



City and County of San Francisco

Meeting Agenda

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Land Use and Transportation Committee

Members: Myrna Melgar, Dean Preston, Aaron Peskin

Clerk: Erica Major (415) 554-4441

Monday, June 7, 2021

1:30 PM

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**PUBLIC COMMENT CALL-IN
1 (415) 655-0001 / Meeting ID: 187 714 5745**

Regular Meeting

A quorum of the Board of Supervisors may be present at this committee meeting. If a quorum is present, the meeting will also constitute a Special Meeting of the Board of Supervisors. However, the meeting will be conducted in all respects as a committee meeting, and any substantive decision will constitute a recommendation of the committee rather than an action taken by the Board. The Clerk will make a note of the special meeting in the committee minutes, and discussion will be limited to items noticed on this agenda.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may submit their comments by email to: Erica.Major@sfgov.org; all comments received will be made a part of the official record. Regularly scheduled Land Use and Transportation Committee Meetings begin at 1:30 p.m. every Monday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

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As the COVID-19 disease progresses, please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact Assistant Clerk Erica Major at (415) 554-4441.

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

REGULAR AGENDA

1. [210527](#) **[Approve Project List - California Senate Bill 1 Local Streets and Road Program - Road Maintenance and Rehabilitation Account Funds]**
Resolution approving the list of projects to be funded by Fiscal Year 2021-2022 Road Maintenance and Rehabilitation Account funds as established by California Senate Bill 1, the Road Repair and Accountability Act of 2017. (Public Works)

5/6/21; RECEIVED FROM DEPARTMENT.

5/18/21; RECEIVED AND ASSIGNED to the Land Use and Transportation Committee.

2. [210514](#) **[Hearing - Oversight and Safety of Construction Conducted under the Mandatory Soft Story Retrofit Program]**
Sponsors: Melgar; Ronen, Peskin, Mar and Mandelman
Hearing on the oversight and safety of the construction conducted under the Mandatory Soft Story Retrofit Program to fully evaluate the concerns raised by the Structural Subcommittee of the Code Advisory Committee and the Structural Engineers Association of Northern California, specifically, but not limited to, the risk of gas pipe ruptures; and requesting the Department of Building Inspection, Structural Subcommittee of the Code Advisory Committee, Board of Examiners, Pacific Gas and Electric Company, Structural Engineers Association of Northern California, and other subject matter experts to report.

5/4/21; RECEIVED AND ASSIGNED to the Land Use and Transportation Committee.

5/7/21; REFERRED TO DEPARTMENT.

3. [210285](#) **[Planning, Business and Tax Regulations, Police Codes - Small Business Recovery Act]**

Sponsor: Mayor

Ordinance amending the Planning, Business and Tax Regulations, and Police Codes to simplify procedures and allow flexibility for neighborhood, cultural, and entertainment establishments by 1) expanding streamlined review and inspection procedures to principally permitted storefront uses citywide; 2) deleting separate definitions of “Cat Boarding,” and “Services, Instructional” from the Planning Code; 3) allowing the continuation of longstanding places of entertainment; 4) temporarily requiring a conditional use authorization for uses replacing Nighttime Entertainment uses; 5) allowing temporary outdoor entertainment, arts, and recreation activities; 6) eliminating the one night dance permit; 7) extending time for limited live performances from 10 p.m. to 11 p.m.; 8) allowing additional One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits; 9) exempting single individual performances without amplification from permit requirements; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

3/16/21; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

3/23/21; REFERRED TO DEPARTMENT.

3/23/21; RESPONSE RECEIVED.

3/30/21; RESPONSE RECEIVED.

4/6/21; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/14/21; REFERRED TO DEPARTMENT.

4/21/21; RESPONSE RECEIVED.

5/11/21; SUBSTITUTED AND ASSIGNED to the Land Use and Transportation Committee.

5/18/21; REFERRED TO DEPARTMENT.

5/20/21; RESPONSE RECEIVED.

5/24/21; DUPLICATED.

5/24/21; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

5/24/21; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

4. [210284](#) **[Administrative, Public Works, and Transportation Codes - Shared Spaces]**

Sponsors: Mayor; Mandelman, Safai, Stefani and Haney

Ordinance amending the Administrative Code to rename and modify the Places for People Program as the Shared Spaces Program, and to clarify the roles and responsibilities of various departments regarding activation and use of City property and the public right-of-way, streamline the application process, specify minimum programmatic requirements such as public access, setting permit and license fees, and provide for the conversion of existing Parklet and Shared Spaces permittees to the new program requirements; amending the Public Works Code to create a Curbside Shared Spaces permit fee, provide for public notice and comment on permit applications, provide for hearings for occupancy of longer-term street closures, and supplement enforcement actions by Public Works; amending the Transportation Code to authorize the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) to issue permits for the temporary occupancy of the Traffic Lane for purposes of issuing permits for Roadway Shared Spaces as part of the Shared Spaces Program, subject to delegation of authority by the Municipal Transportation Agency Board of Directors to temporarily close the Traffic Lane, and adding the Planning Department as a member of ISCOTT; amending the Transportation Code to prohibit parking in a zone on any street, alley, or portion of a street or alley, that is subject to a posted parking prohibition except for the purpose of loading or unloading passengers or freight; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Economic Impact)

3/16/21; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to the Land Use and Transportation Committee.

4/6/21; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/12/21; REFERRED TO DEPARTMENT.

4/13/21; REFERRED TO DEPARTMENT.

4/21/21; RESPONSE RECEIVED.

5/4/21; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

5/7/21; REFERRED TO DEPARTMENT.

5/7/21; RESPONSE RECEIVED.

5/11/21; RESPONSE RECEIVED.

5/14/21; NOTICED.

5/19/21; NOTICED.

5/24/21; CONTINUED.

5. [210053](#) **[Emergency Ordinance - Eviction Protection for Tenants Unable to Pay Rent]**

Sponsors: Preston; Walton, Chan and Ronen

Emergency ordinance to temporarily restrict landlords from evicting residential tenants for non-payment of rent due to the COVID-19 pandemic; to prohibit landlords from imposing late fees, penalties, or similar charges on such tenants; and making findings as required by the California Tenant Protection Act of 2019.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage)

1/19/21; ASSIGNED to the Land Use and Transportation Committee.

1/22/21; REFERRED TO DEPARTMENT.

2/1/21; CONTINUED TO CALL OF THE CHAIR.

(The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on June 8, 2021.)

ADJOURNMENT

NOTE: Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 provides that when an Ordinance or Resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the Committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

210535 [Planning Code - Conditional Use Authorization Requirements Regarding Residential Care Facilities]

Sponsors: Mandelman; Ronen

Ordinance amending the Planning Code to eliminate the requirement of Conditional Use Authorization for Residential Care Facilities for seven or more people in Residential, House (RH) Districts; require Conditional Use Authorization for a change of use or demolition of a Residential Care Facility, and consideration of certain factors in determining whether to grant Conditional Use Authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

5/11/21; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

5/19/21; REFERRED TO DEPARTMENT.

210563 [Environment Code - Climate Action Plan]

Sponsor: Mayor

Ordinance amending the Environment Code to update the City's climate action goals and planning process, and establish departmental roles and responsibilities.

5/18/21; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

5/21/21; REFERRED TO DEPARTMENT.

210564 [Planning Code - Dwelling Unit Density Exception for Corner Lots in Residential Districts]

Sponsor: Mandelman

Ordinance amending the Planning Code to provide a density limit exception for Corner Lots in RH (Residential, House) zoning districts, to permit up to four dwelling units per lot; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

(5/25/2021 - Economic Impact Pending Further Review)

(Racial Equity Impact; No Racial Equity Report)

5/18/21; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

5/24/21; REFERRED TO DEPARTMENT.

210565 [Planning Code - Landmark Designation - “The Making of a Fresco Showing the Building of a City” - San Francisco Art Institute - 800 Chestnut Street]

Sponsor: Peskin

Ordinance amending the Planning Code to designate the fresco titled “The Making of a Fresco Showing the Building of a City” in the Diego Rivera Gallery of the San Francisco Art Institute, located at 800 Chestnut Street, Assessor’s Parcel Block No. 0049, Lot No. 001, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department’s determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

5/18/21; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

5/26/21; REFERRED TO DEPARTMENT.

210566 [Various Codes - Mobile Vendor Regulation]

Sponsor: Peskin

Ordinance adopting regulation of vending within the jurisdiction of the Port of San Francisco, requiring permits, and authorizing permit fee and enforcement actions in the Port Code; requiring the Port and the Department of Public Health to report to the Board of Supervisors about regulatory implementation and health and safety enforcement; amending provisions of the Port and Public Works Codes, and repealing peddler regulations in the Police Code, to comply with state law regarding sidewalk vending; amending provisions of the Administrative, Business and Tax Regulations, Health, and Transportation Codes to conform with state law and new Port Code regulations regarding vending; and adopting findings under the California Environmental Quality Act.

5/18/21; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

5/26/21; REFERRED TO DEPARTMENT.

210596 [Hunters View Phase 1 - Accepting Acacia Avenue, Catalina Street, and Portions of Fairfax Avenue, Ironwood Way, and Middle Point Road]

Sponsor: Mayor

Ordinance accepting an irrevocable offer of public infrastructure and real property associated with Hunters View Phase 1 public infrastructure improvements, including Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and Middle Point Road (“HV1 Public Infrastructure”); declaring City property and additional property as shown on official Public Works maps as open public right-of-way; dedicating the HV1 Public Infrastructure to public use; designating such public infrastructure for street and roadway purposes; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061 entitled “Regulating the Width of Sidewalks” to establish official sidewalk width on the abovementioned street areas; accepting the HV1 Public Infrastructure for City maintenance and liability purposes, subject to specified limitations; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; accepting a Public Works Order recommending various actions in regard to the public infrastructure improvements; and authorizing official acts in connection with this Ordinance, as defined herein.

5/25/21; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/1/21; REFERRED TO DEPARTMENT.

210597 [Summary Public Service Easement Vacation - Hunters View Phase 1 Project]**Sponsor: Mayor**

Ordinance ordering the summary vacation of public service easements in the Hunters View project site, which includes a sanitary sewer easement generally running along West Point Road between Catalina Street and Middle Point Road and a public access and emergency vehicle access easement generally located at West Point Road and Catalina Street; authorizing the City to quitclaim its interest in the vacation areas (Assessor's Parcel Block No. 4624, Lot Nos. 29 and 31) to the San Francisco Housing Authority notwithstanding the requirements of Administrative Code, Chapter 23; affirming the Planning Commission's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein.

5/25/21; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/1/21; REFERRED TO DEPARTMENT.

210600 [Planning Code - Small Business Zoning Controls in Chinatown and North Beach and on Polk Street]**Sponsor: Peskin**

Ordinance amending the Planning Code to 1) allow neighborhood-serving Social Service and Philanthropic Facility uses in Chinatown Mixed Use Districts with conditional use authorization; 2) change the provision for abandonment of a use that exceeds a use size maximum in Chinatown Mixed Use Districts; 3) change the use size limit and use size maximum in the Chinatown Community Business District; 4) exempt Institutional Community uses and Legacy Business Restaurants in Chinatown Mixed Use Districts from use size limits; 5) allow lot mergers under certain conditions in the Polk Street Neighborhood Commercial District; and 6) exclude the portion of Powell Street south of Union Street from the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

5/25/21; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/1/21; REFERRED TO DEPARTMENT.

210603 [Administrative Code - Effect Of COVID-19 On Commercial Leases]**Sponsors: Preston; Peskin, Ronen, Mar, Walton and Chan**

Ordinance amending the Administrative Code to establish a rebuttable presumption that a commercial tenant who was legally required to shut down due to COVID-19 may be excused from having to pay rent that came due during the shutdown.

5/25/21; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/1/21; REFERRED TO DEPARTMENT.

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document displayed should provide in advance of the meeting to the Clerk of the Board (bos.legislation@sfgov.org), clearly state such during testimony, and subsequently request the document be removed when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications expected to be made a part of the official file should be submitted to the Clerk of the Board or Clerk of a Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its members.

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AGENDA PACKET: Available on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino at all regular and special Board and Committee meetings if made at least 48 hours in advance of the meeting to help ensure availability. For more information or to request services: Contact Wilson Ng or Arthur Khoo at (415) 554-5184.

所有常規及特別市參事委員會會議 (Board meetings) 除委員會會議 (Committee meetings) 將予以提供西班牙文, 菲律賓文, 及中文的語言服務, 但須在會議前最少48小時作出請求, 旨在確保服務屆時可予以提供。更多資訊或請求有關服務, 請致電 (415) 554-7719聯絡Linda Wong.

AVISO EN ESPAÑOL: Los servicios de idiomas están disponibles en español, chino, y filipino en todas las reuniones regulares y reuniones especiales de la Junta, de los Comités, si se solicita por lo menos 48 horas antes de la reunión para ayudar a garantizar su disponibilidad. Para más información o solicitar servicios, por favor contactar a (415) 554-5184.

PAUNAWA: Mayroong serbisyon pang-wika sa Espanyol, Tsino at Pilipino para sa lahat ng mga regular at espesyal na pagpulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Pilipino na maaaring hilingin, 48 oras (o mas maaga) bago ng pagpulong upang matiyak na matutugunan ang inyong kahilingan. Para sa karagdagang impormasyon o para humiling ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

Americans with Disabilities Act (ADA)

The ADA is a civil rights law that protects people with different types of disabilities from discrimination in all aspects of social life. More specifically, Title II of the ADA requires that all programs offered through the state and local government such as the City and County of San Francisco must be accessible and usable to people with disabilities. The ADA and City policy require that people with disabilities have equal access to all City services, activities, and benefits. People with disabilities must have an equal opportunity to participate in the programs and services offered through the City and County of San Francisco. If you believe your rights under the ADA are violated, contact the ADA Coordinator.

Ordinance 90-10 added Section 2A.22.3 to the Administrative Code, which adopted a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.

The Board of Supervisors and Office of the Clerk of the Board support the Mayor's Office on Disability to help make San Francisco a city where all people enjoy equal rights, equal opportunity, and freedom from illegal discrimination under disability rights laws.

Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Board and Committee meeting agendas and minutes are available on the Board's website (www.sfbos.org) and adhere to web development guidelines based upon the Federal Access Board's Section 508 Guidelines. To request sign language interpreters, readers, large print agendas or other accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability. If further assistance is needed, please contact Wilson Ng at (415) 554-5184 (wilson.l.ng@sfgov.org).

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at soft@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at <http://www.sfbos.org/sunshine>.

Ethics Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>.

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit sfethics.org.