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Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

INTER-OFFICE MEMORANDUM

February 7, 2023

TO: Pat Davis, President, City Council

FROM: Alan Varela, Planning Director 
Alan Varela (Feb 7, 2023 15:18 MST)

SUBJECT: AC-23-3, PR-2022-007490, VA-2022-00367:
Albuquerque Boca Limited DBA Crowne Plaza, Agent Rodey Law Firm, 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

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. An appeal of this initial approval was received by the Planning Department on August 25, 2022 and the appeal was heard by the Land Use Hearing Officer (LUHO) on September 28, 2022. On October 10, 2022, the LUHO remanded it back to Planning staff with the instructions to assure that individual notice is sent to:

All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the subject property. *Where the edge of that 100- foot buffer area falls within any public right-of-way, adjacent properties shall be included.* (Emphasis added).

On October 17, 2022, the applicant notified 20 property owners via Certified Mail as required in the LUHO’s remand instructions. An application was approved on December 8, 2022.

The City Planning Department received an appeal on the Temporary Use Permit for SOS for the Property from Albuquerque Boca Limited DBA Crowne Plaza, Agent Rodey Law Firm.

The appeal was submitted in a timely manner and prior to the deadline of December 23, 2022.

Appeal and Response

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

1. Procedural Background

On November 16, 2022, the City held a post-application facilitated meeting with the following in attendance:

The Names & Affiliations of Participants and Interested Parties:

Applicant:

S. Kylea Good Dawn Pointe LLC

Agent:

Brad Day Dawn Pointe LLC

Government Representatives:

Dr. Elizabeth Holguin CABQ

Aaron Nieto CABQ

Helen Maestas CABQ

Crowne Plaza Hotel:

Jacques Chouinard, Esq. Rodey Law Firm

Mike Walsh Owner

Joanie Jones Manager

SBMNA:

Loretta Naranjo Lopez President

CABQ ADR:

Jocelyn M. Torres CABQ Land Use Facilitator

Tyson R. Hummell CABQ ADR Coordinator and Co-Facilitator

There were three (3) action items as a result of the facilitated meeting:

1. The City will inquire with the Solid Waste Director to determine if there are any records of environmental checks at the 1250 Menaul NE SOS site and report on results. Crowne Attorney is specifically requesting environmental site assessments.

2. The City will provide its operational plan.

If available, the City will provide the CABQ/Dawn License Agreement which includes the contract amount.

On December 14, 2022, an email containing a link was sent to the email address, JHarrison@rodey.com that contained the documents requested. Exhibit A.

2. Standing

Pursuant to IDO Table 6-4-2, standing for appeals Temporary Use Permits are based on proximity to the subject property. Property owners within 100 feet and neighborhood associations that include or are adjacent to the property may appeal a Permit – Temporary Use.

3. Appellant Albuquerque Boca Limited DBA Crowne Plaza, AC-23-3, PR-2022-007490, VA-2022-00367, has standing to appeal because the Appellant’s Property is adjacent to right-of-way included within 100 feet of the proposed SOS site. minus public right-of-way.

Basis Of Appeal

I. Deficient Notice Under Section 14-16-6-4(K)(3) And Section 14-16-6-5(D)(2)(3)

Staff Response: The Appellant claims two facial deficiencies in the application. The first is “Location Description” and the second is the size of the lot. Although there are discrepancies in the wording of the application, Appellant’s Exhibit D contains a map clearly indicating the correct location of the SOS with the application and with the notification to the Appellant. The applicant met the requirements for content of notices under Subsection 14-16-6-4(K)(1).

II. Failure to Mitigate Negative Impacts Under Section 14-16-6-5(D)(3)

Staff Response: The Appellant claims the applicant failed to adequately mitigate negative impacts on surrounding properties. The application submitted did provide plans to mitigate adverse impacts. To mitigate negative impacts, the Safe Outdoor Operation/Security Plan: Dawn Legacy Pointe page 7, Community Commitment states, “A Good Neighbor Agreement will be addressed with surrounding businesses and Neighborhood Associations and a Neighborhood Advisory group will be created to discuss successes and opportunities for improvement. This platform will allow neighborhoods in proximity to other SOS sites in the city to collaborate and share best practices. Safe Outdoor Space Safety Team and Volunteer Training Manual page 7, Safe Outdoor Space Security Protocol under SOS Security, item 1 states “Night Shift: Patrol the perimeter of the SOS Community at least twice during the shift” Any encampments in the vicinity will be reported and addressed per the City of Albuquerque’s Policy for Responding to Encampments on Public Property. Encampments on private property will be reported to and enforced by Code Enforcement using existing ordinances including the IDO and Uniform Housing Code (UHC). The operational plan on page 1 and 2 states procedures on how to report various illegal activity.

III. Failure to Conform to Use-Specific Standards Under Section 14-6-4-3(G)(8)

Staff Response: The Appellant claims the applicant failed to conform with use-specific standards. The application submitted indicates there will be an on-site manager and an outreach worker from 7:00am to 7:00pm, who will coordinate with non-profits that can offer services and resources along with 24 hour seven days a week security. The on-site manager and the outreach worker will each be available to respond to the site when needed with access to specialized services. There are a number of rules to protect the safety and welfare of the guests including, but not limited to, no illegal drugs, alcohol, intoxicated or disruptive behavior, firearms or illegal weapons, open fires, limited to number of guests, loitering around property, etc. The residents, like all citizens, will be allowed to “venture out” for appointments, food and any services.

IV. Failure to address Adverse Environmental Conditions Under Section 14-16-5-13(A)

Staff Response: The Appellant claims the applicant failed to address adverse environmental conditions that exist on the site. There were two environmental site assessments completed for the property. A summary with recommendations based on the findings was provided for both assessments. The recommendations of the first assessment was for subsurface investigation of the site. The second assessment, Appellants Exhibit F page 5 recommendation states, “Based on the analytical data and field observations, no further investigation of the site is recommended at this time regarding the identified REC.” Based on the recommendations of the assessments conducted, it was determined that the site would not create an adverse impact to the residents. For these reasons, the SOS was approved.

V. Violation of Appellant’s State and Federal Due Process Rights

Staff Response: The Appellant alleges the City violated the Appellant’s due process rights. The Appellant alleges the City has permitted a new, long term land use provision that bypassed traditional notice and hearing requirements. The SOS use was recently enacted with legislative amendments to the IDO by City Council, where proper notice was provided and the meetings were open to the public.

Criteria for Decision on Appeals

IDO Subsection 14-16-6-4(V)(4) outlines the criteria for review of an appeal to determine whether the decision-making body made one of the following mistakes:

6-4(V)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

6-4(V)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(V)(4)(c) The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

The Planning Department did not act fraudulently, arbitrarily, or capriciously. The decision to approve the SOS Temporary Permit was supported by substantial evidence in the application. The Planning

Department did not error in applying the requirements of the IDO and found that the application met all the IDO requirements for a SOS Temporary Use Permit. The Planning Department request that the ZHE's approval is upheld.

Conclusion

IDO Section 14-16-6-4(V)(4) Criteria for Decision, shall be whether any the decision-making body or the prior appeal body made 1 of the following mistakes:

6-4(V)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

6-4(V)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(V)(4)(c) The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

City staff did not act acted fraudulently, arbitrarily, or capriciously. The decision was based on supported substantial evidence and not in err.

/ Angelo Metzgar /

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






Menaul SOS Appeal Response Crown Plaza Final

Final Audit Report

2023-02-07

Created:	2023-02-07
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA5FKJGMDKApoBRgqg1lxwVXEUivapaIU1

"Menaul SOS Appeal Response Crown Plaza Final" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
2023-02-07 - 9:46:01 PM GMT- IP address: 143.120.133.160
-  Document emailed to Alan Varela (avarela@cabq.gov) for signature
2023-02-07 - 9:46:15 PM GMT
-  Email viewed by Alan Varela (avarela@cabq.gov)
2023-02-07 - 10:18:24 PM GMT- IP address: 143.120.133.62
-  Document e-signed by Alan Varela (avarela@cabq.gov)
Signature Date: 2023-02-07 - 10:18:29 PM GMT - Time Source: server- IP address: 143.120.133.62
-  Agreement completed.
2023-02-07 - 10:18:29 PM GMT



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

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

APPLICATION INFORMATION		
Applicant: Albuquerque Boca Limited Partnership dba Crowne Plaza Albuquerque		Phone: 505-884-2500
Address: 1901 University Blvd NE		Email: joani.jones@cpabq.com
City: Albuquerque	State: NM	Zip: 87102
Professional/Agent (if any): Rodey Law Firm (John P. Salazar & Jacques H. Chouinard)		Phone: 505-765-5900
Address: 201 3rd St NW, Ste 2200		Email: JChouinard@rodey.com
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site:	List all owners:	

BRIEF DESCRIPTION OF REQUEST
 Appeal of the issuance of a temporary use permit for a Safe Outdoor Space at 1250 Menaul Blvd NE

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)		
Lot or Tract No.: A-1	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.: 36	UPC Code: 101505924018931414CA
Zone Atlas Page(s): H-152	Existing Zoning: NR-LM	Proposed Zoning: NR-LM
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (acres): 11.79

LOCATION OF PROPERTY BY STREETS
 Site Address/Street: 1250 Menaul Blvd NE Between: Interstate 25 frontage road and: Menaul Blvd

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)
 Case: AC-22-12/Project: 2022-007490, VA-2022-00239

Signature: Date: 12/22/2022
 Printed Name: Jacques H. Chouinard Applicant or 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 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: _____

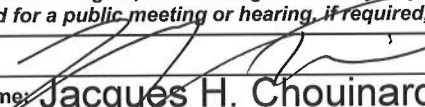

Type of decision being appealed: Temporary Use Permit - Safe Outdoor Space

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

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

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

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

<i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i>	
Signature: 	Date: 12/22/2022
Printed Name: Jacques H. Chouinard	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Case Numbers: _____	Project Number: _____
Staff Signature: _____	
Date: _____	

**Crowne Plaza Albuquerque
1901 University Blvd., NE
Albuquerque, NM 87102
(505) 884-2500**

December 19, 2022


City of Albuquerque
Planning Department
600 2nd St. NW
Albuquerque, NM 87102

RE: Appeal of Dawn Legacy Pointe Safe Outdoor Space Temporary Use Permit for 1250 Menaul Blvd NE, Approved on December 8, 2022 by Angelo Metzgar, Code Compliance Manager, City Planning Department, City of Albuquerque, New Mexico.

Ladies and Gentlemen,

The purpose of this letter is to advise you that Rodey, Dickason, Sloan, Akin, & Robb, P.A. (John P. Salazar and Jacques H. Chouinard) has been appointed as an agent for Albuquerque Boca Hotel Limited Partnership d/b/a the Crowne Plaza Hotel ("Appellant"), to represent it in appealing the approval of the Dawn Legacy Pointe Safe Outdoor Space Temporary Use Permit for the address referenced above and all related matters.

ALBUQUERQUE BOCA HOTEL LIMITED PARTNERSHIP

By: 
Name: Claudia Parker
Title: Corporate Representative

City of Albuquerque
Planning Department

In Re:

Dawn Legacy Point Temporary Use Permit – Safe Outdoor Space, 1250 Menaul Blvd. NE, Albuquerque, NM 87107.

NOTICE OF APPEAL BY CROWNE PLAZA HOTEL ALBUQUERQUE

Pursuant to Section 14-16-6-4(V)(1)(c) of the Albuquerque Integrated Development Ordinance (“IDO”), Albuquerque Boca Hotel Limited Partnership d/b/a the Crowne Plaza Hotel Albuquerque (“Appellant”), by and through its counsel of record, Rodey Dickason Sloan Akin & Robb, P.A. (John P. Salazar and Jacques H. Chouinard), appeals the December 8, 2022 approval of the Safe Outdoor Space Temporary Use Permit issued to Dawn Legacy Pointe located at 1250 Menaul NE, Albuquerque, New Mexico 87107.

Procedural Background

On July 30, 2022, Dawn Legacy Pointe (“Applicant”) submitted an application to the City Planning Department for a Safe Outdoor Space Temporary Use Permit to be located at 1250 Menaul Blvd. NE. On August 10, 2022, Code Enforcement Division staff approved that application. Seven interested parties appealed, including Appellant. After a hearing before the Land Use Hearing Officer (“LUHO”), Applicant’s initial temporary use permit was vacated, and the application remanded for correction of notice deficits. Applicant subsequently refiled its application after attempting to correct those deficits. Appellant requested a post-submittal facilitated meeting with Applicant, which was held on November 16, 2022. During that meeting, City staff agreed to produce to Appellant documents related to the 1250 Menaul site, including environmental site assessments, operational plans, and contractual agreements between Appellant and the City. Those documents were never produced, and on December 8, 2022, Angelo Metzgar, Code Compliance Manger, sent Appellant a notice that Applicant’s resubmitted

application had been approved. *See* Approval Notification, attached as Exhibit A. Appellant now appeals under Section 14-16-6-4(V) of the IDO.

Standing

Appellant has standing to bring this appeal under two different provisions of the IDO. First, Section 14-16-6-4(V)(2)(a)(5) states that property owners within 100 feet of the site of an approved temporary use permit have standing to bring an appeal. The 100 foot distance requirement is measured from the nearest lot line of the subject property, and where the edge of that area falls within a public right of way, adjacent properties have standing to appeal. Appellant's property sits directly east of Applicant's permit site. One hundred feet, measured from the eastern edge Applicant's proposed site, falls within the general right of way area of the I-25/I-40 interchange and associated frontage roads. The next adjacent property is Appellant's hotel grounds. *See* Map of Area, attached as Exhibit B. As stated by the LUHO at the prior hearing, under the 100 foot standing rule, Appellant has standing to challenge Applicant's temporary use permit. *See* 9-28-22 Hearing Transcript, relevant portions attached as Exhibit C, at 12:18-24.

Second, Section 14-16-6-4(V)(2)(a)(4) provides appellate standing to any entity that can demonstrate that its property rights or other legal rights have been specially and adversely affected by the decision. Appellant is presently suffering substantial adverse impacts caused by the presence of unhoused people along Menaul. Appellant has lost revenue, major convention accounts, and Appellant's employees have had to deal with significant security concerns. Exhibit C, at 16:7-17:19. Applicant's temporary use permit will exacerbate the situation. The permit is expressly intended to bring more unhoused people to the area by providing a tent encampment under the City's safe outdoor space program. Appellant and its employees will suffer continuing

severe effects related to the increased presence of unhoused people in the area. The permit will create a detrimental impact on Appellant's business, as Appellant will continue to lose revenue and will have to increase its security to protect its guests and employees. These are real, specific, and adverse impacts on Appellant's property rights. Accordingly, Appellant also has standing to challenge Applicant's temporary use permit under Section 14-16-6-4(V)(2)(a)(4).

Basis of Appeal

As required by IDO Section 14-16-6-4(V)(3)(a)(3), Appellant identifies the following IDO sections and factual bases for this appeal.

I. Deficient Notice Under Section 14-16-6-4(K)(3) and Section 14-16-6-5(D)(2)(3)

Appellant received notice of Applicant's resubmitted temporary use permit application on October 25, 2022. *See* Notice Form, attached as Exhibit D. The notice form contains two facial deficiencies. First, Applicant defined the "Location Description" as the "southeast corner of Menaul & Frontage Road of I-25." This statement misidentifies the location of the proposed safe outdoor space ("SOS"), since 1250 Menaul Blvd. NE is located at the southwest corner of Menaul and the I-25 Frontage Road. Second, the notice states that the area of the property is 0.78 acres. However, in the Approval Notification, the size of the location is listed as 11.7623 acres. *See* Ex. A. This is a material discrepancy, as Appellant has no way of knowing exactly how large the Applicant's SOS encampment will be, and a site several orders of magnitude larger than described in the application will have significant deleterious impacts on the surrounding area.

II. Failure to Mitigate Negative Impacts Under Section 14-16-6-5(D)(3)

Section 14-16-6-5(D)(3) states that a temporary use permit application can be approved if it complies with use-specific standards and "adequately mitigates negative impacts on surrounding properties for the duration of the use." Applicant has made no attempt whatsoever to

address measures taken to mitigate the negative impacts of its proposed SOS encampment on surrounding neighbors. There is nothing in Applicant's application even mentioning mitigation, and Applicant has made no effort to accommodate surrounding property owners, including Appellant. Lacking anything addressing mitigation of detrimental effects, Applicant's temporary use permit application should have been denied.

III. Failure to Conform to Use-Specific Standards Under Section 14-16-4-3(G)(8)

Section 14-16-4-3(G)(8) establishes the use-specific standards for SOS sites. Subsection (h) requires that an SOS shall have an operations and management plan or security agreement in place to ensure the safety of SOS residents. Proof of the plan or agreement must be included with the SOS application, and must indicate on-site support "on a 24 hours a day, 7 days a week basis." Section 14-16-4-3(G)(8)(h)(1)-(2). Subsection (i) requires that each SOS shall offer "social services and support facilities to its occupants, including but not limited to . . . education and job training . . . recreational services, and activities for use by occupants to provide comprehensive livability options."

The application in this case does not comply with either of these use-specific standards. First, Applicant's management plan fails to adequately protect the safety and welfare of the intended population of the site. Unhoused victims of sexual exploitation are to be placed in unheated tents, with only outdoor hand-washing stations and portable bathrooms to service basic needs. In terms of security, Applicant has provided a training manual outlining procedures for SOS residents to provide security at the site. But there is no indication in the manual that there will be on-site support from Applicant or its staff on a twenty-four hour, seven-day basis. Instead, the residents will be locked in at night, with over-night security to be provided by the residents themselves. While there are apparently plans to surround the site with a six foot fence,

which should serve to keep the residents in, it will not realistically prevent intruders from entering the encampment. The eastern boundary of the site, which is immediately adjacent to the southbound I-25 frontage road, is approximately 1400 feet long and the southern boundary of the site, which is immediately adjacent to the westbound I-40 footage road, is approximately 488 feet long. These are public rights of way, along which vehicles and pedestrians can travel, and from which the SOS site can be easily accessed.

Second, there is nothing in the application addressing the provision of on-site social services of any kind, nor is there on-site education, job training, or recreational programming. There is no on-site food service, and there are no services of any kind in the vicinity for SOS residents. Further, there is no provision for private vehicles at the site, nor is there provision for dedicated transportation for the occupants. The residents will have to venture out, by foot, during the day for food and social services, since there will be no on-site social services or adequate support services. This, despite the fact that the IDO requires proof of support services in order to establish eligibility for an SOS permit.

To approve an SOS permit for an isolated location, in a homeless-services desert, without basic on-site services, while locking in the residents overnight in unheated tents and requiring that they bear the responsibility for their own security, is to re-victimize a vulnerable population in a City-sanctioned tent encampment. The application utterly fails to conform to the IDO's use-specific standards or to accomplish the goals of the SOS program. The Code Enforcement Division's decision should be reversed.

IV. Failure to Address Adverse Environmental Conditions Under Section 14-16-5-13(A)

The 1250 Menaul NE site constitutes a significant environmental impediment for the proposed use. In 2021, the City commissioned a Phase I Environmental Site Assessment

(“ESA”) for the proposed site. The executive summary of the ESA, attached as Exhibit E, indicated that the site was used for industrial purposes and as an asphalt plant for over forty years. The ESA further stated that there was evidence of petroleum hydrocarbon releases and underground storage tanks on the site. Ex. E at iii. As a result, further soil sampling was required. *Id.* That sampling was detailed in a Limited Site Investigation (“LSI”) dated September 16, 2021, relevant portions of which are attached as Exhibit F. The LSI stated that the collected soil samples contained petroleum and non-petroleum hydrocarbons, and heavy metals including barium, chromium, lead, and arsenic. Ex. F at 5. While the concentrations of these toxic substances were below those that would require cleanup for construction or industrial workers present on the site, it is not clear whether unhoused people living in tents can safely live, eat, drink, and bathe on soil containing these toxic chemicals. *Id.*

Under Section 14-16-5-13(A), all uses in any zone district must 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[.]” There is no indication that Applicant considered the environmental safety of the site when formulating its operational plans. Applicant plans to provide limited shelter—and no industrial personal protective equipment—for unhoused people on a site formerly occupied by an asphalt plant. The presence of harmful chemicals in the soil of the site, in any concentration, poses a direct threat to the people Applicant plans to house there. At minimum, Applicant’s temporary use permit should not have been granted until appropriate environmental investigations could be undertaken to determine the effects of contaminated soil on the unhoused people Applicant plans to serve. But given that Applicant made no attempt in its application to detail any possible steps towards mitigation or remediation of potential environmental health hazards, Applicant failed to conform

to Section 14-16-5-13(A). Accordingly, Applicant's temporary use permit was improperly granted and should be reversed.

V. Violation of Appellant's State and Federal Due Process Rights

Under both state and federal constitutional law, no person "shall be deprived of life, liberty, or property without due process of law." N.M. Const., Art. II, § 18; U.S. Const. amend. XIV, § 1. By providing Applicant with a temporary use permit that could be active for up to four years, the City has permitted a new, long term land use provision that bypasses traditional notice and hearing requirements. By classifying SOS sites as a temporary uses subject to minimal permitting requirements, the City has precluded Appellant from commenting on the application or being heard at a public hearing prior to approval. Appellant had no chance to present evidence or develop argument regarding the potential economic, security, and health impacts of Applicant's permit. Given that the SOS site will worsen the ongoing challenges faced by Appellant on a daily basis, the City has authorized a use that will adversely impact Appellant's property rights without any meaningful opportunity to be heard by City officials in a public forum. The entire process, as applied to Applicant's permit, violates Appellant's due process rights. Applicant's permit should never have been granted without adequate consideration by Appellant and other adversely-affected community stakeholders.

Conclusion

Applicant's temporary use permit for a safe outdoor space contains facial notice deficiencies, fails to make any attempt at mitigation of negative effects, does not comply with the IDO's use-specific standards, and makes no attempt to address possible environmental hazards present on the site. Further, the process by which the City granted the permit violated

Appellant's due process rights. The Code Enforcement Division's approval of Applicant's permit should be reversed and the permit vacated.

Request for Hearing & Reservation of Rights

Appellant formally requests a hearing before the LUHO in accordance with the IDO's appeal procedures for temporary use permits. Appellant expressly reserves its right to supplement the issues and provisions identified in this notice of appeal. Appellant further reserves its right to submit additional written argument and evidence to the LUHO in accordance with Section 16-6-4(V)(3)(d) of the IDO.

Respectfully submitted on this date, December 23, 2022,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: /s/ Jacques H. Chouinard, Attorney at Law

John P. Salazar

Jacques H. Chouinard

Post Office Box 1888

Albuquerque, NM 87103-1888

Telephone: (505) 765-5900

E-mail: jsalazar@rodey.com

jchouinard@rodey.com

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500
600 2nd Street NW
Albuquerque, NM 87102
Tel: (505) 924-3850 Fax: (505) 924-3847



December 8, 2022

Dawn Legacy Pointe
8409 Central Ave NE
Albuquerque, NM 87108

RE: Safe Outdoor Space Location Application Approval Notification

Location Address: 1250 Menaul NE, Albuquerque NM 87102

Legal Description: RIGHT OF WAY ACCESS CONTROL & MONUMENTATION MAP OF NEW MEXICO STATE HIGHWAY & TRANSPORTATION DEPARTMENT SPRINGER-SPEECHLY TR A-1 CONT 11.7263 AC

Parcel ID: 101505924018931414CA

Operator of Safe Outdoor Space:
Dawn Legacy Pointe

Integrated Development Ordinance (IDO) Zone:
NON-RESIDENTIAL – LIGHT MANUFACTURING (NR-LM)

The Safe Outdoor Space Location Application for this location address is APPROVED.

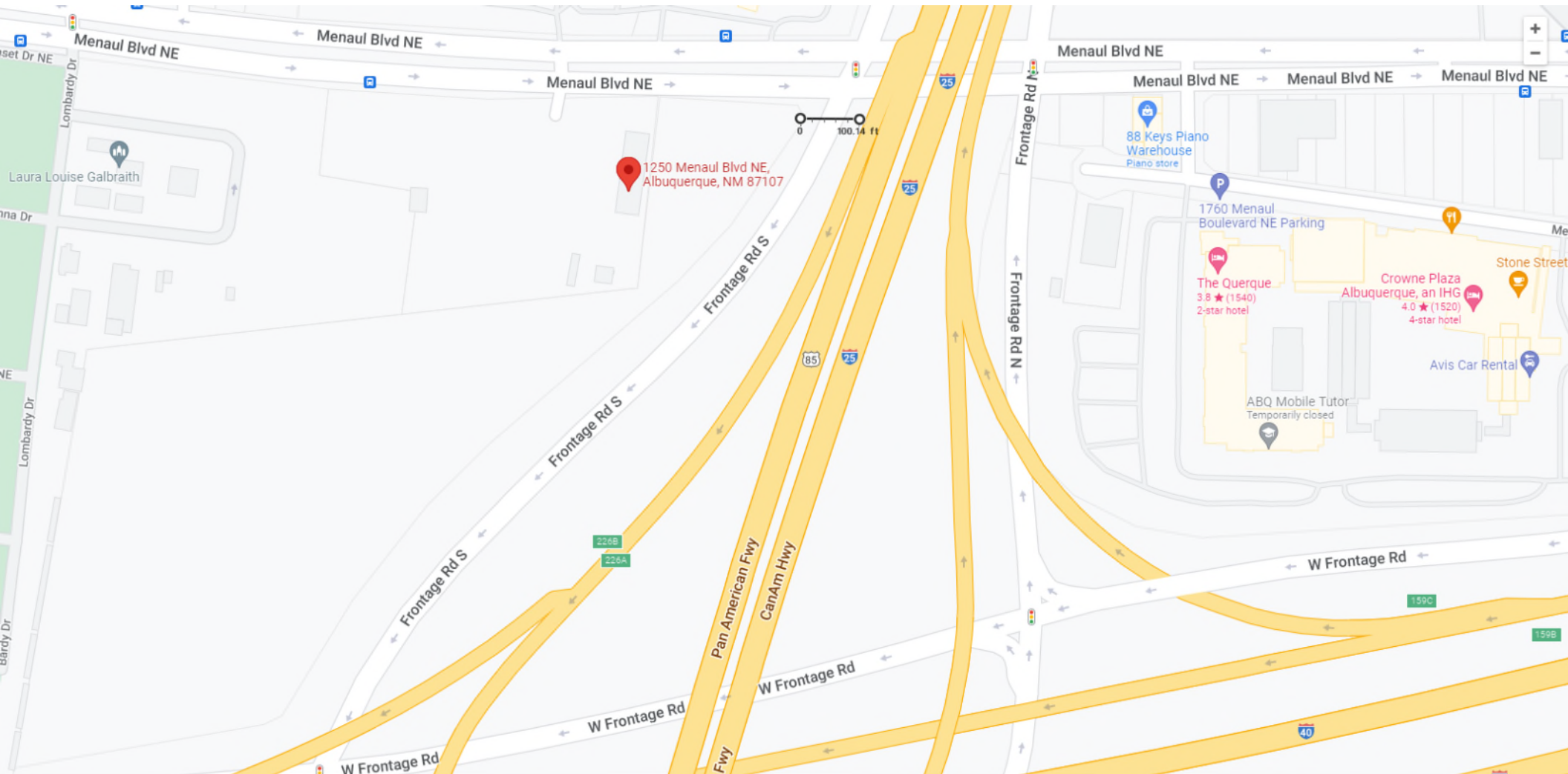
This notification certifies that the requirements for zoning and in the IDO have been satisfied for the above location. This approval is limited to Safe Outdoor Space. If you are NOT a religious institution, a \$75 Temporary Use Permit fee must be paid prior to operating.

Depending on the specific nature of Safe Outdoor Space activities at this location, additional City approvals may be required including, but not limited to; Fire Marshal's Office inspection(s), and Building Safety inspection(s) for remodeling and/or construction. During operation, the Safe Outdoor Space shall remain in compliance with all applicable codes and regulations. Unless the operator is a religious institution, this approval is valid for a period of up to two (2) years. After two (2) years, an application must be submitted for up to an additional two (2) years.

If the above-named Safe Outdoor Space is not operating at this location within 180 days of this approval notification, this Safe Outdoor Space Location Approval will expire and the location shall no longer be reserved for the above-named Safe Outdoor Space, unless a written extension has been granted by the Planning Department.

Sincerely,


Angelo D. Metzgar,
Code Compliance Manager



1 people that come into -- to the hotel.

2 Q. So as part of your responsibilities are you
3 required to be familiar with the property?

4 A. Yes.

5 Q. So let's talk about that property now.
6 What is the address of Crowne Plaza?

7 A. 1901 University Boulevard Northeast.

8 Q. Thank you. And who owns that property?

9 A. Albuquerque Boca Hotel Partnership.

10 Q. And where are they located?

11 A. 1001 East Atlantic, Delray Beach, Florida.

12 Q. So --

13 HEARING OFFICER CHAVEZ: Mr. Chouinard, if I
14 may -- did I pronounce your name correctly, Chouinard?

15 MR. CHOUINARD: Chouinard.

16 HEARING OFFICER CHAVEZ: Chouinard, my
17 apologies.

18 Mr. Chouinard, you know, I think if you --
19 you -- you can make a record for standing. I don't have a
20 problem with that.

21 But I think you have standing and I will make
22 that finding, because I believe that the map is clear that
23 you have the standing -- that you have standing to --
24 to -- to file this appeal, so if that helps --

25 MR. CHOUINARD: Thank you, Mr. Hearing Officer.

1 record that it says 100 feet.

2 BY MR. CHOUINARD:

3 Q. Is it your opinion that 100 feet from the edge
4 of Menaul Boulevard -- the 1250 Menaul Boulevard property
5 falls within a public right-of-way or within a road?

6 A. Yes.

7 Q. Thank you. I want to briefly talk about the
8 effects that the unhoused have had on your business over
9 the past year.

10 So talking about your business, how many rooms
11 does your hotel have?

12 A. Our hotel has 450 guest rooms.

13 Q. And how has your business been impacted by the
14 presence of the unhoused in the general area?

15 A. There's been a significant impact.

16 Q. Have you lost revenue?

17 A. We have lost revenue. In the last 60 days we
18 have lost \$750,000 in convention revenue and business
19 travel.

20 Q. Have you lost any major accounts?

21 A. We've lost major accounts. We have lost the
22 Republic -- Republic National Distributing. They do a
23 monthly sales meeting at the property. They have been
24 there since 2016.

25 Right now they sent us a letter and decided that

1 after their last meeting in -- in August that they were
2 not going to return. That is roughly about \$260,000.

3 Q. Did they say why they weren't going to return?

4 A. Because of the neighborhood and their
5 salespeople did not feel safe.

6 Q. Have you personally witnessed any safety issues
7 arise from unhoused people coming and going onto your
8 property?

9 A. Yes, I have.

10 Q. Can you describe one specific anecdote?

11 A. Certainly. Yesterday I went into the ladies'
12 restroom right off the lobby. One of the stalls had some
13 bags on the floor.

14 The lady was coughing. I asked her if she was
15 okay. She said she was, and then before I exited the
16 ladies' restroom I smelled fentanyl smoke.

17 And when we asked -- by the time I got security
18 to ask her to leave, she asked -- she got very combative
19 and said, why do you think I'm not a guest, and --

20 HEARING OFFICER CHAVEZ: Excuse me, Ms. Jones.

21 Counsel, how is this relevant to this
22 application?

23 It's -- and let me back up a little. These are
24 issues regarding the existing homeless condition in the
25 area, correct?

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



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

10/17/22
[Date*]

ALB Boca Hotel Limited Partnership
[Name* of Abutting Property Owner]

1000 Market St. Bldg 1 Portsmouth, NH
[Address* of Property Owner] 03801

RE: Public Notice of Temporary Use Permit

Dear ALB Boca Hotel Limited Partnership [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.

1. Property Owner of Subject Property* City of Albuquerque
2. Agent* [if applicable] Licensee: Dawn Legacy Pointe
3. Subject Property Address* 1250 Menaul Blvd. NE
4. Location Description South east corner of Menaul & Frontage Road of I-25
5. Zone Atlas Page H-15-Z [Available here: <http://data.cabq.gov/business/zoneatlas/>]
6. Legal Description N/A
7. Area of Property [typically in acres] 0.78 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 for primarily homeless women being trafficked.

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 up to 24 months with renewals [ex: number of days/months/years].

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

24 hours / 7 days per week

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 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]

Useful Links

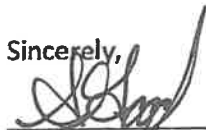
Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

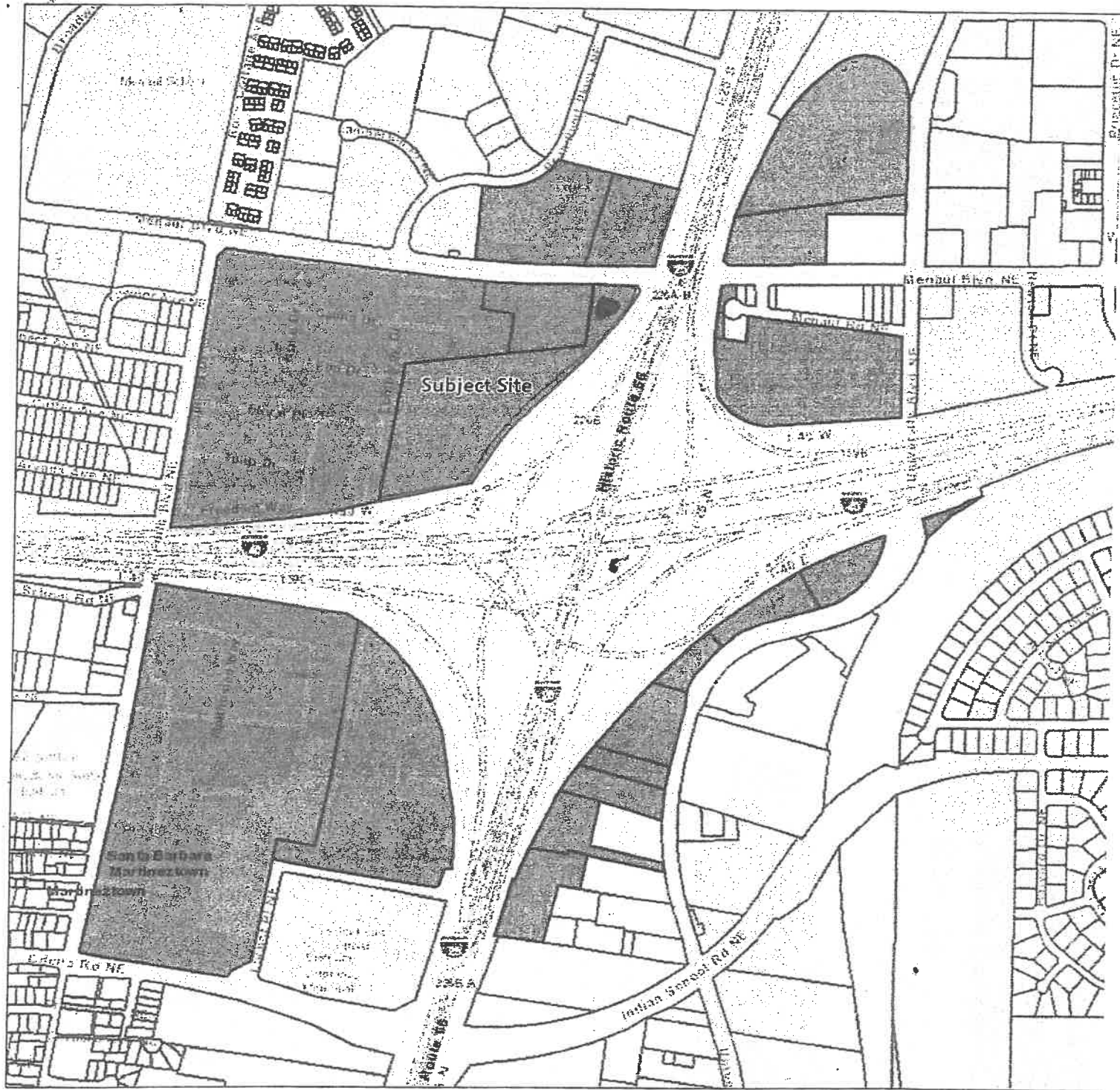
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.60
Total Postage and Fees	\$4.60



Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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



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

10/17/22
[Date*]

ALB Boca Hotel Ltd. Partnership % Ocean Props ATTN: W. Hebert
[Name* of Abutting Property Owner]

1000 Market St. Unit 1 Portsmouth, NH
[Address* of Property Owner] 03801-3358

RE: Public Notice of Temporary Use Permit

Dear ALB Boca Hotel Ltd. Partnership % Ocean Props ATTN: N. Hebert
[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.

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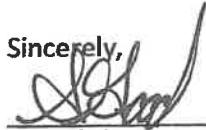
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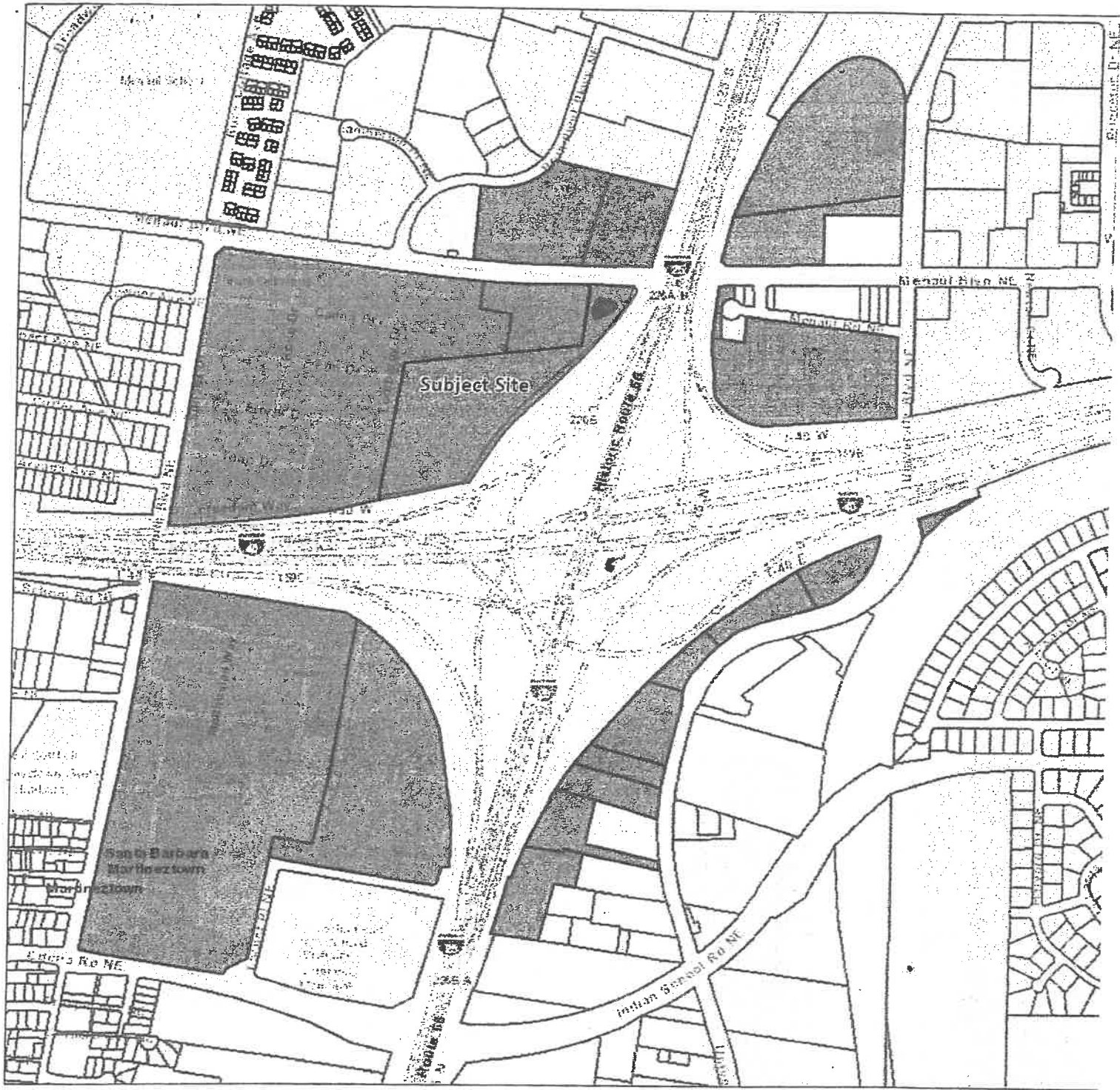
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



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Postage	\$0.60
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EXECUTIVE SUMMARY

This Phase I Environmental Site Assessment (ESA) was performed in accordance with Terracon Proposal No. P66217098 dated May 28, 2021 and was conducted consistent with the procedures included in ASTM E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. The ESA was conducted under the supervision or responsible charge of David Matson, Environmental Professional. Dave Matson and Stacey Wommack performed the site reconnaissance on June 22, 2021.

Findings and Opinions

A summary of findings is provided below. It should be recognized that details were not included or fully developed in this section, and the report must be read in its entirety for a comprehensive understanding of the items contained herein.

Site Description and Use

The site consists of two adjoining parcels of land with an approximate combined size of 15.6 acres (11.7263 and 3.889 acres) most recently used as an asphalt plant located at 1250 Menaul Boulevard NE in Albuquerque, Bernalillo County, New Mexico (UPC: 101505924018931414CA and 101505927224131420CA). The address 1304 Menaul Blvd. NE was previously associated with the site's southern parcel.

Historical Information

Based on a review of historical records, the site consisted of undeveloped land from before 1935. From approximately 1951 through 1975 the northern portion of the site appears to have been developed with a parking lot with no changes to the southern portion. Beginning in approximately 1975, it appears the site was being used for industrial purposes. In 1996, the site appears to be graded. Between 1996 and 2009, the site was developed into its existing configuration after the eastern portion was used for an I-25 Frontage Road. According to the site contact, operations by Vulcan Materials Company ceased at the site approximately two years ago.

Properties north, east, and south of the site consisted of undeveloped land from before 1935 until approximately 1954. However, the current Menaul Boulevard is present in the earliest aerial photo (1935). By 1954, commercial buildings were present east of the site. Both I-25 and I-40, adjoining the site to the east and south, respectively, were developed between 1959 and 1967, with the east-adjointing commercial buildings still present. The current Mt. Calvary Cemetery west of the site was constructed south of I-40 by 1967, and the current Union 505 Apartments to the south were constructed by 1986. The land north of the site was graded between 1967 and 1975. The existing Quality Inn & Suites north of the site was constructed by 1991. By 2009, the existing T-Mobile call center and LifeROOTs buildings and parking lots were constructed north of the site. The property west of the site has been Sunset Memorial Park since prior to 1935. The park has expanded into its current configuration by 2009 which includes Best Friend Pet Cremations that

adjoins the site to the northwest. The historical industrial use of the site is considered a recognized environmental condition (REC).

Records Review

The GeoSearch database radius report identified: Leaking Storage Tanks (LST), Leaking Underground Storage Tanks (LUST), Petroleum Storage Tanks (PST), and Underground Storage Tanks (UST) listings associated with the site address. The previous address of the site's southern parcel, 1304 Menaul Blvd. NE, is listed as a separate PST and UST. The adjoining parcels are listed as containing the following: LST, LUST, PST, UST, Emergency Response Notification System (ERNSNM), Compliance and Enforcement Program Cleanup Sites (CEPCS), Voluntary Remediation Program sites (VRP). Numerous other listings were also identified within applicable search distances from the site.

Site Reconnaissance

On the day of the site reconnaissance, the site consisted of a former asphalt plant with one office/lab building, one shed, one former vehicle repair enclosure, various asphalt machinery, and multiple stockpiles of raw materials. Numerous aboveground storage tanks, silos, totes, drums, and other chemical containers were also noted to remain on-site. Pavement staining was noted in several areas of the site.

Adjoining Properties

The site is adjoined by Interstate 40 (I-40) to the south with Mt Calvary Cemetery (1900 Edith Blvd. NE) and Union 505 Apartments (801 Locust Pl. NE) south of I-40; Interstate 25 (I-25) to the east with Fairfield Inn by Marriott Albuquerque University (1760 Menaul Blvd. NE) and Crowne Plaza Albuquerque (1901 University Blvd. NE) east of I-25 and northeast by TA Travel Center (2501 University Blvd. NE) and Maverik (1915 Menaul Blvd. NE) east of I-25; Sunset Memorial Park and Best Friends Pet Cremations (both located at 924 Menaul Blvd. NE) to the west; and Menaul Boulevard to the north with Quality Inn & Suites Downtown (1315 Menaul Blvd. NE), T-Mobile Call Center (1201 Menaul Blvd. NE), and LifeROOTS (1111 Menaul Blvd. NE) north of Menaul Boulevard.

Significant Data Gaps

Significant data gaps were not identified in this assessment.

Conclusions

We have performed a Phase I ESA consistent with the procedures included in ASTM Practice E1527-13 at the approximately 15.6-acre tract of land (UPC: 101505927224131420CA and 101505924018931414CA) located at 1250 Menaul Boulevard NE near Interstate 25 and Interstate 40 in Albuquerque, Bernalillo County, New Mexico, the site. The following REC and historical recognized environmental condition (HREC) was identified:

- **Historic Industrial Use of the Site:** The historical use of the site as an industrial property and asphalt plant from some time in the 1970's through approximately 2018 is considered a REC in connection with the site.
- **Historical USTs and Releases:** Historical petroleum hydrocarbon release and USTs were documented at the site. Based on investigation and remediation activities conducted at the site by others, the state issued a no further action (NFA) status for the site in 2016. The documented historical releases and USTs are considered a HREC in connection with the site.

Recommendations

Based on the scope of services, limitations, and conclusions of this assessment, Terracon identified the historic industrial use of the site as a REC. As such, Terracon recommends subsurface investigation of the site to address the identified REC.

**LIMITED SITE INVESTIGATION
VULCAN PROPERTY
1250 MENAUL BOULEVARD NE
ALBUQUERQUE, NEW MEXICO**

**Terracon Project No. 66217132
September 16, 2021**

1.0 INTRODUCTION

1.1 Site Description

The site consists of two adjoining parcels of land with an approximate combined size of 15.6 acres (11.7263 and 3.889 acres) most recently used as an asphalt plant located at 1250 Menaul Boulevard NE in Albuquerque, Bernalillo County, New Mexico. The site is currently inactive.

A site vicinity map showing the location of the site and the surrounding area is included as Exhibit 1 (Appendix A), and a site diagram illustrating the site boundaries and sampling locations is included as Exhibit 2 (Appendix A).

1.2 Background Information

Based on Terracon's Phase I Environmental Site Assessment (ESA) (Report No. 66217098), dated July 8, 2021, one Recognized Environmental Condition (REC) was identified at the site as summarized below:

REC – Historical Industrial Use of the Site: The previous use of the site as an industrial property and asphalt plant from the 1970's through approximately 2018 is considered a REC in connection with the site.

Based on the scope of services, limitations, and conclusions of the assessment, Terracon recommended conducting an investigation to evaluate the above REC.

1.3 Standard of Care

Terracon's services were performed in a manner consistent with generally-accepted practices of the profession undertaken in similar studies in the same geographical area during the same time period. Terracon makes no warranties, either express or implied, regarding the findings, conclusions or recommendations. Terracon does not warrant the work of laboratories, regulatory agencies or other third parties supplying information used in the preparation of the report. These services were performed in accordance with the scope of work agreed with you, our client, as set forth in our proposal and were not intended to be in strict conformance with ASTM E1903-19.

Limited Site Investigation

Vulcan Property ■ Albuquerque, New Mexico
September 16, 2021 ■ Terracon Project No. 66217132



1.4 Additional Scope Limitations

Findings, conclusions and recommendations resulting from these services are based upon information derived from the on-site activities and other services performed under this scope of work; such information is subject to change over time. Certain indicators of the presence of hazardous substances, petroleum products, or other constituents may have been latent, inaccessible, unobservable, nondetectable or not present during these services, and we cannot represent that the site contains no hazardous substances, toxic materials, petroleum products, or other latent conditions beyond those identified during this LSI. Subsurface conditions may vary from those encountered at specific borings or wells or during other surveys, tests, assessments, investigations or exploratory services; the data, interpretations, findings, and our recommendations are based solely upon data obtained at the time and within the scope of these services.

1.5 Reliance

This report has been prepared for the exclusive use of the City of Albuquerque who can convey this report to an affiliate, related entity, subsidiary, lender, title insurer, regulatory or municipal agency, or the current property owner(s) and their agents but use or reliance by any other party is prohibited without the written authorization of the City of Albuquerque and Terracon. Any unauthorized distribution or reuse is at the client's sole risk. Notwithstanding the foregoing, reliance by authorized parties will be subject to the terms, conditions and limitations stated in the proposal, LSI report, and Terracon's Terms and Conditions. The limitation of liability defined in the terms and conditions is the aggregate limit of Terracon's liability to the client and all relying parties unless otherwise agreed in writing.

2.0 OBJECTIVES AND SCOPE

The objectives of the LSI were as follows:

- Perform a geophysical survey to locate subsurface anomalies and/or utilities.
- Evaluate sub-surface soils for the presence of volatile organic compounds (VOCs), total petroleum hydrocarbons (TPH) gasoline-range, diesel-range, oil-range organics (GRO, DRO, ORO), polychlorinated biphenyls (PCB) and contingent polycyclic aromatic hydrocarbons (PAH) at concentrations exceeding the New Mexico Environment Department (NMED) Soil Screening Levels (SSLs).

To achieve the objectives, Terracon provided oversight of a geophysical survey and advanced five soil borings on the site. The borings were advanced at locations on the property that would address potential releases associated with the former asphalt production operations.

Note, groundwater was not encountered as part of this investigation and groundwater sampling was not included in our scope of work.

3.0 METHODOLOGY

Terracon’s field activities were conducted on August 27, 2021 under the supervision of Mr. Jeff Walker. The geophysical survey was performed by MT Private Utility Locating (MT). Drilling services were performed by Terracon Exploration Services using a CME 55 hollow stem auger drill rig.

3.1 Utility Clearance

Prior to conducting the subsurface investigation, the public utility locating service New Mexico One Call was contacted as required by law. Additionally, MT cleared the individual borehole locations at the time of the geophysical survey. Markings at the site indicated that the site had been correctly identified by the associated utility companies.

3.2 Geophysical Survey

A geophysical survey was performed on the site to locate potential underground utilities or other buried objects that would impede the proposed LSI drilling program. The geophysical survey was performed using ground-penetrating radar (GPR) and electromagnetic (EM) location techniques. Based on the results of the geophysical survey, anomalous underground features were detected in proximity of all soil borings, possibly associated with buried lines. The potential features were marked in the field to facilitate adjustment/off-setting of soil boring locations. The geophysical survey report is included as Appendix B.

3.3 Environmental Borings

Boring locations are shown in Exhibit 2 (Appendix A). At boring locations B-1 through B-5, soil samples were collected from the ground surface to the total depth of each boring at 5-foot intervals to document lithology, color, relative moisture content, and evidence of impacts (e.g., odors, discoloration or staining, etc.). Soil samples were field screened with a photoionization detector (PID) to detect the presence of VOCs. Boring logs are provided in Appendix C and boring locations are summarized below:

Boring	Location	Rationale
B-1 through B-4	North, south east and west of former asphalt production batch plant	Evaluate soils around potential releases from asphalt production activities
B-5	Adjacent to former vehicle maintenance shop	Evaluate soils in the area of potential releases from vehicle maintenance activities

Soil samples were collected from the soil borings at 5-foot (ft) intervals with a split-spoon sampler. Drilling equipment was cleaned using a high-pressure washer prior to beginning the project. Sampling equipment was cleaned using an Alconox® wash and potable water rinse before

Limited Site Investigation

Vulcan Property ■ Albuquerque, New Mexico
September 16, 2021 ■ Terracon Project No. 66217132



beginning the project and before collecting each soil sample. Following completion of sampling activities, borings were backfilled with cuttings and capped with asphalt to surface grade.

3.4 Soil Sampling

One (1) soil sample from each boring was collected from the zone exhibiting the highest potential for environmental impact based on field observations and PID readings. If no elevated PID readings were observed, the sample was collected from soils deemed most likely to be impacted, based on lithology and background information. The samples were placed in laboratory-prepared containers, labeled, and placed on ice in a cooler. The sample coolers and completed chain-of-custody forms were relinquished to Eurofins TestAmerica of Phoenix, Arizona, a National Environmental Laboratory Accreditation Program (NELAP)-accredited laboratory, for analysis on a standard turnaround.

3.5 Laboratory Analytical Methods

The soil samples collected during the LSI were analyzed by Eurofins TestAmerica in Phoenix, Arizona.

Sample ID	Analysis	Sample Type	No. of Samples	Laboratory Method
B-1 through B-5	VOCs, Total TPH, PAH, PCBs	Soil	5	EPA Methods 8260B, 8015B, 8270C-SIM, and 8082

Laboratory data packages are provided in Appendix D.

3.6 Investigation Derived Wastes

No investigation derived wastes (IDW) were generated as part of this LSI.

4.0 RESULTS

A summary of the field observations and sample results is provided in this section.

4.1 Site Lithology and Field Observations

In general, subsurface soils observed in the soil borings consisted of silty sand overlying sands and silts with occasional gravels. Groundwater was not encountered in the soil borings advanced as part of this LSI.

No petroleum odors, staining, or elevated PID readings were identified in borings B-1 through B-5. Detailed soil descriptions are included on the soil boring logs provided in Appendix C.

Limited Site Investigation

Vulcan Property ■ Albuquerque, New Mexico

September 16, 2021 ■ Terracon Project No. 66217132



4.2 Soil Sampling Results

Analytical laboratory results in soil sample B-1@15' indicate TPH DRO was reported at a concentration of 20 milligrams per kilogram (mg/kg, or parts per million [ppm]) and TPH ORO was reported at a concentration of 83 ppm for a total TPH concentration of 103 ppm. The metals barium, chromium and lead were detected in samples analyzed from all borings and arsenic from B-1 and B-4 samples at concentrations below NMED SSLs for those constituents. Phenanthrene was detected in the sample collected from boring B-1 at a concentration below the NMED SSL for this constituent. Complete laboratory results are presented in Appendix D. Sample locations are shown in Exhibit 2 (Appendix A).

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Soil

A total TPH concentration of 103 ppm was reported in a soil sample collected from B-1. The absence of TPH GRO in this sample is consistent with the absence of any field PID reading which is calibrated to detect the more volatile component of total TPH. The laboratory result of 103 ppm total TPH is below the NMED SSLs of 500 ppm for an Industrial/Construction Worker Exposure scenario. No other constituents of concern were reported above NMED SSLs or laboratory reporting limits in soil samples collected from the site as part of this LSI.

5.2 Recommendations

Based on the analytical data and field observations, no further investigation of the site is recommended at this time regarding the identified REC.

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500
600 2nd Street NW
Albuquerque, NM 87102
Tel: (505) 924-3850 Fax: (505) 924-3847



December 8, 2022

Dawn Legacy Pointe
8409 Central Ave NE
Albuquerque, NM 87108

RE: Safe Outdoor Space Location Application Approval Notification

Location Address: 1250 Menaul NE, Albuquerque NM 87102

Legal Description: RIGHT OF WAY ACCESS CONTROL & MONUMENTATION MAP OF NEW MEXICO STATE HIGHWAY & TRANSPORTATION DEPARTMENT SPRINGER-SPEECHLY TR A-1 CONT 11.7263 AC

Parcel ID: 101505924018931414CA

Operator of Safe Outdoor Space:
Dawn Legacy Pointe

Integrated Development Ordinance (IDO) Zone:
NON-RESIDENTIAL – LIGHT MANUFACTURING (NR-LM)

The Safe Outdoor Space Location Application for this location address is APPROVED.

This notification certifies that the requirements for zoning and in the IDO have been satisfied for the above location. This approval is limited to Safe Outdoor Space. If you are NOT a religious institution, a \$75 Temporary Use Permit fee must be paid prior to operating.

Depending on the specific nature of Safe Outdoor Space activities at this location, additional City approvals may be required including, but not limited to; Fire Marshal's Office inspection(s), and Building Safety inspection(s) for remodeling and/or construction. During operation, the Safe Outdoor Space shall remain in compliance with all applicable codes and regulations. Unless the operator is a religious institution, this approval is valid for a period of up to two (2) years. After two (2) years, an application must be submitted for up to an additional two (2) years.

If the above-named Safe Outdoor Space is not operating at this location within 180 days of this approval notification, this Safe Outdoor Space Location Approval will expire and the location shall no longer be reserved for the above-named Safe Outdoor Space, unless a written extension has been granted by the Planning Department.

Sincerely,


Angelo D. Metzgar,
Code Compliance Manager

MEMORANDUM

To: Planning Department, City of Albuquerque

Attn: Jeff Palmer

From: Brad Day, Volunteer Consultant



Dawn Legacy Pointe, Safe Outdoor Space Operator/Applicant 1250 Menaul Blvd. NE Site

Mr. Palmer, there are additional documents attached that need to be delivered to the Hearing Officer for appeals in re our Approval for the Safe Outdoor Space we will install at the address above:

- 1) The Dawn Legacy Pointe Client Resident Agreement which contains the rules that all residents of the Safe Outdoor Space must comply with. No individual will be admitted without agreeing to the terms of this document.
- 2) Safe Outdoor Space Application Form: This document must be completed by all homeless individuals wanting to reside in the facility. The Application must be approved by the Staff of the Safe Outdoor Space.
- 3) The original Application, which was completed on the website of the Planning Department. The Application was approved in August, 2022.

Since we have completed the Notification of additional property owners as required by the Hearing Officer, and the Rehabilitative Meeting as requested - there are no other outstanding issues to our receiving our Approved Status of our site.

We therefore respectfully request you issue our Permit for Temporary Use as a Safe Outdoor Space at 1250 Menaul Blvd. NE immediately.

If there are other appeals, we will answer them at the hearing - but time is of the essence as we have been dealing with these procedures since August, 2022 - Thank you.

Dawn Legacy Pointe Client Resident Agreement

PLEASE AGREE TO NOT ENGAGE IN THE FOLLOWING:

1. Use, sale, trade, or purchase of alcohol or drugs of any kind, intoxication, or any disruptive behavior.
2. Threatening, violent, intimidating, or aggressive, abusive, and discriminatory behavior or language.
3. Carrying of firearms or illegal weapons in Dawn Legacy Pointe.
4. Vandalism and graffiti on premises.
5. Urinating or defecating outside the toilets.
6. Stealing or destruction of others' personal property, or property designated as belonging to Dawn Legacy Pointe, donors, or our sponsors.
7. Open fires, including camping stove anywhere on the property. Grilling is allowed at the designated grill. Any horns must be used in the grilling area and must be approved by Dawn Legacy Pointe staff.
8. No one with open warrants is allowed on Dawn Legacy Pointe property.
9. Loitering is not permitted in front or around the Dawn Legacy Pointe property when businesses are closed. Between the hours of 6pm and 6am, and on weekends and holidays, Dawn Legacy Pointe is the only area open to people and anyone on the property must be a resident or a guest that has been checked in.
10. Connecting to the electricity or running water on the property, including via extension cords or hoses. Requests for special needs may be granted in writing by the Dawn Legacy Pointe board or manager.
11. Smoking is not allowed in the tents. Cigarettes should be extinguished in designated containers and butts put in proper containers.
12. Littering. Help keep the camp clean by picking up trash you see.
13. Donations may not be sold to anyone, for any amount. Anyone found breaking this agreement will be asked to vacate immediately.
14. Drugs: except as prescribed and taken as prescribed.
15. Due to the nature of who Dawn Legacy Pointe prioritizes, we do not accept sex offenders or anyone convicted of human trafficking.

RESPONSIBILITIES:

16. Keep your tent area tidy. Belongings must be confined to inside your tent, vehicle, rv or your designated storage unit
17. Dawn Legacy Pointe is a temporary emergency shelter alternative structure, which means you must be working with a social worker, case manager, care coordinator, or other designated person to overcome barriers (including seeking work or other sources of income) in order to find permanent housing.

18. If you will be gone from the camp for longer than 3 days you must communicate with the Dawn Legacy Pointe manager about the circumstances. Dawn Legacy Pointe is not intended to be a secondary residence, therefore you may not regularly stay elsewhere and return to camp intermittently. This is out of respect for the peers who still need a place to stay. Some exceptions may be made such as staying at an indoor shelter during nights of extreme weather.
19. It is recommended that all residents perform and record 6 hours of service at Dawn Legacy Pointe per week
20. Every Tuesday at 10am we host "Communication Circle". The conversations allow client residents, staff, and community members to address out differences and to recognize how much we all have in common. The first Tuesday of every month is a mandatory meeting, and the first two meetings after your intake are also mandatory.
21. Client residents will stay in the defined campground. A few spaces are available for vehicles or RVs to be parked by client residents. Vehicles must be registered, operable, and given permission to be on the Dawn Legacy Pointe property. The vehicle owners must follow all the Dawn Legacy Pointe rules.
22. Campers are responsible for cleaning up their tent before they move out of Dawn Legacy Pointe. Anyone who leaves an untidy tent space will not be allowed back. They will also be added to the Dawn Legacy Pointe banned list for littering, and the number of months they are banned depends on the number of prior offenses they have had. If items left behind are not removed within three days they will be discarded as Dawn Legacy Pointe is not responsible for storing property.
23. When leaving Dawn Legacy Pointe, you may only leave with one reasonable truckload of items. This is to prevent hoarding and excess usage of camp resources.
24. Client residents who have complaints must follow the grievance procedure.
25. All dogs and pets coming into Dawn Legacy Pointe must be up to date on shots and spayed/neutered. If client 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 owned property.
26. All residents must be fully clothed in the common areas.
27. Quiet hours are 10pm to 8am.
28. Clean up occurs on Fridays from 9am to 10am.
29. Dawn Legacy Pointe and client residents have a responsibility to maintain confidentiality, respect, and privacy for all other client residents. Do not use social media regarding concerns with or between client residents. Contact the Dawn Legacy Pointe manager or board for anything regarding Dawn Legacy Pointe or social media

I understand that if I violate the Dawn Legacy Pointe Client Resident Agreement I will be asked to leave. I have received the agreement and I understand the agreement in full. Criminal behavior or offences will be reported to and dealt with by the Albuquerque Police. I understand that depending on the nature of the crime committed or the agreement infraction, I may be

Safe Outdoor Space Application Form

Please use this form to apply for Dawn Legacy Pointe to become a client resident of our Safe Outdoor Space.

Note: Each adult must fill out the form separately. If parents are applying together, please list the children on only one of the application forms. The section for the information of any children is towards the bottom of the form.

Be sure to read the Dawn Legacy Pointe Client Resident Agreement. Upon entering Dawn Legacy Pointe, new residents must sign an Assumption of Risk and Waiver of Liability.

* Required

1. How did you hear about us?

2. Name of person filling out the form *

3. Relationship to the applicant

Check all that apply.

- Self
- Family
- Friend
- Service provider
- Other: _____

4. Last name (Applicant) *

5. First Name (Applicant) *

6. Preferred or nickname

7. Date of birth *

Example: January 7, 2019

8. Last four digits of social security number (SSN) i.e. 0123 if unknown enter 0000.

9. Race *

Check all that apply.

- First Nations / Indigenous
- Hispanic or Latina/o
- Hawaiian or Pacific Islander
- African American or African
- Middle Eastern
- Asian
- Caucasian
- Prefer not to say
- Other: _____

10. Gender *

Mark only one oval.

- Female (Cis or Trans)
- Male (Cis or Trans)
- Two-spirit
- Non-binary
- Other: _____

11. Have you met the federal definition for having experienced sex trafficking? Generally: force, fraud, coercion used *
to recruit, obtain, or provide for the purpose of sexual exploitation.

Mark only one oval.

- Yes
- No
- Unsure

12. Have you participated in **any** sector of the sex trade to survive? *

Mark only one oval.

- Yes
- No
- Prefer not to answer

13. Do you have any reason to believe someone (or a group) is looking for you *and* that your life may be at risk if you are found by the person(s)? *

Mark only one oval.

- No
- Yes

14. Are you a military veteran? *

Mark only one oval.

- Yes
- No

15. Health concerns - please list anything you feel we may ever need to be aware of in an emergency

16. Marital status

Mark only one oval.

- Married
- Single
- Divorced
- Separated
- Significant other / partner

17. Primary language

Mark only one oval.

- English
- Spanish
- Other: _____

18. Other languages spoken

19. What barriers are keeping your from moving forward in life?

Check all that apply.

- Financial/money issues
- Lack of identification
- Domestic violence
- Substance abuse
- Physical health
- Mental health
- Alcoholism
- Housing
- Other: _____

20. Number of months precariously housed (couch surfing, motel rooms, etc) *

Mark only one oval.

- Not applicable
- Less than one month
- 1 month
- 2 months
- 3 months
- 4 months
- 5 months
- 6 months
- 7 months
- 8 months
- 9 months
- 10 months
- 11 months
- 1 year
- 2 years
- 3 years
- 4 years
- 5 - 10 years
- 11 - 15 years
- 16 - 20 years
- 21 - 25 years
- 25 - 30 years



31 years or more

21. Number of continuous months homeless (literal homelessness - not couch surfing, renting motel, etc. -) *

Mark only one oval.

- Not applicable
- 1 month
- 2 months
- 3 months
- 4 months
- 5 months
- 6 months
- 7 months
- 8 months
- 9 months
- 10 months
- 11 months
- 1 year
- 2 years
- 3 years
- 4 years
- 5 - 10 years
- 11 - 15 years
- 16 - 20
- 21 - 25 years
- 26 - 30 years
- 31 years or more

22. Past month's residence

23. Current residence

24. Pets

Check all that apply.

- None
- Cat(s)
- Dog(s)
- Other: _____

25. Number of pets

Mark only one oval.

- None
- 1
- 2
- 3
- 4

26. Number of times homeless in the past 3 years *

Mark only one oval.

- 1 time continuously
- 2
- 3
- 4
- 5
- 7
- 8
- 9
- 10
- 11
- 12
- 13 or more

27. Employment

Mark only one oval.

- Periodic
- Full-time
- Part-time
- Day labor
- Unemployed
- Other: _____

28. What is your level of education? *

Mark only one oval.

- Less than 5th grade
- 6th to 8th grade
- 9th to 12th grade
- High school diploma
- General Education Diploma (GED) or Hi-SET
- Technical school
- Some college
- Associates degree
- Bachelors degree
- Masters or graduate degree
- Post-graduate degree (Doctorate, PhD, JD, etc.)

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29. Are you a student?

Mark only one oval.

- Yes
- No
- No, but I would like to be
- Other: _____

30. Income & Benefits *

Check all that apply.

- SNAP / Food Stamps
- General aka "cash assistance" or Aged/Blind/Disabled funds from HSD
- Social Security Insurance - SSI (Usually \$841/mo +/-)
- Social Security Disability Insurance - SSDI Disability (Usually \$1k/mo or more)
- Social Security Retirement
- Veteran benefits
- Earned income from employment, contract, or freelance work
- AFDC/TANF
- Child support
- Unemployment
- Medicaid
- Medicare
- Veteran Health Care
- Health insurance other than medicaid/medicare
- SCHIP
- Trust fund
- Workers' compensation aka Workmen's comp
- Passive investments
- Other cash income
- Other non-cash income
- None
- Other: _____

34. Identification needed *

Check all that apply.

- State ID
- State Driver's License
- Birth Certificate
- Social Security Card
- None
- Other: _____

35. If housing were available for people living with HIV or AIDS, would you be interested in it? *

Mark only one oval.

- Yes
- No
- Maybe

36. Mental health concerns *

Mark only one oval.

- Yes
- No
- Previously, but not currently

37. Physical disability/ies *

Mark only one oval.

- Yes
- No

38. Alcoholism *

Mark only one oval.

- Yes
- No
- Previously, but not currently

39. Drug abuse *

Mark only one oval.

- Yes
- No
- Previously, but not currently

40. Developmental disability *

Mark only one oval.

- Yes
- No

41. Do you have any vulnerabilities not covered by previous questions that we should consider?

42. Last four digits of you social security number (SSN) *

43. Number of adults in the immediate household/family

Check all that apply.

- 1
- 2
- 3
- 4
- 5
- Other: _____

44. Number of children in the immediate household/family

Check all that apply.

- 1 child
- 2
- 3
- 4
- Other: _____

45. For each child list:

- 1) If you currently have custody, or if you need housing to attain custody
- 2) First and last name
- 3) Date of birth
- 4) Last 4 digits of social security number (SSN)
- 5) Any disabilities (i.e. developmental, physical, mental)
- 6) Any income such as SSI or employment if a teen
- 7) City of residence

46. Name of applicant's partner if applying together (must fill out this application separately)

47. Do you have a phone number? *

Check all that apply.

- Yes, a cell phone, but I do not want to receive texts
- Yes, a cell phone, and I would like to receive texts
- Yes, but not a cell phone
- No

48. What is the phone number, if applicable?

Format as: 000-000-0000

49. May we leave a message at this number?

Mark only one oval.

- Yes
- No

50. What is your email address, if applicable?

51. Where else do you receive services, or who else can we contact to reach you if your phone is off or e-mail bounces back?

Please list: Non-profits names, contact names and relationships (i.e. caseworker, friend, family), contact details, etc.

52. Please link us to any social media or photos of you in case we need to contact service providers to help contact you. Sometimes a photo can jog their memory!

53. Emergency contact(s) with phone, email, address, etc.

54. Has the applicant read the Dawn Legacy Pointe Client Resident Agreement? *

Mark only one oval.

- Yes
- No

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Google Forms

Safe Outdoor Space (SOS) Application

Submitted by: Anonymous user

Submitted time: Jul 30, 2022, 9:30:19 AM

*For: Planning Dept
Safe Outdoor Space
1250 Menaul*

What is the address of the proposed location?

1250 Menaul Blvd NE Albuquerque, New Mexico 87107

- Application*
- Licensing Agreement*

Map the proposed SOS location.

Lat: 35.108531 Lon: -106.629235



Enter the Bernalillo County Tax Assessor Uniform Property Code (UPC).

Not available currently

What is the City Council District for the proposed SOS location?

2

Enter the applicant's name.

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

Enter the SOS operator's name.

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

What is the maximum number of designated spaces proposed for this location?

40

What is the maximum number of occupants proposed for this location?

50

Is this activity being conducted by a Religious Institution?

No

What is the IDO Zone District for this location?

NR-LM

Is the IDO Zone District a mixed-use (MX) zone?

No

Upload these required documents:

DOCX Essentials for Safe Outdoor Spaces.docx
14.8KB

I hereby acknowledge that I have submitted the required documents and that they are correct and complete to the best of my knowledge. I affirm that all information provided in this application is true. I understand that any false information will result in the rejection of this application for an SOS or will automatically void an approved application.

Yes

I hereby acknowledge and understand that I am required to comply with the City of Albuquerque Integrated Development Ordinance (IDO).

Yes

I hereby acknowledge and understand all of the following:

Yes

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

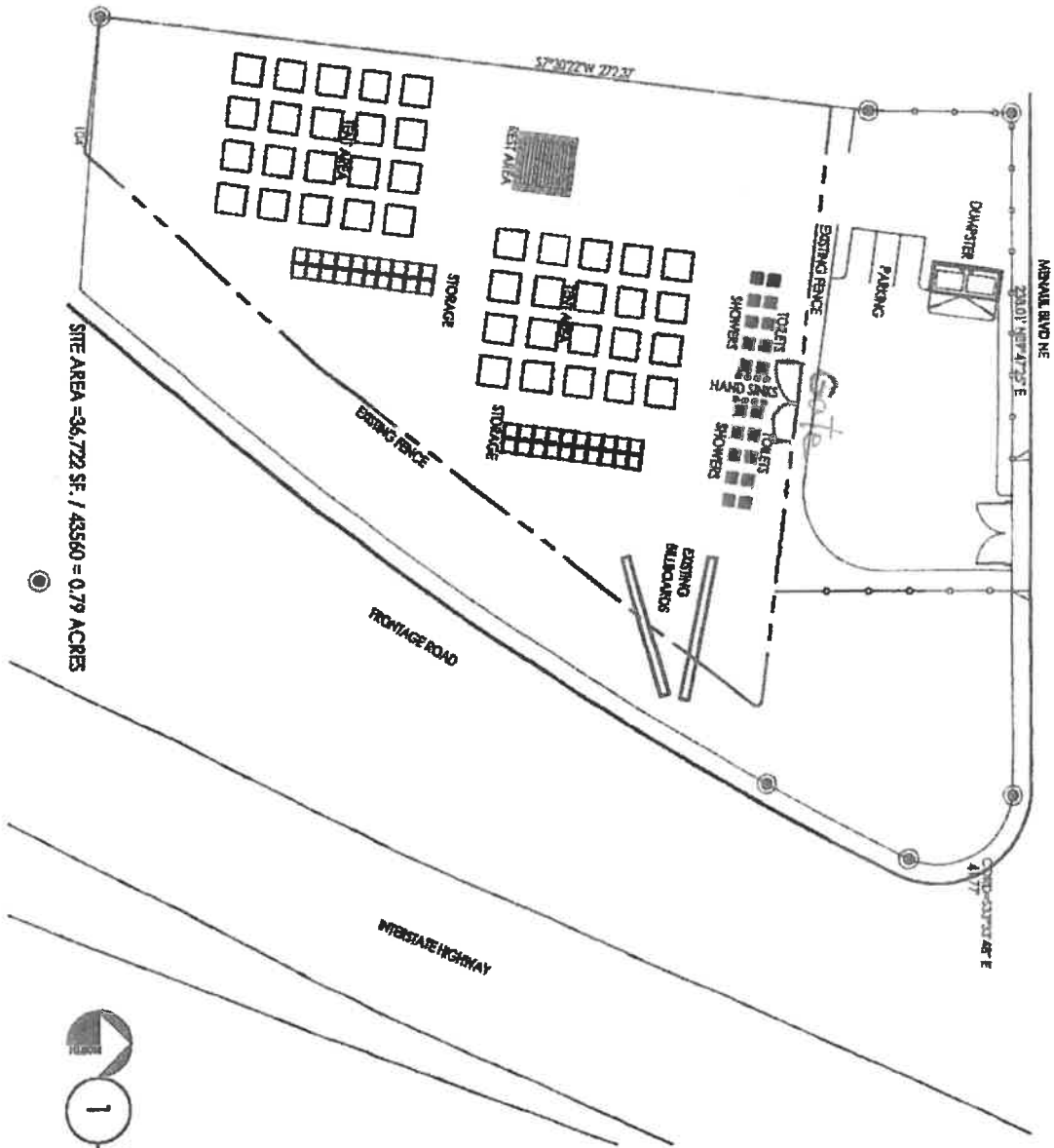
Albuquerque

NM 87103

www.cabq.gov

Sincerely,

Matthew Whelan



SITE AREA = 36,722 SF / 43550 = 0.79 ACRES

 1 SITE PLAN
1" = 40'-0"

SHORT TERM LICENSE AGREEMENT

This License Agreement (“Agreement”) is made and entered into as of the date of the last signature below, by and between the **City of Albuquerque**, New Mexico, a municipality (“Licensor”), and **non-profit 501 (c) 3 Street Safe New Mexico’s fiscally sponsored Dawn Legacy Pointe** (“Licensee”) located at 1250 Menaul NE Albuquerque NM, 87107, Licensor and Licensee may be referred to herein each as a “Party” and collectively the “Parties.”

RECITALS

WHEREAS, Licensor is the owner of that certain one (1) acre of real property located at 1250 Menaul Boulevard NE, Albuquerque, NM, 87107, as more specifically shown on **Exhibit A** hereto (the “Property”);

WHEREAS, Licensee will use the Property for the purpose of providing a short term Safe Outdoor Space for a limited number of people experiencing homelessness; and

WHEREAS, Licensor is willing to license certain rights to Licensee for the use of the Property for that purpose; and

WHEREAS, the Parties desire by this Agreement to provide for the licensing by Licensor to Licensee of the right to use and occupy a portion of the Property as more particularly described below and subject to the terms and conditions as set forth herein (the “Licensed Area”).

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **License**. Licensor hereby grants to Licensee, and Licensee hereby accepts, a license to use and occupy the Licensed Area (as defined below) for the Purpose (as defined below) granted herein (the “License”) for the License Period (as defined below).
2. **Licensed Area**. The “Licensed Area” shall be per **Exhibit A**.
3. **Purpose**. Licensee may use the Licensed Area for the purpose of operating a short term Safe Outdoor Space for people experiencing homelessness. The Property must be maintained by Licensee to ensure that the Integrated Development Ordinance’s requirements for a Safe Outdoor Space are complied with at all times during the License Period.
4. **License Period; Expiration; Renewal**.
 - a. The License for the Licensed Area granted hereunder shall commence on date of the final signature below (the “Commencement Date”), and Licensee shall

then have access to the Licensed Area twenty-four (24) hours a day, seven (7) days a week.

- b. The initial License Period shall be for a period of six (6) months (“Initial License Period”). The Licensor, in its sole discretion, has the right to extend the License Period for an additional six (6) month period subject to the terms and conditions set forth herein (unless changes are mutually agreed to in writing by the Parties). The Initial License Period together with all License Renewal Periods shall collectively be referred to herein as “The License Period.”
- c. The License Period shall expire and the rights granted hereunder shall terminate the earlier of (i) upon the non-renewal of the License as set forth herein, or (ii) early cancellation pursuant to Section 11(F), below. (the “Expiration Date”)
- d. All improvements constructed by Licensee or any of their invitees must be removed and the property restored to its pre-licensed condition if requested by the Licensor within thirty (30) days after the Expiration Date. If the improvements are not so removed, then the Licensor may elect, at its sole discretion, to remove the improvements and place, and charge Licensee and/or its funding entity the entire cost of said removal and restoration.

5. **Access.** Licensee shall have access to the Licensed Area during the License Period; however, Licensor, its employees, contractors, and agents shall also at all times have access to the Licensed Area. Licensee understands that Licensee shall have no access to the any other portions of the adjacent Licensor’s property without first obtaining the permission of Licensor.

6. **License Fee.** Licensee shall pay fair market value in the amount of Two Thousand, Seven Hundred Dollars and No Cents (\$ 2,700.00) per month to Licensor during the License Period for use of the Licensed Area as set forth herein (the “License Fee”). Licensee shall pay the License Fee to the Licensor, in advance, on the first day of each calendar month beginning on the Commencement Date.

7. **Condition of Licensed Area.** Licensee agrees to notify Licensor of any condition in the Licensed Area that Licensee deems hazardous or dangerous in any way; however, this provision shall not extend the liability of Licensor under this Agreement, and Licensee hereby expressly agrees and acknowledges that it has, prior to the execution of this Agreement, inspected the Licensed Area, and hereby accepts the Licensed Area in its “as is” “where is” and “with all faults” condition. Licensee shall leave the Licensed Area in substantially as good condition as when received, excepting reasonable wear and tear.

8. **Insurance.**

A. **Minimum Requirements.** During the License Period, Licensee shall obtain and maintain at its expense, insurance in the kinds and amounts set forth below:

- a. Commercial general liability insurance applying to third party claims for bodily injury or property damage, including coverage for “premises/operations,” and “blanket contractual” liabilities, written on an occurrence basis with limits not less than \$2,000,000 per occurrence, \$2,000,000 personal injury, \$1,000,000 professional liability, and \$2,000,000 general aggregate, or such higher amounts and additional coverages as Licensor may reasonably require from time to time.
 - b. The policies of insurance must include coverage for all operations performed by the Licensee and contractual liability coverage, which shall specifically insure the hold harmless provisions of the Agreement.
 - c. Workers' Compensation Insurance for its employees in accordance with the provisions of the Workers' Compensations Act of the State of New Mexico.
 - d. Automobile Liability Insurance. An automobile liability policy with liability limits in amounts not less than \$1,000,000 combined single limit of liability for bodily injury, including death, and property damage in any one occurrence. Said policy of insurance must include coverage for the use of all of Licensee's owned, non-owned, hired automobiles, vehicles, and other equipment both on and off work locations.
 - e. Sexual Abuse Molestation Coverage: Sexual abuse molestation insurance in an amount not less than \$1,000,000 combined single limit of liability per occurrence with a general aggregate of \$1,000,000.
- B. Licensee's Contractors.** Licensee shall require that all contractors and subcontractors engaged by them to perform any work on or in relation to the Property carry insurance in the kinds and amounts set forth above at all times during the performance of such work, and that all liability policies name Licensor and its directors, officers, partners, agents, employees, members, trustees, and shareholders as additional insureds by endorsement approved by Licensor.
- C. Policy Requirements.** Licensee's insurance policies shall:
- a. Be issued by insurers reasonably acceptable to Licensor and rated A- VII or better by A.M. Best.
 - b. Cover all operations under this Agreement, whether performed by Licensee or its contractors, employees, volunteers, or representatives;
 - c. As to liability policies, name Licensor and its respective directors, officers, partners, agents, employees, members, trustees, and shareholders as additional insureds, by endorsement approved by Licensor;
 - d. Be non-contributing and apply as primary, and not as excess to, any other insurance available to Licensor;
 - e. Not be invalidated with respect to the interests of Licensor and the holder of any encumbrance on the Property by reason of any breach or violation by

Licensee of any warranties, representations, declarations or conditions contained in the policies;

- f. Contain a requirement by the insurer to notify Licensor and the holder of any encumbrance on the Property designated by Licensor, in writing not less than thirty (30) days prior to any cancellation, termination, or non-renewal of the policy; and
- g. Be reasonably satisfactory in form, substance, limits, deductibles and retentions to Licensor.

D. **Evidence of Coverage.** Licensee shall deliver to the Licensor certificate(s) of insurance or, if required by the Licensor, certified copies of each such insurance policy as soon as practicable after the placing of the required insurance and periodically thereafter upon renewal or replacement of the policies then in force, which shall occur at least thirty (30) days prior to the expiration or cancellation thereof. A certificate of insurance that states that the failure to give the Licensor notice imposes no liability or obligation on the insurer shall not be in compliance with this provision. All certificates of insurance shall provide that thirty (30) days' written notice be given to the Director, Risk Management Department, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103, before a policy is canceled, materially changed, or not renewed. Licensor shall have the right to request current confirmation of insurance coverage from time to time. No review or approval of any such insurance certificate by the Licensor shall derogate or diminish the Licensor's rights or Licensee's obligations. Licensor reserves the right in the event of a failure to provide evidence of insurance to cancel this Agreement immediately.

9. **Compliance with Law.** Licensee shall comply with all relevant laws, rules, regulations, orders, and ordinances with regard to any activities contemplated hereunder with regard to the Licensed Area.

10. **Permits and Licenses.** Licensee shall procure, at its sole expense, any permits and licenses required to construct improvements if construction or trade permits are required. Licensee must follow all applicable laws, ordinances, and governmental regulations.

11. **Miscellaneous.**

A. **Signage.** Signs, banners, permits, etc. ("Signage") may not be erected on the Licensed Area unless the permission of the Licensor is obtained in advance and only if such displays do not deface the Property; and, before any such permission is given, Licensee must provide to Licensor the content, including any writing or imaging, that will be contained on the Signage.

B. **Liability.** Licensee shall be responsible for any and all loss, damage, or injury that might be the result of their respective of joint activities on or relating to the Licensed Area. Licensee agrees that Licensor will not be responsible for any loss

or theft of, or damage to, any parts, equipment, or other property stored or left on the Licensed Area by License, or its agents, employees, representatives, contractors, and invitees. Licensor shall not be responsible for liability incurred as a result of another Party's acts or omissions in connection with this Agreement and shall not be liable for liability incurred as a result of the acts of any invitee of Licensee.

C. Indemnification.

- i. Licensees' Indemnity Obligation. Licensee shall defend, save, hold harmless, and indemnify Licensor from any and all claims for the loss, damage, or injury to any person or property arising or resulting from their respective of joint activity on or in relation to the Licensed Area.
- ii. Indemnification Limitation. To the extent, if at all, a court of competent jurisdiction determines that Section 56-7-1 NMSA 1978 applies to any indemnification provisions in this Agreement, including certain types of insurance coverage as set forth in Section 56-7-1 NMSA 1978, such provisions shall not extend to liability, claims, damages, losses, or expenses, including attorney fees, arising out of bodily injury to persons or damage to property caused by or resulting from, in whole or in part, the negligence, act, or omission of the indemnitee or additional insured, as the case may be, its officers, employees, or agents and shall further be modified, if required, by the provisions of Section 56-7-1(B) NMSA 1978.

D. No Assignment. The License granted herein is personal to Licensee and shall not be assigned, nor shall Licensee sublicense its rights hereunder in whole or in part, or otherwise permit the use of the Licensed Area by any third party unless authorized in writing by Licensor.

E. Entire Agreement. This Agreement embodies and constitutes the entire understanding between the Parties with respect to the subjects covered herein.

F. Cancellation. Upon fifteen (15) days' advance written notice to Licensee, Licensor reserves the right to cancel this Agreement at any time for any reason including a conflict with or a determination that Licensee's use is inappropriate. Furthermore, if Licensee is determined to be in breach of this Agreement, Licensor shall issue a written notification of the nature of the breach, at which time Licensee shall have a maximum of five (5) days to come into compliance. If Licensee fails to come into compliance, as determined by Licensor in its sole discretion, then Licensor shall have the right to immediately terminate the License.

G. Severability. If any provision of this Agreement is deemed to be unlawful by a court of competent jurisdiction, the unlawful provision shall be considered stricken from this Agreement, with the remaining provisions unaffected and given full force and effect.

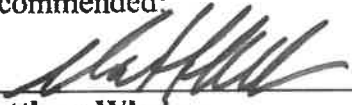
- H. **Governing Law.** This Agreement is and shall be governed by and construed in accordance with the laws of the State of New Mexico.
- I. **Attorney fees.** Licensee and MAS Location Owner jointly agree to be responsible for all costs, attorney's fees, and expenses incurred by Licensor in enforcing its rights pursuant to Agreement, or in pursuing all available remedies which may be allowed herein or at law or in equity.
- J. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be a fully binding and enforceable agreement against the Party signing such counterpart, but all such counterparts shall together constitute one agreement.
- K. **Electronic Signatures.** Authenticated electronic signatures are legally acceptable pursuant to Section 14-16-7 NMSA 1978. The Parties agree that this Agreement may be electronically signed and that the electronic signatures appearing on the Agreement are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

IN WITNESS WHEREOF, the Parties hereto have signed this License Agreement as of the date indicated by each signature and being the Agreement is effective after approval upon the signature of the City's Chief Administrative Officer or his authorized designee.

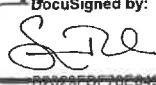
THIS SECTION INTENTIONALLY LEFT BLANK. SIGNATURE PAGE TO FOLLOW.

Licensor:
CITY OF ALBUQUERQUE
A NEW MEXICO MUNICIPAL
CORPORATION


Recommended:

 8/12/22
DATE
Matthew Whelan
Director, Department of Solid Waste
City of Albuquerque

Approved:

DocuSigned by:
 8/15/2022 | 1:51 PM MDT
DATE
Lawrence Rael
Chief Administrative Officer
City of Albuquerque

Licensee:
Dawn Legacy Pointe, fiscally sponsored by
Street Safe New Mexico

 Aug 12, 2022
DATE
S. Kylea Good, CEO.
Principal

FIRST SUPPLEMENTAL AGREEMENT
TO
SHORT TERM LICENSE AGREEMENT
CCN#

THIS FIRST SUPPLEMENTAL AGREEMENT is made and entered into upon the date of the last signature below, by and between the City of Albuquerque, New Mexico, a municipal corporation (“Licensor”), and **non-profit 501(c)3 Street Safe New Mexico’s fiscally sponsored Dawn Legacy Pointe** (“Licensee”), located at 1250 Menaul NE, Albuquerque, NM 87107. Licensor and Licensee may be referred to herein each as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, the Licensor and the Licensee entered into a Short Term License Agreement dated August 15, 2022, hereafter referred to as the "Original Agreement," whereby the Licensor agreed to license certain Property to the Licensee for the purpose of providing a short term Safe Outdoor Space for a limited number of people experiencing homelessness; and

WHEREAS, the Licensor and the Licensee have agreed in this First Supplemental Agreement to modify the time of commencement of the License and the insurance requirements of the Original Agreement; and

WHEREAS, the Parties agree that all modifications to the time of commencement of the License and the insurance requirements are applicable from the date of the execution of the Original Agreement, August 15, 2022.

NOW THEREFORE, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

1. Section 4.a. and 4.b. of the Original Agreement are hereby amended to read as follows:
 - a. The License for the Licensed Area granted hereunder shall commence on the date when the Licensee **first enters upon and occupies the land for the purpose of operating a Safe Outdoor Space, or for the purpose of readying the land for the operation of a Safe Outdoor Space** (the “Commencement Date”), and the Licensee shall then have access to the Licensed Area twenty-four (24) hours a day, seven (7) days a week. **The Licensee shall provide notice to the City of the Commencement Date.**
 - b. The initial License Period shall be for a period of six (6) months (“Initial License Period”) **from the Commencement Date.** The Licensor, in its sole discretion, has the right to extend the License Period for an additional six (6) month period subject to the terms and conditions set forth herein (unless changes are mutually agreed to in writing

by the Parties). The Initial License Period together with all License Renewal Periods shall collectively be referred to herein as “The License Period.”

2. Section 8.A. of the Original Agreement is hereby deleted in its entirety and replaced with the following:

a. **Commercial General Liability Insurance:** A commercial general liability insurance policy with occurrence coverage as follows:

\$1,000,000 per claim	Bodily Injury/Property Damage
\$1,000,000 per claim	Personal/Advertising Injury
\$1,000,000 aggregate	Products Liability/Completed Operations Hazard
\$50,000 any one fire	Fire Damage
\$ 5,000 any one person	Medical Payments

Said policy of insurance must include coverage for all operations performed for the City by the Licensee and contractual liability coverage shall specifically insure the hold harmless provisions of this Agreement.

b. **Commercial Automobile Liability Insurance (“CAL”):** A CAL policy with not less than a \$1,000,000 combined single limit of liability for bodily injury, including death, and property damage in any one claim. The CAL policy must include coverage for the use of all owned, non-owned, and hired automobiles, vehicles and other equipment both on and off work.

c. **Workers' Compensation Insurance:** Workers' Compensation Insurance for the Licensee’s employees when required by, and in accordance with, the provisions of the Workers' Compensation Act of the State of New Mexico (“Act”). The Licensee must have three (3) or more employees to trigger the Act’s workers’ compensation insurance requirement. Per the Act, this number includes the owner of the business.

d. **Professional Liability (Errors and Omissions) Insurance:** Professional liability (errors and omissions) insurance in an amount not less than \$1,000,000 per claim on a claims-made basis, with an aggregate limit of liability of \$3,000,000.

e. **Sexual Abuse Molestation Coverage:** Sexual abuse molestation insurance in an amount not less than \$1,000,000 combined single limit of liability per claim with a general aggregate of \$1,000,000.

f. **Other Coverage Enhancements and e-MD Coverage** as described in relevant policy.

- g. **Increased Limits:** If, during the term of this Agreement, the City requires the Licensee to increase the maximum limits of any insurance required herein, an appropriate adjustment in the Licensee's license amount will be made.
- 3. By signing this Agreement, the Parties ratify the modifications specified in Section 1 and Section 2 of this First Supplemental Agreement from the date of execution of the Original Agreement through to the execution of this First Supplemental Agreement. Further, the parties explicitly agree that all of the terms and conditions of the Original Agreement, including but not limited to all other insurance requirements not modified in Section 2 of this First Supplemental Agreement, and indemnification requirements, are applicable continuously commencing on the date of execution of the Original Agreement.
- 4. Except as herein expressly amended, the terms and conditions of the Original Agreement shall remain unchanged and shall continue in full force and effect unless there is a conflict between the terms and conditions of the Original Agreement and this First Supplemental Agreement, in which event, the terms and conditions of this First Supplemental Agreement shall control.
- 5. This Agreement shall not become effective or binding until approved by the highest approval authority required by the City under this Agreement.
- 6. Authenticated electronic signatures are legally acceptable pursuant to Section 14-16-7 NMSA 1978. The parties agree that this Agreement may be electronically signed and that the electronic signatures appearing on this Agreement are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

SIGNATURES ON NEXT PAGE


IN WITNESS WHEREOF, the Parties hereto have signed this First Supplemental Agreement to the Short Term License Agreement as of the date indicated by each signature and being the Agreement is effective after approval upon the signature of the City's Chief Administrative Officer or his authorized designee.


Licensor:
CITY OF ALBUQUERQUE
A NEW MEXICO MUNICIPAL
CORPORATION

Licensee:
Dawn Legacy Pointe, fiscally sponsored by
Street Safe New Mexico:

Recommended By:

Approved By:


DocuSigned by:

A48F4D1G1344490...
Matthew Whelan
Director, Department of Solid Waste
City of Albuquerque

DocuSigned by:

B8723GAB8FG2421...
S. Kylea Good, CEO
Principal
Dawn Legacy Pointe, fiscally sponsored by
Street Safe New Mexico

Date: 11/17/2022 | 8:03 AM PST

Date: 11/14/2022 | 11:12 AM MST

Approved By:

DocuSigned by:

D2029FD78E649F...
Lawrence Rael
Chief Administrative Officer
City of Albuquerque

Date: 11/18/2022 | 2:09 PM MST

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500
600 2nd Street NW
Albuquerque, NM 87102
Tel: (505) 924-3850 Fax: (505) 924-3847



December 8, 2022

Dawn Legacy Pointe
8409 Central Ave NE
Albuquerque, NM 87108

RE: Safe Outdoor Space Location Application Approval Notification

Location Address: 1250 Menaul NE, Albuquerque NM 87102

Legal Description: RIGHT OF WAY ACCESS CONTROL & MONUMENTATION MAP OF NEW MEXICO STATE HIGHWAY & TRANSPORTATION DEPARTMENT SPRINGER-SPEECHLY TR A-1 CONT 11.7263 AC

Parcel ID: 101505924018931414CA

Operator of Safe Outdoor Space:
Dawn Legacy Pointe

Integrated Development Ordinance (IDO) Zone:
NON-RESIDENTIAL – LIGHT MANUFACTURING (NR-LM)

The Safe Outdoor Space Location Application for this location address is APPROVED.

This notification certifies that the requirements for zoning and in the IDO have been satisfied for the above location. This approval is limited to Safe Outdoor Space. If you are NOT a religious institution, a \$75 Temporary Use Permit fee must be paid prior to operating.

Depending on the specific nature of Safe Outdoor Space activities at this location, additional City approvals may be required including, but not limited to; Fire Marshal's Office inspection(s), and Building Safety inspection(s) for remodeling and/or construction. During operation, the Safe Outdoor Space shall remain in compliance with all applicable codes and regulations. Unless the operator is a religious institution, this approval is valid for a period of up to two (2) years. After two (2) years, an application must be submitted for up to an additional two (2) years.

If the above-named Safe Outdoor Space is not operating at this location within 180 days of this approval notification, this Safe Outdoor Space Location Approval will expire and the location shall no longer be reserved for the above-named Safe Outdoor Space, unless a written extension has been granted by the Planning Department.

Sincerely,


Angelo D. Metzgar,
Code Compliance Manager

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500
600 2nd Street NW
Albuquerque, NM 87102
Tel: (505) 924-3850 Fax: (505) 924-3847



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Sincerely,


Angelo D. Metzgar,
Code Compliance Manager

SAFE OUTDOOR SPACE APPROVAL

TO: Jeremy Keiser

City of Albuquerque Planning Department

FROM: Dawn Legacy Pointe

Operator

Mr. Keiser, we have complied with the Notice Requirements that the Hearing Officer required - all 20 property owners. Our understanding is that our Approval for the Safe Outdoor Space at 1250 Menaul Blvd. NE is now in effect.

If there are more appeals, we trust that the Hearing Officer will hear them expeditiously and make a final recommendation. There were 2 items that were mentioned in his remand that need your attention:

- 1) We did fill out an Application on the Planning Department's website. The Hearing Officer stated that there was no copy of our Application in the documents the Planning Department gave him. Please make sure he receives it.
- 2) The Hearing Officer mentioned there was a few pages on the Security and Operation Plan for the Safe Outdoor Space. This was an Executive Summary we submitted which was approved by Family and Community Services. There is a lot more detail which may be important to the Hearing Officer.

Therefore, we are giving Jeff Palmer a copy of the much more detailed Security and Operation Plan supplement which may be of interest to the Hearing Officer. Please make sure he receives this also.

Thank you and your Department for your assistance in helping us to provide a safe and secure option for homeless women who are now on the street.

Safe Outdoor Space Safety Team and Volunteer Training Manual

Contents

1. Roles, responsibilities, and volunteer opportunities
2. General safety protocol
3. Daily camp management and camp office management
4. Day shift/guest sign-in duties and night shift duty paperwork

1. Roles, responsibilities, and volunteer opportunities

- a. SOS Office Management** - maintaining the SOS's records and paperwork
- b. Safety team management** - scheduling and managing day and night shift duties, overseeing daily functions, emergency response
- c. Day shift sign-in duty** - making sure all guests that enter the SOS sign in; monitoring guests while in the camp
- d. Night shift safety watch** - hourly SOS walk through, and emergency response
- e. SOS grounds upkeep** - emptying garbage cans, cigarette butts and debris, clean camp perimeter, dishes, outside coffee station, tent maintenance, bathroom clean-up
- f. Donation trailer clean-up** - sort donations in the donation trailer, distribute donations, accept donations from donors and give donation receipts
- g. Clean-up** - debris around any garden spaces and around parking lot
- h. Volunteer Projects** - any special projects like gardens or when groups come

2. General safety protocol

- a. Emergency phone numbers** - these numbers are in order of response priority, and chain of communication
- b. Police, Fire, Medical** - 911
- c. Police dispatch** - (505)n 243- COPS / 311 for ABQ Community Safety

Safety at Safe Outdoor Spaces is always a primary concern, and has been part of the way we as an unhoused community have invested in forming our own self governance. Like any community, we are concerned about fire safety, criminal behavior, mental/general health issues, as well as making sure our residents can endure the elements. Being part of the Volunteer Staff and Safety Team is about taking care of ourselves and each other, even though this is a transitional situation for most, to be vigilant in learning to communicate with each other and remind each other about the privilege of living at the Safe Outdoor Space, and that is it up to all of us to make it work out.

Many challenges are faced out here, drug and alcohol abuse, theft, violence, mental health problems, and chronic health issues. Dealing with these conflicts with patience and compassion, together, one person at a time, all learning the appropriate responses to any of the micro-crises that arise, is the key that continues to allow the Safe Outdoor Space to grow in peace, and help people along the way. It is important, as while still learning to meet the challenges better, to outline strategies for Staff, Volunteers, and Client Residents on how to approach different emergency situations.

- A. Aggression and physical violence - 911 - Police
- B. Drug and alcohol abuse - 911 - Police or Emergency Medical Technical (EMT)
- C. Health issues - 911 - EMT
- D. Mental health, depression, suicide, anxiety - 911 - Police/EMT
- E. Conflicts outside of the SOS - 911 - Police

In all cases, after the appropriate authorities are called, notify SOS Staff to let them know what is going on. If the emergency is severe, also call the Board Chair. Please write down and file an incident report for each situation and make sure it is given to the SOS Staff immediately.

3. Daily SOS management

The SOS Management has been responsible for creating their own office and format for how the daily functions and operations of the SOS and the client residents that live here together as a community can work together more effectively. It has been our goal to leave a working template behind so that a new group of volunteers can easily assume the roles and tasks at hand, and to be able to continue to grow and expand our working relationship with other organizations. There is a file for every aspect of what we do here and we are constantly trying to improve how to make the paperwork easy to access and understand. Be diligent to get the hang of it.

Registering New Clients - Intake

When someone wants to move into the SOS, they must first apply and if accepted do an intake with SOS Staff (typically the SOS Outreach Coordinator). After an individual has an intake slip from the Staff Member, they will be directed to where they will find out what tent site they will be on and get added to the roster.

SOS Placement

- A. Resident Information - double check - date of birth, veteran status, pets, vehicle numbers (VIN/license plate), and emergency contacts on the intake

sheet so that they can be entered into the client resident roster and SOS database. Our office uses a **SOS Status Tracking Form**, which the new resident should fill out before being placed, so that we can better help people find work, get housing, or receive services. **Make sure to also write the current date and the tent or space the new resident is moving into on the intake sheet.** The intake sheet can then be filed in the Current Registrations Folder so that this information can be entered into the database the next time the SOS Roster is updated. The new resident should then be given a copy of the rules, in English or Spanish, and **sign the rules sheet** which is in the SOS Rules folder.

- B. Moving In - After all this has been done, the new Client Resident is ready to move in. Ask if they need any gear such as sleeping bags, blankets, pillows, pads, etc. The SOS Community Manager or Coordinator will get them if there are not any in the SOS storage. Make sure to ask the new Client Resident if they have any questions about the SOS, and try to make them feel welcome.

Camp Roster

The SOS Roster needs to be updated at least once per week, or as needed depending on how much traffic there is of Client Residents moving in and out. If the roster is not kept up it makes it hard to see who is in the SOS and what spaces are available for potential Client Residents to move into. It is also the SOS Staff responsibility to keep the roster up to date so that the Albuquerque Police Department (APD), EMTs, and Fire Response can be easily directed to who and where residents are in case of an emergency.

SOS Roster information is updated by the SOS Outreach Coordinator in Google Drive and shared with various SOS Staff and Board of Directors.

Vacated Records

Whenever a Client Resident vacates the SOS, for whatever reason, it is documented and tracked to the data team. If they get housing, are asked to leave for violating the rules, move somewhere else, leave for health reasons, or even go MIA, write their status on the Client Resident's Intake Form with the date they vacate. There is also a Vacated Form in the Vacated file, where the Intake Form is then filed after being updated, that should also be filled out with the same information. Vacated files should be updated weekly, including transferring the current information to the computer database Vacated file. This information is also part of the Monthly Reports that are filed before the end of each month.

Personal Belongings Inventory and Storage

If a Former Client Resident leaves the SOS, but cannot take all their belongings with them, the SOS can keep personal possessions in storage for up to three (3) calendar days. Their belongings must be properly bagged and labeled with their full name and the date before being put into the storage container. A rudimentary inventory of the Former Client Resident's belongings, number of bags/suitcases, gear, tent etc. must be logged in the Personal Belongings Sheet, dated, and filed. When the Former Client Resident comes to pick up their belongings, the date and initials of the individual should be put on the Personal Belongings Inventory Sheet next to their entry.

4. Day Shift/Guest Sign-in Duties and Night Shift Duty

Safety team assignment - day/night shift duty:

It generally is good practice to get Client Residents to sign up for day or night shifts on Sunday, or before the next SOS business week starts, for the *whole* week. The days, shifts (AM/PM), and the names of the Volunteers should be written on the dry erase board, *clearly*, so that everyone can see who is working. At the beginning or end of each volunteer shift, the Volunteer needs to sign the Service Hours Log so that the service hours can be tallied up at the end of each month for the SOS. The tally is required and we must be submitting all the volunteer hours monthly.

Day Guest Sign-In

Every morning at 7am the first person on watch can get the Guest Sign-in clipboard. It is important that every person that walks through the front gates, including Volunteers, signs in. When someone signs in as a Client Resident Guest, make sure the Client Resident they are visiting is currently at the SOS. Client Resident Guests that remain at the SOS for more than an hour, or repeatedly come and go after signing in once, should be asked to leave. The Client Resident the Guest was visiting should be immediately informed of the rule infraction. Client Residents must always be present at the SOS when their Guest is on the SOS property, and Guests will be asked to leave if this rule is broken. Client Residents who break the rule should be immediately notified of the rule upon their return. If the clipboard runs out of Sign-in Sheets during the course of the day, you can get new ones in the Guard Shack in the folder marked SOS Sign-in Sheets. Guests who sign-in on the clipboard are here to visit Client Residents or to volunteer. People who do not live at the SOS and are not volunteering or being given a tour by a designated Staff, Board, or Volunteer are not to be wandering around, consuming beverages or food, or loitering and under no circumstances are guests allowed in residents' tents. At the end of the day, the Volunteer on the last shift can return the

Guest Sign-in clipboard to its proper place. Remember, there are no client resident guests allowed in the SOS before 7am or after 6pm, and that is every client resident's responsibility.

Night Shift Safety Team Duties

At 6pm the first person on night watch can get the Time Log Sheet, so that they can log every hour when they walk around the SOS. If something is seen that is not a serious situation that needs an incident report, it can be written on the Time Log Sheet so that Staff or the Board can address it the following day. For any situation that involves confrontation or may require 911, please wake up the SOS Community Manager so you are not getting involved with emergency situations alone. In the event of any emergency situation, an incident report should be written immediately while the situation and details are easily recalled, so that the report can be given to the SOS Staff and Board Chair first thing in the morning. If the Night Shift Safety Team are using flashlights, please remember to put the batteries in the charger so the following Night Shift Safety Team will have a fully charged flashlight.

Remember - if you see something suspicious outside the community at night, do not approach by yourself. Wake up another Staff Member, SOS Volunteer, or Client Resident to keep watch or approach with you!

SOS Paperwork

All incident reports should be filled out shortly after the situation occurs so that the details are fresh. Please write clearly, professionally, and include all the important information so the SO Staff can know exactly what occurred. These reports are not a place to vent, so be careful not to embellish the incident. Have all the witnesses of the incident sign and date the report along with any other Safety Team members that were present. After discussing it with the SOS Community Manager, make a recommendation as necessary.

If the SOS Client Resident has a grievance of any kind they should request and be provided with a Grievance Form, which are kept in the Guard Shack. It is their responsibility to fill the form out, take a photo of the Grievance Form if they wish, and submit the Grievance Form to the SOS Staff. Try not to get involved in disputes in the camp, but simply direct Client Residents to follow the correct grievance procedure.

Volunteer Hours Log

The Volunteer Hours Log is kept in the SOS Guard Shack. When volunteers are starting or ending their shifts they *must* sign the Volunteer Hours Log. SOS staff who noticed the Volunteer Hour Log has not been signed by a Volunteer are responsible for ensuring the Volunteer signs the log. All volunteer hours including sign-in desk duty, night watch, trash can emptying, grounds maintenance, camp upkeep, and also special projects should be logged shortly after they are completed. At the end of the month, these volunteer hours are tallied and given to the SOS Staff and Board so the SOS can help the agency represent the work being done accurately including for funding reports.

Donations Log

The Donations Log is also kept in the Guard Shack, and should be utilized for incoming donations. Whenever an individual or group brings items to the SOS Community, ask for their name and if they would like a receipt for a tax deduction. If they do not want a receipt for tax deduction purposes, simply list the items donated and the appropriate information in the log. Some donors may also choose to remain anonymous. The Donation Receipts are also kept with the logs and can be filled out with the donors' information along with the items donated. One copy of the receipt goes to the donor and the other half to the SOS Staff. Ask the donor for permission to mention their contribution on the SOS social media, and thank them for their donation.

Safe Outdoor Space Security Protocol

It is *everyone's* responsibility to keep the SOS Community safe. If you see or hear something suspicious against our agreements, inform the Safety Team, the Community Manager, or Outreach Coordinator.

Safety Officer

1. It is the Safety Officer's responsibility to patrol the SOS boundaries
2. If something dangerous is seen or heard, do not be put in harm's way. Immediately *report* the situation to the security or police. Each phone number is listed in the Guard Shack. You must also report it to the SOS Staff and in the event of a severe incident also report to the Board Chair.
3. Share information with the other Client Residents, particularly those new to the SOS Community, about what the policies and procedures are.
4. The Safety Officer is the Point Person for any major concerns at the SOS Community, and responsible to de-escalate conflicts between Client Residents, call security/police if needed, and help figure out the Safety Officer schedule.

SOS Security

1. Night shift: Patrol the perimeter of the SOS Community at least twice during the shift.
2. Make sure Guests sign in, and do not allow any Guest to go back to the tents unless they are accompanied by SOS Staff, Board Member, a Volunteer, or a Client Resident.
3. There are Time Logs in the Guard Shack. Log any important events, such as Guests coming, uninvited Visitors dropping by, donations coming in, incidents, police being called, etc.
4. Incident reports must be written and reported to the SOS Community Manager and the Outreach Coordinator.
5. Food donations go straight to the storage area. Clothing donations should be sent to the bin as soon as possible.
6. Do not allow Client Residents to take entire bags/boxes of donations to their tent. It is important that the donations are shared and not hoarded.
7. Belligerent/intimidating/threatening behavior is not allowed. Incidences of this behavior must be logged into the Time Log and written on an Incident Report Sheet.

✓ ALB BOCA HOTEL LIMITED PRTHSP
1000 MARKET ST BLDG 1
PORTSMOUTH NH 03801

✓ CITY OF ALBUQUERQUE
PO BOX 2248
ALBUQUERQUE NM 87103-2248

✓ DCI DONOR SERVICES INC
1633 CHURCH ST SUITE 500
NASHVILLE TN 37203-2948

✓ ALB BOCA HOTEL LIMITED PRTHSP
1000 MARKET ST BLDG 1
PORTSMOUTH NH 03801

✓ T-MOBILE PCS HOLDINGS LLC
12920 SE 38TH ST
BELLEVUE WA 98006-1350

✓ ARCHDIOCESE SANTA FE CEMETERY
CATHOLIC SERVICE BLDG
4000 ST JOSEPHS PL NW
ALBUQUERQUE NM 87120-1714

✓ M-F PARTNERSHIP
PO BOX 35280
ALBUQUERQUE NM 87176-5280

✓ SUNSET MEMORIAL PARK
PO BOX 25063
ALBUQUERQUE NM 87125-0063

✓ ABQ 1701 LLC
3304 W HISTORIC HWY 66
GALLUP NM 87301-6841

✓ BRAR HOTELS GROUP INCORPORATED
200 MILL ST
RENO NV 89501-1535

✓ ALBUQ METROPOLITAN BOARD OF
REALTORS INC
1635 UNIVERSITY BLVD NE
ALBUQUERQUE NM 87102

✓ CFF II SUN VILLAGE LLC & CSA II SUN
VILLAGE LLC C/O JESSE MCBAY
8012 BEE CAVES RD SUITE 300
AUSTIN TX 78746-4902

✓ 1509 UNIVERSITY BLVD NM LLC
4525 WILSHIRE BLVD SUITE 210
LOS ANGELES CA 90010-3846

✓ ALB BOCA HOTEL LIMITED PRTHSP C/O
OCEAN PROPS ATTN: N HEBERT
1000 MARKET ST UNIT 1
PORTSMOUTH NH 03801-3358

✓ ASSOCIATED GENERAL CONTRS
1615 UNIVERSITY BLVD NE
ALBUQUERQUE NM 87102

✓ CHAMISA PROPERTIES LLC
1617 UNIVERSITY BLVD NE
ALBUQUERQUE NM 87102

✓ GAECHTER OUTDOOR ADVERTISING INC
C/O MIKE GAECHTER PRESIDENT
13 HORIZON DR
FRISCO TX 75034-6840

✓ GREATER ALBUQUERQUE ASSOCIATION
OF REALTORS INC
1635 UNIVERSITY AVE NE
ALBUQUERQUE NM 87102-1710

✓ TA OPERATING CORPORATION C/O TAX
DEPARTMENT
24601 CENTER RIDGE RD
WESTLAKE OH 44145-5634

✓ JMDH REAL ESTATE OF ALBUQUERQUE
LLC ATTN: CEO
1710 WHITESTONE EXPRESSWAY
FLUSHING NY 11357

~~Elizabeth Helgin~~
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

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: _____

<u>PRIMARY DISABILITY</u>	
Severe Mental Illness	_____
Chronic Alcohol	_____
Drug Abuse	_____
AIDS & Related Diseases	_____
Developmental Disability	_____
Physical	_____
Other	_____

<u>PRIMARY PROBLEMS</u>	
Financial	_____ ID _____ Health _____
Transportation	_____ Mental Illness _____
Domestic Violence	_____
Substance Abuse	_____ Housing _____
Other	_____

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

<u>FOOD STAMPS</u> Has them _____ Does not _____ Unknown _____ <u>MORE BENEFITS</u> SCHIP _____ Vet Hlth Care _____ WIC _____ Wkmans Comp _____ Other Cash Inc _____ Other Non-Cash Inc _____ Other: _____	<u>BENEFITS</u> SSI _____ SSD _____ Soc. Sec. _____ Health Insurance _____ Medicaid _____ Medicare _____ General Assistance _____ Work Income _____ AFDC/TANF _____ Veteran's _____ Child Support _____ Unemp Benefits _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>a.</td><td>American Indian or Alaskan Native</td></tr> <tr><td>b.</td><td>Asian</td></tr> <tr><td>c.</td><td>Black or African-American</td></tr> <tr><td>d.</td><td>Native Hawaiian or Other Pacific Islander</td></tr> <tr><td>e.</td><td>White</td></tr> <tr><td>f.</td><td>American Indian/Alaskan Native & White</td></tr> <tr><td>g.</td><td>Asian & White</td></tr> <tr><td>h.</td><td>Black/African American & White</td></tr> <tr><td>i.</td><td>American Indian/Alaskan Native & Black/African American</td></tr> <tr><td>j.</td><td>Other Multi-Racial</td></tr> </table>	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
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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

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]

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 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

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

6. Legal Description not available

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

8. IDO Zone District NR-LM

9. Overlay Zone(s) [if applicable] —

10. Center or Corridor Area [if applicable] —

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

12. Deviations Requested [if applicable] —

13. Variances Requested [if applicable] —

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

Safe Outdoor Space

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

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

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

24 months with an additional [ex: number of days/months/years].

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

24 hours a day / 365 days a year

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project [IDO Subsection 14-16-6-4(D)]. To request a Facilitated Meeting regarding this project, contact the Planning Department at 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>.

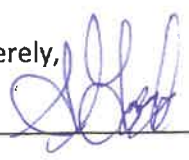
Please contact me with any questions or concerns at 720.333.8288 [phone number*] or via s.goodco@gmail.com [email*].

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

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]

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87107

Certified Mail Fee \$4.00
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 Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$
 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®
 ABQ NM 87108

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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

08/05/2022 11:11 AM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.60
Albuquerque, NM 87107 Weight: 0 lb 0.60 oz Estimated Delivery Date Mon 08/08/2022			
Certified Mail®			\$4.00
Tracking #:	70221670000329274442		
Return Receipt			\$3.25
Tracking #:	9590 9402 7272 1284 5409 63		
Total			\$7.35
US Flags	20	\$0.60	\$12.00

Grand Total: \$19.85

Credit Card Remit \$19.85
 Card Name: VISA
 Account #: XXXXXXXXXXXXX1746
 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

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 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.

7022 1670 0003 2927 4442

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.

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 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

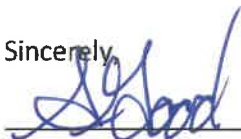
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<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

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

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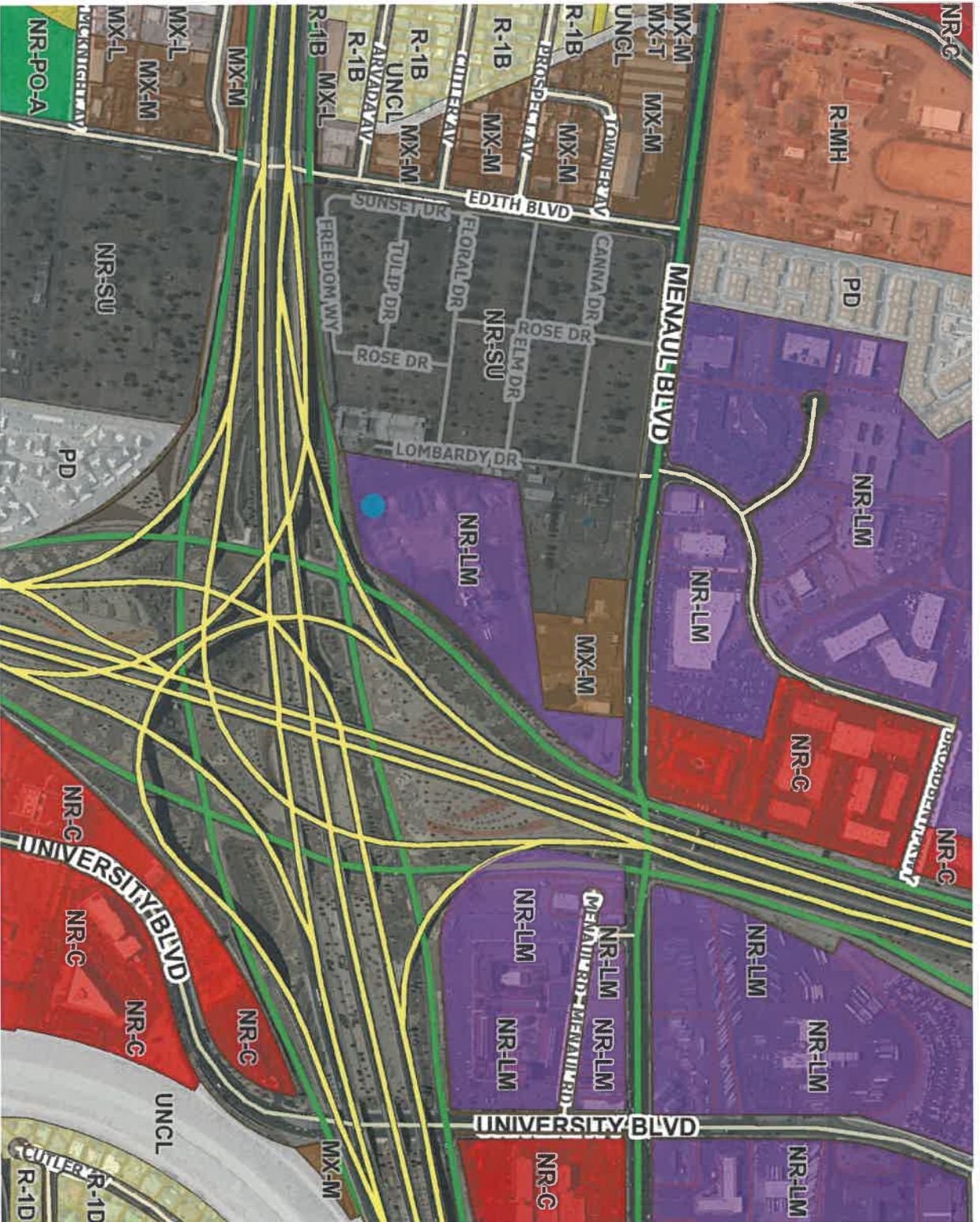
Sincerely,

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

Cc: _____ [Other Property Owners, if any]

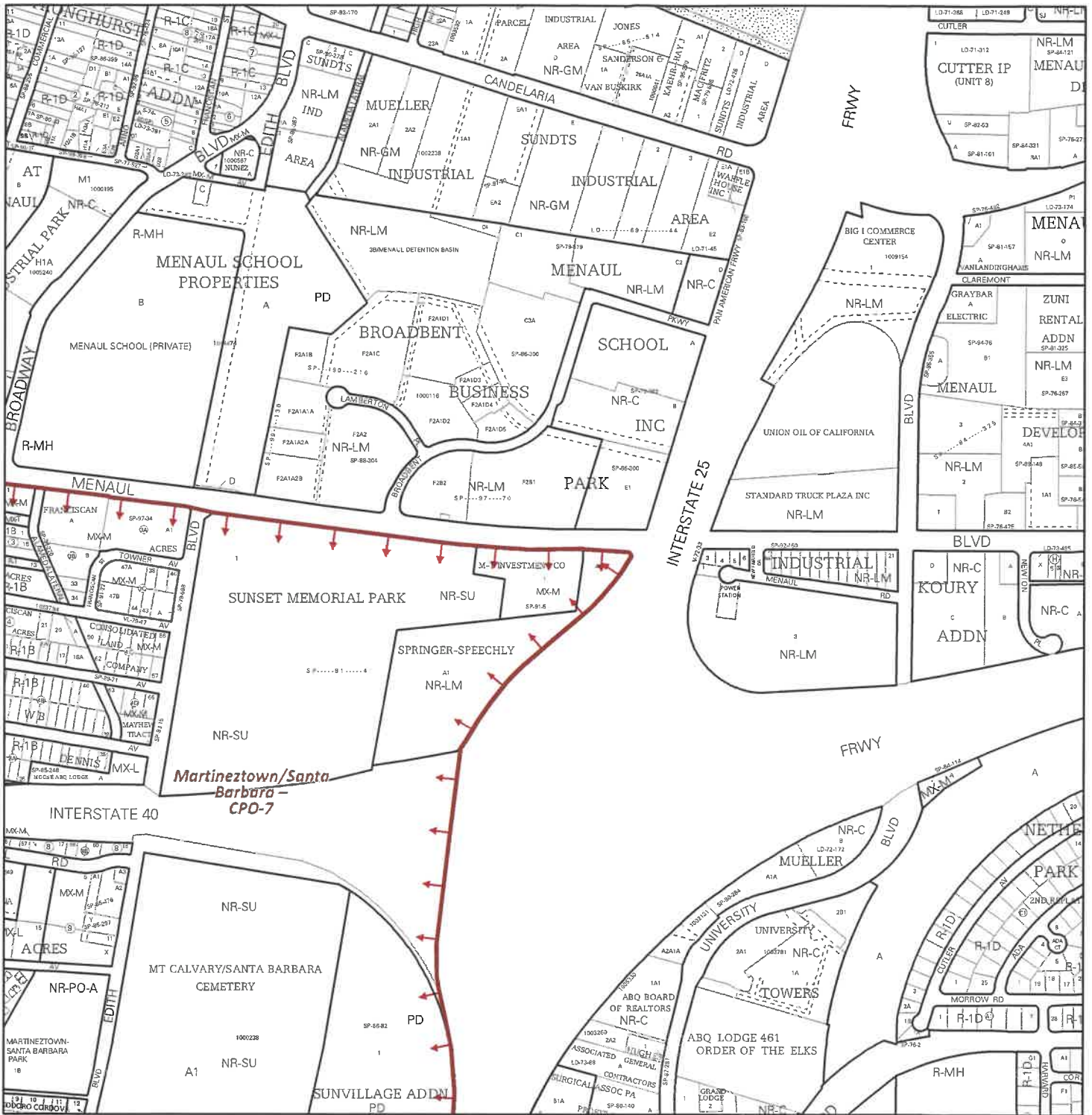


1250 Menaul Blvd NE Vicinity Map



Legend

- IDO Zoning**
- R-A
 - R-1A
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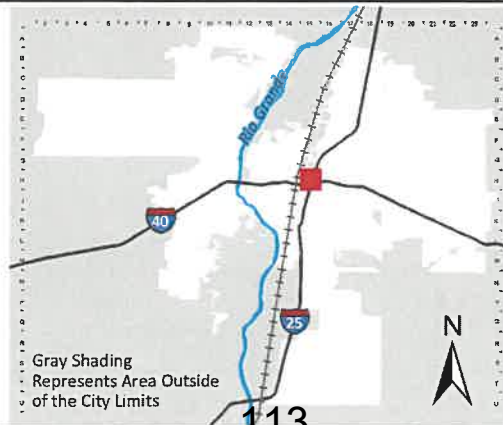


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

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).



Gray Shading
Represents Area Outside
of the City Limits



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

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 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> 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.

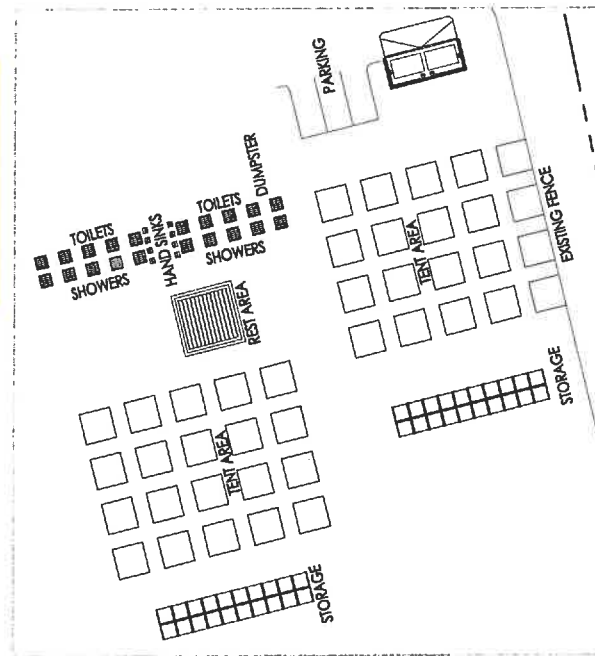
Based on our review of the Site Plan, and on our subsequent discussion, I would like to confirm the accuracy of our interpretation of the Site Plan regarding the following items:

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

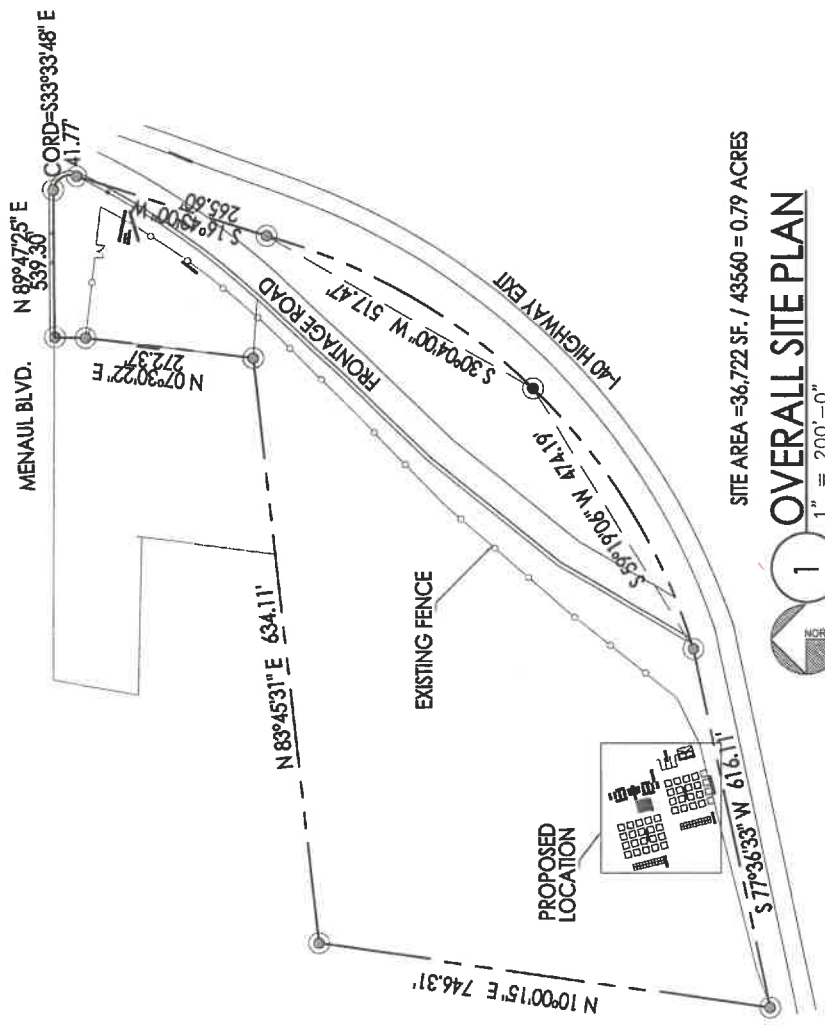
Please confirm that this information is correct and/or provide clarification if needed. Thank you.

Respectfully,

1ST SUBMITTAL
- REVISIONS



2 1" = 40'-0"



1 SITE AREA = 36,772 SF. / 43560 = 0.79 ACRES



1 1" = 200'-0"



ESSENTIALS FOR DEVELOPING SAFE OUTDOOR SPACES

- 1) Locations: MX-M and H have to be Permissive along with the NR categories C, BP, LM, and GM. Prohibition of fronting Major Transportation Corridors acceptable.

If there are not enough potential locations, or if the Conditional requirements are part of the Amendment for the categories above - it will take 1-2 years to get any Safe Outdoor Spaces built.

STATUS QUO is what will RESULT. Can we wait any longer to address the trespassing, littering, and vandalism?

- 2) 330 feet (1/16 of a mile) separation of a Safe Outdoor Space and low density residential zoning.
- 3) 40 designated spaces maximum (50 persons) with required personal hygiene available. Toilets, Hand Washing, and Showers for every 8 or 10 designated spaces respectively.
- 4) 6 foot screened fencing shall be constructed around the area of the Safe Outdoor Space, except where only light vehicles or RV's occupy the designated spaces.
- 5) A Management Plan or Security Agreement is required to ensure the safety of individuals occupying the designated spaces.

Social services and support facilities shall be offered to the extent possible.

Whatever is agreed upon in addition to the above will still allow the groups who would build the Safe Outdoor Spaces to move ahead. I have a group of commercial property owners, retired business owners, and non-profits who want to build at least 1 of these. However, if our effort is strangled by lack of the 5 essentials, no one is going to want to move ahead. Our group is the one who drafted the original Amendment to the IDO - Ike Benton, Trudy Jones, and Brook Bassan sponsored it. We want Albuquerque to be the unique city it can be, not a small version of the cities who have dealt with the homeless problem unsuccessfully.

Brad Day, CEO Day Properties

✓ ~~ALB BOCA HOTEL LIMITED PRSHP~~
1000 MARKET ST BLDG 1
PORTSMOUTH NH 03801

✓ ~~CITY OF ALBUQUERQUE~~
PO BOX 2248
ALBUQUERQUE NM 87103-2248

✓ ~~DCI DONOR SERVICES INC~~
1633 CHURCH ST SUITE 500
NASHVILLE TN 37203-2948

✓ ~~ALB BOCA HOTEL LIMITED PRSHP~~
1000 MARKET ST BLDG 1
PORTSMOUTH NH 03801

✓ ~~T-MOBILE PCS HOLDINGS LLC~~
12920 SE 38TH ST
BELLEVUE WA 98006-1350

✓ ~~ARCHDIOCESE SANTA FE CEMETERY~~
CATHOLIC SERVICE BLDG
4000 ST JOSEPHS PL NW
ALBUQUERQUE NM 87120-1714

✓ ~~M-F PARTNERSHIP~~
PO BOX 35280
ALBUQUERQUE NM 87176-5280

✓ ~~SUNSET MEMORIAL PARK~~
PO BOX 25063
ALBUQUERQUE NM 87125-0063

✓ ~~ABQ 1701 LLC~~
3304 W HISTORIC HWY 66
GALLUP NM 87301-6841

✓ ~~BRAR HOTELS GROUP INCORPORATED~~
200 MILL ST
RENO NV 89501-1535

✓ ~~ALBUQ METROPOLITAN BOARD OF REALTORS INC~~
1635 UNIVERSITY BLVD NE
ALBUQUERQUE NM 87102

✓ ~~CFF II SUN VILLAGE LLC & CSA II SUN VILLAGE LLC C/O JESSE MCBAY~~
8012 BEE CAVES RD SUITE 300
AUSTIN TX 78746-4902

✓ ~~1509 UNIVERSITY BLVD NM LLC~~
4525 WILSHIRE BLVD SUITE 210
LOS ANGELES CA 90010-3846

✓ ~~ALB BOCA HOTEL LIMITED PRSHP C/O OCEAN PROPS ATTN: N HEBERT~~
1000 MARKET ST UNIT 1
PORTSMOUTH NH 03801-3358

✓ ~~ASSOCIATED GENERAL CONTRS~~
1615 UNIVERSITY BLVD NE
ALBUQUERQUE NM 87102

✓ ~~CHAMISA PROPERTIES LLC~~
1617 UNIVERSITY BLVD NE
ALBUQUERQUE NM 87102

✓ ~~GAECHTER OUTDOOR ADVERTISING INC~~
C/O MIKE GAECHTER PRESIDENT
13 HORIZON DR
FRISCO TX 75034-6840

✓ ~~GREATER ALBUQUERQUE ASSOCIATION OF REALTORS INC~~
1635 UNIVERSITY AVE NE
ALBUQUERQUE NM 87102-1710

✓ ~~TA OPERATING CORPORATION C/O TAX DEPARTMENT~~
24601 CENTER RIDGE RD
WESTLAKE OH 44145-5634

✓ ~~JMDH REAL ESTATE OF ALBUQUERQUE LLC ATTN: CEO~~
1710 WHITESTONE EXPRESSWAY
FLUSHING NY 11357

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



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

10/17/22
[Date*]

M-F Partnerships
[Name* of Abutting Property Owner]

PO Box 35280 Albuquerque, N.M. 87176-5280
[Address* of Property Owner]

RE: Public Notice of Temporary Use Permit

Dear M-F Partnerships [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.

1. Property Owner of Subject Property* City of Albuquerque

2. Agent* [if applicable] Licensee: Dawn Legacy Pointe

3. Subject Property Address* 1250 Menaul Blvd. NE

4. Location Description South east corner of Menaul / Frontage Road of I-25

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

6. Legal Description N/A

7. Area of Property [typically in acres] 0.78 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 for primarily homeless women being trafficked.

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 up to 24 months with renewals [ex: number of days/months/years].

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

24 hours / 7 days per week

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 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]

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

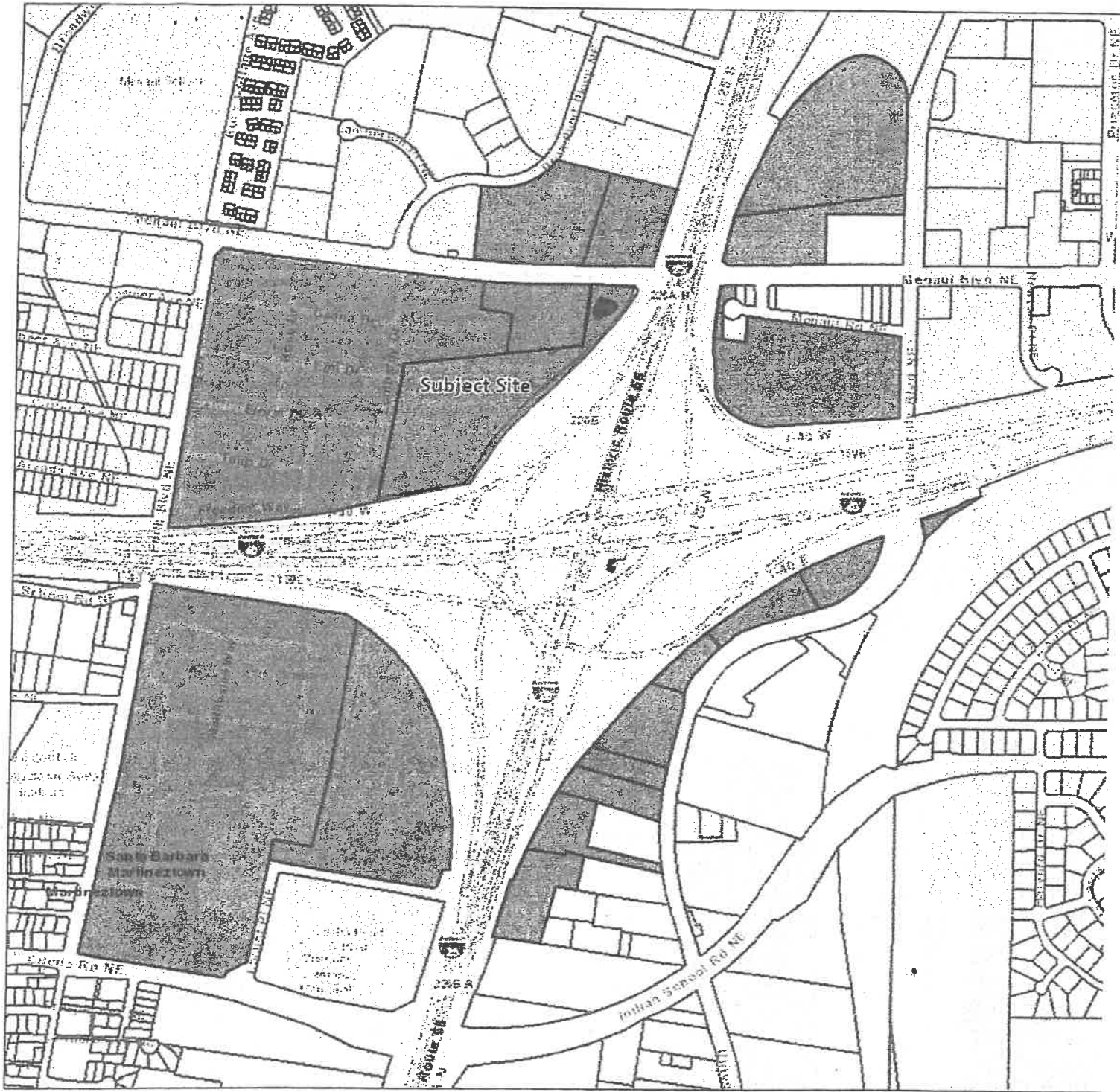
<https://tinyurl.com/IDOzoningmap>

Sincerely,

J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



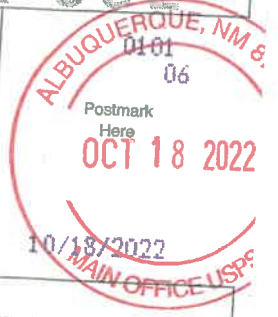
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ALBUQUERQUE, NM 87102

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Certified Mail Fee	\$	4.00
Extra Services & Fees (check box, add fee to)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	0.00
<input type="checkbox"/> Return Receipt (electronic)	\$	0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	0.00
<input type="checkbox"/> Adult Signature Required	\$	0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	0.00
Postage	\$	0.60
Total Postage and Fees	\$	4.60



Sent To _____
Street and Apt. No., or PO Box No. _____
City, State, ZIP+4® _____

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



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

10/17/22
 [Date*]

ALB Boca Hotel Limited Partnership
 [Name* of Abutting Property Owner]

1000 Market St. Bldg 1 Portsmouth, NH
 [Address* of Property Owner] 03801

RE: Public Notice of Temporary Use Permit

Dear ALB Boca Hotel Limited Partnership [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.

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2. Agent* [if applicable] Licensee: Dawn Legacy Pointe
3. Subject Property Address* 1250 Menaul Blvd. NE
4. Location Description South east corner of Menaul & Frontage Road of I-25
5. Zone Atlas Page H-15-Z [Available here: <http://data.cabq.gov/business/zoneatlas/>]
6. Legal Description N/A
7. Area of Property [typically in acres] 0.78 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] —

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Safe Outdoor Space for primarily homeless women being trafficked.

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

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

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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]

Useful Links

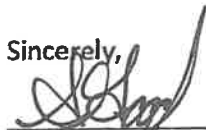
Integrated Development Ordinance (IDO):

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IDO Interactive Map

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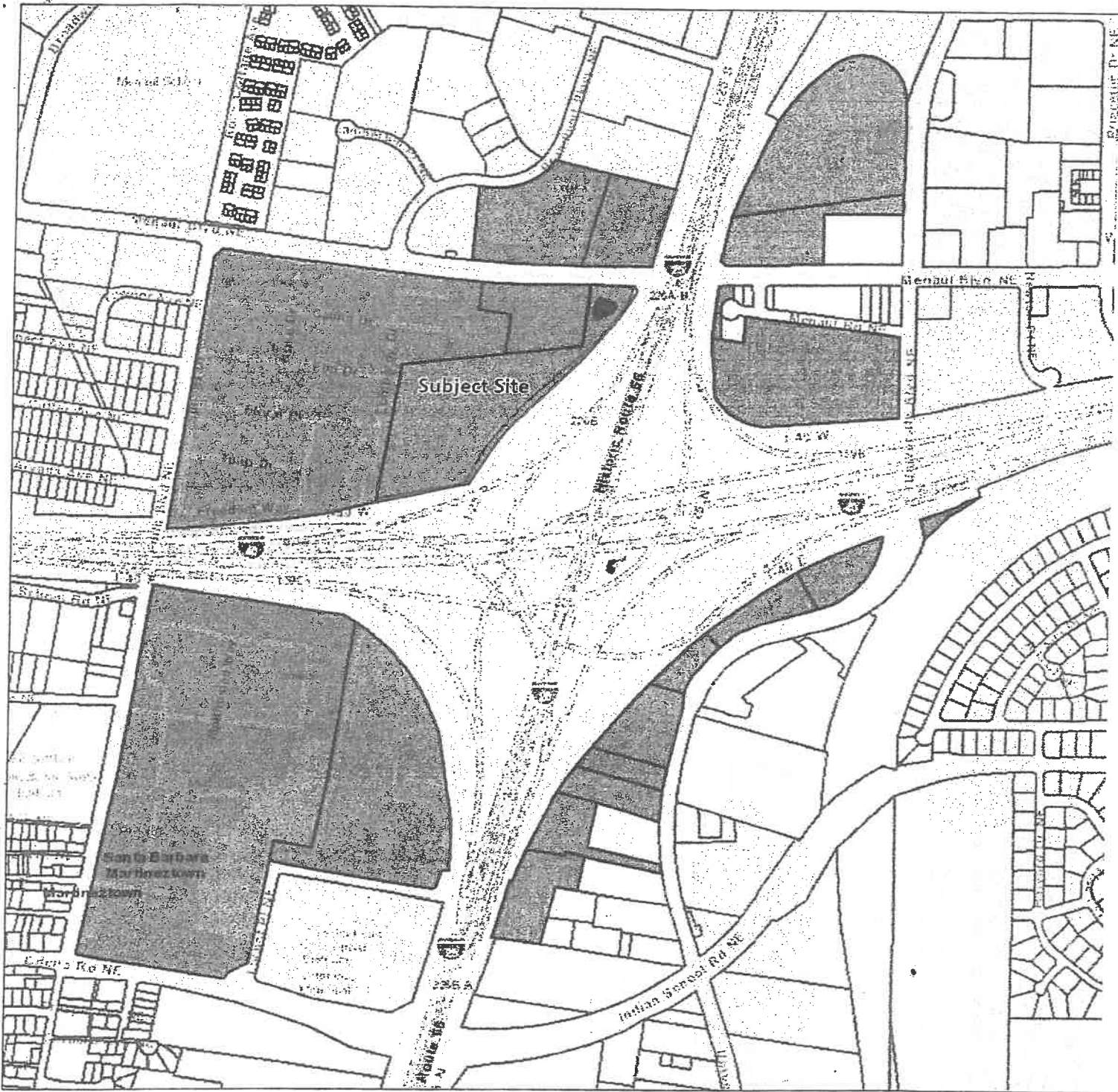
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.60
Total Postage and Fees	\$4.60



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Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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



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

10/17/22
[Date*]

Brars Hotels Group Incorporated
[Name* of Abutting Property Owner]

200 Mill St. Reno, NV 89501-1535
[Address* of Property Owner]

RE: Public Notice of Temporary Use Permit

Dear Brars Hotels Group Incorporated [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.

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2. Agent* [if applicable] Licensee: Dawn Legacy Pointe
3. Subject Property Address* 1250 Menaul Blvd. NE
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6. Legal Description N/A
7. Area of Property [typically in acres] 0.78 acres
8. IDO Zone District NR-LM
9. Overlay Zone(s) [if applicable] —
10. Center or Corridor Area [if applicable] —
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12. Deviations Requested [if applicable] —
13. Variances Requested [if applicable] —

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Safe Outdoor Space for primarily homeless women being trafficked.

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

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

Useful Links

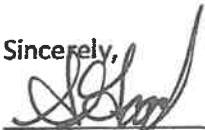
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IDO Interactive Map

<https://tinurl.com/IDOzoningmap>

Sincerely,

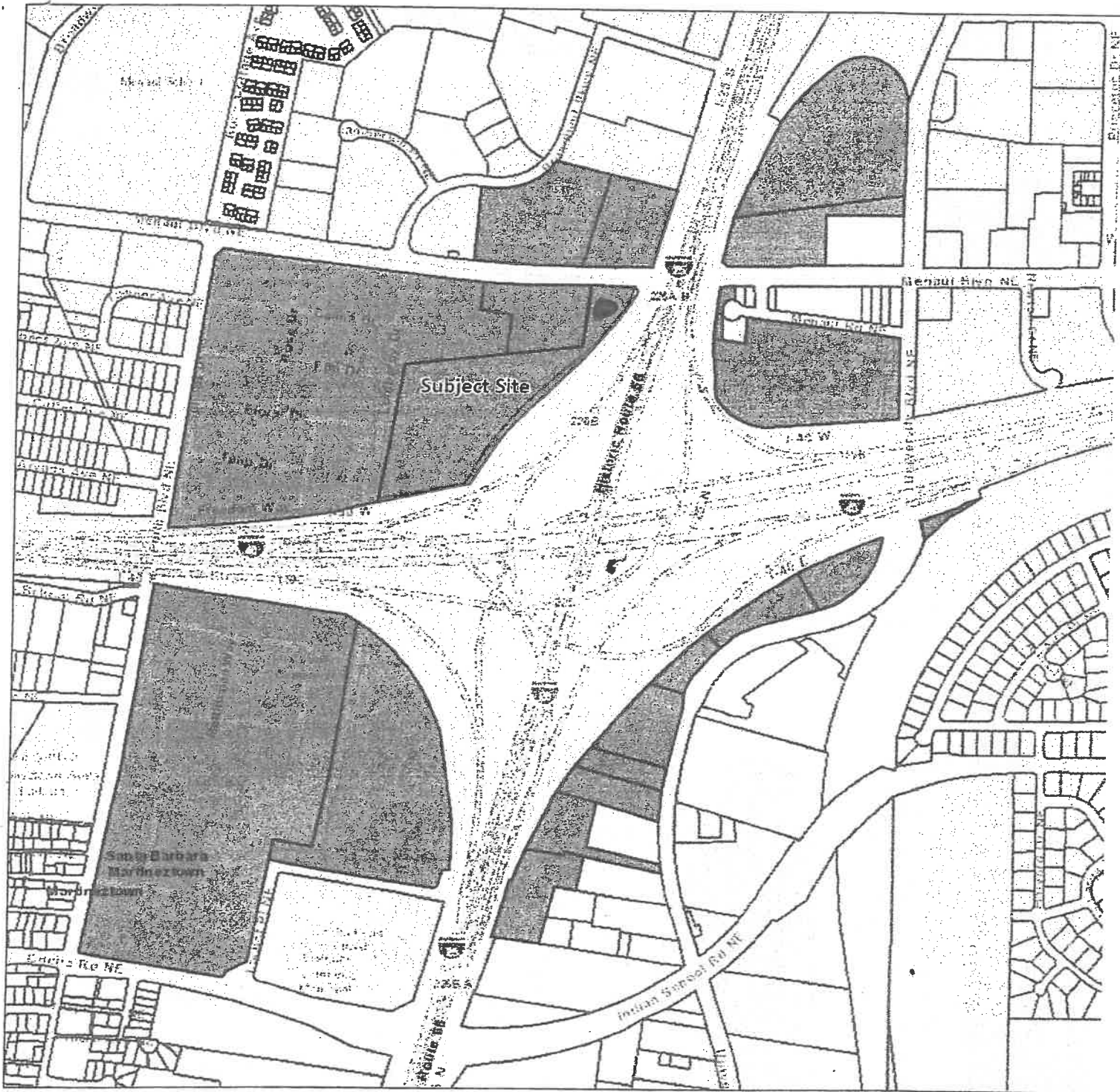


J. Kylea Good - Dawn Legacy Pointe

Cc:

[Agent/Property Owner/Developer/Operator]

[Other Property Owners, if any]



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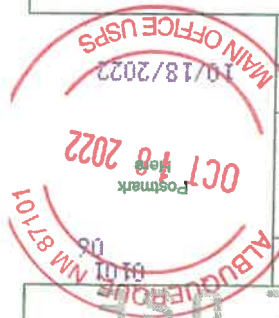
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$4.60

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 City, State, ZIP+4[®] _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7021 0950 0001 1423 3330

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



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

10/17/22
 [Date*]

1509 University Blvd. NM LLC
 [Name* of Abutting Property Owner]

4525 Wilshire Blvd. Ste 210 Los Angeles CA 90010-3846
 [Address* of Property Owner]

RE: Public Notice of Temporary Use Permit

Dear 1509 University Blvd nm LLC [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@caba.gov.

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2. Agent* [if applicable] Licensee: Dawn Legacy Pointe
3. Subject Property Address* 1250 Menaul Blvd. NE
4. Location Description South east corner of Menaul & Frontage Road of I-25
5. Zone Atlas Page H-15-Z [Available here: <http://data.caba.gov/business/zoneatlas/>]
6. Legal Description N/A
7. Area of Property [typically in acres] 0.78 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 for primarily homeless women being trafficked.

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 up to 24 months with renewals [ex: number of days/months/years].

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

24 hours / 7 days per week

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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]

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,

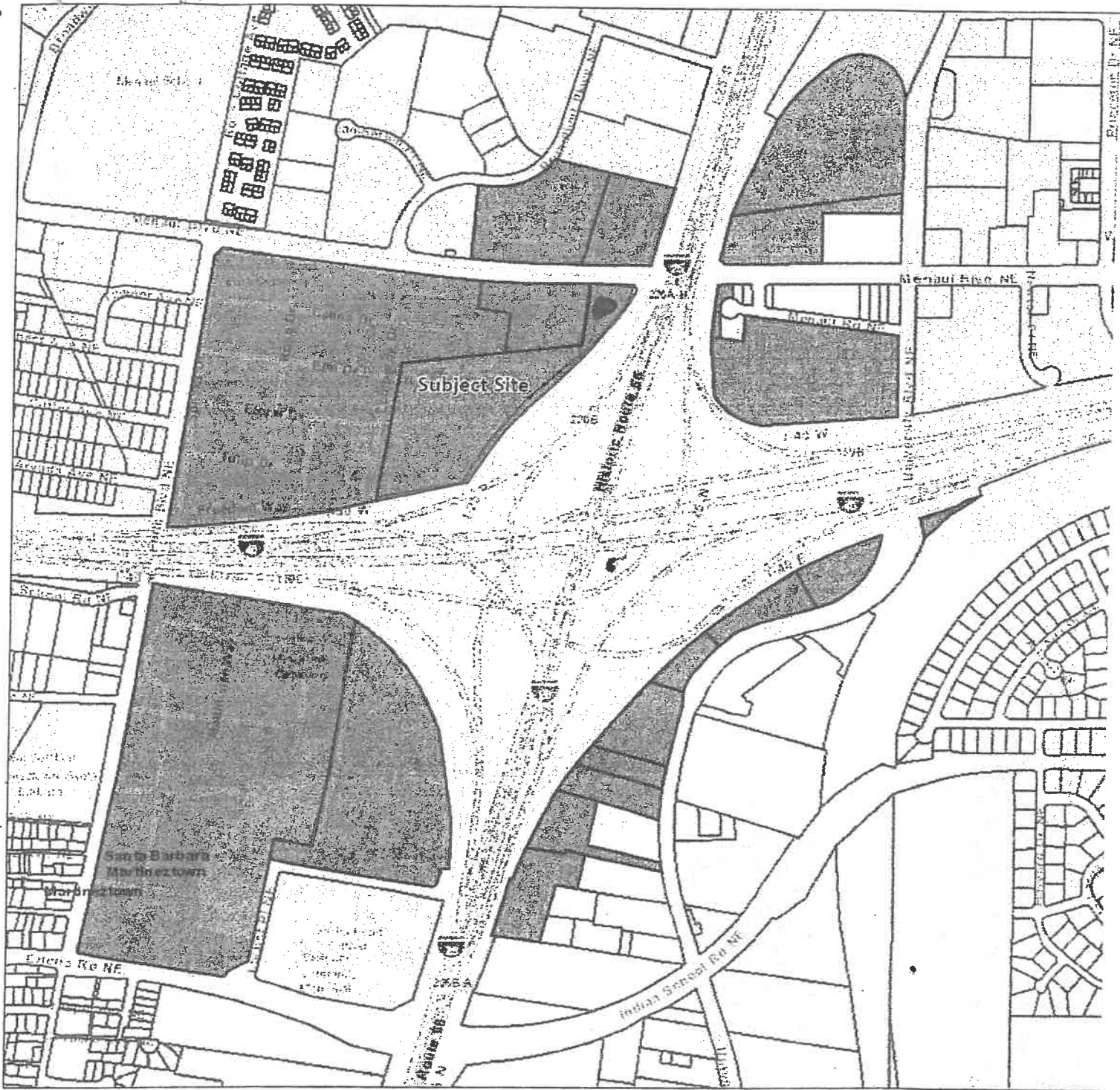


J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc:

[Other Property Owners, if any]



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Los Angeles, CA 90010

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<input type="checkbox"/> Return Receipt (hardcopy)	\$	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	\$0.00
<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage
\$ 0.60
Total Postage and Fees
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City of Albuquerque Planning Department
Property Owner Notice Form for Temporary Use Permit



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

10/17/22
[Date*]

Chamisa Properties LLC
[Name* of Abutting Property Owner]

1617 University Blvd. NE Albuquerque, NM 87102
[Address* of Property Owner]

RE: Public Notice of Temporary Use Permit

Dear Chamisa Properties, LLC [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.

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2. Agent* [if applicable] Licensee: Dawn Legacy Pointe
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Please contact me with any questions or concerns at 720.333.8288 [phone number*] or via s.goodco@gmail.com [email*].

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Useful Links

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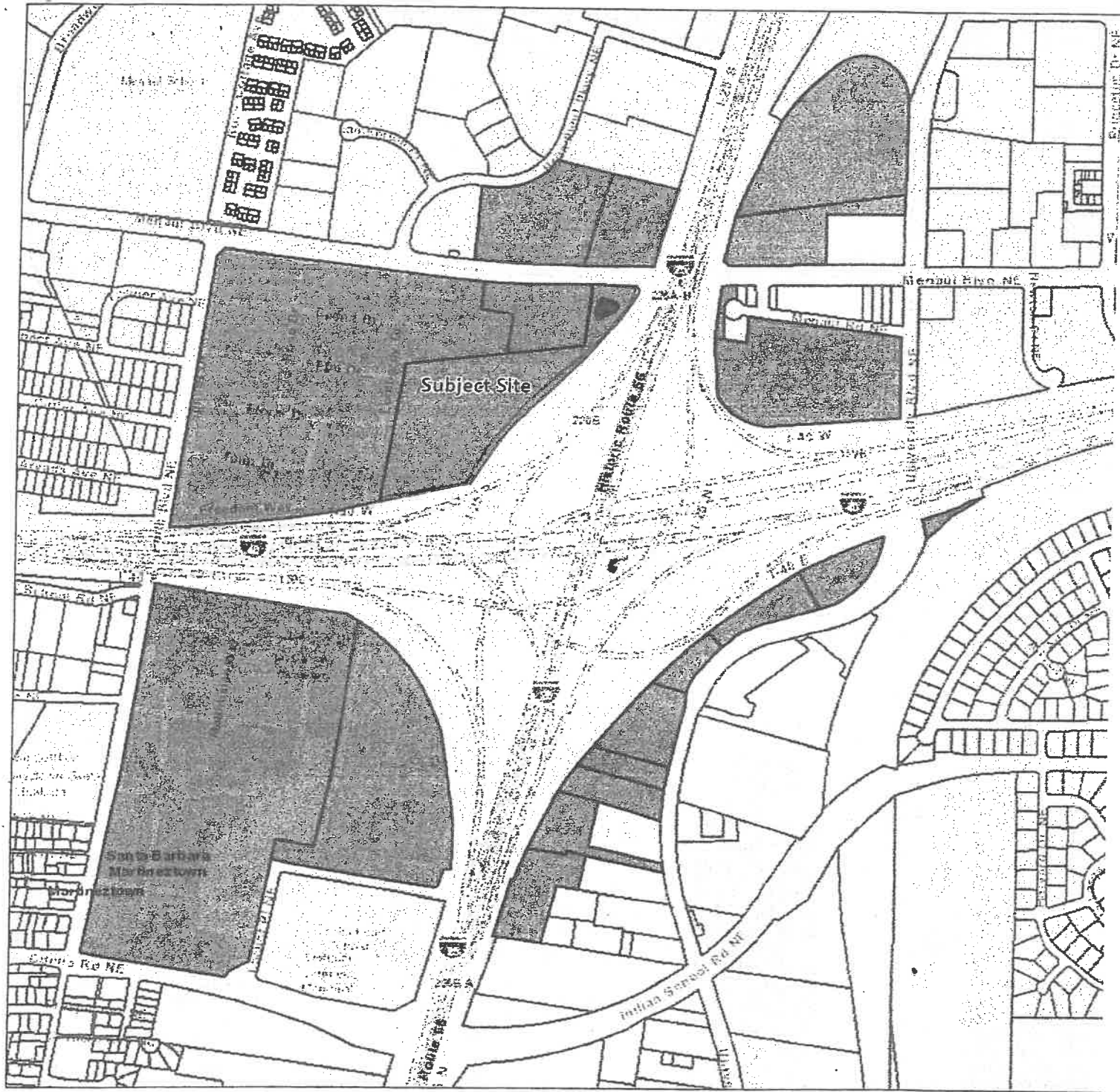
Sincerely,



[Agent/Property Owner/Developer/Operator]

J. Kylea Good - Dawn Legacy Pointe

Cc: _____ [Other Property Owners, if any]



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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.60
Total Postage and Fees	\$4.60



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 City, State, ZIP+4® _____

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



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

10/17/22
 [Date*]

TA Operating Corporation c/o Tax Department
 [Name* of Abutting Property Owner]

24601 Center Ridge Rd. Westlake, OH
 [Address* of Property Owner] 44145-5634

RE: Public Notice of Temporary Use Permit

Dear TA Operating Corporation c/o Tax Dept. [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.

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

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

Useful Links

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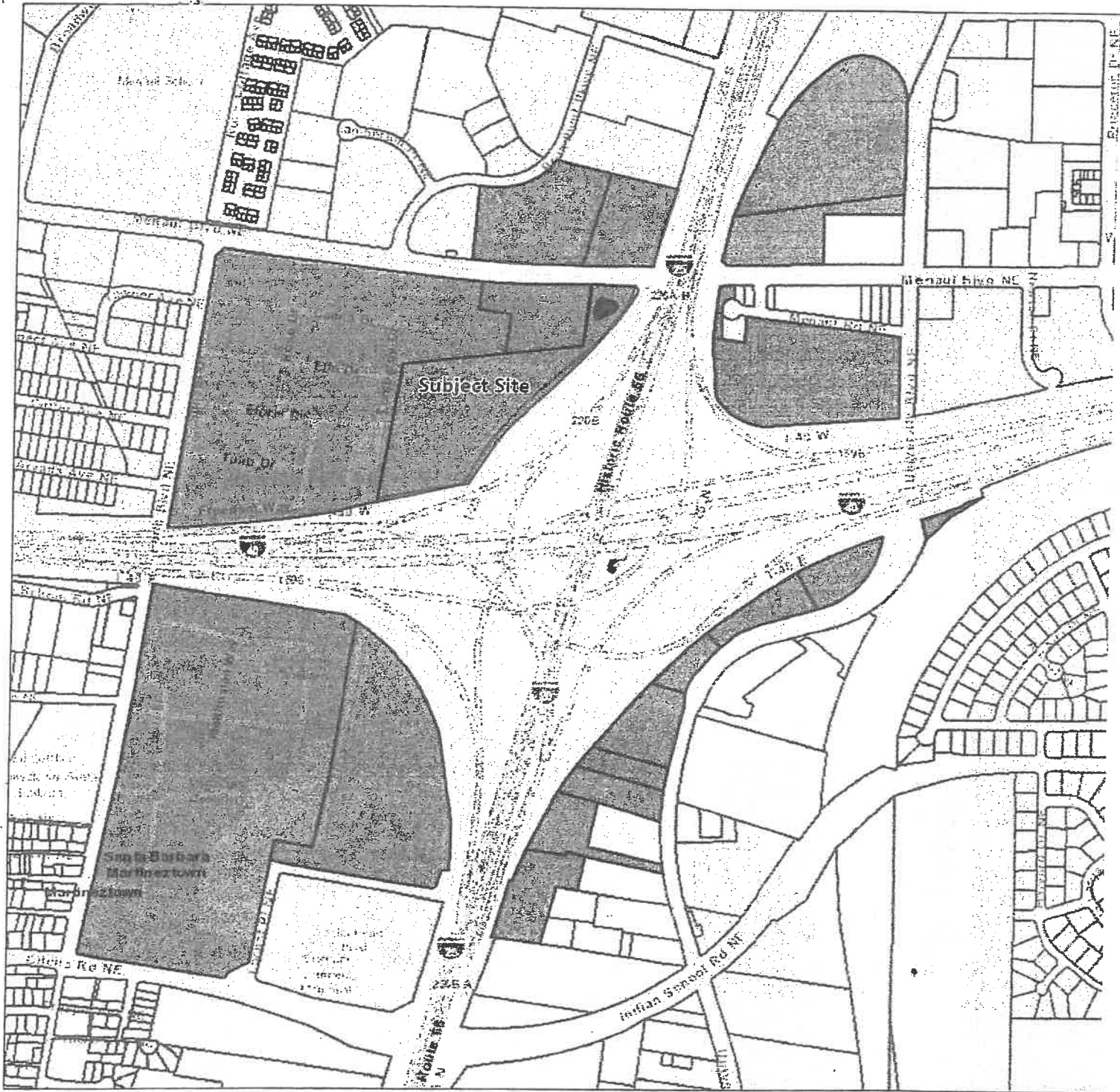
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



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U.S. Postal Service™
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West Valley City, UT 84119

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$4.60

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 City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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



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

10/17/22
[Date*]

T-Mobile ACS Holdings, LLC
[Name* of Abutting Property Owner]

12920 S.E. 38th St. Bellevue, WA
[Address* of Property Owner] 98006-1350

RE: Public Notice of Temporary Use Permit

Dear T-Mobile ACS Holdings, LLC [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.

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

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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]

Useful Links

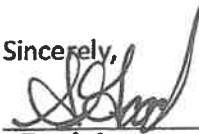
Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

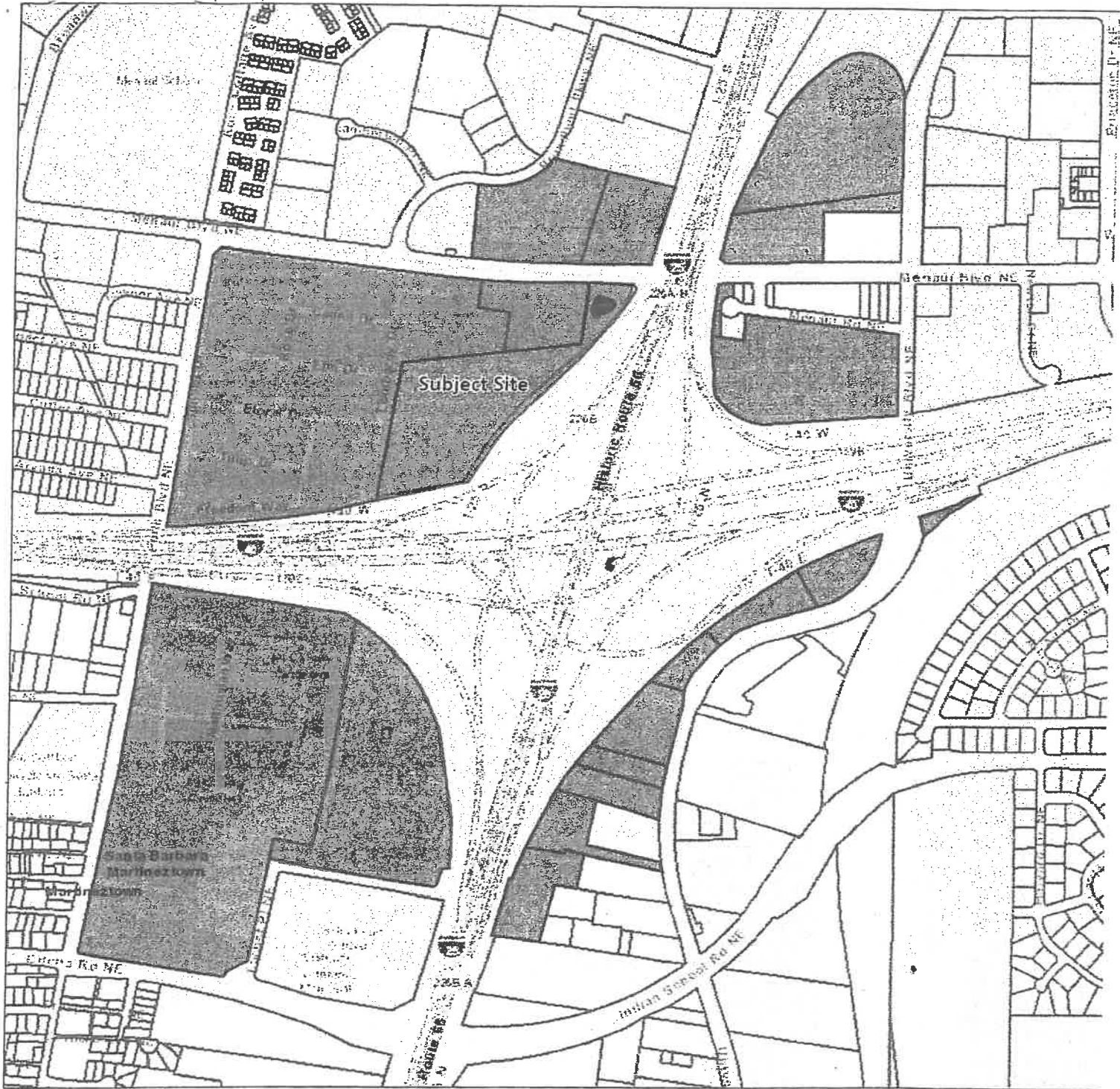
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



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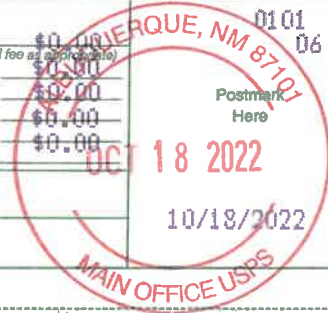
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Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as applicable)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.60
Total Postage and Fees	\$4.60



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



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

10/17/22
[Date*]

Albuquerque Metropolitan Board of Realtors, Inc.
[Name* of Abutting Property Owner]

1635 University Blvd. NE Albuquerque, NM
[Address* of Property Owner] 87102

RE: Public Notice of Temporary Use Permit

Dear Albuquerque Metropolitan Board of Realtors, Inc. [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.

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6. Legal Description N/A
7. Area of Property [typically in acres] 0.78 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] —

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

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

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

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

Useful Links

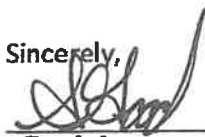
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IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]

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Albuquerque, NM 87120

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.60
Total Postage and Fees	\$4.60

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



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

10/17/22
[Date*]

ALB Boca Hotel Ltd. Partnership % Ocean Props
[Name* of Abutting Property Owner] ATTN: W. Hebert

1000 Market St. Unit 1 Portsmouth, NH
[Address* of Property Owner] 03801-3358

RE: Public Notice of Temporary Use Permit

Dear ALB Boca Hotel Ltd. Partnership % Ocean Props [Name* of Property Owner], ATTN: N. Hebert

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.

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Property Owner Notice Form for Temporary Use Permit

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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]

Useful Links

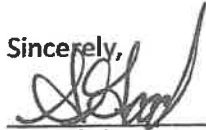
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IDO Interactive Map

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Sincerely,

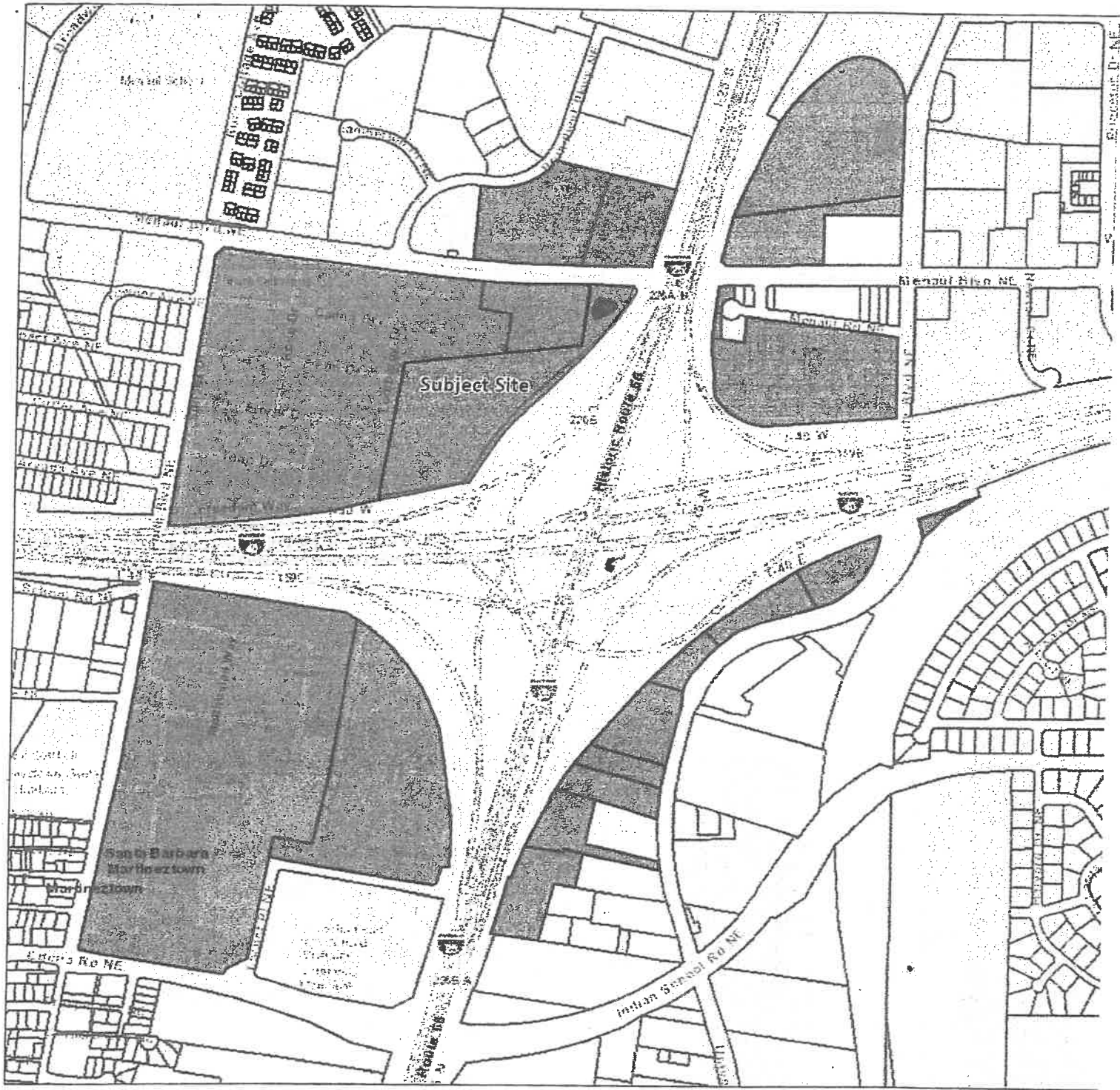


J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc:

[Other Property Owners, if any]



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Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

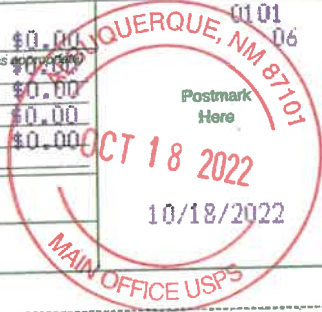
Postage \$0.60

Total Postage and Fees \$4.60

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Street and Apt. No., or PO Box No.

City, State, ZIP+4®



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

See Reverse for Instructions

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



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

10/17/22
[Date*]

Gaechter Outdoor Advertising Inc. % Mike Gaechter, Pres.
[Name* of Abutting Property Owner]
13 Horizon Dr. Juisco, Texas 75034.684
[Address* of Property Owner]

RE: Public Notice of Temporary Use Permit

Dear Gaechter Outdoor Advertising Inc. % Mike Gaechter, Pres.
[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.

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13. Variances Requested [if applicable] -

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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]

Useful Links

Integrated Development Ordinance (IDO):

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IDO Interactive Map

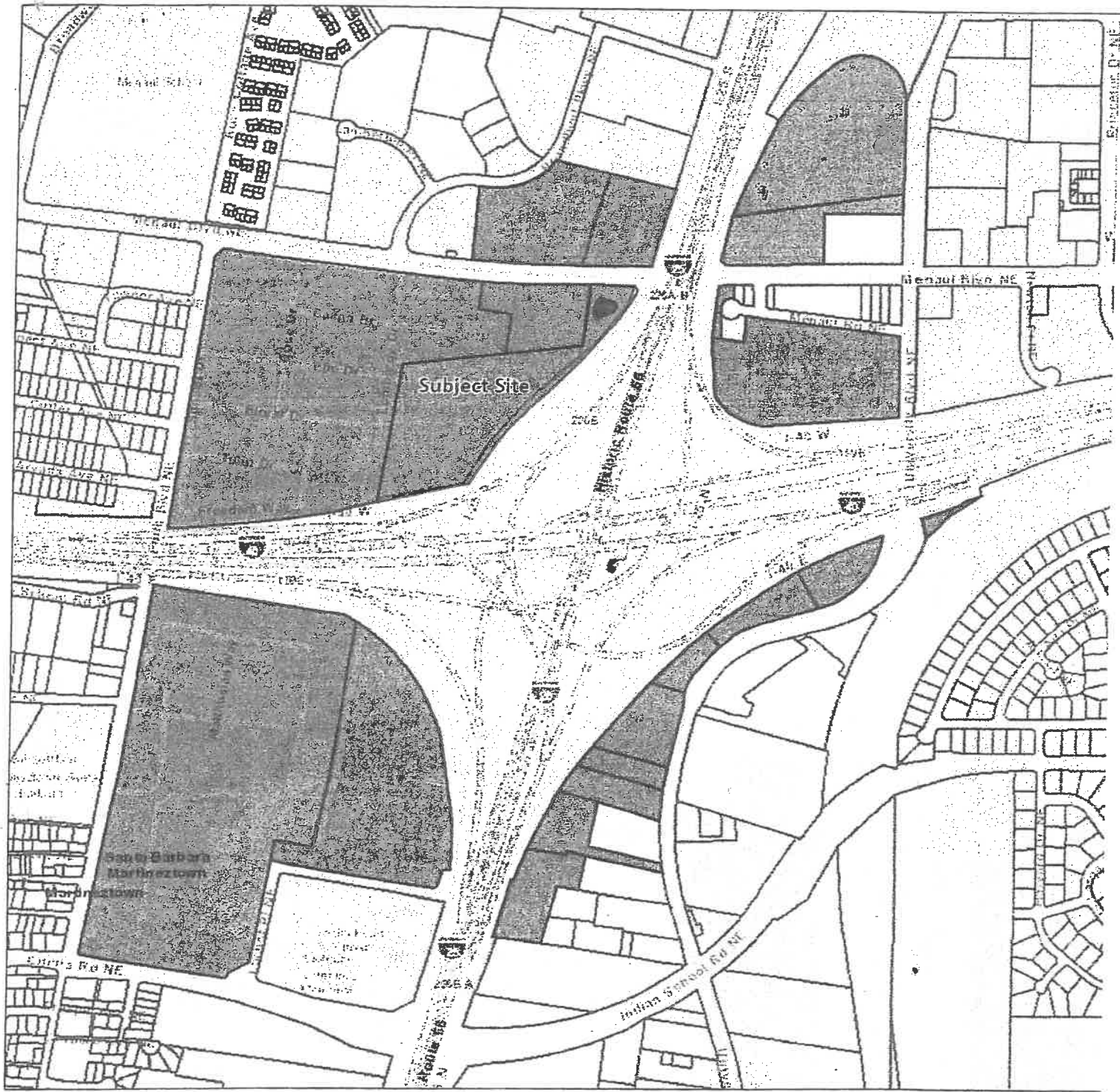
<https://tinyurl.com/IDOzoningmap>

Sincerely,

J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ <u>0.00</u>
<input type="checkbox"/> Adult Signature Required	\$ <u>0.00</u>
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ <u>0.00</u>

Postage \$ 0.60

Total Postage and Fees \$ 4.60

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City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions



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



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

10/17/22
 [Date*]

JMAH Real Estate of Albuquerque, LLC ATTN: CEO
 [Name* of Abutting Property Owner]

1710 Whitestone Expressway Flushing, NY
 [Address* of Property Owner] 11357

RE: Public Notice of Temporary Use Permit

Dear JMAH Real Estate of Albuquerque, LLC ATTN: CEO
 [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.

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6. Legal Description N/A
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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] —

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Safe Outdoor Space for primarily homeless women being trafficked.

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

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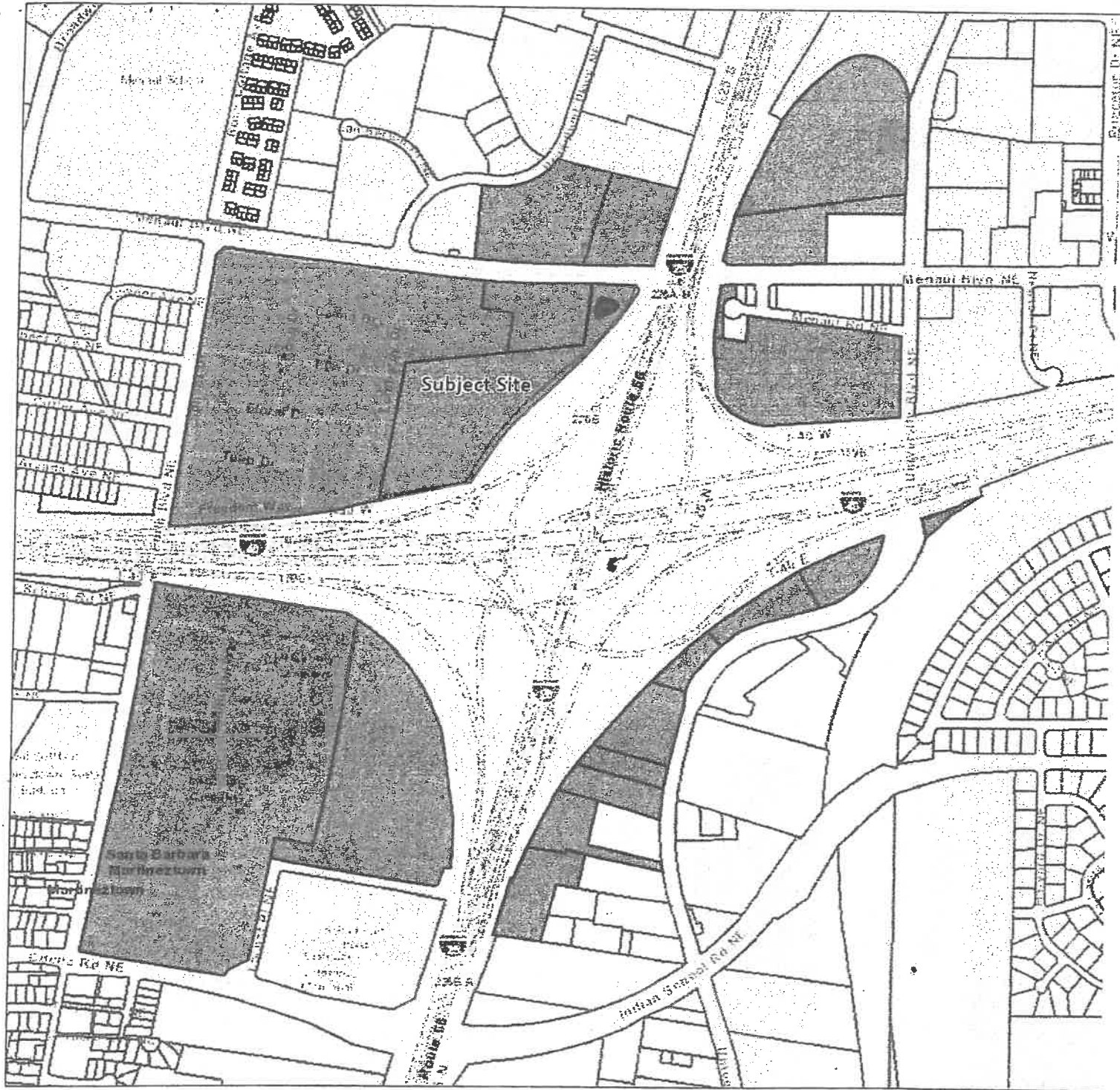
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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



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

00/17/22
[Date*]

DCI Donor Services, Inc.

[Name* of Abutting Property Owner]

1633 Church St. Ste 500 Nashville, TN

[Address* of Property Owner]

37203-2948

RE: Public Notice of Temporary Use Permit

Dear DCI Donor Services, Inc. [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.

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Useful Links

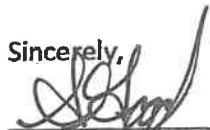
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IDO Interactive Map

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Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.60
Total Postage and Fees \$4.60



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



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

10/17/22
 [Date*]

Archdiocese Santa Fe Cemetery Catholic Service Bldg.
 [Name* of Abutting Property Owner]

4000 St. Josephs Place NW Albuquerque, N.M.
 [Address* of Property Owner] 87120-1714

RE: Public Notice of Temporary Use Permit

Dear Archdiocese Santa Fe Cemetery Catholic Service Bldg. [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.

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Property Owner Notice Form for Temporary Use Permit

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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]

Useful Links

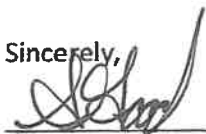
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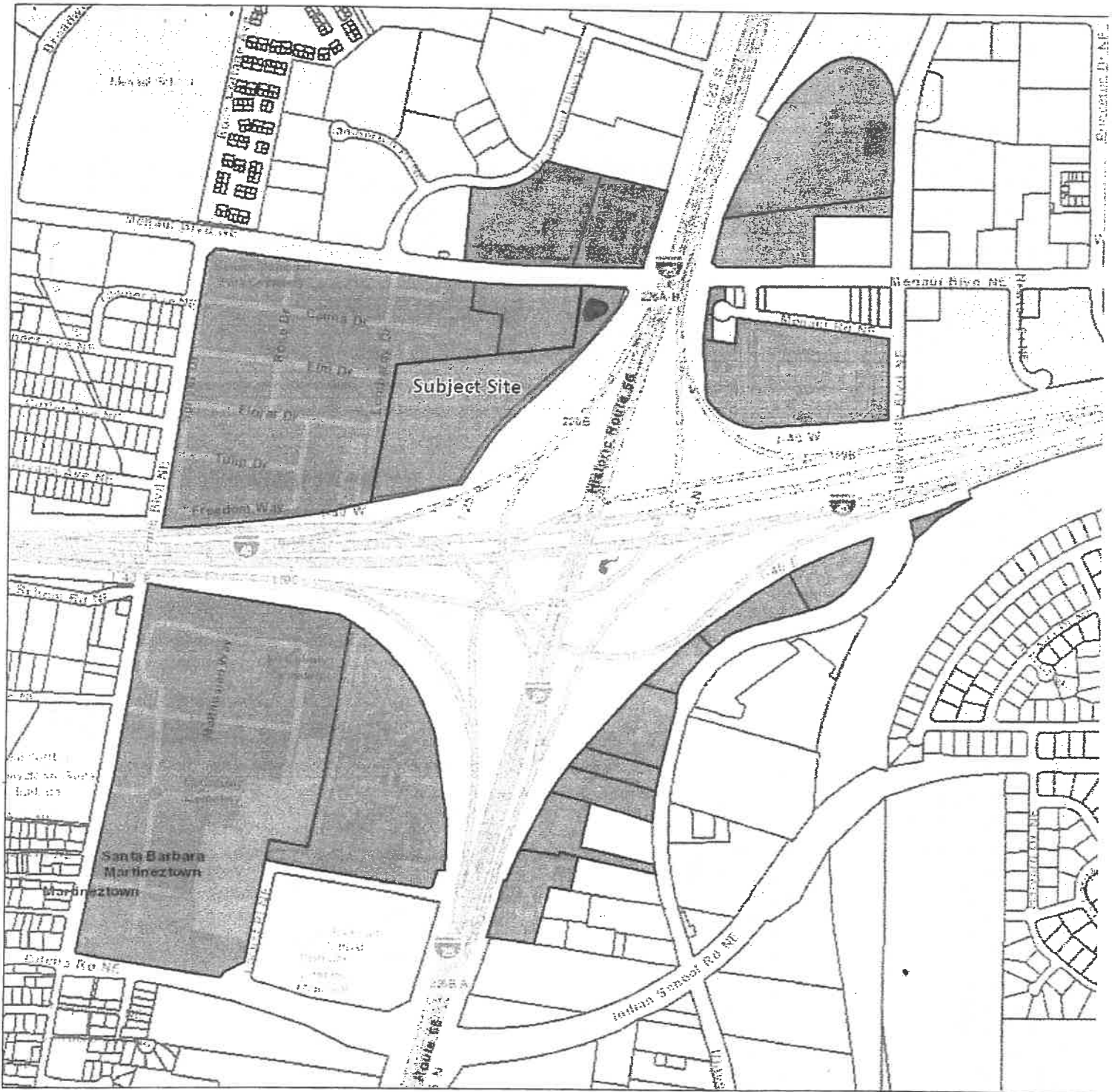
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
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City of Albuquerque Planning Department
Property Owner Notice Form for Temporary Use Permit



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

10/17/22
[Date*]

ABQ 1701, LLC

[Name* of Abutting Property Owner]

3304 W. Historic Hwy. 66 Gallup, NM
[Address* of Property Owner] 87301-6841

RE: Public Notice of Temporary Use Permit

Dear ABQ 1701, LLC [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.

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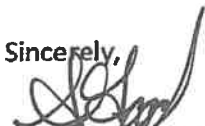
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Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc:

[Other Property Owners, if any]

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

10/17/22
[Date*]

CFF II Sun Village LLC & CSA II Sun Village LLC
[Name* of Abutting Property Owner] c/o Jesse McBay

8012 Bee Caves Rd. Ste 300 Austin, TX
[Address* of Property Owner] 78746-4902

RE: Public Notice of Temporary Use Permit

CFF II Sun Village, LLC & CSA II Sun Village LLC
Dear c/o Jesse McBay [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.

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Sincerely,



J. Kylea Good - Dawn Legacy Pointe

Cc:

[Agent/Property Owner/Developer/Operator]

[Other Property Owners, if any]

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



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

10/17/22
[Date*]

Associated General Contractors
[Name* of Abutting Property Owner]

1615 University Blvd. NE ABQ, NM
[Address* of Property Owner] 87102

RE: Public Notice of Temporary Use Permit

Dear Associated General Contractors [Name* of Property Owner],

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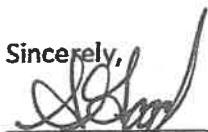
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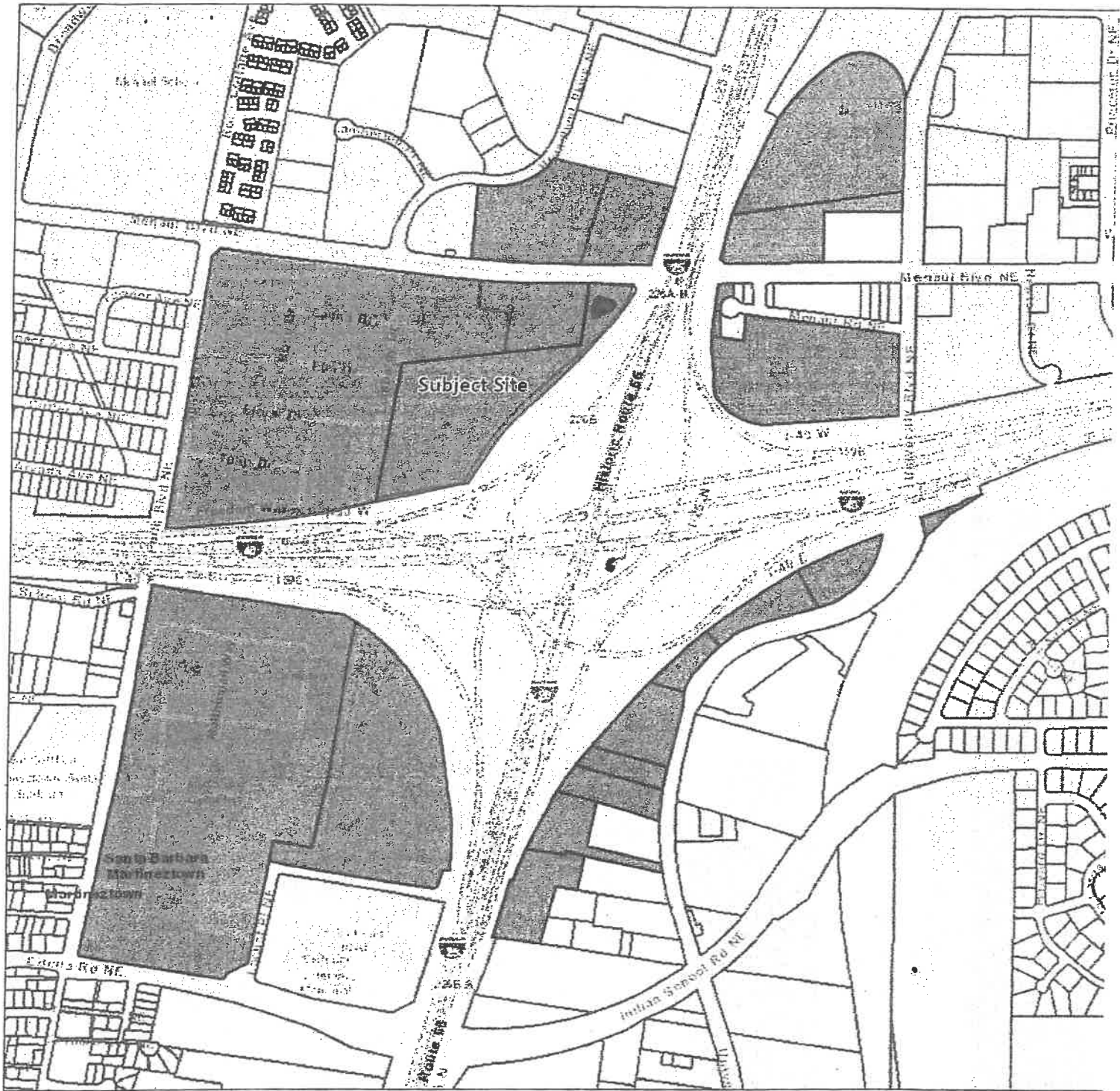
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$4.60
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



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



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

10/17/22
 [Date*]

Greater ABQ Association of Realtors, Inc.
 [Name* of Abutting Property Owner]

1635 University Blvd NE ABQ, NM 87102-1710
 [Address* of Property Owner]

RE: Public Notice of Temporary Use Permit

Dear Greater ABQ Association of Realtors, Inc. [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@cabaq.gov.

1. Property Owner of Subject Property* City of Albuquerque
2. Agent* [if applicable] Licensee: Dawn Legacy Pointe
3. Subject Property Address* 1250 Menaul Blvd. NE
4. Location Description South east corner of Menaul & Frontage Road of I-25
5. Zone Atlas Page H-15-Z [Available here: <http://data.cabaq.gov/business/zoneatlas/>]
6. Legal Description N/A
7. Area of Property [typically in acres] 0.78 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 for primarily homeless women being trafficked.

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 up to 24 months with renewals [ex: number of days/months/years].

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

24 hours / 7 days per week

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 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]

Useful Links

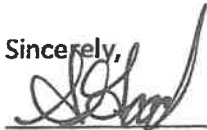
Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

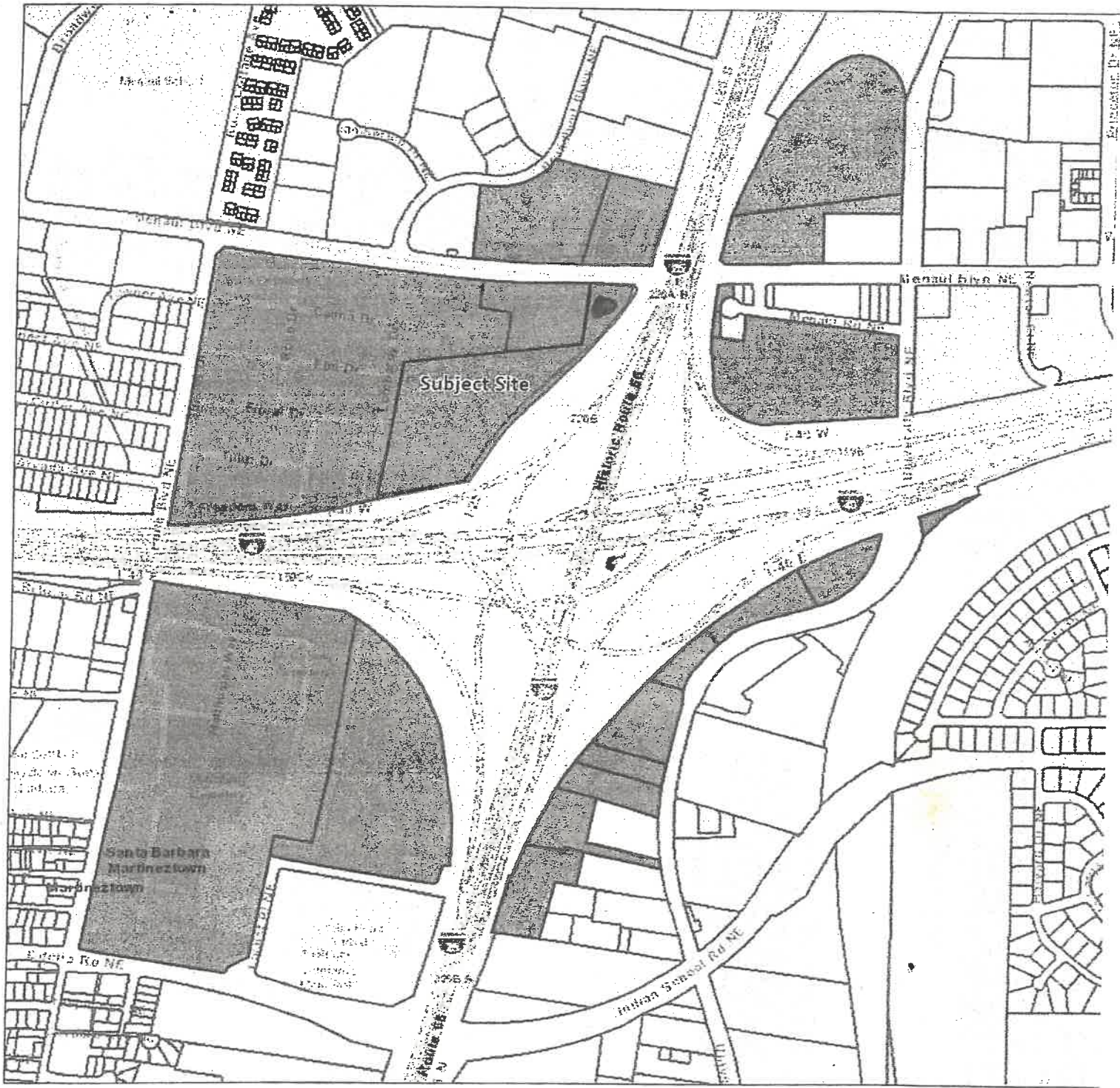
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc: _____ [Other Property Owners, if any]



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

For delivery information, visit our website at www.usps.com®.

7021 0950 0001 1423 3460

ALBUQUERQUE, NM 87101
OFFICIAL USE

Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
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Sent To _____
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



SAFE OUTDOOR SPACE APPROVAL

TO: Jeremy Keiser

City of Albuquerque Planning Department

FROM: Dawn Legacy Pointe

Operator

Mr. Keiser, we have complied with the Notice Requirements that the Hearing Officer required - all 20 property owners. Our understanding is that our Approval for the Safe Outdoor Space at 1250 Menaul Blvd. NE is now in effect.

If there are more appeals, we trust that the Hearing Officer will hear them expeditiously and make a final recommendation. There were 2 items that were mentioned in his remand that need your attention:

- 1) We did fill out an Application on the Planning Department's website. The Hearing Officer stated that there was no copy of our Application in the documents the Planning Department gave him. Please make sure he receives it.
- 2) The Hearing Officer mentioned there was a few pages on the Security and Operation Plan for the Safe Outdoor Space. This was an Executive Summary we submitted which was approved by Family and Community Services. There is a lot more detail which may be important to the Hearing Officer.

Therefore, we are giving Jeff Palmer a copy of the much more detailed Security and Operation Plan supplement which may be of interest to the Hearing Officer. Please make sure he receives this also.

Thank you and your Department for your assistance in helping us to provide a safe and secure option for homeless women who are now on the street.

Safe Outdoor Space Safety Team and Volunteer Training Manual

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Day Guest Sign-In

Every morning at 7am the first person on watch can get the Guest Sign-in clipboard. It is important that every person that walks through the front gates, including Volunteers, signs in. When someone signs in as a Client Resident Guest, make sure the Client Resident they are visiting is currently at the SOS. Client Resident Guests that remain at the SOS for more than an hour, or repeatedly come and go after signing in once, should be asked to leave. The Client Resident the Guest was visiting should be immediately informed of the rule infraction. Client Residents must always be present at the SOS when their Guest is on the SOS property, and Guests will be asked to leave if this rule is broken. Client Residents who break the rule should be immediately notified of the rule upon their return. If the clipboard runs out of Sign-in Sheets during the course of the day, you can get new ones in the Guard Shack in the folder marked SOS Sign-in Sheets. Guests who sign-in on the clipboard are here to visit Client Residents or to volunteer. People who do not live at the SOS and are not volunteering or being given a tour by a designated Staff, Board, or Volunteer are not to be wandering around, consuming beverages or food, or loitering and under no circumstances are guests allowed in residents' tents. At the end of the day, the Volunteer on the last shift can return the

Guest Sign-in clipboard to its proper place. Remember, there are no client resident guests allowed in the SOS before 7am or after 6pm, and that is every client resident's responsibility.

Night Shift Safety Team Duties

At 6pm the first person on night watch can get the Time Log Sheet, so that they can log every hour when they walk around the SOS. If something is seen that is not a serious situation that needs an incident report, it can be written on the Time Log Sheet so that Staff or the Board can address it the following day. For any situation that involves confrontation or may require 911, please wake up the SOS Community Manager so you are not getting involved with emergency situations alone. In the event of any emergency situation, an incident report should be written immediately while the situation and details are easily recalled, so that the report can be given to the SOS Staff and Board Chair first thing in the morning. If the Night Shift Safety Team are using flashlights, please remember to put the batteries in the charger so the following Night Shift Safety Team will have a fully charged flashlight.

Remember - if you see something suspicious outside the community at night, do not approach by yourself. Wake up another Staff Member, SOS Volunteer, or Client Resident to keep watch or approach with you!

SOS Paperwork

All incident reports should be filled out shortly after the situation occurs so that the details are fresh. Please write clearly, professionally, and include all the important information so the SO Staff can know exactly what occurred. These reports are not a place to vent, so be careful not to embellish the incident. Have all the witnesses of the incident sign and date the report along with any other Safety Team members that were present. After discussing it with the SOS Community Manager, make a recommendation as necessary.

If the SOS Client Resident has a grievance of any kind they should request and be provided with a Grievance Form, which are kept in the Guard Shack. It is their responsibility to fill the form out, take a photo of the Grievance Form if they wish, and submit the Grievance Form to the SOS Staff. Try not to get involved in disputes in the camp, but simply direct Client Residents to follow the correct grievance procedure.

Volunteer Hours Log

The Volunteer Hours Log is kept in the SOS Guard Shack. When volunteers are starting or ending their shifts they *must* sign the Volunteer Hours Log. SOS staff who noticed the Volunteer Hour Log has not been signed by a Volunteer are responsible for ensuring the Volunteer signs the log. All volunteer hours including sign-in desk duty, night watch, trash can emptying, grounds maintenance, camp upkeep, and also special projects should be logged shortly after they are completed. At the end of the month, these volunteer hours are tallied and given to the SOS Staff and Board so the SOS can help the agency represent the work being done accurately including for funding reports.

Donations Log

The Donations Log is also kept in the Guard Shack, and should be utilized for incoming donations. Whenever an individual or group brings items to the SOS Community, ask for their name and if they would like a receipt for a tax deduction. If they do not want a receipt for tax deduction purposes, simply list the items donated and the appropriate information in the log. Some donors may also choose to remain anonymous. The Donation Receipts are also kept with the logs and can be filled out with the donors' information along with the items donated. One copy of the receipt goes to the donor and the other half to the SOS Staff. Ask the donor for permission to mention their contribution on the SOS social media, and thank them for their donation.

Safe Outdoor Space Security Protocol

It is *everyone's* responsibility to keep the SOS Community safe. If you see or hear something suspicious against our agreements, inform the Safety Team, the Community Manager, or Outreach Coordinator.

Safety Officer

1. It is the Safety Officer's responsibility to patrol the SOS boundaries
2. If something dangerous is seen or heard, do not be put in harm's way. Immediately *report* the situation to the security or police. Each phone number is listed in the Guard Shack. You must also report it to the SOS Staff and in the event of a severe incident also report to the Board Chair.
3. Share information with the other Client Residents, particularly those new to the SOS Community, about what the policies and procedures are.
4. The Safety Officer is the Point Person for any major concerns at the SOS Community, and responsible to de-escalate conflicts between Client Residents, call security/police if needed, and help figure out the Safety Officer schedule.

SOS Security

1. Night shift: Patrol the perimeter of the SOS Community at least twice during the shift.
2. Make sure Guests sign in, and do not allow any Guest to go back to the tents unless they are accompanied by SOS Staff, Board Member, a Volunteer, or a Client Resident.
3. There are Time Logs in the Guard Shack. Log any important events, such as Guests coming, uninvited Visitors dropping by, donations coming in, incidents, police being called, etc.
4. Incident reports must be written and reported to the SOS Community Manager and the Outreach Coordinator.
5. Food donations go straight to the storage area. Clothing donations should be sent to the bin as soon as possible.
6. Do not allow Client Residents to take entire bags/boxes of donations to their tent. It is important that the donations are shared and not hoarded.
7. Belligerent/intimidating/threatening behavior is not allowed. Incidences of this behavior must be logged into the Time Log and written on an Incident Report Sheet.

✓ ALB BOCA HOTEL LIMITED PRTSHP
1000 MARKET ST BLDG 1
PORTSMOUTH NH 03801

✓ CITY OF ALBUQUERQUE
PO BOX 2248
ALBUQUERQUE NM 87103-2248

✓ DCI DONOR SERVICES INC
1633 CHURCH ST SUITE 500
NASHVILLE TN 37203-2948

✓ ALB BOCA HOTEL LIMITED PRTSHP
1000 MARKET ST BLDG 1
PORTSMOUTH NH 03801

✓ T-MOBILE PCS HOLDINGS LLC
12920 SE 38TH ST
BELLEVUE WA 98006-1350

✓ ARCHDIOCESE SANTA FE CEMETERY
CATHOLIC SERVICE BLDG
4000 ST JOSEPHS PL NW
ALBUQUERQUE NM 87120-1714

✓ M-F PARTNERSHIP
PO BOX 35280
ALBUQUERQUE NM 87176-5280

✓ SUNSET MEMORIAL PARK
PO BOX 25063
ALBUQUERQUE NM 87125-0063

✓ ABQ 1701 LLC
3304 W HISTORIC HWY 66
GALLUP NM 87301-6841

✓ BRAR HOTELS GROUP INCORPORATED
200 MILL ST
RENO NV 89501-1535

✓ ALBUQ METROPOLITAN BOARD OF
REALTORS INC
1635 UNIVERSITY BLVD NE
ALBUQUERQUE NM 87102

✓ CFF II SUN VILLAGE LLC & CSA II SUN
VILLAGE LLC C/O JESSE MCBAY
8012 BEE CAVES RD SUITE 300
AUSTIN TX 78746-4902

✓ 1509 UNIVERSITY BLVD NM LLC
4525 WILSHIRE BLVD SUITE 210
LOS ANGELES CA 90010-3846

✓ ALB BOCA HOTEL LIMITED PRTSHP C/O
OCEAN PROPS ATTN: N HEBERT
1000 MARKET ST UNIT 1
PORTSMOUTH NH 03801-3358

✓ ASSOCIATED GENERAL CONTRS
1615 UNIVERSITY BLVD NE
ALBUQUERQUE NM 87102

✓ CHAMISA PROPERTIES LLC
1617 UNIVERSITY BLVD NE
ALBUQUERQUE NM 87102

✓ GAECHTER OUTDOOR ADVERTISING INC
C/O MIKE GAECHTER PRESIDENT
13 HORIZON DR
FRISCO TX 75034-6840

✓ GREATER ALBUQUERQUE ASSOCIATION
OF REALTORS INC
1635 UNIVERSITY AVE NE
ALBUQUERQUE NM 87102-1710

✓ TA OPERATING CORPORATION C/O TAX
DEPARTMENT
24601 CENTER RIDGE RD
WESTLAKE OH 44145-5634

✓ JMDH REAL ESTATE OF ALBUQUERQUE
LLC ATTN: CEO
1710 WHITESTONE EXPRESSWAY
FLUSHING NY 11357

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It generally is good practice to get Client Residents to sign up for day or night shifts on Sunday, or before the next SOS business week starts, for the *whole* week. The days, shifts (AM/PM), and the names of the Volunteers should be written on the dry erase board, *clearly*, so that everyone can see who is working. At the beginning or end of each volunteer shift, the Volunteer needs to sign the Service Hours Log so that the service hours can be tallied up at the end of each month for the SOS. The tally is required and we must be submitting all the volunteer hours monthly.

Day Guest Sign-In

Every morning at 7am the first person on watch can get the Guest Sign-in clipboard. It is important that every person that walks through the front gates, including Volunteers, signs in. When someone signs in as a Client Resident Guest, make sure the Client Resident they are visiting is currently at the SOS. Client Resident Guests that remain at the SOS for more than an hour, or repeatedly come and go after signing in once, should be asked to leave. The Client Resident the Guest was visiting should be immediately informed of the rule infraction. Client Residents must always be present at the SOS when their Guest is on the SOS property, and Guests will be asked to leave if this rule is broken. Client Residents who break the rule should be immediately notified of the rule upon their return. If the clipboard runs out of Sign-in Sheets during the course of the day, you can get new ones in the Guard Shack in the folder marked SOS Sign-in Sheets. Guests who sign-in on the clipboard are here to visit Client Residents or to volunteer. People who do not live at the SOS and are not volunteering or being given a tour by a designated Staff, Board, or Volunteer are not to be wandering around, consuming beverages or food, or loitering and under no circumstances are guests allowed in residents' tents. At the end of the day, the Volunteer on the last shift can return the

Guest Sign-in clipboard to its proper place. Remember, there are no client resident guests allowed in the SOS before 7am or after 6pm, and that is every client resident's responsibility.

Night Shift Safety Team Duties

At 6pm the first person on night watch can get the Time Log Sheet, so that they can log every hour when they walk around the SOS. If something is seen that is not a serious situation that needs an incident report, it can be written on the Time Log Sheet so that Staff or the Board can address it the following day. For any situation that involves confrontation or may require 911, please wake up the SOS Community Manager so you are not getting involved with emergency situations alone. In the event of any emergency situation, an incident report should be written immediately while the situation and details are easily recalled, so that the report can be given to the SOS Staff and Board Chair first thing in the morning. If the Night Shift Safety Team are using flashlights, please remember to put the batteries in the charger so the following Night Shift Safety Team will have a fully charged flashlight.

Remember - if you see something suspicious outside the community at night, do not approach by yourself. Wake up another Staff Member, SOS Volunteer, or Client Resident to keep watch or approach with you!

SOS Paperwork

All incident reports should be filled out shortly after the situation occurs so that the details are fresh. Please write clearly, professionally, and include all the important information so the SO Staff can know exactly what occurred. These reports are not a place to vent, so be careful not to embellish the incident. Have all the witnesses of the incident sign and date the report along with any other Safety Team members that were present. After discussing it with the SOS Community Manager, make a recommendation as necessary.

If the SOS Client Resident has a grievance of any kind they should request and be provided with a Grievance Form, which are kept in the Guard Shack. It is their responsibility to fill the form out, take a photo of the Grievance Form if they wish, and submit the Grievance Form to the SOS Staff. Try not to get involved in disputes in the camp, but simply direct Client Residents to follow the correct grievance procedure.

Volunteer Hours Log

The Volunteer Hours Log is kept in the SOS Guard Shack. When volunteers are starting or ending their shifts they *must* sign the Volunteer Hours Log. SOS staff who noticed the Volunteer Hour Log has not been signed by a Volunteer are responsible for ensuring the Volunteer signs the log. All volunteer hours including sign-in desk duty, night watch, trash can emptying, grounds maintenance, camp upkeep, and also special projects should be logged shortly after they are completed. At the end of the month, these volunteer hours are tallied and given to the SOS Staff and Board so the SOS can help the agency represent the work being done accurately including for funding reports.

Donations Log

The Donations Log is also kept in the Guard Shack, and should be utilized for incoming donations. Whenever an individual or group brings items to the SOS Community, ask for their name and if they would like a receipt for a tax deduction. If they do not want a receipt for tax deduction purposes, simply list the items donated and the appropriate information in the log. Some donors may also choose to remain anonymous. The Donation Receipts are also kept with the logs and can be filled out with the donors' information along with the items donated. One copy of the receipt goes to the donor and the other half to the SOS Staff. Ask the donor for permission to mention their contribution on the SOS social media, and thank them for their donation.

Safe Outdoor Space Security Protocol

It is *everyone's* responsibility to keep the SOS Community safe. If you see or hear something suspicious against our agreements, inform the Safety Team, the Community Manager, or Outreach Coordinator.

Safety Officer

1. It is the Safety Officer's responsibility to patrol the SOS boundaries
2. If something dangerous is seen or heard, do not be put in harm's way. Immediately *report* the situation to the security or police. Each phone number is listed in the Guard Shack. You must also report it to the SOS Staff and in the event of a severe incident also report to the Board Chair.
3. Share information with the other Client Residents, particularly those new to the SOS Community, about what the policies and procedures are.
4. The Safety Officer is the Point Person for any major concerns at the SOS Community, and responsible to de-escalate conflicts between Client Residents, call security/police if needed, and help figure out the Safety Officer schedule.

SOS Security

1. Night shift: Patrol the perimeter of the SOS Community at least twice during the shift.
2. Make sure Guests sign in, and do not allow any Guest to go back to the tents unless they are accompanied by SOS Staff, Board Member, a Volunteer, or a Client Resident.
3. There are Time Logs in the Guard Shack. Log any important events, such as Guests coming, uninvited Visitors dropping by, donations coming in, incidents, police being called, etc.
4. Incident reports must be written and reported to the SOS Community Manager and the Outreach Coordinator.
5. Food donations go straight to the storage area. Clothing donations should be sent to the bin as soon as possible.
6. Do not allow Client Residents to take entire bags/boxes of donations to their tent. It is important that the donations are shared and not hoarded.
7. Belligerent/intimidating/threatening behavior is not allowed. Incidences of this behavior must be logged into the Time Log and written on an Incident Report Sheet.

Elizabeth Holguin

How do we get them in the door?

Reviewed 11/10/22

Once the facility is ready, the person selected for Outreach will begin visiting encampments to recruit the individuals into 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 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.

We will coordinate with the other Non-Profits that can offer services that will help our residents. Being in one 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.

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.
- Once guests are assigned a space, intake paperwork will be completed to include a client/resident agreement, assumption of risk and waiver of liability form, HMIS demographics packet, and a VI-SPDAT to capture relevant demographics, and evaluate the housing vulnerability index for all guests.
- 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 OUTREACH WORKER 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 OUTREACH WORKER will be supplied with cell phones to be able to communicate with police.
- Security Plan: Security will be on-site 24/7. A contracted security guard will be present from the hours of 1900-0700 daily for the first three months. The MANAGER will provide security and oversight from 0700-1900. After a three month period, incident logs will be reviewed and we will choose to continue security or transition to camper run security (Camp Hope model) depending on analysis.
- 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 City and program requirements for Safe Outdoor Spaces will be followed.
- Initially, the Safe Outdoor Spaces will have temporary and portable showers, bathrooms, hand washing stations, and meeting spaces.

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 is denied at intake.

INTAKE REPORT TRACKING

TRANSLATOR New? 0

Name: _____ last Name, First 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 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#	o-devl P=phys M=mntl	Income 60%-80% . AMI

FOOD STAMPS

Has them --

Unknown --

MOB.I.; BENEFITS

SCH1P

Vet Hlth Care --

WIC

WkmansComp _____

Other Cash Inc _____

Other Non-Cash Inc _____

Other: _____

BENEFITS

SSI --

Soc. Sec. - --

Health Insurance

Medicaid

Medicare --

General Assistance --

Work Income --

AFDCfrANF --

Veteran's --

Child Support --

Unemp Benefits --

	Native
b.	Asian
c.	Black or African American
	Native Hawaiian or Other Pacific
d.	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

Dawn Legacy Pointe Guest Agreements

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 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 Dawn Legacy Pointe or CABQ
8. No open fires. to include camping stoves anywhere on the campgrounds or property. Grilling is allowed in the designated camp grill area.
9. Visiting minors must be accompanied and supervised by an adult and are not allowed overnight. 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 in designated guest areas outside of resident space. 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 greet them at the guard shack. No unattended guests permitted on property

11. No one with open felony warrants is allowed on-site
12. No loitering is permitted in front of or around the property.
13. Campers 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 Community Manager.
14. No smoking is allowed in tents. Cigarettes should be extinguished in designated containers and butts put in proper containers.
15. No littering.
16. Keep your tent area tidy. Belongings must be confined to inside the tent pad space. Help keep the camp clean.
17. Dawn Legacy Pointe is *emergency sheltering in alternative structures*. If you are not actively working with case management to look for employment, or applying for housing, you cannot stay in the camp.
18. If you will be gone from camp for longer than 3 days you must communicate with the camp manager or your case manager about circumstances. Dawn Legacy Pointe 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 Westside Emergency Housing Center during nights of extremely cold weather.

19. It is recommended that all residents perform and record 6 hours of service in camp a week. Participation in a weekly meeting is also mandatory for all campers.
20. Campers stay in the defined campground.
21. No unregistered or inoperable vehicles are allowed on the campus at any time.
22. 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.
23. Donations may not be sold to anyone, for any amount. Anyone found breaking this agreement will be asked to vacate immediately.
24. When leaving Dawn Legacy Pointe, you may only leave with one reasonable truckload of items. This is to prevent hoarding and excess usage of camp resources.
25. 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 Albuquerque property.
26. No drugs except as prescribed and taken as prescribed.
27. All residents must be fully clothed in common areas.
28. Camp quiet hours are 10:00 p.m to 8:00 a.m.
29. Camp Clean up Fridays 9-10 a.m.
- 35: Dawn Legacy Pointe has a responsibility to maintain confidentiality, respect and privacy for all residents at the Camp. We ask that clients not utilize social media regarding camp concerns. Contact the 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 APD by camp staff.

SECURITY PLAN

- There is an ONSITE Manager and an OUTREACH WORKER 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 OUTREACH WORKER will be supplied with cell phones to be able to communicate with police.
- A contracted security guard will be present from the hours of 1900-0700 daily for the first three months. At that time, incident logs will be reviewed and we will choose to continue security or transition to camper run security (Camp Hope model) depending on analysis.

COMMUNITY COMMITMENT

- A Good Neighbor Agreement will be addressed with surrounding businesses and Neighborhood Associations.
- A Neighborhood Advisory group will be created to discuss successes and opportunities for improvement. This platform will allow neighborhoods in proximity to other SOS sites in the city to collaborate and share best practices.

Dawn Legacy Pointe 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.

Dawn Legacy Pointe has put in place preventative measures and protocols, where possible, to reduce the spread of COVID -19; however, we 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 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 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, Dawn Legacy Pointe, 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 representative of and from the Claims, including all liabilities, claims, actions, damages, costs 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 Dawn Legacy Pointe, the City of Las Cruces, its employees, agents, volunteers and representatives, whether a COVID -19 infection occurs before, during, or after participation in the program.

Signature_____

Date_____

Print Name_ _ _ _ _

Date_____

I understand that if I violate the rules of Dawn Legacy Pointe 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 Dawn Legacy Pointe of my own volition. I understand that paid staff is not on-hand at the camp at all times.

Dawn Legacy Pointe resident does hereby release and forever discharge and hold harmless Dawn Legacy Pointe and the CABQ 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 Dawn Legacy Pointe. I agree to defend, indemnify and save harmless Dawn Legacy Pointe and CABQ 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 Pointe will need to be executed prior to commencing operations.

PO Box 1293

Albuquerque

NM 87103

Sincerely,

Matthew Whelan

www.cabq.gov

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Return Receipt (electronic) \$0.00
Certified Mail Restricted Delivery \$0.00
Adult Signature Restricted Delivery \$0.00
Postage \$0.60

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Albuquerque, NM 87108
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ALBUQUERQUE, NM 87108-9998
(800)275-8777

Uo15/2022 11:11 AM

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Certified Mail®			\$1.00
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Return Receipt			\$8.25
Tracking#:	9590940272721284540961		
Total			\$12.00
US Flags	20	\$0.60	\$12.00

Grand Total: \$19.85

Credit Card Remit \$19.85

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Approval #: 03624C
Transaction#: 300
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Every household in the U.S. is now eligible to receive a third set of 8 free test kits.
Go to www.covidtests.gov
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Text:ixt your tracking number to 28777 <2USPS>
t>get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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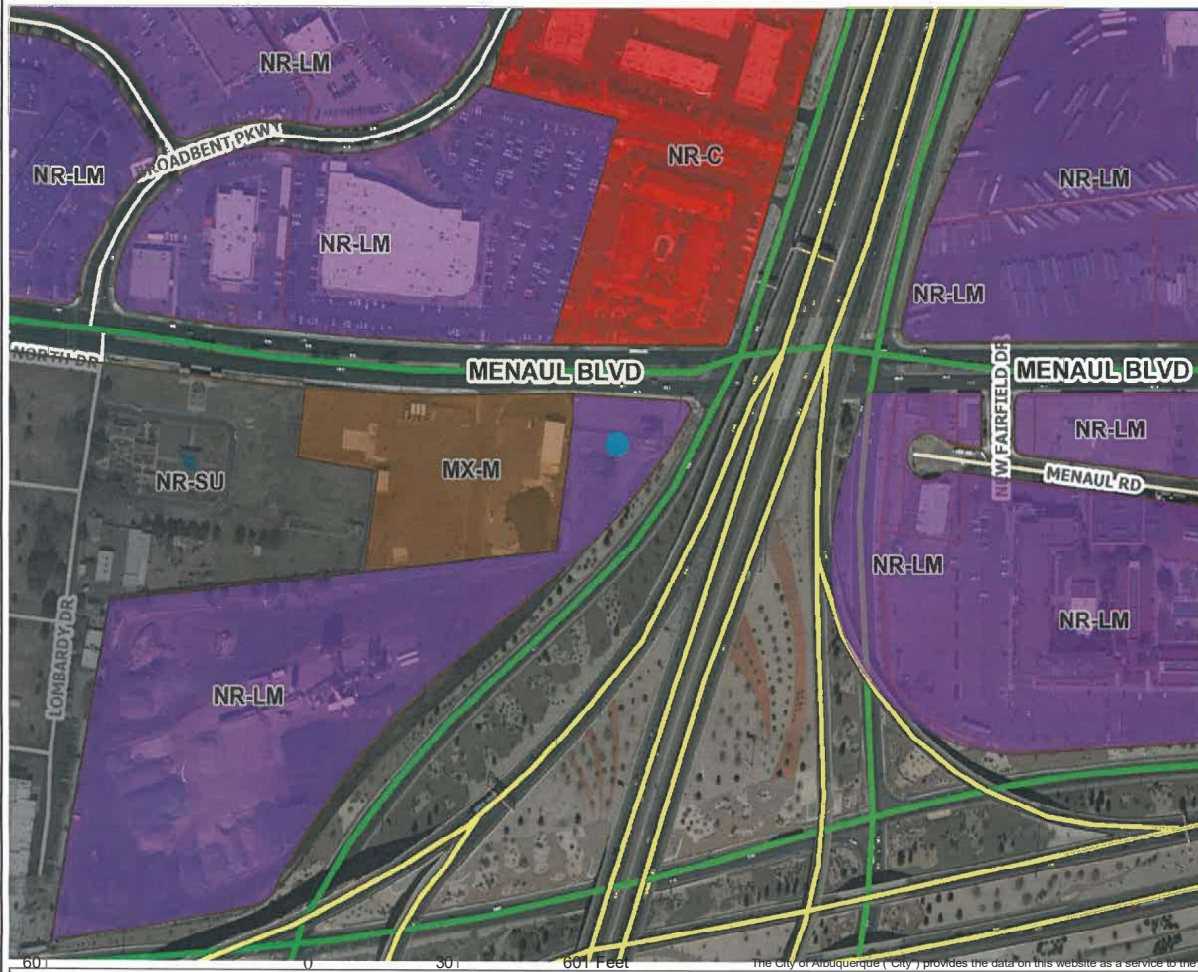
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Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
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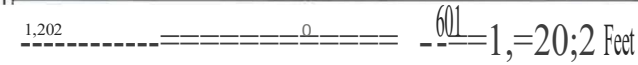
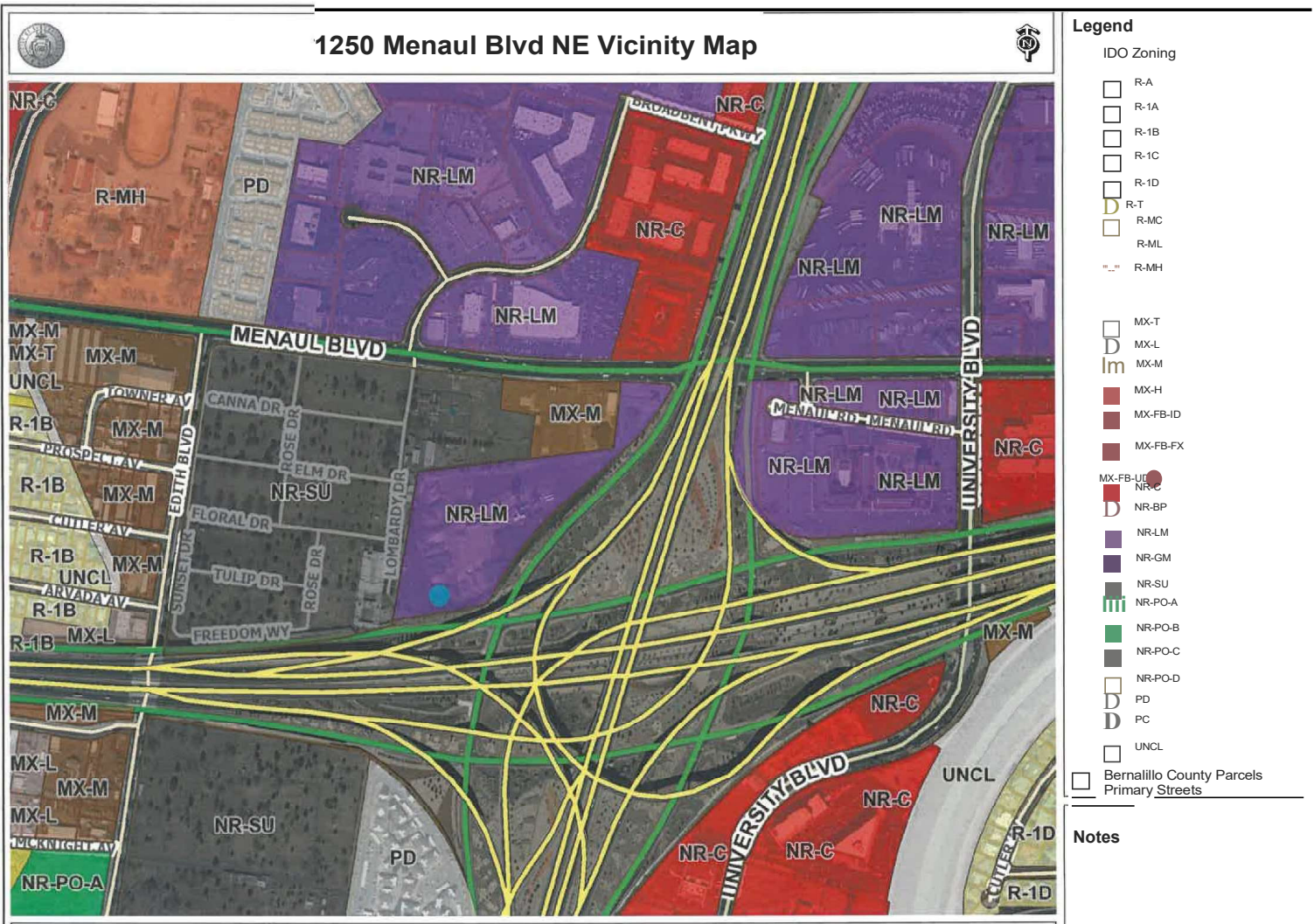
1250 Menaul Blvd NE Vicinity Map



Legend

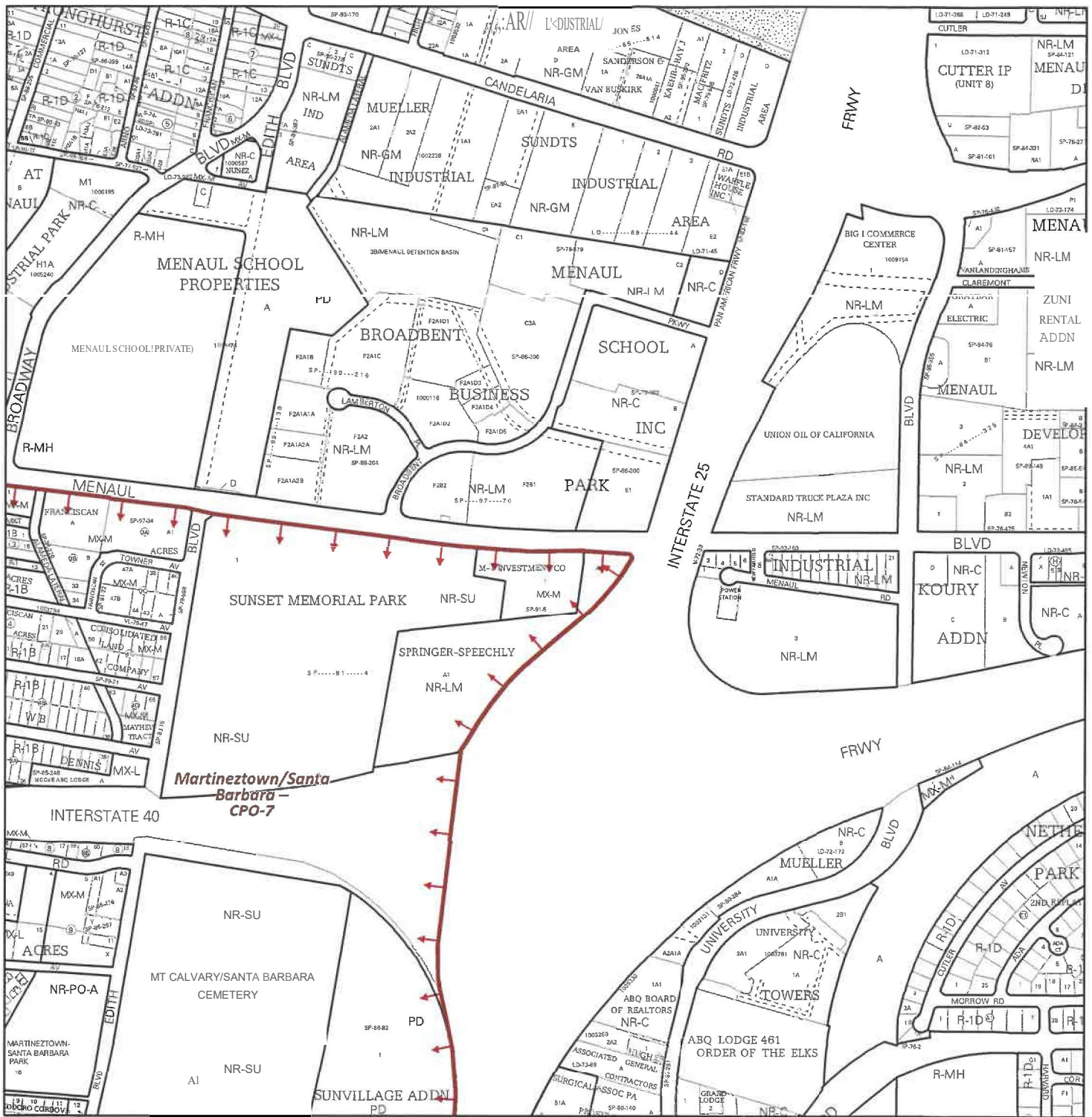
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THIS MAP IS NOT TO BE USED
FOR NAVIGATION



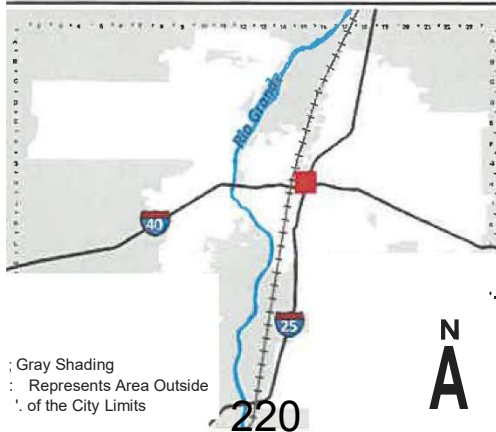
For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



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



Gray Shading
 Represents Area Outside
 of the City Limits

Zone Atlas Page: H-15-Z

- - - - Easement
- r...r... Escarpment
- C...) 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



Planning Department
Alan Varela, Planning Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

NOTICE OF APPEAL

December 23, 2022

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on December 22, 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-23-3
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2022-007490, VA-2022-00367

APPLICANT: Albuquerque Boca Limited DBA Crowne Plaza
1901 University Blvd. NE
Albuquerque NM, 87102

AGENT: Rodey Law Firm
c/o John Salazar, Jacques Chouinard
201 3rd St. NW Suite 2200
Albuquerque NM, 87102

cc: Mandi Hinojos, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
Albuquerque Boca Limited DBA Crowne Plaza, joani.jones@cpabq.com
Rodey Law Firm, c/o John Salazar, Jacques Chouinard, JChouinard@rodey.com
Brad Day, bradwday1@gmail.com