



City of Palo Alto

(ID # 5508)

Architectural Review Board ARB Staff Report

Report Type: New Business

Meeting Date: 2/5/2015

Summary Title: ARB Bylaws and Procedural Rules

Title: Amendment of the By-Laws of the Palo Alto Architectural Review Board and Adoption of the Architectural Review Board Procedural Rules

From: Amy French

Lead Department: Architectural Review Board

RECOMMENDATION

Staff recommends that the Architectural Review Board adopt the amended By-laws (Attachment A) and the Architectural Review Board Procedural Rules (Attachment B).

DISCUSSION

The ARB has historically operated under a set of meeting rules established by the existing Chairperson. While these meeting rules have varied somewhat from chair to chair, the ARB has largely followed a modified set of Robert's Rules of Order. This past practice has also generally corresponded with the procedural rules adopted by the City Council and the Planning and Transportation Commission. In an effort to memorialize this practice staff has prepared a set of procedural rules for the Board's discussion and adoption. Having a set of uniform procedural rules helps facilitate public participation and ensures that due process is followed.

Change to Bylaws

The ARB's existing By-laws require it to follow Robert's Rules of Order which is a very formal and complicated set of meeting rules. To bring the ARB in line with the City Council and other commissions, staff recommends the By-laws be changed to follow a modified set of Robert's Rules of Order. In addition, the updated By-laws also contain some clean up items, including the use of gender neutral language.

Procedural Rules

The proposed Procedural Rules are divided into three categories. The first category establishes procedures for public members and applicants to participate in public meetings. The second category establishes procedures for motions, discussion and debate among board members and voting. The final

category governs quasi-judicial hearings. Most Board hearings are quasi-judicial because they involve an applicant's request for some kind of discretionary permit. Quasi-judicial hearings require the Board to sit as a "judge" in reviewing the merits of the project and listening to neighborhood concerns. In this role, the Board must be fair and impartial and ensure that all sides are given adequate opportunity to address the issues. Under the quasi-judicial rules proposed, Board members are permitted to talk privately to applicants or neighbors outside of a public hearing if members believe these discussions would be useful or informative. If these conversations do occur, Board members should disclose them on the record. Both the Council and PTC operate under similar quasi-judicial rules.

Staff from the City Attorney's office will be available at the hearing to answer any questions about these rules.

Attachments:

- Attachment A: Architectural Review Board Bylaws (PDF)
- Attachment B: Architectural Review Board Procedural Rules (PDF)

RULES AND REGULATIONS AND BY-LAWS OF THE
PALO ALTO ARCHITECTURAL REVIEW BOARD

ARTICLE I

NAME

Section 1.0 The name of this board shall be the PALO ALTO ARCHITECTURAL REVIEW BOARD (ARB)

ARTICLE II

Section 2.0 This board shall perform any duties imposed upon it by Ordinances of the City of Palo Alto and by applicable State and Federal law, or as requested by the City Council of the City of Palo Alto.

ARTICLE III

Officers

Section 3.0 The officers of the Board Shall consist of a Chair~~person~~~~man~~, a Vice Chair~~person~~~~man~~, and a Secretary who shall be a non-voting member.

Section 3.1 The offices of Chair~~man~~~~Chairperson~~ and Vice Chair~~man~~~~Chairperson~~ shall be elected from among the appointed members of the Board, and ~~the~~ person so elected shall serve for a term of one year or until a successor is elected. Elections shall be held at the first organizational meeting of the Board in 1973, and at the first meeting in October of each subsequent year.

Section 3.2 The Director of Planning and Community Environment of the City of Palo Alto or his/~~her~~ designated representative shall be the Secretary of the Board.

Section 3.3 The duties of the offices of the ARB shall be as follows:

Section 3.31 It shall be the duty of the Chair~~man~~~~Chairperson~~ to preside over all meeting of the Board, to appoint committees and to serve as an ex-officio member of the committees so appointed, to call special meetings of the Board and to designate the time and place of such meeting, to set the date and time for the public hearing held by the Board, to sign documents and correspondence in the name of the Board, and to represent the Board before the City Council, its commissions and committees, and such other groups and organizations as may be appropriate. The Chair~~man~~~~Chairperson~~ may designate the Vice Chair, or ~~in~~ the Vice Chair~~man~~~~Chairperson~~'s absence, another member of the Board to ~~acts~~ in his/~~her~~ stead.

Section 3.32 It shall be the duty of the Vice Chair~~man~~~~Chairperson~~ to assist the Chair~~man~~~~Chairperson~~ and to act in his/~~her~~ ~~stead~~ during his/~~her~~ absence.

Section 3.33 It shall be the duty of the Secretary to keep a record of all meeting of the Board, to accept in the name of the Board documents and correspondence addressed to it, to present such correspondence to the Board, and perform other staff functions as deemed necessary by the Board. The Secretary will determine the agenda for all public meeting of the Board, based upon an assessment of the applications made to the City requiring architectural review, and based also upon the desirability of hearing such other matters as may be deemed, by the ChairmanChairperson or by the Secretary, to be of concern to the Board.

ARTICLE IV

Committees

Section 4.0 The ChairmanChairperson shall appoint special committees as they be desired or required.

ARTICLE V

Quorums and Voting

Section 5.0 Three members of the Board shall constitute a quorum for the purposes of conducting business.

Section 5.1 All actions taken must be by affirmative vote of majority of those Board members present, except to adjourn or continue for lack of a quorum.

A tie vote constitutes a denial of an item, except that a member of the Board may then move that the item be reconsidered orfor continuedation to another meeting. A majority of the Board may then vote to reconsider or continue the item to another meeting

ARTICLE VI

Meetings

Section 6.0 Regular meetings of the ARB shall be held not less than twice a month. The ChairmanChairperson shall establish the dates of the meetings. Meetings shall be held on Thursday at 8:30 A.M. in the Palo Alto City Hall. Regular meetings may be adjourned and reconvened upon a majority vote of the members present.

Section 6.1 Special meetings may be called at any time by the ChairmanChairperson, or at the request of three members, by a written or oral notice given to each member at least 48 hours before the time specified for the proposed meeting.

ARTICLE VII

Rules

| Section 7.0 All meetings of the Board shall be conducted in accordance with a modified Robert's Rules of Order.

ARTICLE VIII

Design Awards

| Section 8.0 Design Awards for outstanding built projects mayshall be awarded every five years beginning in 2005. Award-winning projects shall be selected from those reviewed by the ARB, and completed since the last awards were made.

Section 8.1 Criteria and number of awards shall be determined by the awarding board.

| Section 8.2 Winning projects mayshall be displayed in the City Hall lobby for one month following the presentation of awards. The ARB shall request that the Mayor of the City of Palo Alto issue an appropriate proclamation.

THE FOREGOING BY-LAWS WERE ADOPTED BY A MAJORITY VOTE OF THE PALO ALTO ARCHITECTURAL REVIEW BOARD THE 28TH DAY OF JUNE, 1973.

Amended: July 3, 1974
May 19, 1977
August 4, 2005
February XX, 2015



ARCHITECTURAL REVIEW BOARD PROCEDURAL RULES

Introduction & Contents

These Procedural Rules supplement the Bylaws of the Architectural Review Board (“Board”) and are to be construed consistent with those Bylaws. In the event of any conflict between these Rules and the Bylaws, the Bylaws shall prevail.

These rules are organized in three sections:

I. Public Participation in Board Meetings

This section explains the basic rules for speaking to the Board. The Board follows a modified Roberts’ Rules of Order.

II. Motions, Debate & Voting

This section explains the simplified rules of parliamentary procedure the Board follows (like Roberts’ Rules of Order, but simpler!).

III. Quasi-Judicial Proceedings

This section explains the special way the Board handles hearings that raise constitutional due process concerns. These are usually hearings that seriously impact someone’s life, liberty or property.



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I. Public Participation in Board Meetings

A. Policy. It is the policy of the Board to assure that members of the public have the opportunity to speak to any regular or special meeting agenda item before final action. In addition, an opportunity will be provided for members of the public to address the Board on items within its purview but not on the agenda at each regular or special meeting. These rules establish the rights and obligations of persons who wish to speak during Board meetings.

B. General Requirements.

1. Accessibility. Palo Alto makes every reasonable effort to accommodate the needs of the disabled. Persons with disabilities who require auxiliary aids or services in using City facilities, services or programs or who would like information on the City's compliance with the Americans with Disabilities Act (ADA) of 1990, may contact (650) 329-2364.

2. Presiding Officer's Permission Required. The presiding officer at Board meetings (usually the Chair or Vice-Chair) is responsible for preserving strict order and decorum. This is important in order to assure a fair opportunity for everyone to participate in an open and civil setting.

a) Any person desiring to address the Board must first get the permission of the presiding officer by completing a speaker card and handing the card to the Secretary.

b) The presiding officer shall recognize any person who has timely given a completed card to the Secretary.

c) Except as provided by these rules, no person shall be permitted to enter into any discussion without the permission of the presiding officer.

3. Recording and Identification. Persons wishing to address the Board shall comply with the following:

a) Use the microphone provided for the public and speak in a recordable tone, either personally or with assistance, if necessary.



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b) State their name and address if presenting evidence in a hearing required by law.

c) Other speakers should state their name and address, but cannot be compelled to register their name or other information as a condition to attendance at the meeting.

4. Specific Requirements and Time Limits.

a) Oral Communications. Oral communications may be limited to three minutes per speaker and will be limited to a total of thirty minutes for all speakers combined.

1) Oral communications may be used only to address items that are within the Board's subject matter jurisdiction, but not listed on the agenda.

2) Oral communications may not be used to address matters where the receipt of new information would threaten the due process rights of any person.

3) All remarks shall be addressed to the Board as a body and not to any *individual* member.

4) Board Members shall not enter into debate or discussion with speakers during oral communications.

5) The presiding officer may request that City staff respond to the person speaking and/or the Board at a later date.

b) Other Agenda Items. Public comments or testimony on agenda items other than Oral Communications shall be limited to a maximum of three minutes per speaker unless additional time is granted by the presiding officer. The presiding officer may reduce the allowed time to speak to two minutes if necessary to accommodate a larger number of speakers.

1) Spokesperson for a Group. When any group of people wishes to address the Board on the same subject matter, the presiding officer will inform the group that a spokesperson



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may be chosen by the group to address the Board. Spokespersons who are representing a group of five or more people who are identified as present at the Board meeting at the time of the spokesperson's presentation will be allowed up to fifteen minutes at the discretion of the presiding officer, provided that the non-speaking members agree not to speak individually.

2) Quasi-Judicial Hearings. In the case of a quasi-judicial hearing, applicants and/or appellants, as applicable, shall be given ten minutes each for their opening presentation and ten minutes for rebuttal before the hearing is closed. When the appeal is brought by a party other than the applicant, the appellant's opening statement should precede the applicant's opening statement and the appellant's rebuttal should follow the applicant's rebuttal. In the event a request is made and the need for additional time is clearly established, the presiding officer shall independently, or may upon advice of the Board's attorney, grant sufficient additional time to allow an adequate presentation by the applicant or appellant in a hearing required by law. A person who participates during the ten minute period allotted for appellants and/or applicants may not speak during the time allotted for public comment without first securing the permission of the presiding officer.

3) Addressing the Board after a Motion. Following the time for public input and once the matter is returned to the Board no person shall address the Board without first securing the permission of the Board, subject to approval of the Board's Attorney with respect to any hearing required by law.



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II. Motions, Debate & Voting

A. Policy. It is the policy of the Board to follow simplified rules of parliamentary procedure for motions, debate and voting. These rules focus on the types of motions the Board can debate and when those motions are properly used.

1. Purpose. The purpose of these rules is to facilitate orderly and thorough discussion and debate of Board business. These rules shall not be applied or used to create strategic advantage or unjust results.
2. Summary of Rules. Palo Alto does not follow Roberts Rules of Order. See the Summary Table below.

B. Motions. A motion is a formal proposal by a Board Member asking that the Board take a specified action. A motion must receive a second before the Board can consider a matter.

1. Types of Motions. There are two kinds of motions. These are the “main” motion and any secondary motions. Only one main motion can be considered at a time.
2. Procedure.
 - a) Get the Floor. A Board Member must receive the permission of the presiding officer before making a motion.
 - b) State the Motion. A motion is made by a Board Member (the “maker”) stating his or her proposal.
 - c) Second Required. Any other Board Member (including the presiding officer) who supports the proposal (or who simply wishes it to be considered) may “second” the motion without first being recognized. A motion to raise a question of personal privilege does not require a second.
 - d) Motion Restated. The presiding officer should restate the motion for the record, particularly if it is long or complex.
 - e) Lack of a Second. If there is no second stated immediately, the presiding officers should ask whether there is a second. If no Board Member seconds the motion the matter will not be considered.



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f) Discussion. The maker shall be the first Board Member recognized to speak on the motion if it receives a second. Generally Board Members will speak only once with respect to a motion. If the presiding officer or Board permits any Board Member to speak more than once on a motion, all Board Members shall receive the same privilege.

g) Secondary Motions. Secondary motions may be made by a Board Member upon getting the floor.

h) Action. After discussion is complete the Board will vote on the motion under consideration.

3. Precedence of Motions. When a motion is before the Board, no new main motion shall be entertained. The Board recognizes the following secondary motions, which may be considered while a main motion is pending. These motions shall have precedence in the order listed below. This means that a secondary motion that is higher on the list will be considered ahead of a pending secondary motion that is lower on the list:

- a) Fix the time to which to adjourn;
- b) Adjourn;
- c) Take a recess;
- d) Raise a question of privilege;
- e) Lay on the table;
- f) Previous question (close debate);
- g) Limit or extend limits of debate;
- h) Motion to continue to a certain time;
- i) Refer to committee;
- j) Amend or substitute;

4. Secondary Motions Defined. The purpose of the allowed secondary motions is summarized in the following text and table.

a) Fix the time to which to adjourn. This motion sets a time for continuation of the meeting. It requires a second, is amendable and is debatable only as to the time to which the meeting is adjourned.

b) Adjourn. This motion ends the meeting or adjourns it to another time. It requires a second and is not debatable except to set the time to which the meeting is adjourned, if applicable. A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made



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as an interruption of a member while speaking; (c) when the previous question has been ordered; and (d) while a vote is being taken.

c) Take a recess. This motion interrupts the meeting temporarily. It is amendable, but is not debatable.

d) Raise a question of personal privilege. This motion allows a Board Member to address the Board on a question of personal privilege and shall be limited to cases in which the Board Member's integrity, character or motives are questioned, or when the welfare of the Board is concerned. The maker of the motion may interrupt another speaker if the presiding officer recognizes the "privilege." The motion does not require a second, is not amendable and is not debatable.

e) Lay on the table. This motion is used to interrupt business for more urgent business. A motion to lay on the table requires a second, is not amendable and is not debatable. It shall preclude all amendments or debate of the subject under consideration. If the motion prevails, and the subject is tabled, the matter must be reagendaized in the future if further consideration is to be given to the matter.

f) Previous question. This motion "calls the question" by closing debate on the pending motion. A motion for previous question requires a second, is not debatable and is not amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If motion for previous question fails, debate is reopened; if motion for previous question passes, then vote on the pending motion. A motion for previous question requires a two-thirds vote of those Board Members present and voting.

g) Limit or extend debate. This motion limits or extends the time for the Board or any Board Member to debate a motion. It requires a second, is amendable and is not debatable. The motion requires a two-thirds vote of those Board Members present and voting.

h) Continue to a certain time. This motion continues a matter to another, specified time. It requires a second, is amendable and is debatable as to propriety of postponement and time set.

i) Refer to a city agency, body, committee, board, commissioner or officer. This motion sends a subject to another city agency, body,



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committee, board, commissioner or officer for further study and report back to the Board, at which time subject is fully debated. It requires a second, is amendable, and is debatable only as to the propriety of referring. The substance of the subject being referred shall not be discussed at the time the motion to refer is made.

j) Amend or substitute. This motion changes or reverses the main motion. It requires a second, is amendable, and is debatable only when the motion to which it applies is debatable. A motion to amend an amendment is in order, but one to amend an amendment to an amendment is not. An amendment modifying a motion is in order but an amendment raising an independent question or one that is not germane to the main motion shall not be in order. Amendments take precedence over the main motion and the motion to postpone indefinitely.



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Motion	Description	2nd Req'd	Debatable	Amendable	2/3 Vote
Fix the time to which to adjourn	Sets a next date and time for continuation of the meeting	X	Only as to time to which the meeting is adjourned	X	
Adjourn	Sets time to adjourn. Not in order if (a) repeated without intervening business (b) made as an interruption of a member while speaking; (c) the previous question has been ordered; and (d) while a vote is being taken	X	Only to set the time to which the meeting is adjourned		
Take a recess	Purpose is to interrupt the meeting	X		X	
Raise a question of privilege					
Lay on the table	Interrupts business for more urgent business	X			
Previous question (close debate or "call the question")	Closes debate on pending motion	X			X
Limit or extend limits of debate	Purpose is to limit or extend debate	X		X	X
Motion to continue to a certain time	Continues the matter to another, specified time	X	X	X	
Refer to committee	Sends subject to another city agency, body, committee, board, Board or officer for further study and report back to the Board, at which time subject is fully debated	X	Only as to propriety of referring, not substance of referral	X	
Amend or substitute	Modifies (or reverses course of) proposed action. Cannot raise independent question. Can amend an amendment, but no further.	X	Only if underlying motion is debatable	X	



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Summary of Key Motions			
Type of Motion	2nd Req'd	Debate	Order of Debate
Main Motion	Yes	Yes	Mover & 2nder speak first
“Friendly” Amendment	No, but must be accepted by mover and 2nder of main motion	No	
Amendment (If friendly amendment not accepted)	Yes	Occurs with main motion BUT Chair has discretion to bifurcate issues/questions	
Substitute Motion	Yes	Yes, Debate & vote occurs before main motion	Mover & 2nder of substitute motion speak first



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C. Debate and Voting.

1. Presiding officer to state motion. The presiding officer shall assure that all motions are clearly stated before allowing debate to begin. The presiding officer may restate the motion or may direct City staff to restate the motion before allowing debate to begin. The presiding officer shall restate the motion or direct City staff to restate the motion prior to voting.
2. Presiding officer may debate and vote. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Board Members. The presiding officer shall not be deprived of any of the rights and privileges of a Board Member.
3. Division of question. If the question contains two or more divisible propositions, each of which is capable of standing as a complete proposition if the others are removed, the presiding officer may, and upon request of a Board Member shall, divide the same. The presiding officer's determination shall be appealable by any Board Member.
4. Withdrawal of motion. A motion may not be withdrawn by the maker without the consent of the Board Member seconding it.
5. Change of vote. Board Members may change their votes before the next item on the agenda is called.
6. Voting. On the passage of every motion, the vote shall be taken by voice and entered in full upon the record.
7. Silence constitutes affirmative vote. Board Members who are silent during a voice vote shall have their vote recorded as an affirmative vote, except when individual Board Members have stated in advance that they will not be voting.
8. Failure to vote. It is the responsibility of every Board Member to vote unless disqualified for cause accepted by the Board or by opinion of the Board's Attorney. No Board Member can be compelled to vote.
9. Abstaining from vote. The abstainer chooses not to vote and, in effect, "consents" that a majority of the quorum of the Board Members present may act for him or her.



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10. Not participating. A Board Member who disqualifies him or herself pursuant to the Political Reform Act of 1974 because of any financial interest shall disclose the nature of the conflict and may not participate in the discussion or the vote. A Board Member may otherwise disqualify him or herself due to personal bias or the appearance of impropriety.

11. Tie votes. Tie votes may be reconsidered during the time permitted by these rules on motion by any member of the Board voting aye or nay during the original vote. Before a motion is made on the next item on the agenda, any member of the Board may make a motion to continue the matter to another date. Any continuance hereunder shall suspend the running of any time in which action of the Board is required by law. Nothing herein shall be construed to prevent any Board Member from agendaing a matter that resulted in a tie vote for a subsequent meeting.

12. Motion to reconsider. A motion to reconsider any action taken by the Board may be made only during the meeting or adjourned meeting thereof when the action was taken. A motion to reconsider requires a second, is debatable and is not amendable. The motion must be made by one of the prevailing side, but may be seconded by any Board Member. A motion to reconsider may be made at any time and shall have precedence over all other motions, or while a Board Member has the floor, providing that no vested rights are impaired. The purpose of reconsideration is to bring back the matter for review. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion. Nothing herein shall be construed to prevent any Board Member from making a motion to rescind such action at a subsequent meeting of the Board.

13. Appeal from the decision of presiding officer. When the rules are silent, the presiding officer shall decide all questions of order, subject to appeal by a Board Member. At the presiding officer's discretion, the presiding officer may submit the question to the Board, in which case a majority vote shall prevail. Any decision or ruling of the presiding officer may be appealed by request of any member. A majority vote is required to reverse the decision of the presiding officer.

14. Getting the floor; improper references to be avoided. Every Board Member desiring to speak shall address the chair and, upon recognition by the presiding officer, every Board Member shall be confined to the question under debate, avoiding all indecorous language and personal attacks.



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15. Interruptions. Except for being called to order, a Board Member once recognized, shall not be interrupted when speaking, except as otherwise provided for in these rules. A Board Member called to order while speaking shall cease speaking until the question or order is determined, and, if in order, said Board Member shall be permitted to proceed.

III. Additional Requirements for Quasi-Judicial Hearings and Planned Community Zoning Applications

A. Policy. It is the policy of the Board to assure that the due process rights of all persons are protected during City hearings. A “quasi-judicial” hearing is a hearing that requires a higher level of procedural due process because of the potential impact on life, liberty or property. Usually, quasi-judicial hearings involve a single parcel of land and apply facts and evidence in the context of existing law. Findings must be stated to explain the evidentiary basis for the Board’s decision.

1. Purpose. These rules are intended to assure that Board decision-making on quasi-judicial matters is based upon facts and evidence known to all parties and to support the role of the Board in making independent recommendations to Council.

B. General Requirements.

1. Quasi-Judicial/ Planned Community Proceedings Defined. Quasi-judicial/planned community proceedings subject to these procedural rules include hearings involving the following matters:

- a) Design Enhancement Exceptions
- b) Subdivisions, other than final map approvals
- c) Architectural Review
- d) Planned Community Zoning
- e) Other matters as determined by the Board’s Attorney
- f) Appeals related to any of the above
- g) Environmental Review relating to any of the above

2. Restrictions on Board Communications Outside of Quasi-Judicial and Planned Community Zone Hearings. The Board deliberates and makes all decisions in public, however the Board recognizes there may be circumstances where one on one conversations with applicants or community members may be useful and informative.. The following procedural guidelines are intended to implement the Board’s policy on such



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ex parte contacts, but shall not be construed to create any remedy or right of action.

3. Identification of Quasi-Judicial/Planned Community Matters. The City Attorney, in conjunction with the Planning Director, will identify agenda items involving quasi-judicial/planned community decisions on both the tentative and regular Board agendas. This identification is intended to inform the Board, interested parties, and the public that this policy will apply to the item.

4. Board Members to Track Contacts. Board Members will use their best efforts to track contacts pertaining to such identified quasi-judicial/planned community decision items. Contacts include conversations, meetings, site visits, mailings, or presentations during which substantial factual information about the item is gathered by or submitted to a Board Member.

5. Disclosure. When the item is presented to the Board for hearing, Board Members will disclose any contacts which have significantly influenced their preliminary views or opinions about the item. The disclosure may be oral or written, and should explain the substance of the contact so that other Board Members, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Board's decision and to attempt to controvert or rebut any such factor during the hearing. Disclosure alone will not be deemed sufficient basis for a request to continue the item. A contact or the disclosure of a contact shall not be deemed grounds for disqualification of a Board Member from participation in a quasi-judicial/planned community decision unless the Board Member determines that the nature of the contact is such that it is not possible for the Board Member to reach an impartial decision on the item.

a) If a Board Member receives any written materials in connection with these types of discussions, a copy of those materials shall be made a part of the public record.

b) At the beginning of any such meeting or discussion, Board Members are strongly encouraged to review these Guidelines with the party they are meeting.

c) Board Members shall endeavor to always keep an open mind, and not rush to pre-judge any matter, until after all concerned parties (including but not limited to applicants, members of the public and Staff) are heard during the public hearing.



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d) Board Members shall refrain from coming to a conclusion on the item until the public hearing is closed.

6. No Contacts after Hearings. Following closure of the hearing, and prior to a final decision, Board Members will refrain from any contacts pertaining to the item, other than clarifying questions directed to City staff.

7. Written Findings Required. On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Board. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

8. Rules of Evidence. Board hearings need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons rely in the conduct of serious affairs. The presiding officer may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration of the issues involved. Evidentiary objections shall be deemed waived unless made in a timely fashion before the Board.

9. Burden of Proof. The applicant and appellant shall bear the burden of proof on all aspects of the action or relief they seek. The person with the burden of proof must offer evidence to the Board to support his or her position.

10. Board Members Who are Absent During Part of a Hearing. A Board Member who is absent from any portion of a hearing conducted by the Board may vote on the matter provided that he or she has watched or listened to a video or radio broadcast, or video or audio recording, of the entire portion of the hearing from which he or she was absent and if she or he has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the Board Member deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.



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10. Appeals. Appeals to the Board shall be conducted *de novo*, meaning that new evidence and arguments may be presented and considered.

C. Record Before the Board. The Records before the Board on any matter shall be deemed to include the Comprehensive Plan, the Municipal Code and any relevant plans or studies which have been formally accepted or approved by the Board or by the City Council.