



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

NM Destiny LLC (Owner) and Grand Summit Recovery and Workforce Development (Applicant) request a Conditional Use for Overnight Shelter for Tract A1, Plat of Tracts A1 & 1B Canyon Acres Subdivision Cont. 27,137 sq ft., located at 13139 Central Avenue NE, zoned MX-H (L-22) IDO Section 14-16-4-3(C)(6)

Special Exception No: .... **CU-2026-00003**  
Project No: ..... **PR-2026-000036**  
Hearing Date: ..... 03-17-2026  
Closing of Public Record: 03-17-2026  
Date of Decision: ..... 04-01-2026

On March 17, 2026, Hosai Ehsan (“**Agent**”) as agent for NM Destiny LLC (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Conditional Use Approval to allow for Overnight Shelter (“**Application**”) upon the real property located at 13139 Central Avenue NE (“**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

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 a 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 13139 Central Avenue NE in an MX-H 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. 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).
16. 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).
17. Applicant appeared at the March 17, 2026 ZHE hearing on the Application and gave evidence in support of the Application.
18. Applicant has met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended. The request has met the following ABC Comp Plan Goals and Policies:
  - a. Goal 9.4 Homelessness
    - i. Policy 9.4.1 – Best Practices: Implement an appropriate and effective model to address chronic homelessness.
    - ii. Policy 9.4.2 – Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.
  - b. Goal 9.5 Vulnerable Populations

- i. 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.
  - ii. Policy 9.4.1 – Best Practices: Implement an appropriate and effective model to address chronic homelessness.
  - iii. 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.
19. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use Approval complies with all applicable provisions of the 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.
  - a. The request strictly complies with all use-specific standards specified in IDO Code Section 14-16-4-3, as evidenced by the comprehensive written justification submitted with the application.
20. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. As demonstrated in the application materials and through testimony, the request will contribute to the overall improvement of neighboring properties, thereby enhancing the surrounding community through its integration into the area. The long-term effects are anticipated to have a favorable economic impact, supported by similar operations in comparable contexts.
21. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use Approval 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 the subject site is an enclosed property designed to operate independently, ensuring comprehensive compliance with all relevant legal and planning standards. Its robust and carefully developed layout guarantees that there will be no adverse impacts on surrounding areas.
22. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use Approval will not increase non-residential 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, as the property is not contiguous to any residential zone districts that could be adversely affected by their operation.
23. Applicant has met their burden of providing evidence that establishes that the requested Conditional Use Approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation and is expected to facilitate necessary infrastructure improvements within the local area, thereby contributing positively to the economic development of the community.
24. IDO Section 14-16-4-3(C)(6) requires the following Use-Specific Standards for Self-Storage:

*(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 zone district, this use shall not exceed 25,000 square feet.*

25. Applicant has demonstrated compliance with use-specific standards in IDO Section 14-16-4-3(C)(6), in that this use is not within 1,500 feet in any direction of a lot containing any other overnight shelter, it shall be conducted within fully enclosed portions of a building, and it is not located in the MX-M zone district.
26. The City Traffic Engineer submitted a report stating no objection to the Application.

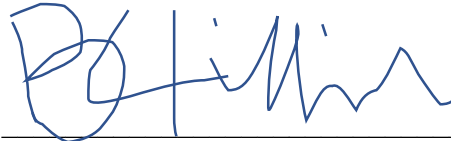
DECISION:

APPROVAL WITHOUT CONDITIONS of a Conditional Use to allow for an Overnight Shelter.

APPEAL:

If you wish to appeal this decision, you must do so by April 16, 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.



Brennon Williams  
Zoning Hearing Examiner

cc: NM Destiny, LLC, 2701 San Pedro Drive NE, Albuquerque, NM 87110-3399 (Property Owner)  
Hosai Ethan, 13139 Central Avenue NE, Albuquerque NM 871236 // [anticovidmd@gmail.com](mailto:anticovidmd@gmail.com) (Agent)  
Alex Uballez, ADDRESS NEEDED  
ZHE File  
Zoning Enforcement