



RULES OF PROCEDURE AND CONDUCT LANDMARKS COMMISSION

SUBMITTED April 9, 2025

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ARTICLE I. PURPOSE AND INTENT

These Rules define the procedures for applications, notice, and decision-making by the Landmarks Commission (LC).

The City's Boards and Commission Ordinance [§2-6-1-4\(C\)](#) provides for rules to be adopted for each Board or Commission and filed with the City Clerk bearing the signature of the presiding Officer.

These Rules replace previous LC [Rules](#) and all Rules contained in other LC handbooks and guideline documents.

These Rules ~~incorporate procedural issues~~ [are drafted](#) [promulgated pursuant to](#) the Integrated Development Ordinance (IDO) §14-16 and other ordinances, resolutions, plans, and guidelines ~~under the LC's jurisdiction~~ [that are applicable to the LC](#). These Rules may be revised or amended by a majority vote of LC Commissioners in accordance with provisions of Boards and Commissions Ordinance §2-6-1-4(C).

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Commented [RWMJ2]: Update?

Commented [DB3]: These rules incorporate 'issues'? Is "requirements" better?

ARTICLE II. ORGANIZATION AND MEETINGS

1. Annually, at the first public meeting in April, or more frequently at the pleasure of the LC, the LC Commissioners shall, by majority vote of present Commissioners, elect a Chair, Vice Chair, and any other officers that seem appropriate to the LC. Should a vacancy in these positions occur between regular elections, a special election shall be held to fill the vacancy.
2. Regular public hearings of the LC shall be on the second Wednesday of each month. In the event such day is a public holiday, the LC shall establish an alternate meeting date. Special meetings, including hearings, may be scheduled by the Chair or the LC when necessary provided that notice is given. Unless otherwise posted, meetings shall be conducted hybrid style with in-person meeting in the Plaza Del Sol Hearing Room, Lower Level, 600 2nd. St. NW and virtually as indicted in published ~~legal~~ ad-notice.
3. Notice for all meetings of the LC (including special meetings and public hearings) shall comply with all applicable notification requirements specified in the IDO. Continuances and deferrals of items that are approved by the LC for a specified hearing date do not require additional notification.
4. Four LC Commissioners shall constitute a quorum for the transaction of business. All actions may be decided by a simple majority of Commissioners present. In the event of a tie vote, the motion fails. Whenever a quorum is not present at a public hearing, no action shall be taken except to adjourn the meeting to another time.
5. The LC may hold study sessions for the purpose of receiving information, hearing presentations, or discussing issues. No official action may be taken at such meetings. These sessions shall be open to the public, and notice shall be provided as required for LC meetings. The LC may designate that the meeting will be for public observation only or for public comment.
6. The Chair may form ad hoc committees to study specific tasks. All ad hoc committees will be formed at publicly noticed meetings, and reporting will also occur at publicly noticed meetings.
7. The Chair shall preside at all meetings of the LC except that in the event of the absence or disability of the Chair, the Vice Chair shall preside; in the absence or disability of the Chair and Vice Chair, a Chair Pro Tempore shall be elected by the LC members present.
8. Planning Department staff shall provide administrative support for the LC, including a hearing monitor to record action sheets of LC decisions and any preparation for and subsequent tasks after the LC public hearings.

Commented [CAS4]: Is this a notice of hearing? We should specify what this is, if possible.

Commented [DB5]: Maybe say "specified in the IDO, §2-6-1-4(C), the Open Meetings Act, and any other applicable law."

Commented [CAS6R5]: The IDO was drafted to meet the requirements of the OMA, so this phrase alone is fine.

Commented [DB7]: Is this accurate? OMA issue? See NMSA 10-15-1(E) and (F)

Commented [CAS8R7]: This is referring to the mailed notice that the IDO requires that goes beyond the requirements of the OMA. Notice and meetings agendas are still provided to comply with the OMA.

9. At the beginning of a regular or special hearing, the LC may approve action sheets of its preceding hearings for which action sheets have not been approved. Drafts of such action sheets shall be submitted to the LC at least one week in advance. The action sheets shall include, at a minimum, the date, time and place of the hearing, the names of Commissioners in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken, including findings and conditions, that show how each member voted. Action sheets shall not become official until approved by the LC.

ARTICLE III. PUBLIC HEARING PROCEDURES

1. Applicants may appear on their own behalf or be represented by an agent. In the absence of any ~~personal~~ appearance on behalf of an Applicant, the LC may defer, continue to another date, or proceed with the case.
2. Any changes to the meeting agenda to remove or defer items from the agenda, barring emergencies or unusual circumstances, shall be announced at the beginning of each meeting. The agenda, as amended, shall be approved at the beginning of each meeting. Applications shall be considered in the order in which they appear on the approved agenda. An approved agenda may be changed at any time by the LC, for good cause shown, upon motion passed by majority vote.
3. After a staff report is distributed to the LC, withdrawal of an application requires LC approval.
4. The order of considering an application shall be as follows unless the LC approves a motion to alter the order of presentation:
 - a) ~~LC staff~~ Historic Preservation Staff presentation
 - b) Applicant's presentation
 - c) Testimony by other concerned parties
 - d) Applicant's response and cross-examination, if any
 - e) Other concerned parties' cross-examination, if any
 - f) Staff response, if any
 - g) Closing of the floor and comments by the LC members
 - h) Motions, including findings and any conditions required.
5. LC Commissioners may ask clarifying questions of any speakers at any time prior to the closing of the floor. The Chair has discretion to allow additional comment and response while the floor is open. The floor can be re-opened by a majority vote of the LC.
6. Any party to an application may cross-examine a witness on matters relevant to the application by presenting the question to the Chair. The Chair shall rule as out of order any improper, irrelevant or unnecessarily long questions or answers.

Commented [DB9]: Does this mean an agent/representative cannot appear on behalf of an applicant who does not appear themselves?

Commented [DB10]: How does this comply with the OMA's requirement that the agenda be available to the public at least 72 hours in advance? NMSA § 10-15-1(F)

Commented [CAS11R10]:

Commented [AC12R10]: Limit "any changes" to only include removing items from the agenda and changing the order of items on the agenda.

Commented [AC13]: Change throughout to Historic Preservation Staff

Commented [DB14]: Is there a reason why LC staff present before applicants?

Commented [CAS15R14]: This is a presentation from Planning staff to introduce the application and provide their findings to the commission. The language was changed to clarify it is not a presentation by people who work for the LC.

7. Any person wishing to speak at a hearing shall register with the hearing monitor.
8. The Chair may choose to limit the time allowed to all witnesses for their presentation and testimony. Repetitive or irrelevant testimony is discouraged. At hearings, the time limits on presentations and testimony are generally as follows:
 - a) 5 minutes for ~~LC staff~~Historic Preservation Staff presentation
 - b) 10 minutes for applicants' presentation
 - c) 2 minutes for each public speaker
 - d) 5 minutes for applicants' response
 - e) 5 minutes staff response

Neighborhood Associations and other organizations are encouraged to select one or more spokesperson(s) to express common view points. The Chair shall determine appropriate time limits under such circumstances and may grant additional time to any speaker as appropriate.

9. All evidence presented to the LC or the ~~LC staff~~Historic Preservation Staff during a hearing shall be deposited with the hearing monitor. ~~Where the submission of an original document creates a hardship, copies of the original may be substituted.~~

10. LC Motions and Voting

- a) The Chair may vote on any motion, second any motion and may make any motions except motions to approve, defer, continue or deny a final action.
- b) A majority vote by the LC is required to approve any motion, unless otherwise specified in these rules. In the event of a tie vote on any motion, that motion fails. If there are motions to approve, deny, continue or defer an application, and all four types of motions end in a tie vote and/or fail, then the application is denied and no findings shall be adopted.
- c) When approving a motion to approve, deny, continue or defer an application, the LC will adopt findings of fact, based on the record, upon which it has based its decision. The LC may impose conditions on the approval of an application as may be appropriate under the circumstances.
- d) The LC may continue or defer a matter to another hearing at the request of staff, an applicant or other interested party or when the LC determines that additional information is necessary or beneficial to render a decision. When the applicant or their agent or a member of the public is present and objects to a continuation or deferral to another day, the affirmative vote of a simple majority of LC Commissioners present is required to continue or defer the hearing.
- i. A continuance ~~is usually approved because the Commission needs more time to consider the case before them~~ decision to continue an application's

Commented [DB16]: Add language about how to register and access for people who need accommodations to do so?

Commented [CAS17R16]: It is best to not put those kinds of specifics in administrative rules. Accommodations tend to need flexibility, and writing language into the rules could limit the accommodations that could be made or the manner in which they can be requested.

Commented [RWMJ18]: What does this mean? They actually provide documents to City Clerk during appeals...

Commented [CAS19R18]: This was removed because the City does not need originals. Additionally, the language as written would require the LC to make determinations on whether the submission of each piece of evidence constitutes a hardship that justifies allowing a copy to be submitted in its place. By deleting this, people can just submit copies.

Commented [DB20]: See NMSA 10-15-1(E): "A public body may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the public body specifies the date, time and place for continuation of the meeting, and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting"

Commented [CAS21R20]: That section of the OMA is talking about when a body has to end and reconvene its meeting, which is different from a vote to continue or defer.

hearing at a subsequent meeting of the LC. The subsequent hearing picks up where the previous hearing left off. If public testimony has been taken, taking additional testimony is optional, provided that, if the Applicant modifies the application at all, the LC must give an opportunity for public testimony on the changed portion(s) of the application only. In order to vote at a subsequent hearing, Commissioners who were not present at the original hearing(s) must review the entire oral and written record of previous hearing(s).

- ii. ~~A deferral is usually approved to allow for additional information to be presented to the Commission, i.e., revisions to site plans, additional justification from the applicant, additional meetings with the public, etc.~~ is a decision to defer a hearing on an application that has not yet begun to a subsequent meeting of the LC. ~~A deferral by the Commission LC is usually may be~~ accompanied by directions to the staff or applicant. ~~Public testimony must be taken. In order to vote at a subsequent hearing, Commissions who were not present at the original hearing(s) must review the entire oral and written record of previous hearing(s).~~

11. A Commissioner can change their vote on any motion at any time before the result has been announced.

12. The LC shall not re-vote on any motion unless an LC Commissioner states immediately after the original vote, but before the end of the hearing on the application, that he/she/they had not understood the effects of the motion, or if the City Council remands a matter to the LC.

11. A Commissioner can change his or her vote at any time before the result has been announced.

ARTICLE IV. APPLICATION

1. ~~All applications for a Certificate of Appropriateness that are received after construction has begun are subject to review by LC staff. Applications for work that LC staff has authority to approve may be approved with the concurrence of the Chair of the LC. Applications for work that is outside of staff approval authority or for which the Chair determines that the work conditions warrant further analysis is subject to review by the LC at a public hearing.~~

2.1 Applicants should review their proposed projects with LC staff Historic Preservation Staff prior to preparing final plans and submitting an application. Staff will determine-recommend the level of review appropriate decision-making body required for the circumstances of the case pursuant to the Integrated Development Ordinance.

Commented [AC22]: Revise this to indicate that a deferral is given before the hearing begins, and it makes a new hearing.

Commented [DB23]: What directions to staff and when must public comment be taken?

Commented [CAS24R23]: A deferral means the application is not heard, so public comment should not be taken. The language about directions from staff is best kept vague for the same reasons as the accommodation language being kept vague.

Commented [AC25]: Ask Leslie about this. This seems to conflict with the nature of a deferral.

Commented [AC26]: Delete all language that does not apply to a deferral.

Commented [RWMJ27]: Does this mean even if they didn't understand the vote, they can't change it?

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Commented [AC28]: Change to any time before the final vote of approval on the application.

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Commented [RWMJ29]: Does this mean even if they didn't understand the vote, they can't change it?

Commented [RWMJ30]: How does this work now? Do you send the chair everything?

Commented [DB31]: 14-16-6-2(H)(3)(e) says: LC has the power to "[m]ake decisions on applications for Certificates of Appropriateness – Major for alteration, new construction, or demolition in HPO zones, in accordance with the procedures established in this IDO. The LC delegates authority to make decisions on Certificates of Appropriateness – Minor to the Historic Preservation Planner."

This section seems to suggest that "all" applications for a certificates of appropriateness (major and minor) received after construction has begun are subject to LC review. Does that apply to applications for certs of appropriateness minor submitted after construction has begun? If so, there may be an issue with the ordinance above which says "LC delegates authority to make decisions on Certificates of Appropriateness – Minor to the Historic Preservation Planner"

3. An application for a Certificate of Appropriateness shall be submitted digitally through the City's ABQ-PLAN portal. The application must include all required items, as indicated on ABQ-PLAN, and other Project Drawings Checklists provided by the City. Incomplete submittals will not be processed. Inaccurate information provided in an application is grounds for a denial.

2.

4. Drawing standards: In order to document and understand the exact nature of the proposed work, drawings must be submitted with the application. All drawings must be to scale, with the scale indicated on each drawing. Drawings may be by hand, but must present the project in a clear fashion. Drawings shall show the relationship of the project to the existing building(s), the surrounding neighboring structures, and the street context, as applicable.

3.

4. Major design elements shall have the dimensions clearly indicated on the drawing(s). Examples of major design elements to show dimensions include, but are not limited to, roof heights, trusses, porches, overhangs, windows, doors, awnings, walls, fences, steps, decks, and every major design element intended for the final construction of the project.

5. Any documents, photos, plans, or other information provided to the City in conjunction with an application shall be available to the public.

6. For applications requiring a public hearing, all supporting materials and project plans must be submitted by the application deadline in order to allow time for analysis and preparation of a staff report and review by other agencies as appropriate. Any materials intended to be distributed to the LC with the staff report must be submitted at least a week prior to the hearing. The LC discourages the submittal of additional material at the public hearing. If visual materials, such as photographs, are submitted, they should be identified as to location, photographer, date, and categorized into an exhibit sequence so that the LC may refer to one specific photograph or document as an exhibit. The LC may accept new materials at the public hearing subject to majority vote.

ARTICLE V. DECISIONS BY LC STAFF

1. LC staff will authorize changes, alterations and additions to contributing and non-contributing properties in Historic Protection Overlay (HPO) zones and City Landmarks as follows:

a) Staff may authorize alterations that do not require a building permit.

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Commented [DB32]: The line spacing (options) seems different here compared to the rest of the doc

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Commented [DB33]: Added language

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- ~~b) Staff may authorize re-roofing projects for replacement with similar or historically appropriate materials, provided those materials are permissible under the guidelines.~~
 - ~~c) Staff may authorize additions of 120 square feet or less that are not readily visible from any public right-of-way. Additions of 120 feet or less that are visible from any public right-of-way are subject to an LC decision.~~
 - ~~d) Staff may authorize alterations that require a permit that are for replacement with like material and appearance.~~
 - ~~e) Staff may authorize other alterations with the advice and consent of the Chair of the LC.~~
 - ~~f) Staff may approve changes to LC approved plans that do not have an impact on any significant historic characteristic. If the changes do have an impact on a significant historic characteristic, staff may refer that decision to the LC. Staff shall refer that decision to the LC if the item to be changed was a point of discussion at the hearing where the application was approved. If, in the opinion of staff, such a referral would delay the construction and present a significant economic hardship to the owner, staff may confer with the Chair of the LC in order to form a decision.~~
- ~~2. Staff will determine if the proposed change is consistent with the development guidelines, does not significantly diminish the historic or architectural character of the property or the neighborhood, and does not alter the distinguishing original qualities of the property.~~
- ~~3. When an applicant requests a change that is addressed in the guidelines as “should not,” “discouraged,” “shall not,” or similar language, staff shall deny the change or recommend that the application be decided by the LC.~~
- ~~4. Staff may decide to approve the application as presented, approve the application with certain conditions, or deny the application. All actions by staff shall have findings of fact relating to that decision.~~
- ~~5. Notice~~
- ~~a) If the application is approved and a Certificate is issued, applicants will be provided with a sign (or signs) to post on the subject property indicating the nature of the approval. It is the Applicant’s responsibility to post and maintain these signs for 15 days following issuance of the Certificate through the appeal period.~~
 - ~~b) The effective (issuance) date of a Certificate will be the date that the Applicant picks up signs at the Planning Department to post on the subject property.~~

6. ~~Staff shall provide the LC with documentation concerning all decisions. The documentation shall contain the decision and a brief description of the work requested.~~

ARTICLE ~~VIV~~. DEMOLITION PROCEDURES

1. IDO §14-16-6-5 provides the procedures for a Certificate of Appropriateness for the demolition of buildings within Historic Protection Overlay zones and for City Landmarks. Staff may authorize a demolition permit application for non-contributing buildings when the specific development guidelines for the Historic Protection Overlay zone provide that non-contributing buildings may be demolished without a Certificate of Appropriateness.

2. IDO §14-16-6-6(B)(2)(h) provides that if the Chief Building Official finds that a structure subject to the 120-day review period poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the structure, then the Chief Building Official may issue an emergency demolition permit to the owner of the structure. The Chief Building Official shall then prepare a report explaining the condition of the structure and the basis for their decision, which shall be forwarded to the LC.

For the purposes of §14-16-6-6(B)(2)(h) regarding exemptions from the requirements for a Certificate of Appropriateness, the issuance of a Notice and Order by the City's Code Enforcement Division shall constitute a declaration of unsafe conditions. The Code Enforcement Official shall notify the LC in writing noting the unsafe conditions and providing a copy of the Notice and Order. The Chair of the LC shall acknowledge receipt of the Notice, in writing, to the Code Enforcement Official. This procedure shall satisfy the ordinance requirements and staff may subsequently authorize a demolition permit application. The Commission may choose to communicate, in writing, to the Code Enforcement Official that it objects to the demolition.

3. IDO §14-16-6-6(B) provides procedures for demolition review for properties outside of an HPO.
- a) Approval by ~~LC staff~~Historic Preservation Staff on a demolition permit application shall constitute the referenced written determination of whether the structure may be eligible for demolition review as required by the ordinance.
- b) For the purposes of this article, the signature of denial by ~~LC staff~~Historic Preservation Staff on a demolition permit application shall constitute the written determination that the structure may be subject to demolition review and ~~LC staff~~Historic Preservation Staff shall schedule a public hearing subject to the provisions of 14-16-6-6(B)(2)(a)-(h). At the public hearing the LC shall

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determine if a 120-day review period shall be implemented on the subject property.

F. GENERAL

1. These rules shall control the conduct of business by the LC. In the event of a conflict between these rules, City ordinances or resolutions of the City Council, and/or state or federal laws; such City ordinances, resolutions of the City Council, and/or state or federal laws shall control.
2. The appearance of impropriety shall be avoided. Commissioners shall recuse themselves from hearing a matter if a conflict of interest exists or appears to exist, including, for example, a direct or indirect financial conflict of interest, or if circumstances exist which would impair or appear to impair the independence of judgment of the Commissioner. However, LC Commissioners have a duty to hear cases presented to them, and recusal should only occur for good reason(s). Commissioners who recuse themselves from hearing and voting on a quasi-judicial matter shall not be present in the hearing room when the matter is heard. Commissioners should reveal any information relevant to a conflict of interest or the potential for the perception of a conflict of interest, thereby providing the opportunity for any objection to their participation.
3. LC Commissioners shall not engage in *ex-parte* communication about any filed or prospective application requiring quasi-judicial proceedings with any person or organization interested in such application. For purposes of these rules, an *ex-parte* communication shall be defined as a substantive communication, outside the public hearing process, between an LC Commissioner and any member of the public. Communications with the staff of the Planning Department or the City Attorney's office shall not be considered *ex-parte* communication. Any material received by a Commissioner from any person or organization shall be forwarded to the staff of the Planning Department for distribution to the Commission.

Attendance at meetings, seminars, open houses or other similar functions, in which a pending or prospective application is discussed incidentally or in general terms for information purposes only, shall not constitute *ex-parte* communication. However, such an incident shall be disclosed by the LC Commissioner at the public hearing on said application.

LC Commissioners who have engaged in *ex-parte* communication shall recuse themselves from hearing the application. LC Commissioners shall disclose any instance of an attempted *ex-parte* communication; however, any such attempt should not, in and of itself, be grounds for recusal.

4. Commissioners shall not conduct independent fact-finding investigations of any property that is the subject of a quasi-judicial proceeding before the LC. ☆

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~~cursory site visit by an individual Commissioner to generally familiarize that Commissioner with the location and environs of such a property, that does not include an independent fact finding investigation, is allowed.~~

5. The LC Chair has authority, ~~subject to a Commissioner's right to appeal to the Commission as a whole,~~ to limit repetitive, irrelevant or inappropriate testimony, evidence and cross examination presented at a public hearing, as well as limit a LC Commissioner's comments, questions, or arguments that are repetitive, irrelevant, or otherwise inappropriate. Commissioners and speakers shall confine their remarks to the question(s) under discussion or debate.
6. The Chair, subject to these rules, shall decide all points of procedure. A ~~challenge n appeal~~ may be made on any decision of the Chair, in which event the Commissioner ~~appealing-challenging~~ shall state ~~his or her~~ their reason, to which the Chair may respond. Such ~~appeals-challenges~~ shall be acted upon immediately, and no motions shall be entertained until the ~~question-challenge~~ has been decided. A vote of the majority of the Commissioners present shall be required to sustain a ~~challengen appeal~~.
7. Only actual cases shall be presented to the LC. Hypothetical or what-if cases are not permissible except in study sessions. The LC should not give advice on how it might rule in future cases or might have ruled in past cases.
8. These rules may be amended by a quorum of the LC at a public meeting, provided written notice of the proposed changes and their time of consideration is given to all LC members at least one week in advance and the public and others are properly notified, pursuant to the Public Boards, Commissions and Committees Ordinance, §2-6-1-4(C) of the Albuquerque Code of Ordinances.
9. These rules may be suspended for the consideration of a given agenda item by a vote of majority of the members of the LC present.
10. Where questions not covered by these rules are asked, the LC may move/call the question with a majority vote of the LC members present. A majority vote of the members present decides the question.
11. Under other business and action statements, staff ~~shall~~ may provide updates on previous projects and a summary of staff decisions.

APPROVED and ADOPTED ~~April 9~~ June 11, 2025.

Commented [LN36]: Can we define. I do not feel this is necessary to define.

Commented [DB37]: Commissioner's or Commissioners' ?

Commented [CAS38R37]: This is referring to a single commissioner.

Commented [AC39]: What is this trying to say?

Commented [DB40]: Commissioner's or Commissioners' ?

Commented [CAS41R40]: This is referring to a single commissioner.

Commented [RWMJ42]: Above, chairperson is used. I like "Chair" myself. If you go that route, do a find/replace to make them all consistent.

Commented [CAS43R42]: Change to "the Chair"

Commented [RWMJ44]: Is there anything else we can call this other than appeal? Messy when it comes to applications that can be appealed.

Commented [DB45R44]: Challenge?

Commented [CAS46]: This is very broad and paired with "shall," which is not the best combo. Can this be limited?

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Chair, Landmarks Commission