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**PR-2022-007490, VA-2022-00370**

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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 16:26 MST)

**SUBJECT:** AC-23-05, PR-2022-007490, VA-2022-00370:  
Sunset Memorial Park, 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 the application back to Planning staff with the instructions to assure that individual notice is sent to the following persons:

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. The 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 Sunset Memorial Park, Agent Briones Business Law Consulting.

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. Sunset has standing to appeal the approval of the temporary use of 1250 Menaul Blvd. NE as an SOS.**

The Appellant has standing to appeal the Temporary Use approval due to the fact that their property is adjacent to the proposed SOS.

**2. Dawn Legacy Pointe's application should have been denied because it does not conform with IDO requirements.**

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 leave the SOS for appointments, food and any services

**3. Dawn Legacy Pointe's application does not comply with the IDO requirements for obtaining a Temporary Use Permit.**

Staff Response: The appellant alleges the Applicant failed to notify the Appellant. On August 5, 2022, a certified letter tracking number Exhibit A, 70221670000329274442, was mailed to 924 Menaul NW Albuquerque NM 87102 and was delivered at "Front Desk/Reception/Mail Room". City Exhibit B.

**4. The approval of Dawn Legacy Pointe's SOS application further burdens Sunset's use and enjoyment of its land.**

Staff Response: The Appellant alleges they are having difficulties with the homeless in the area, drug use inside the park, among other issues. SOSs are a solution to this problem by providing a place for the unsheltered to go. Dawn Legacy Pointe will ensure it will be a good neighbor and will not contribute to the problem the Appellant is currently dealing with.

**4.1 The approved tent encampment will invade Sunset's interest in the use and enjoyment of its land because it will force Sunset to keep investing in security and safety and halt improvements.**

Staff Response: The Appellant indicates the approved SOS is an "interference with one's use

and enjoyment of land is a nuisance and is actionable.” The SOS is not currently operating and is not creating a nuisance. The Appellant claims that the approval of the SOS will force Sunset to increase security measures because the camp’s security plan offers no security plan for the neighborhood. The camp has provided a security plan for the area outlined in Staff Response 2.

**5. A permanent solution for the homelessness issue in Albuquerque is needed, but the Albuquerque community agrees that the SOSs are not the way.**

Staff Response: SOSs is one way the City is trying to address the homelessness issue. In addition, this is a use allowed under the IDO.

**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.

/ Angelo Metzgar /

Angelo Metzgar, code compliance manager  
Office of the Code Enforcement City of  
Albuquerque Planning Department






# Menaul SOS Appeat Sunset Final

Final Audit Report

2023-02-07

Created:	2023-02-07
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA2Nonj0gQjjZ_ELdArxid1vQ3qSf7a3Fr

## "Menaul SOS Appeat Sunset Final" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)  
2023-02-07 - 11:10:27 PM GMT- IP address: 143.120.133.160
-  Document emailed to Alan Varela (avarela@cabq.gov) for signature  
2023-02-07 - 11:10:41 PM GMT
-  Email viewed by Alan Varela (avarela@cabq.gov)  
2023-02-07 - 11:25:56 PM GMT- IP address: 143.120.133.62
-  Document e-signed by Alan Varela (avarela@cabq.gov)  
Signature Date: 2023-02-07 - 11:26:02 PM GMT - Time Source: server- IP address: 143.120.133.62
-  Agreement completed.  
2023-02-07 - 11:26:02 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)
		<b>Appeals</b>
		<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION		
Applicant: SUNSET MEMORIAL PARK		Phone: 505-345-3536
Address: 924 MENAUL BLVD. NE		Email: joshg@sunset-memorial.com
City: ALBUQUERQUE	State: NEW MEXICO	Zip: 87107
Professional/Agent (if any): BRIONES BUSINESS LAW CONSULTING, P.C. (Thomas Briones, Taylor Duffney, and Raquel Koch Vaz)		Phone: 505-246-0120
Address: 1121 4th ST. NW		Email: tb@brionesbusinesslaw.com
City: ALBQUERQUE	State: NEW MEXICO	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: I-25 FRONTAGE RD.	and: MENAUL BLVD.

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

Signature:	Date: 12/23/2022
Printed Name: Thomas Briones	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY					
Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:				Fee Total:	
Staff Signature:			Date:	Project #	

**FORM A: Appeals**

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

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

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

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

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

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


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

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

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

x 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)

x 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: 12/23/2022
Printed Name: Thomas Briones	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
<b>FOR OFFICIAL USE ONLY</b>	
Case Numbers: _____	Project Number: _____
	
Staff Signature: _____	
Date: _____	

**SUNSET MEMORIAL PARK**  
**924 Menaul Blvd. NE**  
**Albuquerque, NM 87107**  
**505-345-3536**

December 23, 2022

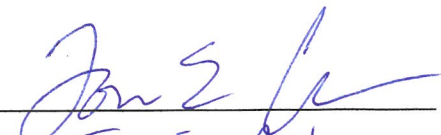
City of Albuquerque  
Planning Department  
600 2<sup>nd</sup> St. NW  
Albuquerque, NM 87102

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

Ladies and Gentlemen,

The purpose of this letter is to advise you that Briones Business Law Consulting, P.C. (Thomas Briones, Taylor Duffney, and Raquel Koch Vaz) has been appointed as an agent for Sunset Memorial Park to represent it in appealing the approval of the Dawn Legacy Pointe Safe Outdoor Space Temporary Use Permit at 1250 Menaul Blvd. NE and all related matters.

SUNSET MEMORIAL PARK

By:   
Name: Tom E. Antran  
Title: Chairman of Sunset Board



**City of Albuquerque**  
**Planning Department**

In Re: Dawn Legacy Pointe Temporary Use Permit – Safe Outdoor Space at 1250 Menaul Blvd. NE, Albuquerque, NM 87107

**NOTICE OF APPEAL BY SUNSET MEMORIAL PARK**

Pursuant to Section 14-16-6-4(V)(1)(c) of the Albuquerque Integrated Development Ordinance (“IDO”), Sunset Memorial Park, by and through its counsel of record, Briones Business Law Consulting, P.C. (Tom Briones, Taylor Duffney, and Raquel Koch Vaz) appeals the December 8, 2022, approval of the Safe Outdoor Space Temporary Use Permit issue to Dawn Legacy Pointe located at 1250 Menaul Blvd. NE, Albuquerque, NM 87107.

**Background**

Like many cities in the United States, Albuquerque has been debating how to find a solution for homelessness in the community. In June of 2022, the Albuquerque City Council approved, on a tight margin, the introduction of Safe Outdoor Spaces (city-approved tent encampment spaces) in Albuquerque. After hearing their constituents express their concerns regarding such spaces, the City Council approved a 12-month moratorium on the project. However, Mayor Tim Keller, ignoring the concerns of the Albuquerque community, vetoed the moratorium. Since then, the City Council has made two more attempts to end future Safe Outdoor Spaces (“SOS”) in Albuquerque, and mayor Tim Keller has persistently defended the project despite the community voicing the inadequacy of this project and shortfalls to address the root of homelessness in Albuquerque.

Amidst this process, Dawn Legacy Pointe submitted an application for a Safe Outdoor Space at 1250 Menaul Blvd. NE. On appeal to the City Council, the initially granted application was remanded to Planning with an order that Dawn Legacy Pointe had to notify property owners within 100 feet per Integrated Development Ordinance (“IDO”) requirements. Jocelyn M. Torres and Tyson R. Hummell, Final Report (Nov. 24, 2022). After some notices were sent to neighboring properties, Dawn Legacy Pointe’s application was approved on December 8, 2022. The approval happened even though Sunset Memorial Park (“Sunset”)(one of the neighboring properties within 100 feet) had not been notified of Dawn Legacy Pointe’s application. The approval also happened without an opportunity for community input or a meeting to discuss the project’s impact on the neighborhood.

The 1250 Menaul Blvd. NE area has been dealing with homeless-related issues and safety issues for quite some time. From a business perspective, the area has already been suffering, and the City itself has been working on reviving the area.

The appellant is not against a plan to end homelessness in Albuquerque; however, the appellant believes Safe Outdoor Spaces are not a solution or even a step towards a solution. Therefore, for the reasons set forth herein, Sunset submits this appeal.

**1. Sunset has standing to appeal the approval of the temporary use of 1250 Menaul Blvd. NE as an SOS.**

Sunset's standing to appeal the City's approval of 1250 Menaul Blvd. NE as an SOS rests on two bases, the fact that its property rights have been adversely affected by the decision and the fact that Sunset's property sits less than 100 feet from 1250 Menaul Blvd. NE. In establishing who may appeal a final decision by the City regarding the use of land, Section 6-4(V)(2)(a) of the IDO states that:

*6-4(V)(2)(a) Standing to appeal a final decision may be granted to any of the following parties.*

*[...]*

*4. Any other person or organization that can demonstrate that his/her/its property rights or other legal rights have been specially and adversely affected by the decision.*

*a. Such showing must be presented by the appellant as part of the appeal, and the LUHO or City Council shall enter a finding or findings as to whether this requirement has been met.*

*b. If it is found that the appellant cannot satisfy this standard, the appeal shall be denied.*

*5. Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-2.*

*[...]*

*Table 6-4-2: Standing for Appeals Based on Proximity to Subject Property*

*[...]*

*Permit –Temporary Use - 100 ft. [Property Owners within Distance Specified]*

*Includes or Is Adjacent [Neighborhood Associations within Distance Specified]*

The approval of a tent encampment at 1250 Menaul Blvd. NE will adversely impact Sunset's property rights and other legal rights. As described below in Section 4, Dawn Legacy Pointe's tent encampment will increase the number of homeless people in the neighboring area: residents who will spend the days in the neighborhood or other homeless people who are not residents but will remain in the area because of the residents or trying to be admitted as one. An increase in the number of homeless people around Sunset will further increase the effects of homelessness, drug abuse, and lack of safety in the neighborhood, directly impacting Sunset's use and enjoyment of its land and the security of grieving families. *See* Section 4. Thus, Sunset has standing to appeal the City's approval of Dawn Legacy Pointe's application because its property and legal rights are adversely affected by this approval.

Furthermore, Sunset's property is located less than 100 feet from 1250 Menaul Blvd. NE, satisfying Subsection 6-4(V)(2)(a)(5) of the IDO. Therefore, Sunset has standing to present this appeal.

**2. Dawn Legacy Pointe's application should have been denied because it does not conform with IDO requirements.**

Section 4-3(G)(8) determines that:

4-3(G)(8)(h) Each safe outdoor space development shall include an operations and management plan or security agreement to ensure the safety of individuals occupying the designated spaces. 1. Proof of the plan or agreement shall be required with the application for a safe outdoor space and shall be reviewed by the City's Department of Family and Community Services. 2. The plan or agreement shall indicate on-site support on a 24 hours a day, 7 days a week basis.

[...]

4-3(G)(8)(i) Each safe outdoor space shall offer social services and support facilities to its occupants, including but not limited to showers, education and job training, storage space for residents' belongings, recreational services, and activities for use by occupants to provide comprehensive livability options.

Dawn Legacy Pointe's application does not have a solid security plan. It states that security will be 24/7; however, it presents a plan only for the first three months and is limited to a contracted security guard from 7 pm to 7 am. From 7 am to 7 pm, security would be the camp manager's responsibility. A manager who is also responsible for overseeing the SOS operation is unlikely to adequately provide security for the entire SOS.

In addition to a lack of a solid security plan for the residents, Dawn Legacy Pointe's application fails to provide a security plan for the neighboring community. The plan states that the SOS will accept people who take drugs or drink alcohol, but these activities will not be allowed inside the SOS. There is no security plan for the neighboring properties, where the residents are likely to engage in these activities prohibited at the SOS.

The lack of a solid security plan proves that the SOS could not only fail to provide a safe space for its residents by creating a false sense of security but also be detrimental to the entire neighborhood, which will have to cope with the activities prohibited inside the SOS.

Furthermore, Dawn Legacy Pointe's application does not provide for social services and support facilities to the residents, as required by the IDO. The plan merely states that Dawn Legacy Pointe will coordinate with other non-profits to provide such services. However, there is no concrete plan and no guarantees that other non-profits will be available to provide social services and support to the residents.

Dawn Legacy Pointe's precarious plan fails to meet the minimum requirements of the IDO regarding security and services for residents and signals the likely failure of the SOS to provide a safe space for its residents, which in turn will further negatively impact the neighboring community and businesses.

Consequently, the application should have been denied for failure to meet the IDO minimum requirements. *See* IDO Subsection 14-16-6-4(G)(2) ("Incomplete applications shall be rejected.") The approval decision was an error because it was not supported by substantial evidence as required under the IDO and the decision-making body acted arbitrarily and capriciously, in violation of the IDO. IDO Subsections 6-4(V)(4)(a)-(b). Furthermore, the decision-making body erred in applying the requirements of the IDO, in violation of section 6-4(V)(c).

**3. Dawn Legacy Pointe's application does not comply with IDO requirements for obtaining a Temporary Use Permit.**

Pursuant to IDO Subsection 14-16-6-5(D)(2)(a)(3), an applicant for a temporary use permit shall "supply proof of notification of abutting property owners of the use and intended duration of the use." Dawn Legacy Pointe has failed to notify Sunset of its application. The first notice Sunset ever received of the tent encampment at 1250 Menaul Blvd. NE was the approval notice by the City. Therefore, the approval was given in

violation of the procedure established for administrative decisions regarding temporary use permits.

In addition, IDO provisions regarding the approval of temporary use permits require that the decision-making body should only approve an application for a permit “if it complies with all applicable Use-specific Standards in Subsection 14-16-4-3(G) (Temporary Uses) and adequately mitigate negative impacts on surrounding properties.” IDO Subsection 14-16-6-5-(D)(3). The approval of Dawn Legacy Pointe’s application was clearly an abuse of discretion of the decision-making body and a violation of the IDO’s criteria for decision standards, *see* IDO Subsection 14-16-6-4(V)(4), because, first, the application does not comply with all applicable use-specific standards, *see* Section 2 above, and second, because the application failed to present a minimum attempt to mitigate the negative effects of the project on the surrounding areas. *See* Section 4 below.

**4. The approval of Dawn Legacy Pointe’s SOS application further burdens Sunset’s use and enjoyment of its land.**

The adverse effects of homelessness have impacted Sunset tremendously, and the approval of Dawn Legacy Pointe’s SOS will pile up negative impacts.

Sunset has been serving New Mexico families for decades, offering a space to honor and respect the lives of those who have passed away. Throughout its history, Sunset has successfully served vulnerable people who have lost a loved one and need a secure space to grieve. Sunset has always strived to be a peaceful space where people can find comfort during challenging times of loss. Nevertheless, Sunset has been forced to shift its business model from a culture of service and excellence to a culture of safety and protection. The increase in homeless people in the neighborhood has long been noticed not just by the closing of small businesses and the neglected aspect of the area but also evidenced by Sunset’s change in its business.

Sunset has struggled with homeless people setting tents just outside the park, using drugs inside the park, disposing of garbage and waste inside the park, using water fountains to bathe, aggressively approaching families who are at the park paying their respect to deceased loved ones, and even removing anything of value left on graves, crypts, and niches.

The homeless problem has already forced Sunset to change its business strategy and prioritize security and safety over improvements to the park. Sunset has already used or provided to use in the next year approximately \$400,000.00 from its operating budget to install security cameras and new fences around the park. Sunset has also been

forced to incur in additional recurring expense with the hiring of a security company with safety patrol services. This amount diverted into security and safety is money that would be used to build new buildings, resurface roads inside the park, replace HVAC units, and make other improvements to serve better the families that visit the park, and if not used, ultimately become part of endowment funds. Sunset's inability to add funds to the endowment funds may compromise the continuation of operations of the park with the same level of quality in the future. The endowment fund is a trust that ensures the park has future funds for maintenance and upkeep. Adding to the endowment fund ensures that Sunset is able to continue operations in the distant future, even after all burial spaces are occupied.

Additionally, the homeless problem has had an impact on Sunset's customers and visiting families, particularly their enjoyment of a peaceful and beautiful space. After several incidents with homeless people, Sunset has been forced to reduce the number of fountains and water features inside the park, due to homeless people using them to bathe or simply causing damage to them. Sunset has also been forced to close access to places where homeless people could seek shelter inside the park due to homeless people not just seeking shelter but also using those spaces to use drugs.

If the problem faced by Sunset and its neighbors was not already bad enough, the approved tent encampment at 1250 Menaul Blvd. NE will increase the number of homeless people in the area and therefore exacerbate the problems already experienced by Sunset. The approved tent encampment will serve women. This will likely attract more males to the area just outside the SOS. Also, the number of people admitted to the SOS will be limited, and the people who cannot access the camp will likely stay in the area to wait for an opening. Moreover, certain activities, such as the use of drugs and alcohol, will not be allowed inside the SOS; residents who use those substances will likely look for a nearby place to use them. As a consequence, the implementation of a tent encampment for homeless in the neighborhood will substantially increase the adverse impacts already endured by Sunset.

The larger number of homeless people in the neighborhood will disproportionately impact Sunset. Different from other businesses that can create strategies to inhibit people from hanging around, for example, by removing all sitting areas or playing loud music all day, Sunset was designed to offer visitors a welcoming space where people can contemplate life, remember their loved ones, meditate, etc. The park is uniquely attractive to homeless due to its open spaces, grass, shades, quiet, and other features intended to serve Sunset's customers and grieving families. Placing a tent

encampment next door to the park will be the same as transforming the park into a daycare for homeless people. Sunset will become a place where the residents of the tent encampment spend their days and congregate with other homeless people attracted to the neighborhood due to the SOS. The difference between the homeless people spending their days at the park and Sunset's visitors is that Sunset visitors go to the park to pay their respect to their loved ones, meditate, and respectfully enjoy the space. On the other hand, it is common knowledge that there is a large number of homeless people that lack this same respect and will use the park to engage in drug use, damage Sunset's property, harass visitors, steal whatever valuable items they can find, and more. This is the kind of direct negative consequence that Sunset will face with the approval of the tent encampment at 1250 Menaul Blvd. NE.

Sunset has already started to face the negative consequences of the approval of the tent encampment. Sunset had a new master plan that would involve the construction of new buildings—including niche walls for cremated remains and mausoleums for crypts where caskets are entombed—and allow the park to continue flourishing for the next generations. This new master plan would extend the life of the park since, without continued construction, purchase options will become limited to families waiting to buy properties at Sunset. However, this plan has been put on hold due to the possible implementation of the tent encampment close by. Sunset is unsure of the additional security investments it will have to incur as a consequence of the increased number of homeless people in the neighborhood that will come with the beginning of operations of the SOS. A major investment such as the one involved with the new master plan will be impossible if Sunset has to increase the amount spent with security and safety. Consequently, Sunset will suffer for not being able to implement its new master plan. Sunset's customers and visiting families will also suffer because they will not be given the opportunity to enjoy the new construction, additional features, and additional properties that would come with the new master plan.

#### **4.1 The approved tent encampment will invade Sunset's interest in the use and enjoyment of its land because it will force Sunset to keep investing in security and safety and halt other improvements.**

An interference with one's use and enjoyment of land is deemed a nuisance and is actionable. *Kaywal, Inc. v. Avangrid Renewables, Ltd. Liab. Co.*, 2021-NMCA-037, ¶ 42, 495 P.3d 550, 569 (quoting *Scott v. Jordan*, 1983-NMCA-022, ¶ 12, 99 N.M. 567, 661 P.2d 59). The use of 1250 Menaul Blvd. NE as a tent encampment is a nuisance to Sunset as it will interfere with Sunset's use and enjoyment of its land. As mentioned above, Sunset will

be forced to put its master plan of new constructions and investment in other improvements on hold in order to increase investments in safety and security.

As a property owner, Sunset has a right to use its land as it deems fit and the right to exclude others. If the tent encampment begins operations, Sunset will be forced to increase security measures because the camp's security plan offers no security plan for the neighborhood, and the City has not offered a solution for the increased number of homeless people in the area that will follow the start of operations. The increase in security measures should not be Sunset's responsibility, but Sunset will have no other option if it wants to protect its property right to exclude others and right to use its land as it deems fit, and protect its customers and grieving families. Furthermore, Sunset's right to use its land as Sunset deems fit will be usurped as a consequence of Sunset being forced to put its master plan on hold due to the tent encampment nearby and all the issues that will come with its operation.

The decision-making body acted arbitrarily and capriciously in approving Dawn Legacy Pointe's application and failing to consider the adverse impacts of its decision on the neighboring properties. It is the law in New Mexico that "a ruling by an administrative agency is arbitrary and capricious if it is unreasonable or without a rational basis when viewed in light of the whole record." *Bass Enters. Prod. Co. v. Mosaic Potash Carlsbad Inc.*, 2010-NMCA-065, ¶ 45, 148 N.M. 516, 531, 238 P.3d 885, 900. The approval of Dawn Legacy Pointe's application happened without considering any arguments of nearby property owners or community members because no public meetings or discussions were opened. Therefore, the approval decision was arbitrary and capricious because there is not a record to serve as rational basis for the decision. Accordingly, IDO Section 6-4(V)(4)(a) supports the review and reversal of such approval.

**5. A permanent solution for the homelessness issue in Albuquerque is needed, but the Albuquerque community agrees that SOSs are not the way.**

Sunset is not opposed to finding an answer to the homelessness issue that affects Albuquerque and many other cities in the United States. Yet, tent encampments, particularly tent encampments without a solid security plan and social services for their residents, are not the key to solving this issue.

Despite lacking community support, the City of Albuquerque has been pushing SOSs as a solution for the homelessness problem and skipping important steps in approving SOSs. Even the majority of the City Council thinks SOSs are not a good approach to this issue. City Council has recently voted to eliminate all references to Safe Outdoor Spaces from the IDO. Coincidentally, a few days later, before Mayor Tim Keller



had signed or vetoed the ordinance, the Dawn Legacy Pointe's application was fast-tracked and approved in a process that skipped any public meetings or discussions, failed to comply with notice requirements, and failed to release application documents to potential appellants prior to the approval.

Sunset, other businesses, and the people of Albuquerque should not be forced to endure the consequences of implementing a tent encampment at 1250 Menaul Blvd. NE, when the community has spoken its suggestions to this solution, and the project does not comply with even the minimum requirements of the IDO. Accordingly, the approval decision was an err and should be reversed.

**Conclusion**

For the foregoing reasons, Sunset Memorial Park respectfully requests that the approval of Dawn Legacy Pointe's application be reversed and such application be denied.

**Request for Hearing and Reservation of Rights**

Sunset formally requests a hearing before the Land Use Hearing Officer in accordance with the IDO's appeal procedures. Sunset further reserves the right to supplement the issues and provisions identified in this notice of appeal and to submit written arguments and evidence to the Land Use Hearing Officer, pursuant to IDO Section 14-16-6-4(V)(3)(d).

Respectfully submitted on this date, December 23, 2022,  
Briones Business Law Consulting, P.C.

By: /s/ Thomas R. Briones

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# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500  
600 2<sup>nd</sup> 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**  
**LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT**  
**1250 Menaul NE - Safe Open Space Application**

**Project:** 1250 Menaul NE - Safe Open Space (SOS) Application

**Property Description/Address:** Menaul and I-25

**Date Submitted:** November 24, 2022

**Submitted By:** Jocelyn M. Torres and Tyson R. Hummell

**Meeting Date/Time:** November 16, 2022, 5:00 pm -7:00 pm

**Meeting Location:** Via Zoom

**Facilitator:** Jocelyn M. Torres

**Co-Facilitator:** Tyson R. Hummell

**Applicant:** Dawn Legacy Pointe (Dawn), S. Kylea Good

**Agent:** Brad Day

**Neighborhood Association:** Santa Barbara Martineztown NA (SBMNA), Loretta Naranjo Lopez, President

**Background Summary:**

This facilitated meeting was held for the purpose of discussing the SOS application previously granted by the CABQ Planning Department (Planning). On appeal to the City Council, the Land Use Hearing Officer (LUHO) remanded the decision to Planning and ordered that Applicant notify property owners within 100 feet via certified mail per Integrated Development Ordinance (IDO) requirements. The Crowne Plaza Hotel (Crowne) thereafter requested this facilitated meeting. As determined by the LUHO, the proposed SOS site is within SBMNA boundaries. SBMNA was therefore notified of this meeting, which it attended.

Applicant and Agent circulated pertinent documents and articles to participants prior to the meeting. Both explained the planned SOS facility and responded to meeting questions and comments.

Crowne circulated questions prior to the meeting. SBMNA circulated two PBS links on rehabilitative judicial intervention. Crowne and SBMNA made comments, asked questions and voiced strong opposition to the planned SOS for the reasons discussed in the meeting.

**Outcomes:**

**1. Areas of concern:**

- a. Crowne and SBMNA strongly oppose this SOS application.

**2. Conclusions.**

- a. Applicant plans to resubmit the SOS application on or about December 1, 2022.
- b. The City will make the final decision on the SOS application.

**Meeting Specifics:** *Attorney and Invited Participant Questions and Comments are Italicized.* Others are in regular font.

**1. Notice.**

**Facilitator:** Prior to the meeting, I inquired with Planning as to the manner in which notice was sent following the appeal. The LUHO ordered that property owners within 100 feet of the proposed SOS be notified by certified mail. I was forwarded a copy of the various addresses that received notice. Crowne requested the facilitated meeting. The LUHO found that the SOS was within the SBMNA boundaries. SBMNA therefore received notice of the facilitated meeting.

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**2. Applicant and Agent Overview:**

- a.* **Applicant:** We have our plan mapped out. Essentially it would be for 40 spaces that would hold up to 50 people either in tents or vehicles, whichever they happen to have. We would be providing the tents and sleeping bags so they're coming in with clean supplies. We also have porta potties that will be available to everyone.

**Elizabeth Holguin:** This space is not for vehicles. We do not mix tents and vehicles. This is tents only.

**Applicant:** Our priority is for people that don't have vehicles. That's really why the space needs to be opened. We will have showers and hand washing stations. Initially, we are not going to have any general guests because we want to make sure that our hand washing stations and the porta potties are able to handle our residents. We sent out the SOS Safety Team and Volunteer Training Manual that outlines the duties of the staff and volunteers. It gives the security protocols, with directions about who to contact in emergencies, including: the board; EMT; police; or 911. Please take note that we also outline the intake process. There are agreements and rules that residents must meet. We discuss how we deal with the roster of who is there; inventory of personal belongings; and everything that comes in. We let people know that storage will be on site, which is unique. We're also going to have logging of volunteer hours and donations.

The Dawn Legacy Pointe Client Agreement (Agreement) has an outline of about 29 agreements and responsibilities that people must abide by. Those include: no using; trading; or selling of substances; no intoxication; and no disruptive behaviors. Weapons are not to be on property. Clients cannot have open warrants. Loitering is not permitted around the property. We're restricting any sort of activities that might be fire hazards. There will be no littering. There will be no sex offenders.

Clients must keep their area tidy and help maintain the community through six hours of community service a week. They must be working towards goals; whether it be health, housing, employment, education, or engaging with case management. They must participate in the community circle with client residents, staff and neighbors. The first week of every month is required, but we will have those on a weekly basis. Quiet hours will be from 10:00 p.m. until 8:00 a.m.

Kevin, from the New Mexico Coalition to End Homelessness, put together a list of why people avoid shelters. Some of the repeated things, that we hear even over at Street Safe, are safety and health concerns in close spaces. The tents give people a little bit more space so that diseases are not spread nearly as quickly; especially when people can wash their hands and shower. It eliminates the possibility of bullying. This is a situation where we can ask around and make sure that nobody has a problem with somebody new coming into the community. Bedbugs have been an issue at different shelters. We have seen some of the shelters that are using bedbug killers. We would like to purchase devices that would allow us to do that. When people come in, they can put their stuff in there and then we can run the device and it can help kill off any bed bugs. We also will have a place for people to store their belongings. We are having sheds built.

Another issue has been transportation. The westside shelter is difficult to get to if you miss the bus. Some people aren't able to get up early enough to get out. Hygiene is an issue. The tents

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help because they space people out a little bit more. I also want to go over the SWOT analysis. There have been concerns about the Metropolitan Detention Center (MDC). One strength is that there will be less in-house people roaming the streets because they're going to have a place to stay; a place to shower. We're talking about high crime in that area. Of course, when you eliminate people's needs, they don't need to get food or shelter. That means they're not breaking in as much and they're not stealing things because their needs are being met. That's just kind of like Maslow's Pyramid and we're trying to meet those needs.

We're also looking at some innovative neuromodulation devices. I have talked to Elizabeth Holguin who has been in contact with Dr. Duhigg of Duke City Toolbox. He has agreed to run a trial of these various neuromodulation devices that we're looking at. We're hoping that if we get final approval on this space, we can run those trials and see which one of these devices would work. It would help people overcome withdrawal symptoms. Hopefully we can start getting people off of the substances and moving forward in their lives.

I also was looking at the survey from that Menaul redevelopment. It looks like there's been discussion about moving some of those properties from commercial properties into residential. This would put people in that area with housing vouchers. It means fewer empty buildings where people can lose their insurance. It's also going to provide a spot for the City to possibly implement the "There's a Better Way" program. That program hires people who are on the streets to help clean up the City. The City would be able to go there and just hire people for the day or the week to go and clean up.

There's been talk about new businesses coming into the Menaul area. Those people needing employees can hire our clients. If they're just getting off substances and haven't been employed for a long time, they're going to be looking at employers who are willing to give them a second chance. They tend to stay longer in that employment because they're appreciative of the second chance.

In terms of the threats, we're lowering trafficking in that area by providing the services that people need. Also, there have been hotel raids all around Albuquerque. Part of that is related to trafficking. By providing these services, we're eliminating more risks to motel owners who are currently at risk of being raided.

By having shelters with lockable storage, we're going to have more people that can get their medications renewed, have a safe place to store them and stay on those medications. I think that about wraps it up for me.

**Agent:** I'd like to add that if I was a business owner in that area, I would want to know what this SOS will look like. The area that we have is about three quarters of an acre. It will be totally fenced in with a six foot minimum height fence. There will also be screening on the entire perimeter of the SOS, so that when you drive by you see the green screening; like a tennis court. People can't look in. It'll be private for the residents but will also look a whole lot better than what it looks like right now because of the screening and the general cleanup that will occur as soon as we get going.

**Facilitator:** I have a question for Kylea. Who developed the SWOT handout?

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**Applicant:** The SWOT analysis was on the City's website. I'm not sure who initially developed that. There's also a survey, of about 39 pages, that outlines things happening and how to deal with current threats.

**Agent:** I want to hear from Jacques, or anybody perceiving negative effects of the SOS; to see if we can help them. Mr. Walsh deals from a standpoint of potential customers. T-Mobile, across the street, would be greatly affected by this SOS. We met with their senior managers in a Marriott conference room and had a great discussion about how they could help us succeed. How to make this an asset for the area by helping with training and employment for some SOS residents. They wanted to give us some phones. Even their security guy wanted to overlap with what we and the City are doing so that this place is really safe and secure.

There was also a letter from a charter school down the street. The teacher wants to bring her eighth grade class over to learn an approach towards helping homeless people. Learn how it's run and give their ideas on what we could improve. We actually have some people that are right next to the SOS who want to help and make this thing successful.

We do not want Mr. Walsh to lose \$1 of business because somebody thinks that this is just a Coronado Park free for all. That's not what it is. I want to try to get some ideas, which I thought was the purpose of this meeting. How can we make this a positive and not a negative?

**Applicant:** The charter school reached out to us about coming in and engaging the students with this sort of situation.

*Attorney: You have engaged in good faith and I owe you the same courtesy. I also want to be very clear. I represent Crowne Plaza. I represent no other entity. They're my sole client; my interest. I represent their interest. I'm not here to argue on behalf of anybody else. T-Mobile is a call center and there are not a lot of windows on their building. The area where my client's building exists has been systematically neglected and run down over the past five to 10 years; maybe even longer. Their guests no longer feel safe and are regularly confronted by unhoused people in their parking lots. They're regularly exposed to a wide variety of behavior that is disrupting. Our biggest concern here, particularly with the SOS placement at the Menaul and Frontage Road intersection, where their customers get off the interstate, is that that perception. We also worry about people not being able to get in and further dispersing out into the area. The major concerns are lack of safety and the perception that Albuquerque is not welcoming. That is the core of the hospitality business; providing less of a concern than what it appears to be. Crowne Plaza has had to put up fences. The safety of their guests is immensely important. Not only guests, but employees that work there. People along that stretch have been on the front lines of this. They feel that this space is being foisted upon them when they've already borne the brunt of Albuquerque homelessness issues. As Mr. Walsh said, if this had gone differently with more buy in, there may have been something that we could have worked out early on to help you look for another space.*

*Everybody I've spoken to, my clients in particular, feel that this has been foisted on this area and it's already a depressed area. That's their main concern. How to address that, I don't know. Frankly, it's not our role to address it because you are asking to put a SOS here.*

**Applicant:** We're trying to let people know that the application is available online. They don't need to drop in to get the application. We're also going out with tablets for filling out applications. Hopefully we'll pull them out right there with us rather than having them show up. The website can definitely state that we don't have applications at the facility. Hopefully that

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will prevent from attracting more people there. I can put out flyers indicating that they cannot drop into the facility for the application process. I'm happy to work with you on any of that.

**Agent:** I had one other thing. The Denver SOS experience has been very positive in actually reducing the crime in the SOS areas. We were looking at Colorado Sun articles that have reviewed this. The crime level has actually gone down where they put in a SOS. I think the reason is that the four or 500 people on the street don't like going where there is security or any kind of perceived organization. They take the low hanging fruit and go where there's no chance of being arrested or having police or security present. I'm not guaranteeing that the crime rate will go down in this area because we put in a SOS, but it's actually happening up in Colorado. With the City's help and robust security for the first three months, I think it's going to be a positive effect on the crime situation in that area.

We're going to have security all night. That costs. Mr. Walsh wouldn't have to pay and would get the benefit. When we open, we'd like to have the people from the hotel see what we're doing, talk to the residents and see that these people want to get out of the ditch. They are not crazy pan handlers who don't obey rules. If they don't obey rules, they won't be residents for long. I'd be glad to come over to the hotel and talk to the employees if you want me to.

*Attorney. I don't know if that would go very well. The Crowne Plaza employees have gone through hardships. Multiple employees have been assaulted. I've been told that just last week there was a person who had gone into the locker room and when asked to leave, got incredibly violent with employees and assaulted them. While I understand that the City is planning to put in security, APD wouldn't come. APD doesn't respond.*

*It's concerning to hear that we're going to have City provided security when my clients' experience with ostensibly the most powerful security force in the city of Albuquerque, the police department, won't even help them out now.*

**Elizabeth Holguin:** It'll be private contract security. Not City related.

**Agent:** I've been deprived of going to the Rancher's Club for a while, so I'm glad it's reopening. We think this will help a lot of people because of what we do and how we do it. The area will have more security presence than it has now. With the SOS, crazy people accosting employees tend to go away from that kind of organized enterprise with security. We're going to do everything we can to make sure that this a success and a positive effect on the neighborhood.

**Applicant:** Jacques, do you have any statistics about which employees have had these negative interactions? I'm trying to figure out if we're just stereotyping and lumping everybody who is unsheltered into one group? Are these people that have major mental health disorders? Do they have so much glutamate and cortisol built up in their system, from being unhoused, that they're fighting for every little last ditch effort of humanity?

*Attorney: I don't think it's fair to ask employees involved in physical altercations to collect statistical data. So no, we don't have statistics on that.*

Facilitator: Jacques, was that another employee or was that somebody that broke into the locker room. Do you know any more information?

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**Crowne Manager:** *It was somebody unsheltered that found their way into our men's locker room. She was extremely violent and we could not get her to leave. Just last night, we had another person who came into the property and we wouldn't rent them a room. They threw a rock and broke our front window. It's ongoing. It's gotten to the point where it's extremely out of hand and police did not come both times when we called.*

Facilitator: Thank you. I was just curious and wanted to clear it up.

**Applicant:** I don't think that we're going to resolve everything. I have no way of knowing who you are talking about. I don't know her background. I have no way of knowing if she's been through some sort of severe trauma and if it's somebody that we would have been able to deal with. The people that we're probably very likely to be bringing into the SOS are people that we've engaged with numerous times through street based outreach. We have an idea of what their personality is. It is not somebody that we're just randomly meeting for the first time.

**3. Crowne Attorney:**

- a. **Attorney:** *That site was an asphalt batching plant. It may have had a gas station. With gas stations, you have environmental concerns. Have you done an environmental site assessment to ensure that there's no recognized environmental conditions or health hazards present on the site before you place people there?*

**Agent:** It was used for the completion of the Big-I remodel and all of the highways associated with that. The road contractor used that site to store material and park their equipment and trucks. To my knowledge, it was not a site for a gas station.

**Attorney:** *The records I pulled in a property search go back to the 80's.*

**Elizabeth Holguin:** The property is owned by our Solid Waste Department. We can certainly inquire with the Director of Solid Waste, see if there are any records of environmental checks and get that to you if it's in existence. There are no current concerns about any environmental hazards. *See Action Item 1.*

**Agent:** The location of the SOS is on a corner of the property. It is not in the middle where the road contractor activity took place.

**Attorney:** *To be completely specific, we are in particular looking for environmental site assessments.*

- b. **Attorney:** *Can you explain, for the purpose of this meeting, where on the 11 acre site the save outdoor space will be placed?*

**Agent:** I sent the vicinity map with each notification form, which Crowne Plaza received. You also received a site plan. You should have that in your possession.

**Facilitator:** Did you receive that?

**Attorney:** *My clients received a property owner notice form for a temporary use permit that has a zoning map attached to it, with the subject site marked. It is just the lot. It's not the actual individual site. We've not received anything else from Dawn.*



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**Agent:** The Planning Department described it as the southwest corner of Menaul and the Frontage Road. There is also a site map that we can provide you tomorrow. *See Action Item Number 2.*

- c. **Attorney:** *How have you secured this land with the City? Do you have a lease; license; a memorandum of understanding? How do you have permission to use this site?*

**Elizabeth Holguin:** Currently we're looking at licensing and I have signed some paperwork on that. I'm not sure if it's the finalized paperwork. It is a license agreement between Solid Waste and Dawn; not a lease. Dawn will be paying us a monthly lease amount at market value for the space that they're utilizing.

**Attorney:** *What is that amount?*

**Elizabeth Holguin:** It's over \$2000. I can get you the exact amount. I don't have that figure memorized.

**Facilitator:** Action Item 3 will require that the City provide the CABQ/Dawn License Agreement, which includes the contract amount. *See Action Item 3.*

**Agent:** We are not going through the planning process with Rodey. We sent out an agenda yesterday with items such as mitigating any perceived negative effects of what we're doing here.

**Attorney:** *I'm representing my client. What do you plan to mitigate?* [An argument ensued and Facilitator called on another participant].

- d. **Attorney:** *What measures do you plan on taking to mitigate the effects that will come with drawing large numbers of homeless people to this area?*

**Elizabeth Holguin:** I brought up the SWOT analysis to address those questions. We're looking at getting those neuromodulation devices for our clients made available. That's going to help decrease any sort of substance use which will decrease the reasons why people would want to come into the area. It's also going to decrease the chances that people are going to be out working streets or going over to the truck stop because they need to get money, to have food, to have shelter, to be able to buy substances. We feel like those are all very valid reasons and measures to take to help protect the area.

**Attorney:** *Beyond an experimental medical treatment, are you going to be doing anything else?*

**Elizabeth Holguin:** Yes, we're going to have service providers as well. We're looking at creating partnerships. There's a good chance that our manager is going to have oversight from another well-established group. We are not sure if we're going to be contracting with Heading Home or if there's possibility for other service providers.

**Attorney:** *The IDO requires that you provide services to your residents. Right? As far as we can tell, there is no solid plan. There's lots of hopes; lots of we're trying; but there is no current plan to provide any of the services the IDO requires. So can you maybe flush out whether you have more concrete partnerships at this point?*

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**Applicant:** We don't have concrete partnerships at this point. We want to get those partnerships going but we have been dealing with these appeals. I need for the City to help engage me with those partnerships. Until we get through the appeal process, that's just not going to happen is what I'm being told.

**Elizabeth Holguin:** There will be a contracted security company overnight and a camp manager during the day. From 7:00 pm to 7:00 am there is a contracted security company. We will do that for the initial three months and then evaluate any incidents and determine if we need to continue contracted security or if we could then transition to the Camp Hope model that the operators prefer. We are doing this security contract because that is something the neighborhood had previously expressed that they would like to see.

**Attorney:** *You keep referencing an operations agreement. I looked on the City's website today. I looked at the SOS website and I reviewed everything that was sent to me for this meeting. There's no indication that there's been a contract yet. Thank you for filling me in on that.*

**Elizabeth Holguin:** The operations plan, not the contract, should be on the SOS website. If not, contact Planning. They had informed me they would upload it.

**Attorney:** *If they would respond to my request, it would go a lot smoother. That leads to another question, going to what Loretta has been asking. What you're planning is going to take an immense amount of resources and planning. You're talking about providing intensive services to a very challenging population. How are you going to pay for this and make sure that it is that it's going to be sustainable and that it's going to be sustainable in a safe and measured way?*

**Agent:** We had to amend the IDO to allow a land use for SOS. It says that services will be offered to the residents. It's not mandatory but will be offered to people. When you have people coming off the street, sometimes it takes a while for them to get their mental faculty put back together so that they can actually think about getting a job. Case management services will be offered to each resident. We already have four or five nonprofits that want to help out with this. You're asking these questions like we haven't looked all over the country to see what's working. The one that was doing the best job and was the most cost effective, was Camp Hope down in Las Cruces. They had been doing this for eleven years. We have copied virtually every protocol that they use and will have similar results. I'm not going to say it's exactly the same, but it'll have similar results to what Camp Hope has been achieving for the past eleven years.

All of their protocols for security; operating the SOS; mitigating concerns of businesses and other people who are around our location; all of that is being addressed in the operational plans that we have created and sent virtually to all of you so that you know what we're doing. This is not a free for all like Coronado Park; like a lot of people think. That's not what it is. As a business owner this is the most cost effective use of taxpayer money that I've seen in a long time. For example, a housing voucher costs one \$1,100 a month. This is going to run about \$158 a month. We are going to get the people off the street in the same way. They're not going to have a nice apartment or room. They are going to have a tent, but they're going to be safe and they're going to be off the street. They can get their head together. Those that want to get employment and who want to get further education are going to be able to do it because they don't pay for rent or services.

**Attorney:** *I got the Dawn Legacy Pointe Client Resident Agreement; Why People Don't Stay in Shelters; the SWOT; SOS training manual and the proposed agenda. Everything that I've seen*

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*in these documents indicates that this is all going to be managed by residents on a volunteer basis. What concerns me is that you're going to have people who are maybe coming in for just a couple of days and you're expecting them to be trained up as security providers within that brief period of time and then to actually patrol their own home and make sure that they're not taken advantage of by others. Can you maybe explain how you expect to deal with the challenges that come with having a volunteer based security force?*

**Agent:** It's going to be managed exactly the same way Camp Hope has been managed for 11 years and it works really well. We are also going to have a very robust security firm and provide services during the week from seven to seven and also 24 hours a day on the weekend, with the camp manager and the outreach coordinator nonprofit employees. This is better security than we have almost anywhere.

**Applicant:** We also have individual volunteers, not residents, that will help out inside the community. I had sent out an email today mentioning the fact that I would like to reach out to AmeriCorps for their State and Vista programs to see if we could get volunteers through that program as well. All volunteers would be background checked.

**Attorney:** *You'll have up to 50 people in this space each night. What are your plans for excess numbers who come seeking shelter? Say you have 70 show up. What do you do with the excess 20?*

**Applicant:** We don't have any place for them to go. They can't just check in at the front and get a tent. They need to go through the formal intake process. We need time to background check them before they even come in. There's plenty of people that are out roaming around the neighborhood. This is not a solution for everyone.

**Elizabeth Holguin:** They all agree to the policies and procedures of living in this space. So that's why it would not be appropriate for everybody.

**Attorney:** *If you have excess numbers of people, you'll turn them away.*

**Applicant:** If we're full, we can try and refer them. There's plenty of times I call other shelters and I'm like, "can you take this client? This is their situation." And I hear "no."

**Attorney:** *Will you transport them if you find another place, or will they have to arrange transport on their own?*

**Applicant:** I would prefer if we arrange transport.

**Elizabeth Holguin:** The Albuquerque Community Safety Team can be called to help transport. Most likely we have the zero fare bus. Those can all be modes of transportation that would be acceptable for people.

**Attorney:** *How long precisely do you plan to occupy this site?*

**Applicant:** We're hoping for an initial agreement of six months, but I don't know beyond that. Of course, it's going to depend on how well this goes. I mean, you can have the best laid out plan and then still have something that you didn't think of. So we'll have to see. And it could

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also be that all of a sudden money shows up on our table and we have a different solution. And I would love for that to be the truth of it.

*Attorney: Maybe that's a question for Ms. Holguin too. So they're expecting to be there for six months. The prior application that was denied had some sort of indication that the City had this land use for six months. What happens at the end of that? What is the City's next step?*

**Elizabeth Holguin:** It's an initial six months, with a six month possible renewal. We have outcomes to be determined in the social service contract, as with any social service contract or organization we fund. Obviously, if we fund, we need to see outcomes for that funding. We'll look at how many people were connected to employment or to case management. We'll look at levels of trash around the area and make sure there's no loitering. We will look at calls for service by APD, to see if those have escalated in the area or are directly related to the site.

I do want to clarify. Loretta brought up the calls for service. We discussed Camp Hope at a prior facilitated meeting. The data being circulated is for the entire campus community of Camp Hope, which has a mental facility, shelter and other services. The majority of those calls were actually related to the campus, which shares the address of the SOS. That's why there's some confusion around increased calls for service. The executive director has clarified that there have not been many, and certainly not violent, incidents within the SOS. I just wanted to clarify that for everyone.

*Attorney: My clients are worried that the City actually plans to put a waste transfer station on that site, and we're in the process of trying to get any possible documentation we can. Again, it's been exceedingly difficult working with the City's records department on this. But say the City decides they want to put another land use on this site, a waste transfer station, a police substation, something else. Do you have any plans to account for that, considering that this is City land?*

**Elizabeth Holguin:** It's owned by Solid Waste. I believe they said they're moving a recycling center there. We look at that as a benefit because the entire property will be lit up and there will be security on site for the recycling center as well. There's almost double security. This lighting will help mitigate anyone that's trying to hang around. We see it as a great benefit.

*Attorney: To be clear Ms. Holguin, the City sees it as a benefit to put a garbage facility next to trafficked, women living in tents.*

Elizabeth Holguin: It's a recycling center and it's Doctor Holguin.

*Attorney: Are you going to have a paid person on site 24/7 or are you still going to have the business hours manager available with a cell phone after hours?*

**Applicant:** Right now we are definitely looking at hiring a community manager. I have someone that I think would be really great for the position, I have been holding her off. She's very excited to get started. I think she would be wonderful for it. That looks like it will be a contracted position. I think that what we're going have that paid through another organization. That way they can handle it and get the person benefits if needed.

*Attorney: So the answer is kind of yes? I'm trying to keep it straight.*

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**Applicant:** We will have a community manager. After hours, our original plan is to have a volunteer. Vista volunteers might do that.

**Attorney:** *So the plan for now is you have a community manager available most hours and then you still have volunteers doing the like clerical work and the sign in and check in and all that, right?*

**Applicant:** Yes.

**Agent:** Because the camp is locked at 08:00 until seven the next morning, there's not going to be processing of visitors or anything like that. If you read our security manual, there isn't a lot of training necessary because they will patrol the perimeter of the SOS once an hour. People will sign up for a certain block of duty time. You'll have an internal manager and assistant manager who are actual residents of the SOS. They will make sure that those people show up for their duty and if they don't show up, they have to perform it. So we have a resident manager and assistant manager inside the SOS, which coordinates all the volunteer duties. Then we have an external camp manager, who is there during normal working hours. We have an outreach coordinator who will also be there. Then we have the City security coverage during weeknights and 24 hours on weekends.

Those are the layers of how we plan to keep this place safe and secure and to not have any incidents. That's our goal. Okay?

**Attorney:** *Jocelyn, do you know if these recordings you said this recording won't be part of the minutes. Are you recording this? On behalf of the City? Or is this just for you so you can take minutes later.*

Facilitator: When I record it so that I can try to be as accurate as possible on the report

**Attorney:** I guess just to cut through what I'm asking is, is this considered a public record?

Facilitator: Not to my knowledge. It hasn't been in the past. No, not to my knowledge.

**4. SBMNA President:**

- a. **President:** *We don't want a SOS in our neighborhood. I've made that clear to Kylea. Permanent facilities have the services people need. If they're addicts, they're taken care of with psychologists and medication. They're in a facility where they can use the bathroom and have showers. They're not going outside and freezing to death to get to the shower or whatever they need to do. It's inhumane what we're recommending today,*
- b. **President:** *I would like to know why we were not notified. Usually a facilitated meeting occurs through the SBMNA. It should be in person and it should have all the neighborhood residents that are impacted., This is within 100 feet of the residential area. It should also have the business people that are impacted by this type of use.*
- c. **President:** *The LUHO remanded it.. So when we appeal, this issue is going to come up. We were not notified. We should have been notified under the IDO. I want to know why we were not notified, even by courtesy, because you've been talking to us all along, Kylea. Why wouldn't you send us notice? I worked for CABQ Planning. We were very conscientious. Under the law, we*

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*were required to give notification to the neighborhood associations and people within 100 feet. I'm dissatisfied with how CABQ Planning is operating now and why we wouldn't get a simple notice to let the residents know what's happening. This is detrimental to our neighborhood. It is a serious matter, and our association should have been notified.*

*The second question is it's humane to provide them a building.*

**Facilitator:** We did go over notice Loretta. You were a little late joining the call. We went through the notification information at the beginning of the meeting. I'm going to turn it over to Kylea. That information will be reflected in the report.

- a. **Applicant:** I am continuing to look at potential properties; both with and without buildings. I'm speaking at the Greater Albuquerque Hotel Lodging Association tomorrow. I've talked to the president and asked that he be in contact with their members to see if there are other places around the City that would be more appropriate. It's winter, though. We need to move ahead with something. You know I agree with you that that there are more humane ways to deal with things. However, I don't feel like we have the resources right now to do those things and I wish that we did. [00:31:04.030] - Speaker 1

**Facilitator:** Kylea, what are you looking at as far as the building? Can you specify that one more time?

**Applicant:** We had something sent by Karen Navarro. She's a volunteer in the community. A group home is for sale. I did talk to the real estate agent. It sounds like it's currently occupied. The sale price on that is just below \$700,000. I think it was located off of Second and Rio Bravo. I'm trying to get in touch with Cynthia, who is our board vice-chair to see if she wants to take a look at the property. Either way, I feel like we need something now because winter is hitting. See "Lagunita" attachments to Report.

**Elizabeth Holguin:** Hi Loretta. I just want to acknowledge that I think we all agree that this is not the best solution at all. But buildings take time and this is a way to at least make sure that people are not lining sidewalks, putting other people in danger and endangering themselves. It's a way to get people connected to resources more efficiently. We absolutely acknowledge and agree with you that this is not the best. But let's also keep in mind that if we had no SOS, we still have hundreds of people in tents in the City. The best we can do at that level is consolidate everyone and help them to get resources and at least be safe, which is a major problem for people that live on the street. Especially vulnerable people who are often robbed or beaten. So this will at least prevent that. But I want to be on the record agreeing with you that, yes, this is not a great solution. It's a solution that's temporary and it's on the pathway to housing and other resources. So you're absolutely right about that.

**Facilitator:** Kylea, would you substitute the facility for the SOS if you were able to purchase it?

**Applicant:** Yes, but there are fewer beds in a facility. We want to give the SOS a six month run.

**Applicant:** Another thing I want to share is that I have been in contact with Eric Griego and Elizabeth Holguin about other potential ways of helping people find pathways to housing. One issue is the fact that our current voucher system is horrible and that it pretty much requires

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people to go into apartments rather than renting a single room. We need to look at changing that HUD process so that people could just find a single room faster, rather than having to find an entire apartment.

***President:** If this was the best idea, we would have it in back of your yard. I'm forgetting her name. In back of a little yard in Corrales. This would be right in their backyard. It wouldn't be recommended in our backyard. We have real serious concerns. We understand that those types of uses attract crime and all kinds of things that go with it, that we're dealing with. Just being next door to all the programs on First, Second, Third, Fourth, Fifth and Sixth has brought in a lot of problems for our neighborhood.*

b. ***President:** I want to know how much money everyone is making on this SOS.*

**Elizabeth Holguin:** The entire budget is \$750,000. I am employed by the City on a salary basis. Brad Day is a volunteer. If approved, the contract will be signed on December 1, 2022. We'll know the exact amount at that time. See Action Item 3.

**Applicant:** I am a volunteer. I have been volunteering for years. I have spent 50 hours a week sometimes volunteering my services as a care coordinator helping people try to get into housing. I'm not in this for the money. I'm in this because I care about what's going on. It pains me to see people that I'm dealing with dying or going through extreme circumstances. I am someone who has been a homeowner and I have allowed people who are unhoused to come and stay in my house. I would be happy to have a SOS in my area. You know, I don't know what the zoning is around here. This was the space that was proposed to me. It's a space that is convenient for reaching services for people, but I'm definitely not opposed to one in my area.

***President:** I've been volunteering since 1990. I don't get paid anything either because I care about my neighborhood and the youth. What you're proposing is detrimental to the residents here and to the business owners. We are dealing with too many things because of the homeless and because the City has failed on not really dealing with the matter and looking at these human beings and providing them with a facility that deals with their addictions or their mental health issues. They're not dealing with it. Then you want to come and destroy our neighborhood again and it's really appalling what you're doing. I'm just letting you know that our neighborhood is determined to make sure that you don't bring this type of use into this neighborhood. I'm just letting you know that I would like to work with you to see where we could get a facility so that these people are treated humane. They're treated worse than the dogs at the veterinarians, where they have facilities for the dogs. They have better facilities than human beings.*

c. ***President:** We are opposed to the fact that we didn't have a facilitated meeting in a public place to invite all of the residents and the business owners. We do not want an SOS location. Move it somewhere else. As a business manager, if you're marketing your business and you see this SOS you wouldn't want your business there. They would not recommend having that kind of use anywhere. If you think it's a good place, put it in your place and then let us see if it works out. Put it in your backyard and then we'll see if it works out and if it's right or wrong. We already know it's not. Coronado park is the prime example. Las Cruces has a lot of crime records. I think you need to change where you're looking for examples. That is not a good place. I'm just letting you know that.*

d. ***President:** I want an in person meeting Kylea.*

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**Applicant:** I was confronted by a person at the last facilitated meeting and I'm not comfortable with that. [An argument ensued and Facilitator called on another participant].

**5. Crowne Owner Mike Walsh:**

- a. **Owner:** *I have empathy, but I have groups that are booking the hotel. If I cannot provide them with guarantees that there are no sex offenders within the area, I'm not even eligible to bid on at least \$2 million worth of groups that provide hundreds and thousands of dollars' worth of labor to the community that I'm in. An area that I've been operating on for 30 plus years. This is not something that I can deal with in my hotel operation. I can't lie to these people. This makes me ineligible to even ask for this business. It makes me ineligible to employ the people that have worked for me for 20 or 30 years. I need to know tonight that there's no sex offenders. Just putting this in, makes it almost impossible for people to even accept my hotel.*

**Owner:** *We dealt with the groups like for 50 years at this hotel before I even owned it. This is such a travesty that these people that have worked for me for this long and that I'm not going to be able to have jobs because I can't attract businesses because this environment is so close to me. This is a condemnation of my ability to have business. I mean, this is ridiculous. This property has held, you know, very important groups and meetings. I understand the problem. I'm happy to donate money, but you can't do this by bringing something in to a facility. I've been there for 50 years. You can't do this to me and just say, "I can do it because I passed an ordinance like this." I will fight it to the very end. This is not right. Somebody who has employed all kinds of people and paid the taxes for 50 something years; paid money to the City and paid money to the organizations to bring people into the City. When I can't take every person that stays in my hotel, I have to pay money to get people to come into the City. I can't take advantage of the groups that I'm paying for because of this. It's not right.*

**Applicant:** Mr. Walsh how can you guaranty there are no sex offenders in the area? Do you use the general public records to make sure there are no sex offenders there?

**Owner:** *I'm not exactly sure but yes that's part of it. This is ruining the environment for people that have worked for me many years, who depend on their employment, because the groups are not interested in being in this area with that type of environment. I'm also worried about transients.*

**Applicant:** There are currently transients in that area.

**Elizabeth Holguin:** Transient people do not equal sex offenders. I'm not sure where your argument is going there. It doesn't make much sense at this point.

**Attorney:** *Ms. Holguin, are you sure there's no way to check?*

**Owner:** *There's no way to check. I also feel like this is ruining the environment for people that have worked for me many years, which depend on their employment, because the groups are not interested in being in this area with that type of environment.*

**Agent:** I'm a member of the Rancher's Club. I understand. We have to do a background check on anybody who becomes a resident of the SOS. No sex offenders will be allowed to be a resident. There will not be any sex offenders in our SOS. This will actually help your business because the gates are locked from 8:00 at night to 7:00 in the morning. Nobody can come in or



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out. If you have women who have been sex trafficked or in their own business come into the SOS, they will not be able to get out at night to do any business in your hotel or anywhere close to your hotel. To me, this is an asset in terms of controlling what's going on outside your hotel. As a businessman, I think this will be an asset to controlling the environment around your hotel. It's going to be safer and more secure than anything else I can think of.

**Action Items** (Target date is within two weeks of Report date):

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

**Anticipated Timetable:** Applicant plans to file its SOS Application on or about December 1, 2022.

**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

## 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

asked to leave immediately and permanently. I realize that I am staying at Dawn Legacy Pointe of my own volition. I understand that paid staff may not be on-hand at the property at all times.

I, as a client resident of Dawn Legacy Pointe, hereby release and forever discharge and hold harmless Dawn Legacy Pointe and its successors and fiscal sponsor or assign 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 stay at Dawn Legacy Pointe. I agree to defend, indemnify, and save harmless Dawn Legacy Pointe and its officers, agents, employees, and fiscal sponsor from any and all suits, actions, claims of any character brought because of any injury or damage received or sustained from any person, persons, or property.

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Resident Name	Signature	Date
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Witness Name	Signature	Date
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# 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?

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2. Name of person filling out the form \*

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**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.

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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

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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

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19. What barriers are keeping you 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**

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**23. Current residence**

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**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.)

051

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?

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

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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

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

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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?

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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.

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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!

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

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

Mark only one oval.

Yes

No

This content is neither created nor endorsed by Google.



# 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

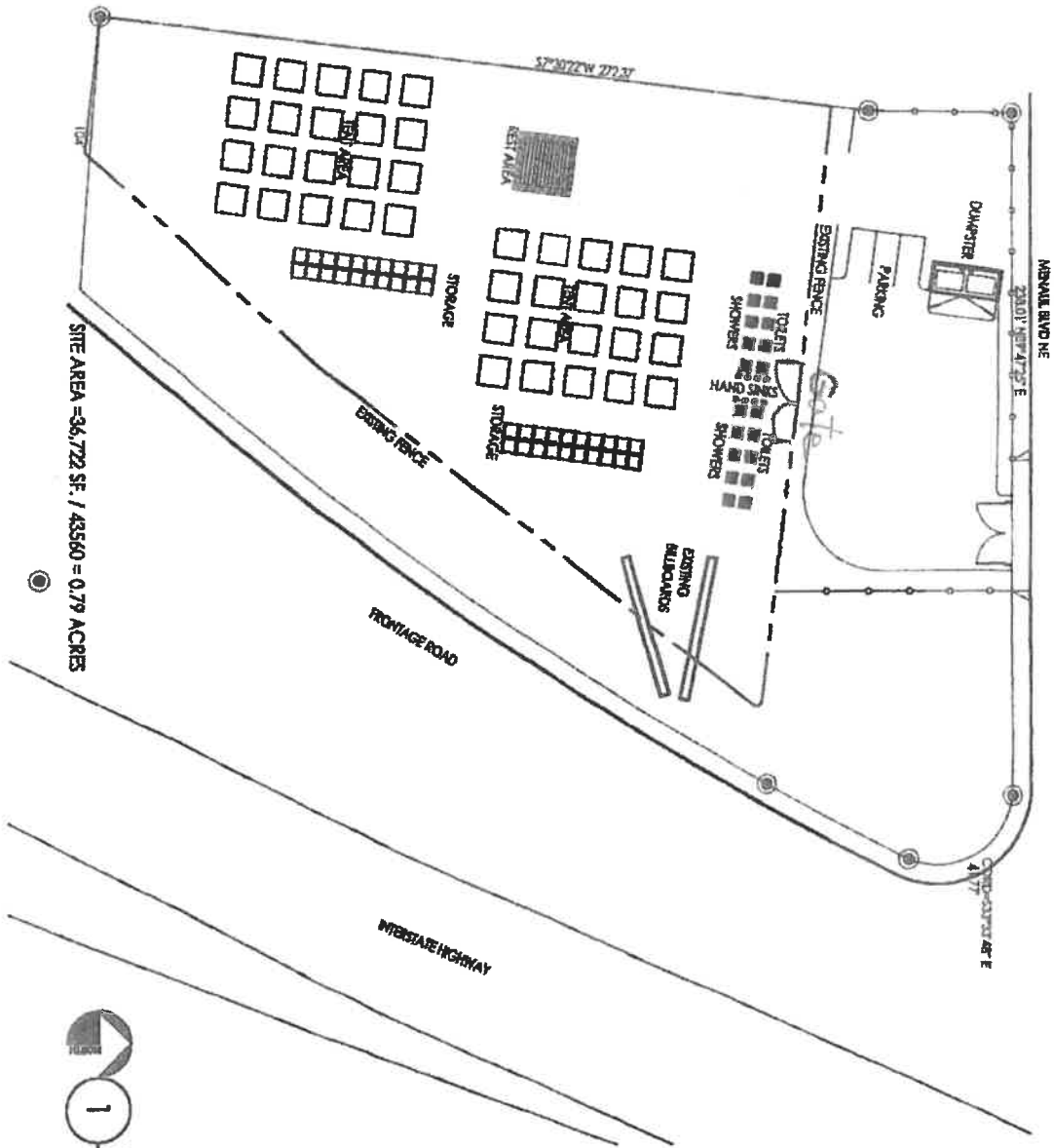
Albuquerque

NM 87103

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





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 <b>per claim</b>	Bodily Injury/Property Damage
\$1,000,000 <b>per claim</b>	Personal/Advertising Injury
\$1,000,000 <b>aggregate</b>	Products Liability/Completed Operations Hazard
\$50,000 <b>any one fire</b>	Fire Damage
\$ 5,000 <b>any one person</b>	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 2<sup>nd</sup> 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 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102  
Tel: (505) 924-3850 Fax: (505) 924-3847



December 8, 2022

Dawn Legacy Pointe  
8409 Central Ave NE  
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**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

## 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 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



~~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

*Last Name, First Name*

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

### PRIMARY DISABILITY

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

### PRIMARY PROBLEMS

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

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

### FOOD STAMPS

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

### MORE BENEFITS

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

### BENEFITS

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

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

## Δ CAMP HOPE AGREEMENTS 2018 Δ

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

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

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



MESILLA VALLEY COMMUNITY OF HOPE

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

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

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



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

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

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

Date \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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



# CITY OF ALBUQUERQUE



*Solid Waste Management Department*  
Matthew Whelan, Director

July 31, 2022

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

Dear Dawn Legacy Pointe,

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

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

PO Box 1293

Albuquerque

NM 87103

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

Sincerely,

Matthew Whelan

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



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

July 30, 2022  
[Date\*]

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

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](mailto:codeenforcement@cabq.gov).

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

2. Agent\* [if applicable] —

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

4. Location Description vacant land - SW corner of Menaul

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](mailto:devhelp@cabq.gov) or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <http://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

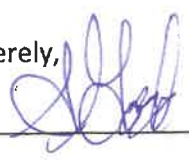
Please contact me with any questions or concerns at 720.333.8288 [phone number\*] or via s.goodco@gmail.com [email\*].

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

**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](http://www.usps.com)®.

Albuquerque, NM 87107

Certified Mail Fee \$4.00  
 \$  
 Extra Services & Fees (check box, add fee)  
 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		
<b>Total</b>			<b>\$7.35</b>
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](http://www.covidtests.gov)  
 \*\*\*\*\*

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

Preview your Mail  
 Track your Packages  
 Sign up for FREE @  
<https://informedelivery.usps.com>

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

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



or call 1-800-410-7420.

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](mailto:codeenforcement@cabq.gov).

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

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

Safe Outdoor Space

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

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

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

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

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

24 hours daily - 365 days per year

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

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

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

not applicable

Useful Links

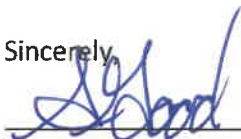
**Integrated Development Ordinance (IDO):**

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

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Sincerely,



[Agent/Property Owner/Developer/Operator]

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

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



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

July 30, 2022  
[Date\*]

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

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

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

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

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

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

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

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

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

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**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Sincerely,

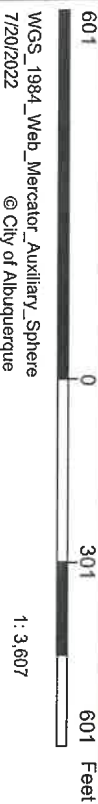
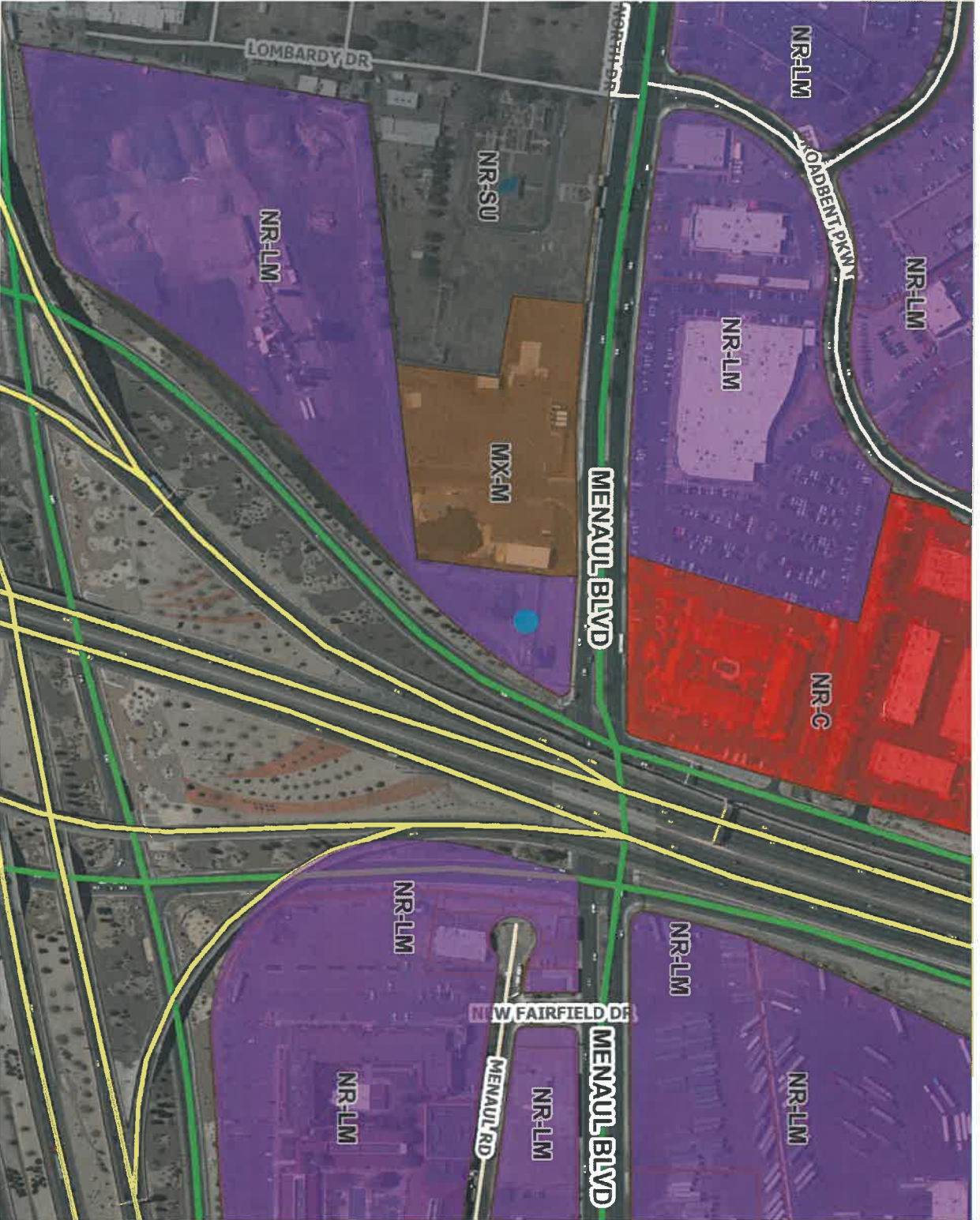
[Signature] [Agent/Property Owner/Developer/Operator]

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





# 1250 Menaul Blvd NE Vicinity Map



The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

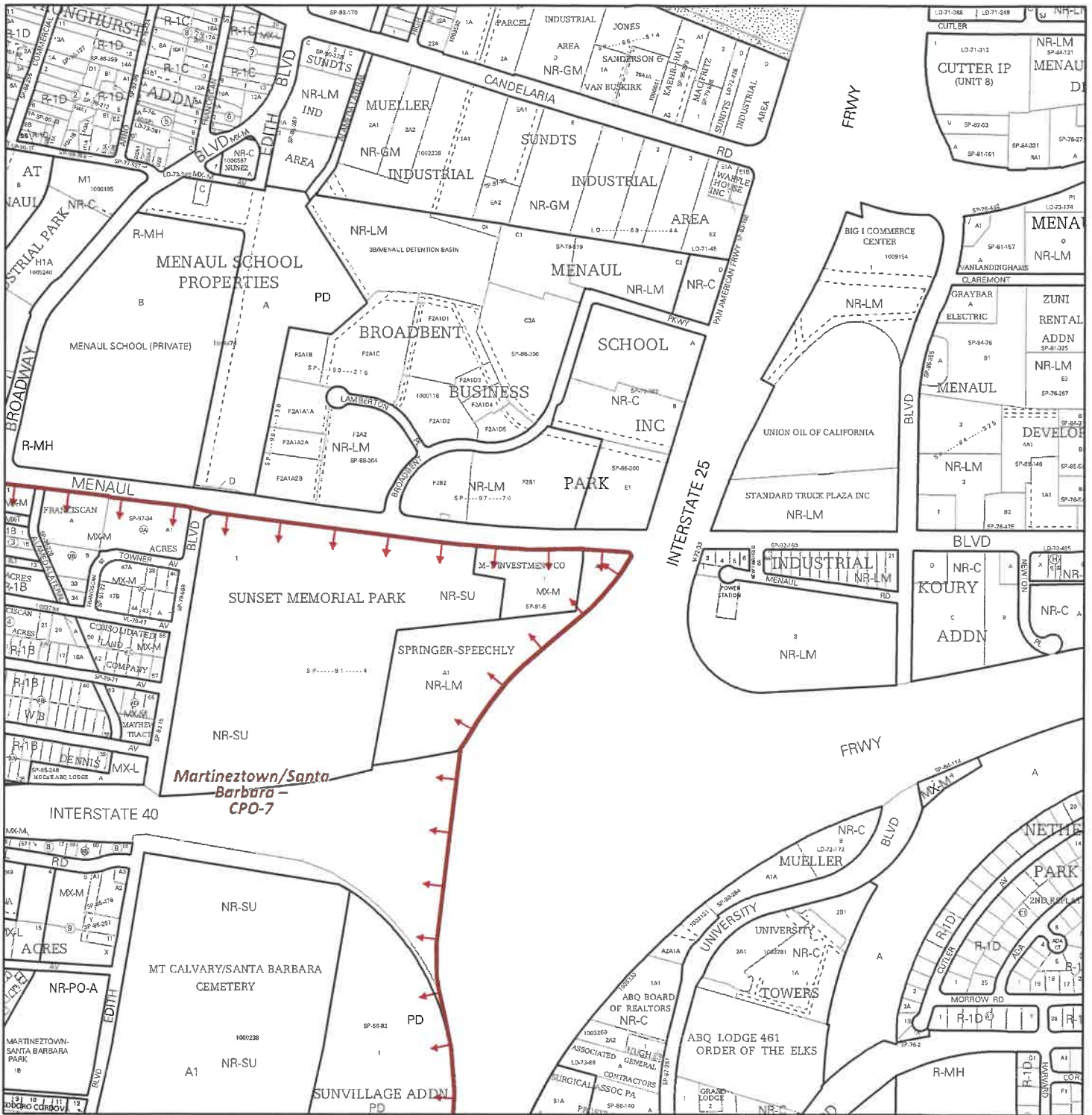
### Legend

IDO Zoning

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

### Notes





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

# IDO Zone Atlas May 2018



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



## Zone Atlas Page: H-15-Z

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

0 250 500 1,000  
Feet

August 3, 2022

Jeremy,

Please find enclosed the substitute Vicinity Map and Site Plan for the Safe Outdoor Space application from Dawn Legacy Pointe.

The City wanted them to use a different portion of the same property noted in their application.

Please let me know if you require anything else.

Thanks,

Brad Day  
505.328.3726

bradwday1@gmail.com

## Palmer, Jeffrey

---

**From:** Brad Day <bradwday1@gmail.com>  
**Sent:** Thursday, August 4, 2022 7:36 PM  
**To:** Palmer, Jeffrey  
**Subject:** Re: SOS application for 1250 Menaul Blvd NE

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

Mr. Palmer, your representation of the Site Plan for our Safe Outdoor Space at 1250 Menaul Blvd. NE, Albuquerque, New Mexico is correct. I would add 2 clarifications: 4. The maximum occupancy is 50 persons. 6. The fence also will have a screen attached making it opaque as required. Thank you for your help in this matter.

Brad Day

On Thu, Aug 4, 2022 at 4:57 PM Palmer, Jeffrey <[jppalmer@cabq.gov](mailto:jppalmer@cabq.gov)> wrote:

Good afternoon, Brad,

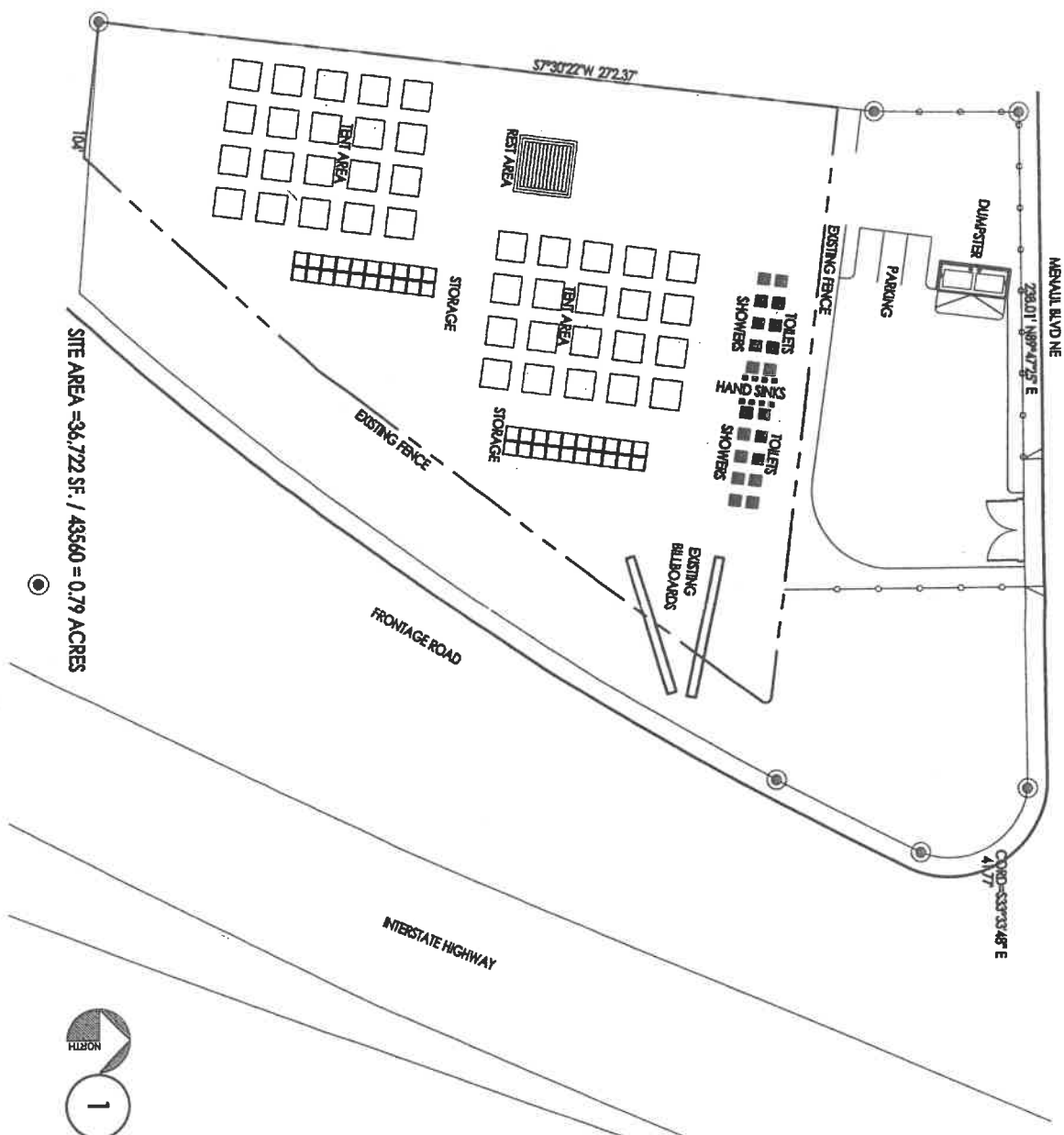
As we discussed this afternoon, we are in the process of reviewing the application submitted by you for Dawn Legacy Pointe, to be located at 1250 Menaul Blvd NE.

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

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

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

Respectfully,

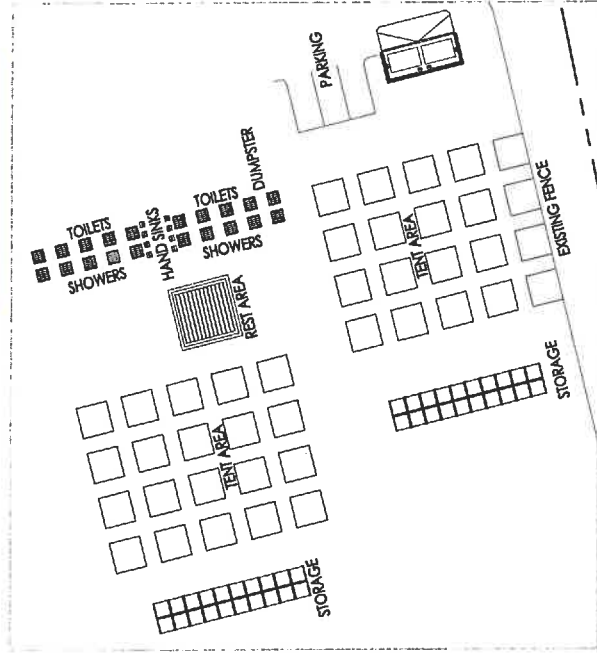


SITE AREA = 36,722 SF. / 43560 = 0.79 ACRES



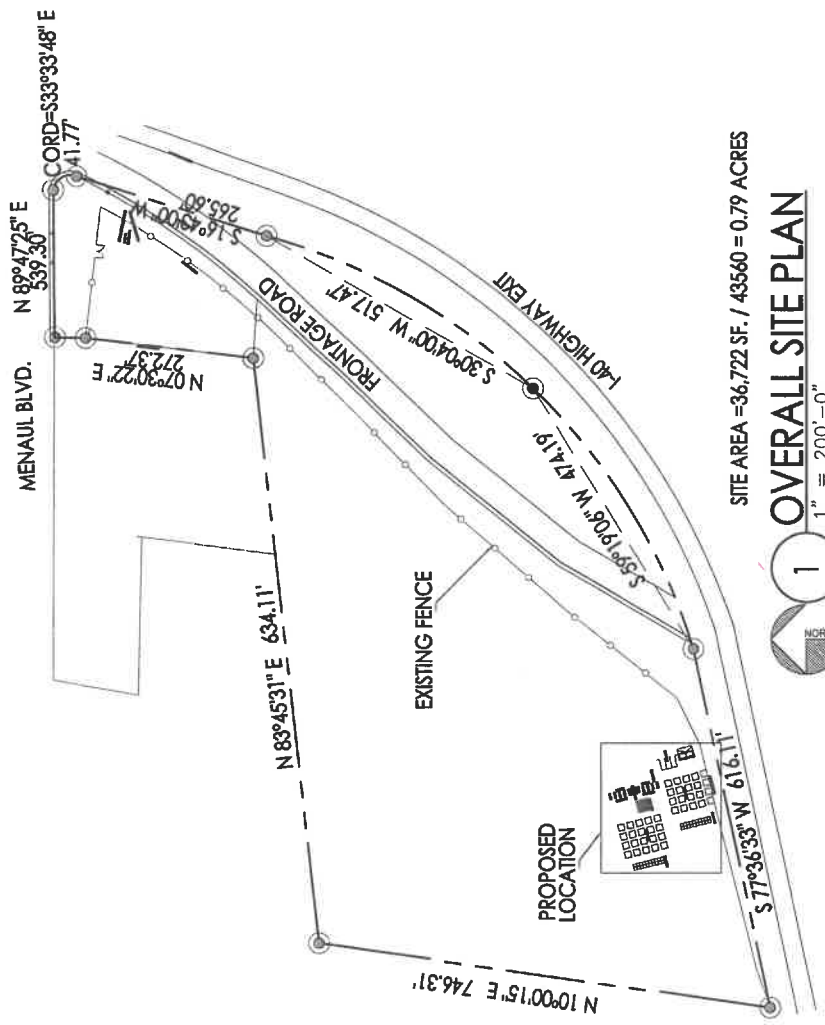
**1** SITE PLAN  
1" = 40'-0"

1ST SUBMITTAL  
- REVISIONS



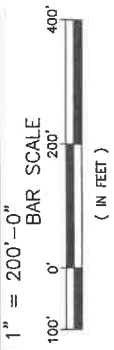
ENLARGED SITE PLAN

2 1" = 40'-0"



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

1 OVERALL SITE PLAN



## 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 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

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](mailto: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] —
11. Current Land Use [vacant, if none] vacant
12. Deviations Requested [if applicable] —
13. Variances Requested [if applicable] —

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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

**Integrated Development Ordinance (IDO):**

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

**IDO Interactive Map**

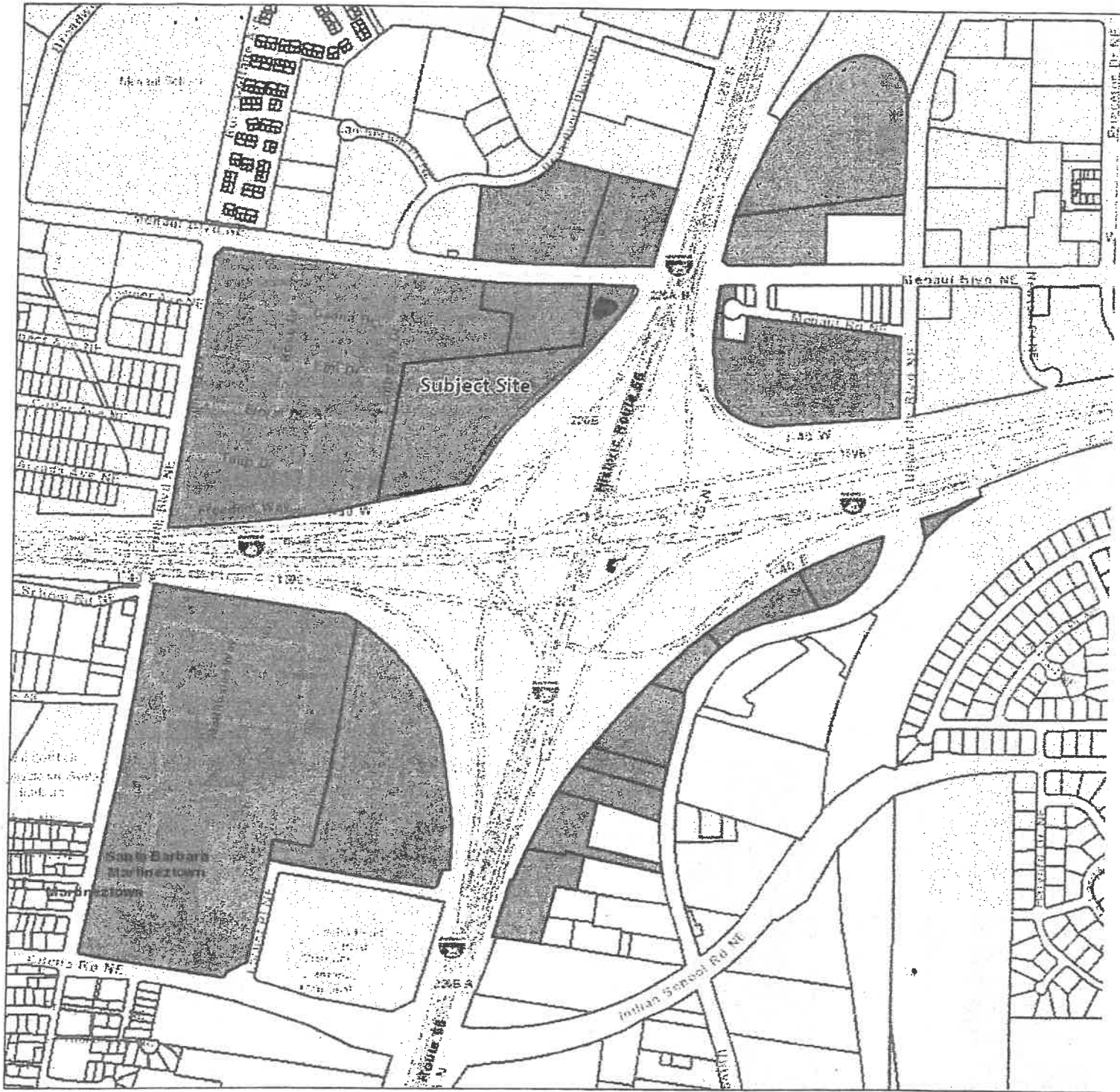
<https://tinyurl.com/IDOzoningmap>

Sincerely,

J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

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



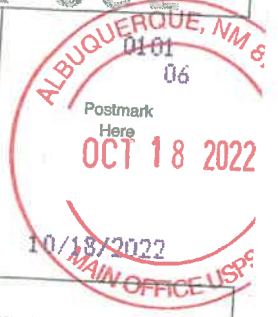
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ALBUQUERQUE, NM 87102

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Certified Mail Fee	\$	\$4.00
Extra Services & Fees (check box, add fee <del>to</del> )		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	<del>\$0.00</del>
<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
<b>Total Postage and Fees</b>	\$	<b>\$4.60</b>



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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 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](mailto:codeenforcement@cabq.gov).

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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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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

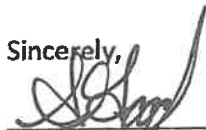
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<https://tinyurl.com/IDOzoningmap>

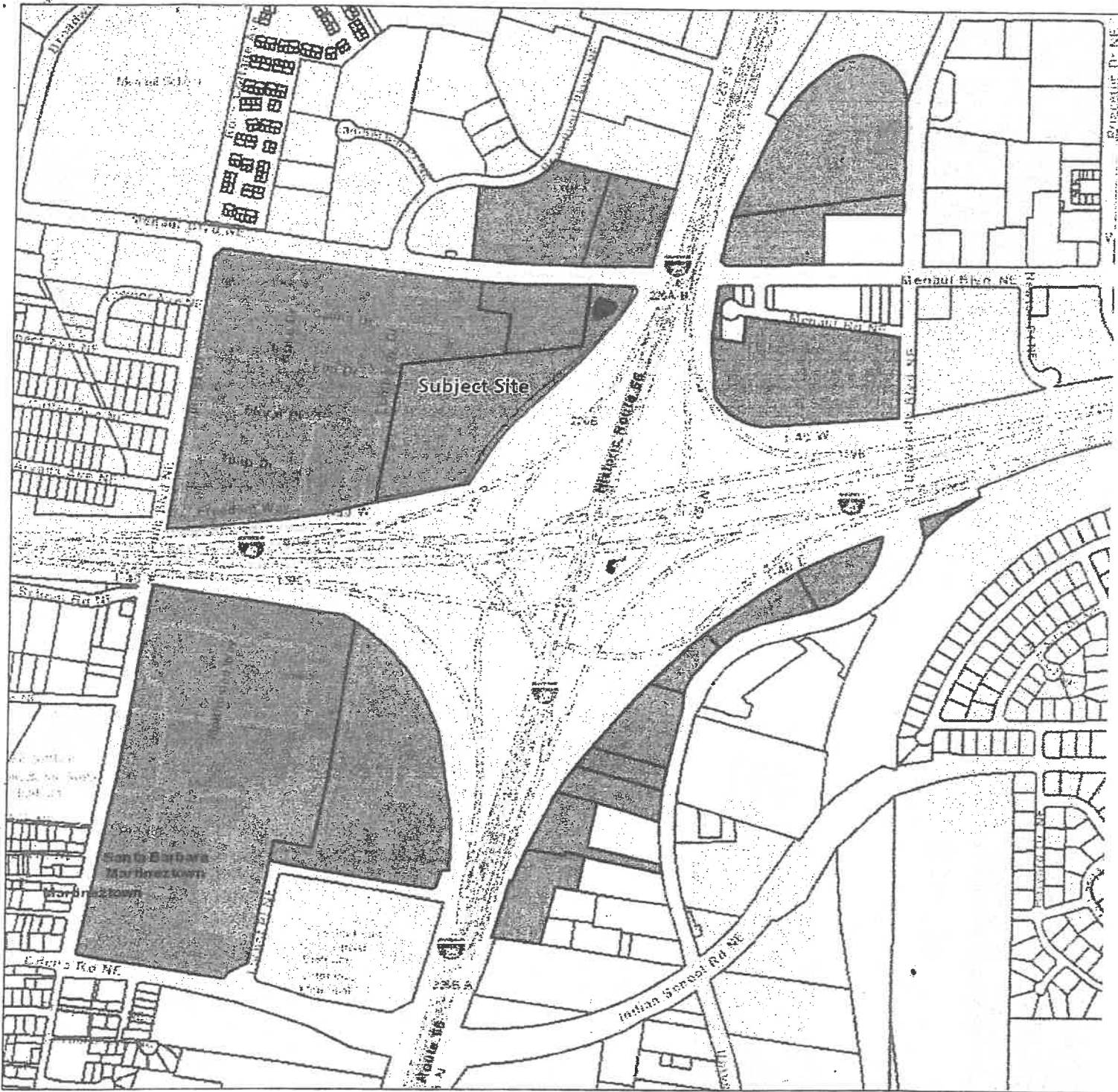
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

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





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<input type="checkbox"/> 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
<b>Total Postage and Fees</b>	<b>\$4.60</b>



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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\*]

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](mailto:codeenforcement@cabq.gov).

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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.goodleo@gmail.com [email\*].

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

Useful Links

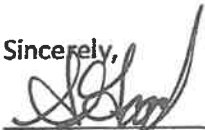
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<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

**IDO Interactive Map**

<https://tinurl.com/IDOzoningmap>

Sincerely,

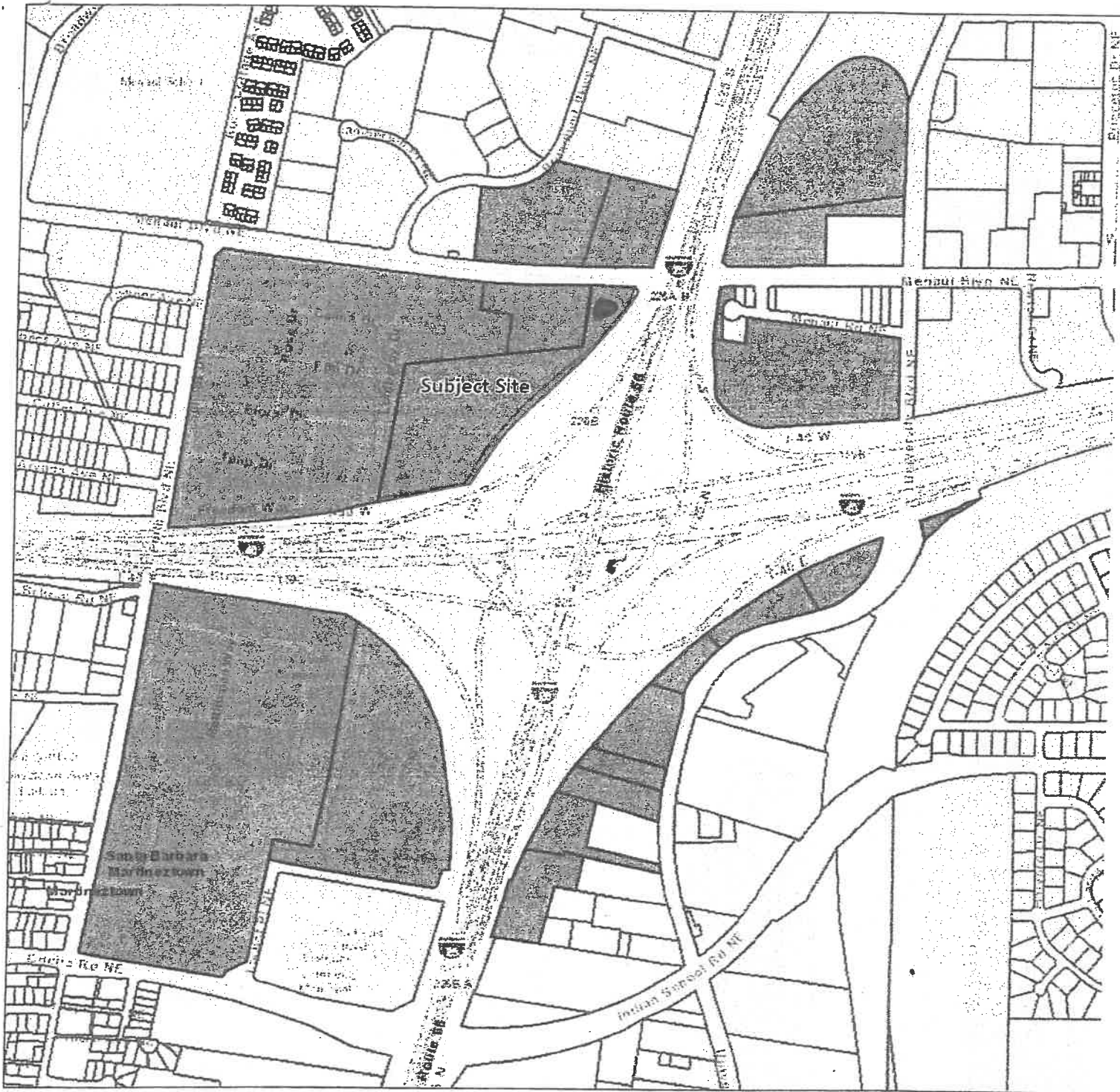


J. Kylea Good - Dawn Legacy Pointe

Cc:

[Agent/Property Owner/Developer/Operator]

[Other Property Owners, if any]



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

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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\*]

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](mailto:codeenforcement@caba.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\*].

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Useful Links

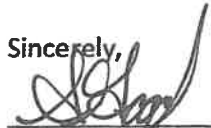
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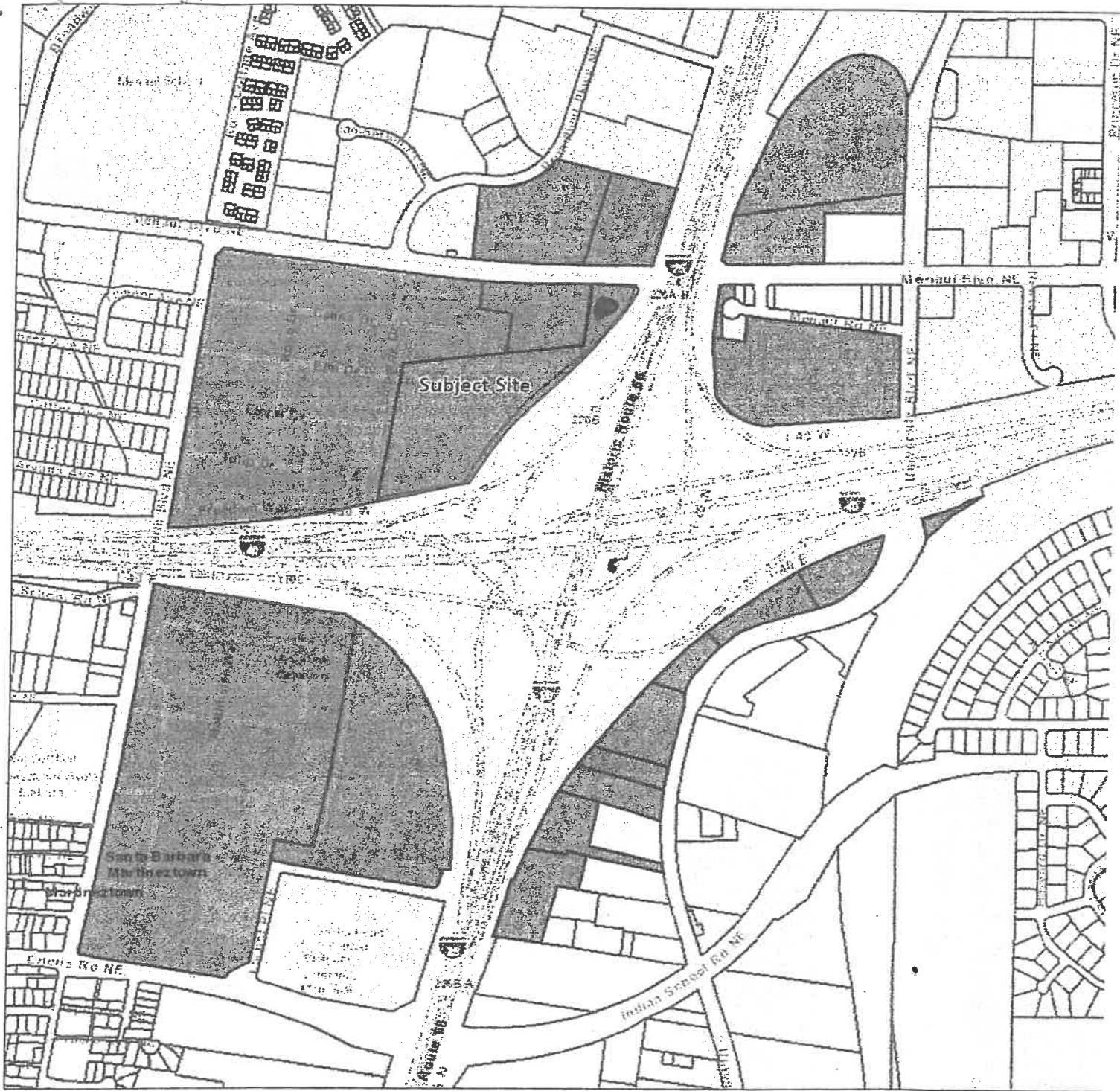
<https://tinyurl.com/IDOzoningmap>

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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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
<b>Total Postage and Fees</b>	\$	<b>\$4.60</b>



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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](mailto:codeenforcement@cabq.gov).

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Property Owner Notice Form for Temporary Use Permit

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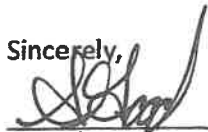
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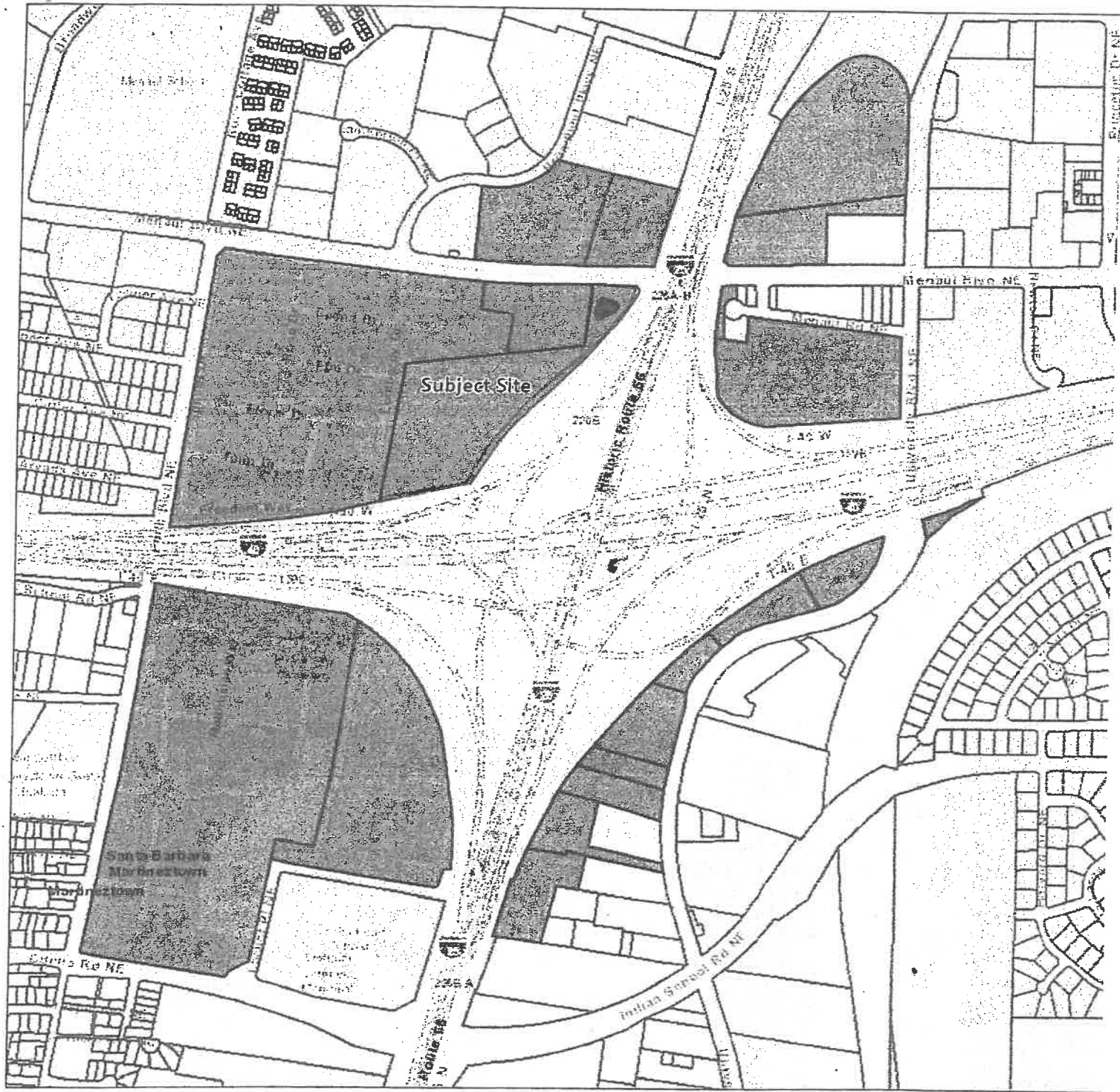


J. Kylea Good - Dawn Legacy Pointe

Cc:

[Agent/Property Owner/Developer/Operator]

[Other Property Owners, if any]



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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
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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.]

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](mailto:codeenforcement@cabq.gov).

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Property Owner Notice Form for Temporary Use Permit

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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]





7021 0950 0001 1423 3446

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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
Postage	\$0.60
<b>Total Postage and Fees</b>	<b>\$4.60</b>

Sent To \_\_\_\_\_  
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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](mailto: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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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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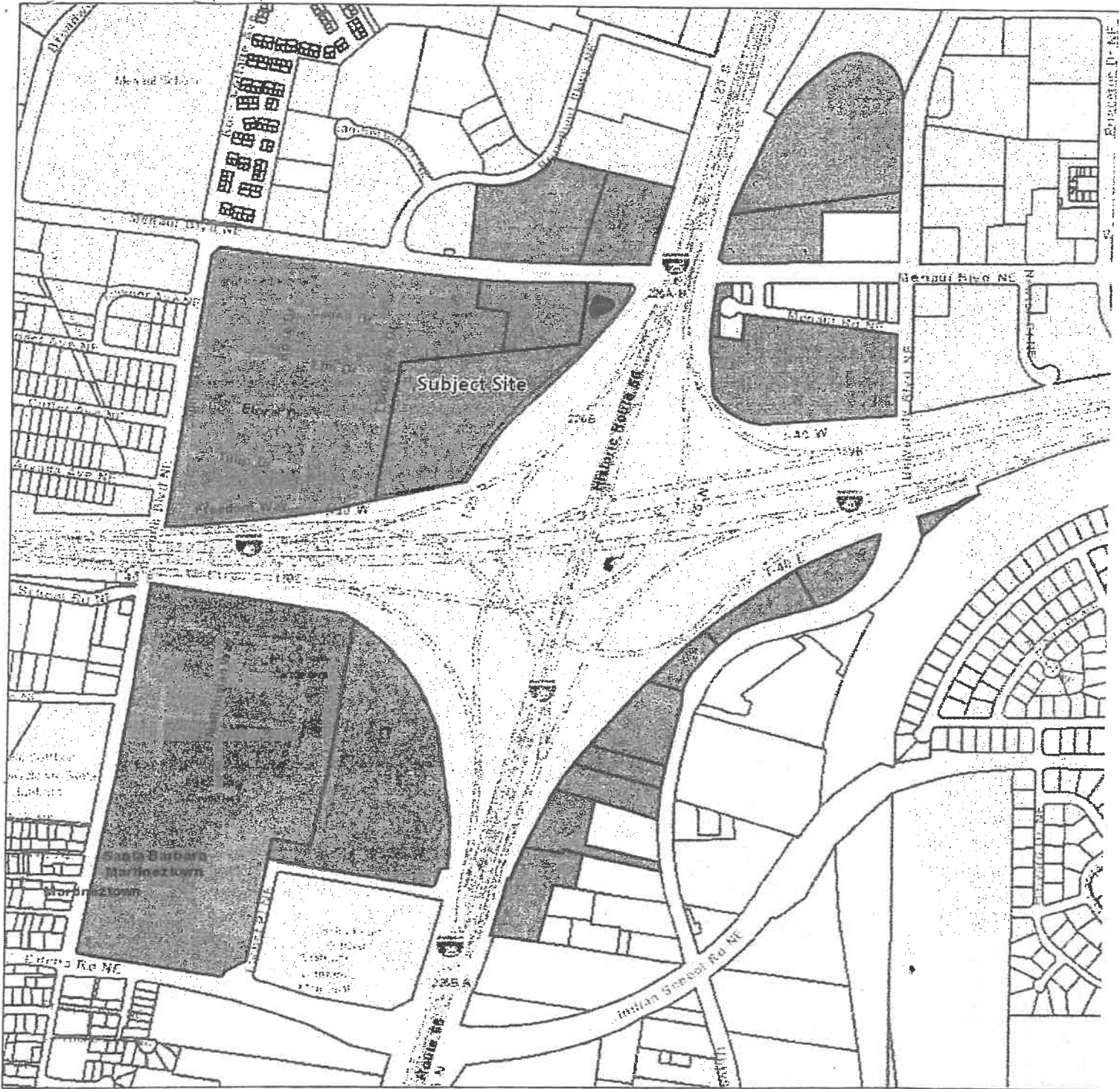
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

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



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<input type="checkbox"/> 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](mailto:codeenforcement@cabq.gov).

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10. Center or Corridor Area [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

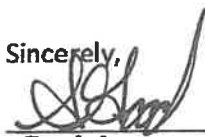
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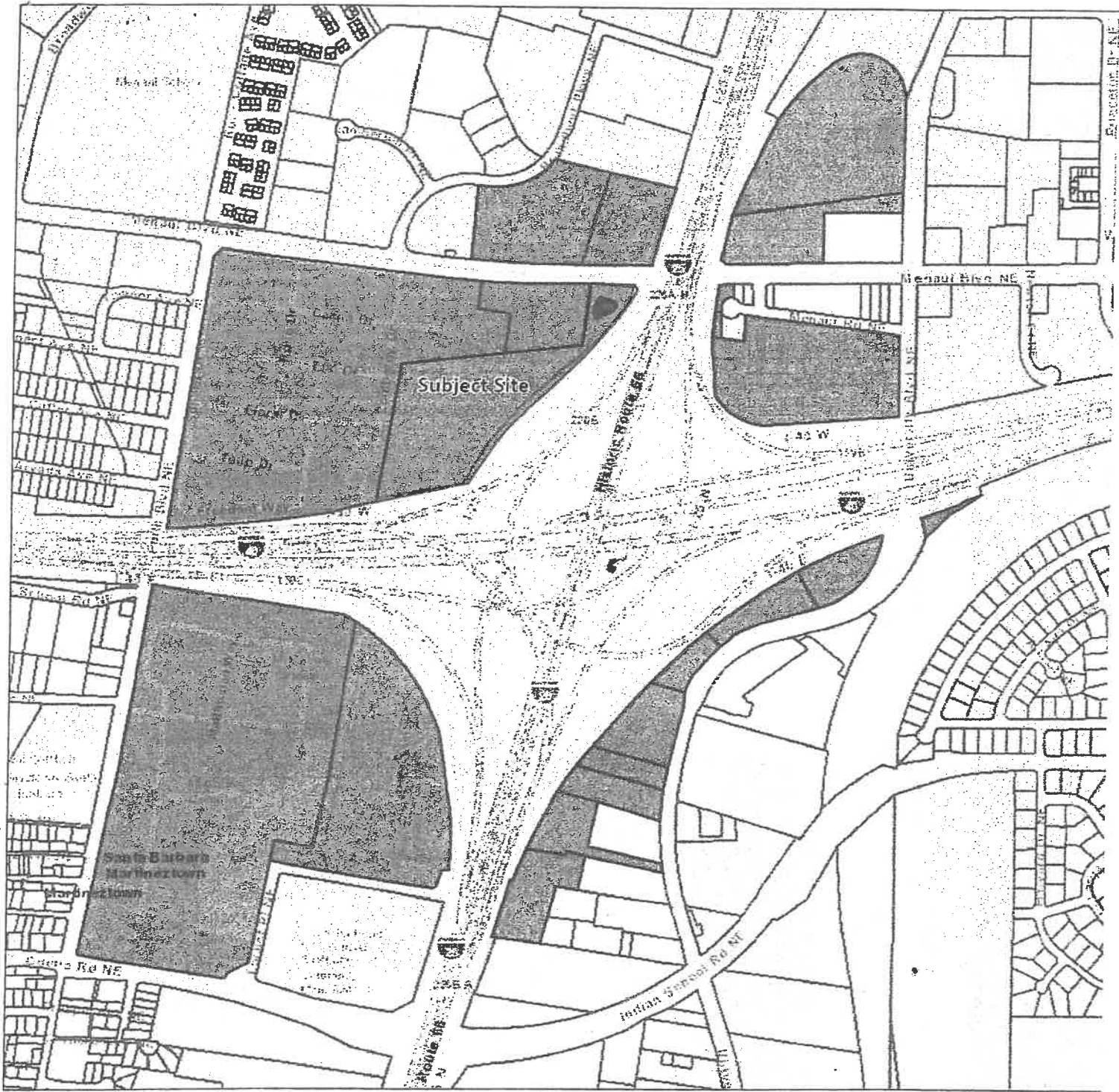
Sincerely,



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 (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
<b>Total Postage and Fees</b>	<b>\$4.60</b>

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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](mailto: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

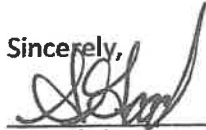
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Sincerely,

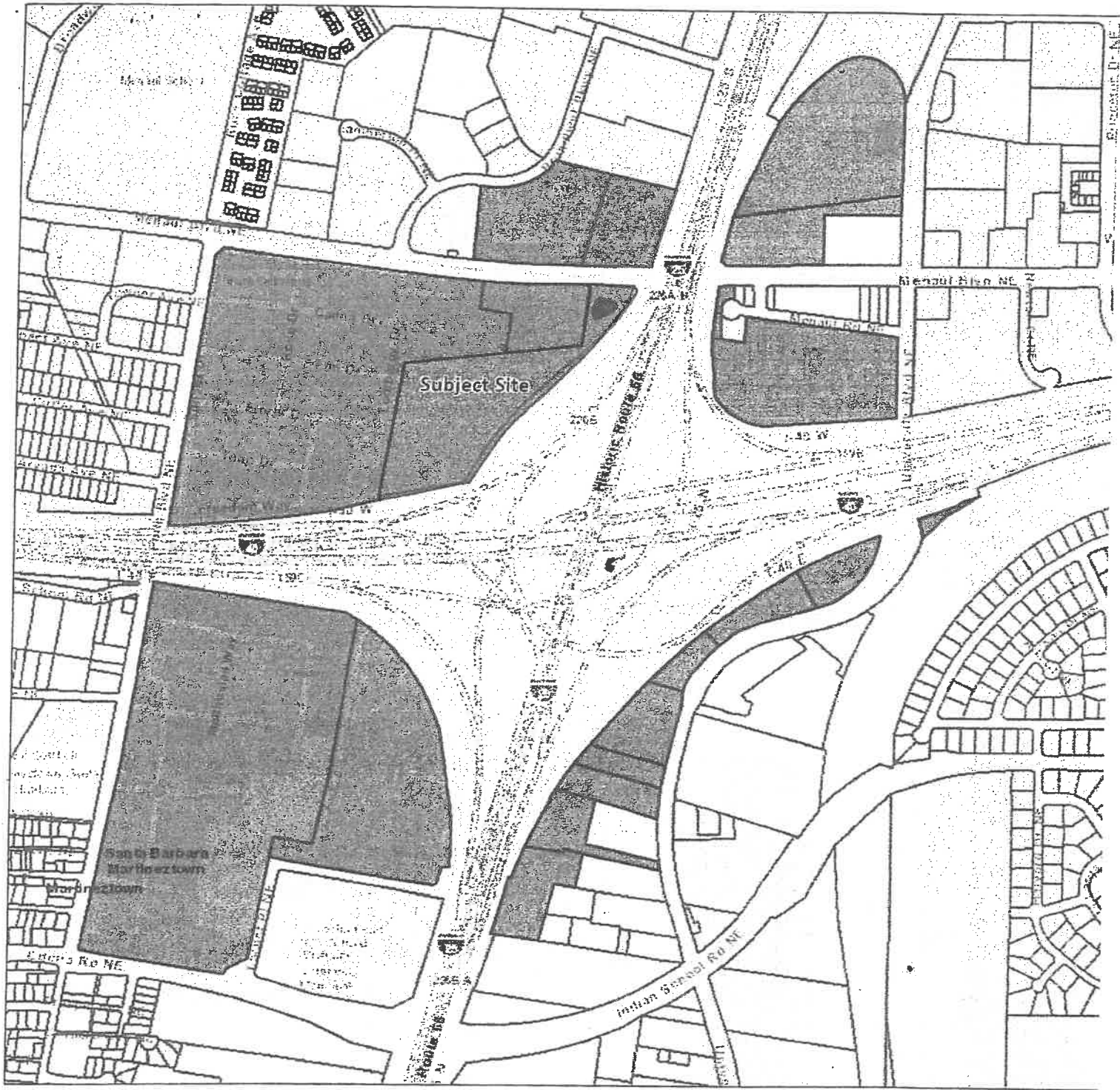


J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc:

[Other Property Owners, if any]



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<input type="checkbox"/> 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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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](mailto: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\*].

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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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Fresno, TX 75035	
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
<b>Total Postage and Fees</b>	<b>\$ 4.60</b>



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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\*]

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],

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Whitestone NY 11377

Certified Mail Fee	\$4.00
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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](mailto:codeenforcement@cabq.gov).

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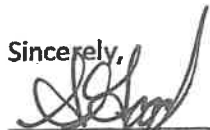
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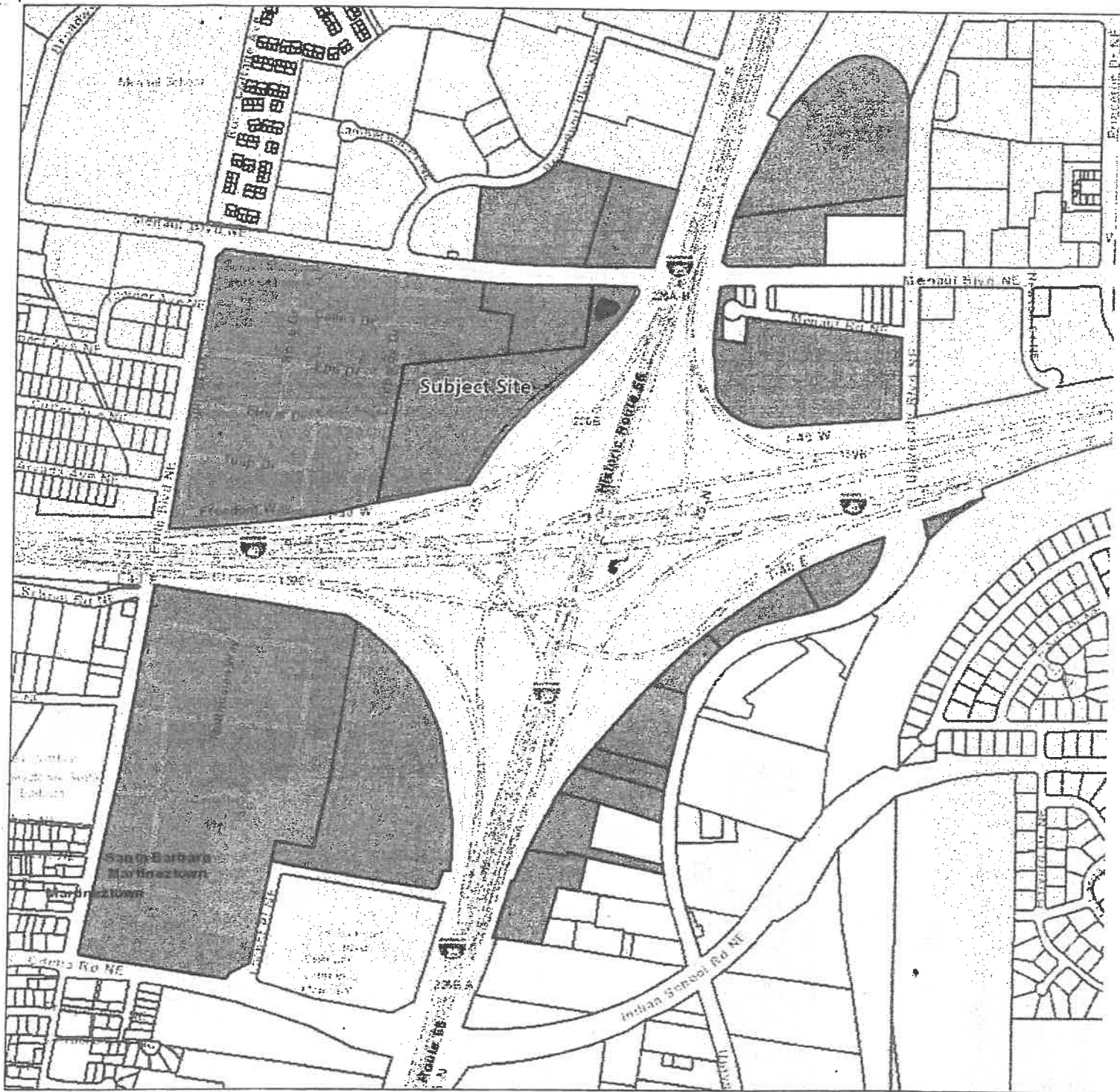


J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc:

[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\*]

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](mailto:codeenforcement@cabq.gov).

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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

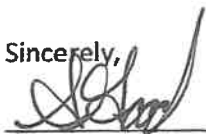
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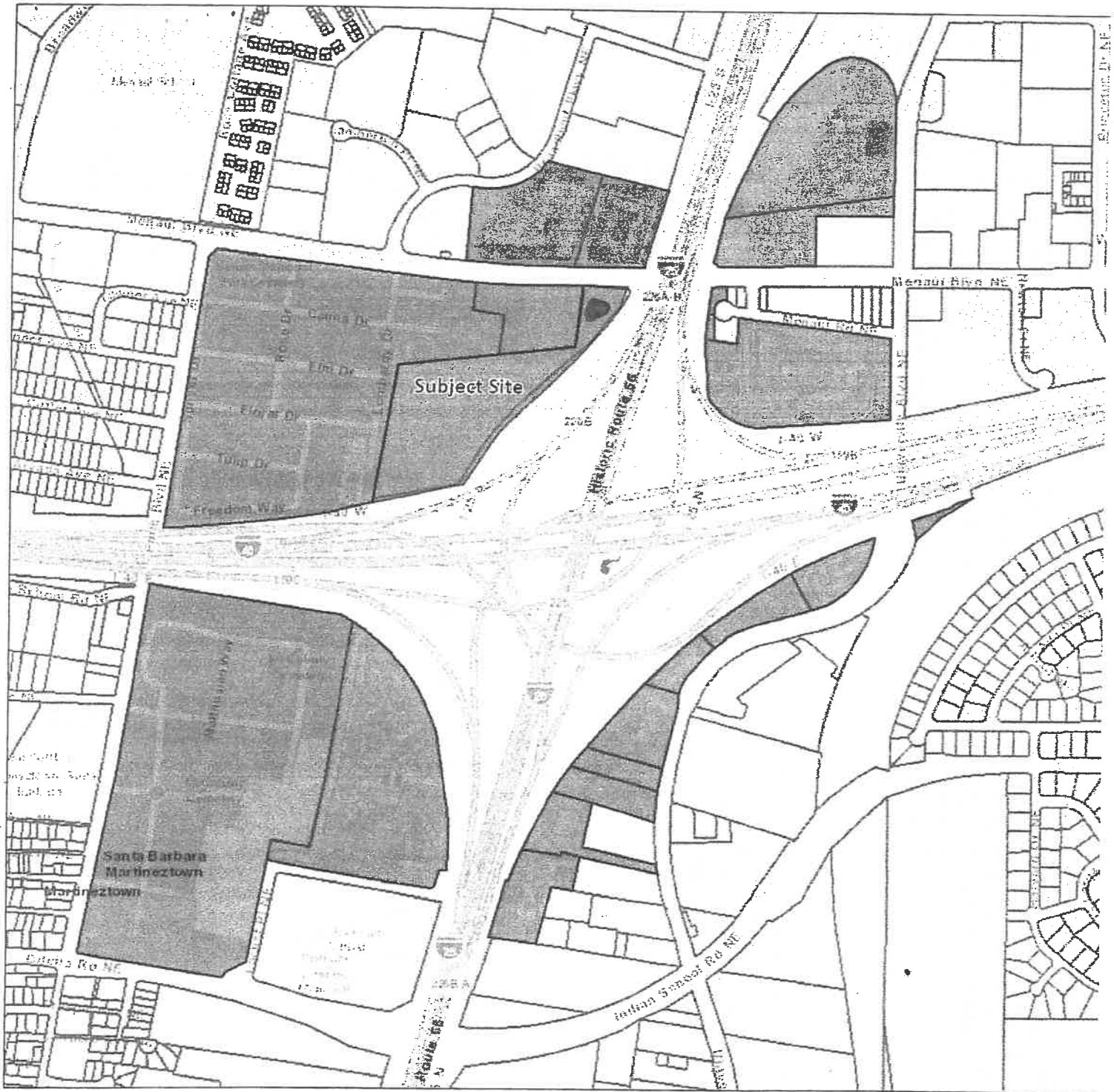
Sincerely,



[Agent/Property Owner/Developer/Operator]

J. Kylea Good - Dawn Legacy Pointe

Cc: \_\_\_\_\_ [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\*]

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](mailto:codeenforcement@cabq.gov).

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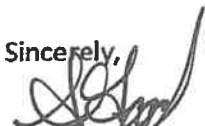
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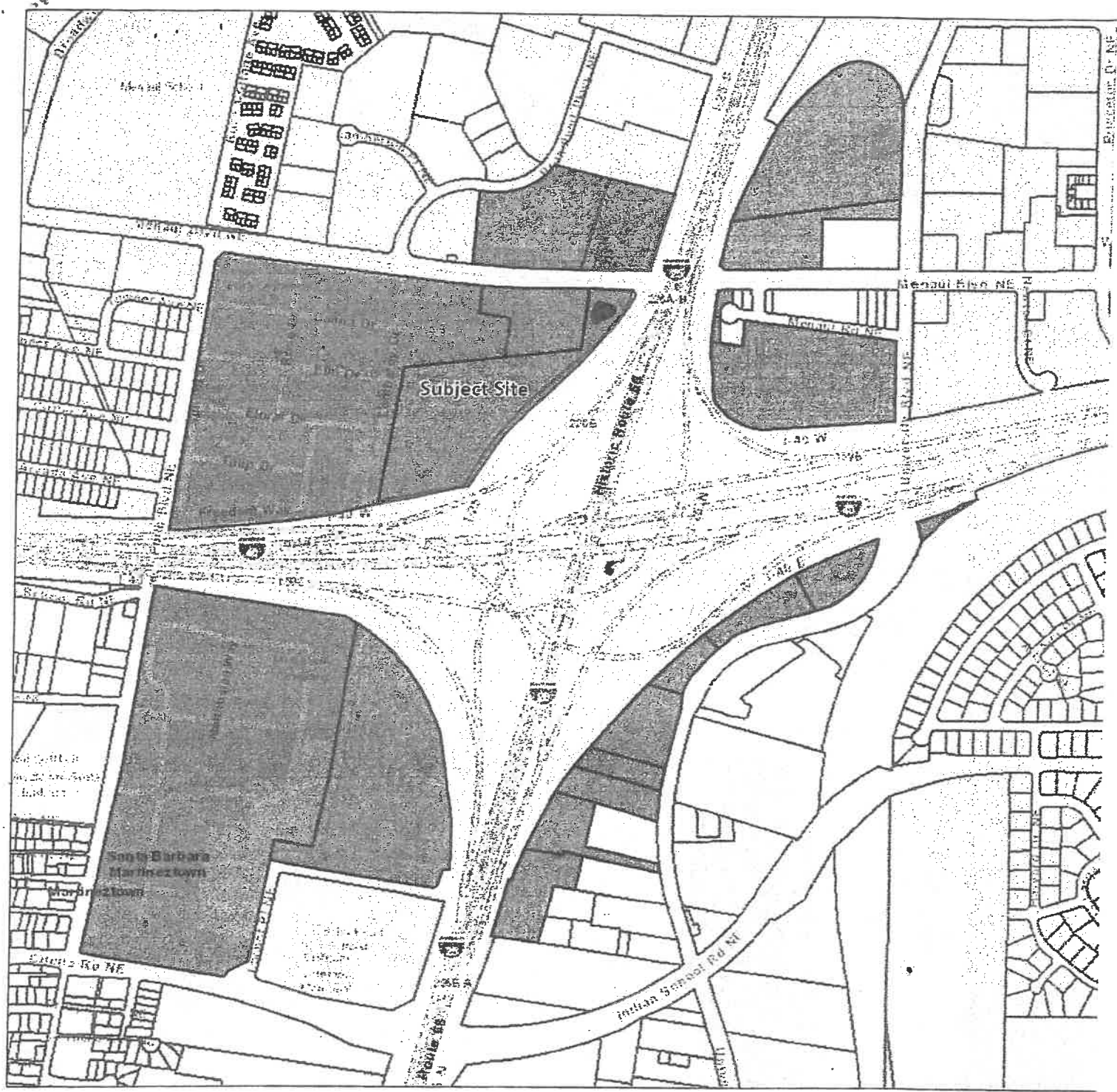
Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

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





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



[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](mailto:codeenforcement@cabq.gov).

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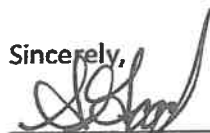
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Sincerely,



J. Kylea Good - Dawn Legacy Pointe

[Agent/Property Owner/Developer/Operator]

Cc:

[Other Property Owners, if any]



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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],

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

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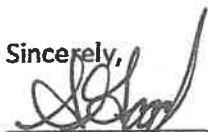
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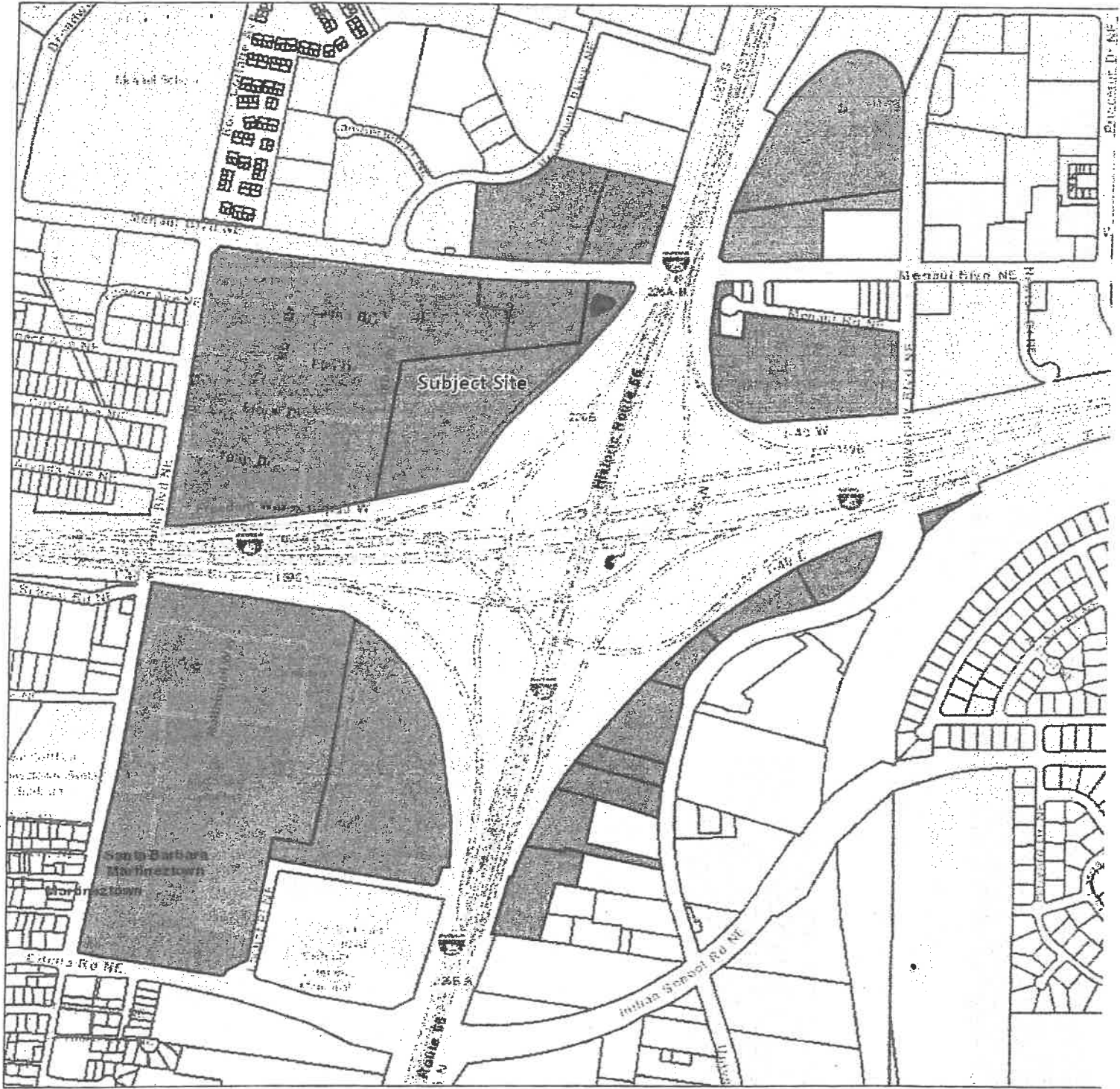


J. Kylea Good - Dawn Legacy Pointe

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\*]

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],

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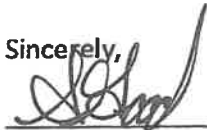
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S. Kylea Good - Dawn Legacy Pointe

[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

## 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.

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✓ 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

## **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

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*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.





## 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 the 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](http://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



Recipient Name: Leachy, Lante

City, State, ZIP+4®: ABQ NM 87108

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

**M:f UNITED STATES POST/J.L SERVICE.**

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

Uoi15/2022 11:11 AM

P10.duct Qty Unit Price

First-Class Mail® 1 \$0.60  
 Lt: -"lter  
 Albuquerque, NM 87107  
 Weight: 0 lb 0.60 oz  
 Estimated Delivery Date  
 Mon 08/08/2022  
 Certified Mail® \$1.10  
 Tracking#: 70221670000329274442  
 Return Receipt \$8.25  
 Tracking#: 9590 9402 7272 1284 5409 6.1

Total \$12.00

US Flags 20 \$0.60 \$12.00

Grand Total: \$19.85

Credit Card Remit \$19.85

Card Name: VISA  
 Account#: XXXXXXXXXXXX1746  
 Approval #: 03624C  
 Transaction#: 300  
 AID: A0000000031010 Chip  
 AL: VISA CREDIT  
 PIN: Not Required CHASE VISA

\*\*\*\*\*  
 Every household in the U.S. is now eligible to receive a third set of 8 free test kits.  
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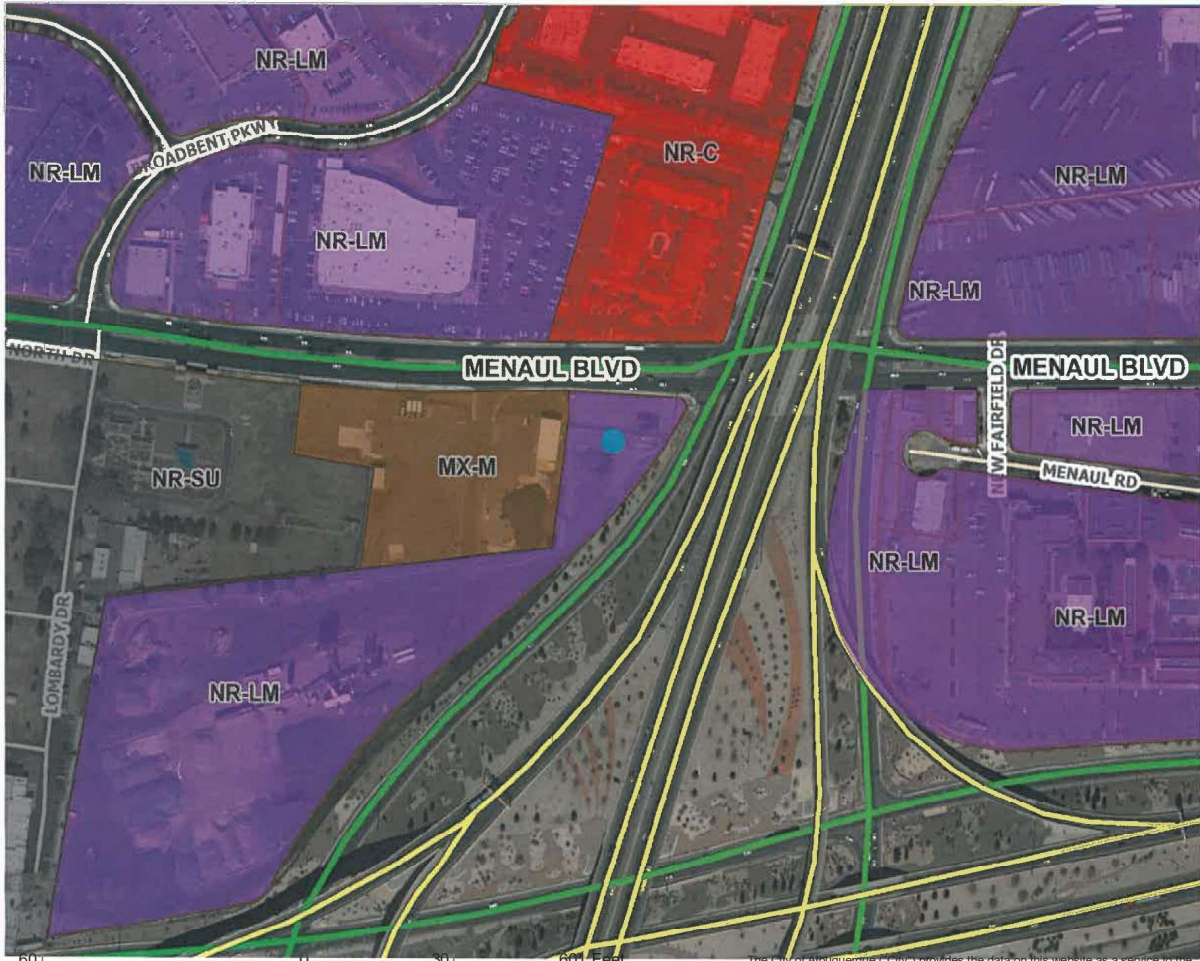
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# 1250 Menaul Blvd NE Vicinity Map



- Legend**
- IDOZoning**
- R-A
  - R-1A
  - R-1B
  - R-1C
  - R-1D
  - R-T
  - R-MC
  - R-ML
  - R-MH
  - MX-T
  - MX-L
  - MX-H
  - MX-FB-FX
  - MX-FB-ID
  - B-NR
  - NR-EP
  - NR-LM
  - NR-GM
  - NR-SU
  - NR-PO-A
  - NR-PO-B
  - NR-PO-C
  - NR-PO-D
  - PD
  - PC
  - UNCL
- Bernalillo County Parcels**
- Primary Streets**

**Notes**

601 0 301 601 Feet

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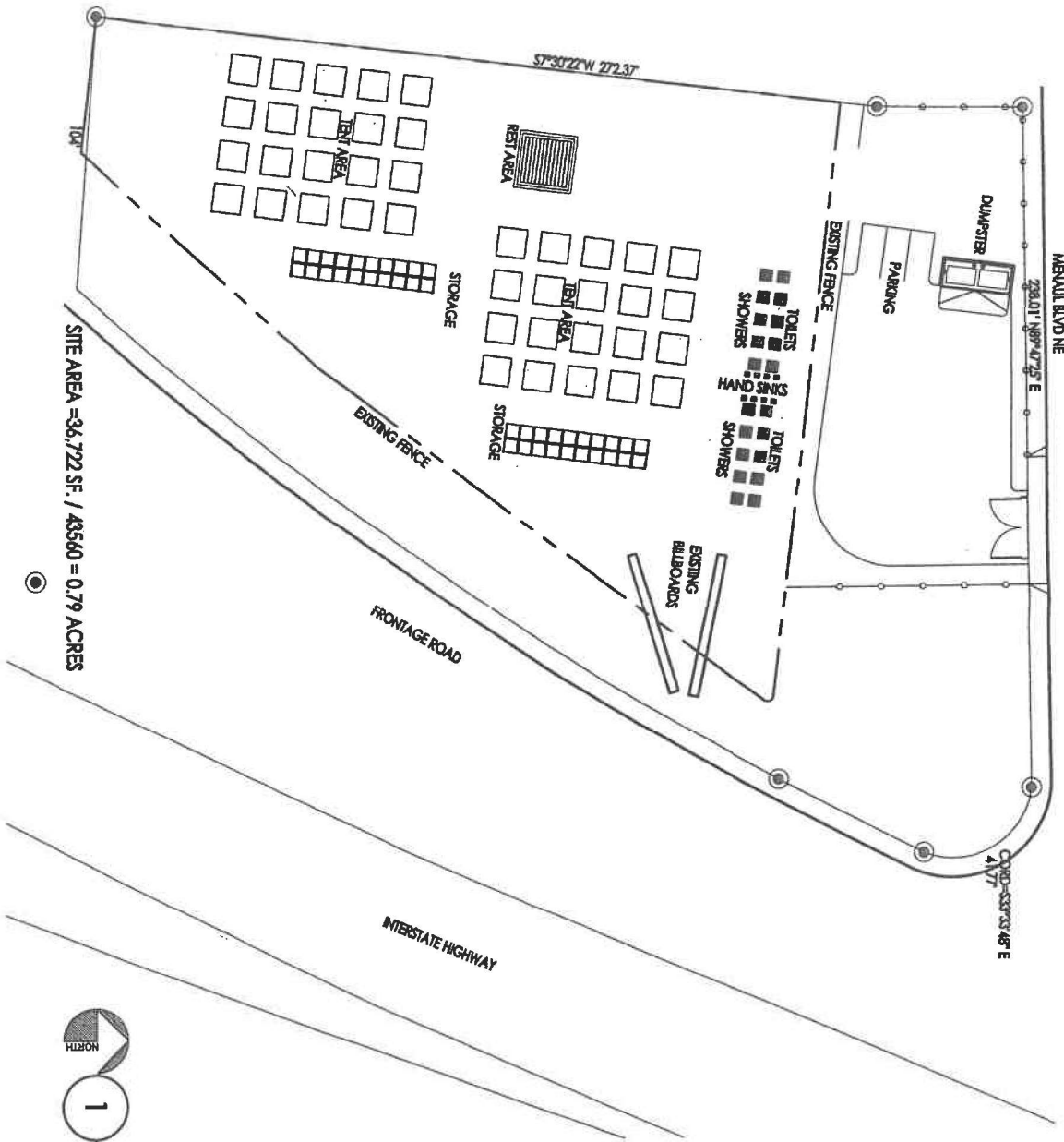
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Albuquerque, NM 87107

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 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$

Postage \$0.60

Total Postage and Fees \$7.85

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 Dawn Legacy Pointe  
 Street and Apt. No., or P.O. Box No.  
 8409 Central Ave NE  
 City, State, ZIP+4®  
 Albuquerque 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		
<b>Total</b>			<b>\$7.35</b>
US Flags	20	\$0.60	\$12.00

Grand Total: \$19.85

Credit Card Remit \$19.85

Card Name: VISA  
 Account #: XXXXXXXXXXXX1746  
 Approval #: 03624C  
 Transaction #: 300  
 AID: A0000000031010 Chip  
 AL: VISA CREDIT  
 PIN: Not Required CHASE VISA

\*\*\*\*\*  
 Every household in the U.S. is now eligible to receive a third set of 8 free test kits.  
 Go to [www.covidtests.gov](http://www.covidtests.gov)  
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or call 1-800-410-7420.

Exhibit A

Tracking Number:

**70221670000329274442**



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Add to Informed Delivery

### Latest Update

Your item was delivered to the front desk, reception area, or mail room at 4:51 pm on August 8, 2022 in ALBUQUERQUE, NM 87107.

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### Delivered

**Delivered, Front Desk/Reception/Mail Room**

ALBUQUERQUE, NM 87107

August 8, 2022, 4:51 pm

### Out for Delivery

ALBUQUERQUE, NM 87107

August 8, 2022, 9:14 am

### Arrived at Post Office

ALBUQUERQUE, NM 87107

August 8, 2022, 9:03 am

### Departed USPS Facility

ALBUQUERQUE, NM 87101

August 6, 2022, 9:45 pm

### Arrived at USPS Facility

ALBUQUERQUE, NM 87101

August 5, 2022, 9:31 pm

### Departed Post Office

ALBUQUERQUE, NM 87108

August 5, 2022, 4:04 pm

### USPS in possession of item

ALBUQUERQUE, NM 87108

August 5, 2022, 11:09 am

### Hide Tracking History

Exhibit B

***Planning Department***  
***Alan Varela, Planning Director***

***Development Review Division***

600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

**NOTICE OF APPEAL**

December 23, 2022

**TO WHOM IT MAY CONCERN:**

The Planning Department received an appeal on December 23, 2022. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Alfredo Ernesto Salas, Planning Administrative Assistant at (505) 924-3370.

***Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.***

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

**CITY COUNCIL APPEAL NUMBER: AC-23-5**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2022-007490, VA-2022-00370**

**APPLICANT: Sunset Memorial Park**  
**924 Menaul Blvd. NE**  
**Albuquerque NM, 87107**

**AGENT: Briones Business Law Consulting**  
**c/o Thomas Briones, Taylor Duffney, Raquel Koch Vaz**  
**1121 4<sup>th</sup> St NW**  
**Albuquerque NM, 87102**

cc: Mandi Hinojos, City Council, City county bldg. 9<sup>th</sup> floor  
Kevin Morrow/Legal Department, City Hall, 4<sup>th</sup> Floor-  
Sunset Memorial Park, [joshg@sunset-memorial.com](mailto:joshg@sunset-memorial.com)  
Briones Business Law Consulting, Thomas Briones [tb@brionesbusinesslaw.com](mailto:tb@brionesbusinesslaw.com)