



Edwin M. Lee, Mayor
Mohammed Nuru, Director



Jerry Sanguinetti, Bureau Manager

Public Works Order No: 186054

DIRECTOR'S DETERMINATION REGARDING RECOMMENDATION OF REVOCATION FOR THE FLOWER-VENDING STAND PERMIT ALLOWING FOR THE PLACEMENT AND OPERATION OF A FLOWER-VENDING STAND ON THE SIDEWALK AT 250 POST STREET

A Public Hearing to consider the revocation of the flower-vending stand permit allowing for the placement and operation of a flower-vending stand on the sidewalk at 250 Post Street was held on Wednesday, June 7, 2017 at San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400 at 9:00 a.m. and presided over by Hearing Officer Tony Esterbrooks.

BACKGROUND:

1. On September 1, 2016, in response to complaints about the condition of the flower-vending stand at 250 Post Street, a Public Works Inspector issued a Notice to Repair (No. 1074841) after finding graffiti, peeling, and a broken window.
2. At the request of the proprietor of the flower-vending stand, Mr. Harold Hoogasian, the Notice to Repair was sent to him via email on September 2, 2016.
3. The Notice to Repair stated identified deficiencies needed to be remedied within 30-days.
4. The deficiencies stated in the Notice of Violation were not addressed within 30-days, which is a violation of Director's Order No. 175,880 Section II, A.
5. Public Works is in possession of photographic evidence showing the flower-vending stand to have been non-operational since at least July 7, 2016, which is a violation of Director's Order No. 175,880 Section II, G.
6. Based on violations of the maintenance and operational requirements set forth in Director's Order 175,880 Sections II, A and G, the Director of Public Works notified Mr. Harold Hoogasian that Public Works would be making a recommendation to the Board of Supervisors that the flower-vending stand permit be revoked and structure removed from the public right-of-way in a letter dated March 13, 2017.
7. Despite having been notified that Public Works would be making a recommendation to the Board of Supervisors for the revocation of the flower-vending stand permit on March 13, 2017, no efforts were made to address the maintenance and operational deficiencies upon which the recommendation of revocation was based, and a letter dated May 25, 2017 was sent to Mr. Harold Hoogasian informing him that a public administrative hearing considering the recommendation of revocation would be held Wednesday, June 7, 2017.



HEARING OFFICER'S FINDINGS:

The proprietor of the flower-vending stand has been notified repeatedly that they were in violation of Director's Order No. 175,880 Sections II, A and G, which provide:

- The permittee shall be responsible for operating and keeping said flower-vending stand in a clean and well maintained manner; including but not limited to refurbishing the stand and its materials; i.e., replacing dry-rot, removing graffiti, slap tags, advertising, mini billboards, peeling, damaged and/or faded paint and replacing with graffiti resistant paint, etc. All of the above markings, signs, etc. shall be removed from said flower-vending stand within forty-eight (48) hours of notice by DPW; whereas, replacement or refurbishment of the stand or portions thereof shall be completed within thirty (30) days of notice by DPW.
- The permittee shall maintain a minimum of thirty-five (35) operating hours per week and forty-six (46) weeks per calendar year. If the operation of the flower-vending stand does not comply with the above minimum operating times, unless prior approval from the Department of Public Works (DPW) has been obtained, it shall be considered abandoned by DPW and the permit to operate said flower-vending stand shall be recommended to the Board of Supervisors for revocation.

Support for revoking the permit was also heard at the hearing by members of Union Square BID. The proprietor of the flower-vending stand also spoke at the hearing and is protesting revocation of the permit based on flower-vending stands being part of San Francisco history and the fact that there is not enough foot traffic in the area to justify compliance with stated operational requirements. However, the protestor's comments did not address the issues or violations cited as grounds for revocation.

HEARING OFFICER'S RECOMMENDATION:

Upon consideration of the facts and testimony presented at the hearing, the recommendation to the Director of Public Works is to REVOKE the flower-vending stand permit as no compelling evidence was presented showing that the permit holder has or will address the ongoing maintenance and operational issues.

DETERMINATION:

The Director of Public Works accepts the recommendation of the Hearing Officer to revoke the flower-vending stand permit allowing for the placement and operation of a flower-vending stand at 250 Post Street.

APPEAL PROCESS:

Within fifteen (15) calendar days from the issuance of the Director's Order, an appeal may be submitted in writing to the Clerk of the Board of Supervisors at:

1 Dr. Carlton B. Goodlett Place
San Francisco City Hall, Room 244
San Francisco, CA 94102-4689



6/21/2017

X 

Sanguinetti, Jerry
Bureau Manager
Signed by: Sanguinetti, Jerry

6/22/2017

X Mohammed Nuru

Nuru, Mohammed
Director, DPW
Signed by: Nuru, Mohammed

6/21/2017

X 

Thomas, John
Deputy Director and City Engineer

