

FILE NO. 030097

ORDINANCE NO. **53-03**

1 [Amending Planning Code Article 10 to designate the 1338 Filbert Street Cottages as a
2 Landmark.]

3 **Ordinance amending Planning Code Article 10 to designate the 1338 Filbert Street**
4 **Cottages, Lots 31, 32, 33 and 34 in Assessor's Block 524, as a City Landmark.**

5 Note: Additions are *single-underline italics Times New Roman*;
6 deletions are *strikethrough italics Times New Roman*.
7 Board amendment additions are double underlined.
8 Board amendment deletions are ~~strikethrough normal~~.

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

9 Section 1. Findings

10 On January 22, 2001, the San Francisco Board of Supervisors adopted Board
11 Resolution No. 43-01, approved by the Mayor on January 26, 2001, initiating Landmark
12 Designation for the 1338 Filbert Street Cottages.

13 The proposed Landmark Designation was referred to the Landmarks Preservation
14 Advisory Board, pursuant to Planning Code Section 1004.2, for the Board's review and
15 recommendation of approval, disapproval, or modification of the proposal. The Board
16 reviewed the proposed Landmark Designation and conducted a public hearing on March 21,
17 2001. The Board failed to reach a decision on the proposal within 30 days of such referral,
18 and reported its failure to the Planning Commission.

19 The 1338 Filbert Street Cottages, historically known as the Bush Cottages, and the
20 School of Basic Design and Color, are located on the north side of Filbert Street between Polk
21 and Larkin Streets, and occupy Assessor's Block 524, Lots 31, 32, 33 and 34.

22 F. Joseph Butler and Winifred Siegel prepared a Landmark Designation Report for the
23 1338 Filbert Street Cottages, on behalf of the Little House Committee. This report has been
24 incorporated into the public records of the Board of Supervisors in the Board's File No.
25 030097, and is a part of this consideration.

1 The proposed Landmark Designation was referred to the Planning Commission on
2 June 14, 2001, pursuant to Planning Code Section 1004.3, for the Commission's review and
3 approval, disapproval, or modification. The Commission continued its consideration of the
4 proposed Landmark Designation to its regular meeting of July 12, 2001.

5 On June 19, 2001, the Little House Committee amended the Landmark Designation
6 Report by letter to the Planning Department, changing the period of significance to 1907;
7 1930's – 1972, to reflect Marian Hartwell's ownership and residency in the 1338 Filbert Street
8 Cottages. On June 26, 2001, the Planning Department mailed a letter to the Little House
9 Committee requesting additional information in support of this change.

10 On July 12, 2001, the Planning Commission reviewed the designation proposal and
11 supporting documents and heard testimony in a regularly scheduled, duly noticed public
12 hearing. The Commission disapproved the proposed Landmark Designation of the 1338
13 Filbert Street Cottages, finding that: 1) the Cottages do not meet the criteria for Landmark
14 Designation as they do not have a special character or special historical, architectural and
15 aesthetic interest or value (Sec. 1004(a)(1) of the Planning Code); 2) the Designation Report
16 does not meet the requirements of Planning Code Section 1004(b) describing the
17 characteristics of the landmark, noting that without a clear record of the property's
18 significance, including information specifically requested by the Department for inclusion in the
19 report, the Commission had no choice but to disapprove the proposal; 3) designation of the
20 Cottages as a Landmark would be a misuse of the Landmarking process, as it seemed from
21 the testimony that the motivation for the Designation is the preservation of open space and
22 neighborhood character, and there are other ways to protect neighborhood character and to
23 preserve open space.

24 The Planning Commission recommended that the Board of Supervisors disapprove the
25 proposed Landmark Designation of the 1338 Filbert Street Cottages.

1 The Board of Supervisors has reviewed the Landmark Designation Case Report dated
2 June 14, 2001, as amended on July 12, 2001, and other information in the Board of
3 Supervisor's files, and hereby makes the following findings:

4 1. The 1338 Filbert Street Cottages, Lots 31-34 in Assessor's Block 524, were built in
5 1907 as four rental cottages in the aftermath of the Earthquake and Great Fire of 1906 by the
6 Bush family, who had owned the land since 1884.

7 2. Marian Hartwell, an artist and faculty member of the California School of Fine Arts,
8 now known as the San Francisco Art Institute (designated as City Landmark No. 85), lived on
9 the property from 1937 to 1972 initially as a lessee (1937 – 1946) and subsequently as the
10 owner (1946 – 1972). In 1943 she designed and built an addition to the front cottage which
11 she used as her studio. In 1972, Ms. Hartwell sold the property and left San Francisco.

12 3. After completing her tenure (1926 – 1940) as head of the Design Department at the
13 California School of Fine Arts, Ms. Hartwell developed the School of Basic Design and Color
14 in the cottages at 1338 Filbert Street, using the studio and her cottage for teaching. She also
15 used several of the cottages as rentals for her art students and others attending the California
16 School of Fine Arts.

17 4. The 1338 Filbert Street Cottages provide a tangible link to the Nineteenth Century
18 history of Russian Hill as both a working class neighborhood and one that has contributed to
19 the City's artistic traditions.

20 5. The setting of the Cottages offers strong visual and aesthetic interest to neighbors
21 and visitors, both for the ambiance of a protected enclave that included, at the time of
22 landmark initiation, mature and well-planned greenery as well as open spaces, and for the
23 wood cottages, brick patio areas and walks, grape stakes fence, and hedge of gnarled tree
24 trunks and branches. Since the landmark initiation, the grape stakes fence and hedge of
25 gnarled tree trunks and branches have been removed.

1 6. The 1338 Filbert Street Cottages, Block 524, Lots 31-34, have a special character
2 and special historical, architectural and aesthetic interest and value, and their designation as
3 a Landmark will further the purposes of, and conform to the standards set forth in, Article 10 of
4 the City Planning Code.

5 7. The Landmark Designation Report clearly meets the requirements of Article 10 of
6 the Planning Code and contains information establishing a clear and adequate record of the
7 property's significance, a description of the characteristics which justify its designation, and a
8 description of the particular features that should be preserved.

9 8. The 1338 Filbert Street Cottages have integrity of location, setting, materials,
10 workmanship, feeling and association.

11 9. The designation of the 1338 Filbert Street Cottages is reasonable, appropriate and
12 necessary to protect, promote and further the goals and purposes of Article 10 of the Planning
13 Code, and thus serves the public necessity, convenience and welfare.

14 10. Priority Policy Findings – Pursuant to Section 101.1 of the Planning Code, the
15 Board of Supervisors makes the following additional findings: The designation is in conformity
16 with the Priority Policies of Planning Code Section 101.1 and with the General Plan in that
17 Landmarking will conserve and protect existing housing and the neighborhood character, will
18 preserve the cultural and economic diversity of the City's neighborhoods, and will preserve
19 landmarks and historic buildings.

20 11. Required Data – The description, location and boundary of the Landmark site is
21 Lots 31-34 in Assessor's Block 524.

22 12. Based upon its review of the whole record, the Board of Supervisors hereby
23 overrules the Planning Commission's findings and conclusions and approves the proposed
24 Landmark Designation of the 1338 Filbert Street Cottages as a City Landmark.

25 13. The characteristics of the Landmark which justify its designation are described and

1 shown in the Landmark Designation Report for the 1338 Filbert Street Cottages dated June
2 14, 2001, as amended on July 12, 2001. Said Report is hereby incorporated by reference as
3 if fully set forth herein. The characteristics of the landmark which justify its designation are
4 summarized as follows:

5 a) Association with members of the early Twentieth Century San Francisco
6 artistic community (including Marian Hartwell), with the California School of Fine Arts,
7 now known as the San Francisco Art Institute (designated as City Landmark No. 85),
8 and with the development of the School of Basic Design and Color.

9 b) Association with the City's recovery from the Earthquake and Great Fire of
10 1906, including the post-emergency housing needs of that time, and with the early
11 Twentieth Century history of the City.

12 c) A tangible link to the Nineteenth Century history, architecture, and
13 neighborhood design of Russian Hill as both a working class neighborhood, and one
14 that has contributed to the City's artistic traditions and heritage.

15 d) Possessing the distinctive characteristics of residential cottages constructed
16 immediately following the 1906 earthquake and fire, these cottages are rare survivors
17 of a vernacular building type arranged in a parallel cottage configuration.

18 e) The buildings and ambiance of the landscaped and designed setting
19 (brickwork) together represent a distinguishable entity.

20 f) The particular exterior features that should be preserved, or replaced in-kind
21 as determined necessary, are those generally shown in the photographs and described
22 in the Landmark Designation Report, both of which can be found in the Planning
23 Department files for Case No. 2001.0232L and in the Board of Supervisor's File No.
24 030097 The description of the particular features to be preserved is as follows:

25 (i) The footprint and exteriors of the four original 1907 cottages and the

1 footprint and exterior of the 1943 studio addition; and

2 (ii) The features of the landscape and hardscape including the brick
3 pathways, wall, stairways and patios.

4 Section 2. Controls and Procedures.

5 The property shall be subject to all of the controls and procedures applicable to
6 Landmarks as set forth in Article 10 of the Planning Code.

7 Section 3. Designation.

8 The Board of Supervisors hereby designates the 1338 Filbert Street Cottages,
9 historically known as the Bush Cottages and the School of Basic Design and Color, located at
10 1338 Filbert Street, Assessor's Block 524, Lots 31-34, as a City landmark.

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14
15 By:



16 Kate Herrmann Stacy
17 Deputy City Attorney
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25



City and County of San Francisco

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

Tails

Ordinance

File Number: 030097

Date Passed:

Ordinance amending Planning Code Article 10 to designate the 1338 Filbert Street Cottages, Lots 31, 32, 33 and 34 in Assessor's Block 524, as Landmark No. 232.

March 4, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Peskin, Sandoval
Noes: 1 - Newsom

March 18, 2003 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE
BEARING NEW TITLE

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom,
Peskin, Sandoval
Excused: 1 - Daly

March 18, 2003 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

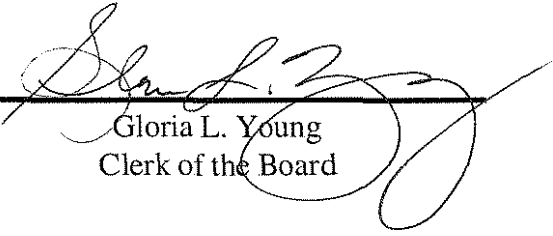
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin,
Sandoval
Noes: 1 - Newsom
Excused: 1 - Daly

March 25, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Peskin, Sandoval
Noes: 1 - Newsom

File No. 030097

I hereby certify that the foregoing Ordinance was FINALLY PASSED on March 25, 2003 by the Board of Supervisors of the City and County of San Francisco.



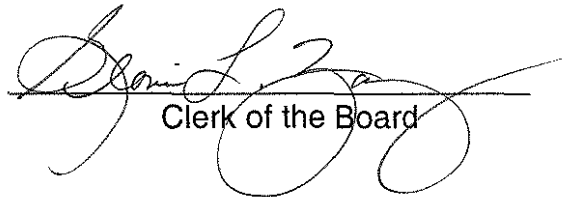
Gloria L. Young
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.

Date: April 3, 2003

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Clerk of the Board

File No.
030097