

File No. 161195 Committee Item No. 1
 Board Item No. 31

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services Date December 1, 2016

Board of Supervisors Meeting Date DECEMBER 13, 2016

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral CEQA - 11/10/2016</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI - 11/10/2016</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Presidential Action Transfer - 11/22/2016</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination - 11/22/2016</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Erica Major Date November 23, 2016
 Completed by: JM Date 12/3/2016

1 [Alex Nieto Memorial]

2
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; and 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. 161195 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. The maintenance and upkeep of the
16 memorial shall be the responsibility of the Recreation and Park Department.

17 Section 4. Requested Official Actions.

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

21 Section 5. Fee Waiver.

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

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

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.
3
4

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

7
8 By: 
9 MANU PRADHAN
Deputy City Attorney

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LEGISLATIVE DIGEST
(12/1/2016, Amended in Committee)

[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; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

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

Amendments to Current Law

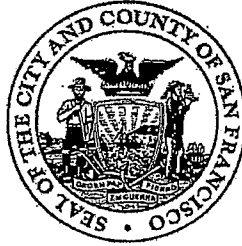
This is an uncodified ordinance.

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. After installation, the Recreation and Park Department will be responsible for maintaining the memorial.

This legislative digest reflects amendments adopted by the Public Safety and Neighborhood Services Committee on December 1, 2016.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

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.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org,
c=US
Date: 2016.11.22 14:55:36 -0800

161195

From: Board of Supervisors, (BOS)
Sent: Wednesday, December 07, 2016 8:16 AM
To: Major, Erica (BOS)
Subject: File 161195 FW: Nieto Memorial

From: Ed [mailto:deatoc25@sbcglobal.net]
Sent: Tuesday, December 06, 2016 11:20 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Fwd: Nieto Memorial

I am trying to get this email to the full board. I sent the original message to Supervisor Avalos, but I didn't receive a response; not that I was really expecting one.

Ed Cota
415-939-2997

Begin forwarded message:

From: Ed <deatoc25@sbcglobal.net>
Date: December 2, 2016 at 11:13:33 PST
To: John.Avalos@sfgov.org
Subject: Nieto Memorial

Supervisor Avalos,

Have you reached out to the two police officers who went through the trauma of having to take a human life during the course of their duties when Mr. Nieto aimed a laser sited taser at them? Have you checked on how their families are doing after going through the officer involved shooting investigations conducted by the police department, District Attorney's Office, Office of Citizens Complaints, the court of public opinion and of course, political posturing by politicians like you? Have you followed up to see how the officers and the their families were doing while going through the federal, wrongful death trial with protesters in front of the Federal Building everyday accusing them of being "murders" as they and their significant others made their way into the building? (By the the way, they were exonerated.)

The typical politicians response is "That's what they get paid for." Cops don't want to be in the position where they MUST take another's life, but will do so to protect another's life or their own. Mr. Nieto's actions forced the officers to REACT.

Don't memorialize Mr. Nieto behavior that caused HIM to loose his life because of HIS ACTIONS.

Have some empathy for the cops who answered a radio call for a request for help from a citizen of a man with a gun in a park. Maybe the Board of Supervisors can have a day that honors all of the City's First Responders (that will give you some cover for acknowledging the cops). That would be something new and novel before you leave office!

Ed Cota
Daly City

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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TDD/TTY No. 554-5227

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.

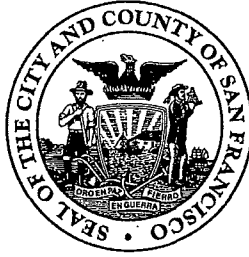
Angela Calvillo, Clerk of the Board

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

Attachment

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

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Phil Ginsburg, General Manager, Recreation and Parks Department
Margaret McArthur, Recreation and Parks Commission

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

DATE: November 10, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Avalos on November 1, 2016:

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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Sarah Madland, Recreation and Parks Department

President, District 5
BOARD of SUPERVISORS



BOS-11, 00B,
LTI, PSNS,
City Hall Leg Dep. Dep
1 Dr. Carlton B. Goodlett Place, Room 244 CA.
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: 11/22/2016

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
016 NOV 22 PM 1:10
W

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____

(Primary Sponsor)

Title. _____

Transferring (Board Rule No 3.3)

File No. 161195

Avalos

(Primary Sponsor)

Title. Alex Nieto Memorial

From: Land Use & Transportation Committee

To: Public Safety & Neighborhood Services Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
Board of Supervisors

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 NOV -1 PM 4:45

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

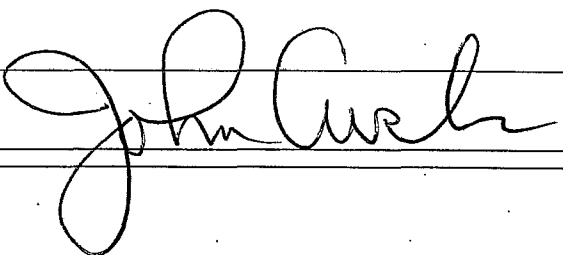
Supervisors Avalos, Campos, Cohen, Mar

Subject:

Ordinance - Alex Nieto Memorial

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: