

1 [Approval of the sale of street flower market permit and deletion of site location.]

2

3 **Ordinance approving the sale of a street flower market permit pursuant to San**
4 **Francisco Public Works Code Article 5, Section 161, and amending Public Works Code**
5 **Article 5, Section 155 to delete the flower market location on the south side of Market**
6 **Street within 100 feet of the west line of 5th Street.**

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

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

11 Section 1. Findings.

12 (a) Pursuant to Ordinance No. 391-81 and DPW Order No. 171, 475, the Department
13 of Public Works issued revocable permission to Gilbert Ray Herrera and Raymond Al Herrera,
14 to occupy the street flower market location on the south side of Market Street within 100 feet
15 of the west line of 5th Street. Copies of said documents are in Clerk of the Board of
16 Supervisors File No. _____.

17 (b) As set forth in DPW Order No. 173,304, a copy of which is in Clerk of the Board of
18 Supervisors File No. _____, the Herreras have agreed to convey the subject flower
19 market permit to the fronting property owner, The Lurie Company, and request permission
20 from this Board to do so in accordance with Public Works Code Section 161(I).

21 (c) If this Board approves the sale of the permit to The Lurie Company, said company
22 has requested that this Board delete this street flower market location from the list of market
23 locations authorized under Public Works Code Article 5, Section 155. Such request is in Clerk
24 of the Board of Supervisors File No. _____.

25

1 (d) As stated in DPW Order No. 173,304, which is incorporated herein by reference,
2 the Department of Public Works had not made a recommendation on the sale of the street
3 flower market permit and the subsequent deletion of this site from the list of stand locations
4 because it believes that this is a policy matter for this Board to consider.

5 (e) Based on the information presented and in accordance with Public Works Code
6 Article 5, this Board determines that the actions requested are appropriate and in the public
7 interest.

8 Section 2. Pursuant to Public Works Code Section 161(l), this Board hereby authorizes
9 the sale of the street flower market permit for the site located on the south side of Market
10 Street within 100 feet of the west line of 5th Street to The Lurie Company. This Board further
11 directs that the sale of the subject permit shall occur within thirty (30) days.

12 Section 3. The San Francisco Public Works Code is hereby amended by amending
13 Article 5, Section 155, to read as follows:

14 SEC. 155. DESIGNATION OF LOCATIONS - PROVISIO.

15 Sidewalk flower-vending stands shall be located within the following designated
16 street flower market areas upon the sidewalks of the City and County of San Francisco at the
17 curb or building line.

18 The Grant Avenue Street Flower Market

19 On the west sidewalk of Grant Avenue within 100 feet south of the southerly line
20 of Geary Street.

21 On the east sidewalk of Grant Avenue within 100 feet south of the southerly line
22 of Post Street.

23 The Stockton Street Flower Market

24 On the west sidewalk of Stockton Street within 100 feet south of the southerly
25 line of Geary Street.

1 On the east sidewalk of Stockton Street within 100 feet south of the southerly
2 line of Geary Street.

3 On the west sidewalk of Stockton Street within 100 feet north of the northerly
4 line of Ellis Street.

5 On the east sidewalk of Stockton Street within 100 feet north of the northerly line
6 of O'Farrell Street.

7 On the north sidewalk of Post Street within 50 feet west of 250 Post Street.

8 The Powell Street Flower Market

9 On the east sidewalk of Powell Street between 25 feet and 100 feet south of the
10 southerly line of Geary Street.

11 On the west sidewalk of Powell Street within 100 feet north of the northerly line
12 of Eddy Street.

13 The Emporium Street Flower Market

14 On the south sidewalk of Market Street facing the location of 835 Market Street.

15 The Post Street Flower Market

16 On the north side of Post Street, east of Powell Street within 200 feet east of the
17 easterly property line of Powell Street.

18 The Upper Market Street Flower Market

19 On the north sidewalk of Sixteenth Street within 100 feet south of the southerly
20 line of Market Street.

21 The Market Street Flower Market

22 On the south sidewalk of Market Street facing the location of 101 Market Street.

23 On the south sidewalk of Market Street facing the location of 215 Market Street.

24 ~~On the south sidewalk of Market Street within 100 feet of the west line of 5th Street.~~

25

1 On the east sidewalk of Montgomery Street, at Market Street, within 50 feet
2 south of the north property line of Post Street.

3 The Columbus Avenue and Powell Street Flower Market

4 On the northwestern end of Marini Park on Columbus Avenue and Powell
5 Street.

6 The Harvey Milk Plaza Flower Market

7 On the west sidewalk of Castro Street north of the main entrance to the Harvey
8 Milk Plaza Muni Metro Station.

9 Section 4. The Board authorizes the Director of the Department of Public Works to
10 take any and all actions necessary to ensure that The Lurie Company removes the street
11 flower market located on the south side of Market Street within 100 feet of the west line of 5th
12 Street in a diligent and safe manner and restores the subject right-of-way.

14 RECOMMENDED:
15 DEPARTMENT OF PUBLIC WORKS

DESCRIPTION APPROVED:
DEPARTMENT OF PUBLIC WORKS

16 _____
17 Edwin M. Lee
18 Director of Public Works

Harlan L. Kelly, Jr.
Deputy Director for Engineering
and City Engineer

19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: _____
22 John D. Malamut
23 Deputy City Attorney

24
25