

Hand Delivered

HOOGASIAN FLOWERS

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BOARD OF SUPERVISORS
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Appeal of Public Works Order No. 186054

July 19, 2017

Board of Supervisors – Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Dear Board of Supervisors:

Although there needs to be a larger conversation regarding the viability of flower stands and the difficulties they face in the changing market place, it is important to understand the nature of the hostile relationship the Hoogasian family has been subject to following the change in management of the 250 Post Street building. After outlining the particulars of the Hoogasian family at 250 Post Street, I will touch on the subject of flower stands in general and the consistent practice by DPW of ignoring necessary consideration of the future of flower stands in San Francisco's downtown.

Hoogasian Flowers 250 Background

The Hoogasian family has a long history of flower stand sales in San Francisco. Missak Hoogasian emigrated in the 1920's and Hoogasian family members have been selling flowers on the street ever since. The flower stand at 250 Post was opened in February 1953 by invitation from Richard Gump. The flower stand in front of Gump's was a landmark. For the first 40 years of operations, it was consistently operated.

In the 1990's, Edward Plant introduced the Hoogasian family to the current manager of the building. It became clear in very short order that they wanted to get rid of our operations. At one point the manager sent a letter to the DPW which purported that we had been operating in the wrong place for the past 40 years! The Department demanded that we move. We pointed out that the management of 250 Post Street intentionally proffered a letter which added wording to the citation to mislead the department (which did not fact check). That demand to move was subsequently rescinded by DPW.

Next the management claimed that the removal of an underground storage tank required our stand to move. They department approved it and our stand was moved. The ground was never broken for the tank and the stand was never returned to the spot. We replaced it ourselves and returned to operation. The management cut off historic access to water and power in hopes of turning us away. We persevered on trucked in water and a generator.

Our flower stand was removed, again without our permission, this time to the alley behind the building. Shortly thereafter, the management sued us in Superior Court with 23 causes of action. All 23 causes were dismissed before trial. Three causes of action for counter suit were filed. Those counter charges were maintained and a three week jury trial followed after three years of pretrial maneuvering. Trial preparation included artful dodging of service by the aforementioned Mr. Plant. Even without Mr. Plant's testimony, the trail served as a forum for the intentional acts of the management to do everything within (and outside) their power to force us to quit.

The resulting jury verdict found economic damages of over \$250,000 AND punitive damages of \$500,000 for the acts committed against us. As a result of mediated arbitration, we were accorded the right to access telephonic, water and power for our operations from within the building. Although the malice embodied in the removal of all power and water access from the vicinity of the stand (necessitating a run of water from the rear of the building at a cost of over \$10,000!), it was clear that the management seeks to make our operations untenable. Every tenant of the building has maintained an adversarial stance towards us and our operations. For over 40 years, our staff had access to bathroom facilities in the 250 Post building.

Now we must close and walk to nearby hotels for such access. Further, if we wish to access our power and water hookups, we must contact the management's attorneys to arrange such access!

Changes in the conditions in downtown San Francisco over the last 60 years has made flower stand operation a significant challenge in the 21st Century.

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 Market (as flower stands were legally referred to in the city charter) "place" an irksome and inconvenient form of competition. In the 1940's there were over a dozen traditional flower shops within two blocks of Union Square.

There was an organized effort to rid the streets of flower stands. From just before the Second World War until the end of the 1940's, the number of stands was reduced to less than 20. An uproar (not quite on the level of the Freeway or Cable Car revolutions) about the loss the City would suffer to its image and cachet. 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 stand, 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 10 by 3 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 traditional flowers are proscribed by defining (in the legislation) what can be sold: 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. Oh, and about traditional flower shops.

There are, currently, ZERO flower traditional shops 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 can not by law. 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.

The Department of Public Works has an adversarial position regarding Hoogasian Flowers in favor of the "establishment" that is organized to see that we are removed from the street. The Union Square Business Improvement District is a pivot point for this. The terms of the formation of the District preclude a non property owner from being a "constituent" of the BID and, consequently, we have NO voice and they do not serve as the voice for flower stand operators. We have every intention of operating the flower stand at 250 Post as conditions allow. We look forward to working with the Board of Supervisors to make a better future for flowers on the street.

Cordially,



Harold M Hoogasian, President

Hoogasian Flowers, Inc.