



City of Albuquerque

Planning Department

Timothy M. Keller, Mayor

Interoffice Memorandum

June 23, 2026

To: Klarissa J. Peña, President, City Council

From: Alan Varela, Director, Planning Department ^{AV}_{AV}

Subject: AC-26-07, CU-2025-00045: The Yale Village Neighborhood Association and D. Love's Restaurants, LLC, ("Appellant") appeals the Zoning Hearing Examiner's decision to APPROVE a Conditional Use for an Overnight Shelter for the property located at 2300 Yale Blvd SE, zoned NR-LM

OVERVIEW

On January 20, 2026, property owner Karan Mahajan and Max Juarez, Partners Hospitality, LLC ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a Conditional Use for Overnight Shelter on the property located at 2300 Yale Blvd SE. Interested parties testified in opposition to the request. The ZHE continued the hearing to February 17, 2026 in a written decision dated February 4, 2026.

On February 17, 2026, the Applicant again appeared before the ZHE, and neighboring business owners and residents of nearby neighborhoods provided testimony in opposition. The ZHE found that the proposed use was compliant with the Use-specific Standards pursuant to IDO § 14-16-4-3(C)(6); however, due to concerns about significant adverse impacts the operation may have on adjacent properties and the surrounding neighborhood, the ZHE found that soliciting feedback from City and other agencies could result in appropriate enforceable conditions of approval that might mitigate potential harms. The case was continued to April 21, 2026 to allow sufficient time for commenting agencies to provide recommended conditions and for interested parties to participate in a post-submittal facilitated meeting pursuant to IDO § 14-16-6-4(K) to discuss adverse impacts and potential mitigating measures.

On March 9, 2026, ZHE Staff referred the case for comments to the following agencies: Planning's Code Enforcement Division; Family and Community Services Department; Albuquerque Community Safety (ACS); Department of Health, Housing, and Homelessness; Albuquerque Police Department (APD); and Albuquerque Fire Rescue (AFR). (See Agency Memo.) In addition, AFR referred staff to the ADAPT (Abandoned and Dilapidated Abatement Property Team) Program in

the Fire Marshal's Office, which specifically deals with issues pertaining to nuisance properties that have a pattern of serious criminal activity or pose an immediate public safety threat.

The Applicant initiated the request for the Post-Submittal Facilitated Meeting, and the meeting was held on April 13, 2026 at 5:30 pm on Google Meet. (See Post-Submittal Facilitated Meeting Report.) Among the invited interested parties, only one representative of the District 6 Coalition of Neighborhood Associations attended and expressed no concerns. Empower Health Services presented efforts to address issues of concern raised at previous hearings.

On April 21, 2026, the Applicant appeared before the ZHE, and individuals from neighboring businesses and nearby residences provided testimony in opposition. Based on agency comments, staff recommended approval with conditions. (See Staff Report.) On May 6, 2026, the ZHE approved the Conditional Use for Overnight Shelter with 19 conditions.

The Notice of Decision was mailed to interested parties and posted to the City website, as required. Due to an administrative error, ZHE staff failed to timely email the Notice of Decision to 4 of the 18 parties who entered an appearance at the hearing as required by IDO § 14-16-6-4(L)(6)(a). When that error was discovered, all parties were provided the Notice of Decision.

The Appellant timely filed an appeal of the ZHE's decision prior to the appeal deadline of May 21, 2026. The Appellant asserts that they own property within 330 feet that would satisfy the eligibility for standing based on proximity pursuant to Table 6-4-2.

BASIS FOR APPEAL

Pursuant to Integrated Development Ordinance (IDO) § 14-16-6-4(U)(4), the applicable criteria for the appeal shall be whether the ZHE made 1 of the following mistakes:

- 6-4(U)(4)(a) The ZHE acted fraudulently, arbitrarily, or capriciously.
- 6-4(U)(4)(b) The decision being appealed is not supported by substantial evidence.
- 6-4(U)(4)(c) The ZHE erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

The Appellant responds specifically to the appeal criteria in IDO § 14-16-6-4(U)(4)(b), stating that the decision was not supported by substantial evidence demonstrating that the proposed Overnight Shelter would avoid significant adverse impacts on adjacent properties, nearby businesses, and the surrounding neighborhood.

STAFF RESPONSE

Finding #25 explains that 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. Commenting agencies provided recommended conditions of approval to mitigate concerns about these impacts on surrounding properties, all of which the ZHE adopted. Conditions #25 (a) through (s) help ensure that a functioning facility with appropriate service will mitigate these concerns.

/ Shannon Halley /
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