FILE NO. 240725

REVISED LEGISLATIVE DIGEST

(Amended in Committee – July 29, 2024)

[Planning Code - Landmark Designation - Rainbow Flag at Harvey Milk Plaza]

Ordinance amending the Planning Code to designate the Rainbow Flag Installation at Harvey Milk Plaza, by Gilbert Baker, located at the southwest corner of the intersection of Market Street and Castro Street, 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.

Existing Law

Under Article 10, Section 1004 of the Planning Code, the Board of Supervisors may, by ordinance, designate an individual structure that has special character or special historical, architectural or aesthetic interest or value as a City landmark. Unless prohibited by state law, once a structure has been named a landmark, any construction, alteration, removal or demolition for which a City permit is required necessitates a Certificate of Appropriateness from the Historic Preservation Commission. (Planning Code § 1006; Charter of the City and County of San Francisco, § 4.135.) Thus, landmark designation generally affords a high degree of protection to historic and architectural structures of merit in the City. There are currently more than 300 individual landmarks in the City under Article 10, in addition to structures and districts in the downtown area that are protected under Article 11. (See App. A to Article 10.)

Amendments to Current Law

This ordinance amends the Planning Code to add a new historic landmark to the list of individual landmarks under Article 10: the Rainbow Flag Installation at Harvey Milk Plaza, by Gilbert Baker. The ordinance finds that the Rainbow Flag is eligible for local designation as a traditional cultural property with global recognition under National Register of Historic Places Criterion A and as a significant artwork by the political artist Gilbert Baker under Criterion C. The artist Gilbert Baker (1951-2017) is widely known for creating a six-striped Rainbow Flag artwork based on an eight-striped version made in San Francisco in 1978. Baker's six-color Rainbow Flag rapidly became associated with the greater Lesbian, Gay, Bisexual, Transgender and Queer+ (LGBTQ+) community, not only in terms of the diversity of whom it represented but also in its global recognition. For nearly two decades, Baker produced variations on the theme of the six-stripe Rainbow Flag for different anniversaries and events. The Rainbow Flag at Harvey Milk Plaza, installed in 1997 in commemoration of Harvey Milk's election to the Board of Supervisors twenty years earlier, is a site-specific permanent artwork and is the only such made by Baker. It honors the political achievements of Harvey Milk and

the next generation of LGBTQ+ politicians; it serves as a beacon of hope, visibility, and power; and, it is the singular physical manifestation of LGBTQ+ pride for everyone.

As required by Section 1004, the ordinance lists the particular features that shall be preserved, or replaced in-kind, as determined necessary.

Background Information

On May 15, 2024, after holding a public hearing on the proposed designation and having considered the specialized analyses prepared by Planning Department staff and the Landmark Designation Fact Sheet, the Historic Preservation Commission voted to recommend landmark designation of the Rainbow Flag to the Board of Supervisors.

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