

LAND USE FACILITATION PROGRAM REPORT

Building Permit Application

2701 Mulberry Street SE

April 5, 2023

Project: Building Permit Application

Property Description/Address: 8701 Mulberry Street SE, Albuquerque NM 87106

Date Submitted: April 7, 2023

Submitted By: Tyson R. Hummell

Meeting Date/Time: April 5, 2023, 6:00 pm – 8:00 pm

Meeting Location: Thomas Bell C.C.

Facilitator: Tyson R. Hummell

Applicant Team: Veterans Integration Center (V.I.C.), RBA Architecture Planning

Neighborhood Associations/Interested Parties: Kirtland Community Association (KCA)

Project Application Summary:

The Applicant seeks a permissive use Building Permit to construct the Veterans Integration Center. The proposed property will provide residential, multi-step, wrap-around services to support U.S. Veterans experiencing homelessness. The current Application will accommodate 42 residential units.

Please see project Application for specifications, renderings and other design details.

The proposed site is zoned MX-L and is presently vacant.

1. Discussion:

a. Operational Concerns.

- i. KCA is concerned that violent or otherwise dangerous clients may leave the facility property and cause harm in the surrounding community.
- ii. KCA is concerned that Food Pantry operations could cause excessive traffic and congestion in the community.
- iii. KCA is also concerned that the Pantry may draw large numbers of additional homeless from surrounding areas. The fear is that those folks not residing at the V.I.C. would overwhelm the local community and become an undue burden.
 1. KCA and the Applicant Team discussed mutually agreeable ways to mitigate these concerns; including limiting the Pantry operations to one time per week.
 2. Any final solution to these concerns will need to evolve, as they arise; perhaps through a living Good Neighbor Agreement. This will allow solutions to be more responsive and flexible.

b. Procedural Concerns.

- i. KCA objects and requests that an inquiry be made into Applicant Team's procedural compliance.
 1. Specifically, with regard to Pre-Application notice, meetings and communication requirements.

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- a. KCA specifically requests review and confirmation regarding timing, pursuant to Table 6-1-1 in the IDO.
 - b. Additionally, an informal meeting was held on October 5, 2022.
 - c. KCA argues that this date violates the IDO, because it exceeds 90 days prior to V.I.C.'s formal Application submittal.
 - d. Again, KCA specifically requests review and confirmation.
- ii. Applicant Team stated that it complied with all procedural requirements, pursuant to the IDO.
 - *This topic was left at impasse*
- c. Future Concerns.
 - i. KCA has concerns and objections in regard to V.I.C.'s disclosure of future plans for additional phases of development.
 - a. V.I.C. states that these plans are loosely tentative and long-term. Any matter of controversy concerning those possible plans would be speculative and premature.
 - b. KCA objects and does not feel V.I.C. is being transparent regarding their intentions.
- d. Policy Concerns.
 - i. KCA would like to have more meaningful input regarding future Land Use in their community.
 - 1. KCA believes that the community should have authority to limit or exclude undesirable Land Uses.
 - 2. KCA does not agree that "permissive use" applications should be approved, without community assent.
 - 3. KCA argues that automatic approval of permissive Land Use applications contradicts CABQ policies regarding both equity and race equity.
 - 4. KCA objects to the aggregate effects of discriminatory housing and Land Use policies. Such policies have had a disproportionate, negative impact on this community, over time. Therefore, KCA's objection to the VIC Application is simultaneously case specific and aggregate in nature.
 - ii. Applicant Team re-iterated that they have a legal right to use their property, as provided for in the IDO.

Please see Exhibit A, attached hereto, which provides a more comprehensive examination of the forgoing topics. Exhibit A was self-articulated and produced by KCA. It expresses the authentic voice of KCA

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2. Questions, Answers and Deliverables:

- C: Why did V.I.C. select this particular location? There seem to be other viable locations?
- A: At the time of selection, this location was on budget, physically suitable, proximal to the VA Regional Medical Center, appropriately zoned and convenient to freeway access.
- C: Will Applicant provide original copies of “fundraising brochure”, which was provided to potential donors?*
- A: Yes. Applicant Team will provide electronic copies directly to the KCA Board and drop off physical copies, to be available for pick up at Thomas Bell C.C.
- C: Will Applicant verify that CABQ funding was earmarked for “veteran specific” versus “general homeless” services?*
- A: Yes, Applicant will seek and provide clarification through Dr. Elizabeth Holguin, CABQ / FCS point of contact in this matter. Applicant will notify KCA, in a timely manner, once responsive information is received.
- C: Is V.I.C. in compliance with the intended uses of its various funding streams?*
- A: Yes, it is V.I.C.’S understanding and belief that it is in full compliance with funding requirements.
- C: Will V.I.C. be liable for damage or harm its’ residents might cause in the Community?*
- A: This is a mixed question of fact and law, which must be addressed on a cases specific basis. It depends on the situation.
- C: Will V.I.C. consider working with the Community to modify the scope and scale of its operations?
- A: No. Alternatively, V.I.C. offers to revisit and collaborate with KCA on a Good Neighbor Agreement. This would be a future endeavor. It has not been decided if or when this might take place.
- C: Does the City care about KCA’s concerns? The IDO seems cold and indifferent in this case.
- A: Yes, the City does care about and value KCA. However, the IDO is quite mechanical in some regards. It does not allow a permissive use application to be denied on the basis of community objection

**Applicant acknowledges concern and expressed either willingness or plan to address.*

Next Steps: This matter is ripe for decision. The Parties may re-visit their draft Good Neighbor Agreement in the future.

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Names & Affiliations of Participants and Interested Parties:

V.I.C. / RBA Architecture Planning / Applicant Team:

Rick Bennett

Brock Wolff

Neighbors and Community Participants:

KCA and neighbors:

***Please see Exhibit B, attached hereto, a complete copy of the Participant sign-in form.**