

BOARD of SUPERVISORS



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November 10, 2016

File No. 161195

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On November 1, 2016, Supervisor Avalos introduced the following proposed legislation:

File No. 161195

Ordinance directing the Recreation and Park Department to install in Bernal Heights Park a memorial in honor of Alex Nieto; directing official acts in furtherance of this Ordinance; waiving permit and inspection fees for the installation; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for By: *Alisa Somera*, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

1 [Alex Nieto Memorial]

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3 **Ordinance directing the Recreation and Park Department to install in Bernal Heights**
4 **Park a memorial in honor of Alex Nieto; directing official acts in furtherance of this**
5 **Ordinance; waiving permit and inspection fees for the installation; affirming the**
6 **Planning Department's determination under the California Environmental Quality Act;**
7 **and making findings of consistency with the General Plan, and the eight priority**
8 **policies of Planning Code, Section 101.1.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1.

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
21 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
22 this determination.

23 (b) On _____, the Planning Department determined that the actions contemplated
24 in this ordinance are consistent, on balance, with the City's General Plan and eight priority
25 policies of Planning Code Section 101.1. The Board adopts this determination as its own. A
copy of said determination is on file with the Clerk of the Board of Supervisors in File No.
_____, and is incorporated herein by reference.

1 Section 2. Findings.

2 (a) Alex Nieto was shot and killed by San Francisco Police Department officers on
3 March 21, 2014 in Bernal Heights Park.

4 (b) Alex Nieto was born and raised in the Bernal Heights and Mission neighborhoods,
5 and was a widely known and loved member of those communities.

6 (c) The community strongly desires to memorialize the life of Alex Nieto and mark the
7 spot of his tragic death.

8 (d) Many see the Alex Nieto memorial as a way to repair harm done to the
9 neighborhood and bring a sense of justice and healing.

10 Section 3. Commemoration of Alex Nieto.

11 The Board of Supervisors directs the Recreation and Park Department, after a
12 community process open to residents of the Bernal Heights neighborhood and to other
13 interested persons, and subject to Civic Design Review by the Arts Commission, to install a
14 memorial on Bernal Heights Park in honor of Alex Nieto. The memorial shall be located along
15 the paved pathway on the northern side of Bernal Hill.

16 Section 4. Requested Official Actions.

17 The Board of Supervisors directs the Recreation and Park Commission and Recreation
18 and Park Department to take all actions necessary to implement the intent of this Ordinance,
19 including approval of the installation of the memorial.

20 Section 5. Fee Waiver.

21 Notwithstanding any contrary provision of the Municipal Code, all permit and inspection
22 and review fees associated with the installation of the memorial shall be waived.

23 Section 6. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7
8 By:


9 MANU PRADHAN
10 Deputy City Attorney

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LEGISLATIVE DIGEST

[Alex Nieto Memorial]

Ordinance directing the Recreation and Park Department to install in Bernal Heights Park a memorial in honor of Alex Nieto; directing official acts in furtherance of this Ordinance; waiving permit and inspection fees for the installation; 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.

Existing Law

Bernal Heights Park is under the jurisdiction of the Recreation and Park Commission.

Amendments to Current Law

This is an uncodified ordinance.

Background Information

Alex Nieto was born and raised in the Bernal Heights and Mission neighborhoods and died after being shot by San Francisco Police Department officers on March 21, 2014 in Bernal Heights Park. The legislation directs the Recreation and Park Department, after a community process open to residents of the Bernal Heights neighborhood and to other interested persons, and subject to Civic Design Review by the Arts Commission, to install a memorial on Bernal Heights Park in honor of Alex Nieto. The memorial shall be located along the paved pathway on the northern side of Bernal Hill. All permit and inspection and review fees associated with the installation of the memorial will be waived.

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