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City of Albuquerque

Planning Department

Timothy M. Keller, Mayor

Interoffice Memorandum

June 23, 2026

To: Klarissa J. Peña, President, City Council

From: Alan Varela, Director, Planning Department ^{AV}_{AV}

Subject: AC-26-07, CU-2025-00045: The Yale Village Neighborhood Association and D. Love's Restaurants, LLC, ("Appellant") appeals the Zoning Hearing Examiner's decision to APPROVE a Conditional Use for an Overnight Shelter for the property located at 2300 Yale Blvd SE, zoned NR-LM

OVERVIEW

On January 20, 2026, property owner Karan Mahajan and Max Juarez, Partners Hospitality, LLC ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a Conditional Use for Overnight Shelter on the property located at 2300 Yale Blvd SE. Interested parties testified in opposition to the request. The ZHE continued the hearing to February 17, 2026 in a written decision dated February 4, 2026.

On February 17, 2026, the Applicant again appeared before the ZHE, and neighboring business owners and residents of nearby neighborhoods provided testimony in opposition. The ZHE found that the proposed use was compliant with the Use-specific Standards pursuant to IDO § 14-16-4-3(C)(6); however, due to concerns about significant adverse impacts the operation may have on adjacent properties and the surrounding neighborhood, the ZHE found that soliciting feedback from City and other agencies could result in appropriate enforceable conditions of approval that might mitigate potential harms. The case was continued to April 21, 2026 to allow sufficient time for commenting agencies to provide recommended conditions and for interested parties to participate in a post-submittal facilitated meeting pursuant to IDO § 14-16-6-4(K) to discuss adverse impacts and potential mitigating measures.

On March 9, 2026, ZHE Staff referred the case for comments to the following agencies: Planning's Code Enforcement Division; Family and Community Services Department; Albuquerque Community Safety (ACS); Department of Health, Housing, and Homelessness; Albuquerque Police Department (APD); and Albuquerque Fire Rescue (AFR). (See Agency Memo.) In addition, AFR referred staff to the ADAPT (Abandoned and Dilapidated Abatement Property Team) Program in

Signature: 
Alan Varela (Jun 24, 2026 14:56:41 MDT)

Email: avarela@cabq.gov

the Fire Marshal's Office, which specifically deals with issues pertaining to nuisance properties that have a pattern of serious criminal activity or pose an immediate public safety threat.

The Applicant initiated the request for the Post-Submittal Facilitated Meeting, and the meeting was held on April 13, 2026 at 5:30 pm on Google Meet. (See Post-Submittal Facilitated Meeting Report.) Among the invited interested parties, only one representative of the District 6 Coalition of Neighborhood Associations attended and expressed no concerns. Empower Health Services presented efforts to address issues of concern raised at previous hearings.

On April 21, 2026, the Applicant appeared before the ZHE, and individuals from neighboring businesses and nearby residences provided testimony in opposition. Based on agency comments, staff recommended approval with conditions. (See Staff Report.) On May 6, 2026, the ZHE approved the Conditional Use for Overnight Shelter with 19 conditions.

The Notice of Decision was mailed to interested parties and posted to the City website, as required. Due to an administrative error, ZHE staff failed to timely email the Notice of Decision to 4 of the 18 parties who entered an appearance at the hearing as required by IDO § 14-16-6-4(L)(6)(a). When that error was discovered, all parties were provided the Notice of Decision.

The Appellant timely filed an appeal of the ZHE's decision prior to the appeal deadline of May 21, 2026. The Appellant asserts that they own property within 330 feet that would satisfy the eligibility for standing based on proximity pursuant to Table 6-4-2.

BASIS FOR APPEAL

Pursuant to Integrated Development Ordinance (IDO) § 14-16-6-4(U)(4), the applicable criteria for the appeal shall be whether the ZHE made 1 of the following mistakes:

- 6-4(U)(4)(a) The ZHE acted fraudulently, arbitrarily, or capriciously.
- 6-4(U)(4)(b) The decision being appealed is not supported by substantial evidence.
- 6-4(U)(4)(c) The ZHE 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 Appellant responds specifically to the appeal criteria in IDO § 14-16-6-4(U)(4)(b), stating that the decision was not supported by substantial evidence demonstrating that the proposed Overnight Shelter would avoid significant adverse impacts on adjacent properties, nearby businesses, and the surrounding neighborhood.

STAFF RESPONSE

Finding #25 explains that adjacent property owners are complaining about trash, crime and vagrancy on and near the site. There is fear that this conditional use will intensify these problems. Commenting agencies provided recommended conditions of approval to mitigate concerns about these impacts on surrounding properties, all of which the ZHE adopted. Conditions #25 (a) through (s) help ensure that a functioning facility with appropriate service will mitigate these concerns.

/ Shannon Halley /
Shannon Halley, Principal Planner
City of Albuquerque Planning Department



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Partners Hospitality, LLC & Karan Mahajan, Empower Health Service requests a Conditional Use for an Overnight Shelter for Lot B-1-B, Plat of Lots B-1-A and B-1-B Airport Industrial Park RK Cont. 95,035 Sq. Ft. M/L, located at 2300 Yale Boulevard SE, zoned NR-LM (M-15, M-16) (IDO Section 14-16-4-3(C)(6))

Special Exception No:.....	CU-2025-00045
Project No:	PR-2025-020180
Hearing Date:	01-20-2026
Closing of Public Record:	01-20-2026
Date of Decision:.....	02-04-2026

On January 20, 2026, Partners Hospitality, LLC & Karan Mahajan, Empower Health Service (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a Conditional Use Approval to allow for an Overnight Shelter (“Application”) upon the real property located at 2300 Yale Blvd SE (the “Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Conditional Use Approval to allow an Overnight Shelter, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(A).
2. Applicant has apparently already begun this use without obtaining a Conditional Use approval.
3. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
4. Applicant has not duly authorized Agent to act on Applicant’s behalf regarding the Application.
5. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
6. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
7. The analyses and studies listed in IDO Section 14-16-6-4(H) were delivered.
8. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
9. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
10. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
11. Applicant has sent a mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
12. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
13. The Subject Property is located at 2300 Yale Blvd SE in a NR-LM zone district.

14. Therefore, an Overnight Shelter on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
15. IDO Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria[:]*”
 - (a) *It is consistent with the ABC Comp. Plan, as amended;*
 - (b) *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - (c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - (d) *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
 - (e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
 - (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”*
16. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
17. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
18. Applicant and Agent appeared at the January 20, 2026 ZHE hearing on the Application and gave evidence in support of the Application.
19. Several residents and business owners in the area of the Subject Property also appeared in opposition to the Application.
20. At this time, the ZHE lacks substantial evidence to render a decision, and therefore the ZHE will continue this case to the February 17, 2026 hearing, which begins at 9:00 a.m.
21. Specifically, the ZHE seeks additional evidence pertaining to:
 - A. IDO Section 14-16-6-6(A)(3)(c), which requires that the proposed conditional use “*will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.*” Parties submitting evidence should avoid opinion testimony and instead submit photos, studies, or sworn testimony or documentation of actual harms or lack thereof. Applicant is encouraged to propose concrete and enforceable measures to mitigate any significant adverse impacts.

- B. IDO Section 14-16-6-6(A)(3)(e), which requires that the proposed conditional use “*will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am.*” How far away is the nearest residentially zoned lot? Even if that closest residentially zoned lot is farther than 300 feet, is there any non-residential activity generated by the proposed use that would the proposed use increase non-residential activity within 300 feet of a lot in any Residential zone district between the proscribed hours?
- C. IDO Section 14-16-6-6(A)(3)(e), which requires that the proposed “*use shall be conducted within fully enclosed portions of a building.*”
22. The ZHE is not seeking a rehashing of evidence already in the record, but rather focus and additional evidence on the above-listed items.

DECISION:

CONTINUANCE of the Application to the ZHE Hearing on February 17, 2025, which begins at 9:00 a.m.

APPEAL:

If you wish to appeal this decision, you must do so by February 19, 2026, pursuant to Section 14-16-6-4-(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This Notice of Decision does not constitute approval of plans for a building permit. If your application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: (Prop Owner) Karan Mahajan, empowerhsnm@gmail.com
(Agent) Max Juarez maxjuarezzzzz@gmail.com
Robin Berry, 2123 Cornell Dr SE
Jeff Gelhofm, behalf of, Albuquerque Suite Hospitality, 2400 Yale Blvd SE.

John Love, 2117 Stanford Drive SE.
Fred Ruiz, 2114 Cornell Dr SE
Debra Love, 1529 Wheeler NE
Charlene Perez, 2121 Stanford Drive SE.
Lexi Green, 2114 Cornell Dr SE
Joseph Orona, jrorona@retis.com
Lori Henz, lorikhenz@gmail.com
Donald Love, 2125 Stanford Dr. SE
Greg Ross, 2410 Baylor Dr, SE.
Elizabeth Aikin, 1524 Alamo Ave SE
Garret Moore, 2417 Baylor Dr
Marguerite Green, 1705 Vassar Dr SE 87106,
Kathy Aragon, (Pericos) perico36herm@gmail.com
Douglas Adkins, douglas@micro-heat.com
ZHE File
Zoning Enforcement



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Partners Hospitality, LLC & Karan Mahajan, Empower Health Service requests a Conditional Use for an Overnight Shelter for Lot B-1-B, Plat of Lots B-1-A and B-1-B Airport Industrial Park RK Cont. 95,035 Sq. Ft. M/L, located at 2300 Yale Boulevard SE, zoned NR-LM (M-15, M-16) (IDO Section 14-16-4-3(C)(6))

Special Exception No:.....	CU-2025-00045
Project No:	PR-2025-020180
Hearing Date:	02-17-2026
Closing of Public Record:	Open as stated herein
Date of Decision:.....	03-04-2026

On February 17, 2026, Partners Hospitality, LLC & Karan Mahajan, Empower Health Service (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a Conditional Use Approval to allow for an Overnight Shelter (“Application”) upon the real property located at 2300 Yale Blvd SE (the “Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Conditional Use Approval to allow an Overnight Shelter, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) were delivered.
7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
10. Applicant has sent a mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located at 2300 Yale Blvd SE in a NR-LM zone district.

13. Therefore, an Overnight Shelter on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
14. IDO Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria[:]*”
 - (a) *It is consistent with the ABC Comp. Plan, as amended;*
 - (b) *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - (c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - (d) *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
 - (e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
 - (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”*
15. In addition, the IDO requires that the Application must satisfy the Use-Specific Standards for an Overnight Shelter, found in IDO Section 14-16-4-3(C)(6):
 - 4-3(C)(6) *Overnight Shelter*
 - 4-3(C)(6)(a) *This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.*
 - 4-3(C)(6)(b) *This use shall be conducted within fully enclosed portions of a building.*
 - 4-3(C)(6)(c) *In the MX-M zone district, this use shall not exceed 25,000 square feet.*
16. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
17. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
18. Applicant and Agent appeared at the February 17, 2026 ZHE hearing on the Application and gave evidence in support of the Application.
19. Several residents and business owners in the area of the Subject Property also appeared at the February 17, 2026 ZHE hearing and testified in opposition to the Application.

20. Applicant has established compliance with the Use Specific Standards found in IDO Section 14-16-4-3(C)(6), as follows:
 - a. Separation from other Overnight Shelters. The Agent testified under oath that no other Overnight Shelter is located on a lot within 1,500 feet of the Subject Property.
 - b. Fully enclosed operation. The Agent testified under oath that all overnight shelter operations-including intake, sleeping accommodations, client services, and any ancillary activities associated with the shelter-will occur within fully enclosed portions of the existing building on the site, and that the project will not include outdoor sleeping or outdoor program operations.
 - c. Square-footage limitation. The Subject Property is zoned NR-LM and not MX-M, and therefore the 25,000 square-foot limitation in IDO Section 14-16-4-3(C)(6)(c) does not apply to this request.
21. Consequently, the ZHE finds that the application meets the Overnight Shelter use-specific standards in IDO 14-16-4-3(C)(6).
22. Turning to IDO subsections 6-6(A)(3)(a), (d) and (f), respectively: the Application appears to be consistent with many provisions of the ABC Comp Plan; the proposed use in operation does not appear to create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration; and the proposed use does not appear to negatively impact pedestrian or transit connectivity.
23. Nonetheless, it appears to the ZHE from sworn testimony in the record that the proposed conditional use, which has been in operation, has caused and may cause additional significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community under IDO subsection 6-6(A)(3)(c); and has increased non-residential activity within 300 feet of a lot in a Residential zone district between the hours of 10:00 pm and 6:00 am under IDO subsection 6-6(A)(3)(e). Opponents testified as to their personal knowledge of these significant adverse impacts and impermissible non-residential activities, which they have personally witnessed in connection with the operation of the proposed use on the Subject Property. Much of this is not mere opinion testimony, but testimony based on the direct, personal knowledge of the witnesses testifying. Witnesses were able to compare their personal experience predating commencement of the overnight shelter on the property to their personal experience after operations began.
24. On the other hand, Agents testified that not all the perceived significant adverse impacts and impermissible non-residential activities are attributable to the Applicant's proposed use of the Subject Property. Also, Applicant expressed willingness for the ZHE to impose reasonable conditions of approval that would mitigate against significant adverse impacts and impermissible non-residential activities.
25. As such, it appears to the ZHE that it may be possible for the proposed use to be approved, were sufficient and appropriate enforceable conditions imposed on such an approval to mitigate against significant adverse impacts and impermissible non-residential activities.
26. However, there is very little testimony from Agents, opponents, or any City or other commenting agency as to what types of conditions might be appropriate, effective or enforceable.
27. In the absence of such mitigating conditions, the ZHE likely would be required to deny the Application under the IDO.

28. Consequently, at this time, the ZHE will continue this case to the April 21, 2026 hearing, which begins at 9:00 a.m., for further consideration.
29. All parties are encouraged to use the post-submittal facilitated meeting process in IDO §14-16-6-4(K) to discuss adverse impacts, potential mitigating measures and proposed conditions. If a timely request for a facilitated meeting is submitted pursuant to §14-16-6-4(K), the ZHE will defer further proceedings as required by the IDO until the meeting occurs and the facilitator's report is received.
30. The ZHE finds that the services, properties, facilities, interests, or operations of certain City and other governmental departments or agencies may be affected by the Application, were it approved, and any potential conditions that may be imposed on the Application. Accordingly, the ZHE requests that ZHE staff the refer Application to commenting agencies for comment pursuant to IDO §14-16-6-4(I)(1) and to request written recommendations regarding potential conditions from applicable City departments and other commenting agencies, including but not limited to: Code Enforcement; Family and Community Services Department; Albuquerque Community Safety (ACS); Department of Health, Housing, and Homelessness; Albuquerque Police Department (APD); and Albuquerque Fire Rescue.
31. All responses received from any commenting agency shall be made part of the record and available for public inspection pursuant to IDO §14-16-6-4(L)(3)(c)(2).
32. The public record is held open for the limited purposes of receiving:
 - (a) written comments from City departments and other commenting agencies;
 - (b) evidence addressing significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community under IDO subsection 6-6(A)(3)(c); and has increased non-residential activity within 300 feet of a lot in a Residential zone district between the hours of 10:00 pm and 6:00 am under IDO subsection 6-6(A)(3)(e).
 - (c) any written, specific proposed conditions offered by the Applicant, the public, or commenting agencies as per IDO subsection 6-4(O)(2).

DECISION:

CONTINUANCE of the Application to the ZHE Hearing on April 21, 2026, which begins at 9:00 a.m.

APPEAL (CONTINUANCE NOT FINAL):

This continuance/deferral is not a final decision and is not appealable under the IDO. Appeal rights, deadlines, and costs apply only after issuance of a final ZHE decision on the merits.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This Notice of Decision does not constitute approval of plans for a building permit. If your application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after

one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: (Prop Owner) Karan Mahajan,
2300 Yale Blvd SE Albuquerque, NM 87106

(Applicant) (Agent) Max Juarez
2920 Walsh Loop SE Rio Rancho, NM 87124
empowerhsnm@gmail.com
maxjuarezzzzz@gmail.com

Robin Berry, 2123 Cornell Dr SE
Jeff Gelhofm, behalf of, Albuquerque Suite Hospitality, 2400 Yale Blvd SE.
John Love, 2117 Stanford Drive SE.
Fred Ruiz, 2114 Cornell Dr SE
Debra Love, 1529 Wheeler Ave SE
Charlene Perez, 2121 Stanford Drive SE.
Lexi Green, 2114 Cornell Dr SE
Joseph Orona, jrorona@retis.com
Lori Henz, lorikhenz@gmail.com
Donald Love, 2125 Stanford Dr. SE
Greg Ross, 2410 Baylor Dr, SE.
Elizabeth Aikin, 1524 Alamo Ave SE
Garret Moore, 2417 Baylor Dr
Marguerite Green, 1705 Vassar Dr SE 87106,
Kathy Aragon, (Pericos) perico36herm@gmail.com
Douglas Adkins, douglas@micro-heat.com
ZHE File
Zoning Enforcement



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ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

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Special Exception No:.....	CU-2025-00045
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Hearing Date:	04-21-2026
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Date of Decision:.....	05-06-2026

On April 21, 2026, Partners Hospitality, LLC & Karan Mahajan, Empower Health Service (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a Conditional Use Approval to allow for an Overnight Shelter (“Application”) upon the real property located at 2300 Yale Blvd SE (the “Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Conditional Use Approval to allow an Overnight Shelter, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) were delivered.
7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
10. Applicant has sent a mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located at 2300 Yale Blvd SE in a NR-LM zone district.

13. Therefore, an Overnight Shelter on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
14. IDO Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria[:]*”
 - (a) *It is consistent with the ABC Comp. Plan, as amended;*
 - (b) *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - (c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - (d) *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
 - (e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
 - (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”*
15. In addition, the IDO requires that the Application must satisfy the Use-Specific Standards for an Overnight Shelter, found in IDO Section 14-16-4-3(C)(6):
 - 4-3(C)(6) *Overnight Shelter*
 - 4-3(C)(6)(a) *This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.*
 - 4-3(C)(6)(b) *This use shall be conducted within fully enclosed portions of a building.*
 - 4-3(C)(6)(c) *In the MX-M zone district, this use shall not exceed 25,000 square feet.*
16. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
17. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
18. Applicant and Agent appeared at the January 20, February 17, and April 21, 2026 ZHE hearing on the Application and gave evidence in support of the Application.
19. Several residents and business owners in the area of the Subject Property appeared at the January 20th and February 17, 2026 ZHE hearings and testified in opposition to the Application.

20. ZHE Staff timely solicited comments from the above referenced agencies, and all responses received have been made part of the record and available for public inspection pursuant to IDO §14-16-6-4(L)(3)(c)(2).
21. Applicant has established compliance with the Use Specific Standards found in IDO Section 14-16-4-3(C)(6), as follows:
 - a. Separation from other Overnight Shelters. The Agent testified under oath that no other Overnight Shelter is located on a lot within 1,500 feet of the Subject Property.
 - b. Fully enclosed operation. The Agent testified under oath that all overnight shelter operations-including intake, sleeping accommodations, client services, and any ancillary activities associated with the shelter-will occur within fully enclosed portions of the existing building on the site, and that the project will not include outdoor sleeping or outdoor program operations.
 - c. Square-footage limitation. The Subject Property is zoned NR-LM and not MX-M, and therefore the 25,000 square-foot limitation in IDO Section 14-16-4-3(C)(6)(c) does not apply to this request.
22. Consequently, the ZHE finds that the application meets the Overnight Shelter use-specific standards in IDO §14-16-4-3(C)(6).
23. Turning to IDO subsection 6-6(A)(3)(a), the request furthers the following ABC Comp Plan Goals and Policies:
 - Chapter 9 -Housing
 - Goal 9.3 Density - Support increased housing density in appropriate places with adequate services and amenities.
 - Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.
 - Goal 9.4 Homelessness - Make homelessness rare, short-term, and non-recurring POLICY 9.4.1 Best Practices: Implement an appropriate and effective model to address chronic homelessness.
 - POLICY 9.4.2 Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.
 - POLICY 9.4.3 Equitable Distribution: Support a network of service points that are easily accessible by residents and workers, geographically distributed throughout the city and county, and proximate to transit.
 - Goal 9.5 Vulnerable Populations - Expand capacity to provide quality housing and services to vulnerable populations.
 - POLICY 9.5.1 Quality Housing: Ensure well maintained, safe transitional and permanent housing for the lowest income households that are most at risk of homelessness
 - POLICY 9.5.2 Transitional Services: Encourage on-site transitional services with culturally competent service delivery that respects the dignity of individuals and families and fosters self-determination and self-sufficiency, including job training, financial education, and behavioral health assistance.
 - Goal 9.6 Development Process - Promote cost-effective housing redevelopment and construction that meets community needs.

POLICY 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life.

24. IDO subsection 6-6(A)(3)(b), Applicant has documented how the Conditional Use will meet the requirements of an overnight shelter and other provisions of the IDO and other applicable City ordinances.
25. IDO subsection 6-6(A)(3)(c), Currently, adjacent property owners are complaining about trash, crime and vagrancy on and near the site. There is fear that this conditional use will intensify these problems. However, a functioning facility with appropriate service will, hopefully, mitigate these concerns. Commenting agencies provided recommended conditions of approval and other considerations, of which the ZHE hereby adopts the following:
 - a. Ensure adequate lighting throughout the project, to include parking lots, pedestrian walkways, and common areas.
 - b. Ensure natural surveillance and clear lines of sight throughout the property. Natural surveillance requires a space free from natural and physical barrier (i.e. open picket vs. solid fences).
 - c. Establish a clear line of sight from the parking areas to the building and from the building the parking areas.
 - d. Ensure that landscaping is installed so as not to obstruct entryways, windows and lighting.
 - e. Ensure that landscaping is maintained to provide natural surveillance, trimming trees up to create a canopy of at least six feet; and trimming shrubs and bushes down to three feet.
 - f. Ensure adequate locking devices (i.e. commercial grade deadbolt locks or electronic locks) on exterior doors.
 - g. Ensure that the address and room numbers are posted and clearly visible.
 - h. Utilize a layered approach, by complementing fences with trees, bushes, and shrubs, to create a border for the property that subtly reinforces access control while remaining aesthetically positive.
 - i. Limit and clearly delineate access to the property – i.e. public vs. private (employee) entrances.
 - j. Implement video surveillance systems to monitor the space, including entrance and exit points, parking lots, and any sensitive areas such as office and/or storage areas. Utilize video surveillance to enhance visibility to areas of reduced natural surveillance.
 - k. To the extent allowable by applicable law, integrate camera systems with the Albuquerque Police Department Real Time Crime Center (RTCC) to provide access to camera systems in the event of a crime in progress.
 - l. Clearly delineate public, semi-public, semi-private, and private space throughout the property; utilize maps and signs for wayfinding.
 - m. Install No Trespassing signs so that they are visible immediately upon entering the property and at a height not easily accessible to vandals.
 - n. Controlled Access to the Facility:
 - i. To reduce unauthorized entry, loitering, and vehicle and pedestrian traffic onto the property: Installation of perimeter fencing and gates around the

property, with a minimum height of three (3) feet. The applicant is strongly encouraged to seek a variance to allow for six (6) foot fencing to provide more effective site control.

- ii. · Gated entry points designed to limit uncontrolled access from vehicles and individuals entering or exiting the property.
 - o. Access Management:
 - i. · Key card or credential-based access limited to authorized participants and staff only.
 - ii. · Clearly defined and enforced restricted access hours consistent with program operations.
 - iii. · “No Trespassing” signage posted in visible locations around the perimeter.
 - p. On-Site Oversight and Response:
 - i. · Provision of 24-hour on-site level 2 or higher security personnel with the ability to immediately respond to issues, complaints, or trespassing.
 - ii. · Posting of a 24-hour property management contact number, accessible to the public, to receive and respond to concerns in real time.
 - q. Lighting: Exterior lighting shall be installed, maintained in good working order, and remain compliant with the requirements of the Albuquerque Integrated Development Ordinance (IDO).
 - r. Exterior Property Maintenance: The exterior of the property shall be maintained in a clean, orderly, and sanitary condition at all times, in compliance with the IDO and all other applicable City standards.
 - s. Interior Property Maintenance: All interior rooms and areas of the property shall be maintained in compliance with applicable provisions of the IDO, Housing Code, and Building Code standards, and shall be kept in a safe and sanitary condition.
26. IDO subsection 6-6(A)(3)(d), Traffic congestion, parking congestion, and vibrations are not expected to be generated by this use, however, potential adverse impacts that will be appropriately mitigated by implementing the conditions stated.
27. IDO subsection 6-6(A)(3)(e), The subject site is not within 300 feet of any residential neighborhood.
28. IDO subsection 6-6(A)(3)(f), The conditional use request will not impact pedestrian or transit connectivity as the programs are within the building

DECISION:

APPROVAL WITH CONDITIONS of the Application for a Conditional Use for Overnight Shelter on a property located at 2300 Yale Blvd SE.

CONDITIONS:

1. Ensure adequate lighting throughout the project, to include parking lots, pedestrian walkways, and common areas.
2. Ensure natural surveillance and clear lines of sight throughout the property. Natural surveillance requires a space free from natural and physical barrier (i.e. open picket vs. solid fences).

3. Establish a clear line of sight from the parking areas to the building and from the building the parking areas.
4. Ensure that landscaping is installed so as not to obstruct entryways, windows and lighting.
5. Ensure that landscaping is maintained to provide natural surveillance, trimming trees up to create a canopy of at least six feet; and trimming shrubs and bushes down to three feet.
6. Ensure adequate locking devices (i.e. commercial grade deadbolt locks or electronic locks) on exterior doors.
7. Ensure that the address and room numbers are posted and clearly visible.
8. Utilize a layered approach, by complementing fences with trees, bushes, and shrubs, to create a border for the property that subtly reinforces access control while remaining aesthetically positive.
9. Limit and clearly delineate access to the property – i.e. public vs. private (employee) entrances.
10. Implement video surveillance systems to monitor the space, including entrance and exit points, parking lots, and any sensitive areas such as office and/or storage areas. Utilize video surveillance to enhance visibility to areas of reduced natural surveillance.
11. To the extent allowable by applicable law, integrate camera systems with the Albuquerque Police Department Real Time Crime Center (RTCC) to provide access to camera systems in the event of a crime in progress.
12. Clearly delineate public, semi-public, semi-private, and private space throughout the property; utilize maps and signs for wayfinding.
13. Install No Trespassing signs so that they are visible immediately upon entering the property and at a height not easily accessible to vandals.
14. Controlled Access to the Facility:
 - a. · To reduce unauthorized entry, loitering, and vehicle and pedestrian traffic onto the property: Installation of perimeter fencing and gates around the property, with a minimum height of three (3) feet. The applicant is strongly encouraged to seek a variance to allow for six (6) foot fencing to provide more effective site control.
 - b. · Gated entry points designed to limit uncontrolled access from vehicles and individuals entering or exiting the property.
15. Access Management:
 - a. · Key card or credential-based access limited to authorized participants and staff only.
 - b. · Clearly defined and enforced restricted access hours consistent with program operations.
 - c. · “No Trespassing” signage posted in visible locations around the perimeter.
16. On-Site Oversight and Response:
 - a. · Provision of 24-hour on-site level 2 or higher security personnel with the ability to immediately respond to issues, complaints, or trespassing.
 - b. · Posting of a 24-hour property management contact number, accessible to the public, to receive and respond to concerns in real time.
17. Lighting: Exterior lighting shall be installed, maintained in good working order, and remain compliant with the requirements of the Albuquerque Integrated Development Ordinance (IDO).

18. Exterior Property Maintenance: The exterior of the property shall be maintained in a clean, orderly, and sanitary condition at all times, in compliance with the IDO and all other applicable City standards.
19. Interior Property Maintenance: All interior rooms and areas of the property shall be maintained in compliance with applicable provisions of the IDO, Housing Code, and Building Code standards, and shall be kept in a safe and sanitary condition.

APPEAL:

If you wish to appeal this decision, you must do so by May 21, 2026 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This Notice of Decision does not constitute approval of plans for a building permit. If your application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: *(Prop Owner) Karan Mahajan,*
2300 Yale Blvd SE Albuquerque, NM 87106

(Applicant) (Agent) Max Juarez
2920 Walsh Loop SE Rio Rancho, NM 87124
[*empowerhsnm@gmail.com*](mailto:empowerhsnm@gmail.com)
[*maxjuarezzzzz@gmail.com*](mailto:maxjuarezzzzz@gmail.com)

Robin Berry, 2123 Cornell Dr SE
Jeff Gelhofm, behalf of, Albuquerque Suite Hospitality, 2400 Yale Blvd SE.
Robin Berry, 2123 Cornell Dr SE
Jeff Gelhofm, behalf of, Albuquerque Suite Hospitality, 2400 Yale Blvd SE.
John Love, 2117 Stanford Drive SE.
Fred Ruiz, 2114 Cornell Dr SE
Debra Love, 1529 Wheeler Ave SE
Charlene Perez, 2121 Stanford Drive SE.
Lexi Green, 2114 Cornell Dr SE
*Joseph Orona, [*jrorona@retis.com*](mailto:jrorona@retis.com)*

*Lori Henz, lorikhenz@gmail.com
Donald Love, 2125 Stanford Dr. SE
Greg Ross, 2410 Baylor Dr, SE.
Elizabeth Aikin, 1524 Alamo Ave SE
Garret Moore, 2417 Baylor Dr
Marguerite Green, 1705 Vassar Dr SE 87106,
Kathy Aragon, (Pericos) perico36herm@gmail.com
Douglas Adkins, douglas@micro-heat.com
ZHE File
Zoning Enforcement*

APPEAL APPLICATION

AC-26-07

PR-2025-020180 (Project)

[CU-2026-00016](#) (Appeal)

[CU-2025-00045](#) (ZHE – Conditional Use)

NOTICE OF APPEAL

IN THE LAND USE HEARING OFFICER
FOR THE CITY OF ALBUQUERQUE

The Yale Village Neighborhood Association and
D. Love's Restaurants, LLC,

Appellants,

v.

CITY OF ALBUQUERQUE ZONING
HEARING EXAMINER and
PARTNERS HOSPITALITY, LLC /
EMPOWER HEALTH SERVICE,

Appellees.

Notice of Appeal

COMES NOW the Yale Village Neighborhood Association and D. Love's Restaurants, LLC ("Appellants"), and pursuant to Section 14-16-6-4(U) of the Albuquerque Integrated Development Ordinance ("IDO"), hereby appeal the May 6, 2026 Notification of Decision issued by the Zoning Hearing Examiner ("ZHE") approving a Conditional Use for an Overnight Shelter located at 2300 Yale Boulevard SE, Albuquerque, New Mexico, identified as Special Exception No. CU-2025-00045 and Project No. PR-2025-020180.

This appeal is timely filed on or before May 21, 2026, as required by the IDO.

Appellants possess standing because they are directly affected residents, nearby business interests, and neighborhood stakeholders whose use, enjoyment, safety, accessibility, and economic interests are directly impacted by the approved Conditional Use. Further, Appellants meet the distance requirements under Section 6-4(U)(2)(a) Table 6-4-2 for both Property Owners and Neighborhood Associations.

Statement of the Decision Appealed From

On May 6, 2026, the ZHE issued a Notification of Decision approving a Conditional Use for an Overnight Shelter at 2300 Yale Boulevard SE. The decision concluded that the

Application satisfied the requirements of IDO Section 14-16-6-6(A)(3) and imposed extensive operational, security, maintenance, surveillance, fencing, lighting, and access-control conditions on the project. The ZHE expressly found that “adjacent property owners are complaining about trash, crime and vagrancy on and near the site” and further acknowledged “fear that this conditional use will intensify these problems.” Despite these findings, the Application was approved based upon the conclusion that the facility would “hopefully” mitigate those concerns.

Applicable Legal Standards

IDO Section 14-16-6-6(A)(3)(c) requires that a Conditional Use Approval shall be approved only if “[i]t will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.”

IDO Section 14-16-6-6(A)(3)(d) requires that a Conditional Use Approval shall be approved only if “[i]t will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.”

The Applicant bears the burden of providing a sound justification for the requested decision based on substantial evidence and bears the burden of showing compliance with the required standards through analysis, illustrations, or other exhibits as necessary.

Grounds for Appeal

The Decision Is Not Supported by Substantial Evidence

The Applicant failed to provide substantial evidence demonstrating that the proposed Overnight Shelter would avoid significant adverse impacts on adjacent properties, nearby businesses, and the surrounding neighborhood. Nearby residents and business owners presented testimony concerning trespassing, loitering, criminal activity, sanitation concerns, employee safety concerns, customer safety concerns, and impacts on surrounding commercial operations. The decision does not adequately reconcile that testimony with the conclusion that the mandatory approval standards were satisfied.

Failure to Satisfy IDO Section 14-16-6-6(A)(3)(c)

The decision fails to satisfy IDO Section 14-16-6-6(A)(3)(c), which requires a finding that the proposed Conditional Use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Finding No. 25 expressly acknowledges that adjacent property owners are already experiencing problems involving “trash, crime and vagrancy on and near the site” and further acknowledges

concerns that the proposed Conditional Use may intensify those conditions. The approval nevertheless relied upon speculative assumptions that the facility would “hopefully” mitigate those concerns rather than substantial evidence demonstrating that the required standard had been satisfied.

Failure to Satisfy IDO Section 14-16-6-6(A)(3)(d)

The decision also fails to satisfy IDO Section 14-16-6-6(A)(3)(d). Nearby businesses and neighboring property owners raised concerns regarding operational impacts, public safety impacts, customer access, employee safety, and disruption to surrounding commercial activity. The record lacks sufficient operational analysis, mitigation evidence, or impact studies demonstrating that the proposed use will not materially adversely affect surrounding properties and businesses.

Improper Reliance on Future Conditions and Speculative Mitigation

The approval imposed extensive conditions relating to fencing, surveillance systems, security staffing, access restrictions, lighting, trespass prevention, landscaping, and ongoing operational controls. The breadth and scope of these conditions demonstrate the existence of anticipated adverse impacts associated with the proposed use. The approval improperly relied upon future compliance with those conditions rather than requiring the Applicant to first demonstrate compliance with the mandatory approval standards required by the IDO.

The Findings Do Not Adequately Support the Conclusions Required Under the IDO

The ZHE’s findings acknowledge existing concerns involving crime, trash, vagrancy, trespassing, and anticipated intensification of those issues, while simultaneously concluding that the proposed use satisfies the mandatory standards for approval under the IDO. The findings do not adequately support the legal conclusions required for approval under IDO Section 14-16-6-6(A)(3).

Relief Requested

WHEREFORE, Appellants respectfully request that the reviewing authority:

1. Reverse the May 6, 2026 Notification of Decision approving the Conditional Use for an Overnight Shelter located at 2300 Yale Boulevard SE,
2. Vacate the approval granted under Special Exception No. CU-2025-00045 and Project No. PR-2025-020180,
3. Stay any permits, approvals, implementation actions, or operational activity associated with the project during the pendency of this appeal, and
4. Grant such further relief as the reviewing authority deems just and proper.

Respectfully submitted,

Donald Love

Date: 05/20/2026

Donald Love, Appellant

on behalf of himself, D. Love's Restaurants, LLC, and as Vice President of the Yale Village Neighborhood Association

2125 Stanford Dr. SE
Albuquerque, NM 87106
(505) 480-7175
donaldlove08@comcast.net

MATERIAL SUBMITTED TO ZHE

AC-26-07

PR-2025-020180 (Project)

[CU-2026-00016](#) (Appeal)

[CU-2025-00045](#) (ZHE – Conditional Use)



**Zoning
Hearing
Examiner**

**Agenda Number: 10
Case #: CU-2025-00045
Hearing Date: January 20, 2026**

Staff Report

Agent	Karan Mahajan, Max Juarez
Applicant	Partners Hospitality LLC
Request	Conditional Use Overnight Shelter
Legal Description	Lot B-1-B Plat of Lots B-1-A And B-1-B Airport Industrial Park
Address .	2300 Yale SE
Size	2.1456 acres
Zoning	NR-LM

Staff Recommendation

Approval of
CU-2025-00045 based
on the Findings
within this report

Staff Planner
Adam Sena, Senior Planner

Summary of Analysis

The applicant is requesting approval for a Conditional Use to allow an Overnight Shelter in accordance with IDO Section 14-16-6-6(A) Table 4-2-1

The applicant has provided documentation and justification as to how the requested conditional use requirements are met for an Overnight Shelter. The perceived negative impacts on neighboring properties will be mitigated through an active program to assist those utilizing the property. The Shelter will be in an area of commercial services and not a residential area.

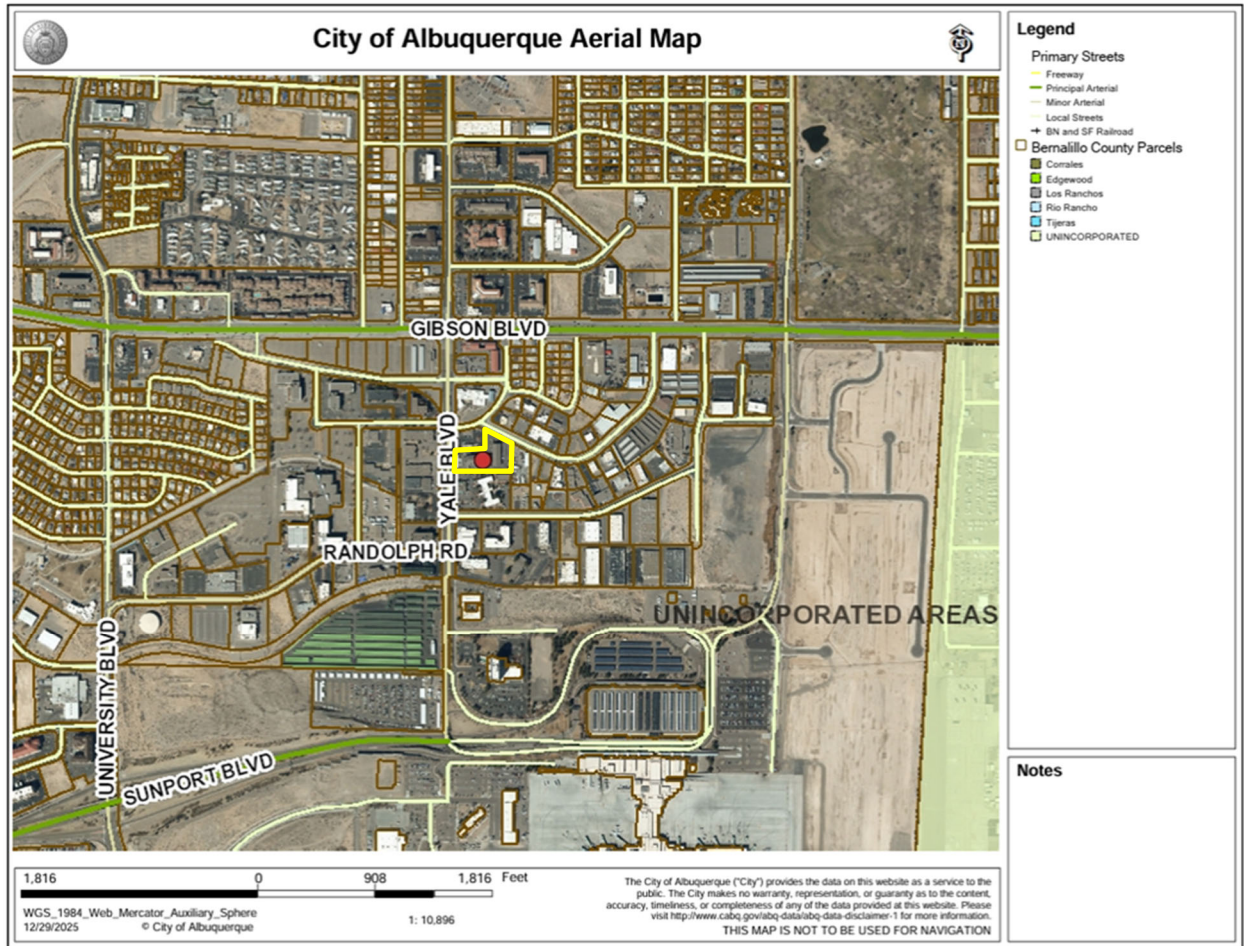
A primary housing concern addressed in the ABC Comp Plan is for underserved and at-risk populations Goals and Policies reference combining shelter and support services to address these needs. This application is the type of program and housing assistance which is outlined as major Goal with supporting Policies. Staff recommends approval based on the review criteria for conditional use, IDO Subsection 14-16-6-6(A)(3).

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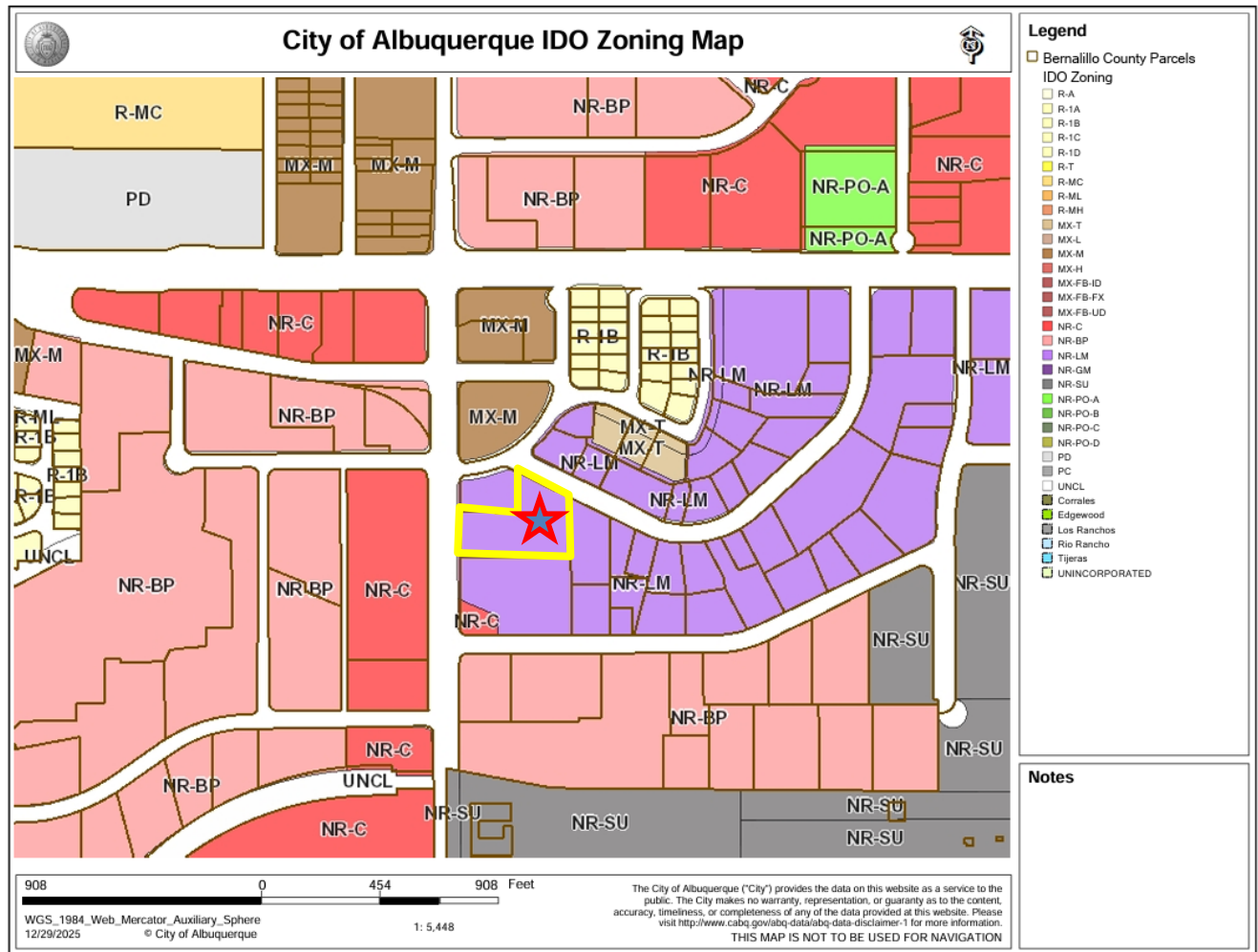
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I. Maps

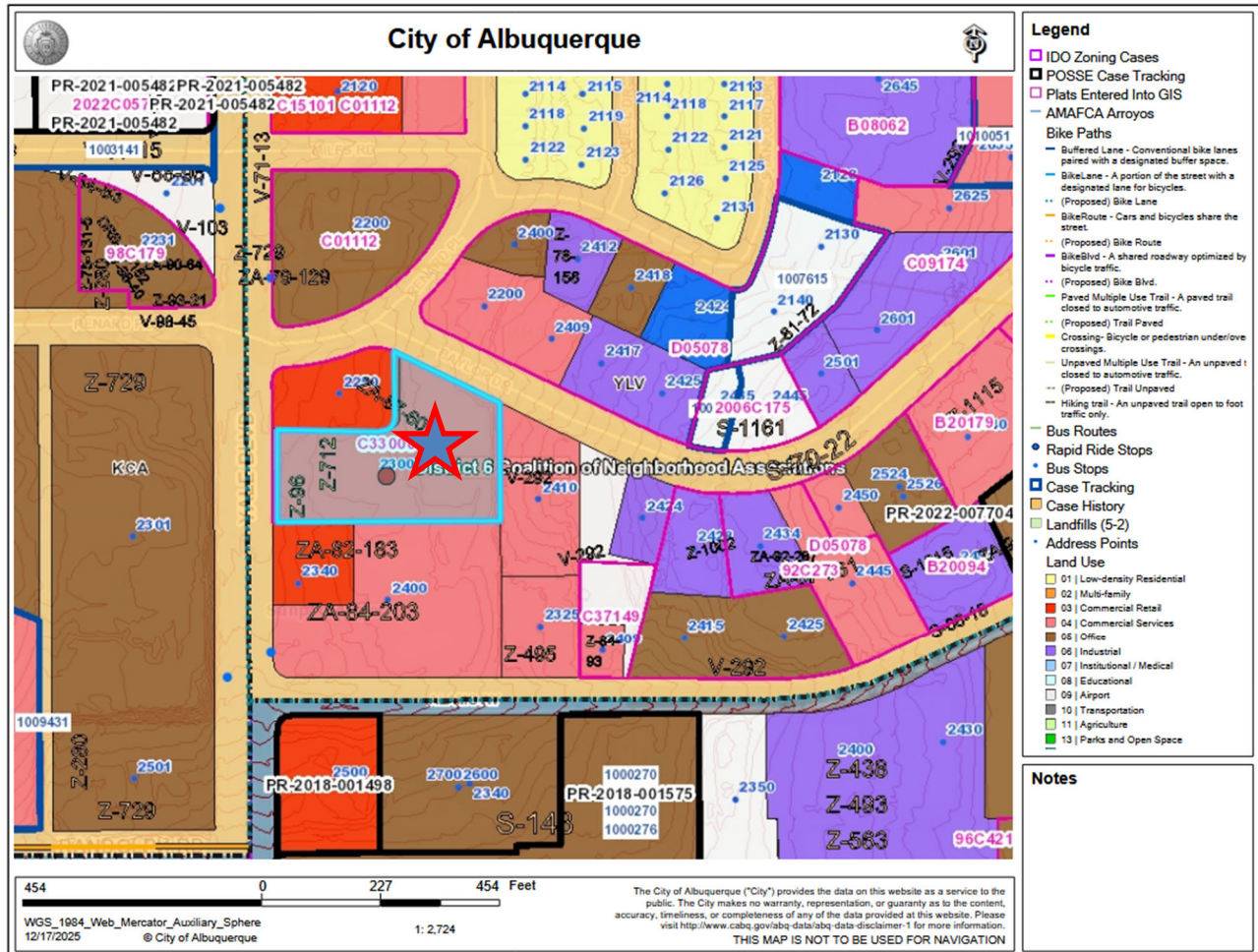
Aerial Map



IDO Zoning Map



Land Use Map



II. Introduction

Request

The applicant has submitted a request for a conditional Use to allow an Overnight Shelter at the subject property. This use requires approval in accordance with IDO Section 4-3(C)(6). The use must be in compliance with all applicable state and municipal codes of New Mexico and the City of Albuquerque.

The subject property is a Commercial Use, located at 2300 Yale Blvd SE. The commercial building is within the Airport Protection Overlay Zone (APO 3) NR-LM zoning district.

Subject Site Context

	<i>IDO Zoning</i>	<i>Comprehensive Plan Development Area</i>	<i>Existing Land Use</i>
<i>Subject Site</i>	NR-LM	Area of Change	Commercial Services
<i>North</i>	NR-LM	Area of Change	Commercial Retail
<i>South</i>	NR-LM	Area of Change	Commercial Services
<i>East</i>	NR-LM	Area of Change	Commercial Services
<i>West</i>	NR-C	Area of Change	Office Commercial

Note: The property does not impose any potential land-use conflicts.

There is no patterns of vehicular or pedestrian traffic or related issues.

Adjacent Street Designations

The subject property is located at 2300 Yale Blvd SE. The site faces Yale Blvd SE which is designated as a Minor Arterial Street by the 2040 Long Range Roadway System map, produced by the Mid-Region Council of Governments. It is currently a premium transit corridor.

Site History / Related Requests

The site has not received any recorded conditional use applications, nor have any additional requests been submitted to the ZHE for consideration and approval.

Zoning Hearing Examiner’s Role

The Zoning Hearing Examiner (ZHE) holds public hearings and makes quasi-judicial decisions about special exceptions to zoning regulations in the Integrated Development Ordinance (IDO). The ZHE ensures compliance with zoning laws, considers public input, and issues written findings based on evidence presented and staff recommendations.

III. Analysis of City Plans and Ordinances

Albuquerque / Bernalillo County Comprehensive Plan

City Development Areas

The subject site is located in an Area of Change as designated by the Comprehensive Plan. Areas of Change include Centers, Corridors, and Metropolitan Redevelopment Areas, where new development and redevelopment are desired and appropriate. These areas include undeveloped land and commercial or industrial zones that would benefit from infill or revitalization. Directing growth to Areas of Change is intended to reduce development pressure on established neighborhoods and rural areas, minimizing infill or redevelopment at a scale and density that could negatively impact their character. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities.

Center & Corridor Designations

The site is on a premium transit corridor and within the Sunport/Airport employment center.

Integrated Development Ordinance (IDO)

IDO Zoning

In May 2018, the Integrated Development Ordinance replaced the City's Zoning Code, and the property's zoning was converted from M-1 to NR-LM. The purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses.

Overlay Zones

The subject property is within the Airport Protection Overlay Zone (APO 3-3. and within the Hot Air Balloon Takeoff/Landing area reference: (4-3(G))

Definitions

Accessory Use: A land use that is subordinate in use, area, or purpose to a primary land use on the same lot or, in any Mixed-use or Non-residential zone district, the same premises. An accessory use may or may not be located in an accessory structure. For the purposes of this IDO, accessory uses are listed in Table 4-2-1, may have separate Use-specific Standards, or may be defined as incidental to another primary use. See also Use Definitions for Primary Use.

Allowable Use: A land use allowed in a particular zone district by Table 4-2-1 as a primary or accessory use, whether allowed permissively or conditionally. See also Use Definitions for Permissive Use, Conditional use, and Accessory Use.

Conditional Use: A land use that is allowable in a particular zone district subject to conditional approval by the ZHE based on a review of the potential adverse impacts of the use and any appropriate mitigations to minimize those impacts on nearby properties. Table 4-2-1 specifies whether a particular conditional use is primary (listed as C) or accessory (listed as CA) or allowed conditionally in a primary building that has been vacant for a specified amount of time (listed as CV).

Zoning Hearing Examiner (ZHE): A person or firm on contract with the City who reviews and decides applications for Conditional Use Approvals, Expansions of Nonconforming Use or Structure, Permit – Carport, Permit – Wall or Fence – Major, and Variances.

Use-specific Standards

Subsection 14-16-4-3(C)(6) Overnight Shelter

- a. This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.
- b. This use shall be conducted within fully enclosed portions of a building.
- c. In the MX-M, this use shall not exceed 25,000 square feet.
- d. It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

IV. Conditional Use Approval

IDO Review and Decision Criteria

Pursuant to IDO §14-16-6-6(A) (Review and Decision Criteria), "An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.

The request furthers the following ABC Comp Plan Goals and Policies:

Chapter 9 -Housing

Goal 9.3 Density - Support increased housing density in appropriate places with adequate services and amenities.

Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

Goal 9.4 Homelessness - Make homelessness rare, short-term, and non-recurring

POLICY 9.4.1 Best Practices: Implement an appropriate and effective model to address chronic homelessness.

POLICY 9.4.2 Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.

POLICY 9.4.3 Equitable Distribution: Support a network of service points that are easily accessible by residents and workers, geographically distributed throughout the city and county, and proximate to transit.

Goal 9.5 Vulnerable Populations - Expand capacity to provide quality housing and services to vulnerable populations.

POLICY 9.5.1 Quality Housing: Ensure well maintained, safe transitional and permanent housing for the lowest income households that are most at risk of homelessness

POLICY 9.5.2 Transitional Services: Encourage on-site transitional services with culturally competent service delivery that respects the dignity of individuals and families and fosters self-determination and self-sufficiency, including job training, financial education, and behavioral health assistance.

Goal 9.6 Development Process - Promote cost-effective housing redevelopment and construction that meets community needs.

POLICY 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life.

6(A)(3)(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.

The applicant has documented how the Conditional Use will meet the requirements of an overnight shelter.

6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

Currently, adjacent property owners are complaining about trash, crime and vagrancy on the site. There is fear that this conditional use will intensify these problems. However, the site is currently vacant and unmonitored. A functioning facility with appropriate service will, hopefully, mitigate these concerns.

6-6(A)(3)(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

Traffic congestion, parking congestion, noise, or vibrations are not expected to be generated by this use.

6-6(A)(3)(e) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.

The subject site is not within 300 feet of any residential neighborhood.

6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

The conditional use request will not impact pedestrian or transit connectivity as the programs are within the building.

V. Agency & Neighborhood Concerns

Reviewing Agencies

As with all ZHE applications, this request was reviewed by City Transportation and the City Aviation staff, but no comments were provided on the request.

Neighborhood/Public

As required the Applicant notified the Yale Village Neighborhood Association, which is the affected associations for development under the NR-LM zone district. No comments have been received from the Association representatives at the time of the staff report.

The Applicant stated that notification was provided to property owners within 100 feet of the subject site. Photographic evidence and an affidavit of mailing was submitted by the applicant.

A phone call was received in opposition to the request. It is expected that the hearing will be attended by those in opposition.

VI. Conclusion

The applicant has satisfied the criteria outlined in IDO Section 14-16-4-3(C)(6), Table 4-2-1 and submitted all evidence to support their request. There will not be negative impacts on neighboring properties, traffic or pedestrian accessibility. The Shelter will be in an area of commercial services and not a residential area.

Findings, Conditional Use Approval

Project #: CU-2025-00045

1. Applicant is requesting a Conditional Use Approval to allow for an overnight shelter, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
7. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
8. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
9. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
10. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
11. The Subject Property is located in the NR-LM zone.
12. Therefore, an overnight shelter on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
13. IDO Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads:
“An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:
 - (a) *It is consistent with the ABC Comp. Plan, as amended;*
 - (b) *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - (c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - (d) *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*

- (e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
- (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”*
14. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
15. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).

Recommendation

Approval of Project #: CU-2025-00045, a request for a Conditional Use of an Overnight Shelter for Lot B-1-B Plat of Lots B-1-A And B-1-B Airport Industrial Park , located at 2300 Yale SE, based on the preceding Findings.

Adam Sena

Adam Sena
Senior Planner, Zoning Hearing Examiner
Urban Design and Development Division

A) PHOTOGRAPHS

Site Photos













B) APPLICATION INFORMATION

C) PUBLIC NOTICE



**Zoning
Hearing
Examiner**

**Agenda Number: 10
Case #: CU-2025-00045 Hearing
Date: February 17, 2026**

Staff Report

Agent	Karan Mahajan, Max Juarez
Applicant	Partners Hospitality LLC
Request	Conditional Use Overnight Shelter
Legal Description	Lot B-1-B Plat of Lots B-1-A And B-1-B Airport Industrial Park
Address .	2300 Yale SE
Size	2.1456 acres
Zoning	NR-LM

Staff Recommendation

Denial of
CU-2025-00045 based
on the Findings
within this report

There was a CONTINUANCE
from January 20, 2026 to
the ZHE Hearing on
February 17, 2025, which
begins at 9:00 a.m. Please
see staffs conclusion on
page 10 of this report.

Staff Planner
Adam Sena, Senior Planner

Summary of Analysis

The applicant is requesting approval for a Conditional Use to allow an Overnight Shelter in accordance with IDO Section 14-16-6-6(A) Table 4-2-1

The applicant has provided documentation and justification as to how the requested conditional use requirements are met for an Overnight Shelter. The perceived negative impacts on neighboring properties will be mitigated through an active program to assist those utilizing the property. The Shelter will be in an area of commercial services and not a residential area.

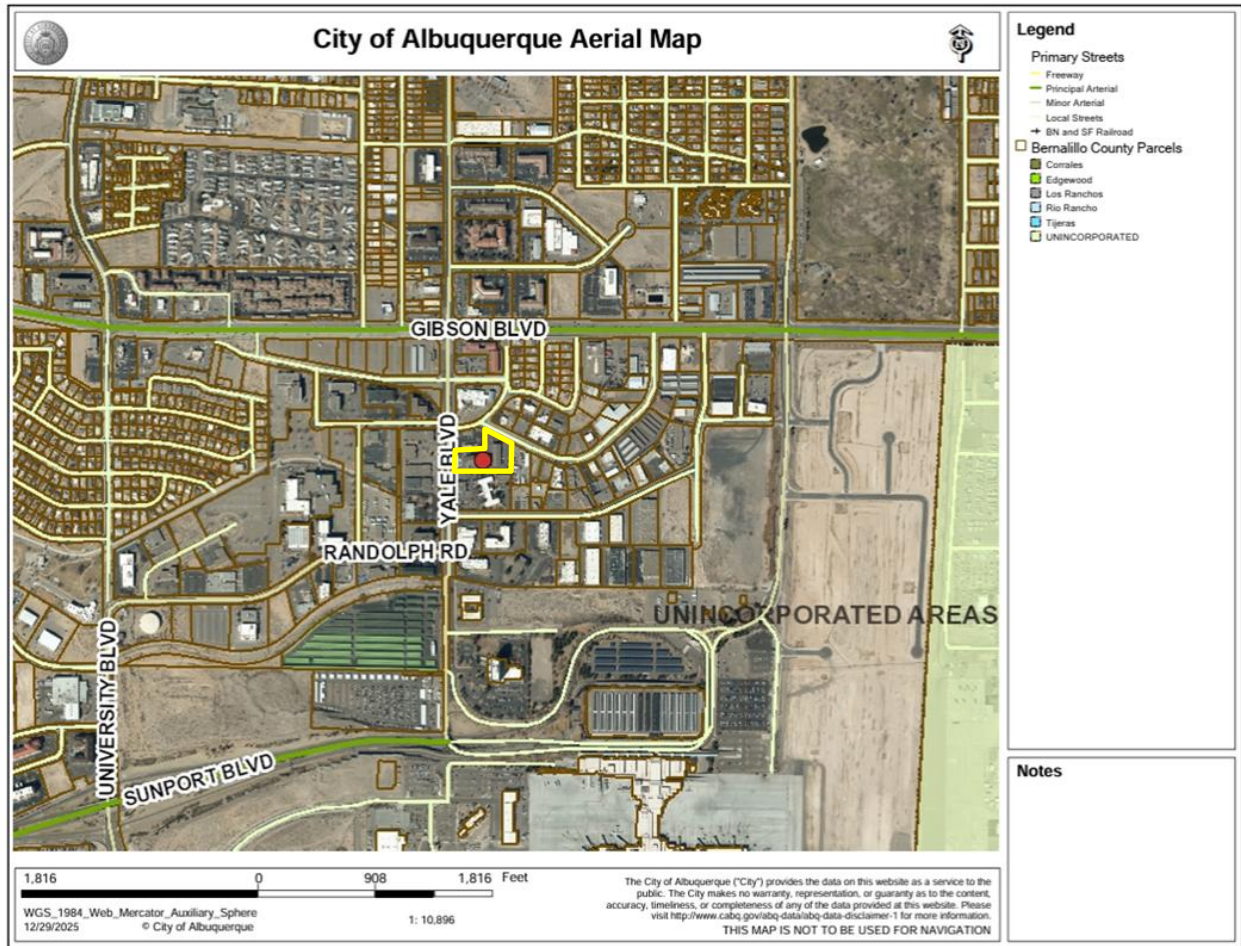
A primary housing concern addressed in the ABC Comp Plan is for underserved and at-risk populations Goals and Policies reference combining shelter and support services to address these needs. This application is the type of program and housing assistance which is outlined as major Goal with supporting Policies. Staff recommends approval based on the review criteria for conditional use, IDO Subsection 14-16-6-6(A)(3).

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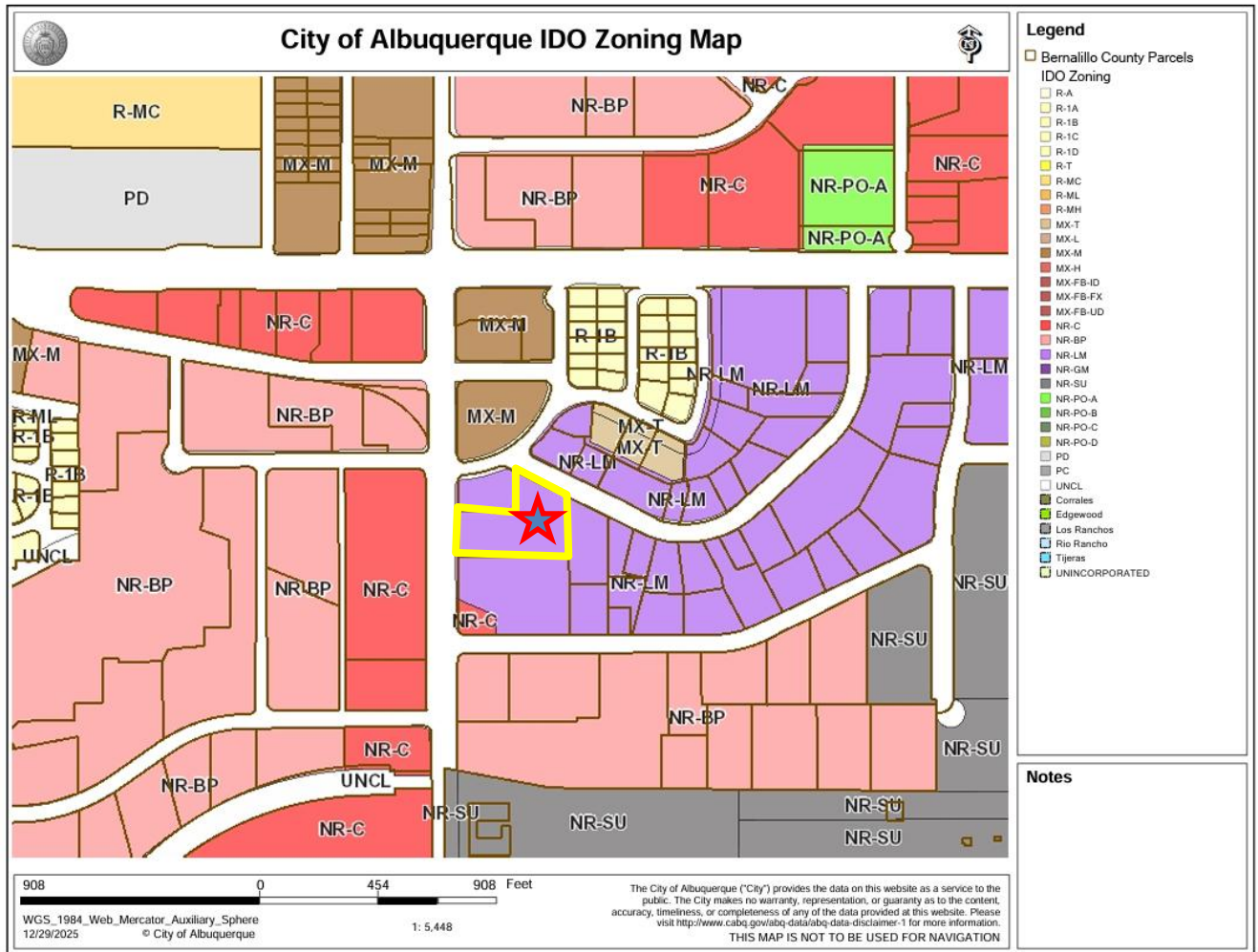
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I. Maps

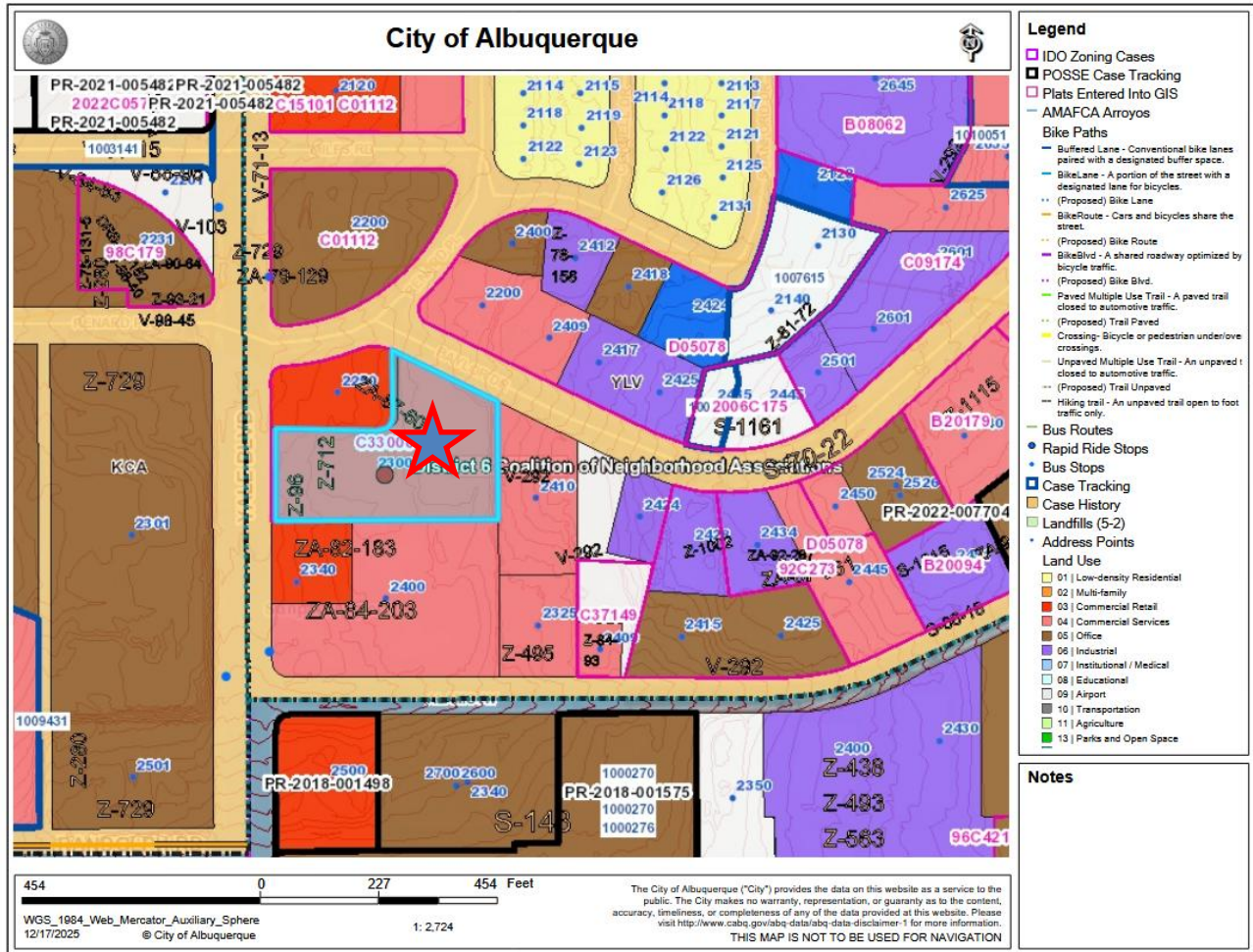
Aerial Map



IDO Zoning Map



Land Use Map



II. Introduction

Request

The applicant has submitted a request for a conditional Use to allow an Overnight Shelter at the subject property. This use requires approval in accordance with IDO Section 4-3(C)(6). The use must be in compliance with all applicable state and municipal codes of New Mexico and the City of Albuquerque.

The subject property is a Commercial Use, located at 2300 Yale Blvd SE. The commercial building is within the Airport Protection Overlay Zone (APO 3) NR-LM zoning district.

Subject Site Context

	<i>IDO Zoning</i>	<i>Comprehensive Plan Development Area</i>	<i>Existing Land Use</i>
<i>Subject Site</i>	NR-LM	Area of Change	Commercial Services
<i>North</i>	NR-LM	Area of Change	Commercial Retail
<i>South</i>	NR-LM	Area of Change	Commercial Services
<i>East</i>	NR-LM	Area of Change	Commercial Services
<i>West</i>	NR-C	Area of Change	Office Commercial

Note: The property does not impose any potential land-use conflicts.

There is no patterns of vehicular or pedestrian traffic or related issues.

Adjacent Street Designations

The subject property is located at 2300 Yale Blvd SE. The site faces Yale Blvd SE which is designated as a Minor Arterial Street by the 2040 Long Range Roadway System map, produced by the Mid-Region Council of Governments. It is currently a premium transit corridor.

Site History / Related Requests

The site has not received any recorded conditional use applications, nor have any additional requests been submitted to the ZHE for consideration and approval.

Zoning Hearing Examiner’s Role

The Zoning Hearing Examiner (ZHE) holds public hearings and makes quasi-judicial decisions about special exceptions to zoning regulations in the Integrated Development Ordinance (IDO). The ZHE ensures compliance with zoning laws, considers public input, and issues written findings based on evidence presented and staff recommendations.

III. Analysis of City Plans and Ordinances

Albuquerque / Bernalillo County Comprehensive Plan

City Development Areas

The subject site is located in an Area of Change as designated by the Comprehensive Plan. Areas of Change include Centers, Corridors, and Metropolitan Redevelopment Areas, where new development and redevelopment are desired and appropriate. These areas include undeveloped land and commercial or industrial zones that would benefit from infill or revitalization. Directing growth to Areas of Change is intended to reduce development pressure on established neighborhoods and rural areas, minimizing infill or redevelopment at a scale and density that could negatively impact their character. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities.

Center & Corridor Designations

The site is on a premium transit corridor and within the Sunport/Airport employment center.

Integrated Development Ordinance (IDO)

IDO Zoning

In May 2018, the Integrated Development Ordinance replaced the City's Zoning Code, and the property's zoning was converted from M-1 to NR-LM. The purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses.

Overlay Zones

The subject property is within the Airport Protection Overlay Zone (APO 3-3. and within the Hot Air Balloon Takeoff/Landing area reference: (4-3(G))

Definitions

Accessory Use: A land use that is subordinate in use, area, or purpose to a primary land use on the same lot or, in any Mixed-use or Non-residential zone district, the same premises. An accessory use may or may not be located in an accessory structure. For the purposes of this IDO, accessory uses are listed in Table 4-2-1, may have separate Use-specific Standards, or may be defined as incidental to another primary use. See also Use Definitions for Primary Use.

Allowable Use: A land use allowed in a particular zone district by Table 4-2-1 as a primary or accessory use, whether allowed permissively or conditionally. See also Use Definitions for Permissive Use, Conditional use, and Accessory Use.

Conditional Use: A land use that is allowable in a particular zone district subject to conditional approval by the ZHE based on a review of the potential adverse impacts of the use and any appropriate mitigations to minimize those impacts on nearby properties. Table 4-2-1 specifies whether a particular conditional use is primary (listed as C) or accessory (listed as CA) or allowed conditionally in a primary building that has been vacant for a specified amount of time (listed as CV).

Zoning Hearing Examiner (ZHE): A person or firm on contract with the City who reviews and decides applications for Conditional Use Approvals, Expansions of Nonconforming Use or Structure, Permit – Carport, Permit – Wall or Fence – Major, and Variances.

Use-specific Standards

Subsection 14-16-4-3(C)(6) Overnight Shelter

- a. This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.
- b. This use shall be conducted within fully enclosed portions of a building.
- c. In the MX-M, this use shall not exceed 25,000 square feet.
- d. It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

IV. Conditional Use Approval

IDO Review and Decision Criteria

Pursuant to IDO §14-16-6-6(A) (Review and Decision Criteria), "An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.

The request furthers the following ABC Comp Plan Goals and Policies:

Chapter 9 -Housing

Goal 9.3 Density - Support increased housing density in appropriate places with adequate services and amenities.

Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

Goal 9.4 Homelessness - Make homelessness rare, short-term, and non-recurring

POLICY 9.4.1 Best Practices: Implement an appropriate and effective model to address chronic homelessness.

POLICY 9.4.2 Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.

POLICY 9.4.3 Equitable Distribution: Support a network of service points that are easily accessible by residents and workers, geographically distributed throughout the city and county, and proximate to transit.

Goal 9.5 Vulnerable Populations - Expand capacity to provide quality housing and services to vulnerable populations.

POLICY 9.5.1 Quality Housing: Ensure well maintained, safe transitional and permanent housing for the lowest income households that are most at risk of homelessness

POLICY 9.5.2 Transitional Services: Encourage on-site transitional services with culturally competent service delivery that respects the dignity of individuals and families and fosters self-determination and self-sufficiency, including job training, financial education, and behavioral health assistance.

Goal 9.6 Development Process - Promote cost-effective housing redevelopment and construction that meets community needs.

POLICY 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life.

6(A)(3)(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.

The applicant has documented how the Conditional Use will meet the requirements of an overnight shelter.

6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

Currently, adjacent property owners are complaining about trash, crime and vagrancy on the site. There is fear that this conditional use will intensify these problems. However, the site is currently vacant and unmonitored. A functioning facility with appropriate service will, hopefully, mitigate these concerns.

6-6(A)(3)(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

Traffic congestion, parking congestion, noise, or vibrations are not expected to be generated by this use.

6-6(A)(3)(e) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.

The subject site is not within 300 feet of any residential neighborhood.

6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

The conditional use request will not impact pedestrian or transit connectivity as the programs are within the building.

V. Agency & Neighborhood Concerns

Reviewing Agencies

As with all ZHE applications, this request was reviewed by City Transportation and the City Aviation staff, but no comments were provided on the request.

Neighborhood/Public

As required the Applicant notified the Yale Village Neighborhood Association, which is the affected associations for development under the NR-LM zone district. No comments have been received from the Association representatives at the time of the staff report.

The Applicant stated that notification was provided to property owners within 100 feet of the subject site. Photographic evidence and an affidavit of mailing was submitted by the applicant.

A phone call was received in opposition to the request. It is expected that the hearing will be attended by those in opposition.

VI. Conclusion

The applicant has not satisfied the criteria outlined in IDO Section 14-16-4-3(C)(6), Table 4-2-1 and submitted all evidence to support their request. The applicant must provide substantial evidence that the Conditional Use for an Overnight-Shelter will not negatively impact neighboring properties, traffic or pedestrian accessibility.

The ZHE is not seeking a rehashing of evidence already in the record, but rather focus on the lack of substantial evidence to render a decision based on these requirements:

1. ZHE seeks additional evidence that the proposed conditional use “will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.”
2. How far away is the nearest residentially zoned lot? Even if that closest residentially zoned lot is farther than 300 feet, is there any non-residential activity generated by the proposed use that would the proposed use increase non-residential activity within 300 feet of a lot in any Residential zone district between the proscribed hours?
3. Will the use be conducted within fully enclosed portions of a building?

Findings, Conditional Use Approval

Project #: CU-2025-00045

1. Applicant is requesting a Conditional Use Approval to allow for an overnight shelter, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
7. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
8. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
9. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
10. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
11. The Subject Property is located in the NR-LM zone.
12. Therefore, an overnight shelter on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
13. IDO Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads:
“An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:
 - (a) *It is consistent with the ABC Comp. Plan, as amended;*
 - (b) *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - (c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - (d) *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*

- (e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
- (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”*
14. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
15. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).

Recommendation

Denial of Project #: CU-2025-00045, a request for a Conditional Use of an Overnight Shelter for Lot B-1-B Plat of Lots B-1-A And B-1-B Airport Industrial Park , located at 2300 Yale SE, based on the preceding Findings.

Adam Sena

Adam Sena
Senior Planner, Zoning Hearing Examiner
Urban Design and Development Division

A) PHOTOGRAPHS

Site Photos













RAMADA
BY WYNDHAM

SPECIAL EXCEPTION REQUEST

Property Address 2300 Yale Boulevard SE

Property Owner Partners Hospitality, LLC & Karen Mahajan, Etc.

Name of Applicant Partners Hospitality, LLC & Karen Mahajan, Etc.

Summary of Request a Conditional Use for an Overnight Shelter

IDB Section 14-16-4-3(C)(6)

A public hearing is required and will be held online via Zoom at: <https://cabq.zoom.us/j/9756087372>, or by phone at +1(719) 359-4580 Meeting ID: 975 608 7372 on January 20th, 2026 at 9:00 AM.

Required posting dates January 05, 2026 to February 19, 2026

For information, contact the City of Albuquerque Planning Department at (505)924-3894.

REFER TO FILE# CD-2025-00045 / PR-2025-020180

It is illegal for an unauthorized person to remove or tamper with this sign.

RAMADA
ENTER →

RAMADA
BY WYNDHAM

SPECIAL EXCEPTION REQUEST
The following information is provided for your reference. It is not intended to constitute an offer of insurance or any other financial product. For more information, please contact your agent or the company. This information is provided for your reference only and is not intended to constitute an offer of insurance or any other financial product. For more information, please contact your agent or the company. This information is provided for your reference only and is not intended to constitute an offer of insurance or any other financial product. For more information, please contact your agent or the company.

SPECIAL EXCEPTION REQUEST

Property Address 2300 Yale Boulevard SE
Property Owner Proterra Hospitality, LLC - Kona Nelson, CEO
Name of Applicant Proterra Hospitality, LLC - Kona Nelson, CEO
Summary of Request a Conditional Use for an Overight Suite
TDD Section 14-16-4-301(a)

A public hearing is required and will be held online via Zoom at: <https://cabq.zoom.us/j/9756087372>, or by phone at +1(719) 359-4580 Meeting ID: 975 608 7372 on January 20th, 2020 at 9:00 AM.
Required posting dates January 06, 2020 to January 19, 2020
For information, contact the City of Albuquerque Planning Department at (505)924-3894.

REFER TO FILE# CU-2025-00045/PR-2025-020180

It is illegal for an unauthorized person to tamper or remove this sign.





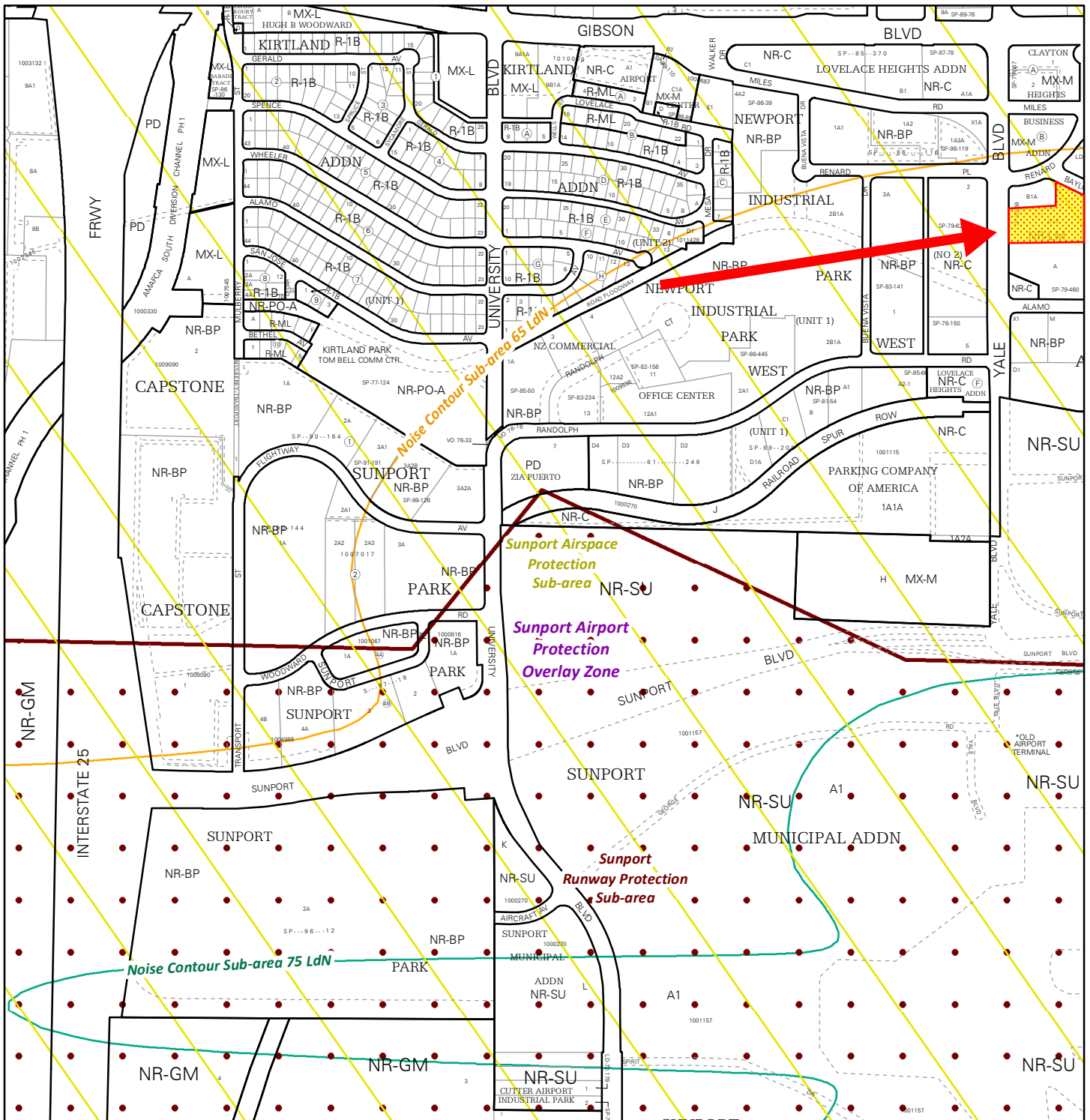








B) APPLICATION INFORMATION



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:
M-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

Feet
0 250 500 1,000

FOR OFFICIAL USE ONLY
PROJECT #: _____
ABQ-PLAN CASE #: _____

LETTER OF AUTHORIZATION

Address of the Subject Property: 2300 Yale Blvd SE Albuquerque, NM 87106

Karan Mahajan
Name of the Property Owner

Max Juarez
Permit Applicant / Agent's Name

2920 Walsh Loop SE
Address of Property Owner

8500 Mesa Springs Ave SW
Permit Applicant / Agent's Address

Rio Rancho, NM 87124
City, State, Zip Code

Albuquerque, NM 87121
City, State, Zip Code

(858) 531-6707
Phone Number

(505) 304-2812
Permit Applicant / Agent's Phone Number

karanvsk@gmail.com
Email Address

maxjuarezzzzz@gmail.com
Permit Applicant / Agent's Email Address

I, Karan Mahajan, as the duly registered owner of the property situated at 2300 Yale Blvd SE Albuquerque, NM 87106, within the city limits of Albuquerque, New Mexico, hereby grant authorization to the above-named applicant, agent, and/or company to submit the application and act on my behalf in regards to the specified request.

Please select one application type from the options provided below.

Conditional Use

Carport Permit

Expansion of Non-Conforming Use or Structure

Major Zoning Permit

Karan Mahajan 12/08/2025
Property Owner Signature Date

[Signature] 12.8.25
Permit Application / Agent's Signature Date

** Where a property has multiple owners, all owners must give written consent for the application, to the fullest extent permitted. If not all owners have provided written consent, or if some ownership details are uncertain—such as those listed on a title abstract or title insurance commitment—the owner must certify in writing that all owners identified on the title abstract or property commitment have been properly notified of the application at their last known addresses, as recorded in Bernalillo County's property tax records.*

CONDITIONAL USE JUSTIFICATION LETTER GUIDELINES

The Integrated Development Ordinance (IDO) Section 6-6(A)(3) outlines policies and requirements for evaluating applications for Conditional Use requests.

The responsibility lies with the applicant to demonstrate the justification for the change, rather than on the City to prove why the change should not be granted.

To support your request and facilitate our review, please submit a comprehensive response to items 1-5 below. A sample letter is included for reference.

CONDITIONAL USE REQUIREMENTS

This applies to all applications for a carport in a required front or side setback.

IDO Section 6-6(A)(3) – Review and Decision Criteria

An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

- 1) It is consistent with the adopted ABC Comp Plan, as amended.
- 2) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.
- 3) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
- 4) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.
- 5) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.
- 6) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

-SEE SAMPLE LETTER ON THE NEXT PAGE-

CONDITIONAL USE JUSTIFICATION

FOR OFFICIAL USE ONLY

PROJECT #:

ABQ-PLAN CASE #:

City of Albuquerque
Attention: Zoning Hearing Examiner
600 2nd Street NW, 2nd Floor
Albuquerque, NM 87102

RE: Request for a Conditional Use to allow Overnight Shelter IDO Sect 4-3(C)(6)
At 2300 Yale Blvd SE Albuquerque, NM 87106 (address of the subject property).

- 1) It is consistent with the adopted ABC Comp Plan because it supports the following goals: _____
 -Community identity and Revitalization.
 -Economic development and employment opportunity.
 -Efficient use of existing infrastructure.

- 2) It complies with all applicable provisions of this IDO, including but not limited to any Use- specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property because: The location adheres to all relevant city regulations related to building codes, drainage, utilities, noise, and site design. Meets IDO, DPM and City requirements. Fully compliant with all applicable regulatory standards.

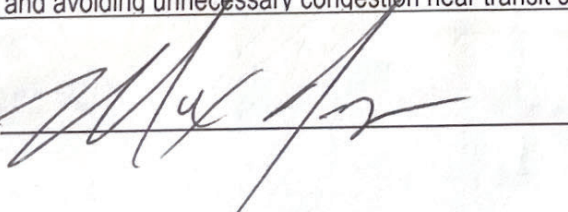
- 3) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community because: Property is well integrated with its surroundings, adheres to all applicable operational standards and includes site design measures that protect neighboring properties it will not result in significant negative impacts on the neighborhood or broader community.

- 4) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts because: Noise and vibration impacts are not expected to exceed typical levels for the area, which already contains similar commercial and service-oriented uses. The development will comply with all IDO operational standards related to noise control, lighting, and hours of operation, further ensuring that impacts remain minimal and fully mitigated.

- 5) It will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M because: The proposed use does not require extended hours and will adhere to all IDO restrictions to ensure quiet conditions during nighttime hours. Lighting levels will be minimized after closing, and no noise generating or disruptive activity will take place during protected residential time periods. The location will not generate additional nighttime traffic, noise, or activity that could affect nearby residential properties.

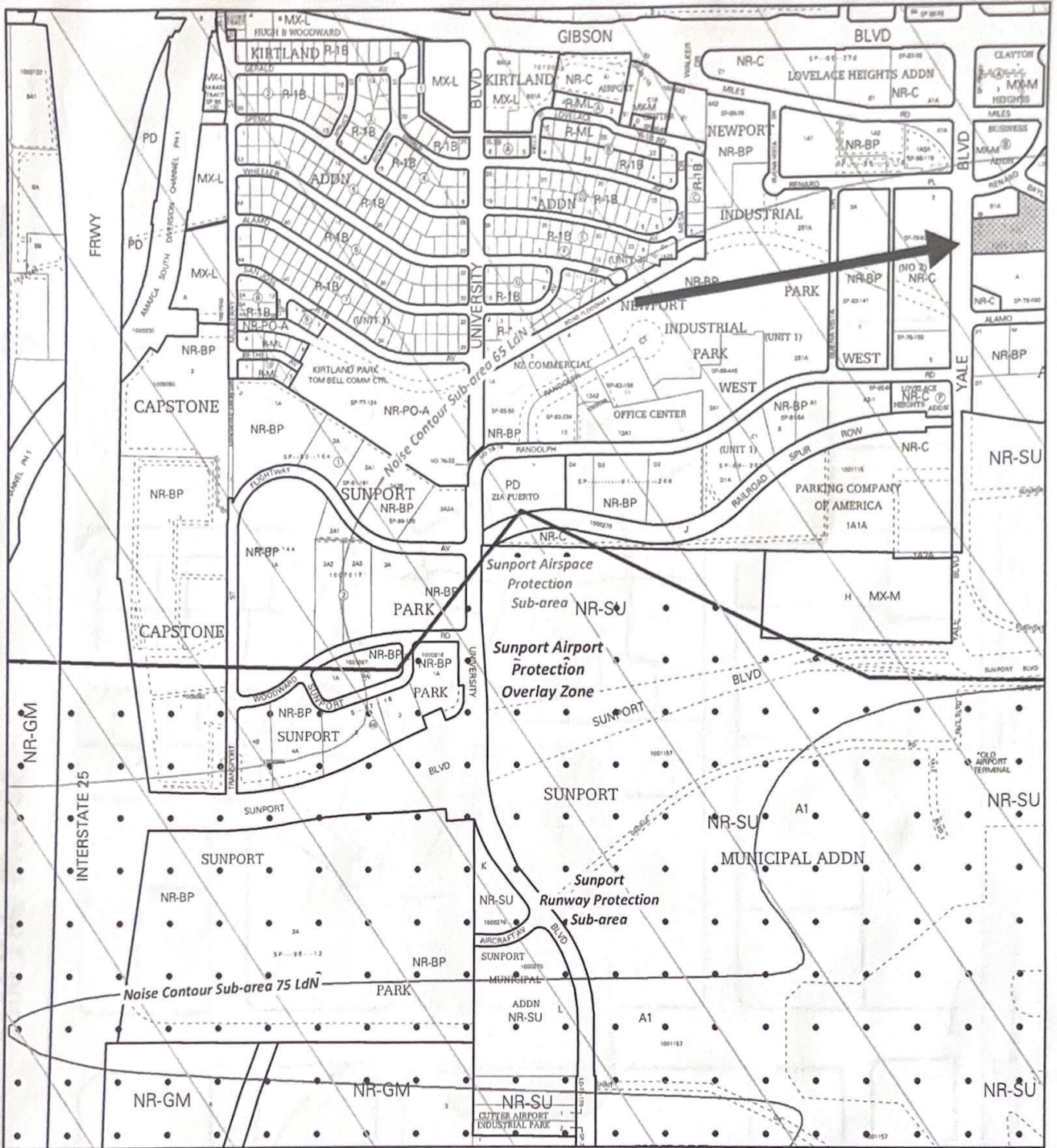
- 6) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation because: Location includes appropriate mitigation such as upgraded sidewalk connections, ADA compliant paths, and clearly defined pedestrian routes from the public right of way to the building entrance. Vehicle circulation is designed so that it does not conflict with pedestrian pathways, reducing safety risks and avoiding unnecessary congestion near transit stops.

Signature



Date

12-8-25

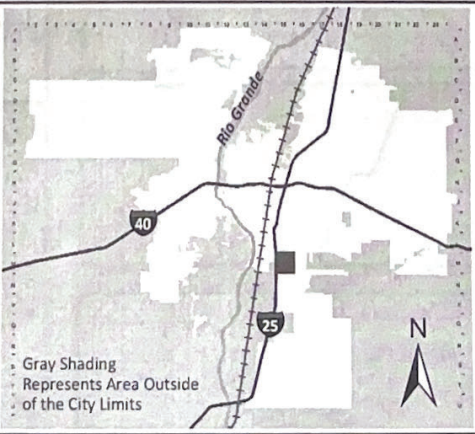


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

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:
M-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
- Gray Shading Represents Area Outside of the City Limits
- 0 250 500 1,000 Feet

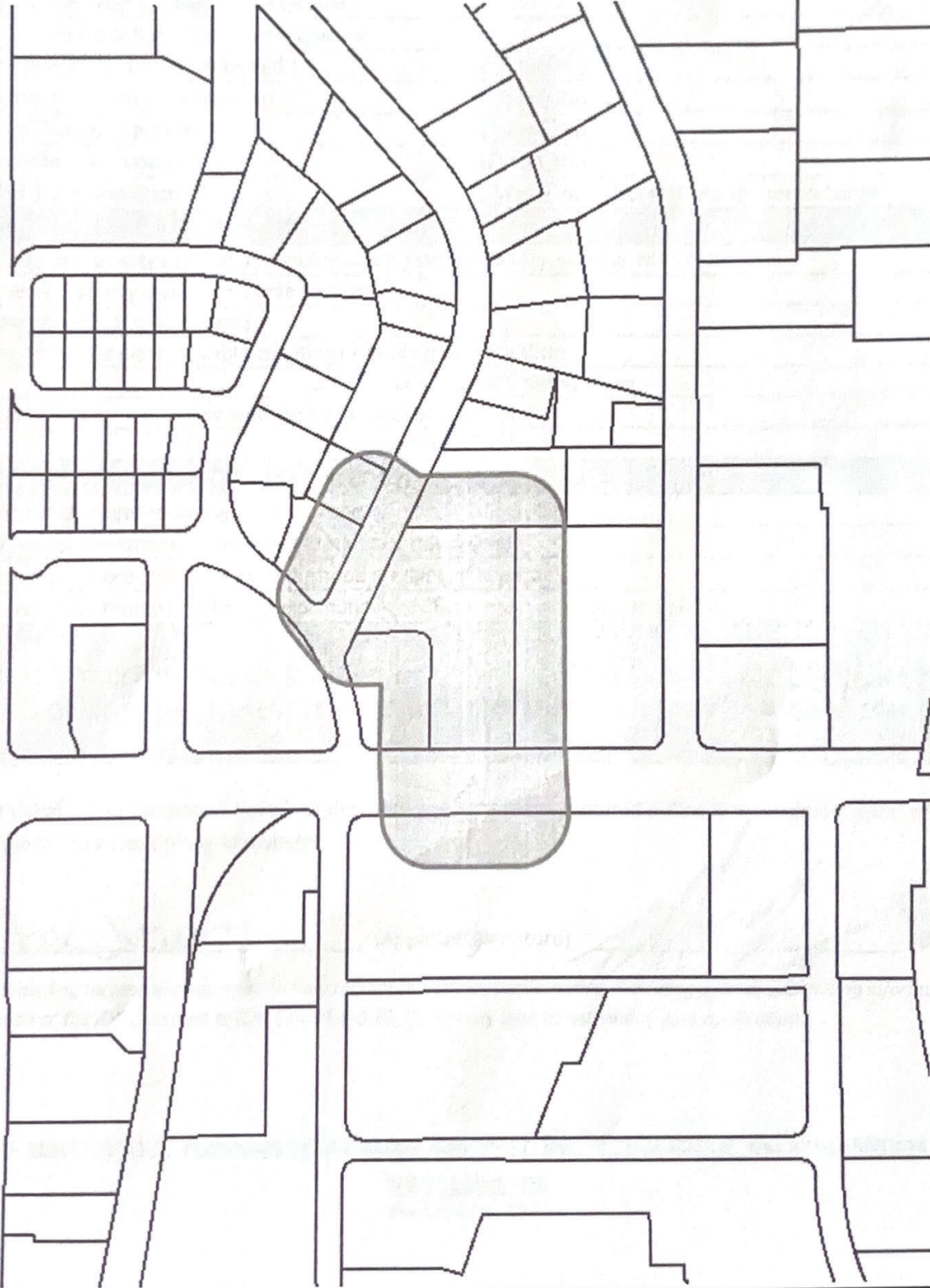


2300 Yale Blvd SE



Legend

- Bernalillo County Parcels



Notes

Buffer: 100 Feet
 Right-of-Way: Baylor Dr SE; Yale Blvd SE

581 Feet

291

0

581

1: 3,489

WGS_1984_Web_Mercator_Auxiliary_Sphere
 © City of Albuquerque
 12/1/2025

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

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS	
Use <u>Table 6-1-1</u> in the Integrated Development Ordinance (IDO) to answer the following:	
Application Type: Conditional Use Application	
Decision-making Body: Zone Hearing Examiner	
Pre-Application meeting required:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Neighborhood meeting required:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Mailed Notice required:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Electronic Mail required:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Is this a Site Plan Application:	<input type="radio"/> Yes <input checked="" type="radio"/> No <i>Note: if yes, see second page</i>
PART II - DETAILS OF REQUEST	
Address of property listed in application: 2300 Yale Blvd SE Albuquerque, NM 87106	
Name of property owner: Dr. Karan Mahajan	
Name of applicant: Max Juarez	
Date, time, and place of public meeting or hearing, if applicable:	
Zoom on January 20, 2026, starting at 9am	
Address, phone number, or website for additional information:	
PlanningZHE@cabq.gov	
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
<input checked="" type="checkbox"/>	Zone Atlas page indicating subject property.
<input type="checkbox"/>	Drawings, elevations, or other illustrations of this request.
<input type="checkbox"/>	Summary of pre-submittal neighborhood meeting, if applicable.
<input checked="" type="checkbox"/>	Summary of request, including explanations of deviations, variances, or waivers.
IMPORTANT:	
PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO <u>IDO §14-16-6-4(K)</u>.	
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.	

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Max Juarez

(Applicant signature)

[Signature]

12-8-25
(Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO §14-16-6-9(B)(3) and may lead to a denial of your application.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN & LC APPLICATIONS ONLY	
Provide a site plan that shows, at a minimum, the following:	
<input checked="" type="checkbox"/>	a. Location of proposed buildings and landscape areas.
<input type="checkbox"/>	b. Access and circulation for vehicles and pedestrians.
<input type="checkbox"/>	c. Maximum height of any proposed structures, with building elevations.
<input type="checkbox"/>	d. For residential development: Maximum number of proposed dwelling units.
<input type="checkbox"/>	e. For non-residential development:
<input type="checkbox"/>	Total gross floor area of proposed project.
<input type="checkbox"/>	Gross floor area for each proposed use.

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

Public Notice of a Hearing before the Zoning Hearing Examiner in the City of Albuquerque

Date of Notice*: 12/8/25

This notice of an application for a proposed project is provided as required by the Integrated Development Ordinance (IDO) §14-16-6-4(K) Public Notice. This notice is being provided to (mark as relevant):

- Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.¹
- Property Owners within 100 feet of the Subject Property.

Project Information Required by IDO §14-16-6-4(K)(1)(a)

1. Subject Property Address* 2300 Yale Blvd SE ABQ, NM 87106 (zipcode)
Location Description _____
2. Property Owner* Karan Mahajan
3. Agent/Contractor (if other than the property owner) _____
4. Application Type(s)²* per IDO Table 6-1-1:
 - Conditional Use
 - Variance
 - Other _____
 - Carport Permit
 - Major Wall/Fence Permit

Summary of project/request*:
Overnight shelter

5. This application will be decided by the Zoning Hearing Examiner at a public hearing.

Hearing Date*: January 20, 2026 (Tuesday)

The hearing will begin at 9:00AM via ZOOM.

For Zoom details and the agenda, please visit the CABQ Planning Webpage:

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

To contact staff, email PlanningZHE@cabq.gov or call the Planning Department at 505-924-3860 and select the option for "Boards, Commissions, and ZHE signs."

Please note: You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing. (Deadline is 5 pm on the Wednesday before the hearing.)

¹ If this box is marked, the Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination must be included as an attachment.

² Other application types require separate forms available here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>. Otherwise, please mark all that apply.

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

6. Where more information about the project can be found*:

Applicant name: Max Juarez

Email: PlanningZHE@cabq.gov Phone: _____

Online website or project page: <https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

Attachments:

Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination^{3*}

Others: _____

Project Information Required for Mail/Email Notice by IDO §14-16-6-4(K)(1)(b):

1. Zone Atlas Page(s)*⁴ IDO Sect 4-3(C)(6)

2. Project Illustrations, as relevant*⁵

Architectural drawings

Elevations of the proposed building(s)

Other illustrations of the proposed application

See attachments or the website/project page noted above for the items marked above.

3. The following exceptions to IDO standards have been requested for this project*:

Deviation(s) Variance(s) Waiver(s)

Explanation*: NA

4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

[Note: The meeting report is required to be provided in the application materials.]

NOTE: Pursuant to IDO §14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3860 and select option for "Boards, Commissions, and ZHE Signs."

Useful Links

Integrated Development Ordinance (IDO): <https://ido.abc-zone.com>

IDO Interactive Map: <https://tinyurl.com/idozoningmap>

³ Must be attached if this notice is to Neighborhood Association Representatives.

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas>

⁵ While not required, it is recommended that a site plan be included showing the location of existing buildings, if any, and the proposed project.

Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

Notificación de Acceso Lingüístico.

Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaaszil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.

Naji, Leslie

From: Karan Mahajan <Kmahajan@ehsnm.net>
Sent: Friday, January 9, 2026 7:32 PM
To: Naji, Leslie; Palmer, Jeffrey
Cc: Max Juarez
Subject: Plan CU-2025-00045 (Ramada by Wyndham Abq Airport)

Be Careful With This Message

The sender's email domain has been active for a short period of time and could be unsafe.

[Report Suspicious](#)

Subject: Update on IOP Services and Proposed Overnight Shelter

Hello Ms. Naji,

I hope this message finds you well.

My name is **Dr. Karan Mahajan**, and I am writing in response to your request for an update regarding the proposed overnight shelter. I appreciate the opportunity to share more information about our program and our goals for the community.

By way of introduction, I am **board certified in Internal Medicine and Addiction Medicine** and currently serve as the **Medical Director of the largest Medication-Assisted Treatment (MAT) program for opioid use disorder in Albuquerque.**

Through my clinical experience, I have learned that individuals struggling with opioid use disorder—particularly those using substances such as heroin and fentanyl—often require far more than medication alone. Many of our patients are also experiencing homelessness, which makes recovery even more challenging. In response, and with approval from the City, we launched an **Intensive Outpatient Program (IOP)** at the Ramada location.

An **Intensive Outpatient Program** is a structured, evidence-based treatment model that provides several hours of therapy multiple days per week while allowing participants to live in the community and maintain daily responsibilities. All individuals are clinically assessed at intake to determine whether they meet criteria for IOP.

For patients whose recovery is significantly hindered by lack of stable housing, we provide **temporary housing at no cost.** Those residing with us also receive:

- **Two meals daily** (currently supported through donations mainly),
- **Transportation** for medical needs, including primary care, dental visits, and travel to methadone or buprenorphine clinics, and
- Ongoing clinical and recovery support.

Community safety is a priority for us. At present, we provide **licensed security coverage for 16 hours per day, Monday through Friday**, and beginning this weekend, **12 hours nightly from 6:00 p.m. to 6:00 a.m.**, with plans to move to **24-hour coverage** in the near future.

At this time, we are unable to accommodate individuals with **pets, pregnant individuals, or children**, as our facility is not yet equipped to safely meet those needs.

The goal of this program is to offer our clients a genuine opportunity for stability and recovery. Without a safe place to stay, it is extraordinarily difficult for patients to remain engaged in treatment and rebuild their lives. Substance use disorder is not a choice—it is a medical condition often shaped by circumstance. We are committed to being part of the solution to homelessness, untreated addiction, and the downstream impacts on public safety and community well-being.

We are also proud to partner with the **Office of the Second Judicial District Attorney** as part of a broader effort to support recovery-oriented alternatives.

During the recent visit on **January 8, 2026**, I had the opportunity to meet with Deputy Jeremy and Sir Jeff Palmer. I listened carefully to the concerns raised by neighbors and wanted to assure you that we take these issues seriously. We are actively working to address them in a timely and responsible manner. While I understand the understandable concerns about homelessness in any neighborhood, our intention is not to disrupt local businesses or residents, but to help people regain stability so they can become productive members of the community.

We value collaboration and would welcome the opportunity to continue working closely with the City to address any issues that may arise.


Please feel free to contact me directly with any questions or concerns.

Warm regards,

Karan Mahajan, MD

Medical Director & Managing Member

Empower Health Services & Partners Hospitality

 858-531-6707



City of Albuquerque

Planning Department
Development Review Services Division

Traffic Scoping Form (REV 07/2020)

Project Title: _____

Building Permit #: _____ Hydrology File #: _____

Zone Atlas Page: _____ DRB#: _____ EPC#: _____ Work Order#: _____

Legal Description: IDO Sect 4-3(C)(b)

Development Street Address: 2300 Yale Blvd SE

Applicant: Max Juarez Contact: (505) 304-2812

Address: 8500 Mesa Springs Ave SW

Phone#: (505) 304-2812 Fax#: _____

E-mail: maxjuarez2222@gmail.com

Development Information

Build out/Implementation Year: _____ Current/Proposed Zoning: _____

Project Type: New: () Change of Use: () Same Use/Unchanged: () Same Use/Increased Activity: ()

Change of Zoning: ()

Proposed Use (mark all that apply): Residential: () Office: () Retail: () Mixed-Use: ()

Describe development and Uses:

Days and Hours of Operation (if known): _____

Facility

Building Size (sq. ft.): 95,035 SQ FT

Number of Residential Units: 210

Number of Commercial Units: 210

Traffic Considerations

ITE Trip Generation Land Use Code _____

Expected Number of Daily Visitors/Patrons (if known):* 0

Expected Number of Employees (if known):* 10

Expected Number of Delivery Trucks/Buses per Day (if known):* 0

Trip Generations during PM/AM Peak Hour (if known):* 6

Driveway(s) Located on: Street Name Yale Blvd SE

Adjacent Roadway(s) Posted Speed: Street Name Posted Speed
Street Name Posted Speed

** If these values are not known, assumptions will be made by City staff. Depending on the assumptions, a full TIS may be required.)*

Roadway Information (adjacent to site)

Comprehensive Plan Corridor Designation/Functional Classification: _____
(arterial, collector, local, main street)

Comprehensive Plan Center Designation: _____
(urban center, employment center, activity center, etc.)

Jurisdiction of roadway (NMDOT, City, County): _____

Adjacent Roadway(s) Traffic Volume: _____ Volume-to-Capacity Ratio (v/c): _____
(if applicable)

Adjacent Transit Service(s): _____ Nearest Transit Stop(s): _____

Is site within 660 feet of Premium Transit?: _____

Current/Proposed Bicycle Infrastructure: _____
(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: _____

Relevant Web-sites for Filling out Roadway Information:

City GIS Information: <http://www.cabq.gov/gis/advanced-map-viewer>

Comprehensive Plan Corridor/Designation: See GIS map.

Road Corridor Classification: <https://www.mrcog-nm.gov/DocumentCenter/View/1920/Long-Range-Roadway-System-LRRS-PDF?bidId=>

Traffic Volume and V/C Ratio: <https://www.mrcog-nm.gov/285/Traffic-Counts> and <https://public.mrcog-nm.gov/taqa/>

Bikeways: http://documents.cabq.gov/planning/adopted-longrange-plans/BTFP/Final/BTFP%20FINAL_Jun25.pdf (Map Pages 75 to 81)

TIS Determination

Note: Changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

Traffic Impact Study (TIS) Required: Yes [] No []

Thresholds Met? Yes [] No []

Mitigating Reasons for Not Requiring TIS: _____ Previously Studied: []

Notes:

TRAFFIC ENGINEER

DATE

.....
Submittal

The Scoping Form must be submitted as part of a Traffic Circulation Layout submittal, DRB application for site plan approval, or EPC application. See the Development Process Manual Chapter 7.4 for additional information.

Submit by email to plndrs@cabq.gov and to the City Traffic Engineer mgrush@cabq.gov. Call 924-3362 for information.

Site Plan/Traffic Scoping Checklist

Site plan, building size in sq. ft. (show new, existing, remodel), to include the following items as applicable:

1. Access -- location and width of driveways
2. Sidewalks (Check DPM and IDO for sidewalk requirements. Also, Centers have wider sidewalk requirements.)
3. Bike Lanes (check for designated bike routes, long range bikeway system) (*check MRCOG Bikeways and Trails in the 2040 MTP map*)
4. Location of nearby multi-use trails, if applicable (*check MRCOG Bikeways and Trails in the 2040 MTP map*)
5. Location of nearby transit stops, transit stop amenities (eg. bench, shelter). Note if site is within 660 feet of premium transit.
6. Adjacent roadway(s) configuration (number of lanes, lane widths, turn bays, medians, etc.)
7. Distance from access point(s) to nearest adjacent driveways/intersections.
8. Note if site is within a Center and more specifically if it is within an Urban Center.
9. Note if site is adjacent to a Main Street.
10. Identify traffic volumes on adjacent roadway per MRCOG information. If site generates more than 100 vehicles per hour, identify volume to capacity (v/c) ratio on this form.

OUR CORE VALUES

• COMPASSION

We meet each person with respect, empathy, and kindness — recognizing that recovery begins with dignity and human connection.

• INTEGRITY

We uphold the highest standards of ethics, transparency, and accountability in every aspect of care and operation.

• EVIDENCE-BASED PRACTICE

Our programs are guided by science, data, and continuous quality improvement to achieve measurable recovery outcomes.

• COLLABORATION

We work alongside patients, families, and community partners to create a network of support that fosters lasting change.

• EMPOWERMENT

We believe in the strength and resilience of every individual — empowering each person to reclaim their health, independence, and future.

• HUMANITY

We view all substance use disorders as treatable medical conditions that deserve a scientific approach, compassion, and the same respect as any other illness. Recovery is possible. Hope is real. Your future begins here.

READY TO START YOUR JOURNEY?

Recovery is possible. Hope is real.
Your future is waiting.

• CREATIVE & EXPRESSIVE GROUPS

Discover new ways to express yourself and process emotions through art, music, and creative activities

• WELLNESS & MOVEMENT GROUPS

Build physical and mental wellness through mindful movement, fitness, and relaxation techniques

• LIFE SKILLS & PERSONAL GROWTH

Develop practical skills and personal insights for independent, successful living

• CONNECTION & FUN

Enjoy recreational activities that build joy, laughter, and positive memories in recovery

• PEER & COMMUNITY BUILDING

Connect with others on similar journeys and build lasting, supportive relationships

WHY CHOOSE EMPOWER HEALTH SERVICES?



- Personalized Care - We tailor our programs to meet YOUR specific needs
- Exceptional Customer Service - Your comfort and success are our priorities
- Proven Results - Our comprehensive approach really works
- Wraparound Services - Everything you need under one roof
- Compassionate Team - Staff who genuinely care about your journey
- Holistic Approach - Addressing mind, body, and spirit in recovery

OUR MISSION

At Empower Health Services, our mission is to restore dignity, stability, and purpose to individuals living with substance use disorders through compassionate, evidence-based care. We provide comprehensive Opioid Treatment Programs (OTP), Intensive Outpatient Programs (IOP), and supportive housing, integrated with wrap-around services that promote lasting recovery and community reintegration.

OUR VISION

To build a healthier, more compassionate community where every individual affected by substance use disorder has access to recovery, safe housing, and the opportunity to rebuild a meaningful life. We envision a future where treatment is person-centered, stigma-free, and rooted in humanity, empowerment, and hope.

SUPPORTIVE HOUSING PROGRAM

A Safe Haven for Healing

What We Provide:

Safe, Comfortable Housing in a supportive environment **3 or 2 nutritious meals - breakfast, lunch, and dinner**
FREE Laundry Service - one less thing to worry about **24/7 Support** from caring, professional staff **Community Living** with peers on similar journeys **Daily Structure That Works!**

Mandatory Intensive Outpatient Program (IOP) integrated into your housing experience **Evidence-based treatment** that fits seamlessly into your daily routine **Structured environment** that promotes stability and growth
COMPREHENSIVE GROUP PROGRAMS
Healing Through Connection & Growth



Contact Empower Health Services Today

• Phone: [Your Phone Number] _____

• Email: [Your Email] _____

• Website: [Your Website] _____

• Address: [Your Address] _____

“At Empower Health Services, we don’t just treat substance use disorder — we restore lives, rebuild hope, and empower futures. Let us meet you where you are and help you get to where you want to be.”

EMPOWER HEALTH SERVICES
Your Partner in Recovery

Empower Health Services
2300 Yale Blvd SE
Albuquerque, NM 87106
T: 505-312-6175 • empowerhsm@gmail.com

EMPOWER HEALTH SERVICES



Lifting Lives, Rebuilding Futures

EMPOWER HEALTH SERVICES
Restoring Hope • Rebuilding Lives •
Empowering Recovery

**COMPREHENSIVE RECOVERY
PROGRAMS TAILORED TO YOU**

At Empower Health Services, our mission is to provide compassionate, evidence-based care to individuals living with substance use disorders. We believe recovery is a personal journey, and we are committed to meeting each person where they are, walking beside them with dignity, respect, and unwavering support. Through individualized treatment, exceptional service, and a human-centered approach, we strive to restore hope, rebuild lives, and help every individual return to society with strength and purpose.

Empower Health Services
2300 Yale Blvd SE
Albuquerque, NM 87106
T: 505-312-6175 • empowerhsm@gmail.com

Chapter 9 -Housing

Goal 9.3 Density - Support increased housing density in appropriate places with adequate services and amenities:

Empower Health Services supports increased housing density by providing temporary supportive living and Intensive Outpatient Program (IOP) services at 2300 Yale Blvd. SE, Albuquerque. This housing is offered at no cost and is not a rental arrangement; it is a clinical and recovery support service provided by Empower to improve long-term outcomes.

Participants may stay from 24 hours up to 16 weeks, depending on clinical need. By utilizing existing infrastructure and concentrating recovery, counseling, and case-management services in one location, Empower increases effective housing availability for individuals in recovery while ensuring access to essential amenities, structured daily programming, and transportation access—advancing the City’s goal of higher-density housing in service-rich areas.

At no point during their stay shall participants acquire or be deemed to have any tenancy, leasehold, or possessory rights in the facility. Occupancy is strictly temporary, non-residential in nature, and provided solely as part of Empower Health Services’ supportive programming.

Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas:

Empower Health Services aligns with Policy 9.3.1 by offering temporary supportive living paired with IOP services in a centralized urban location at 2300 Yale Blvd. SE, Albuquerque. This model supports higher-density, multi-unit use within the city while leveraging existing transit access and infrastructure. By concentrating supportive housing and services in appropriate urban corridors, Empower helps reduce development pressure on suburban and rural areas and ensures participants have immediate access to recovery programming, healthcare, and community resources—consistent with Albuquerque’s vision for compact, transit-oriented, and service-rich development.

At no point during their stay shall participants acquire or be deemed to have any tenancy, leasehold, or possessory rights in the facility. Occupancy is strictly temporary, non-residential in nature, and provided solely as part of Empower Health Services’ supportive programming.

Goal 9.4 Homelessness - Make homelessness rare, short-term, and non-recurring:

Empower Health Services advances this goal through the provision of temporary supportive living in conjunction with its Intensive Outpatient Program (IOP) at 2300 Yale Blvd. SE, Albuquerque. Any housing offered is time-limited, non-residential in nature, and does not create a tenancy, leasehold, or occupancy right. Participation in the IOP does not include housing as a guaranteed service; rather, temporary housing may be provided at the sole discretion of Empower Health Services as an ancillary clinical support to promote stabilization and continuity of care.

Stays are strictly limited in duration, generally ranging from 24 hours up to a maximum of 16 weeks, and are contingent upon eligibility criteria, availability, and ongoing compliance with program policies. All costs associated with such temporary housing are borne exclusively by Empower Health Services.

By integrating short-term housing stabilization with structured treatment, case management, and coordinated discharge planning, the program facilitates rapid transitions to permanent housing and reduces the likelihood of prolonged or recurring homelessness. This service-based, non-tenancy model directly supports municipal objectives to ensure that homelessness remains rare, brief, and non-recurring, while maintaining compliance with land-use, zoning, and public welfare standards.

At no point during their stay shall participants acquire or be deemed to have any tenancy, leasehold, or possessory rights in the facility. Occupancy is strictly temporary, non-residential in nature, and provided solely as part of Empower Health Services' supportive programming.

POLICY 9.4.1 Best Practices: Implement an appropriate and effective model to address chronic homelessness:

Empower Health Services applies evidence-based best practices by integrating temporary supportive living with intensive outpatient treatment and wraparound services. This model provides:

- Stable, short-term housing
- Daily recovery programming
- Behavioral health counseling
- Case management and life-skills support

This approach offers individuals experiencing chronic homelessness the structure, continuity of care, and stability needed to transition successfully into long-term housing and self-sufficiency.

At no point during their stay shall participants acquire or be deemed to have any tenancy, leasehold, or possessory rights in the facility. Occupancy is strictly temporary, non-residential in nature, and provided solely as part of Empower Health Services' supportive programming.

POLICY 9.4.2 Services: Provide expanded options for shelters and services for people experiencing temporary homelessness:

Empower Health Services expands shelter and service options by offering temporary supportive living at no cost in conjunction with IOP services. With flexible stays from 24 hours to 16 weeks, the program provides:

- Immediate access to safe housing
- Recovery and behavioral health services
- Counseling and daily support

This creates a clinically supported alternative to traditional shelters by addressing both housing instability and underlying substance-use and behavioral-health needs.

At no point during their stay shall participants acquire or be deemed to have any tenancy, leasehold, or possessory rights in the facility. Occupancy is strictly temporary, non-residential in nature, and provided solely as part of Empower Health Services' supportive programming.

POLICY 9.4.3 Equitable Distribution: Support a network of service points that are easily accessible by residents and workers, geographically distributed throughout the city and county, and proximate to transit:

Empower Health Services supports equitable service distribution through its centrally located facility at 2300 Yale Blvd. SE, which is accessible by public transit. By situating temporary supportive living and recovery services in an urban, transit-connected area, Empower ensures that individuals across the city and county can readily access housing stabilization, counseling, and daily support—contributing to a balanced and accessible network of essential services.

At no point during their stay shall participants acquire or be deemed to have any tenancy, leasehold, or possessory rights in the facility. Occupancy is strictly temporary, non-residential in nature, and provided solely as part of Empower Health Services' supportive programming.

Goal 9.5 Vulnerable Populations - Expand capacity to provide quality housing and services to vulnerable populations:

Empower Health Services advances Goal 9.5 by delivering temporary supportive living and IOP services for individuals in recovery who are at high risk of homelessness and behavioral-health crises.

Through structured housing, counseling, life-skills development, and recovery-focused programming, Empower expands the community's capacity to provide safe, dignified, and high-quality support tailored to vulnerable populations—helping participants achieve stability, recovery, and long-term independence.

At no point during their stay shall participants acquire or be deemed to have any tenancy, leasehold, or possessory rights in the facility. Occupancy is strictly temporary, non-residential in nature, and provided solely as part of Empower Health Services' supportive programming.

POLICY 9.5.1 Quality Housing: Ensure well maintained, safe transitional and permanent housing for the lowest income households that are most at risk of homelessness:

Empower Health Services ensures quality housing by maintaining safe, well-managed temporary supportive living environments at 2300 Yale Blvd. SE. This housing is provided as part of a clinical and recovery program, not as a rental service.

Participants receive structured daily programming, counseling, and life-skills support in a secure environment that promotes dignity, stability, and long-term success for individuals with the greatest housing vulnerability.

At no point during their stay shall participants acquire or be deemed to have any tenancy, leasehold, or possessory rights in the facility. Occupancy is strictly temporary, non-residential in nature, and provided solely as part of Empower Health Services' supportive programming.

POLICY 9.5.2 Transitional Services: Encourage on-site transitional services with culturally competent service delivery that respects the dignity of individuals and families and fosters self-determination and self-sufficiency, including job training, financial education, and behavioral health assistance:

Empower Health Services delivers on-site transitional services through its temporary supportive living and IOP programs, emphasizing culturally competent, dignity-centered care. Services include:

- Behavioral health counseling
- Recovery support
- Employment readiness guidance
- Financial and life-skills education

This integrated model fosters self-determination, independence, and sustainable recovery for individuals.

At no point during their stay shall participants acquire or be deemed to have any tenancy, leasehold, or possessory rights in the facility. Occupancy is strictly temporary, non-residential in nature, and provided solely as part of Empower Health Services' supportive programming.

Goal 9.6 Development Process: Promote cost-effective housing redevelopment and construction that meets community needs:

Empower Health Services supports Goal 9.6 by utilizing existing urban infrastructure at 2300 Yale Blvd. SE to provide cost-effective temporary supportive living and recovery services.

By delivering housing stabilization as a service rather than a rental, Empower minimizes development costs while meeting critical community needs for recovery-oriented, transitional housing and behavioral-health care.

At no point during their stay shall participants acquire or be deemed to have any tenancy, leasehold, or possessory rights in the facility. Occupancy is strictly temporary, non-residential in nature, and provided solely as part of Empower Health Services' supportive programming.

POLICY 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life:

Empower Health Services supports Goal 9.6 by utilizing existing urban infrastructure at 2300 Yale Blvd. SE to provide cost-effective temporary supportive living and recovery services.

By delivering housing stabilization as a service rather than a rental, Empower minimizes development costs while meeting critical community needs for recovery-oriented, transitional housing and behavioral-health care.

Empower health provides round the clock security services at the property ensuring the safety of the temporary resident and the neighborhood.

Temporary housing, when offered, is provided solely at the discretion of Empower Health Services and does not constitute a contractual right, entitlement, or condition of participation in the Intensive Outpatient Program (IOP). Participation in the IOP does not include the provision of housing services. Any temporary supportive housing that may be made available to eligible participants is offered as an ancillary, non-guaranteed service to support clinical outcomes and community benefit, and all associated costs are borne exclusively by Empower Health Services. Provision of such housing is subject to availability, program criteria, and ongoing compliance with program policies.

SIGN POSTING AGREEMENT – Zoning Hearing Examiner

All persons requesting a hearing before the Zoning Hearing Examiner are responsible for the posting and maintaining of one or more signs on the property.

Failure to maintain the signs during this entire period may be cause for deferral or denial of the application.

Per Integrated Development Ordinance 14-16-6-4(K)(4): **The applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street, for at least 15 calendar days before the public hearing and for the appeal period of 15 calendar days following any decision, required pursuant to Subsection 14-16-6-4(V)(3)(a)1.**

1. LOCATION

- A. The sign shall be conspicuously located within twenty feet of the public sidewalk (or edge of public street).
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

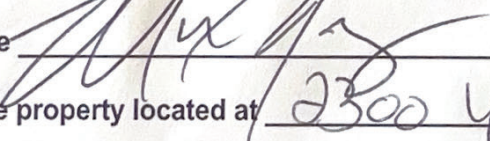
- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples help prevent tearing and are best for attaching signs to a post or backing.

Signs must be posted from 15 days prior to the hearing to 15 days after the hearing.

Applicant/Agent Signature

date

Sign(s) were issued for the property located at

 date 12.8.25
2300 Yale Blvd SE

C) PUBLIC NOTICE

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS	
Use <u>Table 6-1-1</u> in the Integrated Development Ordinance (IDO) to answer the following:	
Application Type: Conditional Use Application	
Decision-making Body: Zone Hearing Examiner	
Pre-Application meeting required:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Neighborhood meeting required:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Mailed Notice required:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Electronic Mail required:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Is this a Site Plan Application:	<input type="radio"/> Yes <input checked="" type="radio"/> No <i>Note: if yes, see second page</i>
PART II – DETAILS OF REQUEST	
Address of property listed in application: 2300 Yale Blvd SE Albuquerque, NM 87106	
Name of property owner: Dr. Karan Mahajan	
Name of applicant: Max Juarez	
Date, time, and place of public meeting or hearing, if applicable:	
Zoom on January 20, 2026, starting at 9am	
Address, phone number, or website for additional information:	
PlanningZHE@cabq.gov	
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
<input checked="" type="checkbox"/>	Zone Atlas page indicating subject property.
<input type="checkbox"/>	Drawings, elevations, or other illustrations of this request.
<input type="checkbox"/>	Summary of pre-submittal neighborhood meeting, if applicable.
<input checked="" type="checkbox"/>	Summary of request, including explanations of deviations, variances, or waivers.
IMPORTANT:	
PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO IDO §14-16-6-4(K).	
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.	

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Max Juarez

(Applicant signature)

[Signature]

12-8-25
(Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO §14-16-6-9(B)(3) and may lead to a denial of your application.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN & LC APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- a. Location of proposed buildings and landscape areas.
- b. Access and circulation for vehicles and pedestrians.
- c. Maximum height of any proposed structures, with building elevations.
- d. For residential development: Maximum number of proposed dwelling units.
- e. For non-residential development:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

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

Public Notice of a Hearing before the Zoning Hearing Examiner in the City of Albuquerque

Date of Notice*: 12/8/25

This notice of an application for a proposed project is provided as required by the Integrated Development Ordinance (IDO) §14-16-6-4(K) Public Notice. This notice is being provided to (mark as relevant):

- Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.¹
- Property Owners within 100 feet of the Subject Property.

Project Information Required by IDO §14-16-6-4(K)(1)(a)

1. Subject Property Address* 2300 Yale Blvd SE ABQ, NM 87106 (zipcode)

Location Description _____

2. Property Owner* Karan Mahajan

3. Agent/Contractor (if other than the property owner) _____

4. Application Type(s)²* per IDO Table 6-1-1:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Carport Permit |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Major Wall/Fence Permit |
| <input type="checkbox"/> Other _____ | |

Summary of project/request*:

Overnight shelter

5. This application will be decided by the Zoning Hearing Examiner at a public hearing.

Hearing Date*: January 20, 2026 (Tuesday)

The hearing will begin at 9:00AM via ZOOM.

For Zoom details and the agenda, please visit the CABQ Planning Webpage:

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

To contact staff, email PlanningZHE@cabq.gov or call the Planning Department at 505-924-3860 and select the option for "Boards, Commissions, and ZHE signs."

Please note: You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing. (Deadline is 5 pm on the Wednesday before the hearing.)

¹ If this box is marked, the Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination must be included as an attachment.

² Other application types require separate forms available here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>. Otherwise, please mark all that apply.

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

6. Where more information about the project can be found*:

Applicant name: Max Juarez

Email: PlanningZHE@cabq.gov Phone: _____

Online website or project page: <https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

Attachments:

Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination^{3*}

Others: _____

Project Information Required for Mail/Email Notice by IDO §14-16-6-4(K)(1)(b):

1. Zone Atlas Page(s)^{*4} IDO Sect 4-3(C)(6)

2. Project Illustrations, as relevant^{*5}

Architectural drawings

Elevations of the proposed building(s)

Other illustrations of the proposed application

See attachments or the website/project page noted above for the items marked above.

3. The following exceptions to IDO standards have been requested for this project*:

Deviation(s) Variance(s) Waiver(s)

Explanation*: NA

4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

[Note: The meeting report is required to be provided in the application materials.]

NOTE: Pursuant to IDO §14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3860 and select option for "Boards, Commissions, and ZHE Signs."

Useful Links

Integrated Development Ordinance (IDO): <https://ido.abc-zone.com>

IDO Interactive Map: <https://tinyurl.com/idozoningmap>

³ Must be attached if this notice is to Neighborhood Association Representatives.

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas>

⁵ While not required, it is recommended that a site plan be included showing the location of existing buildings, if any, and the proposed project.

Naji, Leslie

From: Max Juarez <Mjuarez@ehsnm.net>
Sent: Monday, January 5, 2026 2:47 PM
To: Naji, Leslie
Subject: Fw: Public Notice

Be Careful With This Message

The sender's email domain has been active for a short period of time and could be unsafe.

[Report Suspicious](#)

-Max Juarez

From: Max Juarez
Sent: Tuesday, December 9, 2025 11:37:09 AM
To: info@wilsonstudio.com <info@wilsonstudio.com>; m.ryankious@gmail.com <m.ryankious@gmail.com>; kande0@yahoo.com <kande0@yahoo.com>; bakieaikin@comcast.net <bakieaikin@comcast.net>; klove726@gmail.co <klove726@gmail.co>; donaldlove08@comcast.net <donaldlove08@comcast.net>
Subject: Public Notice



[PUBLIC NOTICE.pdf](#)

CONDITIONAL USE JUSTIFICATION LETTER GUIDELINES

The Integrated Development Ordinance (IDO) Section 6-6(A)(3) outlines policies and requirements for evaluating applications for Conditional Use requests.

The responsibility lies with the applicant to demonstrate the justification for the change, rather than on the City to prove why the change should not be granted.

To support your request and facilitate our review, please submit a comprehensive response to items 1-5 below. A sample letter is included for reference.

CONDITIONAL USE REQUIREMENTS

This applies to all applications for a carport in a required front or side setback.

IDO Section 6-6(A)(3) – Review and Decision Criteria

An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

- 1) It is consistent with the adopted ABC Comp Plan, as amended.
- 2) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.
- 3) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
- 4) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.
- 5) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.
- 6) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

-SEE SAMPLE LETTER ON THE NEXT PAGE-

CONDITIONAL USE JUSTIFICATION

FOR OFFICIAL USE ONLY

PROJECT #:

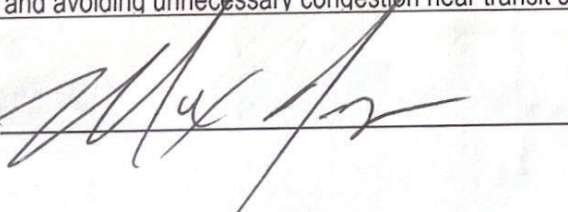
ABQ-PLAN CASE #:

City of Albuquerque
Attention: Zoning Hearing Examiner
600 2nd Street NW, 2nd Floor
Albuquerque, NM 87102

RE: Request for a Conditional Use to allow Overnight Shelter IDO Sect 4-3(C)(6)
At 2300 Yale Blvd SE Albuquerque, NM 87106 (address of the subject property).

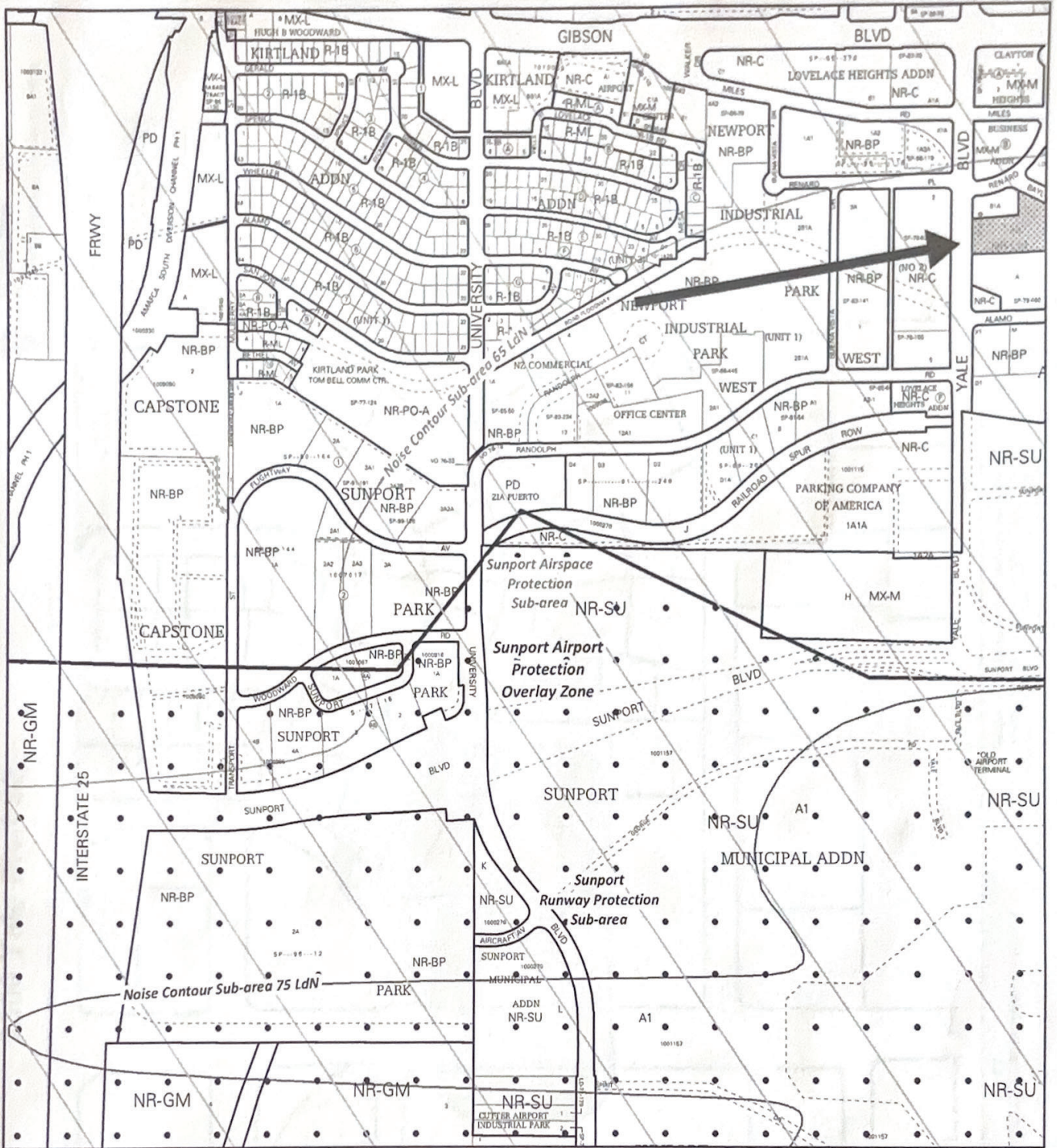
- 1) It is consistent with the adopted ABC Comp Plan because it supports the following goals: _____
 -Community identity and Revitalization.
 -Economic development and employment opportunity.
 -Efficient use of existing infrastructure.
- 2) It complies with all applicable provisions of this IDO, including but not limited to any Use- specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property because: The location adheres to all relevant city regulations related to building codes, drainage, utilities, noise, and site design. Meets IDO, DPM and City requirements. Fully compliant with all applicable regulatory standards.
- 3) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community because: Property is well integrated with its surroundings, adheres to all applicable operational standards and includes site design measures that protect neighboring properties it will not result in significant negative impacts on the neighborhood or broader community.
- 4) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts because: Noise and vibration impacts are not expected to exceed typical levels for the area, which already contains similar commercial and service-oriented uses. The development will comply with all IDO operational standards related to noise control, lighting, and hours of operation, further ensuring that impacts remain minimal and fully mitigated.
- 5) It will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M because: The proposed use does not require extended hours and will adhere to all IDO restrictions to ensure quiet conditions during nighttime hours. Lighting levels will be minimized after closing, and no noise generating or disruptive activity will take place during protected residential time periods. The location will not generate additional nighttime traffic, noise, or activity that could affect nearby residential properties.
- 6) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation because: Location includes appropriate mitigation such as upgraded sidewalk connections, ADA compliant paths, and clearly defined pedestrian routes from the public right of way to the building entrance. Vehicle circulation is designed so that it does not conflict with pedestrian pathways, reducing safety risks and avoiding unnecessary congestion near transit stops.

Signature



Date

12-8-25

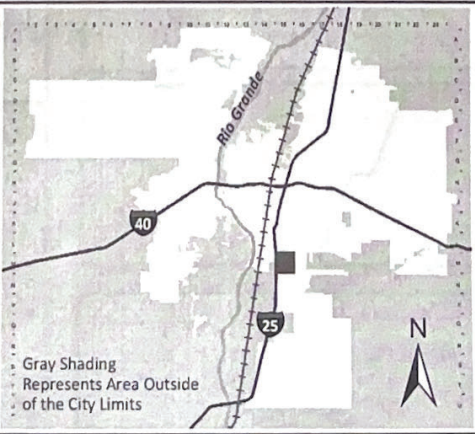


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

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:
M-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

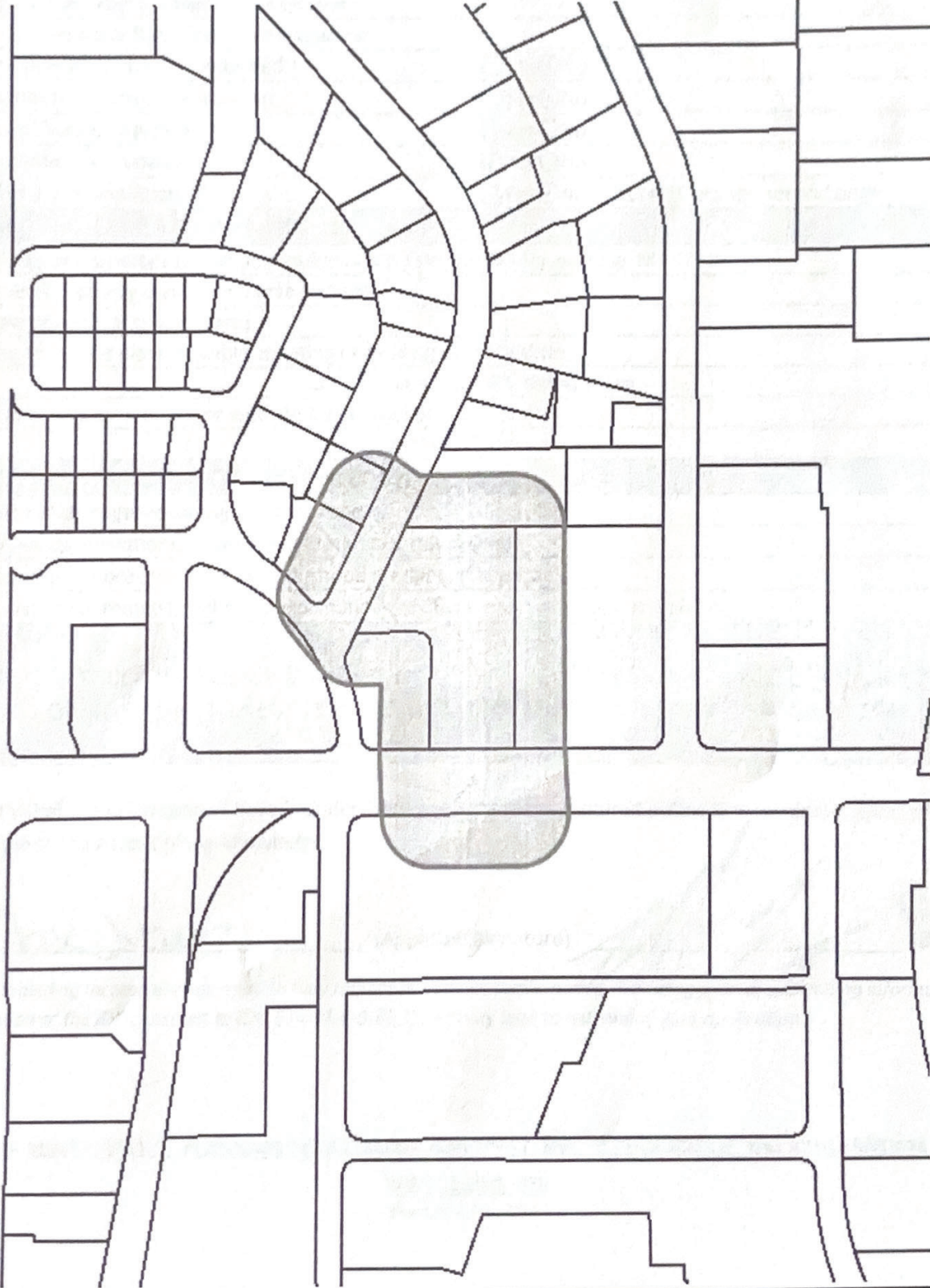


2300 Yale Blvd SE



Legend

- Bernalillo County Parcels



Notes

Buffer: 100 Feet
 Right-of-Way: Baylor Dr SE; Yale Blvd SE

581 Feet

291

0

581

1: 3,489

WGS_1984_Web_Mercator_Auxiliary_Sphere
 © City of Albuquerque
 12/1/2025

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

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS	
Use <u>Table 6-1-1</u> in the Integrated Development Ordinance (IDO) to answer the following:	
Application Type: Conditional Use Application	
Decision-making Body: Zone Hearing Examiner	
Pre-Application meeting required:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Neighborhood meeting required:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Mailed Notice required:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Electronic Mail required:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Is this a Site Plan Application:	<input type="radio"/> Yes <input checked="" type="radio"/> No <i>Note: if yes, see second page</i>
PART II - DETAILS OF REQUEST	
Address of property listed in application: 2300 Yale Blvd SE Albuquerque, NM 87106	
Name of property owner: Dr. Karan Mahajan	
Name of applicant: Max Juarez	
Date, time, and place of public meeting or hearing, if applicable:	
Zoom on January 20, 2026, starting at 9am	
Address, phone number, or website for additional information:	
PlanningZHE@cabq.gov	
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
<input checked="" type="checkbox"/>	Zone Atlas page indicating subject property.
<input type="checkbox"/>	Drawings, elevations, or other illustrations of this request.
<input type="checkbox"/>	Summary of pre-submittal neighborhood meeting, if applicable.
<input checked="" type="checkbox"/>	Summary of request, including explanations of deviations, variances, or waivers.
IMPORTANT:	
PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO IDO §14-16-6-4(K).	
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.	

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Max Juarez

(Applicant signature)

[Signature]

128-25
(Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO §14-16-9(B)(3) and may lead to a denial of your application.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN & LC APPLICATIONS ONLY	
Provide a site plan that shows, at a minimum, the following:	
<input checked="" type="checkbox"/>	a. Location of proposed buildings and landscape areas.
<input type="checkbox"/>	b. Access and circulation for vehicles and pedestrians.
<input type="checkbox"/>	c. Maximum height of any proposed structures, with building elevations.
<input type="checkbox"/>	d. For residential development: Maximum number of proposed dwelling units.
<input type="checkbox"/>	e. For non-residential development:
<input type="checkbox"/>	Total gross floor area of proposed project.
<input type="checkbox"/>	Gross floor area for each proposed use.

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

Public Notice of a Hearing before the Zoning Hearing Examiner in the City of Albuquerque

Date of Notice*: 12/8/25

This notice of an application for a proposed project is provided as required by the Integrated Development Ordinance (IDO) §14-16-6-4(K) Public Notice. This notice is being provided to *(mark as relevant)*:

- Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.¹
- Property Owners within 100 feet of the Subject Property.

Project Information Required by IDO §14-16-6-4(K)(1)(a)

1. Subject Property Address* 2300 Yale Blvd SE ABQ, NM 87106 (zipcode)
Location Description _____
2. Property Owner* Karan Mahajan
3. Agent/Contractor (if other than the property owner) _____
4. Application Type(s)²* per IDO Table 6-1-1:
 - Conditional Use
 - Variance
 - Other _____
 - Carport Permit
 - Major Wall/Fence Permit

Summary of project/request*:
Overnight shelter

5. This application will be decided by the Zoning Hearing Examiner at a public hearing.

Hearing Date*: January 20, 2026 (Tuesday)

The hearing will begin at 9:00AM via ZOOM.

For Zoom details and the agenda, please visit the CABQ Planning Webpage:

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

To contact staff, email PlanningZHE@cabq.gov or call the Planning Department at 505-924-3860 and select the option for "Boards, Commissions, and ZHE signs."

Please note: You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing. (Deadline is 5 pm on the Wednesday before the hearing.)

¹ If this box is marked, the Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination must be included as an attachment.

² Other application types require separate forms available here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>. Otherwise, please mark all that apply.

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

6. Where more information about the project can be found*:

Applicant name: Max Juarez

Email: PlanningZHE@cabq.gov Phone: _____

Online website or project page: <https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

Attachments:

Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination^{3*}

Others: _____

Project Information Required for Mail/Email Notice by IDO §14-16-6-4(K)(1)(b):

1. Zone Atlas Page(s)*⁴ IDO Sect 4-3(C)(6)

2. Project Illustrations, as relevant*⁵

Architectural drawings

Elevations of the proposed building(s)

Other illustrations of the proposed application

See attachments or the website/project page noted above for the items marked above.

3. The following exceptions to IDO standards have been requested for this project*:

Deviation(s) Variance(s) Waiver(s)

Explanation*: NA

4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

[Note: The meeting report is required to be provided in the application materials.]

NOTE: Pursuant to IDO §14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3860 and select option for "Boards, Commissions, and ZHE Signs."

Useful Links

Integrated Development Ordinance (IDO): <https://ido.abc-zone.com>

IDO Interactive Map: <https://tinyurl.com/idozoningmap>

³ Must be attached if this notice is to Neighborhood Association Representatives.

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas>

⁵ While not required, it is recommended that a site plan be included showing the location of existing buildings, if any, and the proposed project.

Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

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Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaaszil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.



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Estimated Delivery Date
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Cert of Mailing \$2.40
Total \$4.57

Grand Total: \$36.56

Credit Card Remit \$36.56
Card Name: VISA
Account #: XXXXXXXXXXXX5711
Approval #: 08397G
Transaction #: 277
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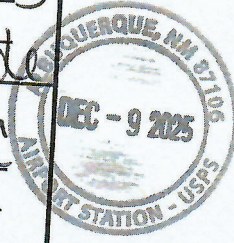
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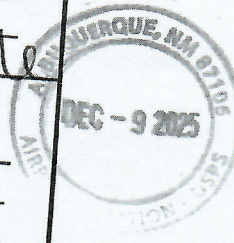
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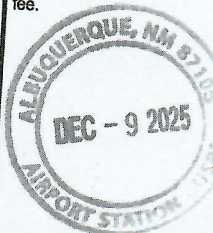
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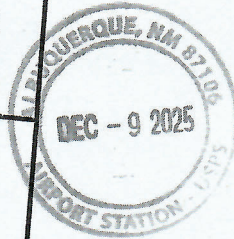
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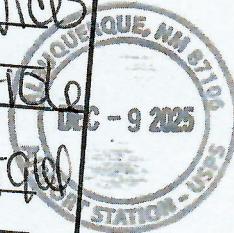
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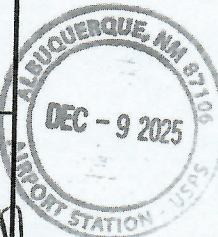
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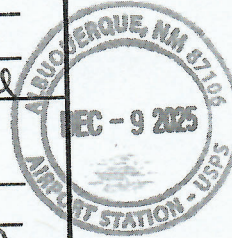
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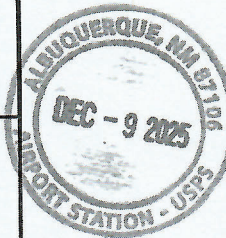
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**Zoning
Hearing
Examiner**

**Agenda Number: 03
PR-2025-020180
Case #: CU-2025-00045
Hearing Date: April 21, 2026**

Supplemental Staff Report

Agent	Karan Mahajan, Max Juarez
Applicant	Partners Hospitality LLC
Request	Conditional Use Overnight Shelter
Legal Description	Lot B-1-B Plat of Lots B-1-A And B-1-B Airport Industrial Park
Address .	2300 Yale Blvd SE
Size	2.1456 acres
Zoning	NR-LM

Staff Recommendation

Approval of
CU-2025-00045 based
on the Findings
within this report

Staff Planner
Shannon Halley

Summary of Analysis

The applicant is requesting approval for a Conditional Use to allow Overnight Shelter in accordance with IDO Section 14-16-6-6(A) Table 4-2-1.

On February 17, 2026, a hearing was held by the Zoning Hearing Examiner resulting in a Notice of Decision continuing the case to April 21, 2026 in order to allow sufficient time for the parties to participate in a post-submittal facilitated meeting process per IDO §14-16-6-4(K) to discuss adverse impacts, potential mitigating measures and proposed conditions.

ZHE also requested that ZHE staff refer Application to commenting agencies pursuant to IDO §14-16-6-4(I)(1) and to request written recommendations regarding potential conditions from applicable City departments and other commenting agencies. The results of the above requests may be found in the Appendices of this report.

This report is to reviewed in conjunction with the original staff report of January 20, 2026.

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ATTACHMENTS

A) JANUARY 20, 2026 STAFF REPORT A

B) NOTICE OF DECISION B

C) AGENCY MEMO C

D) AGENCY RESPONSES..... D

E) POST SUBMITTAL FACILITATED MEETING REPORT..... E

F) EHS PRESENTATION F

I. Introduction

Request

The Applicant has submitted a request for a Conditional Use to allow an Overnight Shelter at the subject property located at 2300 Yale Blvd SE. This use requires approval in accordance with IDO Section 4-3(C)(6). The use must be in compliance with all applicable state and municipal codes of New Mexico and the City of Albuquerque.

The subject property is categorized as Commercial Services and located within the Airport Protection Overlay Zone (APO 3) NR-LM zoning district.

This case first appeared on the January 20, 2026 agenda and was continued to February 17, 2026. After the February 17 hearing, the Zoning Hearing Examiner (ZHE) issued a Notice of Decision continuing the case to April 21, 2026 in order to allow sufficient time for the parties to participate in a post-submittal facilitated meeting per IDO §14-16-6-4(K) to discuss adverse impacts, potential mitigating measures and proposed conditions.

The ZHE also requested that ZHE staff refer the case to commenting agencies pursuant to IDO §14-16-6-4(l)(1) and to request written recommendations regarding potential conditions from applicable City departments and other commenting agencies.

II. Conditional Use Approval

IDO Review and Decision Criteria

Pursuant to IDO §14-16-6-6(A) (Review and Decision Criteria), "An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.

Analysis: The request furthers the following ABC Comp Plan Goals and Policies:

Chapter 9 -Housing

Goal 9.3 Density - Support increased housing density in appropriate places with adequate services and amenities.

Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

Goal 9.4 Homelessness - Make homelessness rare, short-term, and non-recurring

POLICY 9.4.1 Best Practices: Implement an appropriate and effective model to address chronic homelessness.

POLICY 9.4.2 Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.

POLICY 9.4.3 Equitable Distribution: Support a network of service points that are easily accessible by residents and workers, geographically distributed throughout the city and county, and proximate to transit.

Goal 9.5 Vulnerable Populations - Expand capacity to provide quality housing and services to vulnerable populations.

POLICY 9.5.1 Quality Housing: Ensure well maintained, safe transitional and permanent housing for the lowest income households that are most at risk of homelessness

POLICY 9.5.2 Transitional Services: Encourage on-site transitional services with culturally competent service delivery that respects the dignity of individuals and families and fosters self-determination and self-sufficiency, including job training, financial education, and behavioral health assistance.

Goal 9.6 Development Process - Promote cost-effective housing redevelopment and construction that meets community needs.

POLICY 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life.

6(A)(3)(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.

Analysis: The applicant has documented how the Conditional Use will meet the requirements of an overnight shelter.

6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

Analysis: Currently, adjacent property owners are complaining about trash, crime and vagrancy on the site. There is fear that this conditional use will intensify these problems. A functioning facility with appropriate service will, hopefully, mitigate these concerns.

6-6(A)(3)(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

Analysis: Traffic congestion, parking congestion, and vibrations are not expected to be generated by this use, however, there are some potential adverse impacts that may require mitigation.

6-6(A)(3)(e) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.

Analysis: The subject site is not within 300 feet of any residential neighborhood.

6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

Analysis: The conditional use request will not impact pedestrian or transit connectivity as the programs are within the building.

III. Agency & Neighborhood Concerns

Reviewing Agencies

On March 9, 2026, ZHE Staff requested comments from the following agencies: Code Enforcement; Family and Community Services Department; Albuquerque Community Safety (ACS); Department of Health, Housing, and Homelessness; Albuquerque Police Department (APD); and Albuquerque Fire Rescue. (See Agency Memo) In addition, AFD referred staff to the ADAPT (Abandoned and Dilapidated Abatement Property Team) Program in the Fire Marshal's Office, who specifically deal with issues pertaining abandoned and dilapidated properties that have a pattern of serious criminal activity or pose an immediate public safety threat. Comments were due on April 10, 2026.

Neighborhood/Public

The Applicant initiated the request for the Post-Submittal Facilitated Meeting (PSFM), which meeting was held on April 13, 2026. (See Attachment E: PSFM Report). The meeting was hosted via Google Meet between the hours of 5:30 and 6:30pm. Among the invited interested parties, only one representative of the District 6 Coalition of Neighborhoods attended and expressed no concerns. Empower Health Services presented a PowerPoint Presentation identifying efforts to address issues of concern raised at previous hearings. (See Attachment F)

IV. Conclusion

As shown in the January 20th Staff Report, the Applicant has satisfied the criteria outlined in IDO Section 14-16-4-3(C)(6), Table 4-2-1, and submitted evidence to support their request. The Applicant requested a Post-Submittal Facilitated Meeting in accordance with the direction of the ZHE and provided documentation at that meeting of measures implemented to mitigate concerns raised by neighbors and business owners in the area.

ZHE Staff gathered information regarding potential conditions that might be placed upon a Conditional Use approval through a request for Agency Comment (See Attachment C), many of which the Applicant has proactively undertaken in good faith in advance of any knowledge of the Agency responses.

Staff recommends approval with conditions.

Recommended Findings, Conditional Use Approval

Project #: CU-2025-00045

1. Applicant is requesting a Conditional Use Approval to allow an Overnight Shelter, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) were delivered.
7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
10. Applicant has sent a mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located at 2300 Yale Blvd SE in a NR-LM zone district.
13. Therefore, an Overnight Shelter on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
14. IDO Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria[:]*”
 - (a) *It is consistent with the ABC Comp. Plan, as amended;*
 - (b) *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - (c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - (d) *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking*

congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;

(e) On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;

(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”

15. In addition, the IDO requires that the Application must satisfy the Use-Specific Standards for an Overnight Shelter, found in IDO Section 14-16-4-3(C)(6):

4-3(C)(6) Overnight Shelter

4-3(C)(6)(a) This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.

4-3(C)(6)(b) This use shall be conducted within fully enclosed portions of a building.

4-3(C)(6)(c) In the MX-M zone district, this use shall not exceed 25,000 square feet.

16. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).

17. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).

18. Applicant and Agent appeared at the January 20, February 17, and April 21, 2026 ZHE hearing on the Application and gave evidence in support of the Application.

19. Several residents and business owners in the area of the Subject Property appeared at the January 20th and February 17, 2026 ZHE hearings and testified in opposition to the Application.

20. Applicant has established compliance with the Use Specific Standards found in IDO Section 14-16-4-3(C)(6), as follows:

1. Separation from other Overnight Shelters. The Agent testified under oath that no other Overnight Shelter is located on a lot within 1,500 feet of the Subject Property.

2. Fully enclosed operation. The Agent testified under oath that all overnight shelter operations-including intake, sleeping accommodations, client services, and any ancillary activities associated with the shelter-will occur within fully enclosed portions of the existing building on the site, and that the project will not include outdoor sleeping or outdoor program operations.

3. Square-footage limitation. The Subject Property is zoned NR-LM and not MX-M, and therefore the 25,000 square-foot limitation in IDO Section 14-16-4-3(C)(6)(c) does not apply to this request.

21. Consequently, the ZHE finds that the application meets the Overnight Shelter use-specific standards in IDO Section 14-16-4-3(C)(6).

22. Turning to IDO subsections 6-6(A)(3)(a), (d) and (f), respectively: the Application appears to be consistent with many provisions of the ABC Comp Plan; the proposed use in operation does not appear to create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or

vibration; and the proposed use does not appear to negatively impact pedestrian or transit connectivity .

23. On January 20th and February 17, 2026, opponents testified as to their personal knowledge of significant adverse impacts and impermissible non-residential activities, which they had personally witnessed in connection with the operation of the proposed use on the Subject Property. Much of this testimony was not just mere opinion, but testimony based on the direct, personal knowledge of the witnesses testifying. Witnesses were able to compare their personal experience predating commencement of the overnight shelter on the property to their personal experience after operations began. Thus, it appeared to the ZHE from sworn testimony in the record that the proposed conditional use, which has been in operation, has caused and may cause additional significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community under IDO subsection 6-6(A)(3)(c); and has increased non-residential activity within 300 feet of a lot in a Residential zone district between the hours of 10:00 pm and 6:00 am under IDO subsection 6-6(A)(3)(e).
24. On the other hand, Agents testified that not all the perceived significant adverse impacts and impermissible non-residential activities are attributable to the Applicant's proposed use of the Subject Property. Also, Applicant expressed willingness for the ZHE to impose reasonable conditions of approval that would mitigate against significant adverse impacts and impermissible non-residential activities.
25. As such, it appeared to the ZHE that it may be possible for the proposed use to be approved, were sufficient and appropriate enforceable conditions imposed on such an approval to mitigate against significant adverse impacts and impermissible non-residential activities.
26. However, due to the lack of testimony from Agents, opponents, or any City or other commenting agency as to what types of conditions might be appropriate, effective or enforceable, the ZHE likely would be required to deny the Application under the IDO.
27. The ZHE continued this case to the April 21, 2026 hearing for further consideration, including allowing the opportunity for all parties to use the post-submittal facilitated meeting process in IDO §14-16-6-4(K) to discuss adverse impacts, potential mitigating measures and proposed conditions.
28. The Applicant timely submitted an application for a Post-Submittal Facilitated Meeting pursuant to §14-16-6-4(K), and the results of that meeting have been made part of the record and available for public inspection.
29. The ZHE found that the services, properties, facilities, interests, or operations of certain City and other governmental departments or agencies may be affected by the Application, were it approved, and any potential conditions that may be imposed on the Application.
30. Accordingly, the ZHE requested that ZHE staff refer the Application to commenting agencies for comment pursuant to IDO §14-16-6-4(I)(1) and to request written recommendations regarding potential conditions from applicable City departments and other commenting agencies, including but not limited to: Code Enforcement; Family and Community Services Department; Albuquerque Community Safety (ACS); Department of Health, Housing, and Homelessness; Albuquerque Police Department (APD); and Albuquerque Fire Rescue.

31. ZHE Staff timely solicited comments from the above referenced agencies, and all responses received have been made part of the record and available for public inspection pursuant to IDO §14-16-6-4(L)(3)(c)(2).

Recommendation

Approval with Conditions of CU-2025-00045, a request for a Conditional Use of an Overnight Shelter for Lot B-1-B Plat of Lots B-1-A And B-1-B Airport Industrial Park, located at 2300 Yale SE, based on the preceding Findings.

Shannon Halley

Shannon Halley
Principal Planner, Zoning Hearing Examiner
Urban Design and Development Division

A) January 20, 2026 Staff Report



Zoning Hearing Examiner

Agenda Number: 10
Case #: CU-2025-00045 Hearing
Date: February 17, 2026

Staff Report

Agent	Karan Mahajan, Max Juarez
Applicant	Partners Hospitality LLC
Request	Conditional Use Overnight Shelter
Legal Description	Lot B-1-B Plat of Lots B-1-A And B-1-B Airport Industrial Park
Address .	2300 Yale SE
Size	2.1456 acres
Zoning	NR-LM

Staff Recommendation

Approval of CU-2025-00045 based on the Findings within this report

There was a CONTINUANCE from January 20, 2026 to the ZHE Hearing on February 17, 2025, which begins at 9:00 a.m.

Staff Planner
Adam Sena, Senior Planner

Summary of Analysis

The applicant is requesting approval for a Conditional Use to allow an Overnight Shelter in accordance with IDO Section 14-16-6-6(A) Table 4-2-1

The applicant has provided documentation and justification as to how the requested conditional use requirements are met for an Overnight Shelter. The perceived negative impacts on neighboring properties will be mitigated through an active program to assist those utilizing the property. The Shelter will be in an area of commercial services and not a residential area.

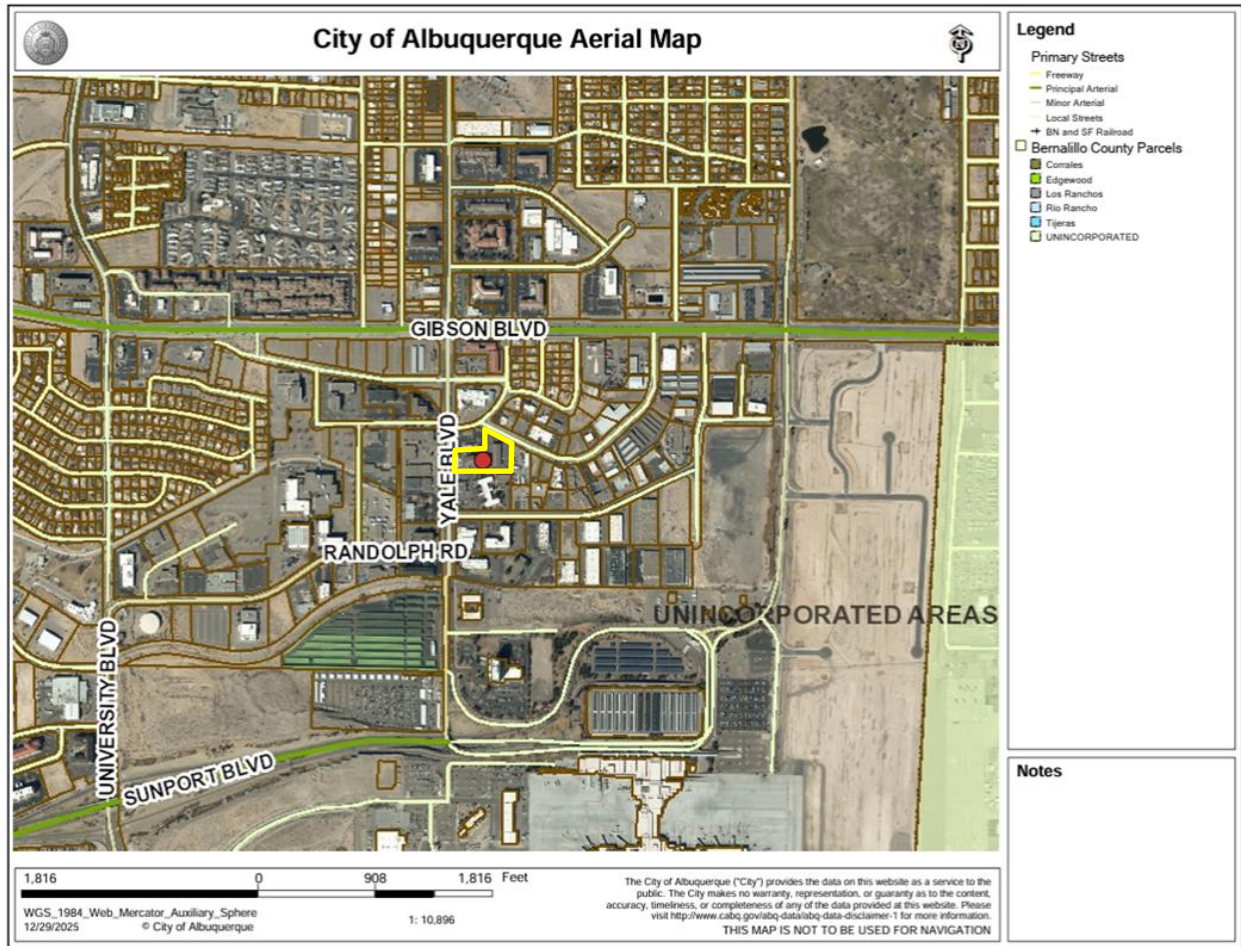
A primary housing concern addressed in the ABC Comp Plan is for underserved and at-risk populations. Goals and Policies reference combining shelter and support services to address these needs. This application is the type of program and housing assistance which is outlined as major Goal with supporting Policies. Staff recommends approval based on the review criteria for conditional use, IDO Subsection 14-16-6-6(A)(3).

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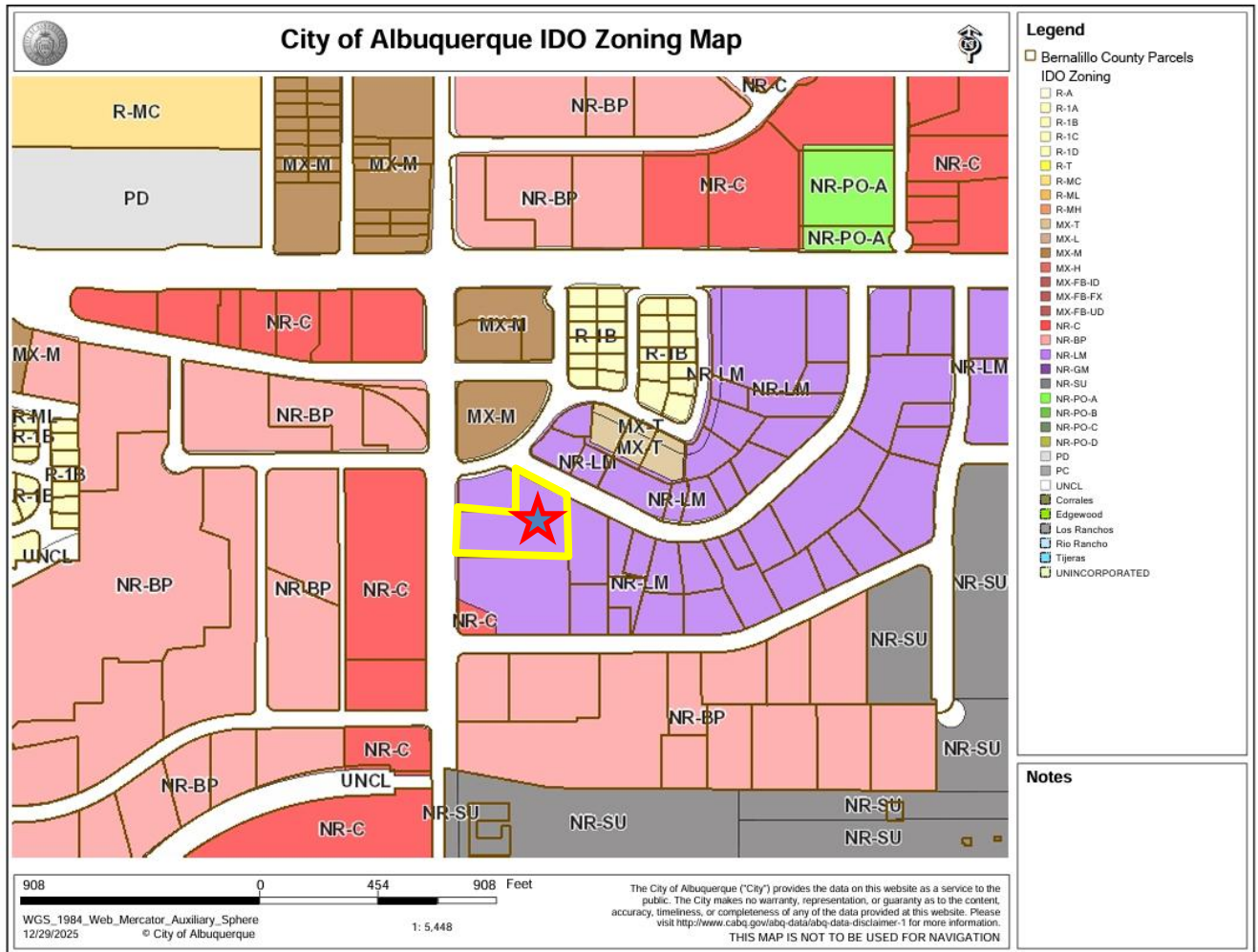
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I. Maps

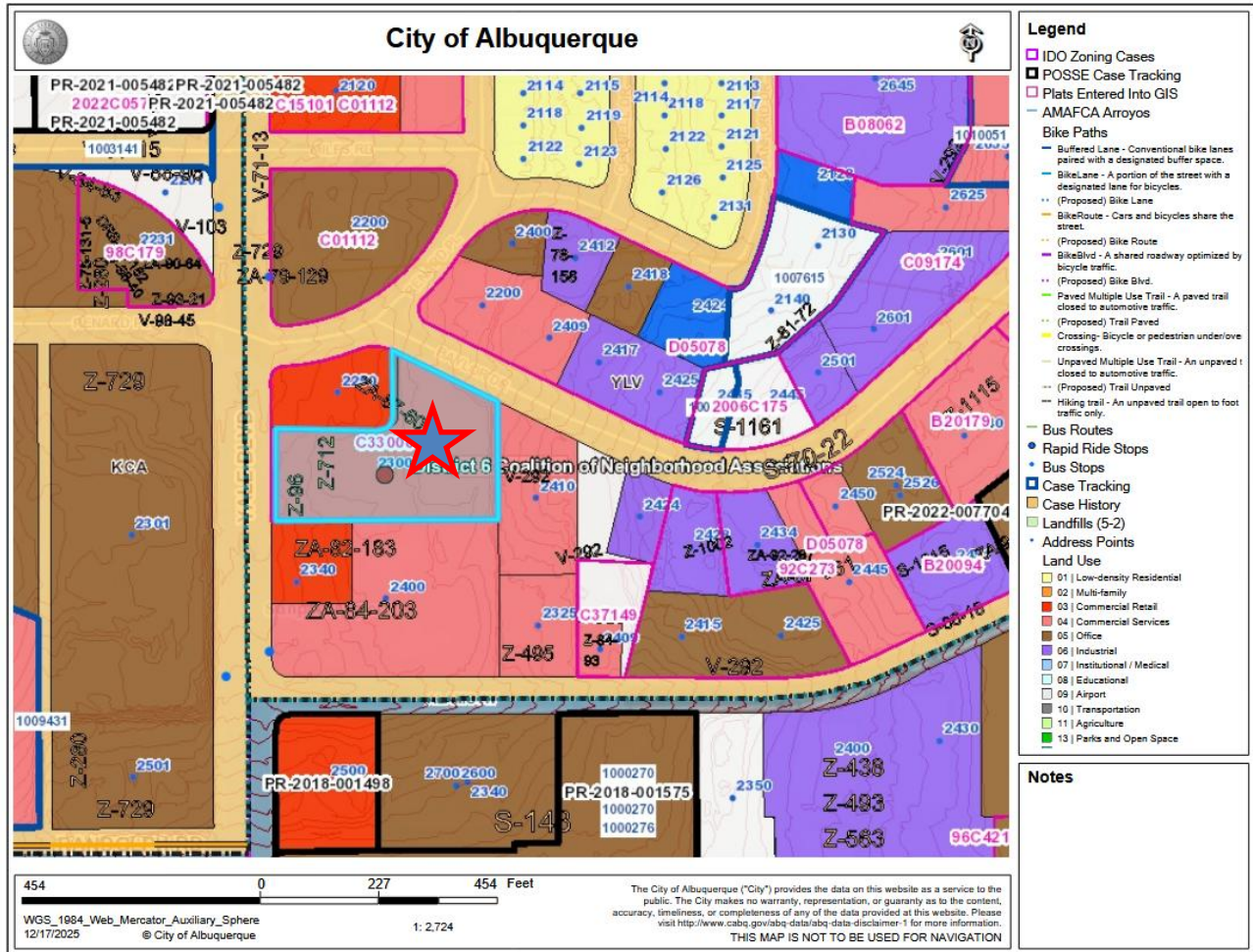
Aerial Map



IDO Zoning Map



Land Use Map



II. Introduction

Request

The applicant has submitted a request for a conditional Use to allow an Overnight Shelter at the subject property. This use requires approval in accordance with IDO Section 4-3(C)(6). The use must be in compliance with all applicable state and municipal codes of New Mexico and the City of Albuquerque.

The subject property is a Commercial Use, located at 2300 Yale Blvd SE. The commercial building is within the Airport Protection Overlay Zone (APO 3) NR-LM zoning district.

Subject Site Context

	<i>IDO Zoning</i>	<i>Comprehensive Plan Development Area</i>	<i>Existing Land Use</i>
<i>Subject Site</i>	NR-LM	Area of Change	Commercial Services
<i>North</i>	NR-LM	Area of Change	Commercial Retail
<i>South</i>	NR-LM	Area of Change	Commercial Services
<i>East</i>	NR-LM	Area of Change	Commercial Services
<i>West</i>	NR-C	Area of Change	Office Commercial

Note: The property does not impose any potential land-use conflicts.

There is no patterns of vehicular or pedestrian traffic or related issues.

Adjacent Street Designations

The subject property is located at 2300 Yale Blvd SE. The site faces Yale Blvd SE which is designated as a Minor Arterial Street by the 2040 Long Range Roadway System map, produced by the Mid-Region Council of Governments. It is currently a premium transit corridor.

Site History / Related Requests

The site has not received any recorded conditional use applications, nor have any additional requests been submitted to the ZHE for consideration and approval.

Zoning Hearing Examiner’s Role

The Zoning Hearing Examiner (ZHE) holds public hearings and makes quasi-judicial decisions about special exceptions to zoning regulations in the Integrated Development Ordinance (IDO). The ZHE ensures compliance with zoning laws, considers public input, and issues written findings based on evidence presented and staff recommendations.

III. Analysis of City Plans and Ordinances

Albuquerque / Bernalillo County Comprehensive Plan

City Development Areas

The subject site is located in an Area of Change as designated by the Comprehensive Plan. Areas of Change include Centers, Corridors, and Metropolitan Redevelopment Areas, where new development and redevelopment are desired and appropriate. These areas include undeveloped land and commercial or industrial zones that would benefit from infill or revitalization. Directing growth to Areas of Change is intended to reduce development pressure on established neighborhoods and rural areas, minimizing infill or redevelopment at a scale and density that could negatively impact their character. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities.

Center & Corridor Designations

The site is on a premium transit corridor and within the Sunport/Airport employment center.

Integrated Development Ordinance (IDO)

IDO Zoning

In May 2018, the Integrated Development Ordinance replaced the City's Zoning Code, and the property's zoning was converted from M-1 to NR-LM. The purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses.

Overlay Zones

The subject property is within the Airport Protection Overlay Zone (APO 3-3. and within the Hot Air Balloon Takeoff/Landing area reference: (4-3(G))

Definitions

Accessory Use: A land use that is subordinate in use, area, or purpose to a primary land use on the same lot or, in any Mixed-use or Non-residential zone district, the same premises. An accessory use may or may not be located in an accessory structure. For the purposes of this IDO, accessory uses are listed in Table 4-2-1, may have separate Use-specific Standards, or may be defined as incidental to another primary use. See also Use Definitions for Primary Use.

Allowable Use: A land use allowed in a particular zone district by Table 4-2-1 as a primary or accessory use, whether allowed permissively or conditionally. See also Use Definitions for Permissive Use, Conditional use, and Accessory Use.

Conditional Use: A land use that is allowable in a particular zone district subject to conditional approval by the ZHE based on a review of the potential adverse impacts of the use and any appropriate mitigations to minimize those impacts on nearby properties. Table 4-2-1 specifies whether a particular conditional use is primary (listed as C) or accessory (listed as CA) or allowed conditionally in a primary building that has been vacant for a specified amount of time (listed as CV).

Zoning Hearing Examiner (ZHE): A person or firm on contract with the City who reviews and decides applications for Conditional Use Approvals, Expansions of Nonconforming Use or Structure, Permit – Carport, Permit – Wall or Fence – Major, and Variances.

Use-specific Standards

Subsection 14-16-4-3(C)(6) Overnight Shelter

- a. This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.
- b. This use shall be conducted within fully enclosed portions of a building.
- c. In the MX-M, this use shall not exceed 25,000 square feet.
- d. It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

IV. Conditional Use Approval

IDO Review and Decision Criteria

Pursuant to IDO §14-16-6-6(A) (Review and Decision Criteria), "An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.

The request furthers the following ABC Comp Plan Goals and Policies:

Chapter 9 -Housing

Goal 9.3 Density - Support increased housing density in appropriate places with adequate services and amenities.

Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

Goal 9.4 Homelessness - Make homelessness rare, short-term, and non-recurring

POLICY 9.4.1 Best Practices: Implement an appropriate and effective model to address chronic homelessness.

POLICY 9.4.2 Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.

POLICY 9.4.3 Equitable Distribution: Support a network of service points that are easily accessible by residents and workers, geographically distributed throughout the city and county, and proximate to transit.

Goal 9.5 Vulnerable Populations - Expand capacity to provide quality housing and services to vulnerable populations.

POLICY 9.5.1 Quality Housing: Ensure well maintained, safe transitional and permanent housing for the lowest income households that are most at risk of homelessness

POLICY 9.5.2 Transitional Services: Encourage on-site transitional services with culturally competent service delivery that respects the dignity of individuals and families and fosters self-determination and self-sufficiency, including job training, financial education, and behavioral health assistance.

Goal 9.6 Development Process - Promote cost-effective housing redevelopment and construction that meets community needs.

POLICY 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life.

6(A)(3)(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.

The applicant has documented how the Conditional Use will meet the requirements of an overnight shelter.

6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

Currently, adjacent property owners are complaining about trash, crime and vagrancy on the site. There is fear that this conditional use will intensify these problems. However, the site is currently vacant and unmonitored. A functioning facility with appropriate service will, hopefully, mitigate these concerns.

6-6(A)(3)(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

Traffic congestion, parking congestion, noise, or vibrations are not expected to be generated by this use.

6-6(A)(3)(e) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.

The subject site is not within 300 feet of any residential neighborhood.

6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

The conditional use request will not impact pedestrian or transit connectivity as the programs are within the building.

V. Agency & Neighborhood Concerns

Reviewing Agencies

As with all ZHE applications, this request was reviewed by City Transportation and the City Aviation staff, and no objections were received.

Neighborhood/Public

As required the Applicant notified the Yale Village Neighborhood Association, which is the affected associations for development under the NR-LM zone district. No comments have been received from the Association representatives at the time of the staff report.

The Applicant stated that notification was provided to property owners within 100 feet of the subject site. Photographic evidence and an affidavit of mailing was submitted by the applicant.

A phone call was received in opposition to the request. It is expected that the hearing will be attended by those in opposition.

VI. Conclusion

The applicant has satisfied the criteria outlined in IDO Section 14-16-4-3(C)(6), Table 4-2-1 and submitted all evidence to support their request. There will not be negative impacts on neighboring properties, traffic or pedestrian accessibility. The Shelter will be in an area of commercial services and not a residential area.

Findings, Conditional Use Approval

Project #: CU-2025-00045

1. Applicant is requesting a Conditional Use Approval to allow for an overnight shelter, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
7. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
8. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
9. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
10. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
11. The Subject Property is located in the NR-LM zone.
12. Therefore, an overnight shelter on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
13. IDO Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads:
“An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:
 - (a) *It is consistent with the ABC Comp. Plan, as amended;*
 - (b) *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - (c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - (d) *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*

- (e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
- (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”*
14. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
15. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).

Recommendation

Approval of Project #: CU-2025-00045, a request for a Conditional Use of an Overnight Shelter for Lot B-1-B Plat of Lots B-1-A And B-1-B Airport Industrial Park , located at 2300 Yale SE, based on the preceding Findings.

Adam Sena

Adam Sena
Senior Planner, Zoning Hearing Examiner
Urban Design and Development Division

B) Notice of Decision



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Partners Hospitality, LLC & Karan Mahajan, Empower Health Service requests a Conditional Use for an Overnight Shelter for Lot B-1-B, Plat of Lots B-1-A and B-1-B Airport Industrial Park RK Cont. 95,035 Sq. Ft. M/L, located at 2300 Yale Boulevard SE, zoned NR-LM (M-15, M-16) (IDO Section 14-16-4-3(C)(6))

Special Exception No:.....	CU-2025-00045
Project No:	PR-2025-020180
Hearing Date:	02-17-2026
Closing of Public Record:	Open as stated herein
Date of Decision:.....	03-04-2026

On February 17, 2026, Partners Hospitality, LLC & Karan Mahajan, Empower Health Service (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a Conditional Use Approval to allow for an Overnight Shelter (“Application”) upon the real property located at 2300 Yale Blvd SE (the “Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Conditional Use Approval to allow an Overnight Shelter, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) were delivered.
7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
10. Applicant has sent a mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located at 2300 Yale Blvd SE in a NR-LM zone district.

13. Therefore, an Overnight Shelter on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
14. IDO Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria[:]*”
 - (a) *It is consistent with the ABC Comp. Plan, as amended;*
 - (b) *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - (c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - (d) *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
 - (e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
 - (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”*
15. In addition, the IDO requires that the Application must satisfy the Use-Specific Standards for an Overnight Shelter, found in IDO Section 14-16-4-3(C)(6):
 - 4-3(C)(6) *Overnight Shelter*
 - 4-3(C)(6)(a) *This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.*
 - 4-3(C)(6)(b) *This use shall be conducted within fully enclosed portions of a building.*
 - 4-3(C)(6)(c) *In the MX-M zone district, this use shall not exceed 25,000 square feet.*
16. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
17. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
18. Applicant and Agent appeared at the February 17, 2026 ZHE hearing on the Application and gave evidence in support of the Application.
19. Several residents and business owners in the area of the Subject Property also appeared at the February 17, 2026 ZHE hearing and testified in opposition to the Application.

20. Applicant has established compliance with the Use Specific Standards found in IDO Section 14-16-4-3(C)(6), as follows:
 - a. Separation from other Overnight Shelters. The Agent testified under oath that no other Overnight Shelter is located on a lot within 1,500 feet of the Subject Property.
 - b. Fully enclosed operation. The Agent testified under oath that all overnight shelter operations-including intake, sleeping accommodations, client services, and any ancillary activities associated with the shelter-will occur within fully enclosed portions of the existing building on the site, and that the project will not include outdoor sleeping or outdoor program operations.
 - c. Square-footage limitation. The Subject Property is zoned NR-LM and not MX-M, and therefore the 25,000 square-foot limitation in IDO Section 14-16-4-3(C)(6)(c) does not apply to this request.
21. Consequently, the ZHE finds that the application meets the Overnight Shelter use-specific standards in IDO 14-16-4-3(C)(6).
22. Turning to IDO subsections 6-6(A)(3)(a), (d) and (f), respectively: the Application appears to be consistent with many provisions of the ABC Comp Plan; the proposed use in operation does not appear to create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration; and the proposed use does not appear to negatively impact pedestrian or transit connectivity.
23. Nonetheless, it appears to the ZHE from sworn testimony in the record that the proposed conditional use, which has been in operation, has caused and may cause additional significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community under IDO subsection 6-6(A)(3)(c); and has increased non-residential activity within 300 feet of a lot in a Residential zone district between the hours of 10:00 pm and 6:00 am under IDO subsection 6-6(A)(3)(e). Opponents testified as to their personal knowledge of these significant adverse impacts and impermissible non-residential activities, which they have personally witnessed in connection with the operation of the proposed use on the Subject Property. Much of this is not mere opinion testimony, but testimony based on the direct, personal knowledge of the witnesses testifying. Witnesses were able to compare their personal experience predating commencement of the overnight shelter on the property to their personal experience after operations began.
24. On the other hand, Agents testified that not all the perceived significant adverse impacts and impermissible non-residential activities are attributable to the Applicant's proposed use of the Subject Property. Also, Applicant expressed willingness for the ZHE to impose reasonable conditions of approval that would mitigate against significant adverse impacts and impermissible non-residential activities.
25. As such, it appears to the ZHE that it may be possible for the proposed use to be approved, were sufficient and appropriate enforceable conditions imposed on such an approval to mitigate against significant adverse impacts and impermissible non-residential activities.
26. However, there is very little testimony from Agents, opponents, or any City or other commenting agency as to what types of conditions might be appropriate, effective or enforceable.
27. In the absence of such mitigating conditions, the ZHE likely would be required to deny the Application under the IDO.

28. Consequently, at this time, the ZHE will continue this case to the April 21, 2026 hearing, which begins at 9:00 a.m., for further consideration.
29. All parties are encouraged to use the post-submittal facilitated meeting process in IDO §14-16-6-4(K) to discuss adverse impacts, potential mitigating measures and proposed conditions. If a timely request for a facilitated meeting is submitted pursuant to §14-16-6-4(K), the ZHE will defer further proceedings as required by the IDO until the meeting occurs and the facilitator's report is received.
30. The ZHE finds that the services, properties, facilities, interests, or operations of certain City and other governmental departments or agencies may be affected by the Application, were it approved, and any potential conditions that may be imposed on the Application. Accordingly, the ZHE requests that ZHE staff the refer Application to commenting agencies for comment pursuant to IDO §14-16-6-4(I)(1) and to request written recommendations regarding potential conditions from applicable City departments and other commenting agencies, including but not limited to: Code Enforcement; Family and Community Services Department; Albuquerque Community Safety (ACS); Department of Health, Housing, and Homelessness; Albuquerque Police Department (APD); and Albuquerque Fire Rescue.
31. All responses received from any commenting agency shall be made part of the record and available for public inspection pursuant to IDO §14-16-6-4(L)(3)(c)(2).
32. The public record is held open for the limited purposes of receiving:
 - (a) written comments from City departments and other commenting agencies;
 - (b) evidence addressing significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community under IDO subsection 6-6(A)(3)(c); and has increased non-residential activity within 300 feet of a lot in a Residential zone district between the hours of 10:00 pm and 6:00 am under IDO subsection 6-6(A)(3)(e).
 - (c) any written, specific proposed conditions offered by the Applicant, the public, or commenting agencies as per IDO subsection 6-4(O)(2).

DECISION:

CONTINUANCE of the Application to the ZHE Hearing on April 21, 2026, which begins at 9:00 a.m.

APPEAL (CONTINUANCE NOT FINAL):

This continuance/deferral is not a final decision and is not appealable under the IDO. Appeal rights, deadlines, and costs apply only after issuance of a final ZHE decision on the merits.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This Notice of Decision does not constitute approval of plans for a building permit. If your application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after

one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: (Prop Owner) Karan Mahajan,
2300 Yale Blvd SE Albuquerque, NM 87106

(Applicant) (Agent) Max Juarez
2920 Walsh Loop SE Rio Rancho, NM 87124
empowerhsnm@gmail.com
maxjuarezzzzz@gmail.com

Robin Berry, 2123 Cornell Dr SE
Jeff Gelhofm, behalf of, Albuquerque Suite Hospitality, 2400 Yale Blvd SE.
John Love, 2117 Stanford Drive SE.
Fred Ruiz, 2114 Cornell Dr SE
Debra Love, 1529 Wheeler Ave SE
Charlene Perez, 2121 Stanford Drive SE.
Lexi Green, 2114 Cornell Dr SE
Joseph Orona, jrorona@retis.com
Lori Henz, lorikhenz@gmail.com
Donald Love, 2125 Stanford Dr. SE
Greg Ross, 2410 Baylor Dr, SE.
Elizabeth Aikin, 1524 Alamo Ave SE
Garret Moore, 2417 Baylor Dr
Marguerite Green, 1705 Vassar Dr SE 87106,
Kathy Aragon, (Pericos) perico36herm@gmail.com
Douglas Adkins, douglas@micro-heat.com
ZHE File
Zoning Enforcement

C) AGENCY MEMO



**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT**

INTER - OFFICE MEMORANDUM

March 9, 2026

TO:

CABQ ENVIRONMENTAL HEALTH – Byron Lueras, Shellie Eaton
CABQ FIRE DEPARTMENT – Lieutenant Rogelio Rodriguez
CABQ POLICE DEPARTMENT – Laura Kuehn
CABQ CODE ENFORCEMENT – Amanda Morefield
CABQ HEALTH, HOUSING, & HOMELESSNESS DEPARTMENT – Gavino Archuleta,
Charlie Verploegh
CABQ ALBUQUERQUE COMMUNITY SAFETY (ACS) – Walter Adams

FROM: Mikaela Renz-Whitmore, Urban Design and Development Division, Planning Department

SUBJECT: ZONING HEARING EXAMINER REQUEST FOR AGENCY COMMENT

On February 17, 2026, the Zoning Hearing Examiner (ZHE) considered a request for a Conditional Use for an Overnight Shelter at 2300 Yale Blvd SE (“subject property”). Several residents and business owners in the area appeared at the hearing and testified in opposition to the Application based on their personal knowledge of significant adverse impacts and impermissible non-residential activities that they have witnessed in connection with the operation of the proposed use on the subject property.

In a Notice of Decision for deferral, the ZHE included a finding that requests written comments from agencies recommending potential conditions of approval that might be imposed on the private operator of the overnight shelter to mitigate against significant adverse impacts and impermissible non-residential activities. The agencies include: Code Enforcement; Family and Community Services Department; Albuquerque Community Safety (ACS); Department of Health, Housing, and Homelessness; Albuquerque Police Department (APD); and Albuquerque Fire Rescue. This memo is a referral for agency comment pursuant to IDO § 14-16-6-4(I)(1).

Below is the legal description for the case scheduled for public hearing before the Zoning Hearing Examiner on **April 21, 2026**.

The City of Albuquerque Planning Department has begun using new case tracking software. Applications and related materials are available to review and/or download for each case via the links below.

Please direct questions to the case planner noted below and available by email: PlanningZHE@cabq.gov

All agency comments are due April 10, 2026.

SUBMIT COMMENTS TO:

<https://cabq.gov/zhe-agency-comment>

(Please submit comments via the Agency Comment Portal link, not as email submittals.)

CU-2025-00045

Partners Hospitality, LLC & Karan Mahajan, Empower Health Service requests a Conditional Use for an Overnight Shelter for Lot B-1-B, Plat of Lots B-1-A and B-1-B Airport Industrial Park RK Cont. 95,035 Sq. Ft. M/L, located at 2300 Yale Boulevard SE, zoned NR-LM (M-15, M-16) IDO Section 14-16-4-3(C)(6)

Principal Planner: Shannon Halley

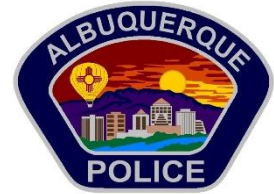
D) AGENCY RESPONSES



Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Cecily A. Barker
Interim Chief of Police

March 24, 2026

Interoffice Memorandum

To: Mikaela Renz-Whitmore, Urban Design and Development Division, Planning Dept.
From: Laura Kuehn, NCPS, ICPS – Senior Crime Prevention Specialist
Subject: CU-2025-00045 – Comment Regarding Conditional Use

Regarding the proposed conditional use for an overnight shelter at 2300 Yale Blvd. SE, I respectfully submit the following comments based on Crime Prevention through Environmental Design:

- Ensure adequate lighting throughout the project, to include parking lots, pedestrian walkways, and common areas.
- Ensure natural surveillance and clear lines of sight throughout the property. Natural surveillance requires a space free from natural and physical barrier (i.e. open picket vs. solid fences).
- Establish a clear line of sight from the parking areas to the building and from the building the parking areas.
- Ensure that landscaping is installed so as not to obstruct entryways, windows and lighting.
- Ensure that landscaping is maintained to provide natural surveillance, trimming trees up to create a canopy of at least six feet; and trimming shrubs and bushes down to three feet.
- Ensure adequate locking devices (i.e. commercial grade deadbolt locks or electronic locks) on exterior doors.
- Ensure that the address and room numbers are posted and clearly visible.
- Utilize a layered approach, by complementing fences with trees, bushes, and shrubs, to create a border for the property that subtly reinforces access control while remaining aesthetically positive.
- Limit and clearly delineate access to the property – i.e. public vs. private (employee) entrances.
- Consider video surveillance systems to monitor the space, including entrance and exit points, parking lots, and any sensitive areas such as office and/or storage areas. Utilize video surveillance to enhance visibility to areas of reduced natural surveillance.
- Consider integrating camera systems with the Albuquerque Police Department Real Time Crime Center (RTCC) to provide access to camera systems in the event of a crime in progress.
- Clearly delineate public, semi-public, semi-private, and private space throughout the property; utilize maps and signs for wayfinding.
- Install *No Trespassing* signs so that they are visible immediately upon entering the property and at a height not easily accessible to vandals.

In addition, community policies, or expectations, should be developed and implemented to ensure the success and safety of clients and staff – i.e. curfew, visiting hours, prohibiting weapons, illegal drugs, and violence.

The Albuquerque Police Department is committed to enforcing the law, responding to calls for service and building relationships with the community that reduce crime, fear of crime and improve the quality of life in Albuquerque.

Re: 2300 Yale Blvd

From Baca, David A. <davidbaca@cabq.gov>

Date Mon 4/13/2026 9:26 AM

To Halley, Shannon <shalley@cabq.gov>

 1 attachment (18 MB)

Crime Prevention Standards.pdf;

The property located at 2300 Yale SE, as well as the surrounding area, may be impacted by a range of criminal activities commonly associated with drug use. These impacts can include, but are not limited to, trespassing, violent incidents, overdoses, and other related public safety concerns.

Should these issues rise to a level that constitutes a nuisance under the City's nuisance ordinance, the ADAPT program would require the property owner and management to take reasonable and timely corrective actions. These actions are intended to mitigate criminal activity and improve overall safety at the property.

Please refer to the attached exhibit, which outlines specific measures that may be required under the City's nuisance ordinance and established crime prevention standards.

It is also important to note that criminal activity at a single property often extends beyond its boundaries, adversely affecting neighboring businesses and the broader community. Common impacts to surrounding properties include trespassing, littering, loitering, vandalism, and other disruptive behaviors.

The property is not zoned for long-term occupancy. Allowing such use may introduce increased fire risk due to the presence of personal belongings, additional furniture, and the potential use of unauthorized meal preparation equipment.

These conditions can contribute to overcrowding, blocked egress pathways, and the improper use of electrical or cooking devices, all of which elevate the likelihood of fire incidents. As a result, the property owner may be exposed to increased liability for any fires or fire-related injuries that occur on the premises.

I have attached the crime prevention standards above from the nuisance ordinance.

Please let me know if there is anything else we can do. I hope this helps.

Thanks,

David Baca
Captain Fire Marshal's Office **ADAPT** Division
Albuquerque Fire Rescue
600 2nd Street NW, 5th floor



Timothy M. Keller
Mayor

City of Albuquerque

ADAPT



Kristopher Romero
Fire Marshal

Crime Prevention Standards

101.0 DESIGN CONCEPTS – The modification of the fundamental principles of a property’s design to reduce criminal activity.

101.1 ACCESS CONTROL – The selective restriction of access to a property through natural, mechanical and organized means.

101.1.1 Natural Access Control – The physical guidance of people coming and going from a property by the strategic placement of entrances, fences and landscaping. Implementing natural access control onto the property can establish ownership of the property, deter criminal trespassing and increase the perceived risk of conducting criminal activity on the property.

101.1.1.1 Fencing Needed – Perimeter fencing that is not less than six (6) feet in height shall be added to the property. Chain link fencing should only be used temporarily. All permanent fencing should be wrought iron or another type of secure, see through fencing.

101.1.1.2 Fencing Inadequate – The property’s current perimeter fencing shall be replaced with wrought iron fencing or another type of secure, see through fencing not less than six (6) feet in height.

101.1.1.3 Marked Property Lines – Signage, fencing and natural barricades shall be added to the property that are sufficient to establish the property’s perimeter.

101.1.1.4 “No Trespassing” Signage – “No Trespassing” signage that meets the requirements of NMSA 1978, Section 30-14-6 shall be added to the property.

101.1.1.5 Landscaping Design – The property’s landscaping shall be redesigned to limit unintended access to the property and discourage loitering.

101.1.1.6 Entrance Map – A map of the property shall be placed at all entrances to the property to allow emergency responders to quickly identify and respond to individual buildings on the property.

101.1.2 Mechanical Access Control – The physical guidance of people coming and going from a space by operable devices such as gates and locks.

101.1.2.1 Secured Gating Needed – The property shall add secured gating that is able to open, close and restrict access on the property to only authorized individuals.

101.1.2.2 Exterior Deadbolt Needed – All exterior doors on the property shall be locked with deadbolts. Such deadbolts shall have a minimum 1” throw, and the strike plates shall be anchored to the door frame with minimum 3” screws.

101.1.2.3 Shrouded Locks Needed – All traditional padlocks on the property shall be replaced with shrouded locks that are resistant to being cut.

101.1.2.4 Unsecured Roof Access – Rooftop access shall be limited to authorized personnel, and adequate measures shall be taken to prevent unauthorized persons from gaining access to the property’s roof.

101.1.2.5 Unsecured Dumpster Access – Dumpster access shall be limited to authorized personnel, and adequate measures shall be taken to prevent unauthorized persons from gaining access to the property’s dumpster(s).

101.1.3 Organized Access Control – The physical guidance of people coming and going from a space by property ownership, its agents and its employees.

101.1.3.1 Security Guard Needed – There shall be a uniformed security officer present on the property who is lawfully capable of monitoring the property, detaining shoplifters and removing criminal trespassers. The security officer shall be of the level specified by the Crime Prevention Specialist.

101.2 SURVEILLANCE – The ability to see and be seen by others on the property through the use of natural, mechanical and organized means.

101.2.1 Natural Surveillance – The placement of physical structures and features in a way that maximizes visibility.

101.2.1.1 Window Coverage and Obstructions – No more than 10% of a window’s surface shall be covered with signage or otherwise obstructed from view. The windows on the property shall be unobstructed to the point that the interior of the property is visible from the street and the street is visible from the interior of the property.

101.2.1.2 Wide-Angle Mirrors Needed – Wide-Angle mirrors shall be installed at blind corners within the property. Such mirrors shall allow for up to 180 degrees of vision, which will improve visibility throughout the property and reduce accidents at blind angles and doorways.

101.2.1.3 **Peephole Needed** – Peepholes shall be installed on all residential front doors to allow for up to 180 degrees of vision and the identification of potential threats prior to opening the door.

101.2.2 **Mechanical Surveillance** – The placement of operable devices in a way that maximizes visibility.

101.2.2.1 **Improved Exterior Lighting Needed** – The property's exterior lighting shall provide sufficient lighting on all walkways to allow for facial recognition at night up to thirty (30) feet away. To achieve this, additional lighting shall be installed on the property and/or the property's current lighting shall be replaced with lighting that it is able to provide a minimum vertical illuminance of 0.25 fc, a minimum horizontal illuminance of 0.5 fc and yield an illuminance uniformity ratio of not more than 15:1 between the most lit and the least lit areas of the property's walkways. All exterior lighting must comply with the requirements of the City of Albuquerque's Integrated Development Ordinance, ROA 1994, Chapter 14, Article 16.

101.2.2.2 **Surveillance Cameras Needed** – Surveillance cameras that monitor and record activity shall be added on the property. Signage indicating that surveillance cameras are present on the property shall also be added.

101.2.2.3 **Automated License Plate Reader Needed** – Automated license plate readers shall be installed on the property. Such automated license plate readers shall be capable of automatically notifying law enforcement when stolen and/or wanted vehicles are present on the property.

101.2.3 **Organized Surveillance** – The strategic placement and direction of the personnel throughout the property to maximize their presence and visibility and to increase the perceived risk of conducting criminal activity on the property.

101.2.3.1 **Access Visibility and Monitoring** – Personnel shall be strategically placed on the property to monitor individuals entering and exiting the property.

101.2.3.2 **Monitored Surveillance Cameras Needed** – Surveillance cameras on the property shall be monitored in real time to help identify crimes in progress on the property and improve the response time of the property's security.

101.3 **POSITIVE ACTIVITY GENERATORS** – Creating a positive use for spaces can attract intended users and discourage unintended users.

101.3.1 Public Displays – Public displays of art or other means of drawing public attention shall be installed in the areas of the property where criminal activity frequently occurs.

101.3.2 Public Activities – Areas for public activities shall be installed in the areas of the property where criminal activity frequently occurs.

102.0 OPERATIONAL CONCEPTS – The modification of the fundamental principles of a property's operation to reduce criminal activity.

102.1 BUSINESS PRACTICES – The implementation of new routines and procedures that govern the operation of a business to reduce criminal activity.

102.1.1 Interior Lighting After Closing – The business' interior shall be illuminated after it is closed to discourage criminal activity and enhance the quality of video surveillance on the property.

102.1.2 Abandoned and Inoperable Vehicles – The property shall be regularly monitored for abandoned and inoperable vehicles. If any such vehicles are found, they shall be removed in accordance with ROA 1994, Section 8-5-2-3.

102.1.3 Secure Exterior Water Spouts When Not in Use – Exterior water spout access shall be limited to authorized personnel, and adequate measures shall be taken to prevent unauthorized persons from gaining access to the property's exterior water spouts.

102.1.4 Secure Exterior Electrical Outlets When Not in Use – Exterior electrical outlet access shall be limited to authorized personnel, and adequate measures shall be taken to prevent unauthorized persons from gaining access to the property's exterior electrical outlets.

102.1.5 Hours of Business – The hours of operation of businesses on the property shall be adjusted so that the businesses do not operate at times where criminal activity is occurring, if the operation of such businesses is contributing to, promoting or otherwise facilitating such criminal activity.

102.1.6 Removal of Problem Individuals – All individuals who have caused problems on the property or have been cited for conducting criminal activity on the property shall be permanently barred from the property. If such individuals are a tenant or occupant of the property, they shall be evicted and permanently barred from the property as expeditiously as allowed by law.

102.2 TENANCY PRACTICES – The implementation of new policies and procedures that govern tenancies to reduce criminal activity.

102.2.1 Background Checks – Background checks shall be performed on all prospective tenants who intend to stay on the property for a period of time greater than twenty-eight (28) days.

102.2.2 Acceptance of Cash Rental Payments – A policy shall be implemented whereby cash rental payments are not accepted. That policy shall require that a credit or debit card be placed on file prior to the renting the room.

102.2.3 Photo IDs – A policy shall be implemented whereby a room will not be rented unless the prospective renter's identity has been verified with a government-issued photo ID, and photocopy of that government-issued photo ID has been made. That policy shall also require that the photocopy of the government-issued photo ID is maintained for a period of not less than ninety (90) days from the date the room is rented.

102.2.4 Tenant Cleanliness Policies – A policy shall be implemented whereby tenants are required to maintain any exterior areas, including balconies, under their control in a clean manner. The policy shall further require that tenants do not place personal objects, including patio furniture, in areas that are not under their control.

102.3 MAINTENANCE – A well-maintained space indicates that a property is owned and cared for by a responsible party. This creates a positive community image that attracts law-abiding individuals and discourages criminal activity.

102.3.1 Lighting Not Maintained – The property's exterior lighting shall be maintained in proper working order so that it can provide sufficient lighting on all walkways to allow for facial recognition at night up to thirty (30) feet away. To achieve this, the inoperable lighting on the property shall be repaired or replaced so that it is able to provide a minimum vertical illuminance of 0.25 fc, a minimum horizontal illuminance of 0.5 fc and yield an illuminance uniformity ratio of not more than 15:1 between the most lit and the least lit areas of the property's walkways. All exterior lighting must comply with the requirements of the City of Albuquerque's Integrated Development Ordinance, ROA 1994, Chapter 14, Article 16.

102.3.2 Fencing Not Maintained – The fencing on the property shall be maintained so that it is able to adequately deter criminal trespassing.

102.3.3 Gating Not Maintained – The gating on the property shall be maintained so that it is able to open, close and lock as intended.

102.3.4 Windows Not Maintained – The windows on the property shall be maintained so that they are able to open, close and lock as intended. Any broken windows shall be repaired and/or replaced.

102.3.5 Boarded Windows – The broken and/or boarded windows on the property shall be repaired or replaced.

- 102.3.6 Surveillance Cameras Not Maintained – The surveillance cameras on the property shall be maintained so that they are able to function as intended and provide adequate surveillance throughout the property.
- 102.3.7 Trees and Shrubbery Not Maintained – All trees on the property shall be trimmed so that their branches do not fall below six (6) feet in height. All shrubbery shall be trimmed so that it does not rise above two (2) feet in height.
- 102.3.8 Weed Overgrowth – It is a violation of ROA 1994, Section 9-8-4 to allow weeds whose height, width or spread is greater than four (4) inches to be present on a property. All such weeds shall be removed from the property, and the property shall be regularly patrolled to locate and remove weeds.
- 102.3.9 Accumulation of Litter – It is a violation of ROA 1994, Section 9-8-4 to allow litter to accumulate on a property. All accumulation of litter shall be removed from the property, and the property shall be regularly patrolled to locate and remove litter.
- 102.3.10 Parking Lot Not Maintained – It is a violation of ROA 1994, Section 14-20-4 to allow broken pavement, unsealed cracks exceeding two (2) feet in length and one (1) inch in width or potholes exceeding one square foot to be present on a commercial property. All such broken pavement, unsealed cracks and potholes on the property shall be repaired, and the property shall be regularly patrolled to locate and remedy all such conditions. Additionally, all parking spaces should be clearly marked and maintained, including the requisite signage.
- 102.3.11 Graffiti – All unauthorized graffiti shall be removed from the property, and the property shall be regularly patrolled to locate and remove graffiti.
- 102.3.12 Illuminated Signage Not Maintained – The illuminated signage on the property shall be maintained so that it is able to function as intended.
- 102.3.13 Landscaping Not Maintained – The property's landscaping shall be maintained in a manner that creates a positive community image and does not disrupt the critical areas of natural surveillance.
- 102.3.14 Walkway and Parking Lot Cleanliness – The walkways and parking lots on the property shall be maintained in a clean manner. All stains shall be removed.

DEVELOPMENT FACILITATIVE TEAM (DFT)

Code Enforcement Comments

Disclaimer: Comments provided are based upon information received from applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning staff.

Staff Contact:

*Jeff Palmer-Assistant Code Compliance Manager
Planning Department jppalmer@cabq.gov*

DATE: 04/10/2026

AGENDA ITEM NO:

CU-2025-00045

ADDRESS/LOCATION: 2300 Yale SE

REQUEST: Partners Hospitality, LLC & Karan Mahajan, Empower Health Service requests a Conditional Use for an Overnight Shelter for Lot B-1-B, Plat of Lots B-1-A and B-1-B Airport Industrial Park RK Cont. 95,035 Sq. Ft. M/L, located at 2300 Yale Boulevard SE, zoned NR-LM (M-15, M-16) IDO Section 14-16-4-3(C)(6)

COMMENTS:

Proposed Conditions of Approval – ZHE request for comments, City Code Enforcement Comments

Based on comments received and field observations made by City of Albuquerque Planning Department Code Enforcement staff, it is recommended that the following conditions be attached to approval.

1. Controlled Access to the Facility

- To reduce unauthorized entry, loitering, and vehicle and pedestrian traffic onto the property: Installation of perimeter fencing and gates around the property, with a minimum height of three (3) feet. The applicant is strongly encouraged to seek a variance to allow for six (6) foot fencing to provide more effective site control.
- Gated entry points designed to limit uncontrolled access from vehicles and individuals entering or exiting the property.

2. Access Management

- Key card or credential-based access limited to authorized participants and staff only.
- Clearly defined and enforced restricted access hours consistent with program operations.
- “No Trespassing” signage posted in visible locations around the perimeter.

DEVELOPMENT FACILITATIVE TEAM (DFT)

Code Enforcement Comments

Disclaimer: Comments provided are based upon information received from applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning staff.

Staff Contact:

*Jeff Palmer-Assistant Code Compliance Manager
Planning Department jppalmer@cabq.gov*

DATE: 04/10/2026

3. On-Site Oversight and Response

- Provision of 24-hour on-site level 2 or higher security personnel with the ability to immediately respond to issues, complaints, or trespassing.
- Posting of a 24-hour property management contact number, accessible to the public, to receive and respond to concerns in real time.

4. Lighting

- Exterior lighting shall be installed, maintained in good working order, and remain compliant with the requirements of the Albuquerque Integrated Development Ordinance (IDO).

5. Exterior Property Maintenance

- The exterior of the property shall be maintained in a clean, orderly, and sanitary condition at all times, in compliance with the IDO and all other applicable City standards.

6. Interior Property Maintenance

- All interior rooms and areas of the property shall be maintained in compliance with applicable provisions of the IDO, Housing Code, and Building Code standards, and shall be kept in a safe and sanitary condition.

Code Enforcement has no further comments. Please contact me if there are questions.

E) POST SUBMITTAL FACILITATED MEETING REPORT

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: PR-2025-020180

Property Description/Address: 2300 Yale Blvd SE

Date Submitted: 14 April 2026

Submitted By: Philip Crump

Meeting Date/Time: Monday 13 April 2026 5:30-6:30 pm

Meeting Location: Via Google Meet

Facilitators: Laura Hudman, Philip Crump

Applicant/Agent: Partners Hospitality LLC/Empower Health Service

Neighborhood Associations/Interested Parties: Yale Village NA, District 6 Coalition of NAs, Kirtland Community Association, nearby business representatives

Background/Meeting Summary:

EHS has requested a Conditional Use approval to allow overnight shelter at the facility. Approval was erroneously granted previously and now has to be approved by the Zoning Hearing Examiner. There have been two ZHE hearings (January 10 and February 17, 2026) and have followed and adhered to the direction and findings noted within both ZHE “Notification of Decision” reports. The second Notice included a Finding (#29) stating that “All parties are encouraged to use the post-submittal facilitated meeting process in IDO §14-16-6-4(K) to discuss adverse impacts, potential mitigating measures and proposed conditions.” This meeting was held to meet that direction, prior to the hearing scheduled for 21 April 2026.

Empower Health Service (EHS) representatives, Dr. Karan Mahajan (Owner) and Max Juarez (Operations) shared information (including a prepared presentation, photos and a video of the property) on the operational policies and objectives of EHS, as they provide supervised medical substance use disorder services for individuals through a 16 week in-patient program. The facility has a capacity of 105 rooms and can serve up to 210 individuals at full capacity. They do not directly provide mental health services, nor are they a shelter for those experiencing homelessness.

Only one NA or business representative attended the meeting and did not directly voice concerns, given her experience and the proximity of her home. She said that she has not experienced any previous NA concerns and voiced no issues or objections during the meeting. Hence, there were no objections or issues brought forward by other parties.

EHS provided updates on the sole, gated entrance to the property, with a posted security guard. Patients must observe an in-room curfew period from 9:00 PM to 6:00 AM each day. EHS also noted that a distance of more than 600 feet from the property’s borders to residential homes exists.

Outcome:

EHS shared the actions and adherence policies they have taken and continue to support to mitigate issues for neighborhood businesses and residents, as well as the patients being served, by providing security, safety with a closed campus facility, assisting patients through the process of medical recovery from substance addiction in support of their living, learning, and working opportunities to create a healthier life for themselves – while also keeping a focused practice through EHS’s operational policies and procedures in respect of all adjacent neighborhood areas.

Meeting Specifics:

1) Overview of Empower Health Services (EHS)

a) Purpose

- i) The primary focus of EHS is to help clients overcome substance abuse, an underlying driver of homelessness, in a 16-week program.**

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

- (1) “The purpose...is to provide a safe, structured and supervised overnight shelter, operate in an orderly and quiet manner, respect surrounding properties and neighbors, and minimize impacts while providing essential services.”
 - (a) It is to reduce substance abuse as a driver of unhoused populations and to help to get that population shrunk down.
 - (2) The facility is not a homeless shelter, but an Intensive Outpatient Program for treatment.
 - (a) The housing component creates stability for people to reach the state of normalcy or sobriety again.
 - (b) The program is not for treating mental health disorders.
 - (3) Clients are provided housing, two meals a day, and transportation as needed for related services, dental work, etc.
- b) Regulations
- i) The program is compliant with the ABC Comprehensive Plan.
 - (1) The facility and program have been inspected by City agencies and found compliant with all relevant regulations.
 - (2) Upon opening, the City responded to complaints with a red tag and extensive inspection.
 - (a) No serious violations were found; several items related to housing were noted and subsequently remedied to the City’s satisfaction.
 - ii) The program complies with IDO development process manual and adopted regulations.
 - (1) It meets the occupancy, staffing, parking, life safety and security standards.
 - iii) It was reported that the facility is almost 700 feet (property line to property line) from the nearest residence, in excess of the minimum distance outlined in the Conditional Use standards.
- c) Operation
- i) The facility has 105 patient rooms, with a total capacity of 210 patients.
 - ii) There are 25 dedicated staff members with 24-hour security.
 - iii) The program is clinically supervised and professionally managed.
 - (1) It is aligned with public health stability and community reintegration goals.
 - (2) All staff are professionally licensed.
 - iv) Clients are self-referred or referred by outside agencies.
 - (1) EHS works with a variety of agencies, such as 2nd District Court and DA, Gateway, Presbyterian, and others.
 - (2) Any type of non-compliance with program rules results in discharge.
 - (a) Any illegal activity is grounds for immediate expulsion.
 - (b) Discharged clients are referred to other programs or agencies, not just let go.
 - v) Staggered and scheduled intakes (5 to 8 daily), with an open window from 8 to 10 am reduce traffic.
 - vi) There is staff and security around the clock.
 - (a) Curfew runs from 9:00 pm to 6:00 am, with no overnight activity.
 - (b) Entry and egress are controlled by security, with a closed gate.
 - (i) There is only one point of access to the site, overseen by security and cameras.
 - (ii) Active security measures keep other people coming onto the property wishing to deal in illicit substances, loiter, or camp out, who would become a nuisance for the community.
 - vii) It is self-contained; all services are performed indoors.
 - (1) Smokers use an area behind the building--away from street visibility--and not during curfew hours.
- 2) Outcomes
- a) The first graduation of patients from the program was held recently.
 - i) Nearly 40 of the clients have found employment, including in the nearby area.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

- ii) Nearly 20 have found their own housing.
 - (1) Individuals and a couple who had lived on the streets for years are now sober and have found permanent housing.
- 3) Interaction with Community
 - a) Previously, there were complaints regarding security.
 - i) EHS provides fully enclosed structural supervision with strong control.
 - (1) With no noise or loitering, no late night activity, and clear security and mitigation measures, there is commitment to responsible community operations.
 - b) A security log was sent to the City and there is no longer similar concern.
 - i) Complaints which were made directly to the program leadership were responded to quickly to the satisfaction of the persons concerned.
 - (1) No complaints were presented at this meeting.
 - (a) The one NA representative present was not from the immediate area and not familiar with the project.
 - c) City commenting agencies (including APD, AFR, Community Services) were asked to indicate whether they could provide adequate city resources to help support the mission at the facility.
 - i) They will be reporting at the ZHE hearing.

Next Steps: ZHE Hearing

ZHE Application Hearing Details:

Zoning Hearing Examiner hearing is scheduled for Tuesday 21 April 2026.

- 1. Hearing Time:
 - a. All meetings are held via Zoom, at <https://cabq.zoom.us/j/9756087372>
 - b. The ZHE will begin hearing applications at 9:00 a.m.
 - c. The actual time this application will be heard by the ZHE will depend on the applicant position on the ZHE schedule.
 - d. Written comments must be received by the prior Wednesday and may be sent to: Diane Hernandez, ZHE administrative assistant, dihernandez@cabq.gov.
 - e. Comments received after the deadline can be submitted to the ZHE at the hearing.
- 2. Hearing Process:
 - a. Comments from facilitated meetings are included in this Report, submitted to the ZHE.
 - b. ZHE references the facilitator Report in recommendations.
 - c. The ZHE will make a decision by 15 days after the hearing—[date]; parties have 15 days to appeal the decision.
- 3. Appeal Process
 - a. ZHE decisions can be appealed to City Council through the Land Use Hearing Officer.

Names & Affiliations of Attendees* (and additional Interested Parties):

*Dr. Karan Mahajan	Empower Health Service Owner
*Max Juarez	Empower Health Service
*Patricia Willson	District 6 Coalition of NAs
M. Ryan Kious	District 6 Coalition of NAs
Kimberly Brown	Kirtland Community Association
Elizabeth Aikin	Kirtland Community Association
Kim Love	Yale Village NA
Donald Love	Yale Village NA
Lori Henz	Advanced Communications & Electronics

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Stacy Williams	Advanced Communications & Electronics
Joseph Orona	Retis Technologies, Inc.
Jeff Egelhoff	Best Western Airport
Kathy Aragon	Perico's
Douglas Adkins	micro-Heat Engineering
Mikaela Renz-Whitmore	Urban Design & Development Mgr
Shannon Halley	ZHE Manager/UDD Planner
Leslie Naji	Historic Preservation Planner
*Tyson Hummell	CABQ ADR Coordinator
Krista Baca	ADR Paralegal
*Laura Hudman	Facilitator
*Philip Crump	Facilitator

ZHE MINUTES

AC-26-07

PR-2025-020180 (Project)

[CU-2026-00016](#) (Appeal)

[CU-2025-00045](#) (ZHE – Conditional Use)



Zoning Hearing Examiner Hearing

MINUTES

January 20, 2026

Zoom Hearing

Robert Lucero – Zoning Hearing Examiner

City Staff Present:

Leslie Naji – Principal Planner, Planning Department

Adam Sena – Senior Planner, Planning Department

Nichole Maher – Acting ZHE Hearing Monitor

ZHE - Robert Lucero: Next up is Agenda Item 10, that is CU-2025-00045, PR-2025-020180. Partners Hospitality, LLC, and Karen Mahajan, Empower Health Service request a Conditional Use for an overnight shelter for Lot B-1-B, plat of lots B-1-A and B-1-B, Airport Industrial Park Continuous, containing 95,035 square feet, more or less, located at 2300 Yale Boulevard SE, and that is zoned NR-LM. Do we have the applicants or agents here today?

Karan Mahajan: Yes.

ZHE - Robert Lucero: Thank you, who wants to go first? If you please state your full name and mailing address for the record? Let's go with, Mr., is it Mahajan? Am I saying that right?

Karan Mahajan: Yes.

ZHE - Robert Lucero: Thanks. So, would you please state your full name and mailing address for the record?

Karan Mahajan: Yes, my full name is, Karan Mahajan. Mailing address is 2920 Walsh Loop SE, Rio Rancho, New Mexico, 87124.

ZHE- Robert Lucero: Thank you, sir. Please raise your right hand and do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Karan Mahajan: Yes, it will.

ZHE - Robert Lucero: Thank you, sir. Let's go to, Mr. Juarez. I saw that you also are here, and one of the applicants. Will you please state your full name and mailing address for the record?

Max Juarez: Max Juarez, address 8500 Mesa Springs Avenue SW, Albuquerque, New Mexico, 87121.

ZHE - Robert Lucero: Thank you, sir. Please raise your right hand, and do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Max Juarez: Yes.

ZHE - Robert Lucero: Thank you. Okay, who wants to start out here? Would you please tell me about this, request?

Karan Mahajan: Go ahead, Max.

Max Juarez: Okay. My name is Max Juarez. I'm seeking Conditional Use Approval for Empower Health Services for an overnight shelter at 2300 Yale Boulevard SE. Our program launched on November 3rd of 2025. It's an overnight shelter which provides IOP services. Lodging is contingent on patients' participation here in the program. I'll tell you guys a little bit about the good stuff that's gone in our program since we have launched. Patients, we have currently about 150 patients here in our program. They're on a strict schedule from 6 a.m. all the way 'til 2 p.m. They are participating in groups back-to-back; they're participating in individual counseling; they're participating in peer support services. So they're really on a strict schedule. We have 24-hour guards. We've been working closely with the City Planning and Zoning, as well, and they've been giving us some feedback of what we should tighten up on, and some of those things recently was that we should have 24-hour security.

We're a startup business, so you guys can understand the costs and where, you know, how costly it can be. So currently, working with Planning and Zoning, they have recommended that we provide 24-hour security, which we have now, currently. Out of those 150 patients, 105 of those patients have received, have actually achieved sobriety since then. Sixty (60) of those patients have actually received sobriety also and have also received employment in this neighborhood. So, some that's some of the stuff that we are doing that just really goes to show that the program that they are in is intense, and it's actually making a change in the community. We understand that there is some negative that could come with it, and some stigma, you know, and I'll leave that open to the public, but a lot of that, you know, what we have done here really is good. In the same neighborhood, also south of us is UNM, their methadone clinic. North of us is another program that's very similar to us in doing the same exact thing of what we're doing. Yeah, anything else you want to add in, Doc?

Karan Mahajan: Yeah, well, you know, I just wanna (INAUDIBLE) that's a whole (INAUDIBLE) So people have a better understanding. We're not trying to make anyone's life hard in the community. So, you know, I have been a physician from 2015. I have been practicing in New Mexico. I'm board-certified internal medicine and addiction medicine. I've been working in OTP with the opioid use disorder patients for 6 plus years, and I'm the lead medical director for one of the biggest clinics in town. Altogether, I see close to 1,300 patients we have. In my 6 years of doing addiction medicine, I have noticed, it's the substance use disorder is a very difficult disease to treat because there's so much stigma behind it, and also people do not have enough resources, you know, to move forward in their life, and housing was one of them. Second one was the traveling, like, people don't have means of communication, means of transportation to

get to their methadone or suboxone clinic. If they get, if they get, if they're very motivated to get sobriety, they have difficult time getting into housing. So, it gets very difficult for them to get stable, so it's very, it's like a vicious cycle. They want to get better, move on with their life, overcome this disease, but they don't have this, stable place to live at if you don't have a stable place to live at, you always wonder what's next, where I'm gonna go today, where I'm gonna go tomorrow.

So here, we're trying to, absorb the cost of their lodging, and again, this is very contingent on what are the requirements of the program, how they qualify for this kind of lodging, and nobody's living out there, they're not tenants, you know, like, I just want to make everyone clear, it's not tenants; they can stay there for 24 hours, up to 16 weeks. If they're participating in the program and the goal is to provide them stable housing so they can work towards getting into the job part, where they can move on with their life and, you know, like, be an active member of the society. We also provide two-time free meals. We provide transportation to their primary care, their dental, and all of the needs. As Max mentioned, we have security, and the IOP have... it's an intensive outpatient program. It teaches you multiple skills to overcome your substance use disorder, disease, also work on the coping skills, and rest that comes with it. Again, you know, like, I'm the medical director and the managing member of the LLC, and as a physician, I know what it can take for this unfortunate community who's dealing with the substance use order to come out of it and, you know, better they do, the crime rate goes down, people become active members of the society. So overall, we're already seeing those trends, and you know, like, we'll be happy to answer all the questions, because a lot of time people don't have enough information to know exactly what's going on. I'll stop here, thank you.

ZHE - Robert Lucero: Thank you, Dr. Mahajan and Mr. Juarez, thank you very much for the testimony and the submittals. I appreciate all the photos and the justification letter. Anything else that you'd like to add before I call for public comment? I'll go ahead and call for public comment then, and if there is any, you'll have the chance to respond. It looks like we have a few folks already indicating they'd like to speak. I'm gonna start with Robin Berry, I see you there. Would you please state your full name and mailing address for the record?

Robin Berry: Yes. Robin Berry, 2123 Cornell Drive SE. I live in...

ZHE - Robert Lucero: Well, go ahead.

Robin Berry: I live in a residential neighborhood that is a stone's throw away from this place that they're, they've had it since November.

ZHE - Robert Lucero: And what's your mailing address, ma'am? We've got to get you sworn in first.

Robin Berry: Oh, sorry. 2123 Cornell Drive SE.

ZHE - Robert Lucero: Thank you, and please raise your right hand, and do you swear or affirm under penalty of perjury, that your testimony today will be true?

Robin Berry: Yes.

ZHE - Robert Lucero: Thank you, go ahead.

Robin Berry: Okay, I've lived a stone's throw away from this address for over 40 years. A lot of people don't realize that there's 20 homes, residential homes here. It includes the elderly; it includes residents; it includes children. Since they have opened in November, we have had nothing but problems with the homeless. We have people in our neighborhood that are clearly drugged out, passed out, in our neighborhood. The trash is, has gotten ridiculous all over, and on top of that, this is up and down going to the airport. So, then you have homeless... more homeless people, you have more people that are clearly drugged out, you've got all the trash. Residents are seeing this going to and from the airport, on top of what it's doing to our neighborhood, I am totally against it, and I, they should have been notified, notified us before they even opened it and that didn't happen.

ZHE - Robert Lucero: Thank you, Ms. Berry. Where, could you explain to me where these residences are? I'm trying to, just envision, in relation to the site, where is [sic] these 20 homes that you told me about?

Robin Berry: It's on the corner of Miles and Renard Southeast.

ZHE - Robert Lucero: Okay, thank you.

Robin Berry: Because there's businesses just south of my house. There's 3... there's one...two, three, four businesses, and then it's all residential, and there's one way in, and one way out from our houses.

ZHE - Robert Lucero: Okay, thank you very much for your testimony.

Robin Berry: Sure.

ZHE - Robert Lucero: Let's go next to Jeff Gelhoff, are you there? Looks like you're muted there, sir.

Jeff Gelhoff: Hi, how are you?

ZHE - Robert Lucero: Thank you, sir. I can hear you now. Would you please state your full name and mailing address for the record?

Jeff Gelhoff: Jeff Gelhoff. I'm talking on behalf of Albuquerque Suite Hospitality, which is 2400 Yale Boulevard SE, Albuquerque, New Mexico 87106.

ZHE - Robert Lucero: Thank you, sir. Please raise your right hand and do you swear or affirm under penalty of perjury, that your testimony today will be true?

Jeff Gelhoff: I do.

ZHE - Robert Lucero: Thank you, sir. Go ahead.

PLANNING ZHE HEARING MONITOR: I'm sorry, Hearing Officer, can I please ask them to spell..., I was not able to get their last name.

ZHE - Robert Lucero: Oh, yeah. If you could please spell it.

Jeff Gelhoff: G-E-L-H-O-F-F.

ZHE - Robert Lucero: Thank you, sir go ahead.

Jeff Gelhoff: I am the general manager voting member for, Best Western Albuquerque Airport. We are the hotel that's right next to, the old Ramada, which is now trying to be this residential treatment facility. Some people may know or not know, there's also a Quality Inn and a Hawthorne that are also in similar situations that are just down the road. Since this place has started in November, we've had our breakfast girl's tips stolen. We verified once that this was one of their residents. I mean, I will say that they did take care of it once we showed them the video, but we've had multiple people now in and out of our property, coming through our property, noise complaints from our guests that are sitting in our back building, because they allow their tenants to smoke in a back corner that's just adjacent from where our back wall is,

and it's just... it's not conducive. We pay a lot of city taxes, and it's not conducive to our business and our guest safety, to have another treatment-type facility in the neighborhood.

ZHE - Robert Lucero: Thanks, sir. Did you say there was an existing or a similar use, nearby? And if so, where did you say that was?

Jeff Gelhoff: It's, I don't know the name. It used to be the old Quality Suites that sits right next to the Cain's, the new Cain's that's there. It's a pink, used to be a Quality Suites hotel, but from my understanding, that is now also a drug rehab, and then the Hawthorne that sits right there by the, Ailon gas station is being used by the City for some type of, I don't know if it's refugees or transients, but both those hotels are no longer hotels, doing similar type business.

ZHE - Robert Lucero: Okay. Do you know if those sites are within 1,500 feet of the subject property?

Jeff Gelhoff: They're not within 1,000 feet, but even prior to the Ramada property becoming a treatment facility, this area has gotten worse with homeless. The APD, I'm part of APD Connect, GAIA, Greater Albuquerque Hotel Lodging Association. We meet with... we have an APD Connect meeting this afternoon, and one of the issues that is continuously brought up is the homeless, and how powerless APD is to keep them out of our building, off our property, and again, I'm, my wife is a licensed substance abuse counselor, so I'm very familiar with this, and I appreciate that kind of help, but right next door to our business just does not make sense in this area.

ZHE - Robert Lucero: Thank you, sir. Appreciate your testimony. Let's go next to J Love, I'm just going in order of how they appear on my screen. J Love, are you there?

John Love: Good morning, sir.

ZHE - Robert Lucero: Good morning. Would you please state your full name and mailing address for the record?

John Love: John Love, 2117 Stafford Drive SE, Albuquerque, New Mexico, 87106.

ZHE - Robert Lucero: Thank you, sir. Please raise your right hand, and do you swear or affirm, under penalty of perjury, that your testimony today will be true?

John Love: Yes, sir.

ZHE - Robert Lucero: Thank you, sir. Go ahead.

John Love: So, to go back on what the last gentleman said, within a 2-mile radius of our residence, there's a Gateway Center, right, that's up on top of Gibson. There's the Veterans Center that's on bottom of the university that deals with this. We have numerous UNMH hospital, rehab, and addiction services. We have the other two hotels that are turned into this type of establishment down off of Gibson. Our community is... we're crumbling with this. With so many of these establishments in our community. It is really starting to put a strain on our safety for our kids. We also have schools around us, Springstone, Curtin Elementary, MAS, Lowe Elementary, numerous daycares, and they're seeing needles on their property. Kids cannot go out and play anymore. The bus stops up and down our community, we can no longer use because they're occupied by the homeless, or someone waiting to get into this facility, or someone's been kicked out of this facility, and we know that because we've spoken to them. So, a lot of these individuals that are waiting to get in this facility, they're waiting in our neighborhood because the time to get in this facility is either, it's too late, so they got to wait 'til the next morning, so they're camping out in our neighborhood.

We've seen several encampments where we call the police and they've broken them up. Numerous arrests from these individuals with warrants, and then individuals that can't get into this program, they're denied. They're denied at various times. They're denied at 9 o'clock at night; they're denied at 2 o'clock in the afternoon. They come back into our community. They have nowhere to go. So, they set up encampments in our community. I will be submitting some information, to you guys, I just didn't know how to do it, but these individuals sneak out of this area at night and come into our community and buy drugs, do drugs, go back to the establishment, because you can't do you can't have drugs in the establishment. So they go back to the establishment. So, there's really no way to watch 100 individuals or patients right now, so if they're going to go from 100 to 300, there's really no way to watch that many people coming in and out of rooms. We're really dealing with a lot of crime in our area since this establishment opened up. We've had houses broken into, cars broken into. We've had boxes stolen off our...

ZHE - Robert Lucero: Now, Mr. Love, it looks like your time's up but why don't you finish your thought there, please?

John Love: Okay, we just had a lot of crime uptake from this establishment, and we have a lot of establishments in this area already that we're dealing with, so another establishment like this would be detrimental to our area.

ZHE - Robert Lucero: Thank you, Mr. Love. Let's see, let's go next to I have... I see a phone number, 505-379-1822, are you there? Can you hear me?

Fred Ruiz: Can you hear me?

ZHE - Robert Lucero: Oh yes, thank you. Would you please state your full name and mailing address for the record?

Fred Ruiz: Yes. First name is Fred, last name is Ruiz, R-U-I-Z. Mailing address is 2114 Cornell Drive SE.

ZHE - Robert Lucero: Thank you, Mr. Ruiz, and please raise your right hand. Do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Fred Ruiz: I do, yes.

ZHE – Robert Lucero: Thank you. Go ahead, sir.

Fred Ruiz: First off, I just wanted to start by thanking you guys for allowing us to have the opportunity to speak up and kind of say our voice. I know a lot of us here support kind of the mayor's decision to try and help these unsheltered individuals, especially suffering from addiction. The problem is, is we don't all agree with, obviously, the location that it's been put. As Ms. Berry had explained, I myself was born and raised in this neighborhood. My parents also lived here, and they have since, like, the 90s. I myself decided to purchase a residence in the same neighborhood that Ms. Berry resides in. This issue has progressively gotten worse, specifically more so since the shelter has opened back in November. The main concerns that I have is the unhoused individuals in the area specifically, again, that are being turned away from the shelter and or just waiting outside of the shelter to be taken in, but they're, one, as it's been mentioned, suffering from mental health disorders or narcotic and alcohol issues. Again, the increase did not come into play until the shelter opened its doors back in November. And that's kind of where majority of the concerns have arisen.

I myself actually have a career that's given me the knowledge and experience to be able to distinguish, like, mental health and narcotic use, and I would somewhat consider myself an expert when it comes to it, and I can also say that, due to my career, I'm familiar with, like, illegal narcotics, what it smells like, what it looks like, what the paraphernalia looks like, and with

confidence, I'm able to say that, hey, like, these subjects are under the influence of alcohol, narcotics; it's increased in the surrounding area since the shelters come into place. We found paraphernalia narcotics located throughout the neighborhood. We found it in areas surrounding the shelter itself. I know numerous people have been arrested in cars in that parking lot in reference to narcotics use and being passed out in vehicles. You could walk the area and you just smell fentanyl in the air; you can see it; you can smell it, and as surrounding community members, we're kind of just forced to deal with it. I feel like me and my family, we have the right to have a safe neighborhood, and that comes from something that can be fixed. There's often times where people are observed using narcotics, defecating, urinating, throwing trash in encampments, which has already been mentioned. I've had to limit my children to the backyard just for fear of the negativity that the shelters brought.

ZHE - Robert Lucero: Thank you, Mr. Ruiz

Fred Ruiz: (INAUDIBLE)

ZHE - Robert Lucero: The time is up. Would you mind, wrapping up your thought there, please?

Fred Ruiz: Yeah, absolutely. I know that Waffle House has had a lot of issues with, like, people falsely obtaining services. The Maverick has had a lot of issues with trespassing and shoplifting. Again, all of these, the offenders have been seen coming to or from, not all, but a chunk from the shelter and again, you've heard numerous times from residents and businesses in the area. And as a concerned member, I also stand with the Best Western, all the residents. I do not support the shelter's location, and I hope that the City will take that into consideration.

ZHE - Robert Lucero: Thank you, Mr. Ruiz. Let's go next to Deborah's iPhone, are you there?
Deborah's iPhone, if you could unmute, please?

Debra Love: Yes, sir, I'm here. I unmuted. My apologies.

ZHE - Robert Lucero: No worries. Would you please state your full name and mailing address for the record?

Debra Love: Yes, sir. It's Debra Love, 1529 Wheeler SE, Albuquerque, New Mexico, 87106.

ZHE - Robert Lucero: Thank you, Ms. Love. Please raise your right hand, do you affirm under penalty of perjury, that your testimony today will be true?

Debra Love: Yes, sir.

ZHE - Robert Lucero: Thank you. Go ahead, ma'am.

Debra Love: I actually reside in the lower neighborhood. There's another neighborhood, which is the Kirtland Edition neighborhood. It's less than a mile away from the, upper neighborhood, the village, or Yale Village neighborhood. I had surgery done, about 7 months ago, which I have to do physical therapy. So, I walk from my neighborhood up to that neighborhood. I have called; I have it written down; I have called the City since Nov... actually, not since November, I'm gonna be honest with you. It's been since October 31st, because they thought the program was coming October 31st. I have called the City 22 times regarding needles. They did come to the local bus stops there, but children also utilized those bus stops to go to school. Because the school the bus stops, the City bus stops is [sic] free. There are numerous students that use it to go to Highland High School, Albuquerque High School, MAS, to get to school. Recently, I was on my way to pick up my son from school, and I, right down the street, maybe less than a mile away at one of the schools, at the time that the children were getting out, there was a gentleman at the bus stop that was from that treatment center that was going through an episode. He had ingested drugs, and they had to call the ambulance and everything. The kids were just looking like, what is going on? It is not fair to these children to have to view that type of atmosphere. I understand treatment. I am a nurse, so I understand the opium epidemic, and also the mental health epidemic that is going on. It is beyond belief, but you cannot expect individuals to get proper treatment and to be substance-free in a month and a half or two months. There's no way to be substance-free from what the gentleman said, in 2 months, and go into society. They're going to society, they're working, but it's a work in progress. It takes years to become truly substance-free and mental health issues also to get through the mental health issues. Also, there is 7, actually, 7 schools and daycares in that area.

ZHE - Robert Lucero: Thank you, thank you, Ms. Love. Appreciate your testimony. Let's go next to Charlene Perez, are you there? It looks like you're on mute there.

Charlene Perez: Here.

ZHE - Robert Lucero: Thank you. Would you please state your full name and mailing address for the record?

Charlene Perez: Charlene Perez, 2121 Stanford Drive SE, Albuquerque, New Mexico, 87106.

ZHE - Robert Lucero: Thank you, Ms. Perez. Would you please raise your right hand? And do you affirm, under penalty of perjury, that your testimony today will be true?

Charlene Perez: I do.

ZHE - Robert Lucero: Thank you. Go ahead.

Charlene Perez: This is an exterior entrance hotel with no way of monitoring the program's participants. The property is left unattended with the lobby and side doors open with no lights on, no security visible on site, and people left to roam the property. People gather in the back of the building in groups of 5 to 10, smoking out of pipes, throwing trash, alcohol, and needles around the parking lot, also leaving these things at the bus stops on the corner. Trash gets blown around the street and into our neighborhood. Random people walk around looking into our cars, into our yards, people stealing packages off porches, then approaching homeowners like myself with threats of coming back to break into my car or my home, and coming back to harm me. Kids are scared to walk to the bus stop, so I no longer allow mine. They don't want to use their scooters to get to school because people from the hotel approach them asking for drugs, and they also appear very under the influence. They don't want to be at the bus stop with all the alcohol, trash, and needles left behind, and it's extremely unsafe.

School bus stop, the elementary school bus stop that my grandchild rides, I no longer let him ride, but it's .02 miles, a fourth of a block from the hotel, and is in clear view of the hotel. We keep our dogs in our front yard to alert us when somebody's trying to get into our cars or our yard. My grandkids can no longer play in my front yard. There are schools, community centers with daycare programs, bus stops near the hotel. These are all big safety risks. There are two other hotels using this overnight shelter. They are already... this is the two hotels on Gibson and University that are .09 miles from this hotel. No one is ever there in the event of an emergency. No one answers the phone to report concerns. Their rooms are equipped with PTAC units that can catch fire if not maintained on a quarterly basis. This has already happened at that hotel. And honestly, a failing hotel losing revenue does not make it okay to replace this revenue as a treatment facility. This is an extreme security issue, and my grandchildren, myself, my husband, our neighbors should not have to sacrifice our neighborhood for this failing business to then turn into a treatment facility. It's extremely unsafe and inappropriate, and I do not, in any way, think it's okay to convert it that way, which it has already been done with zero notification.

ZHE - Robert Lucero: Thank you, Ms. Perez. Let's go next to, I see a phone number, 505-639-6394, are you there?

Lexi Greene: Yes.

ZHE - Robert Lucero: Thank you. Would you please state your full name and mailing address for the record?

Lexi Greene: Yes, it's Lexi Greene, and my address is 2114 Cornell Drive SE, Albuquerque, New Mexico, 87106.

ZHE - Robert Lucero: Thank you, Ms. Green, and please raise your right hand? And do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Lexi Green: Yes, I do.

ZHE - Robert Lucero: Thank you, go ahead.

Lexi Green: Okay, well, I just wanted to say that we are not in support of this establishment being there. I have 4 kids, ages 10 and under, and like many other people have said, we no longer feel safe letting our kids go out and walk through the neighborhood. It's really sad. We have family in the neighborhood. They enjoy riding their bikes through the neighborhood. It has felt safe up until November, when we have noticed a massive influx in people wandering through the neighborhood, trying door handles. They are clearly under the influence. My kids have been exposed to things like people, appearing to use drugs. We were on our way to school one morning when there was a vehicle parked in our neighborhood, and the occupants inside appeared to be using needles. Some of them were passed out, and my children witnessed this, and we later saw the vehicle at the shelter. There's been a huge increase in jay walking, specifically on Yale and Gibson. I've almost hit a few people who don't appear to be mentally there, and they're just wandering through the intersection, not caring if they have, what traffic lights are green, or if there's oncoming traffic. Specifically on Yale and Gibson, and then on Renard and Yale as well. I no longer feel safe using the buses. I frequently have to go to and from the airport, and there is [sic] bottles of urine, needles there, and overall, it just feels very unsafe.

ZHE - Robert Lucero: Thank you for your testimony. Let's go next to Joseph Orona. Are you there, Joseph Orona?

Joseph Orona: Yes, I am. Good morning.

ZHE - Robert Lucero: Good morning, Sir, would you please state your full name and mailing address for the record?

Joseph Orona: My name is Joseph Orona, 2400 Miles SE, Albuquerque, New Mexico, 87106.

ZHE - Robert Lucero: Thank you, sir, and please raise your right hand. Do you swear or affirm under penalty of perjury that your testimony today will be true?

Joseph Orona: Yes, I do.

ZHE - Robert Lucero: Thank you, sir. Go ahead.

Joseph Orona: Well, while I applaud what they're doing, helping the homeless and those afflicted by drug addiction, I strongly, strongly oppose the location of the facility. Our building is in the area, and we, almost on a daily basis, have to deal with people loitering around our property, defecating, urinating. We find needles; it scares our clients; it scares some of our employees, and not to mention, I don't believe it's a good look for the city. You know, this is right at the airport. We don't want travelers flying in to see, you know, Breaking Bad has put us on the map, and I love Breaking Bad but, you know, we don't want people to think that, you know, this city has a problem with, at least we don't want that we don't want that appearance of it anyway. So, I strongly oppose it.

ZHE - Robert Lucero: Thank you, sir and you had mentioned our property. What is that property? Is it a business or a...

Joseph Orona: It is a business. We have a technology consulting business here.

ZHE - Robert Lucero: Okay. Thank you, sir.

Joseph Orona: Thank you.

ZHE - Robert Lucero: Let's go next to Lori Henz, I hope I'm pronouncing that right. Are you there?

Lori Henz: Yes, thank you. Thank you for the opportunity to speak.

ZHE - Robert Lucero: Oh, yes. Let me get you sworn in, if you'd please state your full name and mailing address for the record.

Lori Henz: Lori Henz, 2417 Baylor Drive, Albuquerque, 87106.

ZHE - Robert Lucero: Thank you. Please raise your right hand, and do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Lori Henz: Yes, I do.

ZHE - Robert Lucero: Thank you, go ahead.

Lori Henz: I'm here today to raise some serious safety concerns affecting our employees and other businesses in this neighborhood, since the hotel, located about 60 yards from our business began operating as an overnight shelter. The notice went out just very recently, but we noticed issues starting at the end of October, beginning of November. Our primary concern is the safety of the people that work here every day. Many of our employees arrive very early in the morning; it's still dark; and they leave after hours, and we're open 24-7 for emergency public safety service calls, so we have people here in the middle of the night sometimes as well. Since before Thanksgiving, these employees have been approached by individuals that are staying in and around that hotel. They come up to them; they make them feel very uncomfortable when they're trying to come into our facility or out of our facility. It's no longer an isolated or an occasional issue; it's happening regularly and ongoing. We've documented multiple instances that directly impact the health and safety of our employees and also of our operation. Those include drug needles and drug paraphernalia found on the ground. Trash scattered all throughout the area, unwrapped and appear to be used condoms all over the street, human waste on the sidewalk. Tents on the sidewalk on multiple occasions, multiple abandoned vehicles that required reporting. Law enforcement has responded, but still, these are issues that we don't need our employees to come across, nor our customers. The individuals associated with the shelter have repeatedly entered our gated business property. We've had to ask that people leave on several occasions, and our staff is approached while locking up at night by these individuals staying at that hotel. It creates fear, distraction, and a great risk for our employees, who shouldn't have to worry about their public safety while trying to do their jobs.

ZHE - Robert Lucero: Thank you, Vince. If you could just conclude your thoughts there, please.

Lori Henz: We'd like for immediate steps to take to ensure the safety of our team members. It's become a very scary place over the last 3 months. Thank you for your consideration.

ZHE - Robert Lucero: Thank you. Let's go next to Donald Love, are you there?

Donald Love: Yes, I'm here.

ZHE - Robert Lucero: Thank you, sir. Would you please state your full name and mailing address for the record?

Donald Love: 2125 Stanford Drive SE. Donald Love.

ZHE - Robert Lucero: Thank you, sir and please raise your right hand, and do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Donald Love: Yes, sir.

ZHE - Robert Lucero: Thank you. Go ahead, sir.

Donald Love: Yes, sir, I'm the owner of the Waffle House. I'm right next to the facility. I run a 24-hour restaurant. I'm there throughout the night, all the time. They said that they have a curfew, and they're trying, I know they're trying, but their curfew's not working. I'm there at the store at 2 o'clock in the morning, 1 o'clock in the morning, and there's people from that facility's walking the neighborhood, walking around the hotel and everything else, whatever it is. There are, I'm witnessing them selling drugs, doing drugs, needles in the parking lot, and I have addressed that with him also, with Max. Needles in the parking lot. They're coming to my restaurant, eating and not having money to pay, leaving. You know, I've been doing this for 20-some years at that same location, and so the customer base is noticing also that it's taking effect to my business. When they kick people out of that out of the hotel, they got trash all over my parking lot, big 4 or 5 bags of trash, suitcases, just piled up there. It's just not a good look for Albuquerque, not a good look for my business. Like I said, I've been talking to them and working with them, and they've been cooperative, but it just not working out the way they want it to work out.

ZHE - Robert Lucero: Thank you, Mr. Love. Let's go next to, I see a phone number, 505-264-7072, are you there? Looks like you're muted there. Let's go, there you go, I can hear you now.

Greg Ross: Hello?

ZHE - Robert Lucero: Thank you, would you please state your full name and mailing address for the record?

Greg Ross: Yes, my name is Greg Ross, 2410 Baylor SE, Albuquerque, New Mexico, 87106.

ZHE - Robert Lucero: Thank you, Mr. Ross. Please raise your right hand, and do you swear or affirm under penalty of perjury, that your testimony today will be true?

Greg Ross: Yes.

ZHE - Robert Lucero: Thank you, sir. Go ahead.

Greg Ross: Yes, I have a concern. I have the commercial property right behind the facility that's in question. What we've seen since November are everything that everybody else has talked about. People camping in front of our gate, hanging out on the streets throughout the day. My employees park right there on the sidewalk, they go out for lunch, and people are right in front of their cars. Trash it's just pretty crazy, and I try to have compassion with dealing with the situation, but it's overwhelming. So, I don't agree with this facility in this area. Where people come right into Albuquerque, off the airport, and they drive and the first thing they're seeing is people hanging out on (INAUDIBLE) on your bus stops, convenience stores, on the streets. There's people that are camping out, trying to get into this facility, and from what I understand, it's just barely begun. It looks 5 or 10% capacity, and this is just the beginning, so I do have concerns, and I don't agree with it right now.

ZHE - Robert Lucero: Thank you, sir thank you for your testimony. Let's go next to Elizabeth Aikin, I see you there, could you please state your full name, mailing address for the record.

Elizabeth Aikin: Okay, my name is Elizabeth Aikin. My address is 1524 Alamo Avenue SE.

ZHE - Robert Lucero: Thank you. Please raise your right hand and do you swear or affirm under penalty of perjury that your testimony today will be true?

Elizabeth Aikin: I do.

ZHE - Robert Lucero: Thank you. Go ahead.

Elizabeth Aikin: Okay, now, I am representing, I'm the secretary for the Kirtland Community Neighborhood, and they have created a statement for me to read. So, I'm going to do that. I understand I have 5 minutes, associations have 5 minutes, is that correct?

ZHE - Robert Lucero: Yes, ma'am, go right ahead.

Elizabeth Aikin: Okay, thank you. We, the Kirtland Community Association, wish to express our serious concerns regarding the proposed establishment of an additional shelter in our area. As you may know, our community already hosts two shelters within one mile radius, and we believe we have been proactive in supporting those in need. While these initiatives are intended to be helpful, they are often poorly managed. This mismanagement not only creates problems for our community, but also fails to provide the proper resources for those who generally need help and support. It is crucial for the City to consider spreading these programs out to avoid concentrating resources in a single neighborhood. Targeting marginalized communities with an excessive number of shelter is both unethical and counterproductive, as it can be exhilarating existing challenges and tension. Homelessness is a widespread issue, and it no it is no secret that the current, current, that the current, approach to managing care is inadequate. We have seen contracts fall through, with essential services such as Hawthorne, UNM, and the complications surrounding Heading Home, where UNM withdrew its support. As this association addressed with the Mayor and Councilor Baca's office, the quality of the... quality of housing provided is often subpar. Facilities like Quality Streets have been reported to have mold and other issues operating below the City's code while still being used to house vulnerable individuals, including families and children. Pictures shared of those proposed establishments align with these concerns. Allowing people to live in poor conditions is not truly helpful. Shelters and low-rate living facilities that lack rules or standards do not mean we are effectively assisting the homeless population. It is acceptable for the City to permit buildings that would house individuals under such a poor condition, as this not only impacts the people living in these facilities, but also affects the surrounding communities. We respectfully urge this body to evaluate the cumulative impact of additional shelters and to take steps to ensure equitable distribution of resources throughout the city. We must prioritize the safety and well-being of both residents and our community and those seeking support. Also, it is important to mention that these shelters are right down from the International Airport. The City needs to decide if they want to make good impressions for visitors. Thank you for the attention to this important matter.

ZHE - Robert Lucero: Thank you very much, Ms. Aikin. Oh, go ahead, were you continuing?

Elizabeth Aikin: No, no, I just wanted to say thank you for allowing me to speak.

ZHE - Robert Lucero: You're welcome, thank you. Thanks for your testimony. Let's go next to Garrett. I see Garrett with a hand raised, are you there?

Garret Moore: Hi, yes I am.

ZHE - Robert Lucero: Thank you, sir. Would you please state your full name and mailing address for the record?

Garret Moore: My name is Garrett Moore, mailing address 2417 Baylor Drive SE, 87106.

ZHE - Robert Lucero: Thank you, sir, and please raise your right hand and do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Garret Moore: Yes, I do.

ZHE - Robert Lucero: Thank you, sir. Go ahead.

Garret Moore: Good morning, members of the board. I'm here to express serious concerns about safety. Our employees often arrive early for work, and on Sundays, they're here until after dark. I'm increasingly worried about the personal safety and security of their property at the shop. I have also seen individuals relieving themselves in the streets. This location is close to the Commission for the Blind, which I believe raises additional concerns for the safety and well-being of individuals with disabilities who may be navigating this area. We have already experienced significant disruption when our office was effectively locked down for hours due to a police raid in the immediate area. These conditions create an unsafe and unpredictable environment for our employees, our customers, and the surrounding community. I'm asking the board to take these concerns seriously. Thank you.

ZHE – Robert Lucero: Thank you for your testimony. Okay, let's see, again, for everyone here, this is Agenda Item 10. If you've not yet spoken and would like to provide public comment, please raise your hand. Again, if you've not yet spoken, because we have had a lot of testimony. Let's see, I see, phone number 505-462-2156. Are you there?

Marguerite Green: Yes, I am.

ZHE - Robert Lucero: Thank you. Would you please state your full name and mailing address for the record?

Marguerite Green: Marguerite A. Green 1705 Vassar Drive SE, 87106.

ZHE - Robert Lucero: Thank you and please raise your right hand and do you swear and affirm under penalty of perjury that your testimony today will be true?

Marguerite Green: It is.

ZHE – Robert Lucero: Thank you, go ahead.

Marguerite Green: I am not a long distance from that area there, and I frequently visit my granddaughters over on Cornell Dr SE, which is right around the corner from that property and have noticed an increase of homeless people in that area. It is no longer safe to walk or ride bikes with my granddaughters there just around their area and on their streets, and it, this was not the place to put a treatment center, and we would like it reconsidered.

ZHE – Robert Lucero: Thank you for your testimony.

Marguerite Green: Thank you.

ZHE – Robert Lucero: You're welcome. Okay, again for everybody here this is Agenda Item 10, we're in the public comment portion and if you've not yet spoken and would like to address that item please raise your hand. Appreciate the robust discussion, this is last call for public comment on Agenda item 10.

PLANNING ZHE HEARING MONITOR: Hearing officer? Yeah, this is Nicole Maher, the hearing monitor. I had had [inaudible] Aragon put their name and email in the chat and also Douglas at microheat.com. They had also put their information in the chat.

ZHE - Robert Lucero: Okay, let's see, what was the first one, did you say?

PLANNING ZHE HEARING MONITOR: [Inaudible] Aragon?

ZHE - Robert Lucero: Are you there? [Inaudible] Aragon, are you there? Let's see... Trying to find...

Kathy Aragon: Okay, we unmute it now for Perico's restaurant?

ZHE - Robert Lucero: Oh there you go. Yes, I can hear you.

Kathy Aragon: Okay, I'm Kathy Aragon.

ZHE - Robert Lucero: Oh, good. Would you please state your full name and mailing address for the record?

Kathy Aragon: Yes, Kathy Aragon, 2500 Yale Boulevard SE, 87106.

ZHE - Robert Lucero: Thank you. Do you have two devices logged into the hearing? I'm getting an echo.

Kathy Aragon: Yes. Yes, my manager is logged in in the other room.

ZHE - Robert Lucero: Could you have him mute his mic, or turn off the sound? I'm getting an echo.

Kathy Aragon: Okay.

ZHE - Robert Lucero: And please...

Kathy Aragon: Is that better?

ZHE - Robert Lucero: Yeah, that's better. Please raise your right hand, and do you swear or affirm under penalty of perjury, that your testimony today will be true?

Kathy Aragon: Yes.

ZHE - Robert Lucero: Thank you. Go ahead.

Kathy Aragon: Okay, we have just recently opened up Perico's Restaurant on 2500 Yale. We've been here about a year, and we have noticed... we moved from 109 Yale, because of the homeless problem we had in that area. We moved up the street, which it started out really good, but we've noticed a lot more now, hanging around all the bus stops and it is concerning, and we are against the project that they're, they want to house them there. I don't believe it would, you know, help our business at all. I don't want my patrons, you know, submitted to that, or my workers on a daily basis.

ZHE - Robert Lucero: Thank you for your testimony. Let's see, Nichole, what was the other name?

PLANNING ZHE HEARING MONITOR: It was, Douglas at microheat.com.

ZHE - Robert Lucero: Oh yeah, Douglas, do we have Douglas here?

Doug Adkins: Yes, I am here.

ZHE - Robert Lucero: There you are. Thank you, sir. Would you please state your full name, mailing address for the record?

Doug Adkins: Yes, it's Douglas Adkins, and it's 2450 Baylor SE, 87106.

ZHE - Robert Lucero: Thank you, sir. Please raise your right hand. And do you swear or affirm under penalty of perjury, that your testimony today will be true?

Doug Adkins: Yes. But I was just interested in hearing how the decision goes. That's what I requested there, but, I'm not, I don't really want to see the neighborhood turned into a Rehabilitation center.

ZHE - Robert Lucero: Thank you, sir. Alright. Let's just go ahead and do a last call for public comment, then, on Agenda Item 10. Last call for public comment. Okay, again, thank you for everybody, participation. Let's go back to the applicant team. If we can go to, Dr. Mahajin, and, or, either of you, would like to respond? Are you there?

Karan Mahajan: Yes, we both are here.

ZHE - Robert Lucero: Oh, thank you, Mr. Juarez. Yes, go ahead, if you'd like to respond to the public comment.

Karan Mahajan: Yeah, this is Dr. Mahajin, and you know, like, again, I do hear everyone's concern. I don't, you know, like, a couple of weeks ago, City had a lot of complaints, and City came up for inspection, and, they were, they were pretty well, I'll say, kind of surprised in a good way that the hotel was in a livable condition; there was no paraphernalia. Again, you know, like I don't know how I can assure the community I'm not there to try to take someone's business, or, you know, go bad. I'm really trying my best to help out this homeless population who's used substance use disorder again, for all the experience I have. Will I be successful in changing all the 100% all the people? Probably not, but if I make a 60% change, I think that'll be helpful. Obviously, there's a big stigma behind the homeless and the substance abuse disorder population. Nobody wants them around their neighborhood. You know, I've never been to any neighborhood, like, yeah, come, welcome, and we'll do this together here. Nobody wants it. But that being said, if the society as a whole doesn't do anything for them, I don't know how as society will progress forward.

Coming to, you know, like, again, this is a pretty... startup. We did take all the permission from the...from the City before we started the program. We didn't just start, like, oh, let's do this. We didn't... We did our due diligence before we started this program. But again, I wanted to inform people, like, you know, like, when the, when the City came for inspection, all the rooms were in livable condition. I recently renovated my partner's in 2022, the whole property. I spent close to a million dollars in there to renovate the property. As a physician myself, I'm not gonna house anyone in an inhumane condition. That will not separate me from, from other businesses who are bringing the bad names to it. I'm not here to throw people under the bus, but I'll just give you a vague example. One of the buildings, someone discussed about, that they're also doing that, business. Yeah, the... one of my friends rented out the property to someone similar or some other behavioral health services, and they made the mess out of it, and he's almost \$1.5 million from the payment from it. Again, I'm not, as a physician, I'm doing how it's supposed to happen. There was concern from the neighborhood, like, you know, over the weekend, things get really riled up, after Friday. So, I took notice of that, you know, like, security is pretty expensive to afford. It's like \$35, \$30, \$35 an hour. But again, I wanted to do things right away, not disrupt the community, neighborhood. I also have a kid, you know? I don't want, like, people to feel unsafe.

So, as I said, we started last weekend, or weekend before that 12-hour security, 6 p.m. to 6 a.m. on the weekend of Saturday and Sunday. On top of that, we also have a peer support person at the property for another 8 hours, so pretty much there's someone all the time there as I grew, I mean, again, you know, like, our capacity is to house close to 180 to 200 people, and that's it. We're only gonna house 2 persons in one room. We're not gonna house, like, other people doing 5 people in one room. I'm trying to do this in a very, very humane way, not looking at any of the business side of things. We're providing free meals; we're providing free transportation; we're providing them free housing. Again, I understand it's a concern for the neighborhood, but if I'm not given a good shot for 6 months or a year to see how this program progressed. We cannot... we cannot know. Yes, there are other programs who doesn't provide any of the security, any of the things, but I'm not here to talk about them. I'm here to talk about myself. We have... we have fully staffed, we have close to... we have 9 counselors. We match the state requirement of the ratio of the patient per counselor. We have close to 8 peer support people who help with their patient primary care needs, provide them transportation to their methadone, to their Suboxone to anything they need. Please note, this is Substance Use Disorder Program. We are not specialists in mental health disorder. We don't do that because as a team I have put together, it's a strict instructions to them.

If we find paraphernalia, if we find some active use, we let those patients discharge right away. We call another community services who provide them transportation and see where else they can be placed. A lot of these programs come with a brand name, but again, we're trying to do things very, very differently, where we take into consideration how community feels secured. We provide a... we put on the fencing around our property, so there's only one exit and one entrance, so we can control the traffic. As we progress in the near future, whatever all the things people have mentioned, we're gonna keep that into consideration, and keep adding more safety, checklists with it. We're actually working with Village Inn, we're actually working with Waffle House and the Best Western to see how we can, mitigate all the concerns they have. Again, it's a pretty start-up, you know, like I have went to many different places in terms of, like, a city, other people like, this is the idea I have, how to how I can help the community, by providing this, because this is a big hurdle for someone to get better. If these people never get a chance, they're never gonna get better, and the homeless situation is just gonna keep on worsening. From the 10 years I have been living in Albuquerque, New Mexico, I've only seen homeless things getting worse, and not seen it getting improved. If I'm trying to do my best to provide them all the necessary tools in order to pass this, disease please try to give me a chance. If 6 months or a year it doesn't work out, I'm myself gonna say, you know, like, oh, this is not working, or we need to move out, you know? I'm a person who wanna make the change. I don't want to get anything, do anything bad with the neighborhood. I think that's all I have to say. Max, you can please add if you have something more. Thank you, everyone. Thank you, City, for hearing our, putting this together. Thank you so much.

ZHE - Robert Lucero: Thank you, sir. Go ahead, Mr. Juarez.

Max Juarez: Yeah, no, I just I understand the concerns that everybody has brought, and we're taking those very seriously, and I can acknowledge, you know, I want to acknowledge that change can feel uncomfortable. However, the individuals that we are currently serving are members of this community already. They've lived in the area, they work here, they have families here, and they deserve access to care, just like you all do. Treatment programs can't be placed in isolation, you know, they have to have access to medical services, employment services, community support. If we say that, you know, they can't be placed in this neighborhood, then what we're saying is that there really is no place for them at all in the city. That's really not something that we want to happen, that's not something that Albuquerque is known for. Our goal isn't to disrupt the neighborhood; it's really to strengthen it, and, you know, there's a methadone clinic down the street, can't speak for them. They've been accepting patients since December for their medication-assisted treatment. There's a hotel right down the street that does the same services that they've all started saying, and since we have come into

the community, they also amped up their services. Because they do see that it's somewhat of competition, and they've started accepting people.

We only do substance use only; we don't do mental health. ASAP does that, and I work very closely with the director of UNM. They do accept patients there; they have been accepting patients since we got here. We can't fully take responsibility for everything; we have actually extended our 24-hour security services to a lot of the folks that have spoken in this meeting today. I've only heard from the Waffle House member, and I've, you know, I work closely with him. He has told me his concerns. Our property is actually not dirty at all, all the time. There's never no trash. Planning and Zoning did come out to us, and that was not something that they dinged us on, was trash or paraphernalia, or some of the other concerns that have been brought up. You know, we really just want a chance to help the city and make a change, you know, and we really that's all we want. We're not here to disrupt. We want the neighborhood to stay the same. You know, so we are, we did write all these concerns down, and we are willing to make a change, and change the concerns that they have. So, thank you.

ZHE - Robert Lucero: Thank you, Mr. Juarez. So, for the applicant team, I had a few questions. Because, you know, there was some and I'm looking at, just so everyone knows, I'm looking at the use-specific standards for overnight shelter. These are found in the IDO § 4-3(C)6 and, I just want to go through these one by one, just to make sure I have it on the record, during my review, because the first one is that the use is prohibited within 1,500 feet in any direction of a lot containing another overnight shelter, and there's been some discussion of nearby shelters, but could you confirm, just for the record, whether any of those are within 1,500 feet of this site?

Max Juarez: Within 1500 feet?

ZHE - Robert Lucero: Correct, 1,500, that's right.

Max Juarez: There is none.

ZHE - Robert Lucero: Thank you and then, also the next condition is that the use has to be conducted within fully enclosed portions of the building. Is that the case here?

Max Juarez: Yes.

ZHE - Robert Lucero: Okay, and let's see, what's our zoning here is NR-LM, so the next condition doesn't apply, because it applies only in the MX-M zone. And then, the final one is sort of where my... just to give everyone sort of a preview, I mean, this is sort of where my analysis

is going to hinge is, you know, that it will not create significant adverse impacts on adjacent properties, surrounding neighborhood, larger community. I've heard everyone's testimony, pro and con, you know, both from the applicant team and the neighbors on this, and I appreciate it. You've definitely all given me a lot to consider, and so I'm going to do my best to apply the IDO to the facts that are in the record. I appreciate everyone's participation, and I will, take it all under consideration and issue my written decision in 15 days.

John Love: Mr. Lucero.

ZHE - Robert Lucero: Yes, go ahead, sir.

John Love: Real quick, I didn't get a chance to, I just want to make a comment real quick. This is John Love. I just want you guys to understand that this owner has owned this business, this hotel, when it was a hotel, before doing a shelter. They owned it at, they owned it, and also that it's a failing hotel, and that's why they turned it into a shelter, and I wish you could go onto the website and look at their reviews from customers of recently, and look at that as well, from when they owned it as a hotel and look at the 3,000 reviews from customers that were in this hotel just September, August, July, that visited this as a hotel, not a shelter and read the reviews of the treatment, and also the condition of this hotel.

ZHE - Robert Lucero: Thank you, Mr. Love.

John Love: Thanks.

ZHE - Robert Lucero: Thank you, everyone. I'm going to go ahead and close the record on this, and that concludes Agenda Item 10. Thank you, everybody.



Zoning Hearing Examiner Hearing

MINUTES

February 17, 2026

Zoom Hearing

Robert Lucero – Zoning Hearing Examiner

City Staff Present:

Shannon Halley – Principal Planner, Planning Department

Leslie Naji – Principal Planner, Planning Department

Adam Sena, Senior Planner, Planning Department

Nichole Maher – Acting ZHE Hearing Monitor

Robert Lucero: Okay, that takes us to Agenda Item 10, that is CU-2025-00045, PR-2025-020180, Partners Hospitality LLC and Karan Mahajan Empower Health Service requests a Conditional Use for an overnight shelter for Lot B-1-B, plat of lots B-1-A and B-1-B, Airport Industrial Park Continuous, continuing, I'm sorry, containing 95,035 square feet, more or less, and that is located at 2300 Yale Boulevard SE, and zoned NR-LM. Do we have a representative of the applicants here today?

Max Juarez: Yes, we do. Myself and Dr. Mahajan are here.

Robert Lucero: Thank you, Mr. Juarez. Let's see, let me, before I call on you and get you sworn in, let's go to, Leslie Naji from the City. I see she has her hand raised. Ms. Naji, should I get you sworn in? Would you please state your full name and address, city address for the record?

Leslie Naji: Yes, I'm Leslie Naji, Principal Planner for the Planning Department. 600 2nd Street NW, 87102.

Robert Lucero: Thank you, and please raise your right hand, and do you swear or affirm under penalty of perjury, that your testimony today will be true?

Leslie Naji: I do.

Robert Lucero: Thank you, go ahead.

Leslie Naji: I just wanted to make a correction into the staff report before the we commence with the hearing today... is that there was an error that was, we found out later, in our staff report, which was item 2 in the findings, which says that the applicant has apparently begun this use without a Conditional Use approval. The applicant has since sent us documentation to show that they had gone to Zoning, and Zoning had, on October 8th, told them that they were a hotel with personal services and did not need a Conditional Use. That determination was later changed, and we just wanted it to be on the record that this was not an intentional starting without a Conditional Use. It was based on what they had been told from the City.

Robert Lucero: Thank you for that.

Leslie Naji: A copy of that has been sent as additional information into the file.

Robert Lucero: Wonderful, thank you, appreciate that. Let's go back to, Mr. Juarez, if you'd please state your full name and mailing address for the record.

Max Juarez: Max Juarez's address is 2300 Yale Boulevard SE.

Robert Lucero: Thank you, sir, and then, Dr. Mahajan is there as well?

Karan Mahajan: Yes. Hi, hello there. Thank you for having us. My name is Dr. Karan Mahajan. Mailing address is 2920 Walsh Loop SE, Rio Rancho, 87124.

Robert Lucero: Thank you, sir and Mr. Juarez, if you'd please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

Max Juarez: Yes.

Robert Lucero: Thank you, sir, and Dr. Mahajan, please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

Karan Mahajan: Yes.

Robert Lucero: Thank you both. Okay, so I hope the, my findings and requests in the NOD made sense, and I appreciate all the submittals. I just want to open it up to you, please, if you could address, sort of, where things are since the last hearing. Thank you.

Max Juarez: Yes, so we actually, am I able to share my screen? We have a slideshow that we wanted to present.

Robert Lucero: Yeah, let's see, can we enable that, please?

Max Juarez: I just sent the request now.

Robert Lucero: Thank you. Let's see, is it working there for you?

Max Juarez: Alright, can you see my screen?

Robert Lucero: It's starting up. There we go. Thank you. Would you mind, zooming in or putting it in presentation mode?

Max Juarez: Zooming in... Presentation.

Robert Lucero: I'm not sure...

Max Juarez: That's interesting.

Shannon Halley - Planning/ZHE: You go to slideshow, that will help you.

Karan Mahajin: Could you guys guide us how we do the sharing more, I mean, the presentation more? We just did the share part.

Max Juarez: Yeah, we were just gonna slip through every... every...

Robert Lucero: Oh yeah, let's see, Shannon, was that you that spoke up? Do you know how to, I'm not familiar with that software.

Shannon Halley - Planning/ZHE: Yes, we should go to Slideshow at the top of your menu bar, and then it should have a button that says View. At the very top, where it says File, Home. I can't see the top of your slides anymore.

Robert Lucero: Oh, where it says, the menus are across the top of the screen, File, Home, Insert, Draw, Design.

Shannon Halley - Planning/ZHE: Yeah, it should be under slideshow.

Robert Lucero: Slideshow.

Shannon Halley - Planning/ZHE: At the top.

PLANNING ZHE HEARING MONITOR: Click on slideshow next to, between Animations and Record on the bar there. Nope, you're going past it.

Max Juarez: Am I, am I near it here?

PLANNING ZHE HEARING MONITOR: So near it, do you see where it says Animation, Slideshow... You keep popping up another box there.

Max Juarez: Okay, this one. Oh, here slideshow.

PLANNING ZHE HEARING MONITOR HEARING MONITOR: Yeah. Now you can just hit From the Beginning.

MaxJuarez: Okay. Here we go.

Robert Lucero: There we go, now I can see it well. Thank you so much.

Max Juarez: Absolutely. Thank you so much for letting me giving me the time to speak, Mr. Lucero. My name is Max Juarez. For those of you that don't know me, I am a Director of Operations for Empower Health Services. We're gonna go a little bit into the details of our program here. A little bit of our agenda. These are a few of the topics that we're going to be covering today in this slideshow. I'm not going to hit every single, I'm not going to read every single bullet point on here. I'm going to be giving you guys my own insert of basically what every slide entails. So here, consistent with ABC Comprehensive Plan, that really does just mean that, basically, we're expanding behavioral health services, and that that really reduces the stigma and the homelessness population in the neighborhood that we have started this program in.

Robert Lucero: Okay, Mr. Juarez, let me interrupt really quickly, because, let me ask you this. Do you want these slides to be, admitted as part of the record, as evidence, or do you want them only as visual aids that will not be part of the written record?

Max Juarez: Yes, please put them as evidence. I have forwarded them to, I believe, Leslie, as well.

Robert Lucero: And, were they sent by the, the deadline of, last Wednesday?

Max Juarez: No, no.

Robert Lucero: So, then what I would request is that you please read each slide completely, that it's been our policy that if things are not submitted by the deadline, if you show them on the screen and read them so that phone participants can hear, we can include them in the record, please.

Max Juarez: Absolutely, that actually honestly does... it's a little bit better that way.

Robert Lucero: Yeah, I think for this it's important to take the time to do that. Go ahead, sir.

Max Juarez: Perfect, perfect, thank you. So basically, the project overview here is intensive outpatient programming and structured sober living is what we're doing at that location. It has clinically supervised and professionally managed by clinicians there, aligned with public health, stability, and community reintegration goals, and it reduces the strain on ER, hospitals, and correction facilities. That also basically really means that this program isn't just giving people a place to stay. It's about structure, stability, and accountability. Those three pieces really guide us on how we supervise the clients and how we interact with the neighborhood. It's really important for us to also state that there is programs that are very similar in the community to what we are doing as well, and those patients have opted out of those, and have opted into our programming as well, into what we're doing, and a lot of those patients have come from similar employment, similar programs of those neighboring facilities, and they are now housed with us there, and doing great.

Karan Mahajan: Yes.

Max Juarez: Regulatory compliance. Our program complies with City IDO, Development Process Manual and adopted regulations, meets occupancy, staffing, parking, life safety and security standards, fire marshal, building safety, health and safety codes, observed commitment to ongoing coordination with the City departments. Basically, what this slide is entailing is what this model does is put supervision, accountability, all in one place, which helps protect the neighborhood and reduces emergency calls and supports long-term recovery. Community impacts, no adverse effects. Structured schedules, rules, and curfews. Non-compliance equals discharge, basically. 24-7 staff and security oversight. On-site programming and coordinated transportation, evidence-based approach reduces relapse, recidivism, and homelessness. What this slide really is trying to entail is compliance isn't something we figure out later. It's built into how we operate, and we stay in communication with the City to really stay accountable as well. Community impacts and no adverse effects. Staggered intakes during the during the day.

Karan Mahajan: Just move that. You already talked one better. I'm gonna go back.

Robert Lucero: And just make sure you read every slide, if you want it included in the record. You're sort of zipping through stuff.

Max Juarez: Okay, so for this slide. Traffic, parking, and noise mitigation, staggered intakes during the day, no overnight intakes at all. Parking demand lower than retail commercial uses, predictable on-site use, indoor operations only, no amplified outdoor activity at all. Proactive measures, screening, policy enforcement, and supervision. Really what this slide is entailing is

the goal here is simple, activity stays inside at all times, on a schedule and out of the public view. Arrivals are staggered, transportation is coordinated, and evenings stay quiet, because everything happens indoors, and again, is always supervised. Operations and staffing. So here, 105 patient rooms total capacity, total capacity is 210 patients, 25 dedicated staff, 24-7 security, steady flow, average 5 to 8 intakes daily from 6 a.m. to 2 p.m, average 5 weekly transitions. Clinical operation, clinical operational, and peer support in secure environment. This slide basically is saying what really matters here is predictability, steady admissions, constant supervision, again, and super and support services running all day long. Every single day. Alright, key zoning requirement, fully enclosed operations. All activities occur, again, inside, at all times. No outdoor sleeping, no outdoor waiting, no outdoor services, or loitering. Intake, sleeping, restrooms, and all-staff areas are all indoor controlled and supervised entry and exit. So, we use one controlled entrance to keep things organized and predictable for our program. There's four entrances total, 3 are secured, everyone comes in through one monitored entry and exit, so we can manage safety and the traffic as well. So attached here are some photos from different days and times showing the property stays calm and well-maintained.

Bill Henz: Are we staying on time?

Robert Lucero: I'm granting additional time. Go ahead.

Max Juarez: Thank you. Attached here is a video, also to just further... it's a minute video, to really further entail and demonstrate the calm atmosphere and well-maintained condition of our program. During the nighttime hours, you can see that, you know, we really maintain the outside of the facility. We have security at all times. They monitor this and make sure that everybody is indoors at all times and this really just gives you an overview, 360 view of the entire facility, from the main entrance all the way back to that same main entrance. You can see the neighboring commercial properties next to us here, the exit that is chained off. To mitigate any traffic at night as well.

Robert Lucero: And that chained-off exit, is that to the north?

Max Juarez: Yes, that is to the north. This, one is to the east to the west, and then it brings us right back to the main entrance here that is monitored all day long. There we go.

Robert Lucero: Thank you.

Max Juarez: And let's see, enforcement of indoor-only policy, again. Strict no loitering policy outside the building. Staff addressed noncompliance immediately. Guests may be removed for

repeated or serious violations. Goal really is to keep all activity inside and orderly at all times. Staff step in immediately if behavior doesn't meet the expectations of our program, and repeat violations always leads to removal. So, the goal here really is to prevent issues, not to react to them. Hours of operation and quiet hours quiet hours is from 9 pm to 6 am. There's no outdoor lines, gatherings, or waiting areas during quiet hours. All movement remains inside the building, entry and exit controlled and supervised again. So basically, overnight movement is minimal, supervised, and indoors, and in all honesty, the neighbors shouldn't notice any change at night. Late night activity and control. No overnight or emergency intakes whatsoever. No unsupervised walk-up activity at night. We focus on preventing noise and disturbance. The goal is no increase in late-night activity near residential areas. Admissions are structured and supervised, so this isn't a walk-up location at all overnight, and surrounding streets stay quiet.

Robert Lucero: Did you, what is meant by no unsupervised, walk-up at night?

Max Juarez: So, basically, nobody can come into... nobody can come off the street and just kind of hang out at night to wait for an intake until staff gets there. We let them know that they're you gotta come back in the morning at 6 AM, and we get them going out of the neighborhood. We don't let them wait around or hang out in the neighboring facilities, either.

Robert Lucero: Okay.

Karan Mahajan: They have to talk to the security.

Max Juarez: Yes, and for any reason, if our clients have to leave, they talk to our security as well to get permission. They don't just get to walk off the property. It's always supervised. They ask for permission, they check out, and most of the times, we have staff that will take them and bring them right back.

Robert Lucero: Okay.

Max Juarez: Security and supervision, 24-7 security, controlled entry and exit, clear behavioral rules for all guests, coordination with authorities if needed. Staff and security are always present, again, and we communicate with local authorities if needed, and get any concerns handled fairly quickly. Zero tolerance policies, no violence, no dealing of illicit substances or illegal activity, no disruptive or disorderly behavior, immediate action by staff if rules are violated at all times. Staff and security are always present and so, also, the program only works when expectations are clear and constant. So, we're constantly reinforcing every single one of these

bullet points here every single day to the patients. Neighborhood impact and mitigation. Enforce quiet hours overnight, no outdoor congregation at any time. Staff monitor exterior areas, daily trash management, and property upkeep. Staff checks the exterior all day long, every single day. We maintain the property daily, so it blends into the neighborhood instead of changing it. Again, we're not here to change the neighborhood and the aesthetic of it. We really just want to stay under the radar and make a change in the community at the same time. Location context. 2300 Yale Boulevard SE, 695 feet from the nearest residential area, buffer from residential zones with access to transportation and services, proximity to medical providers, community resources and jobs. This location really gives us access to transportation, medical care, and jobs, while still keeping distances from nearby homes. The nearest residential neighborhood here, if you guys are able to zoom in, please feel free. The nearest neighborhood is about 695 feet away.

I measured it using the Google Maps ruler shown in the image. The other surrounding areas here are all commercial properties. So, the impact on hospitality and businesses. Demand and supply rule, partners taking 150 rooms, 115 rooms off the market for hospitality business directly benefits competitors. Really, what we're trying to say here is taking out rooms taking rooms out of this property doesn't remove demand. It shifts it to the nearby hotels and keeps occupancy in the area steady. Community communication. Designated contact person for neighbors and businesses, complaints logged and reviewed promptly, corrective action taken when needed, commitment to being a responsive neighbor. So basically, there's always a line, a direct line of communication to me with any incidences that happen. We deal with them immediately, we take them very seriously, and we always follow up. Even if it's somebody in the neighborhood that thinks that it's something going on with our people, even if it's not, I still take care of it, and I still follow up just to make sure that we keep the neighborhood safe as well, and yes, and again, we've also extended our security services to the neighboring facilities around us. Commitment to compliance. One, follow up. Follow all City Albuquerque regulations. Two, comply with conditions of approval. Three, protect public and safety surrounding properties. Four, make reasonable operational adjustments if required. If something needs adjustment, we address it. The goal is protecting both the public and the surrounding areas. Outcomes and community benefits. One, strong sobriety maintenance driven by structure and clinical care. Two, employment support, 26 clients working together. 3. Three benefits fewer visits and law enforcement calls. Workforce reintegration. So, stability for individuals leads to stability for the community. These outcomes come from real daily structure.

Karan Mahajan: Yes, this is Dr. Mahajan and you know, like, I really want to everyone to pay some attention on the security benefits. From the time we have opened, you know, like, we have close to 89% of the patients who are fortunately, are doing really good, by achieving sobriety. And they really like the structured place where they have second chance of life, and they're very thankful for what we're doing, because they've never seen such an integrated program where all their requirements for to achieving the sobriety and move on with the life have met at one place. I'll be more than happy to extend anyone who would like to take a tour. You give us a heads up, and we coordinate with everyone. You know, like, I'm very happy, and it's very gratifying for us as a company. To achieve such a success at this point. From the time we have started, more than 26 clients are currently working currently; that's a big number for what we have been doing. And please note, a lot of these clients is working around the surrounding neighborhood businesses and, you know, like, they get the employment, and they have been thriving, through the whole process. What does it help? You know, if we have capacity of 210 patients, we're currently around 140 patients. Please note, 140 patients are off the street, there's less crime on the street, the tendency to do participate in any kind of criminal activity is have significantly decreased. That's a big, big number, 150 people who are off the street; they got a second chance in life, and doing well towards getting, their own housing. We have close to 5 people who have moved out of our housing, temporary housing program, have their own space, and we do have one testimony for one other patient who's here. We'll request if we can do that. We are almost done with our presentation. It also helps with the, you know, fewer ER visits. There's fewer law enforcement calls and workforce reintegration.

In the summary, you know, like, we like to, as, you know, Ms. Naji mentioned, we did ask for permission, but later on, we were told to go through this channel. We are happy to comply with everything, however we need to do it. But again, we are fully enclosed, supervised and structured operation. Strong controls on the noise, loitering late-night activity, clear security and mitigation measures, commitment to responsible and community-minded operation. Please also note, we did ask one of our employees to stay in one of the neighboring properties and stay up late to see do we hear all these noises, all the things we heard in the last hearing. Please also note we also have overnight security from 6 p.m. to 6 a.m. on the weekend. They were up till 4 in the morning, and they told me, Doc, it was very quiet, they didn't hear anything, it was as smooth as possible. I go to the property every day, besides checking with my staff, I check with the clients. How was your night? How are things working out? A lot of people have a lot of good things, like, we had a quiet night, we had no issues and everything. Let's concludes our presentation. If, Mr. Lucero, if you have your permission, we have one testimony from a patient who stayed here with us and have moved out, after securing his own space. Is that okay with you?

Robert Lucero: Yes, yeah, is that person there with you?

Max Juarez: Yes, he is, he's coming right now.

Robert Lucero: Thank you. Go ahead, sir, if you'd please, state your full name and mailing address for the record.

Steven Chavez: Steven Chavez, my mailing address is 2302 Garfield Avenue SE, Albuquerque, New Mexico, 87106.

Robert Lucero: Thank you, Mr. Chavez. Please raise your right hand. Do you swear or affirm under penalty of perjury that your testimony today will be true?

Steven Chavez: Yes.

Robert Lucero: Thank you. Go ahead, sir.

Steven Chavez: Yes, honestly, this Empower program was life-changing for me and my partner. We had tried for 2 months to get into other programs that were around, like, Anchor, and we heard about Empower through Gateway East, and they called, and they accepted us in, and it was really cool because every other program didn't let us go into the program as a couple. They wanted to separate us and have no contact for a month, and then go into separate houses, but this place actually let us stay together as a couple, which was really, like, helping for us, because we're all we had, you know, when we were on the street in our addiction. So, it really helped us to stay, maintain and stay sober, and they, the first week that we were there, they asked us what we needed, as in, like, documents for us to get jobs, IDs, social security cards. You know, we told them what we needed, and the next week, they were already making us appointments, taking us to where we needed to go to get those things done. So, it was a tremendous help. All the staff is great. Counselors are amazing. I still feel homesick I go to the program and visit with everybody, and it's home, you know? They really do care, Max, and I'm sorry, Doc, I can't say his name, but Doctor is they're amazing people, they really do care, and they put all their heart into this program, so without them, I wouldn't be where I am today.

Robert Lucero: Thank you for your testimony, sir.

Steven Chavez: Yes, yes, I moved I moved out into my own apartment. I, me and my partner both have jobs, both in management positions, so definitely they do care, and whenever they say they help, they help the community, they really do.

Robert Lucero: Thank you. Okay, let's see, Mr. Juarez, Dr. Mahajan, anything else that you'd like to add before I call for public comment?

Max Juarez: No. That is it.

Robert Lucero: Okay, bear with me just one second. I want to, because I'm just going through the NOD and, sort of the questions that I posed, and, just want to make sure that I didn't have any questions before we go to the public comment. Bear with me one second. So, you know, one of the questions that I had was on, was regarding the potential increase of non-residential activity, and I know you had some slides regarding that and showed that, you know, the prop... the nearest residentially zoned lot is not, within 300 feet. I think your measurement was maybe from the center of the... of your lot to the edge of their lot. I think under the IDO, it should be edge to edge, but my impression is that even where that measurement made, it's still not within 300 feet, but I think that there still could be impacts. You know, it doesn't say that this requirement doesn't apply if there is no lot within 300 feet. It just says that your use cannot increase it within 300 feet. So, what I'm getting at is that there could be off-site impacts, for instance, potential, residents... do you call them residents or patients? How do you refer to the people that you serve?

Dr. Mahajan: Clients or patients.

Robert Lucero: Okay, so there could be potential clients or patients that are walking through the residential neighborhood that, obviously, that would be an increase activity. How do, how do you mitigate against that? You... you mentioned about the nighttime, you know, no nighttime waiting, things like that. Could you elaborate on that point? How do we... how do we, ensure that there, or, you know, mitigate against sort of increased pedestrian traffic of folks that are attracted to the center albeit for the right reasons, you know, they want to get treatment, but it is, unfortunately, and then if they can't get treatment, then they're maybe going into the residential, neighborhood and trying to find somewhere to sleep until you guys open up. See what I mean? That's what, that's what my concern is. How do we mitigate against those?

Dr. Mahajan: Yeah, so, very good point, you know, like, so what we have from the after the last meeting, what we have implemented is we have our security drive through a couple of times a

day and a couple of times at night to make sure no there's no, like, camp reinforcement and things like that in the neighborhood. Like, 3 weeks ago, we got a call from our neighborhood, I think it's on the backside to our property, that there were some camp person who was waiting to do an intake tomorrow and, or next day, and it was very cold, so she let them, like, camp there, but, she's like, whom should I contact? So, we gave her the number, and then we have our security go through that area to make sure nothing like that is happening. Can we be, like, 110% successful? Likely not. I'm kind of a very realistic person, because I cannot control everyone's movement around the area, because it's a free society, free world, you know? But if we take around and we see that, oh, they're waiting on our... for intake to our program, we tell them to come in the morning, you can camp around this area. We'll provide them resources where you can stay overnight at the shelter, and either our staff or that other shelter, can bring you back bring you to the program here, because we do intake from 6 a.m. to, 2 p.m, so that's how we have came up with some kind of ideas to help prevent it. Are we open to hear more ideas if the community has it, or if the city has it. We'll be more than happy to see if we can successfully implement that. But, we have our staff and the security go to the surrounding neighborhood a few times a day, a couple of times at night, to make sure this doesn't happen.

Robert Lucero: Thank you, sir. Mr. Juarez, anything to add to that?

Max Juarez: No, that's basically everything he said is accurate. Since then, we really have just been providing our services, again, into the neighborhood, extending them in there, without anybody asking, just to make sure that nobody is loitering around or camping around. Really, just to clean up the street so that nobody's hanging out.

Robert Lucero: Thank you, sir. Okay, well, I'm gonna go ahead and open up the public comment portion, and then the applicant team will have a chance to respond to the public comment. So I'm just gonna go in order as I see folks on my screen. I see Robin Berry waving a hand. Are you there? Looks like you're on... Oh, there you go. Thank you. Would you please state your full name and mailing address for the record?

Robin Berry: Robin Berry, 2123, Cornell Drive SE, Albuquerque, 87106.

Robert Lucero: Thank you, and please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

Robin Berry: Yes, I do.

Robert Lucero: Thank you. Go ahead.

Robin Berry: Okay, first of all, I'd like to indicate that upon receipt of your findings, I received your findings on February 6th, it indicated that there was a continuance and you needed additional evidence. In that findings, it did not indicate when you needed them by, where to submit them at, how to do any of that I'm curious, did you receive a letter that I sent to you?

Robert Lucero: Let me check in the record.

Robin Berry: I put it under the comment... the public comments or something, but it was done on, I believe, Sunday.

Robert Lucero: No, if it was if it wasn't done by last Wednesday, then I wouldn't have it in the file. But if you have it handy, you could show it on screen and read it into the record, and we'll make sure it's included.

Robin Berry: Okay Let me see if I can figure out how to do that.

Robert Lucero: Or if you like, you could just read it, if that's easier.

Robin Berry: That's probably easier, because I don't know how to turn the camera around on this thing.

Robert Lucero: Okay, no worries. Yeah, go right ahead, go ahead and read it.

Robin Berry: Okay, after receiving the ZHE findings on Friday, February 6th, indicating a continuance, the Albuquerque Police Department was contacted regarding calls and incident at the subject address of 2300 Yale Boulevard SE, and police reports were requested. At the time of this request, APD indicated a waiting period for police report copies to be 7 to 10 days. APD Records called on Friday, February 13th at 3:51 PM, indicating the police reports were ready for pickup. However, their office closed at 4 pm that day. It's closed weekends and was closed yesterday for President's Day. Therefore, the copies of these reports were unable to be attained before today's hearing at 9 am. However, I off the letter, I did pick them up, they were picked up this morning, so I now have copies of those reports. From November 2025 through February 12, 2026, there were 25 officer calls and 8 on-site calls at 2300 Yale Boulevard SE, which resulted in 10 police reports. Although I have not seen these reports, it is also my understanding that these range from trespassing, battery on a police officer, assault, and narcotics. Would you like me to read off the case numbers that I have?

Robert Lucero: Yes, please.

Robin Berry: Okay, I have case number, 2500- 96735, case number 2500-97570, 2500-98628 the next one is 2501-04003, the next is 2501-06628, the next one is 2501-08907, the next is 26000-3362, the next 26000-6792, 26000-6961 and the last is 26000-7177.

Robert Lucero: Thank you. Let me jump in real quick. So, the reason that I asked you to read those is so that they're available for the public to look. I am constrained by the Code of Judicial Conduct, which requires that I cannot undertake any independent investigation. That means that I cannot go look up these reports and read them, nor will I. If, you know, however, you know, I want them to be on the record, and I want... because, you know, I think that is direct evidence of potential, negative impact, and I want the applicant team to be aware of that and have the opportunity to address those. So, thank you for reading those, and go ahead and proceed with your comments.

Robin Berry: Okay, in conclusion, on January 20th, 2020... never mind. Let me skip... can I skip that part of the letter?

Robert Lucero: Sure.

Robin Berry: Because that was already addressed obtaining the conditional use approval.

Robert Lucero: Okay.

Robin Berry: Since the Recovery Center began operating in November 2025, a significant number of unlawful activities and incidents have occurred at 2300 Yale Boulevard SE, resulting in 25 officer calls and 8 on-site calls. Due to time restraints, as indicated previously, copies of these reports were unable to be obtained prior to the February 17th hearing. If given the opportunities, copies of these police reports for 2300 Yale Boulevard SE can be submitted, this week I can submit them. These unlawful accidents and incidents are bleeding out into the surrounding areas, as testified to at the previous hearing of January 20th. These calls and complaints have resulted in a continual police presence at the subject address. The illegal activity, sorry, and incidents reported at the subject property cannot be and aren't confined to that address, and are clearly causing adverse impacts on adjacent properties, the surrounding neighborhood, and the larger community.

Robert Lucero: Thank you.

Robin Berry: You're welcome.

Robert Lucero: Did you have anything else, Ms. Berry?

Robin Berry: The only other thing I will say is that when these were picked up this morning, there were also 6 ACSWC calls for 2300 Yale Boulevard, which is Albuquerque Community Service calls. I'm not quite sure what they are. I'm assuming it has to do with homelessness, I'm not sure. But it's bleeding out beyond their... I mean, it's coming from their property and going out beyond that.

Robert Lucero: Thank you for your testimony.

Robin Berry: You're welcome.

Robert Lucero: Mr. Juarez, I see you have your hand raised. Let's go through all the public comment, and then if you could just sort of make notes, and I'll let you have the chance to respond at the end of the public comment. Thank you so much.

Robert Lucero: I'm just gonna go in order as I see folks on the screen. There's numerous people with a hand raised. Let's go next to Bill Henz, are you there?

Bill Henz: Good morning, Mr. Lucero. Yes, I'm here.

Robert Lucero: Thank you, sir. Would you please state your full name and mailing address for the record?

Bill Henz: Bill Henz, 2417 Baylor SE, 87109.

Robert Lucero: Thank you, sir. Please raise your right hand, and do you swear or affirm under penalty of perjury, that your testimony today will be true?

Bill Henz: I do.

Robert Lucero: Thank you, sir. Go ahead.

Bill Henz: Well, since the hearing that was held on January 20th there's been a continuing problem with this property and the activity that's being allowed to take place there without a

permit. Specifically, there's been an increase in loitering; there's an increase in trash. There's been vehicles left abandoned for days, and reports to the Albuquerque Community Services for homelessness, people hanging around on the neighborhood, and none of this existed prior to this new activity at the applicant's address. I would take issue with their lack of data to support their slides that there are no adverse effects. I would also take issue with their slide that says, they have security patrols. What is their definition of a security patrol? It seems to me they said they stop by from time to time, and they patrol on an irregular basis. They do not have an on-site patrol, or presence, car, uniformed person, anytime I pass by. Never, day or night. We have visitors that use the Best Western next door, and will walk to visit us, and they have informed me that they are accosted, panhandled, and harassed by people at the applicant's property that makes them uncomfortable, and it makes them want to stay at other hotels and visit us less frequently. It's a demonstrated adverse impact on the on the community by the presence of this facility. I would just like also to say that we've had widespread opposition to this in the community by businesses, by people who live in this neighborhood, and it seems to me that the preponderance would outweigh the granting of this application. Thank you for your time.

Robert Lucero: Thank you, sir. Let's go next to Lori Henz. I see you have your hand raised, are you there?

Lori Henz: Yes, I'm here.

Robert Lucero: Thank you. Would you please state your full name and mailing address for the record?

Lori Henz: Lori Henz, 2417 Baylor Drive, Albuquerque, 87106.

Robert Lucero: Thank you, and please raise your right hand. Do you swear or affirm under penalty of perjury that your testimony today will be true?

Lori Henz: Yes.

Robert Lucero: Thank you, go ahead.

Lori Henz: We're here today because the problems that we raised at the last hearing have not improved, and I agree with both Robin and Bill, they have actually gotten worse and are continuing. Since before Thanksgiving and continuing after the hearing, we have documented drug paraphernalia, trash, human waste, tents, abandoned vehicles, repeated police presence, fire department presence, and since the last hearing, we even had a fire, right across the street,

that we did have to call police and fire out to respond to, and that escalation alone just highlights the risk that this entire neighborhood is being put into. Loitering is witnessed daily after 3 p.m. Individuals from the facility continue walking through our fenced property and come up to our facility, walking in and among all of our employees' vehicles, and we have a gated business property with a fence on it. Our employees are approached when they arrive early in the morning, they're approached again when we're locking up at night, and they are not feeling safe. I can't have our team members be put at risk continually. We were told that there would be security. Earlier, one gentleman said it's 24-7 coverage, but then the second gentleman said that the coverage was on the weekends and the evenings. So, I'm really concerned, when is that security happening? Because we have been here morning, noon, and night, and we have never seen security. The conflicting representations and what we're seeing does not reflect effective security, nor does it give our city a good air about it. This is on the way from the airport. Everyone is witnessing this, and all of the trash that's outside of that business and across the street, over at the Commission for the Blind, and then the bus stop that the Commission for the Blind attendees use. We were told that the property would be enclosed. It is not enclosed. A chain strung from traffic cone to traffic cone is not a fence. Anyone can drive over that, and even in the video shown, you can see that that chain was either driven over or knocked down. That is not a barrier for cars going in and out of that facility. This is a tax-paying business district. The continued lack of mitigation demonstrates this use, as currently operated, is not compatible with the surrounding properties and we, again, ask not to approve or extend this use without enforceable conditions and verifiable security measures. Thank you.

Robert Lucero: Thank you, Ms. Henz. Let me ask you a quick question. So, you testified that, you know, you and your employees have been approached by folks. Could you tell me a little bit more about that, and did that happen before this use went into effect? If so, has it increased since then? Tell me a little bit more about that, and what do you mean by approached?

Lori Henz: We've had people come up to our employees. About 2 weeks ago, we had a lady walking through in front of our building, in between our employees' cars, carrying a knife. A large knife, and our employees couldn't get out of their vehicles because of it. We've had people come into our fenced facility and walk around, and then go back out onto the street and go up further east from the Hotel Ramada Drug Treatment Center up to our building, and then further up north, I'm sorry, further up east. We've had people go out to the cars and sit in front of the vehicles on the sidewalk. There are tents that have been in the areas where our employees park on the street legally. We are... we're not able to park over there because they fear of getting out of their vehicle for the the unknown of parking next to people that should not be, if

they're being treated by the hotel, they should be in the hotel, not having campfires out on our sidewalk blocking our employees' paths.

Robert Lucero: Okay, thank you and, oh, could you also address, did you say that this has increased since the use went into effect? Is that what you said?

Lori Henz: I have not seen a decrease. I haven't counted, and I wish I would have now, but we have not seen any measurable decrease since the last hearing. We have seen the same, if not more. The loitering, we've seen more.

Robert Lucero: But I mean, before this use went in, did you and your employees experience this?

Lori Henz: Before it started operating, before Thanksgiving, no, we have never had this, and we've been in business for 31 years. We have never had this issue.

Robert Lucero: And would you mind telling me what's the business name and address?

Lori Henz: Advanced Communications and Electronics, 2417 Baylor Drive, Albuquerque 87106.

Robert Lucero: Thank you.

Lori Henz: Thank you.

Robert Lucero: Let's go next to Joseph Orona, so you have your hand raised, are you there?

Joseph Orona: Yes, I am. Good morning.

Robert Lucero: Good morning, sir, would you please state your full name and mailing address for the record?

Joseph Orona: Joseph Orona, 2400 Miles SE, Albuquerque, New Mexico 87106.

Robert Lucero: Thank you, sir. Please raise your right hand, and do you affirm, under penalty of perjury, that your testimony today will be true?

Joseph Orona: Yes, I do.

Robert Lucero: Thank you, sir. Go ahead.

Joseph Orona: Well, I'd like to register again my strong opposition to this. While I applaud the services that they provide to the community, I think it is it is just highly inappropriate to have it in this location. I think probably more, and a more appropriate location might be the City's Gateway Center but I've been, we've been having the same sort of problems that the other people before me have complained about, loitering, mainly. You know, listening to the PowerPoint presentation that the applicant provided, you know, they mentioned that loitering control is done at the facility. And that's great, but what about the rest of the neighborhood? I have never, never seen any patrol around my business, so I just want I wanted to come on here just to register my strong opposition to this. Thank you.

Robert Lucero: Thank you, sir. Let's go next to Donald Love. Are you there?

Donald love: Yes, hello.

Robert Lucero: Thank you, sir. Would you please state your full name and mailing address for the record?

Donald love: Donald Love, 2125, Stanford Drive SE, Albuquerque, New Mexico, 87106.

Robert Lucero: Thank you, sir, and please raise your right hand.

Robert Lucero: Do you affirm, under penalty of perjury, that your testimony today will be true?

Donald love: Yes, sir.

Robert Lucero: Thank you. Go ahead, sir.

Donald love: Yes, I'm the owner of the Waffle House right next to the facility, and I was there last night, or just this morning at 12:15, there are 3 people standing outside my door, asking for money. I told them they had to leave. Two of them walked towards the aisle. The other lady, she walked and went inside the facility. Now, they're saying that they can't have nobody out at night, but they were there. Another concern is that when they're waiting for the intake, many times, they're waiting in my parking lot. I had one gentleman staying there for 2 days. I didn't know what he was doing. I walked to him and asked him, what are you doing? And he told me, I'm waiting for to get inside the facility. So he slept in the car for 2 days in my parking lot, trying to get in. Another incident is that when they do release them at 6 in the morning, they go into the

front of my building and hang out for an hour or two before they go anywhere else, and they took off my sewer cap on one of my, in my restaurant, and dropped a beer bottle down there that actually cost me \$15,000 to replace. So, again, I've been doing this and running the restaurant for 20 years, and we haven't had this problem before at all. So that's... that's where I'm standing right there, that it's not good for the businesses around there at all, and they're saying that it's controlled, and they don't go at night, but at night, I'm there, and I see them walking around during the daytime, I see them hanging out outside the building with music on, playing loud and everything else, and it's not a good look for the restaurant or the neighborhood association. That needs to be taken care of. They are open to, you know, us contacting them, but I don't have time to police their business. You know, they want us to come every time they have a problem to tell them, I don't have time to do that. That's their job, not mine. So, that's (INAUDIBLE)

Robert Lucero: Thank you, Mr. Love. Let me ask you a question. Did any of these sort of adverse negative impacts, occur before this use opened up next door?

Donald love: No. I mean, we have maybe one homeless guy every once in a while, you know, come ask for a burger or something like that, but I mean, it's very rare, very rare, and now, you know, we're at the incidents that we're policing our building. We gotta tell them they gotta leave, they can't be there, they wanna come in and come out to use the restroom, you know, and we're just policing them right now.

Robert Lucero: Thank you, Mr. Love. Anything else you'd like to add?

Donald love: That'd be it. Thank you.

Robert Lucero: Thank you, sir.

Robert Lucero: Let's go next to Deborah's iPhone. Are you there? Looks like you're on mute there.

Debra Love: Yes, let me just step out real quick, give me one moment.

Robert Lucero: Oh, you got it.

Debra Love: Okay, are you still there?

Robert Lucero: Yes, thank you. Would you please state your full name and mailing address for the record?

Debra Love: Yes, I apologize, I'm at work, so I was coming in the stairwell. I hope you can still hear me.

Robert Lucero: Yes, I can hear you.

Debra Love: Perfect. My name is, Deborah Love. Address is 1529 Wheeler SE Albuquerque, New Mexico, 87106.

Robert Lucero: Thank you, and please raise your right hand.

Debra Love: Yes sir.

Robert Lucero: Do you swear or affirm under penalty of perjury, that your testimony today will be true?

Debra Love: Yes.

Robert Lucero: Thank you, go ahead.

Debra Love: So, I have sent in to the, and I do apologize for the echo, I have sent into the, Mayor's office, as they requested me to do, and to also send it over to, Adult Protective Custody. I have sent over documentation. I have done, actually, 32 calls to the City. I have, went to go pick up my son one night, or help him with his car, and literally, when I turned the corner, I had to turn off the heat in my car because of the smell of fentanyl. My biggest concern at this point in time is the children. I have a minor child who's in the fifth grade, who goes to an elementary school, who I have to literally take to school and pick up, because the bus stop, which are public bus stops in front of this business, are no longer accessible. They are no longer safe. That location, I go walking up through that location. I have been approached numerous times for money. I had to call the police on one of the gentlemen, and I have sent all this document and pictures and information to the city office, and I can give you the individuals that I sent them to.

Robert Lucero: Thank you. You know, no, I think that's it. Did you have anything else you'd like to add?

Debra Love: Did you want the addresses to Snash Boo?

Robert Lucero: Yeah, you know, the unfortunate thing is, you know, I can't undertake any sort of independent, investigation, and so, but I think, I think just your testimony.

Debra Love: Sure

Robert Lucero: (INAUDIBLE) at that time. Thank you.

Debra Love: Oh, yes, I do have something to add. So, at this point in time, to utilize the bus stops in the area, and also the City transit system, we aren't able to at this point in time. Before October 31st, because it actually started October 31st, we were able to... I, myself, have gone to the location because I didn't understand what was going on, and have myself talked to the, front desk staff, as far as what the facility was, what's going on, and, I guess my biggest question is, how's it being operated if there's no proper, sure, sure. If there's, no proper, licensing at this point in time, how was it even able to operate?

Robert Lucero: Thank you. I appreciate your testimony, and yeah, unfortunately, I can't answer that question, you know, about, why is it allowed? That's really for code enforcement.

Debra Love: Sure.

Robert Lucero: To determine. I'm just an independent hearing officer, but I appreciate your testimony. Thank you for participating.

Debra Love: You're welcome.

Robert Lucero: Thank you. Let's go next to J Love, are you there?

John Love: Yes, sir, can you hear me?

Robert Lucero: Yes, thank you. Would you please state your full name and mailing address for the record?

John Love: John Love, 2117 Stanford Drive SE, Albuquerque, New Mexico, 87106.

Robert Lucero: Thank you, sir. Please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

John Love: Yes, sir.

Robert Lucero: Thank you. Go ahead.

John Love: I did drop some documents and pictures off at your... at the Planning office. I don't know if you received them, probably over 100 different photos showing what's going on in the neighborhood just recently, probably in the last 3 weeks. I work in the medical field with the doc and understand the substance abuse and what's going on with these patients. In the last few weeks, I've participated in three CPR resuscitations on their patients, their clients, out in our community, one at the bus stop. I have a video of that, one in the neighborhood, and one in the joining businesses. These individuals are leaving at night. I have video of that. I have to show you a picture. They leave out the room. Security can't secure all the rooms at one time. They wait for security to go around the building. They go out the room. They access drugs. I know there, I know from the CPR resuscitation, there were patients of that facility, because they ran back to that facility and got Narcan and brought Narcan back to help end this situation, and I asked, hey what are you guys doing? They said, we come out here to smoke; we come out here to do drugs. Just like another person said, they lit a field on fire close to our neighborhood. I did send a picture of that to you guys as they were cooking. They are cooking fentanyl and drugs on the sidewalk across the street from the facility. The residue is still out there. We have to police our neighborhood to clean this up. We, you know, our dogs get in that, our kids can mess with that. We have to police the neighborhood to make sure all these areas are clean before we can even let our kids or family members out to walk around or even play. It's a big issue, and the drugs, and what's happening... what's happening at the facility is great, but what the facility doesn't understand, what's happening outside the facility, because they're in this area and doing this, is what we're dealing with what we're dealing with on a 24-hour basis, and it's not fair. We've all lived in this neighborhood for 70 years. My family's been in this area for 70 years, and we've never been through anything like this. Anything like this.

Robert Lucero: Thank you for your testimony, sir. Let's see, I see Lexi Green with the hand raised, are you there?

Lexi Green: Yes I'm here, can you hear me?

Robert Lucero: Yes, thank you. Would you please state your full name and mailing address for the record?

Lexi Green: Yes, it's Alexis Green, 2114 Cornell Drive SE, Albuquerque, 87106.

Robert Lucero: Thank you. Please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

Lexi Green: Yes, I do.

Robert Lucero: Thank you, go ahead.

Lexi Green: Okay, so like Debra and J Love had said, specifically, starting with Debra, our bus stops are now inaccessible. There's a gentleman that actually lives on one of the bus stops. It appears that he lives there. He's there pretty much 24-7. There's frequently bottles of urine around him. We have witnessed him using the bench as a bathroom, and, that was, we called police on that. I frequently use the bus stops to get to and from the airport, because I run a business through there, and I no longer feel comfortable using them, because of the amount of people that are loitering there, the gentleman that's living on the one bus stop. We cannot safely use those bus stops from our neighborhood anymore, and J-Love had said that there is a mark on the sidewalk from where they were cooking drugs. I have a photo of that, and I submitted that yesterday. I didn't see anywhere on the paperwork that we received, the timeline to submit it, so unfortunately, all the photo evidence that I have, I did not submit until last night, but I have pictures of the facility, of the fencing that they claim to have up, which, as someone else had mentioned, that fencing is just a wimpy chain, and one of the photos that I submitted includes the chain... it looks like it had just been driven through, and it's just laying on the side of the road. There's really no protection, because of these chains that they have put up, and I believe it was Mr. Juarez who said that there were no overnight intakes, and that is part of the problem, is when people are coming to this facility, they're not accepted there at night, so they're coming into our neighborhood, and they're causing issues in our neighborhood and that... that remains part of the problem. The security that they claim to have, we have never seen. I've never seen security patrolling the facility.

We've never seen security outside of the facility, and that still remains a problem. The gentleman also stated that there's one controlled entry and exit, which may be true for the classes or whatever they're putting on inside. However, all of the rooms are exterior facing, and so there is really no way to control when the residents are leaving, and with the lack of security, they cannot reasonably show who is coming and going out of these rooms. And with the lack of I guess, fencing around the facility, they... they can't state that these people are being monitored while they're coming and going, because they're not, and while we support everything that is happening here, it is causing a lot of issues within our neighborhood. They stated that

they're constantly enforcing these policies that they had shown on the slideshow, and while they may be doing that in the facility, when people are breaking these policies, they're coming into our neighborhood to use drugs, to cook drugs and to build fires to stay warm, and again, that's part of the photo evidence that I uploaded last night to back these claims, and then, while they were stating that the facility was I believe it was 640-some feet from the closest residential neighborhood. I did a quick Google Maps search on that, and so it's not going to be accurate down to the foot, but from the edge of their property to the edge of the nearest residential property, it's just over 300 feet. So, a lot of the people, the people that are waiting, and a lot of the issues are very easily spilling over into our neighborhood.

Robert Lucero: Thank you for your testimony, Ms. Green.

Lexi Green: Yes, of course.

Robert Lucero: Okay, so let's go back to the applicant team. Well, let me just do this. Let's... is there anybody who's not yet spoken who would like to provide public comment? Again, for everybody, we're on the last line of the agenda, agenda Item 10, and this is the last call for public comment. Anyone who's not yet spoken?

John Love: Mr. Lucero, can I say one more thing real quick?

Robert Lucero: Very quickly, sir. (INAUDIBLE)

John Love: The gentleman that they refer to that's living on the bench, I actually sat down and spoke with him. His name is Adrian, and he said he's trying to get into the building, into that center. They keep rejecting him, and since he can't get in there, he's just gonna live on that bench.

Robert Lucero: And just to clarify that, would you please state your full name, and I'll just note that you've already been sworn in.

John Love: Okay, it's John Love.

Robert Lucero: Thank you, Mr. Love.

John Love: Alright, thank you.

Robert Lucero: Okay, so let's go ahead and go back to the applicant team, then. Having heard the public comments, would you like to respond, Mr. Juarez, Dr. Mahajan?

Dr. Mahajan: Yes, this is Dr. Mahajan. Yeah, I would definitely like to respond. So, let's talk about this gentleman. He's there before we started this program. He's fed every day by the neighborhood... one of the restaurants, without naming them. He does not qualify for our program requirements. This is not a shelter for any homeless person to come and live there. This is a program for intensive outpatient program who deals with substance use disorder. We have criteria to go for, and then we admit those patients. I cannot take whole city homelessness in my building. They have to qualify for it, and I'm not sure if that's again, that guy is there before we start the program. If there's so much problem with that, why the neighborhood is giving him 2 or 3 meals a day? We can't be hypocrites, you know, like, we cannot be like, okay, I'm gonna say this, and I'm not gonna give the other information to the City. That's not a nice thing to do. That's the first one. Second one, I think a lot of people didn't hear what Leslie Naji said. We did apply for all the zoning requirements before we opened the door. We have... we have shown them the evidence, and that's why she stated that number 2 is not correct on the notice that went out. So I just want to make sure everybody understands, and nobody keeps saying we did open the door without getting permission. It's very unprofessional to say that. Okay, that's the second point. Number third point is fencing, we thought about the fencing after the last hearing. We talked to the Fire Department about approval of the fencing. They approved it. Is it 110% working for us? No. This is a work in progress. We're thinking to put up a better fencing, might be a steel door, steel fencing, or, or other fencing. But it's a work in progress, we went through the channels, and got approval from them.

Next point, there is security; we have level 3 security. After this meeting, I'm gonna send you their name, their company name, the payroll information. So you know it's the evidence you have, we're not saying things like how the other members are saying, that everything that bad is happening is coming from the program. If that's the case, bring the patient name, date of birth, please try to verify with us without presuming things on their own. Lot of allegations, people assumed things that unlawful, illegal activity going on. This is very unprofessional, and without having any evidence, blaming everything on us when we're doing everything very supervised, and you know, we have 25 employees. There two more programs around the... around the neighborhood. Have anybody verified these patients are theirs, or ours? So we cannot just keep blaming everything on us without giving a concrete proof. Next point. I don't know how people can say it smells like fentanyl. I have been working in this field. This is a very bad way to say something when you don't have any evidence of people cooking fentanyl. Fentanyl cannot be just cooked on your side by the help of fire, okay? So, you know, like. So, we did have

neighborhood with mention, or, you know, like, there's someone who's camping. We... we gave them our security. Security went right there to tell them, you cannot camp here. We extending our security services. All they have to do is call them, you know? And that's, I mean, if they don't want to call it, that means it's not causing them any problem, and they're fine with it.

They cannot blame us for the consequences later on. And as Mr. Green mentioned, the nearest neighborhood is over 300 feet, more than 300 feet from the edge to edge. You know, I'll rest my point there. So, next time, you know, like, or, you know, if we ever have some kind of evidence, at least we need to bring evidence. We saw all these case reports. We work with the parole officer. We work with the second judicial. Can they come by for something to do with one of their clients? Possible but we cannot just say, oh, we have these many calls, these are the case number, and this facility is doing illegal activity, where I came up with the evidence telling 89% of people have sobriety. We can submit those evidence. We have a patient testimony. We have 26-plus people who started working after they joined the program. So, you know, like, we are providing those evidence, evidence. And again, if any of, you know, like, these neighborhood folks want to take a tour to our facility and see what's going on, personally, I think that will be very, very, very helpful, because a lot of things we are just assuming, presuming, and blaming everything on us, which is not the right way to do it, because we went through this... all the steps to get where we are. We have not started anything without any approval, so we should not keep mentioning that, because it doesn't look nice. Ms. Leslie Naji, from the start of the meeting, mentioned that very clearly. I think that's all I have for now. Thank you so much for your time, I really appreciate it.

Robert Lucero: Thank you. Okay, very good. Just one question, Dr. Mahajin. You just mentioned that there were two other, programs in the area that, what, what, what are those? Are they similar in terms of the treatment provided, or are they... Do they provide, sort of, service to unhoused folks? What are those other programs? And do you know where they are?

Dr. Mahajin: Yeah, I think there's, again, I'm not 120% correct, because I don't poke my hand into other people's business, but I think Hawthorne provides housing to folks who need it, but they're not a similar program, and I think there's one more in that old Quality Suites, which do something similar, but I don't know what exactly to do, so if I don't know, I keep my mouth shut. So, but there are a program there and please also note, you know, it's less than a mile away is a Gateway. Where the Turkish Lodge is there, who provide inpatient detox program. Can these patients be getting discharged from the inpatient detox program, which can range from 7 days to 21 days, and loitering and other doing other stuff in their neighborhood? Possible. But it cannot be blamed everything on us, you know? Okay, when I walk, drive through the property every

day, I don't see any loitering. Mr. Jeremy from the Code Enforcement, chief officer came by. They didn't... they were with 20 people from the City, before the last hearing. They didn't even find single illegal stuff. Our security do their bag checks when they come in. If we find some kind of paraphernalia, we get rid of it. Every day they get checked again in a random time, so if we find something, either we tell them, you know, like, you violated these norms; you're not ready for the program; we discharge them. We're not trying to just have them there and do nothing. We're trying to make an impact; we discharge them.

Yes, I do have one more thing to add the call for Albuquerque Community Service, yes, we work very closely with them, ACS, if somebody who doesn't meet requirement for our program, and unfortunately they're homeless, they're pregnant, and they don't qualify, we call them, so we provide them services so they can get some housing. So that's probably the call from us. Again, I think the community have a lot of wrong information, and everything gets kind of blamed on us. Has this impact a little bit in the neighborhood for what's going on? Possibility. But not everything can be blamed on us when nobody have even tried to give a tour. Anybody can call, and we'll be happy to give them tour at their time frame, morning, afternoon, evening. That's how much open we are. We don't have anything to hide. But I'm definitely gonna send you guys the payroll, so you guys have, like, this is level 3 security, to go 3 security. They have a weapon on them, and how much we are paying, how many hours they are there. Absolutely. And I'm happy to share my camera links of the property, too, if City wants it to see what's going on, and, you know, like, maybe for some time they want to record it, you know? And we as we... as we...as we, you know, continue to do this stuff, we're trying to do more innovation stuff where we address these concerns, where we do we get the bus stop cleaned. That guy who's living out there, how I'm responsible for that? He's already there before we got there.

Max Juarez: And he's being fed by the neighboring restaurants in the area and again, I really do it's really I really want to hone in on the part where...

Robert Lucero: Can you just take for the record that, now we, it's, Mr. Juarez speaking. Go ahead, Mr. Juarez.

Max Juarez: Sorry, I think it's really important to hone in on the part where you know, they do see... they do see Albuquerque, they do see ACS, and they think, oh, it's the City, and they're doing something bad. We actually work very closely with ACS, and they are always sending people our way to see if we have availability, or picking up patients from us to take them to appointments that they have at the Gateway Center as well. Also, that's another thing that's miscommunicated in the community, is that we are affiliated with Gateway, and that we're

associated with them. We're a total separate entity from Gateway. We have nothing to do with them. As far as the cars being abandoned in the property, I think that's something else that people really don't understand, is that we're working very closely with Planning and Zoning. They've been in our facility; they've come and checked everybody's plates and insurance. Everything was fine. They came and checked the inside of our property in depth. Every room. Every single room, and that is something that is not put in to this meeting, because we didn't feel like it needed to be anybody's business, but they've checked every single room and didn't find a single thing. Okay?

Robert Lucero: Thank you. Well, thank you, everybody, for your testimony. I see there's still some people with the hand raised, but, I think if we keep admitting additional testimony, then I have to let the applicants respond again, and it's just we're gonna be here, all day. I think, I appreciate all of the responses to my, request for information from the last deferral. You've definitely given me a lot to consider and again, anything that was shown on the screen and read into the record, please email it to the ZHE staff by this Friday, and we'll make sure that it's in the record and, I'm gonna take everything under advisement, do my best to apply the IDO to the evidence in the record, and make the right decision based on the legal standards that apply. And, I just want to thank everybody for their participation. So, I will, issue a written decision in 15 days. Thank you, everybody. That concludes agenda Item 10 also concludes the hearing for today, Tuesday, February 17th, and we are adjourned. Thank you, everybody.



Zoning Hearing Examiner Hearing

MINUTES

April 21, 2026

Zoom Hearing

Robert Lucero – Zoning Hearing Examiner

City Staff Present:

Shannon Halley – Principal Planner, Planning Department

Leslie Najj – Principal Planner, Planning Department

Nichole Maher – Acting ZHE Hearing Monitor

ZHE-Robert Lucero: That takes us to Agenda Item 3, which is the sole item on our old business portion of the agenda, that is CU-2025-00045, PR-2025-020180, Partners Hospitality LLC, and Karan Mahajan Empower Health Service request a Conditional Use for an overnight shelter for Lot B-1-B, plat of lots B-1-A and B-1-B, Airport Industrial Park Continuous, containing 95,035 square feet, more or less Located at 2300 Yale Boulevard SE, which is zoned NR-LM. Do we have the applicants here?

Karan Mahajan: Yes, yes.

ZHE-Robert Lucero: Thank you. Who'd like to go first? Would you please state your full name and mailing address for the record?

Karan Mahajan: Go ahead, Max.

Max Juarez: My name is Max Juarez. I do operations for Empower Health Services. Address is 2300 Yale Boulevard SE.

ZHE-Robert Lucero: Thank you, sir. Please raise your right hand. Do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Max Juarez: Yes.

ZHE-Robert Lucero: Thank you, and let's see what... was it Dr. Mahajan that was also there?

Karan Mahajan: Yes, hi, good morning, Mr. Lucero. Good morning, everyone. Yeah, my name is Dr. Karan Mahajan. My mailing address is 2920 Wall Street SE, Rio Rancho, New Mexico, 87124. I own the Empower Health Services. I'm also the medical director for Empower Health. Thank you.

ZHE-Robert Lucero: Thank you, sir. Please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

Karan Mahajan: Yes, absolutely.

ZHE-Robert Lucero: Thank you, Dr. Mahajan. Okay, so I know we're here after the deferral to allow additional evidence, and would you please kind of bring me up to speed on any new submittals and any discussions or evidence that you've reviewed that's been submitted? You don't have to rehash what's already in the record, but please bring me up to date.

Karan Mahajan: Yes, we did, we did have a mediation meeting with Mr. Phillip, and we did that last week. It was on 13th, and he sent the report to everyone. I'm positive that he received it. We did address more concerns, which was brought up in the last meeting, like how the security, how the chains, how the entrance were have the chains, so we put the gates. City, officers were there for inspection a few weeks ago. They took pictures; they took the note of everything. I believe, Josh from the City was supposed to brief you all about it. He might be in the meeting too, I'm not sure. So we took all the necessary steps, which were brought to us in the last meeting and address that. We started doing the logs for the security. We provided that to the City. We provided the videos for the bus stop, for which was a concern. We provided the videos for the neighborhood. Where they said it might be loitering, we didn't see any. Let's see. I think those were the majority of the things that were brought up. We also submitted the letter of support from district attorney office. We also submitted a letter of support from, UNM, UNMH Hep C program, ACS, that's all I can recall. Max, did I miss anything? If I do, please mention that.

Max Juarez: No, yeah, basically, to kind of piggyback off everything Dr. Mahajan said, is everything that we have submitted, as far as any concerns that the neighbors have had, we did bring that to our mediation last week that Dr. Mahajan and myself did show up to. We attended, for about two and a half hours. We also received the report of that mediation that should have been sent to you as well, Mr. Lucero. We have submitted a quote for the fence as well to Josh, of something that we are planning to do in the future. But yeah, that's pretty much it. He stated everything that we've done. We've been working pretty closely with the City, and they've been pretty gracious in navigating us through this entire thing, so thank you.

ZHE-Robert Lucero: Thank you both and then I, so I just to confirm, I did receive the Post-submittal Facilitated Meeting report, so just to confirm that. And I did review that. And then I also received a few sets of correspondence from certain City agencies. It looks like, you know, there was, the City Police Department, City Fire, Public Safety, and just wanted to make sure that you had received those and reviewed those, and if you had any comments about those.

Max Juarez: No.

ZHE-Robert Lucero: You didn't receive them?

Max Juarez: No.

ZHE-Robert Lucero: Okay. Basically, they, there, there were, let's see, there's a letter here dated March 24th, and just basically talking about some best practices from, regarding crime prevention through environmental design and then, also... and that was from the Police Department, and then from the Fire, just talking about trying to make sure that no nuisances would occur on the property. So I would just point you to those, and there's, they just point out that there are... the City does have remedies if it would rise to a level of nuisance. They're not saying that it is, they're just saying what the remedies would be.

Max Juarez: Okay. I have talked to a few, like, a police officer that had stopped by, and the Fire Department also that stopped by. I didn't get a report, but we had just talked, kind of in similar to what you're saying, like, best practices and stuff like that, so it was all pretty positive.

ZHE-Robert Lucero: Okay, great. Anything else that you'd like to add before I call for public comment?

Max Juarez: No.

ZHE-Robert Lucero: Okay, well, let me go ahead and call for public comment, and then you'll have the chance to respond if there is any. So, let's see, I see Donald Love with a hand raised. Are you there, sir? Let's see, looks like you're muted. Oh, before we go to Mr. Love let's go to Shannon Halley from the Planning Department. Are you there?

Shannon Halley - CABQ Planning: Yes, thank you, Mr. Lucero. I just wanted to point the applicants to that... Those documents are in the staff report, which is uploaded to your ABQ plan application, if you want to review those.

ZHE-Robert Lucero: Excellent, thank you. Let's see, Mr. Love, I see you have your hand raised, but it looks like you're on mute. If you could please unmute on the bottom left of the screen there, or the microphone icon.

Donald Love: Okay, can you hear me?

ZHE-Robert Lucero: Yes, there you are, sir. Thank you. Would you please state your full name and mailing address for the record?

Donald Love: Yes, Donald Love, 2125, Stanford Drive SE, Albuquerque Metro, 87106.

ZHE-Robert Lucero: Thank you, sir. Please raise your right hand, and do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Donald Love: Yes, sir.

ZHE-Robert Lucero: Thank you. Go ahead, sir.

Donald Love: A couple things, I'm the owner of the Waffle House, and even though they put the barrier for their parking lot, what's happening now is that they're dropping people... their clients are dropping and picking up from my parking lot, for number one, and using my parking lot as a drop-off site. Number two is the police are still being called, again, using my parking lot as shelter, whatever, to deal with their problems. On April 7th, the police was called, and again, they was in my parking lot doing that. They're fighting with their, the clients are fighting with the with the workers, that their clients are fighting with my employees, cuss my employees out and using bad language. They're still out and about past 9 p.m. So, they know they're saying that 9pm is supposed to be the curfew, but they're still going in between my store and the facilities at 10 and 11 o'clock at the night. So, I don't see any improvement of what they're doing. And again, I'm still vice president of the Yale Association, also, with the Neighborhood Association, and we still have them walking through the neighborhoods. My truck was actually broken into at 8 p.m, last month and, so it's just, the crime is still rising for this area because of them.

ZHE-Robert Lucero: Thank you for that information, Mr. Love. Let's go next to John Love. I see your hand raised there, sir. Can you hear me? Are you there? It looks like you're still on mute there, sir.

John Love: Yeah, I'm here.

ZHE-Robert Lucero: Oh, there you are. Thank you. Would you please state your full name and mailing address for the record?

John Love: John J. Love, 2117 Stanford Drive SE, Albuquerque, New Mexico, 87106.

ZHE-Robert Lucero: Thank you, sir. Please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

John Love: Yes.

ZHE-Robert Lucero: Thank you. Go ahead, sir.

John Love: Can I, can I share my screen with you?

ZHE-Robert Lucero: Yes, let's see, can we enable that, please? Is that working there now, Mr. Love?

John Love: Let's see. Can you see my screen?

ZHE-Robert Lucero: No, not yet.

John Love: I'm hitting share, it's not letting me. Host disabled attendees screen sharing, it says.

ZHE-Robert Lucero: Hmm let's see...

Shannon Halley - CABQ Planning: Let me check with our hearing monitor.

ZHE-Robert Lucero: Thank you. We'll get that set up, sir.

John Love: And to piggyback real quick off of what Donald said, yeah, the little gates they put up now does more for... it doesn't do anything good for our neighborhood. Now it's just pushing everything back out into our neighborhood. Drug sales in our neighborhood. So these clients that are staying there, they don't want to stay; they don't want to be seeing what they're doing at the facility, so they're walking through the businesses into our neighborhood, having their friends and whoever's (INAUDIBLE) meet them and doing the drug sales there. I even approached one of the guys in the friendly conversation, said, hey, what you guys doing? You're getting it in? He goes, yeah, I'm getting it in, making a lot of money. So, I mean, that's a concern for our community as well. But if I could share the screen, that'll really...

ZHE-Robert Lucero: Yeah, looks like you, have been enabled now. Why don't you give it a shot, please?

John Love: So, can you see that?

ZHE-Robert Lucero: Yes, yeah, I can see a photo, or, like, a video, maybe?

John Love: Here's the video, and I'll play it real quick.

ZHE-Robert Lucero: Thank you, sir. I'm not hearing any audio, but I am seeing a video. Mr. Love tell me what I'm looking at here, just for the record, so that it... because only the audio is recorded.

John Love: That's a video outside of a gentleman that was in our neighborhood. He was burning trash to keep warm. He was clearly doing drugs in the open. He said he was waiting for the facility to open up to let him in because they kicked him out. I get out the car here, the facility director come over, I talk to them, and he has trash everywhere. You can see it in his hand and the facility security comes over, and they're telling me they can't do nothing about this, because this is not on the facility property. This is what we're dealing with, and that's why I took the video, so everyone could see this is what we're dealing with 10, 11 people at a time in our neighborhood. They're not getting into this facility, or they're getting kicked out the facility, and they're sitting in our neighborhood, they're burning trash, they're doing drugs, and it's just a mess, a big mess. And security has no jurisdiction outside that facility, so they can't do anything. Our Police Department is really limited. Response times for stuff like this, if it's not a shooting or something active, is 5 to 6 hours for response time. So, for police to say that they can meet the needs of this. Absolutely not. If it's not a shooting or something emergent, like, to that nature, dispatch will not send a police officer out. So we're seeing this a lot with our safety in our neighborhoods, so they're this is what we're dealing with. I mean, open drug use. They're 10 feet from the facility. If I were to pan to the south, you would see the facility. They're 10 feet from the facility going into our neighborhood and this is a concern, and everyone's saying it's not happening, they don't see this. I have hundreds of hours of video, that I could send to you guys that we're dealing with hundreds.

ZHE-Robert Lucero: Thank you, Mr. Love. If you would, please, you know, it's long been our policy at the ZHE that if you show a document on the screen, so that everyone can see it and, you know, read it, either read it into the record or describe what it is, that then it can be submitted into evidence. So, if you would, please, email that video to the ZHE admin so that that can be included.

John Love: Okay, I will. Thank you.

ZHE-Robert Lucero: Thank you, sir. Let's go next to Lori Henz. Are you there?

Lori Henz: Yes, I'm here.

ZHE-Robert Lucero: Thank you. Would you please state your full name and mailing address for the record?

Lori Henz: Lori Henz 2417 Baylor Drive SE, Albuquerque, 87106.

ZHE-Robert Lucero: Thank you. Please raise your right hand, do you swear or affirm under penalty of perjury that your testimony today will be true?

Lori Henz: I do.

ZHE-Robert Lucero: Thank you, go ahead.

Lori Henz: We were told last time we met that there would be security, and it was described as 24-7. In other mentions of that security, it was stated that it was limited to evenings and weekends. We are still not seeing effective security protocols. We were also told that that property would be enclosed. It is still not enclosed. A chain or a gate around the entrance, like Mr. Love had stated, is not a fence, and it does not fully enclose that property. The facility is not fully secured, and the impacts continue to spill out onto the businesses and neighborhoods surrounding. The conditions created real costs for our business. Just within the last 30 days, we've had to install a complete LED lighting system around our entire building, because our employees cannot come out of the building by themselves, or even in a group safely. We no longer allow employees to work individually here. We always have to have more than one person here just for their safety because of their, being approached by the people that are either trying to get into the facility or already in the facility. It's still not safe. We have to comply with all the zoning regulations, and this operation, as it's currently managed, is not compatible with the surrounding properties. The lack of improvement that they promised that they would do is just unacceptable. Again, we urge this board to deny this request. At a very minimal, enforce the conditions and the rules, because right now it is just not safe for anybody around here, residents and businesses.

ZHE-Robert Lucero: Thank you, thank you, Ms. Henz. Let's go next to Bill Henz, are you there, sir?

Bill Henz: Yes, can you hear me?

ZHE-Robert Lucero: Yes, thank you, sir. Would you please state your full name and mailing address for the record?

Bill Henz: Bill Henz, 2417 Baylor SE, Albuquerque 87106.

ZHE-Robert Lucero: Thank you, sir. Please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

Bill Henz: I do.

ZHE-Robert Lucero: Thank you. Go ahead, sir.

Bill Henz: I'd just like to reinforce a lot of things that have been said. Personally, I witnessed separate open drug use, even during the day from people that I've watched leave. Use drugs and returned back to that former motel. They're not keeping them down there and monitoring them. They're bringing, attracting them into the neighborhood. They're not altering their behavior; they walk away; they use drugs off-site. They look in the parked cars of our employees; they make people feel unsafe. They said they've got a quote for a fence. I mean, this isn't intended to be a penitentiary down there; it's just... it's just not compliant, and it's been allowed to operate since November, without a decision on whether they are compliant with the zoning. And I think enough is enough. I think you've heard from all the people that try to live and run a business in that neighborhood, and no one supports it, and I think that that should be an overwhelming part of your decision, and I thank you for the opportunity to express that.

ZHE-Robert Lucero: Thank you. Thank you, Mr. Henz. Let me see, I'm trying to see if there's a person with the hand raised, it looks like it's 505-639-6394, are you there? Looks like you're on mute.

Alexis Green: Yes, I'm here. Can you hear me?

ZHE-Robert Lucero: There we go. Yes, thank you. Would you please state your full name and mailing address for the record?

Alexis Green: Yes, it's Alexis Green, 2114 Cornell Drive SE in Albuquerque, New Mexico.

ZHE-Robert Lucero: Thank you, and please raise your right hand, and do you swear or affirm under penalty of perjury, that your testimony today will be true?

Alexis Green: I do.

ZHE-Robert Lucero: Thank you, go ahead.

Alexis Green: I just wanted to bring to light a police report and some documents that I had emailed as evidence. That is kind of a prime example of the things that we as a community are concerned about. So I wanted to read a snippet of this police report that I have from March... March 9th. So, the officer states that, I made contact with the subject inside. He's referring to a large RV, named James Young, who advised he was trying to get into the shelter located at 2300 Yale Boulevard SE, but was turned away for the night. James was instructed by security to park in the area and to return around, 0800 hours to try to get into the shelter and not two weeks later, a Albuquerque Raw post comes out about a sexual encounter that leads to murder in the war zone, and two suspects are arrested. And the individual that was arrested was James Young, who was listed in the police reports in the RV, from that evening, and obviously, that is scary as a mom of young kids, and are... I live in this neighborhood. This gentleman had prior issues and run-ins with the law, and I'm trying to find the paper that I have for it. From 2011, he has second-degree murder, kidnapping, burglary, and larceny, and this individual is hanging out in our neighborhood, waiting for the shelter to take him in, which raises huge concerns for us, and it is just another reason why we don't want this operating in our neighborhood.

ZHE-Robert Lucero: Thank you. Thank you very much. Let's see, I thought I saw someone else with a hand raised. Oh, there you are Robin Berry, are you there?

Robin Berry: Yes.

ZHE-Robert Lucero: Oh, thank you. Would you please state your full name and mailing address for the record?

Robin Berry: 2123, Cornell Drive SE, Albuquerque, 87106.

ZHE-Robert Lucero: Thank you. Please raise your right hand. Do you swear or affirm under penalty of perjury that your testimony today will be true?

Robin Berry: Yes, I do.

ZHE-Robert Lucero: Thank you, go ahead.

Robin Berry: Okay, yes, I'd like to bring to your attention, which I've submitted into evidence, Police Report 2600-13006, dated February 13th, 2026, 1704, for the subject address of 2300 Yale Boulevard SE. This report is in reference to two unidentified males on the property and

later returned threatening individuals and banishing a gun. The manager, Max Juarez, was contacted. He indicated he was not on property at the time of the incident.

Karan Mahajan: (INAUDIBLE)

Robin Berry: And police were referred to their security guard. Their security guard was contacted and advised police that he was also, not physically, on the property at the time of this incident. This disputes applicants' prior testimony that the subject property has security 24-7. Next, I'd like to bring to your attention evidence that I've submitted in paperwork that I've submitted into evidence from the Albuquerque Fire Department's response report to the subject address of 2300 Yale Boulevard. This report shows that the Albuquerque Fire Department has responded to 35 calls at 2300 Yale Boulevard from 11-1 of 25 to 3-10 of 26. Next, I'd like to bring your attention, and I've already submitted into evidence, Albuquerque Police Department's research and recording report for the subject address of 2300 Yale Boulevard SE. This report shows that APD has responded to 49 calls to the subject address. This report shows that, I'm sorry, this report shows that Albuquerque has 49 calls from November 1st to March 13th of 2026. To name a few, these calls are indicated for disturbance, narcotics, theft, suspicious persons, vehicles, fights, family disputes, and aggravated assaults. That's a total for the first responders, that's a total of 84 calls to this address. This seems like a lot of City resources and money, as well as taxpayers' money being spent on one Albuquerque address in such a short time frame. This is causing adverse impacts on adjacent properties and surrounding neighborhood and the larger community. I'm requesting that it be denied.

ZHE-Robert Lucero: Thank you. Thank you, Ms. Berry, and I'll just note that we did receive those items that you mentioned in the record. Thank you.

Robin Berry: Thank you.

ZHE-Robert Lucero: Let's see, there was another phone number here, with the hand raised, 379-1822, are you there? Hello?

Fredrick Ruiz: I am. Can you hear me?

ZHE-Robert Lucero: Yes, thank you. Would you please state your full name and mailing address for the record? Yeah.

Fredrick Ruiz: First name is Frederick, F-R-E-D-R-I-C-K, last name is Ruiz, R-U-I-Z. Mailing address is 2114 Cornell Drive SE.

ZHE-Robert Lucero: Thank you, sir. Please raise your right hand, do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Fredrick Ruiz: I do, yes.

ZHE-Robert Lucero: Thank you, go ahead.

Fredrick Ruiz: Just to, I know it's been said multiple times, but to reiterate, I know the business is looking at fences and has put up gates over the chains. Obviously, the gates have not changed any foot traffic that can enter or exit that property. Secondly, putting up a fence, as we've heard from multiple people, is just a band-aid to a continuous bleeding wound, which we know never works. Then putting up a gate only push people further into the neighborhood. Once they put up the fence, it's going to do the exact same thing. It's going to prevent people from being able to, one, enter or leave the property. Therefore, they're just gonna hang out in our neighborhood away from the property. The other thing is, it's been mentioned security is there. I can personally say I've driven by multiple times, and security may be there, sitting in a white ford truck on his phone, because the inside interior of his cab is well lit up while he's doing who knows what, but he's definitely not paying attention to what's happening on that property, because he's parked closer to Waffle House and or at the back side, in the corner, just sitting on his phone, which, as we all know, is not a proper way to secure a facility. I also heard that there was letters that were submitted, it sounds like, from the DA's office and ACS in accordance with all this. As we know, those are both City resources. The Mayor has pushed for multiple shelters and things of that sort, so I wouldn't be surprised if a lot of these things are only in support to help support the Mayor's push, which is fine. I mean, I think as a city, we agree with the resources.

The problem is, is when it has an adverse reaction to the surrounding neighborhood. And we've also heard that there's a number of calls that have been there in the past two to three months that have kind of increased. We know that's a waste of City resources, as it's been explained, but I think the other issue, too, is, if I recall right, one of the three things that needed to be required for the permit is no adverse reactions to the community, and as we've seen clearly, that's not been taken away, it's only increased the problem and or the problem consistently occurs. It's an adverse reaction to the Police Department, to the Fire Department, to ACS, to the surrounding neighborhood, and it's been made clear that that's kind of a problem. The other thing is due to fire calls, police don't always have to respond, and due to police calls, fire don't always have to respond. So it might come up saying, well, those calls were intertwined. That's

not all true. I would bet money that half, if not more than half of those calls were from each individual department responding separately, and that's not including calls from ACS. So, I just want to say that I also agree with the denial of this permit, and I would hope that we don't have to go to another hearing, because it just keeps delaying and delaying and delaying, and this place has been able to be in service since November, and we just keep pushing it back and pushing it back.

ZHE-Robert Lucero: Thank you, sir. Let's go to Elizabeth Aikin, are you there?

Fredrick Ruiz: (INAUDIBLE)

ZHE-Robert Lucero: Hello? Looks like you're on mute there. If you would, on the bottom left. Oh, there we go.

Elizabeth Aikin: Okay, now I'm from the Kirtland Community Association at the... (INAUDIBLE)

ZHE-Robert Lucero: Thank you. Let's get you sworn in. Would you please state your full name and mailing address for the record?

Elizabeth Aikin: Yes, my name is Elizabeth Aikin. My residence is 1524 Alamo Avenue SE in Albuquerque, 87106.

ZHE-Robert Lucero: Thank you. Please raise your right hand, do you swear or affirm under penalty of perjury that your testimony today will be true?

Elizabeth Aikin: Yes.

ZHE-Robert Lucero: Thank you, go ahead.

Elizabeth Aikin: Okay, again, I am from the, Kirtland Community Association, that's west of the, where everything, this community, and we're here in support, because understanding that, but one thing I'd like to make, one of the owners of, of the facility, he stated his name was 2300 Yale, and I don't believe that's where he where he lives, and so my point is they leave and go somewhere else, so they're not affected by what goes on in this community, and I think that should be noted, that they don't have to do that. But I'm we're here in support of the neighborhood and the businesses in that area, knowing that when we have facilities like that, it's really hard for the residents and businesses. That's all. Thank you.

ZHE-Robert Lucero: Thank you, thank you for your testimony. Let's see, there's a 379-1822, is that someone who's already spoken? Anybody else who's not yet spoken? Let's see, I'm scrolling through the participants. I don't see anyone else indicating they'd like to speak. Last call for public comment on Agenda Item 3. Okay, let's go back to the applicant's, oh, wait, let's see, I see John Love. I know you've already spoken, sir, but is, are you there?

John Love: Yeah, real quick, our neighborhood did not get notice of that meeting that the applicant spoke about just last week, we didn't get noticed until 2 hours before that meeting was supposed to happen, through email. So, no one was able from our association was able to attend that meeting and voice opinions or voice concerns, because no one told us until a couple hours before that meeting happened.

ZHE-Robert Lucero: Thank you for that information, sir and I'll just note that, for the record, you've already been sworn in. That was John Love. Okay, let's go back to the applicant team. I saw Dr. Mahajan was about to speak. Are you there, sir?

Karan Mahajan: Yes, I'm here.

ZHE-Robert Lucero: Thank you. Go ahead, sir.

Karan Mahajan: Yeah, so, you know, like we had a mediation meeting, and no one showed up there, and now somebody's saying it's only happened they only got noticed 2 hours before. It's very, very surprising to me, like, you know, like, every time we come to this meeting, we didn't start this program without getting the required... without meeting the requirements, and we have been patiently going through this meeting. Every time we come to this meeting, there's a lot of speculation going on, like how Mr. Love presented a video which didn't have any voice, somebody sitting there, not even on our property, to, to, to come up with the, very, you know, like, dangerous concept of, like, if the property's here, this is bad, this is that bad happening, but nobody has provided have any evidence from the time of the... we have started doing this. And every time, we are the one who providing evidence. We have sent you, sent the City the information on the security company, how much they're getting paid, how it's, how they're doing is level 3 security. We have taken the videos. People talking about the resources. Let's talk about the resources here in more clarity. If we are currently housing 120 people, we have close to 40 people, 4-0, who got jobs after starting the program. So, I think, we are using the resources pretty good, giving these people a life, a chance on life. 40 people have started, jobs, and you know, a few of the a few of them work in the neighborhood who, like, very critical of our... about our program.

They have hired them, which is really good; you know, everybody deserves our chance. More than 25 people have moved out of the property, because they found their own apartment after having successful jobs. We provided that testimony from one of the patients last meeting as well. So, more than 80 to 80, 88 to 90% of people have reached sobriety while they're in the program. So, I think the sources are spent very well here, because those, those unfortunately, those people who are homeless, having a chance on second life, where they're trying to build on their own. There was one couple which was homeless for almost 5 years but was doing well with their substance use disorder after they got our pro... into our program, they got their own housing. We had our first graduation a couple of weeks ago, and it was a pretty surreal, gratifying experience for all of us. So, I think the resources are getting used pretty well. If these people are just on the street, they're not gonna get a chance on their life again to get back and make anything useful out of the... what they're getting from the program. So, so, you know, like, I don't know why nobody attended the meeting, when we were there with all the evidence, we have provided the security logs to the to the state. I'm not one who's gonna just do be speculative. I provided all the evidence for all the things that I'm doing. I'm pretty sure, you know, like, the City will consider everything, especially the reports they're getting from the APD, the Zoning and Planning who came the...the zoning folks who came for an inspection two weeks ago, and make an informed decision by reviewing all the evidence rather than the speculation, which we keep on hearing on every meeting, every meeting, that it's dirty, it's dirty. We have sent the videos, all those things, we have sent the videos of our... we have shared the logs of the security, how they're patrolling the neighborhood again, you know, like, I'm more than happy to give people a tour; I have told this from the very first day, to everyone who's in the meeting who have... who's been a critic about the program, personal tour on their discretion, on their time, day, night, whenever they want, whenever they want, so they can see things on their, you know, like, on their, on their perspective.

One of the neighborhood, one of the actually, hold on, where the MAS charter school is, some... one of their representatives came because... to see what's going on in the program, and they were told by one of the neighborhood education or neighborhood that you guys should voice concern. But they said, like, we're really happy with the program. We want more programs like this in the town to make a real-life difference, and she decided not to attend it. Mr. Max, who had us, did talk to her about the whole program, and she was very happy with it. So, you know, like, there's a lot of, again, speculation coming from without any much evidence. We saw one video without any voice. It was very theoretical, theoretical, you know, like, no voice. So, we need to come up with the evidence why we should not do it, and why we should do it. We, as Empower Health Services, providing all the evidences, how it is helpful for the community as a

society in a bigger picture, and why we should continue doing this, and how it's helping the society. Thank you so much, Mr. Lucero.

ZHE-Robert Lucero: Thank you, Dr. Mahajan

Karan Mahajan: Max, if I miss anything please feel free to add. Thank you so much.

ZHE-Robert Lucero: Thank you.

Max Juarez: Hi.

ZHE-Robert Lucero: I appreciate the comments, and I know, I see some repeat folks wanting to speak up, but I'm, you know, just out of the sake of fairness, and so that we're not having more back and forth. I'm just gonna close the record on this item, but thank you, everybody, for participating. I know it's been a long process, but I'm pleased that we have received multiple reports here from different City agencies that are new in the record, as well as the new evidence submitted by both the applicant and the community.

ZHE-Robert Lucero: So, I will issue a written decision on this, within the next 15 days.

John Love: Mr. Robert, I would like my time to speak. You know, I stayed on here 3 hours waiting for someone.

ZHE-Robert Lucero: I know, sir, I know, I'm sorry, I'm sorry, Mr. Love, it's just that we're just gonna keep going back and forth all day. I'm sorry, sir. I'm sorry, I just, I appreciate the frustration, but we're gonna have to conclude this item and so, again, thank you, everybody. I'm going to close the record on Agenda Item 3, and I will issue the written decision in 15 days. Thank you, everyone.

ADDITIONAL INFORMATION

AC-26-07

PR-2025-020180 (Project)

[CU-2026-00016](#) (Appeal)

[CU-2025-00045](#) (ZHE – Conditional Use)



NOTICE OF APPEAL

May 27, 2026

TO WHOM IT MAY CONCERN:

The Planning Department accepted an appeal on May 21, 2026. 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 Nichole Maher, Planning Sr. Administrative Assistant, (505) 924-3845 or nmaher@cabq.gov.

Please refer to the enclosed excerpt from the Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have about this 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 Michelle Montoya, Clerk to the City Council, (505) 768-3100 or mmmontoya@cabq.gov.

CITY COUNCIL APPEAL NUMBER: AC-26-07
PLANNING DEPARTMENT CASE FILE NUMBER: CU-2025-00045 (ZHE – Conditional Use Approval), [CU-2026-00016 \(Appeal\)](#)

SUBJECT PROPERTY: 2300 Yale Blvd SE, Albuquerque, NM 87106

APPLICANT: Donald Love
donaldlove08@comcast.net

Cc: Karan Mahajan, maxjuarezxxxx@gmail.com
Max Juarez, empowerhsnm@gmail.com
Kathy Aragon, perico36herm@gmail.com
Douglas Adkins, douglas@micro-heat.com
Joseph Orona, jrona@retis.com
Lori Henz, lorikhenz@gmail.com
Robin Berry, 2123 Cornell Dr SE
Jeff Gelhofm, 2400 Yale Blvd SE
Robin Berry, 2123 Cornell Dr SE
Fred Ruiz, 2114 Cornell Dr SE
Debra Love, 1529 Wheeler Ave SE
Charlene Perez, 2121 Stanford Drive SE
Lexi Green, 2114 Cornell Dr SE
Donald Love, 2125 Stanford Dr. SE

Greg Ross, 2410 Baylor Dr, SE.
Elizabeth Aikin, 1524 Alamo Ave SE
Garret Moore, 2417 Baylor Dr
Marguerite Green, 1705 Vassar Dr SE
Alan Varela, avarela@cabq.gov
Andrew Coon, acon@cabq.gov
James Aranda, jmaranda@cabq.gov
Jessica Enriquez, jenriquez@cabq.gov
Michelle Montoya, mmmontoya@cabq.gov
Mikaela Renz-Whitmore, mrenz-whitmore@cabq.gov
Shannon Halley, shalley@cabq.gov
ZHE File