



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.



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ZHE File
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