

**TABLE OF CONTENTS**  
**AC-22-16**  
**PR-2022-007490**  
**VA-2022-00242**

PAGE(S)

MEMO AC-22-16.....	1 - 4
APPEAL APPLICATION / REASON FOR APPEAL .....	5 - 57
SAFE OUTDOOR SPACE APPLICATION.....	58 – 79
ADDITIONAL INFORMATION.....	80



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](#)  
Alan Varela (Aug 30, 2022 15:35 MDT)

**SUBJECT: AC-22-16, PR-2022-007490, VA-2022-00242:**  
**Law Offices of Brian A. Thomas, agent for LifeRoots Inc., 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 appeal on the Temporary Use Permit for SOS for the Property **Law Offices of Brian A. Thomas, agent for LifeRoots Inc.**

The appeal was submitted in a timely manner and prior to the deadline of August 25, 2022.

### Appeal and Response

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

#### **1. Standing To Appeal**

Staff Response: Appellant Law Offices of Brian A. Thomas, agent for LifeRoots Inc., Appeal AC-22-16, PR-2022-007490, VA-2022-00242 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. 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 appellant is more than 100 feet of 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 appellant has not provided any proof that this decision has specially or adversely affected their property or other legal rights. The appellant also states they are greatly impacted by a bus stop and a nearby Human Service Department office which drives significant pedestrian traffic through the Appellant’s property with rampant criminality. None of these issues, or similar ones mentioned, are the result of the decision to approve the SOS.

## **2. Underlying Property Subject To The Appealed Permit**

Staff Response: The appellant indicates there are two (2) parcels at the proposed location. There are two (2) parcels but the proposed SOS will operate solely on the parcel zoned NR-LM, which is an allowed temporary use in this zone district. The appellant further alleges the SOS is contrary to the description in the IDO of the zone category. However, City Council approved the IDO amendment to allow an SOS as a permissive, temporary use and by doing so, determined it was appropriate for the zone category.

## **3. Grounds For This Appeal**

Staff Response: The appellant alleges the approval process secretive and uninvolving the public. The Temporary Use process in the IDO does not require public involvement for temporary uses and is an administrative decision.

## **4. The City Of Albuquerque Has Failed To Consider And Mitigate The Collateral Impacts Of The Permit**

Staff Response: The appellant alleges The City failed to consider and mitigate the collateral impacts. The approval of the SOS is not related to the issues mentioned and the appellant is simply stating opinion. 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) and was not behind-close-doors, but was standard for a temporary use review and decision process.

## **5. The City Of Albuquerque Failed To Address The Cultural Impacts Of Granting This Permit**

Staff Response: The ZEO does not have knowledge of any private negotiating and 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). The City denies any allegations of discrimination against historic communities in reviewing and approving SOS permits.

**The Expediated Appeal Process Is Fundamentally Flawed And Outcome-Driven**

Staff Response: The appeal process was followed IDO Subsection 14-16-6-4(V). The ZEO determined the applicant met the applicable provisions of the IDO.

**6. Good Cause Exists To Infer That “Dawn Legacy Pointe” Is Ill-Prepared To Engage In The Permitted Activities**

Staff Response: The appellant 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. For the remaining sections of the appeal, 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 LifeRoots For Signature

Final Audit Report

2022-08-30

Created:	2022-08-30
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA_B7MKFL8Afirvh9CyzMXA-atdFh-ylvF

## "Memo 1250 Appeal Response LifeRoots For Signature" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)  
2022-08-30 - 8:42:44 PM GMT- IP address: 143.120.133.160
-  Document emailed to Alan Varela (avarela@cabq.gov) for signature  
2022-08-30 - 8:43:02 PM GMT
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E-signature obtained using URL retrieved through the Adobe Acrobat Sign API  
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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 type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

### APPLICATION INFORMATION

Applicant: LifeROOTS, Inc., a New Mexico Non-Profit, Charitable Institution		Phone: 505-255-5501
Address: 1111 Menaul Boulevard, NE		Email:
City: Albuquerque	State: New Mexico	Zip: 87107
Professional/Agent (if any): Law Offices of Brian A. Thomas, P.C. (Brian A. Thomas)		Phone: 505-293-1101
Address: 2535 Wyoming Boulevard, NE, Suite A		Email:
City: Albuquerque	State: NM	Zip: 87112
Proprietary Interest in Site:		List all owners:

### BRIEF DESCRIPTION OF REQUEST

Appeal the issuance of a permit for a Safe Outdoor Space at 1250 Menaul Boulevard, NE across the street from Appellant's principal place of business

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

Lot or Tract No.:	Block:	Unit: Parcel 1: 101505924018931414CA
Subdivision/Addition:	MRGCD Map No.:	UPC Code: P 2: 101505927224131420CA
Zone Atlas Page(s): H-152	Existing Zoning: LR-LM, MX-M	Proposed Zoning: LR-LM, MX-M
# of Existing Lots: 1 or 2	# of Proposed Lots: 1 or 2	Total Area of Site (acres): agg. 15.5 est.

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 1250 Menaul Blvd, NE	Between: I-25 Frontage Road	and: Menaul Boulevard
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### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Signature:	Date: August 23, 2022
Printed Name: Brian A. Thomas	<input type="checkbox"/> Applicant or <input checked="" 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: SOS Permit

\_\_\_ 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)

N/A 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: [Signature]

Date: \_\_\_

Printed Name: BOWEN A. HERRICK

☐ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Case Numbers: \_\_\_

Project Number: \_\_\_

Staff Signature: \_\_\_

Date: \_\_\_



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**From:** [Matthew Molina](#)  
**To:** [Rodenbeck, Jay B.](#); [bthomas@thomaslaw-NM.com](mailto:bthomas@thomaslaw-NM.com)  
**Subject:** Authorization to appeal on behalf o liferoots inc  
**Date:** Tuesday, August 23, 2022 12:05:50 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

I authorize Brian thomas to file an appeal on behalf of liferoots Inc.

Sent from my T-Mobile 4G LTE Device



**Matthew Molina**  
**President & CEO**

LifeROOTS, Inc.

1111 Menaul Blvd NE, Albuquerque, NM 87107

P: 505-891-1031 ext. | F: | C: 505-363-8540

[MatthewM@LifeROOTSnm.org](mailto:MatthewM@LifeROOTSnm.org) | [www.LifeROOTSnm.org](http://www.LifeROOTSnm.org)

**Thank You For Supporting Our Mission: LifeROOTS provides people with disabilities and their families the resources and support they need to empower their lives and shape their futures.**

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**CITY OF ALBUQUERQUE**  
**PLANNING DEPARTMENT**

IN RE:

APPLICATION BY "DAWN LEGACY POINTE'S"  
FOR SAFE OUTDOOR SPACE(S) FOR 1250 MENAUL NE,  
ALBUQUERQUE, NEW MEXICO

**NOTICE OF APPEAL BY LIFEROOTS, INC.**  
**AN IMPACTED NON-PROFIT COMPANY PROVIDING**  
**CARE AND PROGRAMMING TO THE DIFFERENTLY ABLED**

COMES NOW APPELLANT LifeROOTS, Inc., a New Mexico Non-Profit Corporation, recognized as a charitable institution, by and through its counsel of record, the Law Offices of Brian A. Thomas, P.C. (Brian A. Thomas) and submits this Notice of Appeal of a permit previously granted, and which is already on appeal.

**Introduction**

The City of Albuquerque's Planning Department, behind doors closed to the public, without notice to all impacted organizations and neighbors, did so arbitrarily and capriciously. Notice of Decision (Exhibit A). The Planning Department did so without due and adequate consideration of the massive adverse consequences to be imposed on a historically impoverished area of the City, unilaterally granted a permit to an organization that virtually did not exist at the time of its application and has no operational history or competence and which plans to deploy assets that cannot be established, using management which is so poorly organized that they cannibalized documents from operations in other locations, and using a security plan which provides the community no security whatsoever.

This cobbled-together set of sham procedures were used for the purposes of approving a privatized concentrated encampment enterprise, to be operated on public land. The City of Albuquerque, on its City-owned land could not operate an equivalent concentration of unhoused camping, and now proposes to relegate the task to a completely unprepared pseudo-organization. The notion that the residents and businesses should be part of some sort of risky experiment because they are disposable is one more regrettable mishandling of the issues surrounding the unhoused without due consideration for the massive adverse consequences imposed on the area.

For its part, LifeROOTS, Inc., is a New Mexico non-profit institution, a charitable institution recognized by state and federal law, which provides programing, medical support and services to children and adults who are differently abled. These programs include limited medical care and assessments, and the care is provided to fragile members of our society. The permit as issued places this community at dire risk of personal harm and ultimately threatens the viability of the organization because the safety and wellbeing of its participants and employees cannot be provided. The City of Albuquerque has offered nothing to LifeROOTS, Inc., to ensure the safety of its clients and employees, and the implementation of the permit will only have devastatingly adverse consequences on the clients and employees of LifeROOTS, Inc.

### **Standing to Appeal**

LifeROOTS, Inc. owns two buildings located at 1111 Menaul, NE, diagonally across the street from the proposed location for the concentrated encampment

enterprise. A map showing the location is attached. Map (Exhibit B) (highlighted, showing LifeROOTS property). LifeROOTS is already directly impacted by a bus stop being placed immediately in front of its property, which is the source of transient trespass of their property, a nearby Human Services Department office which drives significant pedestrian traffic through Appellant's property, together with the rampant criminality in the adjacent half-mile east of I-25, along Menaul. This traffic flow will increase over time. Despite being secured in layers of gating, LifeROOTS vehicles are routinely vandalized or stolen, placing the wellbeing of differently abled participants in direct jeopardy.

LifeROOTS personnel regularly see emotionally or chemically unstable persons weaving in the Menaul roadway, on the median and crossing from south (roughly the area of the permit) to the north side of Menaul. LifeROOTS, Inc., no longer routinely allows its staff to walk to its own parking area unescorted and largely no longer calls law enforcement for assistance, since none will come except in the event of a violent crime. LifeROOTS, Inc's clientele and parents report being accosted in the parking lot at current, needles are routinely discovered in the wee hours of the morning along Menaul, and on the north side of the property. LifeROOTS's ability to function is already jeopardized by the City of Albuquerque's approach to crime and the unhoused in the area.

LifeROOTS reasonably believe that these patterns will accelerate, and not diminish, if this permit stands. Indeed, LifeROOTS, Inc., fully expects that if the permit stands, LifeROOTS will be compelled to consider selling its property, and closing its doors, diminishing services to the differently abled, reducing employment

in the Albuquerque Metropolitan area, and further damaging an already damaged part of the City of Albuquerque. Accordingly, the Appellant believes that it has sufficient standing pursuant to the “Integrated” Design Ordinance (“IDO”) § 6-4(V)(2)(a)(4).

#### **Timeliness of this Appeal**

Pursuant to the Notice of Decision, Exhibit A to this Appeal, the decision of the City of Albuquerque’s Planning Department was lodged on August 10, 2022, and accordingly, this appeal is timely. IDO § 6-4(V)(3)(a)(1). The Appellant was not provided notice by the applicant or the City of Albuquerque. There is no evidence that the Applicant or the City attempted to provide notice or engaged in a robust review process prior to issuing a permit to operate a “temporary” concentrated encampment enterprise.

#### **Underlying Property Subject to the Appealed Permit**

The real property that apparently is intended to host the purported permitted use is located at 1250 Menaul NE. Permit Application Package (Exhibit F). The property consists of more than 15 acres in two plots with varying zoning. Both parcels of land are owned by the City of Albuquerque. The two parcels can be described with Bernalillo County parcel ID/Plot numbers. The first is 101505924018931414CA, and the second is 101505927224131420CA. Both are referenced with the street address of 1205 Menaul, NE in county records.

One portion of the property as a whole is zoned NR-LM. The IDO describes that zoning category as intended “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." This purpose does not fairly encompass the usage in the permit. To the contrary, the likely high volume of pedestrian and vehicular traffic will not buffer neighboring areas, but instead, it likely will burden those areas.

To similar effect, notwithstanding that it is coded for "non-residential" uses, the intended purpose of the permit is explicitly contradictory given that it is for semi-permanent encampment for residential purposes. The other parcel is apparently zoned somewhat differently. The property appears to contain a vacant warehouse, which is not even referenced in the permit application or notice of decision. The other parcel is zoned somewhat differently, and the vague information included in the application does not clarify substantively which parcel will be operated in which way, or what efforts would be undertaken to secure the other parcel.

### **Grounds for this Appeal**

This Appellant raises several important issues in the appeal, all triggered by the approval process, secretive and uninvolving the public, used by the City of Albuquerque and the applicant, for its approval.<sup>1</sup>

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<sup>1</sup> Appellant LifeROOTS, Inc., and in the interest in brevity, incorporates a number of the excellent arguments offered by the Santa Barbara-Martineztown Neighborhood Association in its appeal by this reference. Where the grounds set forth here reference similar arguments, the intent is to amplify the arguments made thus far, and where new arguments are offered, they are in addition to arguments previously made.

**I. The City of Albuquerque Has Failed to Consider and Mitigate the Collateral Impacts of the Permit.**

In connection with the permit, the City of Albuquerque has no plan whatsoever to address and mitigate the impacts on the surrounding property owners and community at large. To be clear, the collateral effects of camping are profound and represent real, actual dangers to members of the public. As public reporting has established, the City of Albuquerque's inability to provide safe areas for all members of the public means that public areas, funded by the public are now unusable by the public. Areas victimized by camping have discovered used needles, feces, and sometimes dead bodies. The failure to supervise public areas exposes the individual users to risk of rape and attempted murder or worse. The City of Albuquerque's inability to provide substantive law enforcement responses means that the public is growing unsafe in the community, and the lack of planning, from the Planning Department of the City of Albuquerque simply makes the residents of the City of Albuquerque more unsafe.

At it presently sits, commercial users of property no longer bother to report crime, since the City of Albuquerque apparently will not respond unless there is an imminent risk to life. Private owners of property are left to fend for themselves for much the same reason, and it is unsurprising that the City of Albuquerque has urged private property owners to retain their own armed security or suggested that additional sums be paid to the City for more effective law enforcement. There is no evident ability of the City of Albuquerque to provide sufficient crime-deterrence or

prevention in this area, and nothing about the permit or its process suggests that the City of Albuquerque is prepared to do so.

The current permit simply disregards the impact on the community as a whole, entirely, making no mention of the impact on the community, managing the heightened risk imposed on the neighborhoods and businesses, and the public at large. Instead, the application and permit presume the agglomeration of crime visited on the area is simply irrelevant.

Similarly, the City of Albuquerque never considered what effect of the change of location would have to the rates of crime experienced in the area. Put differently, without the camp being emplaced and the concentration of unhoused semi-residents plopped in the immediate area, the area to the east, along Menaul is notorious for hotels that no longer rent by the night, restaurants that are unable to operate safely (and often, close permanently), truck stops noted more for their expansive a shadowed parking areas and generally, by the lawless effect that crime has on the neighbors and residents, the owners and operators of business and the devastation visited on the area by poor enforcement.

Nothing about the behind-closed-doors permitting process suggests that the City of Albuquerque considered what effect this permit would have by creating a new locus of these same concerns, under and immediately west of I-25. Put differently, adding to the areas visited with the uncontrolled occupancy by unhoused and those that prey on them simply means that the problem is shifted, not addressed. The City of Albuquerque has failed to have a plan – any plan – to address these matters, a fact that can be established by considering the admissions of the



Mayor of the City of Albuquerque in connection with the slow-moving devastation of the area surrounding Coronado Park and The Rock, and his public reasons for closing Coronado Park altogether. The need to close Coronado Park is not a reason to recreate that devastation on this land, in this community or in this way and the failure to consider the City's inability to administer it suggests that the permit was improvidently granted.

**A. The City of Albuquerque Failed to Address the Cultural Impacts of Granting this Permit.**

The operation of a privatized concentration encampment in a largely unpoliced area of the City has its own immediate consequences. However, the fact that the City and the applicant were privately negotiating for months in advance of applying suggests that the City was amply aware of the disproportionate nature of impacts to this part of the City and preferred to avoid the predictable backlash for, again, selecting a historically disadvantaged, non-Anglo-American section of the City for ruin. Known as a historic area of the City, indeed, one of the first areas developed in the early days of Albuquerque's creation, this area was known as a traditionally Hispanic community. Since then, the area has suffered waves of poor development choices, largely dictated by non-Hispanic decisionmakers.<sup>2</sup>

The community, even with these headwinds has fought to define itself positively. Nothing in the permit application or its grant, or even the IDO authorizes the City of Albuquerque to simply disregard the impact on the Community. To be

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<sup>2</sup> This particular concern has previously appeared in connection with the City's plan to site other homeless shelters, given that the City seems to select historically brown communities often with lower educational and income attainments to host these sites.

clear, the permitting process was so poor that it violated the IDO itself. As the IDO explains:

All structures, uses, and activities in any zone district shall be used or occupied to avoid creating any dangerous, injurious, noxious, or otherwise objectionable condition that would *create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties*. Uses and activities that operate in violation of applicable State or federal statutes or this IDO are violations of this Section 14-16-5-13 and shall be subject to the penalties of Section 14-16-6-9 (Violations, Enforcement, and Penalties). Property owner responsibilities under this Section include, but are not limited to, compliance with the following standards.

IDO § 5-13(A) (emphasis added); *see also* IDO § 5-13(B)(11) (“All vacant property shall be maintained in a clean condition, free of nuisances, and in compliance with Articles 9-8 and 9-10 of ROA 1994 (Weeds, Litter and Snow and Solid Waste Management and Recycling) and Section 14-3-5-14 of ROA 1994 (Vacant Building Maintenance).”). There simply is nothing in the permitting process that appears to address the predictable likelihood of a nuisance being created that is not wildly dissimilar from Coronado Park, a fetid disaster of drug dealing, prostitution and murder, administered by a Mayor, until he was recently deposed by its other Mayor.

The fact that the ordinance implementing these applications, now subject to a moratorium, nominally distributed these applications across council districts did nothing to avoid the predictable impact of the applications, where virtually all sites of the applications are located in historically African-American or Hispanic communities. Indeed, two applications are located within less than a mile of the Appellant’s business property. The permitting process’s failure, and the City of Albuquerque’s conspiratorial advanced planning with a preapproved (and yet

virtually non-existent) applicant simply defies belief when the net outcome from the permit is uncontrolled devastation on communities of color.

## **II. The Expedited Appeal Process is Fundamentally Flawed and Outcome-Driven.**

While the IDO includes strangely narrowly-drawn territorial limits regarding notice, neither the City nor the applicant notified impacted neighbors regarding the permit and the issues that it represented. Well before the permit was submitted, based on public statements from advocates associated with the applicant, the City of Albuquerque and the applicant had begun private negotiations. These negotiations included promises to provide substantial funding, without competitive bidding or a procurement process, and all to a business entity that was cobbled together just a day or two before the application formally was submitted.<sup>3</sup> The organization has no track record of performing any activity whatsoever, much less specific to the matters in the permit or the ability to implement a contract prospectively.

By stubbornly proceeding with a shadowy process, to accomplish unidentified goals in a secretive way, the City of Albuquerque and the applicant did not engage in a bona fide discussion of risks, rewards, outcomes or even expectations. Nor has the City of Albuquerque engaged in robust policy-making and mitigation strategies for the issues surrounding semi-permanent concentrated camping enterprises. Instead, the public decision-making process for the City of Albuquerque appears principally driven by public outcry, not actual substantive policy.

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<sup>3</sup> The application to form the entity was made on July 26, 2022, but not processed until the day after the application for the permit was granted.

For its part, the permit itself defines no metrics whatsoever, and instead, simply presupposes that there would never even be a negative outcome. Indeed, this sort of guidance-by-nothing process suggests that the entire process is inadequate and ultimately a sham, motivated by other reasons following the closure of Coronado Park.

With no standards being expressed for programing, integration with existing unhoused-aimed services (which there are many), and how an applicant meets or fails to meet requirements for management and site security, there will be no oversight or guarantee of safety for residents of the encampments and the neighboring properties. In effect, what is left is a policy of nothing, and the legislation of a disaster that will victimize those closest to it – the unhoused and the area surrounding these ad hoc privatized encampment concentrations.

Compounding this aspect, and especially given that the entity being licensed is asset-free, there is simply no showing whatsoever that it is capable of addressing the profound liabilities to the neighborhood and the harms that could reasonably be attributed to its unilateral decision-making. This is especially notable, given that the application and the “operational plan” did not provide site security to the entire parcel and the surrounding areas of public or private land.<sup>4</sup> Given that the City of Albuquerque already cannot provide safety to its citizens, the notion that an

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<sup>4</sup> For example, the permit application does not address that the immediate neighboring property is a graveyard, itself a notable potential site for repeated invasions and vandalism of gravesites by unhoused populations. Albuquerque Cemetery Is Being Vandalized by the Homeless, KRQE.COM, 081222 (Exhibit D); Cemeteries Lament Bathing, Camps on Grounds, [www.journal.com](http://www.journal.com), 081122 (Exhibit E).

encampment and the safety of the surrounding areas are simply irrelevant is irresponsible, arbitrary and capricious decision-making.

The notion that a non-existent business entity – an empty shell – should be given leave to operate a non-existent, privatized concentration of unhoused camping enterprise, when they have no skill, experience, competency, and no assets simply invites an irresponsible operator to devastate the area further, placing children and adults, homes and businesses, and those lying in repose, in jeopardy.

**III. Good Cause Exists to Infer that “Dawn Legacy Pointe” is Ill-Prepared to Engage in the Permitted Activities.**

Based on the application, and in addition to the foregoing, there are reasons to infer that the applicant is not prepared to engage in the permitted activity. These include the following:

a. The materials submitted with the application are apparently taken from another community. The documents are, to put it gently, are deeply confusing and likely willfully deceptive, given that Camp Hope, in Las Cruces, New Mexico is a government rehousing process, where this encampment is simply a locus of tenting with uncontrolled access surrounding it.

These materials reflect an intention to permit vehicle parking, car-camping, and to allow the site to host sex offenders mere blocks from an elementary school. There is no evidence that the Applicant is capable of running a robust background check of residents, and given that the City of Albuquerque appears to want to work a “no hands, no responsibility” engagement with “Dawn Legacy Pointe,” it is not clear how residents and members of the community could have trust or confidence that the Applicant, much less the City, would comply with sex offender registration

requirements. Instead, the process seems to ignore this, benignly seeming to risk placing children and sex offenders in or near the same camp, without any effort to ensure that minors are protected.<sup>5</sup>

b. The unsigned, vague narrative in the application does not even include the entity's name, or deliverables. Nothing in the application reflects substantive commitments to provide safety, security, transition to rehousing, or reflects a plan. Instead, it reflects an aspirational hope to visit a camp on 1250 Menaul, NE and to see what comes after. The notion that experimental approaches should be undertaken with the lives of the unhoused and the neighbors being obliged to bear their aftermath is simply irresponsible.

c. There is no evidence that "Dawn Legacy Pointe" has employees, is prepared to contract, or is capable of being insured. It is not even clear that it has a bank account, given that its formation. It is not clear that it is prepared to hire employees, or even has the administrative capacity to do so. Instead, it appears to be connected to another advocacy group that the principally advertises that "We don't sit around and talk about how to best advocate for the people we serve, clutching our pearls and measuring our words." As above, the question is not whether there is a guerilla war underway, the question is whether the permit as issued is consistent with the IDO and the requirements for privatized

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<sup>5</sup> The unsigned, undated narrative statement from the Applicant seems to suggest that only women will be permitted in the encampment. However, the rules proposed for the concentrated camping enterprise do not express those rules, and nothing in the permit requires such a restriction. The lack of any restrictions suggests that the permit is unconstitutionally vague and the process used to grant it arbitrary and capricious.

concentrations of unhoused camping, and whether the application and the even more vague permit are unconstitutionally defective.

d. Nothing in the package purports to address area security. None of the documents included in the application constitute a business or safety plan, and barely constitute a form of an application, given that the criteria that would constitute a nuisance, or how its operators proposed to avoid that. Given the prevalence of drug dealing, prostitution, property damage, vandalism, discovery of feces and needles, and the other ancillary impacts around other focal points for encampments of unhoused, at a minimum the permitting process should transparently disclose how it is going to avoid those, prevent those, and ensure that the neighboring properties were not simply a dumping ground for the predictable consequences from encampments.

The consequences are considered to be substantial, often permanent and requiring substantial remediation:

Encampments can pose public health and safety hazards to encampment residents and to surrounding neighborhoods and businesses. Those hazards include human waste, used needles, rodents, disease, and criminal activity (primarily drug use and prostitution). Encampments also can cause negative impacts on the natural environment. Trash and waste from people living in encampment settings without access to regular sanitation services can pollute waterways and soil.

City Approaches to Encampments and What they Cost, U.S. Housing and Urban Development at 18. The cost of attending to encampments (for more than cleaning the aftermath, to be sure) is not immaterial. In its 2019 study, HUD reviewed four cities, was multiple millions of dollars per city, with a cost per unsheltered resident as high as \$6,000 per resident and the cost of addressing encampments into the

millions. The City of Albuquerque has not created the budget capacity to remove even this encampment, has a confused approach to encampments as a whole, and does not benefit from coherent leadership that could lead a sensitive and proper policy debate about a genuine problem.

This points to two other failures of the permitting process – the failure to address routine cleaning of the site and the failure to address its permanent removal after the expiration of the permit. The failure to address these issues suggests that the permitting process is not sufficient, final, or publicly disclosed. Either the City of Albuquerque intends its “temporary” permit to permanently site a potential hazardous site on this particular community and has carefully obfuscated this fact, or it is temporary, in which case the conditions for removal have not been explained by either the permittee’s application, or by conditions of approval, given that the first approval (but not the final approval, to be clear), was received less than 24 hours after the application was first submitted.

Nor was “Dawn Legacy Pointe” required to post a performance bond for any of its obligations, as evidence of its fiscal competency, notwithstanding that it did not legally exist at the time of the negotiations. There simply is no evidence in the permit application or the permit itself that “Dawn Legacy Pointe” meets any test for viability, competency, and responsibility.

e. In addition to the foregoing, the plan is fundamentally deficient. For example, there is simply no way for the “Dawn Legacy Pointe” managers to ensure that the rules for the facility are being followed, even fewer to ensure that law enforcement would be substantially available to enforce them in the context of



criminal conduct. A cellular contact number for APD is hardly sufficient when APD's response times can be hours if at all. Even if APD is available to enforce private obligations of residents of a privatized concentration of unhoused camping, the cumulative impact will be even more damaging than the devastation of Coronado Park, where the encampment simply requires endless calls for service, draining the exceptionally limited resources of a law enforcement agency that already has lost its capacity to respond.

**IV. In Light of the Value of the Property, the City has Higher and Better Uses for the Parcels Subject to the Permit.**

As a form of a fiduciary of its citizens – all of them – the City of Albuquerque has duties to manage the City owned land for the betterment of all citizens. The parcels subject to the permit have potential taxable value of nearly \$3.5 million, and in an area of the City ripe for responsible, modern development. The area of the City is one in which residential property is in high demand, as is warehouse-eligible land. On the other hand, the land is not particularly scenic, despite its excellent access to the Interstates nearby. A wide variety of commercial purposes would improve the revenue generation for the City of Albuquerque, support job growth, and generally contribute to the well-being of the community and this particular area of the City of Albuquerque. The permitting process did not consider these purposes, or other competing locations for a permit, and thus is arbitrary and capricious.

**Relief Sought**

The Appellant respectfully requests that the decisions attached as Exhibit A be reversed, and that the permit be withdrawn.

Respectfully submitted,

  
LAW OFFICES OF BRIAN A. THOMAS, PC

BRIAN A. THOMAS  
2535 Wyoming Boulevard, NE, Suite A  
Albuquerque, NM 87112  
(505) 293-1101

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
CPC	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

[HOME](#)**Search Information**[Home](#)**Entity Details**Business ID#: **6922260**Status: **New Corporation**Entity Name: **Dawn Legacy Pointe**Standing: **Good Standing**DBA Name: **Not Applicable****Entity Type and State of Domicile**Entity Type: **Domestic Nonprofit Corporation**State of Incorporation: **New Mexico**Benefit Corporation: **No**Statute Law Code: **53-8-1 to 53-8-99****Formation Dates**Date of Incorporation in NM: **07/26/2022**Date of Organization in NM: **Not Applicable**Date of Formation in State of Domicile: **Not Applicable**Date of Authority in NM: **Not Applicable**Date of Registration in NM: **Not Applicable**Management Type: **N/A****Reporting Information**Report Due Date: **09/10/2022**

Next Annual Meeting Date:

Suspension Expiration Date:

**Period of Existence and Purpose and Character of Affairs****Outstanding Items****Reports:**

Fiscal year End Date	Report Due Date	Extended Report Due Date	Reporting Year	Filing Fee	Penalty	Total
12/31/2023	09/10/2022		2023	\$10	\$0	\$10

Total No. of Records: 1 Page 1 of 1

**Registered Agent:**

No Records Found.

**License:**

No Records Found.

**Contact Information**Mailing Address: **8409 Central Avenue NE, Albuquerque, NM 87108**Principal Place of Business in New Mexico: **8409 Central Avenue NE, Albuquerque, NM 87108**

Secondary Principal Place of Business in New Mexico:

Principal Office Outside of New Mexico: **Not Applicable**

Registered Office in State of Incorporation:

Principal Place of Business in Domestic State/Country: **Not Applicable**Principal Office Location in NM: **Not Applicable****Registered Agent Information**Name: **S. Kylea Good**

Geographical Location Address:

Physical Address: **8409 Central Avenue NE,  
Albuquerque, NM 87108**Mailing Address: **8409 Central Avenue NE,  
Albuquerque, NM 87108**Date of Appointment: **07/26/2022**

Effective Date of Resignation:

**Director Information**

Title	Name	Address
Director	S. Kylea Good	8409 Central Avenue NE, Albuquerque, NM 87108
Director	Cynthia Jaramillo	8409 Central Avenue NE, Albuquerque, NM 87108
Director	Agni Kudra	8409 Central Avenue NE, Albuquerque, NM 87108

**Officer Information**

Title	Name	Address
No records to view.		

**Organizer Information**

Not Applicable

**Incorporator Information**

Title	Name	Address
Incorporator	S. Kylea Good	8409 Central Avenue NE, Albuquerque, NM 87108

**Trustee Information**

Not Applicable

**Filing History**

Filing Date	Filing Type	Fiscal Year End Date	Post Mark	Survivor/ Re-Domesticated Entity	Instrument Text	Processed Date	Filing #
07/26/2022	Business Formation	12/31/2023				08/11/2022	2268270

**License History**

Filing Date	Filing Number	License Start Date	License End Date
No records to view.			

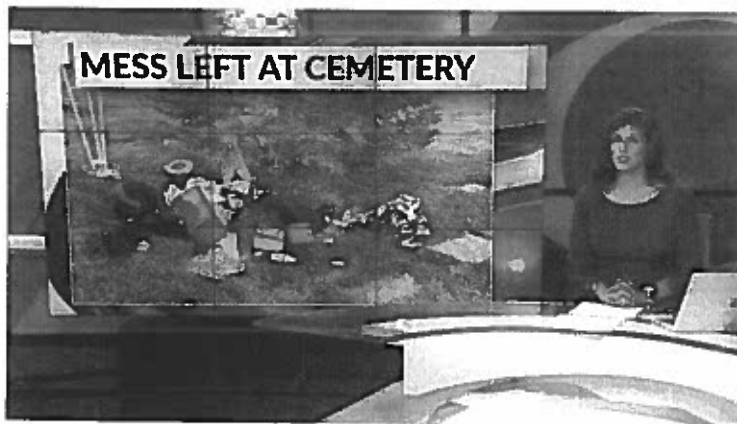
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**ALBUQUERQUE NEWS**

## Albuquerque cemetery is being vandalized by the homeless

by: Jessica Barron

Posted: Aug 12, 2022 / 05:10 PM MDT

Updated: Aug 15, 2022 / 07:50 AM MDT

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worse. "Do you see that hole in the wall, or hole in the chain link fence over there. That's an access point that the homeless created so they could come in here," says Glass.

Sunset Memorial Park has been dealing with growing numbers of homeless people, trespassing onto their property and damaging the area. Trespassers have left piles of trash near grave sites. They've even ripped flowers out of their vases and left them on the ground.

*Story continues below*



- **Albuquerque:** Movie mania at Balloon Fiesta Park features three movies
- **Crime:** Albuquerque man offers 'mother' money to have sex with her daughter
- **New Mexico:** Flooding takes place across southeastern New Mexico
- **Top Story:** APD: Woman shot and killed near downtown Albuquerque

The manager says homeless people on the property isn't new, but the frequency has grown to be too much. "They leave their trash, they leave their garbage behind, they leave clothing, they come in, they charge up their cell phones here, they bathe in our fountains, they will leave oftentimes hypodermic needles behind," says Glass.

Glass says in the last few months. They've had people break into their offices. Visitors of the park say they can't even leave mementos for their loved one's graves because they could get stolen by trespassers.

Michael Casaus says he comes to the cemetery to visit his wife every week. He's left decorations on her grave that were stolen. "It makes them feel angry that these people, I understand they're homeless, but it's no reason to, to disrespect is the deceased, you know, you gotta have some respect, you gotta have something you know that's just ridiculous," says Casaus.

The manager of Sunset Memorial Park says they're worried the problem could get worse now that city-sanctioned homeless



## Cemeteries lament bathing, camps on grounds

BY RICK NATHANSON / JOURNAL STAFF WRITER

PUBLISHED: WEDNESDAY, AUGUST 10TH, 2022 AT 10:05PM

UPDATED: THURSDAY, AUGUST 11TH, 2022 AT 12:05AM



Josh Glass, Sunset Memorial Park Cemetery manager, shows the cut chainlink fence Tuesday, August 9, 2022, on the corner of the cemetery where people have been cutting the fence to gain access to the memorial park. Sunset Memorial Park Cemetery is experiencing issues with homeless people coming into the park, bathing and defecating in the fountains, using the electrical outlets and leaving drug needles on the property. (Chancey Bush/ Albuquerque Journal)

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There's nothing new about homeless people seeking temporary refuge in cemeteries, but one cemetery along the Menaul corridor, a regular walking route for Albuquerque's homeless population, says enough is enough.

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 people "use some of the smaller fountains throughout the park to wash themselves and we have caught them bathing, sometimes naked, in the larger fountains," said Sunset's executive director Josh Glass. Worse, they have used the fountains as a toilet, despite



there being an easy-to-find portable toilet located at the northeast end of the park, he said.

Each of the fountains throughout the park is wired to an electric outlet. "They use the electrical outlets to charge their cellphones and to plug in electric cooking skillets and other electric cookware," Glass said. In addition, there are numerous water spigots throughout the lush grounds that homeless people tap into, he said.

advertisement

Along with food wrappers, paper and discarded clothing, the detritus left behind by the homeless population also includes hypodermic needles and the occasional mound of human feces, Glass said.

Cemetery workers treat these items as hazardous waste. They place the needles in a sharps container, dispose of the feces and spray the ground with a disinfectant.

Many of the needles, he said, are found in an area where babies are buried because the area is adjacent to a spot on the south side of the property where homeless people repeatedly cut through a chain-link fence to gain access to the cemetery, he said.

"The burden is on us to try to make sure we get ahead of it before families arrive for the day," he said.

And for the most part, cemetery workers have been successful, although families still report that items placed on graves have gone missing.

"We do have decoration policies about what can be placed on graves because we need to be able to safely mow the grounds, so some things are restricted, but families often disregard that," Glass said. Cemetery workers occasionally remove noncompliant items, but many others have simply disappeared – things like ornate crosses, decorative mementoes and solar lights – which Glass says are often taken by homeless individuals wandering about the property.

Further, the grounds staff have had to cut back landscape features, including vines and overhanging bushes, to remove hiding places where homeless people are known to conceal themselves, Glass said.

Depending on location, Sunset is not alone among cemeteries where homeless people tread.

Mount Calvary Cemetery, at 1900 Edith NE, is just down the block from Sunset, on the other side of I-40. It has similar issues as Sunset.

So does Fairview Memorial Park, at 700 Yale SE. Located south of the University of New Mexico's main campus, the neighborhood is home to a large number of homeless people. In addition, Fairview is close to a homeless service provider and has a bus stop located in front of the cemetery, said office administrator Jazlin Ziamarie.

"Quite a few homeless people come into the cemetery. Mostly, they just roam around and sometimes they'll camp out and we'll have to call somebody to remove them," said Ziamarie. "We do have fountains here and they have used them to clean up, and we do get complaints about things missing from graves." At least once that she could recall, a fire believed to have been set by homeless people wound up destroying a landscape bush.

Sandia Memory Gardens at 9500 San Pedro NE, is starting to see more frequent visits from homeless people, despite its location in the far Northeast Heights, said an office administrator for Daniels Family Funeral Services. Daniels owns and operates Sandia, as well as Fairview and Vista Verde Memorial Park in Rio Rancho.

Just this week, grounds crews at Sandia were sent to remove some homeless people who had been sleeping in the cemetery, she said, noting that homeless visitors have left behind random items, like clothing, cellphones, tablets, even bicycles.

Vista Verde Memorial Park, because of its location in Rio Rancho, only interacts with homeless people "every once in a while," the office administrator said.

Sunset Memorial Park's location at Edith, along the Menaul corridor, has made it an attractive locale for the homeless population. The cemetery's southern boundary is adjacent to an Interstate 40 frontage road, where homeless encampments are frequently established, and Coronado Park, on the other side of I-40 at Third Street, is a 15-minute walk away.

The cemetery's heavily treed and manicured 40 acres also attract locals who are not attending funeral services during the day, said Glass. "And many people come here to walk because it's beautiful and it feels safe," he said. Most of the perimeter fences are decorative and purposely short

"because we really don't want to make the property look like a prison."

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The gates are closed about 30 minutes before sunset, and the park pays "tens of thousands of dollars each year" to have private security regularly patrol the grounds, Glass said. Sunset is now looking at the additional expense of a new security camera system, he said.

Despite the presence of security, homeless people continue to access the grounds, particularly after it is closed for the night.

Dealing with homeless people and the problems that accompany them "is barely manageable now," Glass said. But with the announcement that the city will close down Coronado Park later this month, his concern is many more homeless people will wind up at Sunset. In the weeks since the announcement was made, Glass said he's seen an increase in homeless activity at the cemetery.

Adding to that feeling of trepidation is the possibility that a property that butts up against the eastern boundary of Sunset is now being considered for establishment of a "safe outdoor space" for homeless people.

These situations "will increase our burden of responsibility," Glass said. "It's businesses in Albuquerque, like mine, that are managing the homeless problem – not city government, not the mayor. Businesses are bearing the brunt of this problem."

Home » ABQnews Seeker » **Cemeteries lament bathing, camps on grounds**

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*Elizabeth Higin*  
Elizabeth Higin

## 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. Asst. ~ 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.



# INTAKE REPORT TRACKING

CM Init: ☐ ANON ☐  
TRANSLATOR ☐ New? ☐

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Intake Date: \_\_\_\_\_  
Ethnicity: \_\_\_\_\_ Race: \_\_\_\_\_ Veteran: \_\_\_\_\_ Education: \_\_\_\_\_  
Birth Date: \_\_\_\_\_ Social Security Number: \_\_\_\_\_  
Married: \_\_\_\_\_ Single: \_\_\_\_\_ Div.: \_\_\_\_\_ 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. Consecutive, or 4+ times for 12+ mo. in 3 yrs.)}  
Income at Intake: \_\_\_\_\_ Sources: \_\_\_\_\_  
Resources at Intake: \_\_\_\_\_  
Number in Household: Adult(s) \_\_\_\_\_ City of Residence: \_\_\_\_\_  
Children \_\_\_\_\_

## 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 One below)	DOB	Age	SSN	D-need P-phys M-mental	Income \$ _____ ANR

## FOOD STAMPS

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

## MORE BENEFITS

SCHIP \_\_\_\_\_  
Vet Hlt Care \_\_\_\_\_  
WIC \_\_\_\_\_  
Winnings Comp \_\_\_\_\_  
Other Cash Inc \_\_\_\_\_  
Other: \_\_\_\_\_

## BENEFITS

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

APPLICANT RACE OR ETHNICITY					
1. Asian	2. Black	3. Hispanic	4. American Indian or Alaska Native	5. Native Hawaiian or Other Pacific Islander	6. White
7. American Indian or Alaska Native	8. Black	9. Hispanic	10. American Indian or Alaska Native	11. Native Hawaiian or Other Pacific Islander	12. White
13. American Indian or Alaska Native	14. Black	15. Hispanic	16. American Indian or Alaska Native	17. Native Hawaiian or Other Pacific Islander	18. White
19. American Indian or Alaska Native	20. Black	21. Hispanic	22. American Indian or Alaska Native	23. Native Hawaiian or Other Pacific Islander	24. White
25. American Indian or Alaska Native	26. Black	27. Hispanic	28. American Indian or Alaska Native	29. Native Hawaiian or Other Pacific Islander	30. White
31. American Indian or Alaska Native	32. Black	33. Hispanic	34. American Indian or Alaska Native	35. Native Hawaiian or Other Pacific Islander	36. White
37. American Indian or Alaska Native	38. Black	39. Hispanic	40. American Indian or Alaska Native	41. Native Hawaiian or Other Pacific Islander	42. White
43. American Indian or Alaska Native	44. Black	45. Hispanic	46. American Indian or Alaska Native	47. Native Hawaiian or Other Pacific Islander	48. White
49. American Indian or Alaska Native	50. Black	51. Hispanic	52. American Indian or Alaska Native	53. Native Hawaiian or Other Pacific Islander	54. White
55. American Indian or Alaska Native	56. Black	57. Hispanic	58. American Indian or Alaska Native	59. Native Hawaiian or Other Pacific Islander	60. White
61. American Indian or Alaska Native	62. Black	63. Hispanic	64. American Indian or Alaska Native	65. Native Hawaiian or Other Pacific Islander	66. White
67. American Indian or Alaska Native	68. Black	69. Hispanic	70. American Indian or Alaska Native	71. Native Hawaiian or Other Pacific Islander	72. White
73. American Indian or Alaska Native	74. Black	75. Hispanic	76. American Indian or Alaska Native	77. Native Hawaiian or Other Pacific Islander	78. White
79. American Indian or Alaska Native	80. Black	81. Hispanic	82. American Indian or Alaska Native	83. Native Hawaiian or Other Pacific Islander	84. White
85. American Indian or Alaska Native	86. Black	87. Hispanic	88. American Indian or Alaska Native	89. Native Hawaiian or Other Pacific Islander	90. White
91. American Indian or Alaska Native	92. Black	93. Hispanic	94. American Indian or Alaska Native	95. Native Hawaiian or Other Pacific Islander	96. White
97. American Indian or Alaska Native	98. Black	99. Hispanic	100. American Indian or Alaska Native	101. Native Hawaiian or Other Pacific Islander	102. White

#### A CAMP HOPE AGREEMENTS 2018 A

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.

Sincerely,

Matthew Whelan

PO Box 1203

Albuquerque

NM 87103

[www.ci.albq.nm.us](http://www.ci.albq.nm.us)

City of Albuquerque, NM 87103-1203



111 ALYMAN DR SE  
ALBUQUERQUE, NM 87108-9998  
(800) 775-8777

08/05/2022 11:11 AM

Product	Qty	Unit Price	Price
First-Class Mail®	1		\$0.60
Letter			
Albuquerque, NM 87107			
Weight: 0.15 0.60 oz			
Estimated Delivery Date			
Mon 08/08/2022			
Certified Mail®			\$4.00
Tracking #			
702216700002927442			
Return Receipt			\$3.25
Tracking #			
9590 9402 7272 1284 5409 G3			
Total			\$7.85
US Flags	20	\$0.60	\$12.00
Grand Total			\$19.85
Credit Card Reel1			\$19.85

Card Name: VISA  
Account #: XXXXXXXXX1746  
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 Postage and First-Class Mail® delivery. You may also visit [usps.com](http://usps.com) (USPS Tracking® call 1-800-222-1811).

Preview your Mail  
Track your Packages  
Sign up for FREE®  
<https://informevery.usps.cca>

All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/ps> or scan this code with your mobile device.



or call 1-800-410-7420

UFN: 340136-0108  
Receipt #: 840-58700563-1-6551902-2  
Clerk: 46

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.

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 (DO 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 720-333-8298 [phone number\*] or via s.goodso@gmail.com [email\*].

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

not applicable

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://livur.l.com/IDOnlineimap>

Since

signed [Agent/Property Owner/Developer/Operator]

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

CABQ Planning Dept.  
Mailed Public Notice

2

Printed 7/27/2022

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 480, NW 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 T-25 Frontage Road
5. Zone Atlas Page: 14-15-Z (Invalidate here: <http://data.cabq.gov/business/zonecodelist>)
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

CABQ Planning Dept.  
Mailed Public Notice

1

Printed 7/27/2022

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]

PO 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 [enforcement@cabq.gov](mailto:enforcement@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
5. Zone Atlas Page: H-15-Z [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]: 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

CABQ Planning Dept.  
Mailed Public Notice

1

Printed 7/27/2022



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 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(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 <https://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):

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

IDO Interactive Map

<https://tinyurl.com/IDOrzoningmap>

Sincerely,  


[Agent/Property Owner/Developer/Operator]

Cc: [Other Property Owners, if any]

CABQ Planning Dept.  
Mailed Public Notice

Printed 7/27/2022

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 Albuquerque 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 Frongoch Road
5. Zone Atlas Page H-15-Z- (Available here: <http://code.cabq.gov/development/zonefile/>)
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

CABQ Planning Dept.  
Mailed Public Notice

1

Printed 7/27/2022

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 (or 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-(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 720-333-7288 [phone number\*] or via sgooden@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/IDOzoninymap>

Sincerely,



[Agent/Property Owner/Developer/Operator]

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

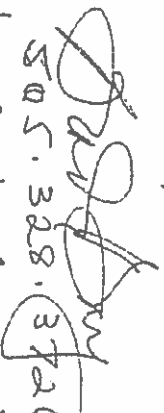
CABQ Planning Dept.  
Mailed Public Notice

Printed 7/27/2022

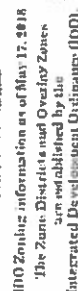
August 3, 2022

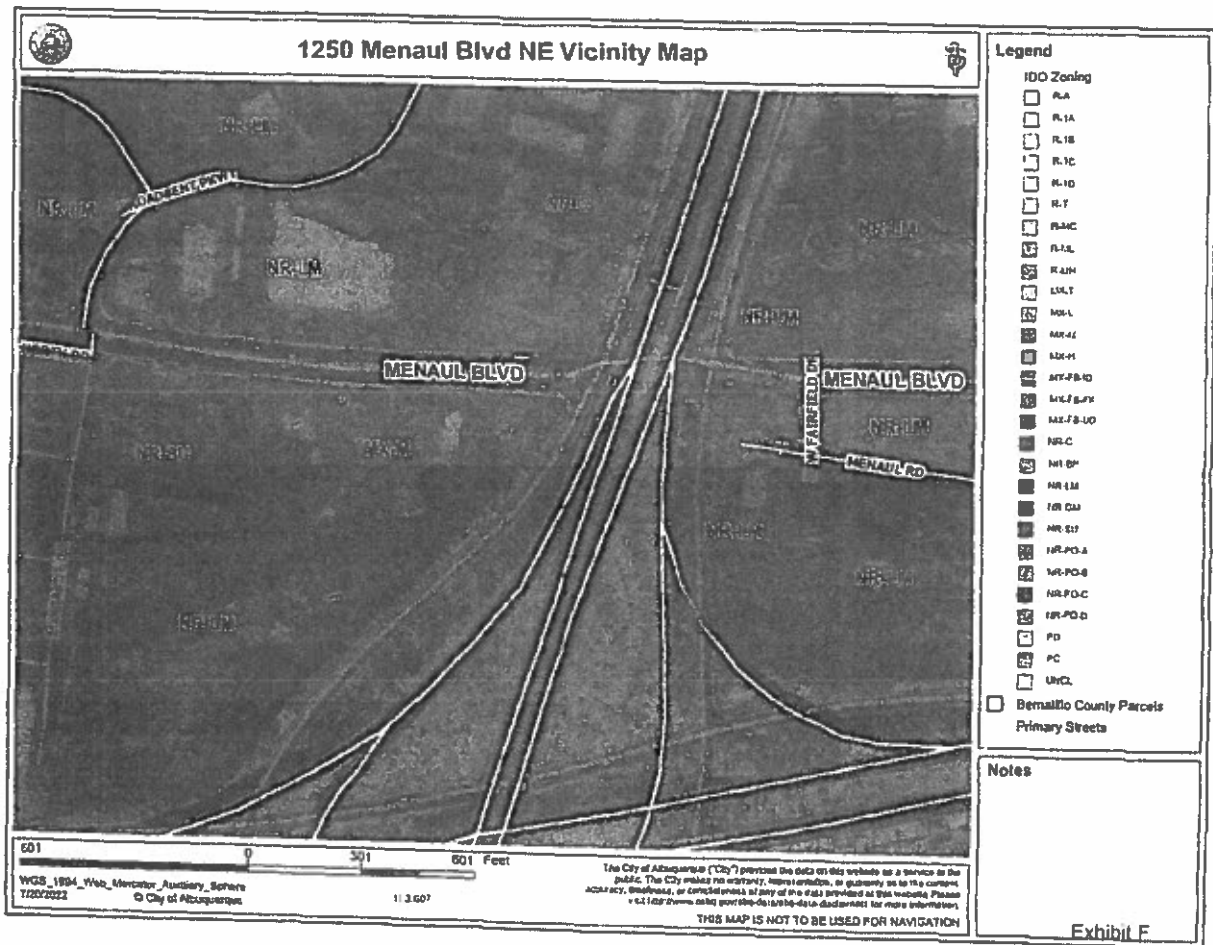
Jeremy,  
Please find enclosed the  
Antistate Vicinity Map and  
Site Plan for the Eagle Outdoor Space  
application from Aurora Legacy Hunt.  
The City wants them to make  
a different portion of the same  
property noted in their application.  
Please let me know if you  
require anything else.

Thanks,

  
505.328.3726  
bradwday1@gmail.com







**Palmer, Jeffrey**

**From:** Brad Day <bradway1@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 [jpalmer@cityofalbuquerque.gov](mailto:jpalmer@cityofalbuquerque.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 <[jpalmer@cityofalbuquerque.gov](mailto:jpalmer@cityofalbuquerque.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:

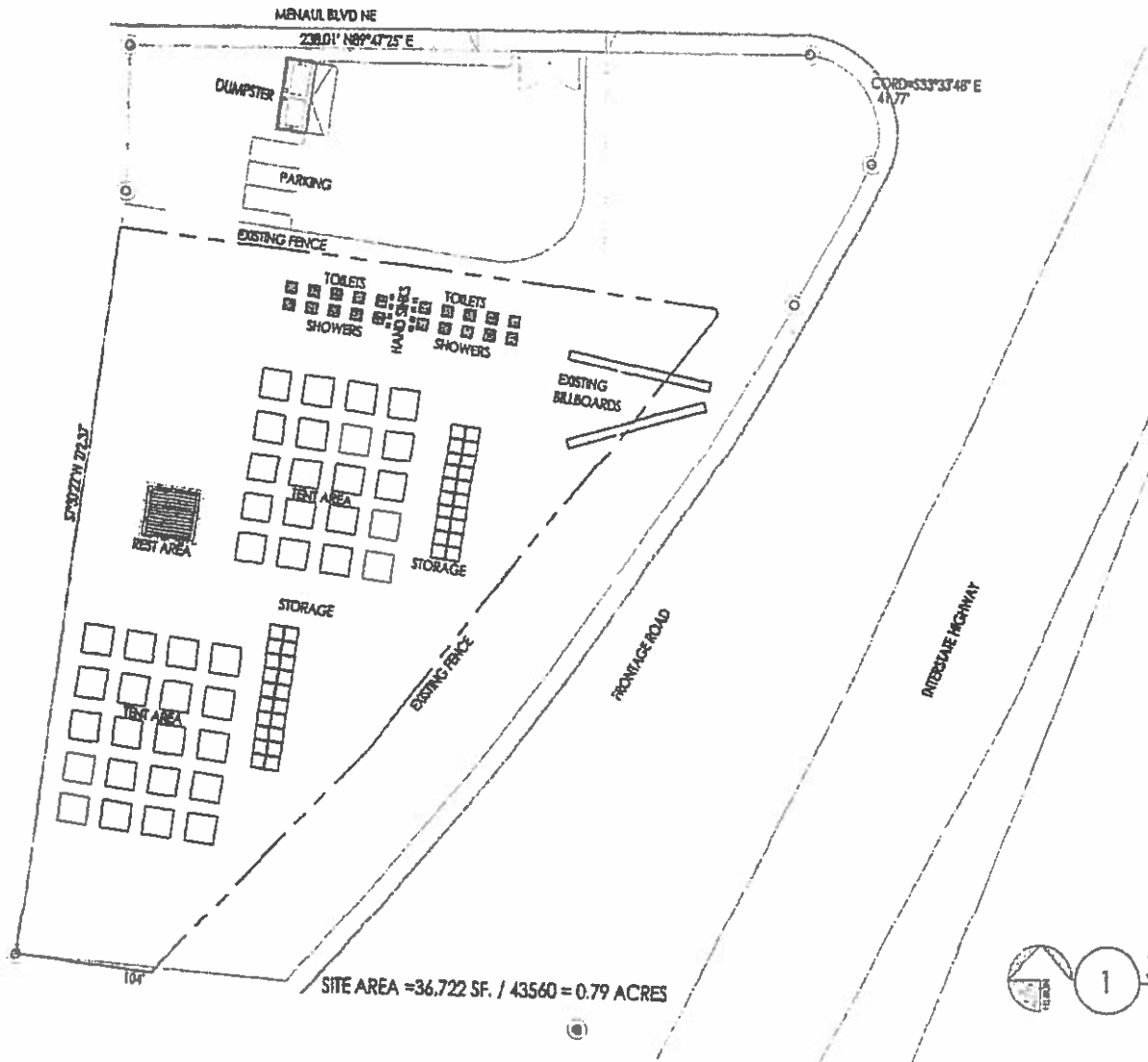
1. Toilets = 10 shown
2. Showers = 10 shown
3. Hand sinks = 8 shown
4. Designated spaces = 40 shown (Note: with a maximum occupancy plan for 50, as per the approved Operational Plan)
5. Distance from Toilets and Handwashing stations to further designated space = 200 feet (per measurement on scaled drawing provided).
6. Height of fence = 6 feet

Please confirm that this information is correct and/or provide clarification if needed. Thank you.

Respectfully,

1





1 SITE PLAN  
1" = 40'-0"


**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  
 Dawn Legacy Pointe  
 Street and Apt. No., or P.O. Box No.  
 8409 Central Ave NE  
 City, State, ZIP+4®  
 ALBQ 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® Tracking #: 70221670000329274442 \$4.00

Return Receipt Tracking #: 9590 9402 7272 1284 5409 63 \$3.25

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 @  
<https://informedelivery.usps.com>

All sales final on stamps and postage.  
 Refunds for guaranteed services only.  
 Thank you for your business.

Tell us about your experience.  
 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

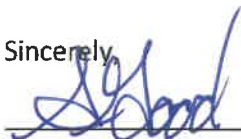
**Integrated Development Ordinance (IDO):**

<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],

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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/>]
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12. Deviations Requested [if applicable] —
13. Variances Requested [if applicable] —

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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

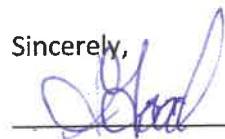
**Integrated Development Ordinance (IDO):**

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

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Sincerely,

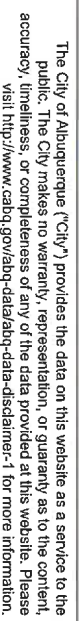


[Agent/Property Owner/Developer/Operator]

Cc: [Other Property Owners, if any]



## An aerial map of the Menaul Blvd area in Denver, Colorado. The map shows various land use designations: NR-LM (Neighborhood Residential - Low Medium Density) in purple, NR-SU (Neighborhood Residential - Single Units) in grey, MX-M (Mixed Medium Density) in brown, and NR-C (Neighborhood Residential - Cluster) in red. Major streets include Lombardy Dr, Menaul Blvd, New Fairfield Dr, and Menaul Rd. A blue dot is located on the brown MX-M area. The map also shows a green line representing a transit route and yellow lines representing other roads or boundaries.



THIS MAP IS NOT TO BE USED FOR NAVIGATION

## IDO Zoning

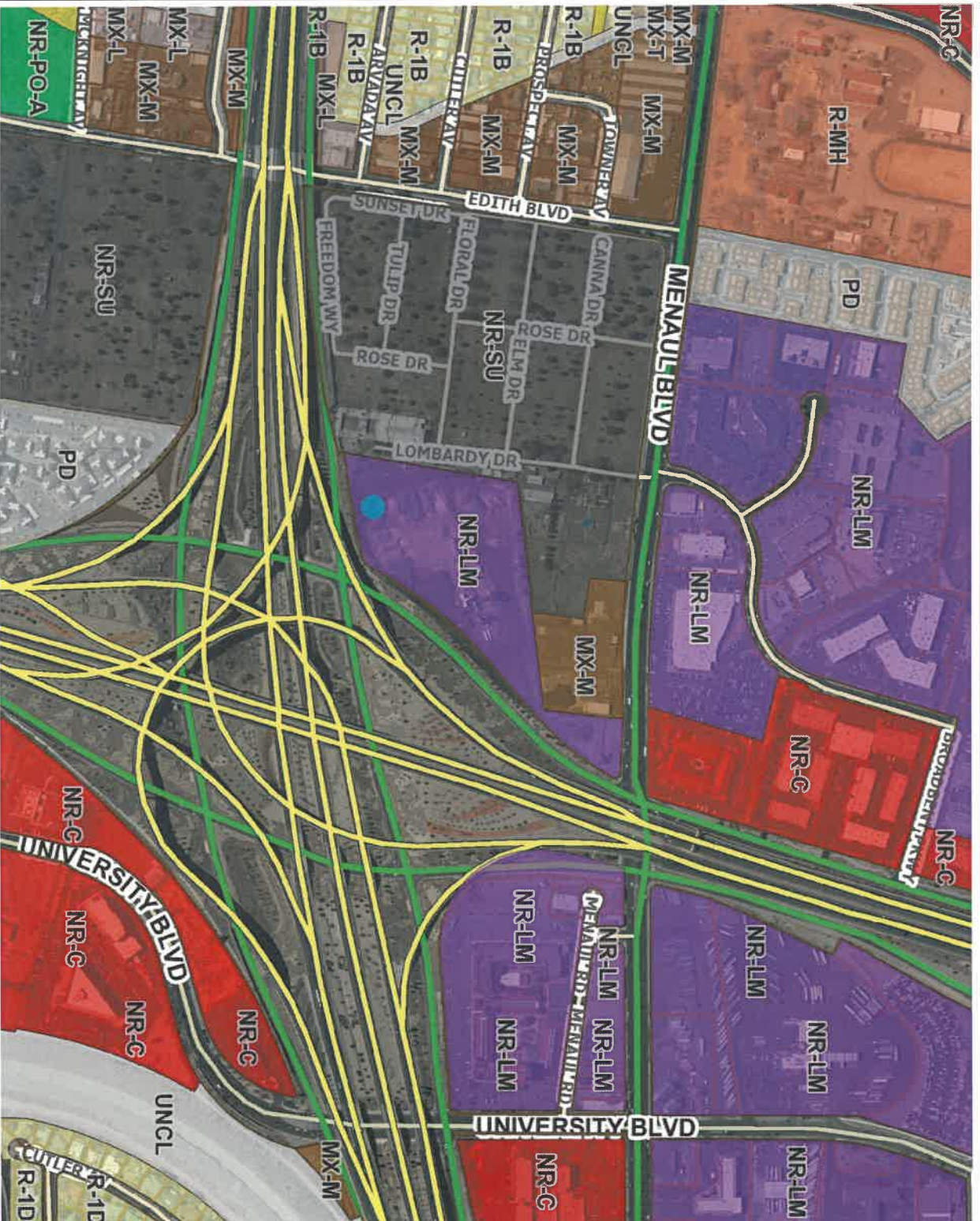
- ## Notes

## 074





## 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

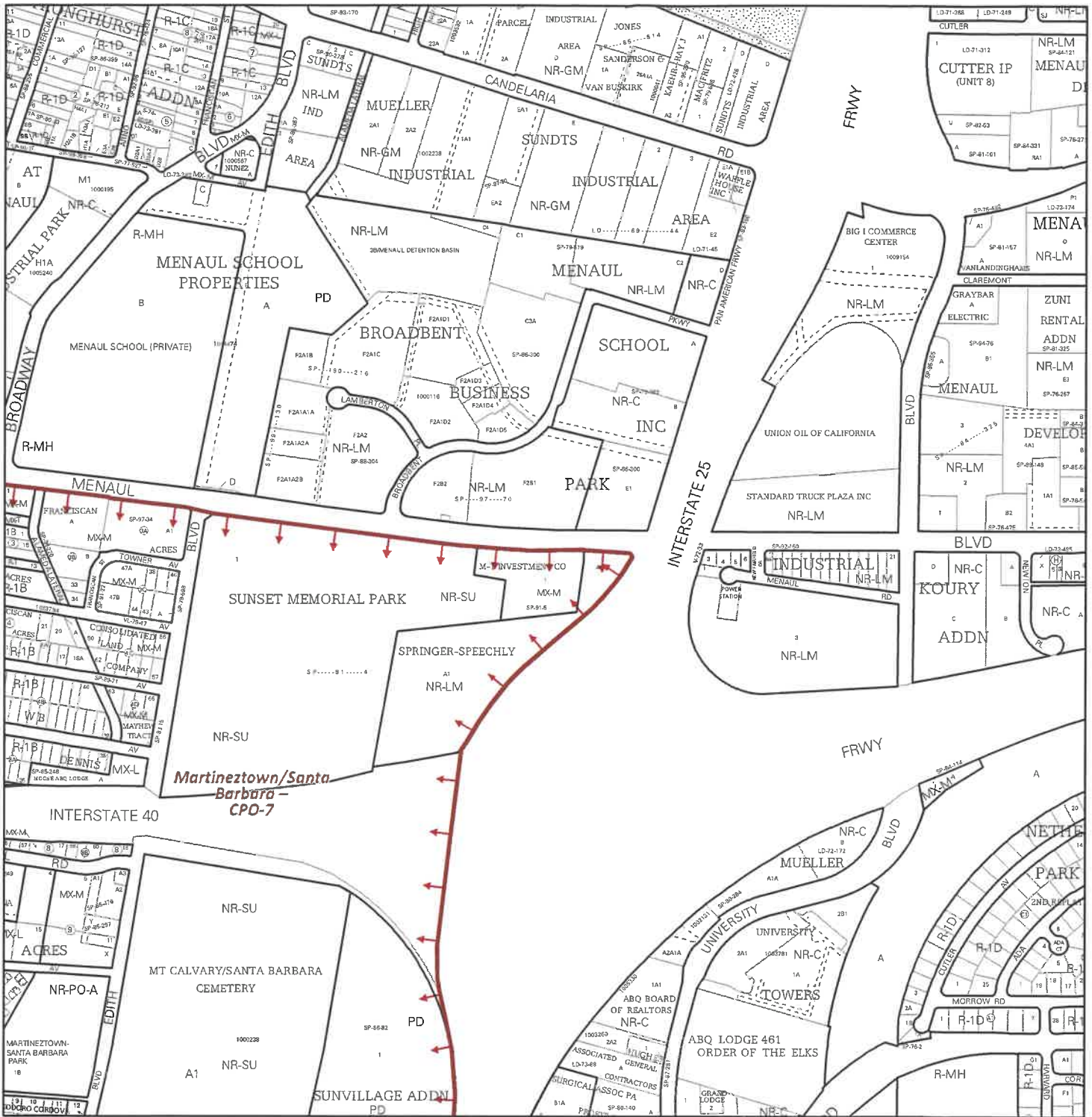
### Notes

1,202 Feet  
0 601 1,202 Feet  
1:7,213  
WGS\_1984\_Web\_Mercator Auxiliary Sphere  
8/1/2022 © City of Albuquerque

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





For more details about the Integrated Development Ordinance visit: <http://www.cabq.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**

- Easement
- Escarpment
- 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

0 250 500 1,000 Feet

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

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**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,

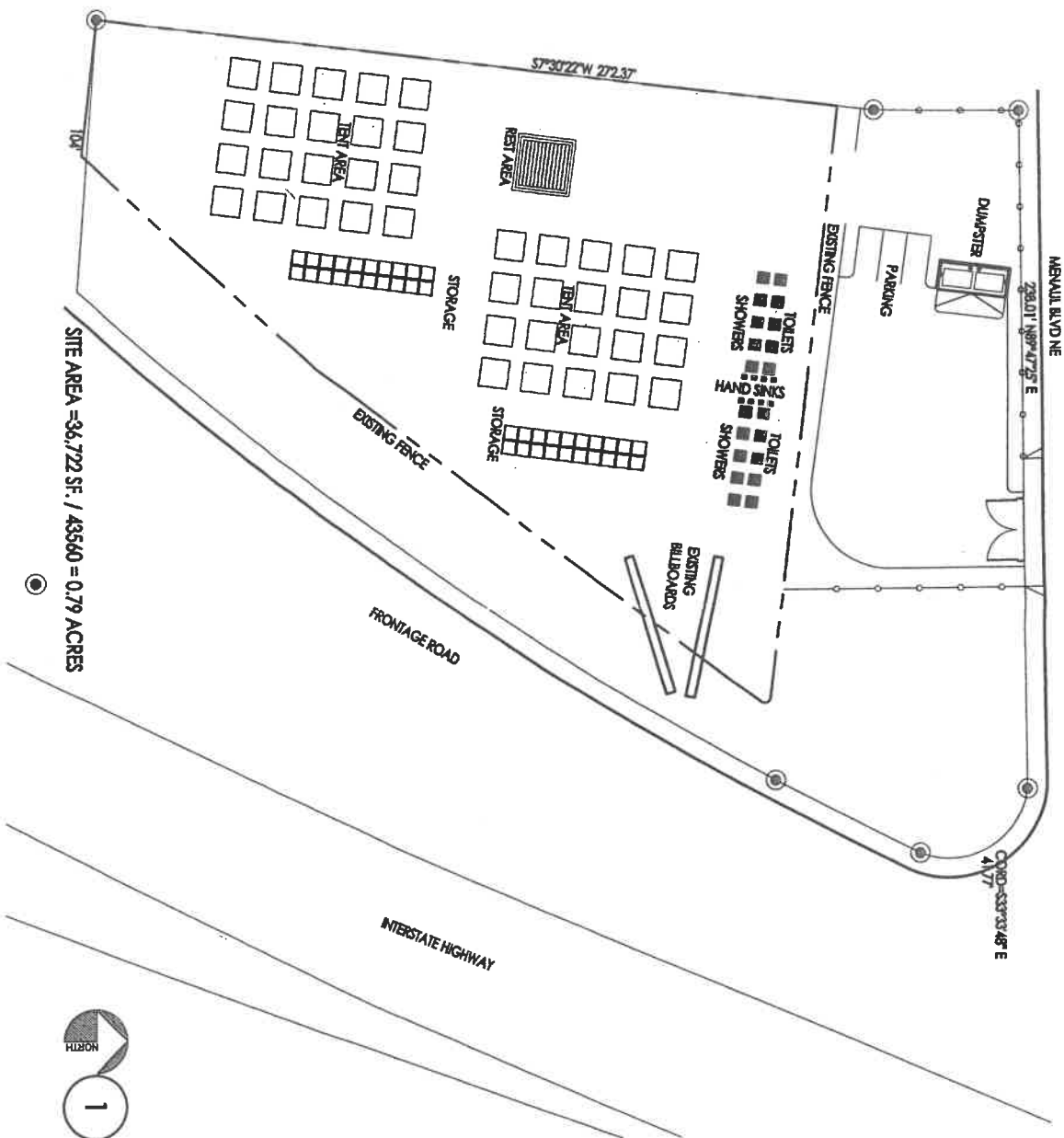
As we discussed this afternoon, we are in the process of reviewing the application submitted by you for Dawn Legacy Pointe, to be located at 1250 Menaul Blvd NE.

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 23, 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-22-16**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2022-007490-VA-2022-00242**

**APPLICANT: LifeRoots Inc.**  
**1111 Menaul Blvd.**  
**Albuquerque NM, 87107**

**AGENT: Law Offices of Brian A. Thomas**  
**2535 Wymoning Blvd NE Suite A**  
**Albuquerque NM, 87112**

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-  
Life Roots Inc., Matthew Molina, [MatthewM@LifeROOTSnm.org](mailto:MatthewM@LifeROOTSnm.org)  
Law Offices of Brian A. Thomas, [bthomas@thomaslaw-NM.com](mailto:bthomas@thomaslaw-NM.com)