

<b>Location:</b>	Citywide
<b>Assessor's Parcel Number:</b>	N/A
<b>Proposal:</b>	"Draft Bylaws and Rules of Procedure of the Landmarks Preservation Advisory Board of the City of Oakland" intended to: <ol style="list-style-type: none"><li>1. Establish an updated framework for conducting business and advising by the Landmarks Preservation Advisory Board;</li><li>2. Clarify roles and responsibilities of Board Members and support staff;</li><li>3. Clarify processes and procedures for hosting hybrid meetings; and</li><li>4. Clarify processes and procedures for public comment and participation at Landmarks Preservation Advisory Board meetings.</li></ol>
<b>Applicant:</b>	Audrey Lieberworth, Planner III, PBD, City of Oakland
<b>Phone Number:</b>	510-238-6317
<b>Owner:</b>	City of Oakland
<b>Case File Number:</b>	ZA25005
<b>Planning Permits Required:</b>	None
<b>General Plan:</b>	N/A
<b>Zoning:</b>	N/A
<b>Proposed Environmental Determination:</b>	Not a project subject to CEQA (not an activity that may cause a direct or reasonably foreseeable indirect physical environmental change). In the alternative, exempt under the "common sense exemption," CEQA Guidelines Section 15061(b)(3).
<b>Historic Status:</b>	N/A
<b>City Council district:</b>	N/A
<b>Status:</b>	Pending consideration and approval by the Landmarks Preservation Advisory Board.
<b>Staff Recommendation</b>	Planning staff recommend consideration and approval of the proposed bylaws.
<b>Action to be Taken:</b>	Landmarks Preservation Advisory Board will receive public comment, discuss, and make recommendation to Board.
<b>For further information:</b>	Contact Audrey Lieberworth at (510) 238-6317 or by email at <a href="mailto:alieberworth@oaklandca.gov">alieberworth@oaklandca.gov</a> .

## SUMMARY

City of Oakland Planning Bureau staff recommend adoption of the "Draft Bylaws and Rules of Procedure of the Landmarks Preservation Advisory Board" ("Bylaws") of the City of Oakland (**Attachment A**) in order to:

1. **Establish an Updated Framework for Conducting Business and Advising:** The Bylaws codify rules of procedure for the Landmarks Preservation Advisory Board (LPAB) in that they generally follow the LPAB's Rules of Procedure that were adopted on March 21, 1974, and amended through July 31, 1992 (see **Attachment B**) and Rosenberg's Rules of Order (see **Attachment C**), except as modified by the Bylaws in conformity with the [Brown Act](#) and [Oakland Sunshine Ordinance](#).
2. **Clarify Roles and Responsibilities of Board Members and Staff:** The Bylaws outline and define roles and responsibilities of the Chair, Vice-Chair, Board Members, Secretary, and support staff to the LPAB.

3. **Clarify Processes and Procedures for Remote or Hybrid Meetings:** The Bylaws affirm that LPAB meetings may allow public participation via teleconference so long as they are conducted in compliance with the Brown Act, and as amended from time to time including by AB 2449 (2022), which provides for limited circumstances under which Board Members may participate in meetings remotely. Planning staff have provided an interpretation of current State law as it applies to hosting remote LPAB meetings (see “Key Issues and Impacts” in this report) and the attached document issued March 30, 2023, and revised on February 5, 2025, entitled “Frequently Asked Questions (FAQs) Regarding the City Council’s (and Other Local Legislative Bodies’) Return to In-Person Meetings and Their Members’ Participation by Teleconference under the Ralph M. Brown Act, California’s Open Meeting Law” (**Attachment D**).
4. **Clarify Processes and Procedures for Public Comment and Participation:** The Bylaws set clear, consistent standards and procedures for speaking on agenda items and during Open Forum and reaffirm the discretion of the Chair to specify uniform speaking time limits at the beginning of meetings, consistent with the Brown Act.

## **BACKGROUND**

The City of Oakland’s LPAB was established through Ordinance No. 8883 C.M.S. (see **Attachment E**) and has been operating under the LPAB’s Rules of Procedure that were adopted on March 21, 1974, and amended through July 31, 1992 (see **Attachment B**). Recently on December 18, 2024, the City of Oakland’s Planning Commission adopted Bylaws (see **Attachment F**). Over the past several months, City staff and the City Attorney’s Office have reviewed existing documentation of the LPAB’s standard procedures in comparison to the Planning Commission’s new Bylaws. Staff then updated the LPAB’s standard procedures, where appropriate, to reflect current practice and generally follow Rosenberg’s Rules of Order (see **Attachment C**), and synthesized them to form a coherent, modernized set of “Draft Bylaws and Rules of Procedure of the Landmarks Preservation Advisory Board of the City of Oakland” (see **Attachment A**).

With the advancement of digital communications and teleconference technologies, new capabilities now enable the hosting of hybrid public hearings. However, the LPAB does not have clear protocols and procedures for utilizing such platforms in a manner that meets the requirements of the Brown Act.

The LPAB Bylaws seek to ensure consistency in rules of procedure for both the LPAB and Planning Commission (for which it advises), as well as memorialize current practices, improve practical consistency, and clarify how hybrid LPAB meetings may be conducted in accordance with State law. As of January 1, 2023, [Assembly Bill 2449](#) took effect for all bodies subject to the Brown Act, preserving, under very limited circumstances, an option for members and the public to participate in meetings via teleconference. On March 30, 2023, the Oakland City Attorney’s Office issued a Frequently Asked Questions (FAQ) (see **Attachment D**), which was revised on February 5, 2025, outlining its interpretation of AB 2449 and summarizing the requirements for conducting remote or hybrid meetings in conformity with State law. Under the “Key Issues and Impacts” section below, staff have provided key highlights from this FAQ to outline some fundamental conditions under which Board meetings may be held in hybrid format, and the participation requirements for both Board Members and members of the public-at-large.

## **KEY ISSUES AND IMPACTS**

### **Summary of Changes to LPAB Bylaws (2025):**

The 2025 LPAB Bylaws reflect the LPAB Rules of Procedure (amended through 1992) while maintaining consistency with the Planning Commission’s recently adopted bylaws, as well as memorialize current practices, improve practical consistency, and clarify how hybrid LPAB meetings may be conducted in accordance with State law.

Many sections of the LPAB's Rules of Procedure (1992) have been incorporated into Oakland Municipal Code and other City records since the LPAB's establishment in 1973. Staff prepared a summary in Table 1, which delineates how each Article from the 1992 LPAB Rules of Procedure is currently incorporated into City records, including the LPAB Bylaws (2025), Oakland Planning Code, Oakland Municipal Code, and/or other official City records.

**Table 1: Summary of Changes from LPAB Rules of Procedure (1992) to LPAB Bylaws (2025) and Other City Records**

<b>LPAB Rules of Procedure (1992)</b>	<b>New Location</b>
Article 1. Powers and Duties	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 2. Duties of the Board</li></ul>
Article 2A. Membership	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 1. Establishment and Governing Law</li><li>• Oakland Planning Code Chapter 17.05.010</li></ul>
Article 2B. Terms	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 1. Establishment and Governing Law</li><li>• Oakland Planning Code Chapter 17.05.020</li></ul>
Article 2C. Vacancies	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 1. Establishment and Governing Law</li><li>• Oakland Planning Code Chapter 17.05.030</li></ul>
Article 2D. Removal	<ul style="list-style-type: none"><li>• Oakland Planning Code Chapter 17.05.040</li></ul>
Article 2E. Compensation	<ul style="list-style-type: none"><li>• Oakland Planning Code Chapter 17.05.050</li></ul>
Article 2F. Officers	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 4. Officers of the Board</li></ul>
Article 2G. Secretary	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 5. Duties of Staff Members</li></ul>
Article 2H. Auxiliary Committees and Staffing	<ul style="list-style-type: none"><li>• Oakland Planning Code Chapter 17.05.080</li></ul>
Article 3A. All Meetings to be Open to the Public	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 3. Meetings of the Board</li></ul>
Article 3B. Regular Meetings	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 3. Meetings of the Board</li></ul>
Article 3C. Notice of Regular	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 3. Meetings of the Board</li></ul>
Article 3D. Special Meetings	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 3. Meetings of the Board</li></ul>
Article 3E. Taping of Regular and Special Meetings	<ul style="list-style-type: none"><li>• All public hearings are recorded and posted to the <a href="#">City of Oakland's LPAB website here</a>. This is not included in the 2025 LPAB Bylaws nor is it currently delineated in the Planning Code or any other section of Oakland Municipal Code.</li></ul>
Article 3F. Order of Business	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 6. Landmarks Preservation Advisory Board Agenda</li></ul>
Article 3G. Quorum	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 7. Meeting Conduct</li></ul>
Article 3H. Acts of the Board	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 8. Board Actions</li></ul>
Article 3I. Deadline for Mailing Agenda Packets for Regular Board Meetings and for Scheduling Business for Regular Board Meetings	<ul style="list-style-type: none"><li>• LPAB agenda items and the agenda packet deadlines are internally managed by the LPAB Secretary, in coordination with Planning Bureau staff. This is not currently delineated in the 2025 LPAB Bylaws or any other section of Oakland Municipal Code.</li></ul>

Article 3J. Cancellation of Meetings	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 7. Meeting Conduct</li></ul>
Article 3K. Conflicts of Interest	<ul style="list-style-type: none"><li>• Oakland Municipal Code Chapter 2.25.040</li></ul>
Article 3L. Attendance at Previous Deliberations and Site Visits as Requirements for Voting on Landmark Designations, S-7 Designations, Certificates of Merit, and Design Review	<ul style="list-style-type: none"><li>• The Oakland Planning Code does not place these restrictions on LPAB Board Member's ability to participate. There is no requirement to visit a project site in order to vote on these items.</li></ul>
Article 3M. Procedure for Hearing Speakers	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 10. Speaking on Items</li></ul>
Article 4A-K. Applications to the Board to Initiate Action to Establish a Landmark or to Rezone Property to the S-7 Zone	<ul style="list-style-type: none"><li>• <a href="#">City of Oakland Historic Preservation webpage</a> contains application materials</li></ul>
Article 5A-F. Applications to the Board to Initiate Action to Amend or Delete a Landmark or to Rezone Property from the S-7 Zone	<ul style="list-style-type: none"><li>• Oakland Planning Code Chapter 17.144</li></ul>
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	<ul style="list-style-type: none"><li>• Oakland Planning Code Chapter 17.144</li></ul>
Article 7. Board Review of Design Review Applications	<ul style="list-style-type: none"><li>• Oakland Planning Code Chapter 17.144</li></ul>
Article 8. Parliamentary Procedure	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 7(1). Meeting Conduct</li></ul>
Article 9. Amendments and Temporary Suspension of Rules	<ul style="list-style-type: none"><li>• 2025 LPAB Bylaws: Article 11. Amendment of Bylaws</li></ul>

**Remote Board Member Participation in Official Meetings:**

The LPAB Bylaws affirm the ability of both LPAB Board Members and members of the public to participate in hybrid public hearings in keeping with State law. The City Administrator is working to develop staff capacity to host hybrid meetings, and has begun this effort with City Council.

Once the following conditions have been met, the LPAB may begin to host hybrid meetings.

1. Appropriate technologies have been installed and configured at City Hall to allow for hybrid meetings (completed);
2. New LPAB Bylaws have been adopted that codify the policies and procedures for conducting hybrid meetings (in process, and subject of this agenda item); and
3. The City has allocated sufficient resources to fund the necessary support staff<sup>1</sup> to host hybrid meetings, particularly to ensure that remote attendees can participate *in an equal manner* as in-person participants in conformity with the requirements of state law (to be determined).

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<sup>1</sup> NOTE: Hybrid meeting support staff would need to be sufficiently trained to perform such duties, be available during the course of regularly scheduled Landmarks Preservation Advisory Board meetings, and schedule and maintain Zoom (or comparable remote platform) to facilitate such meetings.

Among other provisions, AB 2449 specifies that members of a Brown Act body (i.e., LPAB) may participate via teleconference, but only *under very limited circumstances*:

1. If any Board Members are participating remotely, at least a quorum of the entire LPAB membership must participate from the same location within the City of Oakland.
2. A Board Member may participate remotely for “just cause” (up to two times per calendar year) and “emergency circumstances” regardless of whether a state of emergency exists and without providing notice of or public access to the teleconference location.
3. Members of the public must be allowed to both listen/observe and provide comment via teleconference and members participating remotely must participate both on camera and via audio.
4. A Board Member of a local body that meets one per month or less may not participate remotely for more than two meetings per calendar year.

Staff note that once the LPAB begins hosting hybrid meetings, Board Members may check with the Secretary or support staff for further instructions on how to participate via teleconference. Staff will follow established procedures in conformity with state law.

**Public Participation in Hybrid LPAB Meetings:**

In conformity with the Brown Act and applicable State and local laws, the City of Oakland will ensure that remote attendees of any future hybrid meetings can participate in an equal manner as in-person participants. Though subject to change, functionally comparable means of making public comment and viewing meetings will be made available.

**RECOMMENDATIONS:**

Staff recommend that the LPAB:

1. Receive public comment on the Draft Bylaws;
2. Review and comment on the Draft Bylaws, with attention to the stated intent of the Draft Bylaws; and
3. Adopt the Draft Bylaws as proposed or adopt modified Bylaws with recommended changes passed by the LPAB.

Prepared by:

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Reviewed by:

*Catherine Payne*

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**ATTACHMENTS:**

- A. Draft Bylaws and Rules of Procedure of the Landmarks Preservation Advisory Board of the City of Oakland
- B. Rules of Procedure of the Landmarks Preservation Advisory Board of the City of Oakland (Adopted March 21, 1974; amended through July 31, 1992)
- C. Rosenberg's Rules of Order
- D. "Frequently Asked Questions (FAQs) Regarding the City Council's (and Other Local Legislative Bodies') Return to In-Person Meetings and Their Members' Participation by Teleconference under the Ralph M. Brown Act, California's Open Meeting Law," issued on March 30, 2023, and revised on February 5, 2025, by Ryan Richardson, Oakland City Attorney
- E. Ordinance No. 8883 C.M.S. for Creation of LPAB (1973)
- F. Bylaws and Rules of Procedure of the City of Oakland Planning Commission (Adopted on December 18, 2024)