



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:	04-21-2026
Closing of Public Record:	04-21-2026
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.
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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.
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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.

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Zoning Hearing Examiner

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