

City of Oakland
Landmarks Preservation Advisory Board

RULES OF PROCEDURE

Adopted March 21, 1974; amended through July 31, 1992

Landmarks Preservation Advisory Board
Rules of Procedures

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Landmarks Preservation Advisory Board
Rules of Procedure

(Adopted March 21, 1974; amended through July 31, 1992).

ARTICLE 1. POWERS AND DUTIES.

The Landmarks Preservation Advisory Board (hereinafter referred to as the Board) shall advise and assist the City Planning Commission and the Director of City Planning, as well as other public agencies, civic groups, and the general public, on the matters described in Section 3 of the General Provisions of the Oakland Planning Code.

ARTICLE 2. MEMBERS AND OFFICERS.

A. Membership. The Board shall consist of seven members appointed by the Mayor subject to the affirmative vote of five or more members of the City Council. In making appointments, the Mayor may consult persons and organizations interested in landmarks or historic preservation. The members shall include at least one architect; one landscape architect or city planner; one person having extensive knowledge of Oakland history, or of relevant architectural history; and one real estate broker or other person with significant experience in the financing or management of real estate.

B. Terms. Of the original appointments, two shall be for a one-year term, two shall be for a two-year term, and three shall be for a three-year term. After the expiration of the original terms, all appointments, other than those to fill a vacancy, shall be for three-year terms.

C. Vacancies. Vacancies shall be filled for any unexpired term in the same manner as the original appointments were made.

D. Removal. Any member of the Board may be removed for cause, after hearing, by the affirmative vote of six or more members of the City Council.

It shall be cause for dismissal within the meaning of Section 501 of the Charter of the City of Oakland if any member of the Board shall have three consecutive unexcused absences from duly-noticed Board meetings. The Chair may excuse absences provided that the Board member notifies the Secretary of the absence at least four (4) hours prior to the start of the meeting. Absence due to sickness, death or other emergencies of like nature shall be recognized as excused absences. The Secretary shall notify a member when he/she is approaching the maximum number of

unexcused absences. The Chair shall promptly report in writing to the City Council whenever three consecutive unexcused absences occur.

E. Compensation. The Board members shall serve without compensation. However, necessary actual travel and other expenses shall be reimbursed them, when the City's interests shall so require, if such is authorized by the City Council.

F. Officers. Election of officers of the Board shall be held at the first meeting after June 30 of each year. A Boardmember shall not be eligible for election as an officer if that Boardmember's term has either previously expired and the Boardmember has not been reappointed to the Board or the Boardmember's term will expire during the term of the office for which the election is being held. The officers of the Board shall consist of and their duties shall be as follows:

1. **Chair.** The Chair shall preside over all meetings of the Board and shall have the right to vote on all questions. He/she shall see that the laws of the City pertaining to the activities of the Board and the rulings of the Board are faithfully executed. He/she shall sign all documents on behalf of the Board after the same have been approved by the Board and shall perform such other duties as may be imposed by the Board. He/she shall appoint all committees, and, ex-officio, be a member of all committees.

2. **Vice-Chair.** The Vice-Chair, in the absence of the Chair, shall perform all of the duties of the Chair with the same force and effect as if performed by the Chair.

3. **Chair Pro Tem.** If both the Chair and Vice-Chair are absent from a meeting, the Board shall select a Chair Pro-Tem, who shall hold office only during that meeting unless such office is terminated by the arrival of the Chair or Vice-Chair in the course of the meeting.

If either the office of Chair or Vice-Chair becomes vacant, the Board shall hold a special election to fill the vacancy. The Chair or Vice-Chair so elected shall hold the office until the next regular election of officers.

G. Secretary. The Secretary shall be appointed by the Director of City Planning. The Secretary shall prepare agendas for and keep minutes of all meetings. Agendas shall be prepared in consultation with the Chair. Agendas shall include all substantive items to be considered at the meetings to which they apply, and shall be mailed or otherwise furnished to all members sufficiently in advance to permit adequate review by members prior to the meetings. The Secretary shall maintain custody of all reports, books, papers, and records of the Board.

H. Auxiliary Committees and Staffing. The Board shall make every effort to obtain assistance from, and to work with, private groups and citizens interested in preservation. It may designate auxiliary committees to assist it. The Board may seek staff assistance from the City Manager or the City Council.

ARTICLE 3. MEETINGS.

A. All Meetings to be Open to the Public. Except as is otherwise allowed by law, all regular, special and committee meetings of the Board shall be open to the public, and interested persons shall be given reasonable opportunity to be heard.

B. Regular Meetings. Regular meetings of the Board shall be held on the second Monday of each month, commencing at the hour of 4:00 p.m. unless an alternate time is designated by the Board for one or more meetings. If the second Monday of the month falls on a City holiday, the meeting shall be held on the third Monday. If the third Monday also falls on a City holiday, the meeting shall be held on the first Monday.

C. Notice of Regular Meeting. Notice of each regular meeting shall be mailed to each member and to each local newspaper of general circulation, radio or television station which has requested, in writing, notices of meetings. Such notices of regular meetings shall be mailed at least forty-eight (48) hours in advance of such meeting, and where possible, shall state the business to be transacted. Such notice shall specify the time and place of the meeting. However, failure to meet the forty-eight hour notice deadline shall not prevent the Board from meeting.

D. Special Meetings. Special meetings of the Board may be called by order of the Chair or by a majority of the members. Whenever a special meeting shall be called, written notice shall be delivered personally or by mail to each member of the Board and to each local newspaper of general circulation, radio or television station requesting in writing such notice. Such notice shall be delivered personally or by mail at least twenty-four (24) hours before the time of such special meeting as specified in the notice. The order calling the special meeting shall specify the time and place of the meeting and the business to be transacted at such meeting and no other business shall be transacted at that meeting.

E. Taping of Regular and Special Meetings. All regular and special meetings of the Board shall be recorded on tape. Meeting tapes shall be retained for at least two years.

F. Order of Business. The business of each meeting of the Board shall be transacted as far as possible in the following order:

- a. Roll Call
- b. Approval or correction of minutes
- c. Old business
- d. New business
- e. Open forum

G. Quorum. A quorum shall consist of a minimum of four (4) members present at a meeting. No business shall be conducted or action taken or rules of procedure or by-laws amended or adopted at any meeting unless a quorum is present.

H. Acts of the Board. The acts of the Board shall be expressed by resolution or motion. No resolution or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the members present. A tie vote shall cause the resolution or motion to fail. The adoption of resolutions and motions shall be by roll call vote, which shall be entered upon the minutes of the meeting.

Each Board member shall be entitled to one (1) vote which shall be cast in person only.

I. Deadlines for Mailing Agenda Packets for Regular Board Meetings and for Scheduling Business for Regular Board Meetings. Agenda packets for regular Board meetings shall normally be mailed to Boardmembers (1) on or before the second Friday preceding the Board meeting if that Friday does not occur during a week in which City Planning Commission agenda packets are to be mailed and (2) on or before the Wednesday preceding the Board meeting in all other cases.

In order to be scheduled for consideration at a regular Board meeting, all items of business must be received either by the Secretary or by the Zoning Division not later than the second Wednesday prior to the meeting. Under special circumstances, such as emergency situations or when an applicant may suffer undue hardship because of delay, the Chair may waive the second Wednesday deadline provided that meeting agendas or other notices have not yet been sent out.

J. Cancellation of Meetings. Whenever there is no business requiring timely action by the Board or when it is known that a quorum will not be present, the Chair may dispense with a regular meeting by giving notice to all Boardmembers and to all other persons and organizations normally receiving notice of meetings not less than forty-eight (48) hours prior to the time set for the meeting.

K. Conflicts of Interest. A Boardmember shall refrain from voting on any matter which, in the judgment of that member, might be construed as a conflict of interest. In such circumstances, the member shall advise the Chair at the beginning of the meeting and remove him/herself from the room while the item is being considered.

L. Attendance at Previous Deliberations and Site Visits as Requirements for Voting on Landmark Designations, S-7 Designations, Certificates of Merit, and Design Review. No Boardmember shall participate in any vote to establish, amend, or delete a landmark, to rezone property to or from the S-7 Preservation Combining Zone, to award or revoke a Certificate of Merit or to make a recommendation on a Design Review application unless said Boardmember attended the Board's previous deliberations concerning such application and visited the subject sites. However, the Chair shall excuse any Boardmember from the requirement of attending previous deliberations upon the Boardmember's assurance that he/she has listened to the tapes of the deliberations.

M. Procedure for Hearing Speakers. Members of the audience may speak only on items appearing on the meeting agenda. The procedure for hearing speakers shall be as follows:

1. Persons wishing to speak on an agenda item shall fill out a speaker's card showing their name, address, any person or organization they represent, and whether they are speaking for or against any proposal to be decided. The form for the speaker's card is shown in Appendix 1.

2. Speakers shall give completed speaker's cards to the Secretary.

3. At the start of each agenda item the Chair shall determine from the Secretary whether any speaker cards have been submitted for that item; the Secretary shall give any such cards to the Chair who shall then call each speaker by name to speak or, when there are a large number of speakers, determine an alternate procedure such as asking for a spokesperson to represent each side. The Chair may impose time limits for hearing each speaker.

4. No speakers shall be heard for a particular agenda item except when that item is before the Board. However, this requirement may be waived by the Chair.

ARTICLE 4. APPLICATIONS TO THE BOARD TO INITIATE ACTION TO ESTABLISH A LANDMARK OR TO REZONE PROPERTY TO THE S-7 ZONE. (See Rezoning and Law Change Procedure at Section 9500 of the Zoning Regulations).

A. Notice of Intent to Submit an Oakland Landmark and S-7 Preservation Combining Zone Application Form. All proposals requesting the Board to initiate action to establish a landmark or to rezone a property to the S-7 Zone shall be accompanied by a Notice of Intent to submit an Oakland Landmark and S-7 Preservation Combining Zone Application Form (Form LPAB-1), except for proposals submitted by the owners of all property included in the proposal. The Notice shall be submitted to the Secretary and is shown in Appendix 2.

The purpose of the Notice of Intent is to solicit property owner comments on landmark and S-7 designation proposals prior to completion of a Landmark/S-7 Zone Application Form. If, as a result of property owner comments, a decision is made not to proceed with the landmark or S-7 designation, the work required to prepare an Application Form will be unnecessary and can be avoided.

B. Scheduling Notice of Intent for Board Consideration. Upon receipt of a properly completed Notice of Intent, the Secretary shall schedule consideration of such Notice for the Board's next regularly scheduled meeting, or if a special meeting has been called to consider the Notice, at the special meeting. However, such regularly scheduled or special meeting shall occur no less than nineteen calendar days following receipt of the Notice. If the Notice is received less than nineteen calendar days prior to such meeting, and if a special meeting to consider the Notice has not been scheduled, the Notice shall be considered at the following regularly scheduled meeting.

C. Notification to Property Owners of Board Consideration of Notice of Intent; Request for Property Owner Comments. Within seven calendar days of receipt of a properly completed Notice of Intent, the Secretary shall forward a copy of such Notice to the owners of record of all property included in the proposed designation. The Notice shall be accompanied by a letter to the owners advising them of the Notice and inviting the owners to submit comments. The Notice and letter shall be sent by both certified and first class mail. The letter shall be based on the form letter (Form LPAB-1A) shown in Appendix 2A.

In the case of a publicly-owned property, the Notice and Letter shall be sent by both certified and first-class mail to the chief administrator of the public agency listed as owner of record. In addition, the Notice and a letter shall be sent by first-class mail to all community groups that utilize, have expressed interest, or are likely to have an interest in the property. This letter shall be based on the form letter (Form LPAB-1B) shown in Appendix 2A. Dates and time limits shall be as specified above.

D. Preliminary Determination of Landmark or S-7 Eligibility. Upon receipt of a properly completed Notice of Intent, the Secretary shall forward such Notice to the Board for consideration at the meeting scheduled pursuant to Section B above. The Secretary shall accompany the Notice with a recommendation as to whether the proposal meets the landmark designation criteria at Section 2002(p) of the Zoning Regulations or the S-7 Preservation Combining Zone designation criteria at Section 6400 of the Zoning Regulations. In making such recommendation in the case of proposed landmark designations, the Secretary shall complete the evaluation sheet (Form LPAB-2.1) contained in the "Guidelines for Determination of Eligibility for Landmark Designations" shown in Appendix 3.

The Secretary shall accompany the Notice with any written comment received from the owners or other interested parties.

After receiving the Notice of Intent, the Board shall review the Notice and the Secretary's preliminary eligibility recommendation and shall preliminarily determine whether the designation proposal meets either the landmark or the S-7 Zone designation criteria. In making such preliminary determination for proposed landmark designations, the Board may either accept the Secretary's evaluation sheet or prepare its own evaluation sheet. In any event, the Board shall adopt a written statement justifying its actions.

E. Second Request for Property Owner Comments. If the Board makes a preliminary determination that the proposal meets the landmark or S-7 Zone designation criteria and if the Board has not yet received comments on the proposal from all owners of record of property included in the proposed designation, the Board shall (1) direct the Secretary to issue a second request for comments on the proposal from any owners of record of all property included in the proposed designation who have not yet submitted comments and (2) set a date not less than 21 days nor more than 75 days after the date of the Board's preliminary determination of eligibility to consider and respond to owner comments on the proposal.

Such request shall be by both certified and first class mail and shall use the form letter (Form LPAB-3) shown in Appendix 4. Owners shall have no less than 14 days and no more than 30 days to submit written comments in response to the request.

In the case of a publicly-owned property, the Board shall also direct the Secretary to issue a second request for comments from any community groups that utilize, have expressed interest, or are likely to have an interest in the property who have not yet submitted comments. Such request shall be by first-class mail and shall use the form letter (Form LPAB 3A) shown in Appendix 4. Dates and time limits shall be as specified above for owners of record.

F. Board Consideration of Property Owner Comments. If, after considering owner comments pursuant to Sections C and E above, and any other information received concerning the proposal, the Board determines to proceed with designation, the Board shall require an Oakland Landmark and S-7 Preservation Combining Zone Application Form (Form LPAB-4) to be submitted for the proposal.

G. Oakland Landmark and S-7 Preservation Combining Zone Application Form. All proposals brought before the Board to establish a landmark or to rezone any property to the S-7 Preservation Combining Zone shall be accompanied by a completed Oakland Landmark and S-7 Preservation Combining Zone Application Form (Form LPAB-4) submitted to the Secretary. The Form is shown in Appendix 5 along with instructions for completing it.

In cases where a Notice of Intent to Submit an Oakland Landmark and S-7 Preservation Combining Zone Application Form has been forwarded to the Board (See Article 4, Section A, above), and where the Board has made a preliminary determination that the proposal meets the landmark or S-7

Zone designation criteria, the Board shall not accept the Application Form until after it has considered property owner response to the designation proposal, if such response has been received pursuant to Article 4 Sections C and E above, and determined to proceed with the designation. However, in all cases involving a Notice of Intent, a final Application Form must be received by the Secretary no later than six months after the date the Board considered owner comments and determined to proceed with designation unless such six month period is extended by the Board.

H. No Discussion of Landmark or S-7 Designations Prior to Board Deliberations. No Boardmember shall in any manner discuss any application for landmark designation, or inclusion of a property in the S-7 Preservation Combining Zone prior to the Board's deliberations on such application except as specified elsewhere in the Rules of Procedure or as authorized in advance by the Chair; neither shall Boardmembers express individual opinions on the proper judgment of any such applications except in accordance with these Rules of Procedure; provided, however, that Boardmembers may seek and/or receive information pertaining to the application from any other member or from staff prior to such deliberations.

I. Final Determination of Landmark or S-7 Eligibility. Upon receipt of a properly completed Application Form (Form LPAB-4), the Secretary shall forward such Form to the Board for consideration at the Board's next regularly scheduled meeting, or, if a special meeting has been called to consider the application, at the special meeting. The Secretary shall accompany the Application Form with a final recommendation as to whether the designation proposal meets the landmark designation criteria at Section 2002(p) of the Zoning Regulations or the S-7 Preservation Combining Zone designation criteria at Section 6400 of the Zoning Regulations. In the case of proposed landmark designations, the Secretary when making such recommendation shall complete the evaluation sheet (Form LPAB-2) contained in the "Guidelines for Determination of Eligibility for Landmark Designations" shown in Appendix 3. If an evaluation sheet has already been prepared as part of a preliminary eligibility recommendation and no change to the evaluation sheet is needed as a result of new information contained in the Application Form, the original evaluation sheet may continue to be used.

After receiving a Landmark/S-7 Zone Application Form, the Board shall review the Form and the Secretary's final eligibility recommendation and shall make a final determination as to whether the designation proposal meets the landmark or S-7 Zone designation criteria. In making such final determination for proposed landmark designations, the Board may either accept the Secretary's evaluation sheet or prepare its own evaluation sheet. In any event, the Board shall adopt a written statement justifying its actions.

J. Resolution Initiating Landmark or S-7 Zone Designation. After determining that a landmark or S-7 Zone designation proposal meets the

landmark or S-7 Zone designation criteria and if the Board determines to proceed with the proposal, the Board shall direct the Secretary to draft a resolution for Board consideration initiating landmark or S-7 Zone designation pursuant to Section 9502(c) of the Zoning Regulations. The resolution shall follow the form shown in Appendix 6 (Form LPAB-5) in the case of landmarks and Appendix 7 (Form LPAB-6) in the case of S-7 Zones. Board action on the resolution shall normally occur at the regular meeting following the meeting at which preparation of the resolution had been ordered.

Following Board adoption of the resolution, the Secretary shall promptly forward such resolution to the City Planning Commission for public hearing on the proposal pursuant to Section 9505 of the Zoning Regulations.

K. Emergency Initiation of Landmark or S-7 Zone Designation. The purpose of this Section K is to allow in emergency situations a landmark or S-7 Zone designation to be completed, including action by the City Planning Commission and the City Council, **within the 60 day demolition postponement period** provided to properties on the preservation Study List pursuant to Section 7005 of the Zoning Regulations.

Upon the Board's determination that an emergency situation exists, the Board may immediately initiate a landmark or S-7 Zone designation without conforming with the other provisions of this Article except as provided in this Section. An emergency situation shall exist whenever there is significant reason to believe that immediate demolition, removal or alteration is being considered for the property proposed for designation and that such demolition, removal or alteration would adversely affect the characteristics which contribute to the property's possible landmark or S-7 eligibility.

The Board may initiate an emergency designation at either a regular or special meeting. The Secretary shall determine in consultation with the Chair whether a proposed initiation shall be placed on the meeting agenda as an emergency initiation, unless the Board at a previous meeting has already made such determination. The Secretary shall invite all owners of record of property included in the proposed designation to attend the meeting and shall request the owners to submit written comments on the designation. Such invitation and request shall be by certified and first class mail and shall be postmarked not later than (3) calendar days prior to the meeting date.

In the case of publicly-owned property, the Secretary shall also invite all community groups that utilize, have expressed interest, or are likely to have an interest in the property to attend the meeting and to submit written comments on the designation. Such invitation shall be by first-class mail. Time limits shall be as specified above for owners of record.

Prior to Board action on the proposed emergency initiation, the Secretary shall provide the Board with (1) a completed Oakland Landmark and S-7 Preservation Combining Zone Application Form (Form LPAB-4), (2) a draft resolution initiating landmark or S-7 Zone designation (Form LPAB-5 or LPAB-6), and (3) a recommendation as to whether the designation proposal meets the landmark designation criteria at Section 2002(p) of the Zoning Regulations or the S-7 Preservation Combining Zone designation criteria at Section 6400 of the Zoning Regulations. In the case of proposed landmark designations, the Secretary when making such recommendation shall complete the evaluation sheet (Form LPAB-2) contained in the "Guidelines for Determination of Eligibility for Landmark Designations" shown in Appendix 3.

After receiving and reviewing the Application Form, the draft resolution, the Secretary's recommendation, any property owner comments and any other information, the Board shall determine whether an emergency situation exists and if so, whether the designation proposal meets the landmark or S-7 Zone designation criteria and whether to proceed with the designation. In determining whether a property meets the landmark designation criteria, the Board may either adopt the Secretary's evaluation sheet or immediately prepare and adopt its own evaluation sheet. In any event, the Board shall adopt a written statement justifying its actions.

If the Board determines that the designation proposal meets the landmark or S-7 Zone designation criteria and determines to proceed with the designation, the Board shall immediately adopt either the draft resolution initiating landmark or S-7 Zone designation prepared by the Secretary or an amended resolution. The resolution shall follow the form shown in Appendix 6 (Form LPAB-5) in the case of landmarks and Appendix 7 (Form LPAB-6) in the case of S-7 Zones.

Following Board adoption of the resolution, the Secretary shall promptly forward such resolution to the City Planning Commission for public hearing on the proposal pursuant to Section 9505 of the Zoning Regulations.

ARTICLE 5. APPLICATIONS TO THE BOARD TO INITIATE ACTION TO AMEND OR DELETE A LANDMARK OR TO REZONE PROPERTY FROM THE S-7 ZONE. (See Rezoning and Law Change Procedure at Section 9500 of the Zoning Regulations.)

A. Amendment of a Landmark -- Definition. A landmark may be amended either by changing the boundaries of the landmark site or by changing the designating ordinance's description of the particular features of the landmark that should be preserved. The Board will initiate action to amend a landmark only after determining that because of changes to the property or because of new information on the property, such amendment is warranted.

B. Landmark or S-7 Preservation Combining Zone Amendment/Deletion For
All requests to the Board to initiate action to amend or delete a

landmark or to rezone a property from the S-7 Zone shall be accompanied by a completed Oakland Landmark and S-7 Preservation Combining Zone Amendment/Deletion Application Form (Form LPAB-7). The Form shall be submitted to the Secretary and is shown in Appendix 8.

C. Request for Property Owner's Comments. If the application has been submitted by a person or organization other than the property owner, the Secretary shall request written comments on the proposal from the owners of record of the property prior to forwarding the application to the Board. Such request shall be by both certified and first class mail and shall use the form letter shown in Appendix 9 (Form LPAB-8). Owners shall have at least 14 days and no more than 30 days to submit written comments in response to the request.

In the case of publicly-owned property, the Secretary shall also request written comments from all community groups that utilize, have expressed interest, or are likely to have an interest in the property. Such request shall be by first-class mail and shall use the form letter shown in Appendix 9 (Form LPAB 8A). Time limits shall be as specified above for owners of record.

D. No Discussion of Applications to Amend or Delete a Landmark or to Rezone Property from the S-7 Zone Prior to Board Deliberations. No Boardmember shall in any manner discuss any application to amend or delete a landmark or to rezone property from the S-7 Preservation Combining Zone prior to the Board's deliberations or such application except as specified elsewhere in the Rules of Procedure or as authorized in advance by the Chair; neither shall Boardmembers express individual opinions on the proper judgement of any such application except in accordance with these Rules of Procedure; provided, however, that Boardmembers may seek and/or receive information pertaining to the application from any other member or from staff prior to such deliberations.

E. Consideration of Application by Board. The Secretary shall forward the application to the Board for consideration at the Board's next regularly scheduled meeting following either receipt of the application or the end of the owner response period, whichever is later, or if a special meeting has been called to consider the application, at the special meeting.

The Secretary shall forward with the application a recommendation as to whether the proposed action is appropriate. In the case of a proposal to delete a landmark or to rezone a property from the S-7 Zone, the Secretary shall base the recommendation on whether the property still meets either the landmark or S-7 Zone designation criteria. In making such recommendation in the case of deletion of a landmark, the Secretary shall complete the evaluation sheet (Form LPAB-2) contained in the "Guidelines for Determination of Eligibility for Landmark Designations" shown in Appendix 3.

After receiving the Amendment/Deletion Application Form, the Board shall review the Form and, if applicable, owner comments and the Secretary's recommendation.

In the case of a proposal to delete a landmark or to rezone a property from the S-7 Zone, the Board shall determine whether the property still meets the landmark or S-7 Zone eligibility criteria and shall initiate action to delete or rezone only if such determination is negative. When making such determination for deletion of a landmark, the Board may either accept the evaluation sheet submitted with the Secretary's recommendation or prepare a new evaluation sheet. In any event, the Board shall adopt a written statement justifying its actions.

F. Resolution Initiating Amendment or Deletion of a Landmark or Rezoning Property from the S-7 Zone. If the Board determines to proceed with the proposed amendment, deletion or rezoning, the Board shall direct the Secretary to draft a resolution for Board consideration initiating pursuant to Section 9502(c) of the Zoning Regulations such amendment, deletion or rezoning. The resolution shall follow the form shown in Appendix 10 (Form LPAB-9) for amendment or deletion of landmarks and Appendix 11 (Form LPAB-10) for rezoning from the S-7 Zone.

Following Board adoption of the resolution, the Secretary shall promptly forward the resolution to the City Planning Commission for public hearing on the proposal pursuant to Section 9505 of the Zoning Regulations.

ARTICLE 6. REFERRALS TO THE BOARD FROM CITY PLANNING COMMISSION TO ESTABLISH, AMEND OR DELETE A LANDMARK OR TO REZONE PROPERTY TO OR FROM THE S-7 ZONE.

In cases where, pursuant to Section 9504 of the Zoning Regulations, the City Planning Commission has referred to the Board a proposal to establish, amend or delete a landmark or to rezone property to or from the S-7 Preservation Combining Zone, the Secretary shall schedule the proposal for discussion at the Board's next regularly scheduled meeting or at any special meeting called to discuss the proposal and shall forward to the Board a recommendation on the proposal. After receiving the Secretary's recommendation, the Board shall either adopt such recommendation for forwarding to the Commission or adopt an alternative recommendation. In cases involving establishment or deletion of a landmark or rezoning property to or from the S-7 Zone, the Secretary's and the Board's recommendations shall be based on whether the property proposed for such establishment, deletion or rezoning meets either the landmark or S-7 Zone designation criteria and shall be formulated in the same manner as described in Article 4 and Article 5 for proposals initiated by the Board.

The Board shall forward its recommendation to the City Planning Commission within 30 days after the Commission sent the proposal to the Board. The 30 day period may be extended by the Commission or, in the cases of owner-initiated designation, by agreement between the owner(s) and the Board.

For proposals involving establishment of a landmark or rezoning a property to the S-7 Zone, the Board's recommendation to the Commission shall be accompanied by a completed Oakland Landmark or S-7 Zone Application Form (Form LPAB-4).

ARTICLE 7. BOARD REVIEW OF DESIGN REVIEW APPLICATIONS.

The Director of City Planning shall refer all design review applications involving a landmark or property located within the S-7 Zone to the Board for its recommendations pursuant to Section 9302 of the Zoning Regulations.

All applications forwarded to the Board for review shall be accompanied by either a written or oral report by the Secretary describing the proposal and identifying possible design issues.

No Boardmembers shall in any manner discuss any application for Design Review prior to the Board's deliberations on such application except as specified elsewhere in the Rules of Procedure or as authorized in advance by the Chair; neither shall Boardmembers express individual opinions on the proper judgement of any such application except in accordance with these Rules of Procedure; provided, however, that Boardmembers may seek and/or receive information pertaining to the application from any other member or from staff prior to such deliberations.

In taking action on the proposal, the Board may recommend either approval, approval with conditions, or denial. In cases where the approval is with conditions requiring submittal of additional information, the Board may request the Director of City Planning to submit this information to the Board for review and recommendation prior to any decision by the Director on the application based on the additional information.

ARTICLE 8. PARLIAMENTARY PROCEDURE. Except as modified herein, Robert's Rules of Order shall be followed as the parliamentary procedure for the Board. The Chair has authority to interpret and rule upon such procedure when a point of order is raised by a member of the Board.

ARTICLE 9. AMENDMENTS AND TEMPORARY SUSPENSION OF RULES. These rules may be amended by the Board from time to time by motion or resolution. No such amendment shall take effect until the next regular meeting following the meeting at which such amendment is adopted. These rules may be suspended temporarily at any time by the unanimous vote of all Boardmembers present.