



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

Ofelia Gonzalez requests a Conditional Use for a Family Home Daycare of up to 12 children for Lot 42-P1, Block 13, El Rancho Grande 1 Unit 4B, located at 2520 Summer Sage Dr. SW, zoned R-1A (N-09) IDO Subsection 14-16-6-6(A)

Special Exception No: **CU-2025-00048**
Project No: **N/A**
Hearing Date: **02-17-26**
Closing of Public Record: **02-17-26**
Date of Decision: **03-04-26**

On February 17, 2026, Ofelia Gonzalez (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Conditional Use Approval to allow for a Family Home Daycare of up to 12 children (“**Application**”) upon the real property located at 2520 Summer Sage Dr. SW (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Conditional Use Approval to allow for a Family Home Daycare of up to 12 children, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(A).
2. Based on evidence in the record, it appears the legal ad was not published in a timely manner and did not satisfy all notice requirements.
3. Failure of proper notice is a jurisdictional defect, and the ZHE cannot proceed to hear a case and decide it until notice requirements have been fulfilled.
4. To facilitate a timely posting of the legal ad, at least 15 days before the hearing, the ZHE has allowed for a DEFERRAL until the March 17, 2026, ZHE hearing.

DECISION:

DEFERRAL of the Application to the March 17, 2026, ZHE hearing, which begins at 9:00 a.m.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: felagonzalez218@gmail.com
ZHE File
Zoning Enforcement



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

Loisel & Maria Rodriguez request a variance for the installation of a wrought iron fence & gate for Lot 7, Block 16, Buena Ventura Subdivision, located at 224 Moon Street NE, zoned R-1B [IDO Sections 14-16-6-6(O)]

Special Exception No: **VA-2026-00002**
Project No:..... **PR-2026-000011**
Hearing Date: 02-17-2026
Closing of Public Record: 02-17-2026
Date of Decision:..... 03-04-2026

On February 17, 2026, Loisel & Maria Rodriguez (“**Applicant**”) were scheduled to appear before the Zoning Hearing Examiner (“**ZHE**”) requesting a Variance for the installation of a wrought iron gate & fence (“**Application**”) upon the real property located at 224 Moon Street NE (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance for the installation of a wrought iron fence & gate pursuant to the City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(O).
2. Based on evidence in the record, it appears the legal ad was not published in a timely manner and did not satisfy all notice requirements.
3. Failure of proper notice is a jurisdictional defect, and the ZHE cannot proceed to hear a case and decide it until notice requirements have been fulfilled.
4. To facilitate a timely posting of the legal ad, at least 15 days before the hearing, the ZHE has allowed for a DEFERRAL until the March 17, 2026, ZHE hearing.

DECISION:

DEFERRAL of the Application to the March 17, 2026, ZHE hearing, which begins at 9:00 a.m.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Loisel Rodriguez (*Applicant*), rodriguezloysel@yahoo.com
ZHE File
Zoning Enforcement



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

Raymond Mena Jr & Andrea Gomez requests a Permit to allow a Carport Major with a Variance of 5' to the allowed 5' side setback of the property within the R-1B for NW for LT 6 BLK 1 CORRECTED PLAT FOR LAS LOMITAS UNIT I AND II CONT 0.1641 AC M/L OR 7,148 SQ FT M/L located at 8009 Camino Paisano NW, zoned R-1B.

Special Exception No: MZP-2025-00037
VA-2025-00188
Project No: PR-2026-000010
Hearing Date: 02-17-26
Closing of Public Record: 02-17-26
Date of Decision: 03-19-26

On February 17, 2026, Raymond Mena Jr & Andrea Gomez (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a Permit to allow a Carport Major with a Variance of 5’ to the allowed 5’ side setback of the property within the R-1B Zone District. (“Application”) upon the real property located at 8009 Camino Paisano NW (the “Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Permit-Carport, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(G).
2. Based on evidence in the record, it appears the legal ad was not published in a timely manner and did not satisfy all notice requirements.
3. Failure of proper notice is a jurisdictional defect, and the ZHE cannot proceed to hear a case and decide it until notice requirements have been fulfilled.
4. To facilitate a timely posting of the legal ad, at least 15 days before the hearing, the ZHE has allowed for a DEFERRAL until the March 17, 2026, ZHE hearing.

DECISION:

DEFERRAL of the Application to the March 17, 2026, ZHE hearing, which begins at 9:00 a.m.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Dgtrucking1@hotmail.com
iloveannie84@hotmail.com
ZHE File
Zoning Enforcement



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

Sandia Area Federal Credit Union (Agent, Jim Strozier) requests a Conditional Use to allow a Self-Storage for TR C-1 SUBDIVISION PLAT OF TRACTS C-1, C-2 AND C-3 THE NEWHOLIDAY PARK (BEING A RE-PLAT OF TRACT "C" THE HOLIDAY PARK)CONT 1.3814 AC, located at 11311 Montgomery Blvd NE, zoned MX-L [IDO Section 14-16-6-6(A)]

Special Exception No: **CU-2026-00001**
Project No: N/A
Hearing Date: **02-17-26**
Closing of Public Record: **02-17-26**
Date of Decision: **03-04-26**

On February 17, 2026, Jim Strozier (“**Agent**”) Sandia Area Federal Credit Union (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Conditional Use Approval to allow for Self-Storage (“**Application**”) upon the real property located at 11311 Montgomery Blvd NE (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Conditional Use Approval to allow for a Self-Storage, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(A).
2. Based on evidence in the record, it appears the legal ad was not published in a timely manner and did not satisfy all notice requirements.
3. Failure of proper notice is a jurisdictional defect, and the ZHE cannot proceed to hear a case and decide it until notice requirements have been fulfilled.
4. To facilitate a timely posting of the legal ad, at least 15 days before the hearing, the ZHE has allowed for a DEFERRAL until the March 17, 2026, ZHE hearing.

DECISION:

DEFERRAL of the Application to the March 17, 2026, ZHE hearing, which begins at 9:00 a.m.

A handwritten signature in blue ink, appearing to read "Robert L. Luey".

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Agents: Jim Strozier, Consensus Planning, cp@consensusplanning.com
Ayoni Oyenga, oyenuga@consensusplanning.com
ZHE File
Zoning Enforcement



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

Daniel Villanueva requests a Permit – Wall or Fence –Major of a 5-foot wire mesh/chain link view fence in the front setback of the property for * 7 17 ALBRIGHT MOORE ADD & PORTION OF, located at 621 Bellamah Ave NW, zoned R-1A.

Special Exception No: **MZP-2026-00001**
Project No:
Hearing Date:..... 02-17-26
Closing of Public Record: 02-17-26
Date of Decision: 03-04-26

On February 17, 2026, Daniel Villanueva, (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Permit – Wall or Fence - Major of a 5-foot wire mesh/chain link view fence in the front setback of the property (“**Application**”) upon the real property located at 621 Bellamah Ave NW (“**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Permit-Wall or Fence-Major of a 5-foot wire mesh/chain link view fence in the front setback of the property, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(H).
2. Based on evidence in the record, it appears the legal ad was not published in a timely manner and did not satisfy all notice requirements.
3. Failure of proper notice is a jurisdictional defect, and the ZHE cannot proceed to hear a case and decide it until notice requirements have been fulfilled.
4. To facilitate a timely posting of the legal ad, at least 15 days before the hearing, the ZHE has allowed for a DEFERRAL until the March 17, 2026, ZHE hearing.

DECISION:

DEFERRAL of the Application to the March 17, 2026, ZHE hearing, which begins at 9:00 a.m.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: d_villanueva13@yahoo.com
ZHE File
Zoning Enforcement



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

Shana L. Levenson & David J. Kassan request a variance for the height of an accessory structure at Lot 7, Block 16, Huning Castle Addition Replat Port Block 4, 5 & 6, located at 1716 Chacoma Place SW, zoned R-1D [IDO Sections 14-16-6-6(O)]

Special Exception No: **VA-2026-00003**
Project No:..... **PR-2026-000007**
Hearing Date: 02-17-2026
Closing of Public Record: 02-17-2026
Date of Decision:..... 03-04-2026

On February 17, 2026, Shana L. Levenson & David J. Kassan (“**Applicant**”) were scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Variance for the height of an accessory structure (“**Application**”) upon the real property located at 1716 Chacoma Place SW (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance for the height of an accessory structure pursuant to the City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(O).
2. The applicant is required to submit a Variance Application for the height of an accessory structure.
3. Due to the failure to complete the legal advertisement at least 15 days prior to the ZHE hearing, as required by IDO Section 14-16-6-4(J)(5), this case will be deferred to the next regularly scheduled ZHE Hearing on March 17, 2026.

DECISION:

DEFERRAL of the Application to the March 17, 2026, ZHE hearing, which begins at 9:00 a.m.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: David J. Kassan (*Applicant*), studio@davidkassan.com
ZHE File
Zoning Enforcement



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

REMAND

Judith Mori, Applicant, requests a Major Zone Permit for a front courtyard wall taller than 3 ft., for Lot 104 Amended Pino Vista at Academy Hills Unit 5 Townhouses, located at 6428 Admiral Rickover Dr. NE, zoned R-T [IDO Section 14-16-6-6(H)(3)]

Special Exception No: **MZP-2025-00011**
Project No: NONE
Hearing Date:..... 02-17-2026
Closing of Public Record: 02-17-2026
Date of Decision: **03-04-2026**

On February 17, 2026, Judith Mori (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (“**ZHE**”) requesting a Major Zone Permit for a front courtyard wall taller than 3 ft, (“**Application**”) upon the real property located at 6428 Admiral Rickover Dr. NE (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Major Zone Permit for a front courtyard wall taller than 3 ft, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(H).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. 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).
4. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
5. The analyses and studies listed in IDO Section 14-16-6-4(H) are not required.
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 within an R-T zone which has a maximum street front fence height of 3 ft.

12. Therefore, a wall or fence over 3 ft on the Subject Property requires a Permit-Wall or Fence-Major pursuant to IDO Subsection 14-16-6-6(H).
13. IDO Section 14-16-6-6(H)(3) (Review and Decision Criteria for a Permit-Wall or Fence-Major) reads: “An application for a Permit – Wall or Fence - Major shall be approved if the following criteria are met:
 - (a) *The wall is proposed on a lot that meets any of the following criteria:*
 1. *The lot is at least ½ acre.*
 2. *The lot fronts a street designated as a collector, arterial, or interstate highway.*
 3. *For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street.*
 4. *For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street.*
 - (b) *The proposed wall would strengthen or reinforce the architectural character of the surrounding area.*
 - (c) *The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
 - (d) *The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and both of the following criteria:*
 1. *The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house.*
 2. *The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.*
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).
16. Applicant appeared at the February 17, 2026 ZHE hearing on the Application.

17. Based on photographs, maps and oral evidence presented by Applicant, at least 20 percent of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard area.
18. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. The proposed wall is consistent with the stucco and design of the residence on the Subject Property and generally with the neighborhood.
19. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. There was some questions as to whether the wall is located entirely on the subject property or whether any portion of the wall encroaches on the neighboring property. As a result of survey work newly obtained, it is apparent that a portion of the wall encroaches on the neighboring property. Applicant has agreed to remove all encroaching portion of the wall and relocate and reconstruct the wall so that it is entirely on the Subject Property.
20. Based on evidence presented by Applicant, the design of the wall complies with any applicable standard in Section 14-16-5-7 (Walls and Fences), including, but not limited to Subsection 14-16-5-7(E)(2) (Articulation and alignment) and Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following: (1) The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house; and (2) The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.

DECISION:

APPROVAL WITH CONDITIONS of Case# MZP-2025-00011, a request for Major Zone Permit for a front courtyard wall taller than 3 ft., on Lot 104 Amended Pino Vista at Academy Hills Unit 5 Townhouses, 6428 Admiral Rickover Dr. NE based on the preceding Findings.

CONDITIONS:

1. All portions of the wall that encroach upon the neighboring property must be removed and rebuilt to be entirely within the Subject Property.
2. Applicant is responsible for acquiring all necessary building permits.

APPEAL:

If you wish to appeal this decision, you must do so by March 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.

A handwritten signature in black ink, appearing to read "Robert Lucero". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Lucero".

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Judi Mori, judi_mori@hotmail.com
Jan & Danuta Czubiak, czdana2@gmail.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:..... Project No: Hearing Date: Closing of Public Record: Date of Decision:.....	CU-2025-00045 PR-2025-020180 02-17-2026 Open as stated herein 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