

YNTEMA LAW FIRM P.A.  
ATTORNEY AT LAW

HESSEL E. YNTEMA, III



August 7, 2019

**HAND DELIVERED**

Kym Dicome, Chair  
Development Review Board  
City of Albuquerque  
600 2<sup>nd</sup> Street NW, Ground Floor  
Albuquerque, NM 87102

Project: #PR-2019-002496  
Alameda Luxury Apartments Complex  
DRB Hearing of August 14, 2019

Dear Chair Dicome and DRB Members:

This firm represents Randolph Baca, Shannon Baca, Karen Baehr, Erin E J Caswell, Nancy Jones, Joe O'Neill, Maria Scarpa, Paul Scarpa, Mary Lousie Valdez, Joseph Valdez, Paul S. Wever, Jennifer Wever, and Hope in the Desert Episcopal Church (collectively the "Neighbors") in connection with the referenced site plan approval case. This letter is intended to supplement the submissions of the Neighbors and other parties. The Neighbors agree with and incorporate the comments of Nor Este Neighborhood Association and Vineyard Estates Neighborhood Association in their letters dated July 11, 2019 to the Development Review Board ("DRB"). Please place this letter in the record for DRB hearings for the referenced case. The Neighbors request that the DRB respond to each of the below numbered objections.

1. The DRB is a "Review and Decision-making body" that conducts quasi-judicial hearings under the City's Integrated Development Ordinance ("IDO").

The Neighbors object to the DRB proceeding in any manner other than as a quasi-judicial decision-maker acting in a public hearing. IDO Section 6-4 (pp. 327-331) vests decision-making authority in the DRB. IDO Section 6-4(M) (pp. 347-350) provides that the DRB shall conduct public quasi-judicial hearings. R-19-150 which purports to change the DRB's status and procedures is invalid as the City Council may only enact zoning by ordinance, and R-19-150 does not change the substance of the DRB's decision-making.

2. The site plan exceeds the appropriate density under MX-L zoning.

The subject property is zoned "MX-L", described in IDO Section 2-4(B)(1) (p.25), which sets out "low density multi-family residential dwellings" as a "primary land use" (among other possible uses). The site plan apparently proposes 93 apartments on 3.38 acres, or a density of 27.5 units per acre. Such a density is not "low density" in the context of the surrounding low density single

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family residential neighborhood. “Low density” does not appear to be numerically defined in the IDO. The proposed dense use cannot be considered “low density” in NE Albuquerque under any reasonable definition of that term, and does not “protect the quality and character of” the existing, surrounding low density residential neighborhood (see IDO Purpose, Section 1-3(D), p.1).

3. The DRB should apply the IDO “Neighborhood Edges” provisions.

The subject development site and the neighboring properties were effectively “upzoned” by the IDO. Several of the Neighbors own and live in single family residences on the north side of Tierra Morena Place NE, abutting the south side of the subject development site. These abutting properties were zoned “MX-T” by the City Council in the initial IDO zoning, despite that the properties were established single family residences well before the enactment of the IDO. Under the proposed “Phase 2” corrective amendments to the IDO, many of these properties are to be zoned “R-1B”. The abutting property at 8419 Tierra Morena Place NE was rezoned to R-1B by City Council approval of 0-19-65 on August 5, 2019.

The Neighbors submit that the north side Tierra Morena Place properties should be considered “Protected Lots” under IDO Section 5-9 (p. 286) as they are de facto low density residential single family residences notwithstanding the IDO upzoning, and that the subject development site should be considered a “Regulated Lot” under IDO Section 5-9. The north side Tierra Morena Place properties should be protected by the building height stepdown and buffer landscape provisions of IDO Section 5-9, and the buffer provisions of IDO Section 5-6(E)(2) (p. 260).

4. The Neighbors should have adequate time to review compliance with the various Department comments.

It appears that various City departments had significant comments to the proposed site plan at the July 17, 2019 DRB hearing. The Neighbors should have sufficient time to review the developer’s changes to the proposed site plan in response to the department comments.

5. The DRB record for this matter should include all correspondence, notes and other public records related to the subject application.

The DRB should require and maintain a full documentary record of all correspondence, notes and other public records of City departments’ review of the subject application, to facilitate any further review of any DRB decision.

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6. The Neighbors request a traffic study for the project.

Increased traffic from the proposed intense multi-family development, particularly during the times people arrive at and depart from local schools, is a concern of the Neighbors and the DRB should require a traffic study for the project's likely impacts on the neighborhood.

The Neighbors request that the subject apartment project be redesigned to conform to their neighborhood's low density residential character and the intent and standards of the IDO. Several of the Neighbors will present their objections to the proposed site plan at the scheduled August 14, 2019 DRB hearing.

Very truly yours,

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By Hessel E. Yntema  
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