

My name is Harold Hoogasian. I have lived and worked in San Francisco my entire life. When folks ask me how long I've been in the flower business, I tell them that my mother and father met as he sold her a bouquet at a flower stand on Powell street on April Fool's Day 1949. I think the intention was there from the start.

The flower stand at 250 Post has been Hoogasian Flowers ground zero since February 1953 when Mr. Gump asked my parents to relocate there. As I pondered graduate schools while working there in 1974, I MET MY WIFE ...and I became a professional florist. Hoogasian Flowers is considered a leading florist in San Francisco. We are open every day of the year (17,939 days as of today). Abandoning is not in the Hoogasian mindset!

We need a larger conversation regarding the viability of flower stands and the difficulties they face in the changing market place, but it is important to understand the nature of the hostility the Hoogasian family has been subject to following the change in management of the 250 Post Street building in the 1990's when the manager of the trust that owns 250 Post Street made various efforts to remove our flower stand.

They included:

cutting off access to power water and telephonic connections (we trucked in water, used a generator and cell phones),

a flawed effort claiming our stand had been in the wrong place for 40 years... by adding words to his citation of the City Charter (after ordering us out, the then director of DPW rescinded the order [without an apology] after we explained the misrepresentation in the complaint,

another lie claiming an underground storage tank was under our stand (the sidewalk was never broken),

Ultimately, moving our flower stand to an alley behind his building [without notice or permission], and then he sued us as a nuisance. We counter sued and a three week jury trial resulted in punitive and economic damages of over \$750,000 in our favor. This was in consideration of the damage done to our business LEADING UP TO THE TRIAL. There was no consideration of the future viability of our damaged business. The judge agreed that we should have access to power etc. In mediation, the manager demanded a concession of almost \$300,000 to grant us access to the utilities that the Gump's organization had provided gratis for 40 years!

If we have a problem with utilities, we must make an appointment through the manager's attorney

Background on Flower Stand Legislation

From the turn from the early 20th century, flower stand proliferated into the hundreds. Traditional flower shops found the Sidewalk Flower Markets (as flower stands were legally referred to in the city charter) an irksome and inconvenient form of competition. There was an organized effort to rid the streets of flower stands.

By the early 1950's, the number of stands was reduced to less than 20. People said the City would suffer image loss if the flower stands disappeared, but not quite the Freeway or Cable Car revolutions... Freidel Klussmann where are you?). The number of flower stands was fixed (at that time) at 12. Subsequently, other flower stands have been permitted taking the number up to as many as two dozen. The original 12 in the Union Square area are the ones given my attention at this time.

Of the original 12 flower stands, only five (including 250 Post Street) still exist. Why, might one ask? There are reasons and theories, but we must look at the legislation that governs flower stand operations. First, the flower stand can only be 3 by 10 feet and operations must be confined to an area no greater than 5 by 20 feet. Imagine operating a business, displaying product AND finding shelter from the elements! Further, the products that are within the bounds of most flower shops are proscribed by defining (in the legislation) what CAN be sold at a flower stand: fresh flowers, greens, and corsages. Notably absent are: vase, plants, balloons, cards, delivery service and stuffed animals. All those absent items can be found in traditional flowers shops. We can't sell a bottle of water or a piece of fruit (though I did consider presenting an apple as extremely mature apple blossom). Impulse purchase items number somewhere around 300 at the new Cole Hardware on 9th st... just in the line for the cashier!

Oh, and about traditional flower shops, there is, currently, one flower traditional shop within THREE blocks of Union Square. There are, however, floral operators who operate on private property that LOOK like flower stands, but can sell all the items flower stands cannot by law. There are also as many as TEN not florist retail outlets within those three blocks that sell bouquets of fresh flowers... the core item that flower stands CAN sell! I have (for decades) sought the DPW's assistance in legalizing the sales of items that our competitors sell. We have been told by DPW staff to just go ahead and sell those items and services. Nod, nod, wink, wink. You know. That is NOT how to operate a business! We need help beyond saving the Hoogasian Flower stand. We need to help save ALL THE FLOWER STANDS.

An unacknowledged benefit that flower stands have provided the city is directions for our visitors. Before the tech age, visitors bee lined to us for all sorts of directions. We still to perform those functions.

Our outspoken stance on the flower stands and other issues don't exactly make me the favorite with DPW. When I was a child, the Director of DPW was on a first name basis with every flower stand operator. This department has firewalls.

The Union Square Business Improvement District is a pivot point for this. When the District was formed, the old Union Square Association folded into it. After YEARS of striving to join the USA, we were told that the BID precluded a non property owner from being a constituent of the BID and, consequently, we have NO voice. They do NOT serve as the voice for flower stand operators. You might find it odd that I devote so much of my time to the future of the flower stands, but I know it is only going to get more difficult to profitably operate a flower stand under the changing conditions of the marketplace without some cooperative consideration by DPW. We have every intention of operating the flower stand at 250 Post as conditions allow. After the Union Square subway station opens, we intend to open

WE TOLD the DPW that and they ignored us. We look forward to working with the Board of Supervisors to make a better future for flowers on the street. This move to revoke our permit, if successful, would reward bad behavior over time by a persistent, convicted oppressor. We didn't damage our business, he did.

This is a perfect example of why the board of supervisors exists. The DPW has not communicated with us about our operations save for graffiti removal notices and the notice to revoke our permit. We need your help!

I am in my 30th year as a member of the Rotary Club of San Francisco. Rotarians use

The Four Way Test of the things we think do or say:

Is it the Truth

Is it Fair to All Concerned?

Will it Build Goodwill and Better Friendships?

Will it be Beneficial to All?

Harold M Hoogasian Harold@hoogasian.com 415-559-0059



Edwin M. Lee
Mayor

Mohammed Nuru
Director

San Francisco Public Works
1 Dr. Carlton B. Goodlett Pl.
Room 348
San Francisco, CA 94102
tel 415-554-6920

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Michael Lennon
San Francisco Public Works
1155 Market Street, 3rd Floor
San Francisco, CA 94103

May 25, 2017

Harold M. Hoogasian
615 7th Street
San Francisco, CA 94103

Re: Final Recommendation to Revoke Flower-Vending Stand Permit, June 7,
2017 Public Works Administrative Hearing on the Recommendation, and
Appeal of Public Works Decision

Dear Mr. Hoogasian:

I am writing as a follow up to the letter dated March 13, 2017 that was sent to you by San Francisco Public Works Director Mohammed Nuru informing you Public Works would be making a recommendation that the permit allowing for the placement and operation of a flower-vending stand on the north side of 250 Post Street be revoked and the structure removed from the public right-of-way. Due to your failure to satisfy the terms of the permit, the Public Works Code, and Public Works regulations regarding flower-vending stands, Public Works is hereby issuing its final letter recommending revocation of your permit and requesting removal of the flower-vending stand at this location.

Again, the recommendation of revocation was made in accordance with Section 162 of the Public Works Code and Director's Order No. 175,880, and is based on findings that you failed to comply with the maintenance and operational requirements set forth in Sections II, A and II, G of Director's Order No. 175,880, respectively. Your violation and failure to remedy it extends back at least 8 months.

Director's Order No. 175,880 Section II, A provides that:

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 the DPW; whereas, replacement or refurbishment of the stand or portions thereof shall be completed within thirty (30) days of notice by DPW.

On September 1, 2016, a Public Works Inspector responded to a complaint about the condition of the Hoogasian flower-vending stand at 250 Post Street and issued a Notice to Repair (No. 1074841) after finding graffiti, peeling, and a cracked window. At your request, the notice was sent to you via email on September 2, 2016, and you were informed of the need to remedy the identified deficiencies within 30-days. The deficiencies have yet to be addressed.

As the identified deficiencies have not been addressed, despite more than eight (8) months having passed since the time you were notified of the need to repair within 30-days, you are in violation of Director's Order No. 175,880 Section II, A.

In addition, Director's Order No. 175,880 Section II, G provides that:

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.

Public Works has written and pictorial documentation evidencing that the flower-vending stand at 250 Post Street has been non-operational since at least July 7, 2016; a violation of Director's Order No. 175,880 Section II, G.

Based on the foregoing, Public Works is making a formal and final recommendation that your permit be revoked and that you remove the flower-vending stand fronting 250 Post Street. Public Works will conduct a public administrative hearing to consider this recommendation and you as well as other members of the public will be afforded the opportunity to present any evidence or information you would like concerning this flower stand location. The hearing shall be held at:

San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
Room 400 at 9:00 a.m.
Wednesday, June 7, 2017

Persons unable to attend the public hearing may submit written comments, which will be brought to the attention of the hearing officer and will become part of the official public record, to:

Bureau of Street Use and Mapping
1155 Market Street, 3rd Floor,
San Francisco, CA 94103
Attention: Michael Lennon

Upon request, Public Works files pertaining to this matter will be made available for review prior to the hearing at the Bureau of Street Use and Mapping offices at 1155 Market Street, 3rd Floor.

Upon conclusion of the administrative hearing, the hearing officer will submit a written recommendation concerning the revocation to the Director of Public Works. The Director, after considering the evidence and testimony provided during the hearing and reviewing the hearing officer's recommendation, shall issue a final decision approving, conditionally approving, or rejecting the hearing officer's recommendation. The Director's decision shall be issued in writing and sent to you via mail. If the Director's final decision is to revoke the permit, including, but not limited to, any associated abatement action such as removing the flower stand, you will have fifteen (15) days from the date of the decision to file a written appeal with the Clerk of the Board of Supervisors requesting a hearing before the Board of Supervisors on the permit revocation decision.

Please contact me by phone at (415) 554-5797 or via email at Michael.Lennon@sfdpw.org should you have any questions and/or like to discuss this matter further.

Thank you,

A handwritten signature in blue ink that reads "Michael P. Lennon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael P. Lennon

Attachments: September 2, 2016 notice, March 13, 2017 letter



Edwin M. Lee
Mayor

Mohammed Nuru
Director

San Francisco Public Works
1 Dr. Carlton B. Goodlett Pl.
Room 348
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Mohammed Nuru
San Francisco Public Works
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

March 13, 2017

Harold M. Hoogasian
615 7th Street
San Francisco, CA 94103

Re: Revocation of Flower-Vending Stand Permit

Dear Mr. Hoogasian:

I am writing to notify you San Francisco Public Works is making a recommendation to the Board of Supervisors that the permit allowing for the placement and operation of a flower-vending stand on the north side of 250 Post Street be revoked and the structure removed from the public right-of-way.

The recommendation of revocation is being made in accordance with Section 162 of the Municipal Public Works Code and Director's Order No. 175,880 and is based on findings you failed to comply with the maintenance and operational requirements set forth in Sections II, A and II, G of Director's Order No. 175,880, respectively.

Director's Order No. 175,880 Section II, A provides that:

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, damages 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 the DPW; whereas, replacement or refurbishment of the stand or portions thereof shall be completed within thirty (30) days of notice by DPW.

On September 1, 2016, a Public Works Inspector responded to a complaint about the condition of the Hoogasian flower-vending stand at 250 Post Street and issued a Notice to Repair (No. 1074841) after finding graffiti, peeling, and a cracked window. At your request, the notice was sent to you via email on September 2, 2016, and you were informed of the need to remedy the identified deficiencies within 30-days.

As the identified deficiencies have not been addressed despite more than six (6) months having passed since the time you were notified of the need to repair within 30-days, you are in violation of Director's Order No. 175,880 Section II, A.

Director's Order No. 175,880 Section II, G provides that:

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.

Public Works has documentation evidencing that the flower-vending stand at 250 Post Street has been non-operational since at least July 7, 2016; a violation of Director's Order No. 175,880 Section II, G.

Conclusion

Based on the abovementioned violations, Public Works considers the flower-vending stand to have been abandoned, and is recommending that the permit allowing for the placement and operation of a flower-vending stand on the north side of 250 Post Street be revoked and the structure removed from the public right-of-way.

Thank you,



Mohammed Nuru, Director





Department of Public Works
Bureau of Street-Use and Mapping
1155 Market St, 3rd Floor
San Francisco, CA 94103-0942

09/01/16

CONSTRUCTION, REPAIR, AND REPLACEMENT OF SIDEWALKS

Dear Property Owner:

This is to inform you of your responsibility for the repair and maintenance of the sidewalk fronting your property.

Under the provisions of Article 15, Section 706 of the Public Works Code, it is the responsibility of property owners to maintain the sidewalk in front of and/or surrounding their property, including driveways and sidewalk structures, and to repair any defects which may cause injury to persons or damage to property. In the event of such occurrences, property owners are liable for any claims that may arise.

Our recent inspection of your sidewalk reveals that there are defects or conditions requiring correction at this time. We have marked your sidewalk and are notifying you to take immediate action to repair the defects. The enclosed notice indicates the types of defects to be corrected. All work shall be performed in accordance to City specifications, and the finished work must be defect-free.

As the responsible property owner, we urge you to make timely arrangements to review your sidewalk and have the work done by a qualified private contractor of your choice. In accordance to Section 706.2 of the San Francisco Public Works Code, repairs must commence within thirty (30) calendar days from the date of the Notice, and be completed in a timely matter. Failure to comply will entitle the City to have the work done and bill you for the repairs, including verification costs and filing fees. If the bill is not paid, a lien for the above amount, along with a 10% administrative fee, may be placed against your property.

Please be advised that before work can commence, you or your contractor must obtain the appropriate permit(s) as indicated on the attached Notice. Please contact the permitting agency listed on the Notice for additional information and requirements. All permit applications, whether made in person or by mail, must be accompanied with a copy of the Notice.

It is our intention to work together with property owners to keep the City's sidewalks safe and accessible, and we appreciate your cooperation in this matter. If I can be of further assistance, please contact me at telephone number (415)554-4083

Sincerely,

Fady Khoury
Bureau of Street-Use and Mapping
Department of Public Works

Attachment(s)

NOTICE TO REPAIR SIDEWALK WITHIN 30 DAYS

No: 1074841

RFA#: 21269821

Provide this RFA# only to the contractor that will be doing the work

NOTICE TO REPAIR, RECONSTRUCT, IMPROVE SIDEWALKS WITHIN 30 DAYS

City and County of San Francisco
Department of Public Works, Bureau of Street-Use and Mapping
1155 Market St, 3rd Floor, San Francisco, CA 94103
Tel. (415) 554-5810; FAX (415) 554-6161

First Notice : 09/02/2016

To: Harold Hoogasian
250 Post ST
SAN FRANCISCO CA 94108
Hoogasian Flower Stand

Block: 0294

Lot: 009

YOU ARE HEREBY NOTIFIED and required to repair, reconstruct, or improve forthwith that portion of the sidewalk fronting (ADDRESS.LOCATION):
250 POST ST Zip: 94108

of which you are the owner, agent, tenant or occupant. And you are further notified that the manner of doing such work, and the materials that shall be used in said repair, reconstruction, or improvement must be in accordance with the *Standard Specifications of the Department of Public Works, Bureau of Engineering, of the City and County of San Francisco, for said kind of work and improvement required to be done thereat as shown below

YOU ARE FURTHER NOTIFIED that unless said repair, reconstruction, or improvement to be commenced within 30 DAYS AFTER THE SERVICE OF THE NOTICE and diligently and without interruption prosecuted to completion, the Director of Public Works, in accordance with Section 706 to 706.8 of the San Francisco Public Works Code, is entitled to cause such repair to be made, and all costs shall be a lien on such property.

Please call your Inspector for assistance
or upon completion of work.

Inspector: Fady Khoury
Telephone: (415) 554-4083
Email: Fady.Khoury@sfdpw.org

THE CONDITIONS IDENTIFIED BELOW MUST BE REPAIRED:

DEFECT:

LOCATION:

Abandoned Minor Defect(s); section(s) may be repaired(1)(1) POST ST: GRANT AVE to STOCKTON ST (200 - 299)

Remarks: Bring flower stand to code and in compliance with permit requirement. Please replace broken window and remove graffiti.

Approximate Square footage of Sidewalk repairs Required: 1

Approximate Linear Footage of Curb Repairs Required : 0

The inspector serving this notice is available at the above telephone number on weekdays, between 8am AM - 5pm PM

(1) Section(s) with minor defect(s) may be patched, filled or ground, and is subject to be accepted by the Inspector upon reinspection. If City is required to make repairs, the defective section(s) will be replaced.

*See back of Notice for excerpts from the Standard Specifications of the Department of Public Works for sidewalk repairs and important permit information.

**See back of Notice for information on sub-sidewalk basements and related sub structures

***Street trees are protected by City ordinance, and violations are subject to fines. For tree-related matters, or to obtain a Landscape permit, please visit www.sfdpw.org, and click on 'Trees' under 'Services A-Z', or call the Bureau of Urban Forestry at 415-554-6700 , weekdays, 8:00 AM to 4:00 PM.

(rev. 01/21/11)

Lennon, Michael (DPW)

From: Khoury, Fady (DPW)
Sent: Friday, September 02, 2016 1:43 PM
To: Harold@hoogasian.com
Cc: Vaing, Jonathan (DPW); Khoury, Fady (DPW)
Subject: NTR 1074841 Hoogasian Flower Stand at 250 Post ST
Attachments: 250 Post St Hoogasian Flower STand 1074841_rptNTR.pdf

Dear Mr. Hoogasian

Attached is the Notice to repair, stemmed from constituents complaints, we issued for flower stand at above address. Please repair/replace defects listed on our notice: broken window and graffiti removal within 30 days from today.

Confirm receipt of my email and

Let me know if you have any questions

Sincerely



Fady Khoury
Senior Street Inspector

Bureau of Street-Use & Mapping, Division of Inspection & Enforcement | San Francisco Public Works | City and County of San Francisco
1155 Market ST | San Francisco, CA 94103 | (415) 554-4083 | sfpublicworks.org · twitter.com/sfpublicworks