fails to provide for orderly and coordinated development patterns in this area.

## **PUBLIC NUISANCE**

The proposed Safe Outdoor Space use is considered by Menaul School as a nuisance, it will bring negative impacts to the neighborhood, reduce property values and interfere with the neighborhood peaceful use and enjoyment of their properties. The City is not providing protection from possible nuisances and hazards and to otherwise protect and not improving the public health. According to Albuquerque Code Ordinance, Chapter 11, Morals and Conduct, Section 11-1-1-10 PUBLIC NUISANCES are PROHIBITED.

New Mexico statute defines a "public nuisance" as consisting "of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either:

- A. Injurious to public health, safety and welfare; or
- B. Interferes with the exercise and enjoyment of public rights, including the right to use public property.

When the City Council amended the Integrated Development Ordinance (IDO) to include 'Safe Outdoor Spaces' on June 6, 2022 but failed to follow-through on directing the City to develop operating procedures or instructions for potential operators of Safe Outdoor Spaces tent encampments that would include management plans or security agreements, it opened the door

for creating a 'No Man's Land' with nonstandardized self-created rules. The City's application process posted on its website requires that an operations plan, management plan and security agreement be reviewed and signed by the City of Albuquerque Family & Community Services Department and included with the application for Safe Outdoor Spaces. But the Albuquerque City Council, while initially planning for operating procedures on June 6 and then removing the motion to provide operating procedures from that evening's City Council Agenda, and failing to properly vote on any subsequent motion to require procedures be written, but approving an Amendment to the IDO that establishes encampments, has created a deficient process. The City Council has thus failed to provide direction to the City departments charged with approving or disapproving Safe Outdoor Spaces applications and has allowed approvals to be made without any kind of objective, standards-based decision-making process. Thus, the City Council has created a pathway for a sloppy and potentially biased approval process with loopholes that would allow approval of applications based on favoritism and disapproval of applications based on possible personal grudges or management-based bias. It is unconscionable that the City Council would put its citizens in a position that is ripe for cronyism or discrimination. By failing to provide standardized rules and regulations for city sanctioned encampments, the required regulations submitted can be approved or disapproved subjectively. With no standard in the content and requirements for management and site security, there will be no oversight or guarantee of safety for residents of the encampments. By not providing direction to the City to develop operating procedures for the Safe Outdoor Spaces applicant Dawn Legacy Pointe for the proposed encampment at 1250 Menaul Boulevard, the City Council has removed the City from having to provide a standard of fairness in approval or disapproval of applications. In effect, what this has done, has put into place a policy by omission: no standardized rules and regulations for running the encampments were established because the City Council failed to instruct the City to write the procedures for the Safe Outdoor Spaces operating agreement with an appropriate management plan that includes a security plan. The result is a potential for disaster on every level.

It is impossible for the City of Albuquerque Family & Community Services Department to make an objective determination on whether a Safe Outdoor Spaces encampment will provide security and safety for individuals occupying the designated spaces without having operating procedures with guidelines for operation of the sites. And without City provided directives, there is no accountability from anyone on the City's Administrative Staff. Dawn Legacy Pointe did not receive City written or City developed operating procedures because these procedures did not exist when Dawn Legacy Pointe made application. In lieu of having City developed operating procedures, Dawn Legacy Pointe copied the operating procedures of a nonprofit unsanctioned encampment in another city and the City accepted these operating procedures. And since these rules were not developed by the City of Albuquerque administrative staff in the Family and Community Services Department, the Environmental Health Department and the Albuquerque Community Safety Department and/or any other relevant department, it is impossible to assign accountability for lapses in fiscal and/or physical safety for the project. This is a slip shod way of doing business at best. At worst, it opens the door to allowing dangerous management practices without proper security in place.

The City is completely irresponsible in accepting the first Safe Open Spaces application with documents prepared for use by residents of an encampment in another city. Dawn Legacy Pointe

submitted a Camp Hope Participant Assumption of Risk and Waiver of Liability Relating to Coronavirus/COVID 19 for an encampment located in Mesilla Valley. Albuquerque is not located in Mesilla Valley. The City of Albuquerque accepted this document, even though it is not enforceable in Albuquerque, NM.

The City accepted a list of agreements document submitted by Dawn Legacy Pointe for its residents' compliance. The document allows sex offenders to reside at the Safe Outdoor Spaces at 1250 Menaul Boulevard. Having a potential clientele of sex trafficked women and a stated mission of providing protection after the rescue of these women, Dawn Legacy Pointe has submitted and received approval for a document that allows sex offenders "provided they are registered with the LCPD Sheriff's Department." Note: this provides absolutely zero protection for encampment residents of Dawn Legacy Pointe in Albuquerque. It simply means that sex offenders can be in the encampment and in close proximity to the sex trafficked women as well as unsuspecting neighbors. This population includes students at Menaul Middle School, which is within walking distance of the encampment. The document also states schools within one mile must be notified when a sex offender is in residence. This document has been submitted, accepted and approved by the City of Albuquerque and as it stands, it presents a huge risk to residents in the immediate and surrounding neighborhood (as well as encampment residents). The City apparently can and will accept any document as an acceptable part of an application and will do so without question, because they signed off on this attachment to Dawn Legacy Pointe's application without picking up on a single red flag. There is only one way to describe this dereliction by the City Council and City of Albuquerque: the City Council has created a potentially dangerous condition by not providing needed direction with the Amendment to the IDO. Both the City Council and City Administration have jointly created a condition that is beyond 'unsafe' and the agencies that are charged with ensuring safety to Menaul School have abdicated their duties. There is no security operation on earth that can protect residents of a tent encampment from a sex offender: there is no housing with a door to lock and bar.

The security plan for Dawn Legacy Pointe does not provide an example of how the encampment will be protected with on-site security. The City's website that provides instructions for SOS encampment applications states that applicants must provide a 'Safe Outdoor Spaces Operational Security Plan.' The criteria for the 'plan' include that the SOS will have an On-Site Manager and Assistant. The public was told by Brooke Bassan, when she initially campaigned for Safe Outdoor Spaces, that the SOS encampments would have 24 hour management - but the application wording does not nail this down as a requirement. The wording is ambiguous: it states the SOS Manager is offsite after hours. Thus, a site manager is not present for 24 hours as promised. And without an on-site manager for the entire 24 hours, there is no guarantee that rules and regulations will be followed. The security agreement for Dawn Legacy Pointe that was accepted by the City states that the manager will have a cell phone in the case the police need to reach him or her. Response time from the Albuquerque Police Department is notoriously slow. Rules may or may not be broken while the 'manager' is absent but security will not be provided. The City has accepted a management plan without the required security agreement and it is a plan for instability. The residents of Dawn Legacy Pointe will not be safe without managers present for 24 hours. Nor will the neighborhood be safe. Worse still, the City of Albuquerque is off the hook for enforcement of rules that they did not create. All the encampments will be 'self-

regulated' as we head into a virtual 'no man's land.' The neighborhood can expect to be less safe having a Safe Outdoor Spaces encampment as its newest resident.

Whoever commits a public nuisance for which the act or penalty is not otherwise prescribed by law is guilty of a petty misdemeanor.”

(30-8-1, NMSA 1978, Public Nuisance defined).

The City’s nuisance abatement ordinance defines nuisance as:

“Any parcel of real property, commercial or residential, ... on which ... illegal activities occur, or which is used to commit conduct, promote, facilitate, or aide the commission of ... any [delineated crimes, including illicit drugs and prostitution]”

The city’s nuisance abatement ordinance prohibits “public nuisances” as follows:

“It shall be unlawful for any owner, manager, tenant, lessee, occupant, or other person having any legal or equitable interest or right of possession in real property ...or other personal property to intentionally, knowingly, recklessly, or negligently commit, conduct , promote, facilitate, permit, fail to prevent, or otherwise let happen, any public nuisance in, on or using any property in which they hold any legal or equitable interest or right of possession.”

(11-1-1-10 PUBLIC NUISANCES PROHIBITED, City of Albuquerque.)

The City of Albuquerque’s Uniform Housing Code also defines “nuisance” as:

“(1) Any nuisance known at common law ...

(2) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. ...

(3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.

...

(6) Inadequate or unsanitary sewage or plumbing facilities

(7) Any violation of the housing standards set forth in this code.”

(14-3-1-4 ROA 1994 of Housing Code, Definitions)

The City of Albuquerque Planning Department and Solid Waste Department is knowingly allowing a public nuisance such as the Safe Outdoor Space in the Menaul School Neighborhood and should be held accountable.

## **DEVELOPMENT PROSSESSES IGNORED**

The City of Albuquerque Planning Department did nothing to provide processes for development decision of 1250 Menaul NE to ensure a balance of the interests of the City, property owners, residents, and developers and ensure opportunities for input by affected parties.

According to the IDO, 1250 Menaul NE the Safe Outdoor Spaces requires Administrative and Enforcement, Part 14-16-6, requires a Public Hearing 6-6(C)(1): applicability an expansion of a nonconforming use or structure is regulated under the IDO 6-6(C), page 465.

The property owner failed to deal with the nonconformance portion of property that is zoned MX-M zone and request a conditional use in front of the Zoning Hearing Examiner. The permit and the recommended Safe Outdoor Space are moot. *(See IDO, Nonconforming site features may not be expanded. No nonconforming use or structure may be expanded unless an approval under this Subsection 14-16-6-6(C) is obtained by the property owner or applicant.)*

The City's explanation that they didn't need to deal with the nonconformance is that they would not use the portion of the property zoned MX-M. The City of Albuquerque cannot deny the patrons of this proposed use will need to enter on the MX-M portion of the land and on the site plan the lease is using the MX-M for the dumpster and parking. This expansion of nonconformance confirms the use of the land. The City illustrates in the plan the expansion is necessary and intentional bypasses the nonconformance requirements. (See Attached Site Plan)

The users on this site will need to walk to Second Street to obtain their meals. The expansion of pedestrian and transit will negatively impact the neighborhood. Menaul Boulevard is already a congested area. The transit buses cause problems to the foundation of the homes. There have been studies by the City of Albuquerque regarding the impacts of the buses on the residential area.

## **DETERMENTAL IMPACT ON MENAUL SCHOOL**

Menaul School has had many negative experiences with our large homeless population. We have had at least four significant incursions on campus which have resulted of over \$40,000 in damage. We have had to increase our security presence and add cameras all over campus to discourage unwanted visitation.

We are concerned about the potential perception of families that our campus is potential unsafe because of the proximity and impact of Dawn Legacy Pointe. Menaul School is responsible for 6-8 million dollars of business annually and employs over 60 people. Students enroll from the Albuquerque metro area, all over the great state of New Mexico and from 23 different countries.

We must ensure security and safety, or families will not bring their children. Families all looking for a secure location for their student with thriving city businesses, not homeless camps

## **ANNOUNCE USE FOR SAFE OUTDOOR SPACE**

Dawn Legacy Pointe has made it clear that it intends to provide accommodations for “**sex-trafficking victims**” and other vulnerable populations at the location. Kylea Good, the Board Chair of Dawn Legacy Point, said it would likely be easy to find people and most likely women, though it will not exclude men, willing to stay at the camp. She said she hoped to have the encampment up and running by October and she told the Journal:

*“I wouldn’t be surprised if we maxed out. The truth of the matter is it’s not like we’re looking at just one area. There’s a lot of [human] trafficking and exploitation that goes on around that area of Menaul, but you have a whole city that is dealing with it.”*

Brad Day, a local businessman and advocate for safe outdoor spaces, is advising Dawn Legacy Pointe. He told the Journal:

*“We did all the documents, and now what we’re going to do is basically work on the logistics of getting all the stuff we need, the tents, the sleeping bags, the air mattresses, get the fence built.”*

The link to the full unedited Journal news article is here:

<https://www.abqjournal.com/2521238/city-sees-1st-application-for-safe-outdoor-space.html>

When the words “**trafficking and exploitation**” are used, what is meant are woman who are victims of crime such as kidnapping or forced prostitution. What Dawn Legacy wants to provide are tents in city sanctioned encampments to women who have already been victimized believing somehow that it is compassionate when such women need actual and permanent housing that is safe and secured and not living in a tent.

## **ENCAMPMENT WILL HAVE DETERMENTAL EFFECT ON MENAUL SCHOOL**

Less than a half mile from the vacant land located at **1250 Menaul Blvd, NE** and within walking distance from the property is Menaul School, a private day and boarding school for 6th to 12th graders. Directly across the street from the property is the T-Mobile Call Center and a Quality Inn & Suites. Going West on Menaul and one block from the property is Carrington College and two apartment complexes.

At Sunset Memorial Park, workers daily patrol the grounds, monitoring the activity of homeless people who have taken to lounging in the various meditative shelters provided for grieving families. The homeless are known to use the various fountains throughout the park to wash themselves or use the fountains as a toilet, despite there being easy-to-find portable toilets located at the northeast end of the park.

<https://www.abqjournal.com/2523606/cemeteries-lament-bathing-camps-on-grounds.htm>

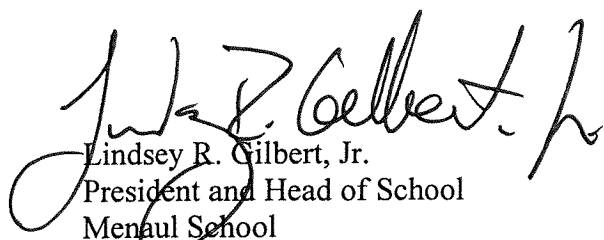
Directly West and bordering the property is Sunset Memorial Park and Cemetery. Immediately East of the Freeway is the massive TA Travel Truck Stop on University that can accommodate parking of upwards of 150 semitrucks. Within law enforcement circles, the truck stop is known for prostitution and illicit drug activity. Immediate south of the truck stop on University Blvd is the Crown Plaza Hotel. It's ironic that a few years ago it was proposed that the city buy the Crown Plaza Hotel for about \$8 million and dedicate it as a homeless shelter.

It's the actual location of **1205 Menaul, NE** that is the most troubling. The encampment will become a magnet for crime and prostitution or illicit drug trade given that it is in close proximity to a truck stop known for prostitution and illicit drug activity amongst law enforcement. The location is directly across the street from a major call center and a Quality Inn & Suites and within walking distance of Menaul School and the KB apartments. Occupants of the Safe Outdoor spaces are not confined and are free to go and come as they please and could easily wind up uninvited wherever they want to go, including the truck stop, and disrupt the peaceful use and enjoyment at any one of those locations or engage in illicit activity themselves.

#### **REQUEST FOR RELIEF**

Because of all the forgoing, Menaul School respectfully requests denial of the Safe Outdoor Space at 1250 Menaul due to failure to follow City policies, procedures, and regulations-outlined above and further asks that the approval of the Safe Outdoor Spaces be set aside and rescinded and that no Safe Outdoor Space be allowed at 1205 Menaul, NE.

Respectfully submitted,



Lindsey R. Gilbert, Jr.  
President and Head of School  
Menaul School  
301 Menaul Blvd, NE  
Albuquerque, NM 87107  
505-341-7252




**Applicant:**Dawn Legacy Pointe, fiscally sponsored by Street Safe New Mexico, a Non-Profit 501 (c)(3)

Unique ID	16
Submitted Date/Time	7/30/2022, 9:30 AM
Review Status	Approved
Review Date	8/10/2022
Review Comments	Opaque screening to be installed
Last Edit Date	8/10/2022
Editor	ametzgar_CABQ
Address	1250 Menaul Blvd NE Albuquerque, New Mexico 87107
UPC	Not available currently
City Council District	2
Applicant Name	Dawn Legacy Pointe, fiscally sponsored by Street Safe New Mexico, a Non-Profit 501 (c)(3)
SOS Operator	same as above
Mailing Address of Applicant	8409 Central Ave. NE Albuquerque, New Mexico 87108
Email Address of Applicant	s.goodco@gmail.com
Phone Number of Applicant	720-333-8288
Max Number of Spaces	40
Max Number of Occupants	50
Religious Institution Activity	No
IDO Zone (Religious Institution)	
IDO Zone (Non-religious Institution)	NR-LM
Mixed Use Zone	No

**Attachments:**

Essentials for Safe Outdoor Spaces.docx

Edited by ametzgar\_CABQ on Wednesday at 1:43 PM

  
Elizabeth Helgin

## SAFE OUTDOOR SPACES OPERATIONAL/SECURITY PLAN

How do we get them in the door?

Once the facility is ready, the SOS Manager and the person selected for Outreach will begin visiting the encampments that are ranked in order of priority, as far as the need to disband them and get the individuals in a secure situation with the basic services they need.

The description of what is available at the Safe Outdoor Space is made clear to the individuals that are spoken to. (If the Mayor and ABQ Police Dept. have decided to enforce the trespassing laws that apply especially to City Parks, that enforcement will be made clear to the person - it may help them to decide they would like to apply for a designated space.)

If they decide they would like to apply, the Outreach person will sit down with the individual and review the Registration form and fill in as much as possible.

A decision has to be made as to whether the individual will be able to reside in the Safe Outdoor Space. The SOS Manager has to have experience in dealing with mental illness, drug and alcohol addiction, and how this person would be able to handle the Rules for being in a designated space.

Not everyone will be a good fit. Those who have become homeless because of circumstances beyond their control; those who want to work but need a permanent place to clean up, receive mail, and get help obtaining a job are going to be at the top of the list as far as securing a space. We will take people who do take drugs, drink alcohol - but none of that is allowed when in the facility, and they have to follow the rules. Sex offenders will not be accepted as required by Safe Outdoor Spaces amendments passed by the City Council of Albuquerque.

We will coordinate with the other Non-Profits that can offer services that will help our residents. Being in 1 place is going to be really efficient for them - I have spoken with many of them and they feel this will be a big improvement over what they have to do now - track the people down that need help. Our Registration Form will help determine which individuals to work with, thus further increasing efficiency.

Once the individual signs the necessary paperwork, then we have to get them and their personal belongings to the Safe Outdoor Space. We are going to need a van or pickup truck to be able to do that.

This is critical: the reason the ABQ police will be able to enforce the trespassing laws is that homeless individuals will be able to go to an alternative location where they are not trespassing, AND take their personal property with them.

What happens after individuals are assigned a Designated Space?

Once in the Safe Outdoor Space, the Rules and service requirements (6 hours per week) will apply.

There is 1 mandatory meeting per month for all residents. Additionally, there is a meeting every week to discuss what is going on in the Safe Outdoor Space, solve problems that arise, etc.

There is an ONSITE Manager and an ASSISTANT who will help oversee the operation of the Safe Outdoor Space daily. The SOS Manager is off site after hours, but available if there is an emergency. Both ONSITE Manager and ASSISTANT will be supplied with cell phones to be able to communicate with police and the SOS Manager.

Scheduling for Security and Cleanup will be done by the onsite management. If a resident fails to show up for their scheduled duty, one of the onsite managers will fill in.

There will be 6' fencing with screening (like a tennis court) and gates around the Safe Outdoor Space. The gates will be open from 7:00am to 8:00pm, then they will be locked for the night. There will also be a Safety Shack for the residents on security to occupy; it will have lights and other necessary equipment to perform their duties.

All requirements for Safe Outdoor Spaces will be observed based upon amendments passed by the City Council of Albuquerque, New Mexico.

Initially, the Safe Outdoor Spaces will have temporary and portable showers, bathrooms, hand washing stations, and meeting spaces. If the City Council removes the temporary edict, then permanent structures will be built to provide the above.

## SAFE OUTDOOR SPACE REGISTRATION FORM

Full Name/Nickname:

Date of Intake:

D.O.B./Age:

Date of Entry:

Race/Language:

Date vacated:

Gender:

Veteran:

Health Concerns:

Pets:

Resident has read Rules \_\_\_\_\_

Staff Signature: \_\_\_\_\_

Status:

I hereby acknowledge that Safe Outdoor Spaces works closely with all branches of Law Enforcement. Safe Outdoor Spaces will not shelter residents absconding from the law and will assist law enforcement officials with vacating residents with open warrants.

Sign: \_\_\_\_\_

Employment: periodic – p/t – f/t- day labor

Income: Disability – Gen. Assist. – SSI-SSDI – SNAP – Retirement – Veteran

Received:

Basic Needs: ID – Birth Certificate – Social Security Card

Seeking Housing: Yes No Housing Received:

Education: GED – College – Vocational Potential residents will be screened for housing barriers. If you have zero barriers to housing and are not working with a Housing Case Manager, tenancy if denied at intake.



CM Init: ANON ☐  
 TRANSLATOR ☐ New? ☐

## INTAKE REPORT TRACKING

Last Name,      First Name

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Intake Date: \_\_\_\_\_  
 Ethnicity: \_\_\_\_\_ Race: \_\_\_\_\_ Veteran: \_\_\_\_\_ Education: \_\_\_\_\_  
 Birth Date: \_\_\_\_\_ Social Security Number: \_\_\_\_\_  
 Married: \_\_\_\_\_ Single: \_\_\_\_\_ Div.: \_\_\_\_\_ Sep.: \_\_\_\_\_ Wid.: \_\_\_\_\_ Partner: \_\_\_\_\_ Referred by: \_\_\_\_\_  
 Past Month's Residence: \_\_\_\_\_ Current: \_\_\_\_\_  
 Number of continuous months homeless: \_\_\_\_\_ Number of times homeless in past 3 yrs: \_\_\_\_\_  
 Chronically Homeless Yes \_\_\_\_\_ No \_\_\_\_\_ [Homeless+ Disability + (12 mo. Continuous, or 4+ times for 12+ mo., in 3 yrs.)]  
 Income at Intake: \_\_\_\_\_ Sources: \_\_\_\_\_  
 Resources at Intake: \_\_\_\_\_  
 Number in Household: Adult(s) \_\_\_\_\_ Children \_\_\_\_\_ City of Residence: \_\_\_\_\_

### PRIMARY DISABILITY

Severe Mental Illness \_\_\_\_\_  
 Chronic Alcohol \_\_\_\_\_  
 Drug Abuse \_\_\_\_\_  
 AIDS & Related Diseases \_\_\_\_\_  
 Developmental Disability \_\_\_\_\_  
 Physical \_\_\_\_\_  
 Other \_\_\_\_\_

### PRIMARY PROBLEMS

Financial \_\_\_\_\_ ID \_\_\_\_\_ Health \_\_\_\_\_  
 Transportation \_\_\_\_\_ Mental Illness \_\_\_\_\_  
 Domestic Violence \_\_\_\_\_  
 Substance Abuse \_\_\_\_\_ Housing \_\_\_\_\_  
 Other \_\_\_\_\_

Relationship (To Adult above)	Vet	Hisp	Race (see Code below)	DoB	Age	SS#	D-devl P=phys M=mentl	Income 60%-80% AMI

### FOOD STAMPS

Has them \_\_\_\_\_  
 Does not \_\_\_\_\_  
 Unknown \_\_\_\_\_

### MORE BENEFITS

SCHIP \_\_\_\_\_  
 Vet Hlth Care \_\_\_\_\_  
 WIC \_\_\_\_\_  
 Wkmans Comp \_\_\_\_\_  
 Other Cash Inc \_\_\_\_\_  
 Other Non-Cash Inc \_\_\_\_\_  
 Other: \_\_\_\_\_

### BENEFITS

SSI \_\_\_\_\_  
 SSD \_\_\_\_\_  
 Soc. Sec. \_\_\_\_\_  
 Health Insurance \_\_\_\_\_  
 Medicaid \_\_\_\_\_  
 Medicare \_\_\_\_\_  
 General Assistance \_\_\_\_\_  
 Work Income \_\_\_\_\_  
 AFDC/TANF \_\_\_\_\_  
 Veteran's \_\_\_\_\_  
 Child Support \_\_\_\_\_  
 Unemp Benefits \_\_\_\_\_

a.	American Indian or Alaskan Native
b.	Asian
c.	Black or African-American
d.	Native Hawaiian or Other Pacific Islander
e.	White
f.	American Indian/Alaskan Native & White
g.	Asian & White
h.	Black/African American & White
i.	American Indian/Alaskan Native & Black/African American
j.	Other Multi-Racial

## Δ CAMP HOPE AGREEMENTS 2018 Δ

1. No use, sale, trade or purchase of alcohol or drugs (of any kind)
2. No intoxicated or disruptive behavior
3. No threatening, violent, intimidating or aggressive behavior or language
4. No firearms or illegal weapons allowed on campgrounds or MVCH property
5. No abusive language or discriminatory speech
6. No vandalism including graffiti or urinating or defecating on premises
7. No stealing or destruction of others' personal property, or property designated as belonging to Camp Hope or MVCH.
8. No open fires, to include camping stoves anywhere on the campgrounds or MVCH campus. Grilling is allowed in the designated camp grill area. The horno may be used for cooking but must first be approved by MVCH staff.
9. Visiting minors must be accompanied and supervised by an adult and are not allowed overnight. MVCH staff can assist unaccompanied youth and parents who have children to find emergency shelter.
10. Limited guests (2 per resident) are allowed during the hours of 7 am and 6 pm if they follow the rules. No overnight guests. You are responsible for the actions of your guests. ALL guests are required to sign in, and if hosting a guest you MUST meet them at the guard shack. No unattended visitors in or around Camp Hope or the garden area.
11. No guests except direct family members on the weekend.
12. Overnight stays are limited to registered campers.
13. No one with open warrants is allowed at Camp Hope.
14. No loitering is permitted in front of or around any of the MVCH Alliance Agencies when businesses are closed. Between the hours of 6 pm and 6 am, and on weekends and holidays, Camp Hope is the only area open to people on campus (anyone on campus must be a resident or visiting a resident of Camp Hope).
15. Campers, whether in tents or approved vehicles, may not connect to campus electricity or water. Campers may not use extension cords or hoses. Requests for special needs may be granted in writing by the MVCH Camp Coordinator.
16. No smoking is allowed in tents. Cigarettes should be extinguished in designated containers and butts put in proper containers.
17. No littering.
18. Keep your tent area tidy. Belongings must be confined to inside the tent pad space. Help keep the camp clean.
19. Camp Hope is *emergency sheltering in alternative structures*. If you are not actively working with Camp Hope Coordinator, looking for employment, or applying for housing, you cannot stay in the camp.
20. If you will be gone from camp for longer than 3 days you must communicate with camp manager or camp coordinator about circumstances. Camp Hope is not intended to be a secondary residence. Campers are not allowed to repeatedly stay elsewhere and return to camp intermittently. There are exceptions such as staying at the Gospel Rescue Mission during nights of extremely cold weather.

21. It is recommended that all residents perform and record 6 hours of service in camp a week.
22. Every Tuesday at 10:00 AM the Camp hosts "The Great Conversation". The conversation allows campers, staff, and community members to address our differences and to recognize how much we all have in common. The first Tuesday of every month is a mandatory camp meeting, and the first two meetings after your intake are also mandatory.
23. Campers will stay in the defined campground. A few spaces are available on the Camp parking area for vehicles to be used by camp residents. Vehicles must be registered and given permission to be on the Camp Hope premises. Their owners must follow all Camp Hope rules.
24. No unregistered or inoperable vehicles are allowed on the campus at any time.
25. Campers are responsible for cleaning up their tent before they move out of Camp. Residents who leave an untidy tent space will not be allowed back in camp. They will also be added to the MVCH banned list for littering (The number of months they are banned depends on the number of prior offenses by the resident). If items left behind are not removed within 3 days, they will be discarded as MVCH is not responsible for storing camp resident's property.
26. Donations may not be sold to anyone, for any amount. Anyone found breaking this agreement will be asked to vacate immediately.
27. When leaving Camp Hope, you may only leave with one reasonable truckload of items. This is to prevent hoarding and excess usage of camp resources.
28. Campers who have complaints must follow the Grievance procedure.
29. All dogs and pets coming in to Camp must be up to date on shots and be spayed or neutered. If residents need help with either they will be referred to agencies that may assist them. All dogs must be on a leash at all times as this is City of Las Cruces property.
30. Sex offenders must be registered with the LCPD/Sheriff Dept. Schools within one mile must be notified. This is the responsibility of the offender.
31. No drugs except as prescribed and taken as prescribed.
32. All residents must be fully clothed in common areas.
33. Camp quiet hours are 10:00 p.m to 8:00 a.m.
34. Camp Clean up Fridays 9-10 a.m.
35. MVCH has a responsibility to maintain confidentiality, respect and privacy for all residents at the Camp. We ask that clients not utilize social media when regarding to Camp Hope concerns. Contact the Camp Hope Outreach Coordinator for anything in regard to the Camp and Social media.

**There is ZERO tolerance for criminal behavior including alcohol and drug use, weapons violations, stealing, vandalism, assault, battery, etc. Offenses will be reported to MVCH staff and appropriate authorities. Criminal behavior will be reported to and dealt with by the Las Cruces Police Department.**



MESILLA VALLEY COMMUNITY OF HOPE

## **Camp Hope Participant Assumption of Risk and Waiver of Liability Relating to Coronavirus/COVID-19**

The novel coronavirus, COVID-19, has been declared a worldwide pandemic by the World Health Organization. COVID-19 is extremely contagious and is believed to spread mainly from person-to-person contact. As a result, federal, state, and local governments and federal and state health agencies recommend social distancing and have, in many locations, prohibited the congregation of groups of people.

The MVCH Camp Hope Program has put in place preventative measures and protocols, where possible, to reduce the spread of COVID -19; however, MVCH cannot guarantee that you will not become infected with COVID-19. Attending or participating in the Camp Hope program could increase your risk of contracting COVID-19.

.....

By signing this agreement, I acknowledge the contagious nature of COVID-19 and voluntarily assume the risk that I may be exposed to, or infected by COVID-19 by participating in the Camp Hope program, and that such exposure or infection may result in personal injury, illness, permanent disability, and death. I understand that the risk of becoming exposed to or infected by COVID-19 by participating in the Camp Hope program may result from the actions, omissions, or negligence of myself and others, including, but not limited to, MVCH, City employees and contractors, subcontractors, or their respective employees.

I voluntarily agree to assume all of the foregoing risks and accept sole responsibility for any injury to myself including, but not limited to, personal injury, disability, and death, illness, damage, loss, claim, liability, or expense, of any kind, that I may experience or incur in connection with my participating in the Camp Hope program (the "Claims"). I hereby release, covenant not to sue, discharge, and hold harmless MVCH and the City of Las Cruces, its employees, agents, volunteers and representatives, of and from the Claims, including all liabilities, claims, actions, damages, costs or expenses of any kind arising out of or relating thereto. I understand and agree that this release includes any Claims based on the actions, omissions, or negligence of MVCH, the City of Las Cruces, its employees, agents, volunteers and representatives, whether a COVID -19 infection occurs before, during, or after participation in the Camp Hope program.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_



I understand that if I violate the rules of the camp or the rules of MVCH I will be asked to leave the camp. I agree that I received the rules and I understand them in full.

\_\_\_\_\_  
Resident Name/Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name/Signature

\_\_\_\_\_  
Date

I understand that depending on the nature of the crime committed or rule infraction, I may be asked to leave the camp immediately. I agree that I will leave the camp or that I may risk being banned from the property or risk the police being called.

\_\_\_\_\_  
Resident Name/Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name/Signature

\_\_\_\_\_  
Date

I realize that I am staying at Camp Hope of my own volition. I understand that paid staff is not on-hand at the camp at all times.

Camp Hope resident does hereby release and forever discharge and hold harmless MVCH and its successors and assigns from any and all liability, claims, and demands of whatever kind or nature, either in law or in equity that arise or may hereafter arise from the resident's stay at Camp Hope. I agree to defend, indemnify and save harmless MVCH and its officers, agents and employees from any and all suits, actions and claims of any character brought because of any injury or damage received or sustained by any person, persons or property.

\_\_\_\_\_  
Resident Name/Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name/Signature

\_\_\_\_\_  
Date

# CITY OF ALBUQUERQUE



*Solid Waste Management Department*  
Matthew Whelan, Director

July 31, 2022

Dawn Legacy Pointe  
Fiscally sponsored by Street Safe New Mexico, a non-profit 501 (c)(3)

Dear Dawn Legacy Pointe,

The City has received your request to use City-owned property for a Safe Outdoor Space as described in the Integrated Development Ordinance, effective July 28, 2022. The property requested is located at 1250 Menaul NE, plat number: SP-81-349. This property is zoned Non-Residential-Light Manufacturing (NR-LM). You have requested the use of 1 acre of this property,

The City grants permission to use this site temporarily for 6 months, with a possible extension of 6 months pending your approved Safe outdoor Space application. This permission is granted however; a lease agreement or license agreement between the City of Albuquerque's Solid Waste Management Department and Dawn Legacy Point will need to be executed prior to commencing operations.

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

Sincerely,

Matthew Whelan

City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit



[Note: Items with an asterisk (\*) are required.]

July 30, 2022  
[Date\*]

City of Albuquerque  
[Name\* of Abutting Property Owner]

P.O. Box 2248 Albuquerque, New Mexico 87103-2248  
[Address\* of Property Owner]

**RE: Public Notice of Temporary Use Permit**

Dear City of Albuquerque [Name\* of Property Owner],

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-5(D)(2)**, this is written notice to you as an abutting Property Owner that an application for a **Temporary Use Permit** will be submitted to the City of Albuquerque Planning Department for a property next to you. This application will be reviewed and decided by the City of Albuquerque Planning Department staff, available by email at [codeenforcement@cabq.gov](mailto:codeenforcement@cabq.gov).

1. Property Owner of Subject Property\* City of Albuquerque

2. Agent\* [if applicable] —

3. Subject Property Address\* 1250 Menaul Blvd. NE

4. Location Description vacant land - SW corner of Menaul and Frontage Road

5. Zone Atlas Page H-15-Z [Available here: <http://data.cabq.gov/business/zoneatlas/>]

6. Legal Description not available

7. Area of Property [typically in acres] 0.79 acres

8. IDO Zone District NR-LM

9. Overlay Zone(s) [if applicable] —

10. Center or Corridor Area [if applicable] —

11. Current Land Use [vacant, if none] None - vacant

12. Deviations Requested [if applicable] —

13. Variances Requested [if applicable] —

The application will request the temporary use for the following land uses and/or activities:

Safe Outdoor Space



**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Albuquerque, NM 87107

Certified Mail Fee \$4.00

\$

Extra Services & Fees (check box, add fee \$0.00 each)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.60

\$

Total Postage and Fees \$7.85

\$

Sent To

Street and Apt. No., or P.O. Box No.

8409 Central Ave NE

City, State, ZIP+4®

ABQ NM 87108

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



HIGHLAND  
 111 ALVARADO DR SE  
 ALBUQUERQUE, NM 87108-9998  
 (800)275-8777

06/05/2022

11:11 AM

Product	Qty	Unit Price	Price
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First-Class Mail® Letter	1		\$0.60
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Albuquerque, NM 87107  
 Weight: 0 lb 0.60 oz  
 Estimated Delivery Date  
 Mon 08/08/2022

Certified Mail® \$4.00

Tracking #: 70221670000329274442

Return Receipt \$3.25

Tracking #: 9590 9402 7272 1284 5409 63

Total \$7.35

US Flags 20 \$0.60 \$12.00

Grand Total: \$19.85

Credit Card Remit \$19.85

Card Name: VISA

Account #: XXXXXXXXXXXX1746

Approval #: 03624C

Transaction #: 300

AID: A0000000031010 Chip

AL: VISA CREDIT

PIN: Not Required CHASE VISA

\*\*\*\*\*  
 Every household in the U.S. is now  
 eligible to receive a third set  
 of 8 free test kits.  
 Go to [www.covidtests.gov](http://www.covidtests.gov)  
 \*\*\*\*\*

Text your tracking number to 28777 (2USPS)  
 to get the latest status. Standard Message  
 and Data rates may apply. You may also  
 visit [www.usps.com](http://www.usps.com) USPS Tracking or call  
 1-800-222-1811.

Preview your Mail  
 Track your Packages  
 Sign up for FREE @  
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All sales final on stamps and postage.  
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 Go to: <https://postalexperience.com/Pos>  
 or scan this code with your mobile device,



or call 1-800-410-7420.

City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit



[Note: Items with an asterisk (\*) are required.]

8/4/22  
[Date\*]

Sunset Memorial Park  
[Name\* of Abutting Property Owner]

924 Menaul Blvd. NE ABO, NM 87107  
[Address\* of Property Owner]

**RE: Public Notice of Temporary Use Permit**

Dear Sunset Memorial Park owner [Name\* of Property Owner],

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-5(D)(2)**, this is written notice to you as an abutting Property Owner that an application for a **Temporary Use Permit** will be submitted to the City of Albuquerque Planning Department for a property next to you. This application will be reviewed and decided by the City of Albuquerque Planning Department staff, available by email at [codeenforcement@cabq.gov](mailto:codeenforcement@cabq.gov).

1. Property Owner of Subject Property\* City of Albuquerque
2. Agent\* [if applicable] not applicable
3. Subject Property Address\* 1250 Menaul Blvd. NE
4. Location Description NE corner of Menaul and I-25 Frontage Road
5. Zone Atlas Page H-15-Z [Available here: <http://data.cabq.gov/business/zoneatlas/>]
6. Legal Description not available
7. Area of Property [typically in acres] 0.79 acres
8. IDO Zone District NR-LM
9. Overlay Zone(s) [if applicable] —
10. Center or Corridor Area [if applicable] —
11. Current Land Use [vacant, if none] vacant
12. Deviations Requested [if applicable] —
13. Variances Requested [if applicable] —

The application will request the temporary use for the following land uses and/or activities:

Safe Outdoor Space



City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit

[Note: Items with an asterisk (\*) are required.]

The application will request that the temporary use be allowed for the following duration:

6 months with an additional 6 months possible  
unless extensions are granted by the City of ABQ.  
[ex: number of days/months/years].

This temporary use will operate in the following days and times:

24 hours daily - 365 days per year

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project [IDO Subsection 14-16-6-4(D)]. To request a Facilitated Meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <http://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

Please contact me with any questions or concerns at 720-333-8288 [phone number\*] or via s.goodco@gmail.com [email\*].

More information about the project can be found here: [project webpage\*, if applicable]

not applicable

Useful Links

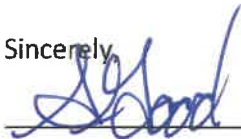
**Integrated Development Ordinance (IDO):**

<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Sincerely,



[Agent/Property Owner/Developer/Operator]

Cc: City of Albuquerque [Other Property Owners, if any]

City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit



[Note: Items with an asterisk (\*) are required.]

July 30, 2022  
[Date\*]

Sunset Memorial Park  
[Name\* of Abutting Property Owner]

924 Menaul Blvd. NE ABQ, NM 87107  
[Address\* of Property Owner]

**RE: Public Notice of Temporary Use Permit**

Dear Sunset Memorial Park [Name\* of Property Owner],

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-5(D)(2)**, this is written notice to you as an abutting Property Owner that an application for a **Temporary Use Permit** will be submitted to the City of Albuquerque Planning Department for a property next to you. This application will be reviewed and decided by the City of Albuquerque Planning Department staff, available by email at [codeenforcement@cabq.gov](mailto:codeenforcement@cabq.gov).

1. Property Owner of Subject Property\* City of Albuquerque

2. Agent\* [if applicable] —

3. Subject Property Address\* 1250 Menaul Blvd. NE

4. Location Description vacant land - SW corner Menaul and Frontage Road

5. Zone Atlas Page H-15-Z [Available here: <http://data.cabq.gov/business/zoneatlas/>]

6. Legal Description not available

7. Area of Property [typically in acres] 0.79 acres

8. IDO Zone District NR-LM

9. Overlay Zone(s) [if applicable] —

10. Center or Corridor Area [if applicable] —

11. Current Land Use [vacant, if none] None - vacant

12. Deviations Requested [if applicable] —

13. Variances Requested [if applicable] —

The application will request the temporary use for the following land uses and/or activities:

Safe Outdoor Space



City of Albuquerque Planning Department  
Property Owner Notice Form for Temporary Use Permit

[Note: Items with an asterisk (\*) are required.]

The application will request that the temporary use be allowed for the following duration:

24 months with additional [ex: number of days/months/years].  
24 months if approved by the City of Albuquerque

This temporary use will operate in the following days and times:

24 hours a day / 365 days a year

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project [IDO Subsection 14-16-6-4(D)]. To request a Facilitated Meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <http://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

Please contact me with any questions or concerns at 720.333.8288 [phone number\*] or  
via s.gooden@gmail.com [email\*].

More information about the project can be found here: [project webpage\*, if applicable]

Useful Links

**Integrated Development Ordinance (IDO):**

<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

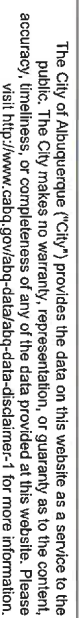
Sincerely,

[Agent/Property Owner/Developer/Operator]

Cc: [Other Property Owners, if any]



This aerial map of the Menaul Blvd area in Denver, Colorado, displays various land use designations. The map includes labels for Lombardy Dr, Menaul Blvd, New Fairfield Dr, Menaul Rd, and various land use codes such as NR-LM, NR-SU, MX-M, NR-C, and NR-LM. A blue dot is located on Menaul Blvd near the intersection with New Fairfield Dr.



THIS MAP IS NOT TO BE USED FOR NAVIGATION

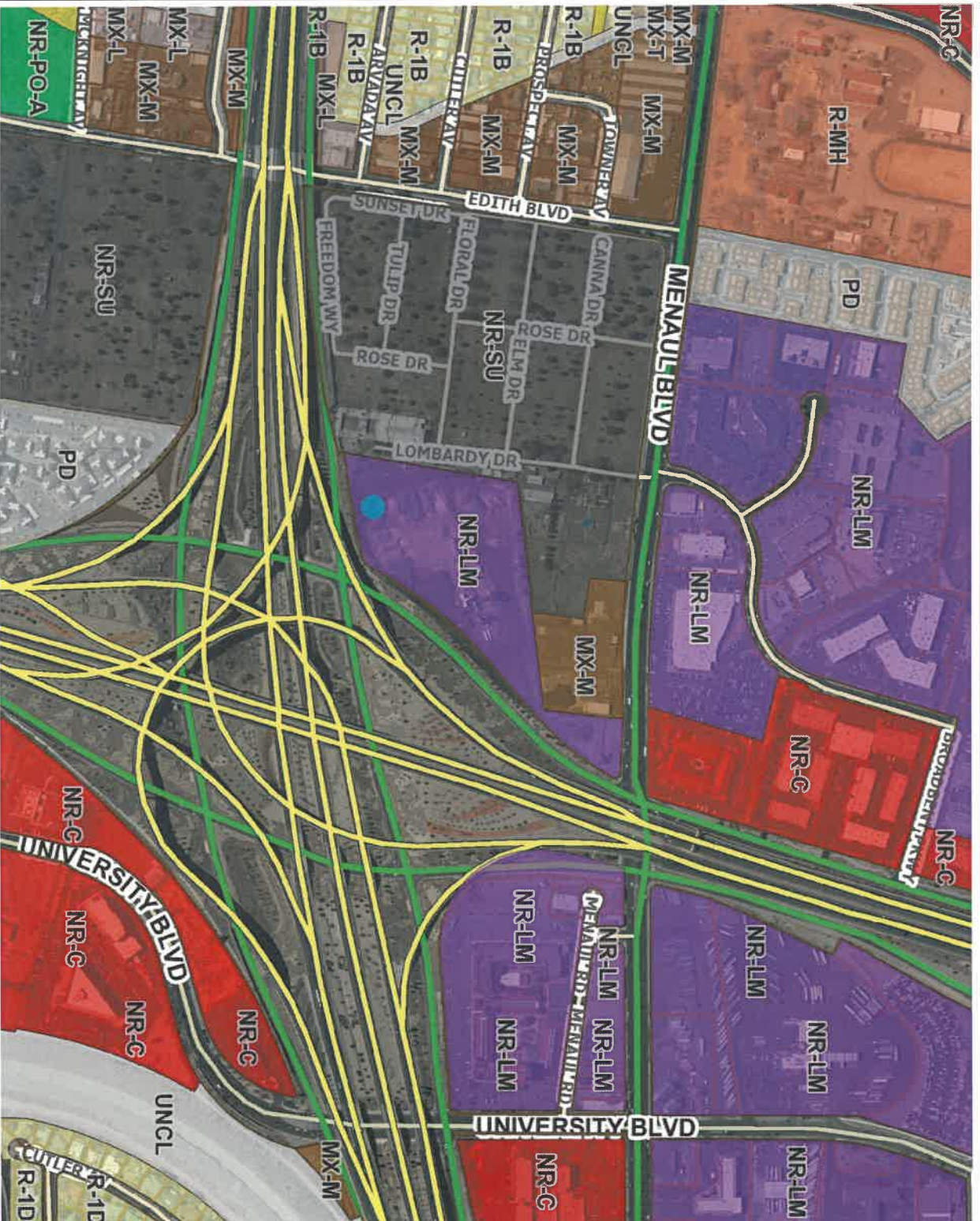
## IDO Zoning

- ## Notes





## 1250 Menaul Blvd NE Vicinity Map



### Legend

#### IDO Zoning

- ☐ R-A
- ☐ R-1A
- ☐ R-1B
- ☐ R-1C
- ☐ R-1D
- ☐ R-T
- ☐ R-MC
- ☐ R-ML
- ☐ R-MH
- ☐ MX-T
- ☐ MX-L
- ☐ MX-M
- ☐ MX-H
- ☐ MX-FB-ID
- ☐ MX-FB-FX
- ☐ MX-FB-UD
- ☐ NR-C
- ☐ NR-BP
- ☐ NR-LM
- ☐ NR-GM
- ☐ NR-SU
- ☐ NR-PO-A
- ☐ NR-PO-B
- ☐ NR-PO-C
- ☐ NR-PO-D
- ☐ PD
- ☐ PC
- ☐ UNCL
- ☐ Bernalillo County Parcels
- ☐ Primary Streets

### Notes

1,202  
0 601 1,202 Feet  
WG5\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
8/1/2022 © City of Albuquerque  
1:7,213

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION





August 3, 2022

Jeremy,

Please find enclosed the substitute Vicinity Map and Site Plan for the Safe Outdoor Space application from Dawn Legacy Pointe.

The City wanted them to use a different portion of the same property noted in their application.

Please let me know if you require anything else.

Thanks,

Brad Day

505.328.3726

bradwday1@gmail.com

## Palmer, Jeffrey

---

**From:** Brad Day <bradwday1@gmail.com>  
**Sent:** Thursday, August 4, 2022 7:36 PM  
**To:** Palmer, Jeffrey  
**Subject:** Re: SOS application for 1250 Menaul Blvd NE

[EXTERNAL] Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Mr. Palmer, your representation of the Site Plan for our Safe Outdoor Space at 1250 Menaul Blvd. NE, Albuquerque, New Mexico is correct. I would add 2 clarifications: 4. The maximum occupancy is 50 persons. 6. The fence also will have a screen attached making it opaque as required. Thank you for your help in this matter.

Brad Day

On Thu, Aug 4, 2022 at 4:57 PM Palmer, Jeffrey <[jppalmer@cabq.gov](mailto:jppalmer@cabq.gov)> wrote:

Good afternoon, Brad,

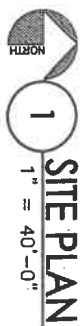
As we discussed this afternoon, we are in the process of reviewing the application submitted by you for Dawn Legacy Pointe, to be located at 1250 Menaul Blvd NE.

Based on our review of the Site Plan, and on our subsequent discussion, I would like to confirm the accuracy of our interpretation of the Site Plan regarding the following items:

1. Toilets = 10 shown
2. Showers = 10 shown
3. Hand sinks = 8 shown
4. Designated spaces = 40 shown (Note: with a maximum occupancy plan for 50, as per the approved Operational Plan)
5. Distance from Toilets and Handwashing stations to further designated space = 200 feet (per measurement on scaled drawing provided).
6. Height of fence = 6 feet

Please confirm that this information is correct and/or provide clarification if needed. Thank you.

Respectfully,



***Planning Department***  
***Alan Varela, Planning Director***  
***Development Review Division***  
600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

## NOTICE OF APPEAL

August 22, 2022

### TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on August 19, 2022. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Alfredo Ernesto Salas, Planning Administrative Assistant at (505) 924-3370.

***Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.***

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

**CITY COUNCIL APPEAL NUMBER: AC-22-12**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2022-007490-VA-2022-00239**

**APPLICANT: The Albuquerque Boca Hotel Limited Partnership**  
**dba Crown Plaza Albuquerque**  
**1901 University Blvd. NE**  
**Albuquerque NM, 87102**

cc: Crystal Ortega, Mandi Hinojos, City Council, City county bldg. 9<sup>th</sup> floor  
Kevin Morrow/Legal Department, City Hall, 4<sup>th</sup> Floor-  
Albuquerque Boca Hotel Limited Partnership dba Crown Plaza Albuquerque  
c/o [Joani.jones@cpabq.com](mailto:Joani.jones@cpabq.com)



***Planning Department***  
***Alan Varela, Planning Director***  
***Development Review Division***  
600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

## NOTICE OF APPEAL

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Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

**CITY COUNCIL APPEAL NUMBER: AC-22-13**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2022-007490-VA-2022-00240**

**APPLICANT: Greater ABQ Hotel & Lodging Assoc.**  
**PO BOX 14757**  
**Albuquerque NM, 87191**

cc: Crystal Ortega, Mandi Hinojos, City Council, City county bldg. 9<sup>th</sup> floor  
Kevin Morrow/Legal Department, City Hall, 4<sup>th</sup> Floor-  
Greater ABQ Hotel & Lodging Assoc. [Damen.kompanowski@sheratonuptown.com](mailto:Damen.kompanowski@sheratonuptown.com)

***Planning Department***  
***Alan Varela, Planning Director***  
***Development Review Division***  
600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

## NOTICE OF APPEAL

August 22, 2022

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***Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.***

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

**CITY COUNCIL APPEAL NUMBER: AC-22-14**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2022-007490-VA-2022-00238**

**APPLICANT: Beth Brownell**  
**2921 Arno NE**  
**Albuquerque NM, 87107**

cc: Crystal Ortega, Mandi Hinojos, City Council, City county bldg. 9<sup>th</sup> floor  
Kevin Morrow/Legal Department, City Hall, 4<sup>th</sup> Floor-  
Beth Brownell, [bethbrownell@msn.com](mailto:bethbrownell@msn.com)

***Planning Department***  
***Alan Varela, Planning Director***  
***Development Review Division***  
600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

## NOTICE OF APPEAL

August 24, 2022

### TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on August 23, 2022. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Alfredo Ernesto Salas, Planning Administrative Assistant at (505) 924-3370.

***Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.***

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

**CITY COUNCIL APPEAL NUMBER: AC-22-17**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2022-007490-VA-2022-00243**

**APPLICANT: Menaul School c/o Lindsey Gilbert Jr.**  
**301 Menaul Blvd.**  
**Albuquerque NM, 87107**

cc: Mandi Hinojos, City Council, City county bldg. 9<sup>th</sup> floor  
Kevin Morrow/Legal Department, City Hall, 4<sup>th</sup> Floor-  
Menaul School c/o Lindsey Gilbert Jr., [lgilbert@menaulschool.org](mailto:lgilbert@menaulschool.org)