

1 [Deletion of a street flower market location on Market Street at Fifth Street.]

2 **Ordinance amending Public Works Code Article 5, Section 155 to delete the street**  
3 **flower market location on the south side of Market Street within 100 feet of the west**  
4 **line of 5<sup>th</sup> Street.**

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 (a) Pursuant to Ordinance No. 391-81 and DPW Order No. 171,475, the Department  
11 of Public Works issued revocable permission to Gilbert Ray Herrera and Raymond Al Herrera,  
12 to occupy the street flower market location on the south side of Market Street within 100 feet  
13 of the west line of 5<sup>th</sup> Street. A copy of said Ordinance is on file with the Clerk of the Board of  
14 Supervisors File No. 051985 and a copy of the DPW Order is in File No.

15 (b) As a result a numerous violations of permit conditions, the Director of the  
16 Department of Public Works revoked said permit on November 8, 2004. The revocation  
17 became final on November 23, 2004. A copy of the revocation letter is on file with the Clerk of  
18 the Board of Supervisors in File No. 051985.

19 (c) No flower stand has occupied this site for more than two years and The Lurie  
20 Company, the fronting property owner, has requested the City to delete this site from the list  
21 of locations where flower stands are permitted. Copies of such requests are on file with the  
22 Clerk of the Board of Supervisors in File No. 051985.

23 (d) In response to a prior legislative proposal to delete this sidewalk flower stand  
24 location, the Director of the Department of Public Works, in a letter dated January 3, 2005,  
25

1 took no position, as it was a policy matter for the Board of Supervisors. Said letter is on file  
2 with the Clerk of the Board of Supervisors in File No. 051985.

3 (e) According to the City's Small Business Commission Secretary, Martha Yañez, the  
4 Commission, on February 7, 2005, unanimously agreed that it was appropriate to delete this  
5 sidewalk flower stand location.

6 (f) On November 9, 2005, legal counsel for The Lurie Company wrote to the Director of  
7 Public Works to inform him that The Lurie Company and the former permit holders, Gilbert  
8 Ray Herrera and Raymond Al Herrera, had reached an agreement settling all claims  
9 regarding the flower stand formerly located at 5<sup>th</sup> and Market Streets. A copy of said letter is  
10 on file with the Clerk of the Board of Supervisors in File No. 051985.

11 (g) This Board finds that it no longer is in the public interest to retain a flower stand site  
12 at this location.

13 Section 2. The San Francisco Public Works Code is hereby amended by amending  
14 Section 155, to read as follows:

15 SEC. 155. DESIGNATION OF LOCATIONS - PROVISIO.

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

19 The Grant Avenue Street Flower Market

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

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

24 The Stockton Street Flower Market

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

3 On the east sidewalk of Stockton Street within 100 feet south of the southerly  
4 line of Geary Street.

5 On the west sidewalk of Stockton Street within 100 feet north of the northerly  
6 line of Ellis Street.

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

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

10 The Powell Street Flower Market

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

13 On the west sidewalk of Powell Street within 100 feet north of the northerly line  
14 of Eddy Street.

15 The Emporium Street Flower Market

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

17 The Post Street Flower Market

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

20 The Upper Market Street Flower Market

21 On the north sidewalk of Sixteenth Street within 100 feet south of the southerly  
22 line of Market Street.

23 The Market Street Flower Market

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

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

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

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


4 The Columbus Avenue and Powell Street Flower Market

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

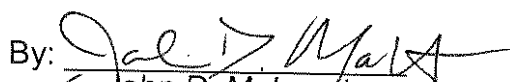
7 The Harvey Milk Plaza Flower Market

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

10  
11 RECOMMENDED:  
12 DEPARTMENT OF PUBLIC WORKS

13   
14 Robert P. Beck  
15 Acting Director of Public Works

16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By:   
19 John D. Malamut  
20 Deputy City Attorney



# City and County of San Francisco

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

## Tails

## Ordinance

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**File Number:** 051985

**Date Passed:**

Ordinance amending Public Works Code Article 5, Section 155 to delete the street flower market location on the south side of Market Street within 100 feet of the west line of 5th Street.

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April 11, 2006 Board of Supervisors — PASSED ON FIRST READING

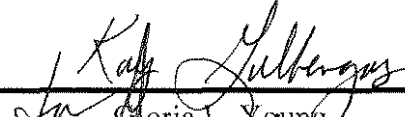
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,  
Mirkarimi, Peskin, Sandoval  
Excused: 1 - Alioto-Pier

April 18, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin,  
Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

File No. 051985

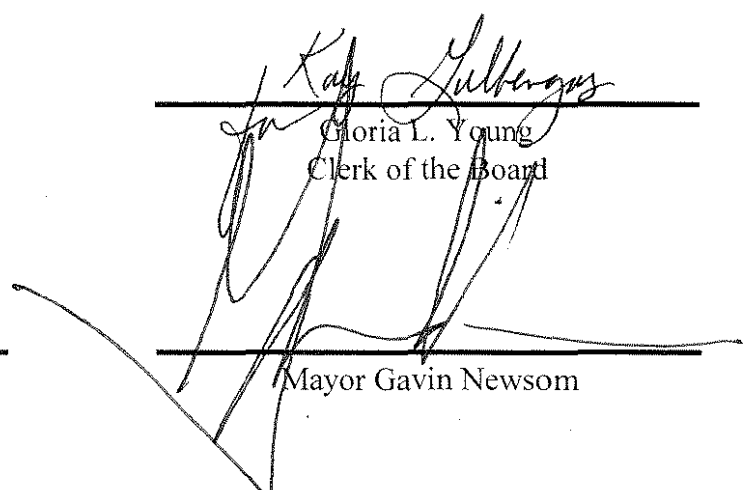
I hereby certify that the foregoing Ordinance was FINALLY PASSED on April 18, 2006 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young  
Clerk of the Board

4.20.06

Date Approved



Mayor Gavin Newsom