

YNTEMA LAW FIRM P.A.

ATTORNEY AT LAW

January 31, 2022

HESSEL E. YNTEMA, III

By Electronic Mail and Certified Mail, Return Receipt Requested

jrodenbeck@cabq.gov

Jay Rodenbeck

Chair, Development Review Board

City of Albuquerque

600 Second St. NW, 3rd Floor

Albuquerque, NM87102

By Electronic Mail

Alan Varela, Interim Director

planningdepartment@cabq.gov

By Electronic Mail and Certified Mail, Return Receipt Requested

ibenton@cabq.gov

Isaac Benton

President, City Council

City of Albuquerque

One Civic Plaza NW, 9th Floor

Albuquerque, NM 87102

Notice of Claimed Violations of the New
Mexico Civil Rights Act by the DRB in
Project PR-2019- 002946, at the December 3,
2021 Remand Hearing
(Alameda Luxury Apartments)

Dear Chair Rodenbeck, Planning Department and City Council:

Yntema Law Firm P.A. represents the individuals listed as Claimants at the end of this letter (collectively "Claimants") in connection with this letter. This letter is to provide notice under Section 41-4A-13(A), NMSA 1978 (2021), on behalf of Claimants, of a claim under the New Mexico Civil Rights Act ("NMCRA") against the Development Review Board ("DRB") and the City of Albuquerque City Council for actions at the December 3, 2021 DRB meeting referenced above.

At the December 3, 2021 DRB meeting, it became apparent that the DRB decision process for the Alameda Luxury Apartments site plan was controlled by the City Planning Department and that the meeting did not satisfy the requirements of a quasi-judicial hearing. DRB members had ex parte contacts with the developer's representatives and various City employees concerning the substance of the subject of the meeting, and made decisions applicable to the site plan application outside the December 3 meeting. The DRB did not

215 Gold Ave. SW
Suite 201
Albuquerque, NM 87102
Phone (505) 843-9565
Fax (505) 242-2879
firm@yntema-law.com
hess@yntema-law.com

YNTEMA
LAW FIRM P.A.
ATTORNEY AT LAW

Jay Rodenbeck, DRB Chair
Alan Varela, Planning Department Director
Isaac Benton, City Council President
City of Albuquerque
January 31, 2022

fairly consider the Claimants' arguments about the subject site plan. Under these circumstances the DRB acting under color of law subjected or caused to be subjected the Claimants to deprivation of property rights without due process contrary to the New Mexico Constitution, Article II, Section 18 and the NMCRA.

Very truly yours,

YNTEMA LAW FIRM P.A.

By 
Hessel E. Yntema III

cc: Nicole Sanchez (DRB Attorney)
Consensus Planning, Inc. (Jim Strozier)

Claimants:

Stephen M. Wray
Randolph and Shannon Baca
Joe O'Neill and Karen Baehr
Dennis and Cheri Starner
Nancy Jones
Thomas M. Anderson
Juanita Duran
Paul and Marialuz Scarpa
Carl and Nancy Henry
Alex Liao and Xiaoya Wu
Paul and Jennifer Wever
Dennis and Donna Sauter
Anne and David Downing
Jeff and Oliva Bland
Philip and Amber Le