



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