



## SMALL BUSINESS COMMISSION MEETING MINUTES



**Monday, June 8, 2015**

**5:30 P.M.**

**CITY HALL, ROOM 400**

**1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102**

### SMALL BUSINESS COMMISSIONERS

Mark Dwight, President

Monetta White, Vice President

Stephen Adams, Kathleen Dooley, William Ortiz-Cartagena

Irene Yee Riley, Paul Tour-Sarkissian

#### 1. Call to order and roll call.

The meeting was called to order at 5:34 PM. Commissioners Dwight, White, Ortiz-Cartagena, Tour-Sarkissian and Yee-Riley were present. Commissioners Adams and Dooley were absent.

#### 2. General Public Comment: (Discussion Item)

General Public was called for and no members of the public requested to speak.

#### 3. Discussion and possible action to make recommendations to the Board of Supervisors (BOS) on BOS File No. 150436 [Administrative Code - Establishing Cannabis State Legalization Task Force] (Discussion and Possible Action)

Presentation by: Jeff Cretan, Aide to Supervisor Wiener

Mr. Cretan stated there are several ballot measures being circulated for 2016 to legalize cannabis. Supervisor Wiener has proposed this legislation for the formation of a Legalization Task Force in anticipation of one of the ballot measures likely passing. The task force is tasked with planning for legal, social, land use any other issues that may arise as the result of legalization.

He stated it was a 22 member task force with Seats 1-7 City department seats which are non-voting members. The remaining 15 members, detailed in the legislation, are voting members. Seat 13 is the owner of a small business.

The Commission meets for a year and will report to the BOS and Mayor on policy recommendations.

Commissioner Tour-Sarkisian asked why there wasn't a medical doctor in addition to the public health advocate on the task force. Mr. Cretan responded that the public health advocates are knowledgeable with the issue due to past experience.

Commissioner Dwight noted the absence of a member from the legal profession as legal issues will constantly arise. Mr. Cretan said he will take that recommendation back.

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Commissioners Yee-Riley and White commented on the voting status of some members, and how the numbers on the panel had increased.

Commissioner Dwight called for public comment, and Richard Lee, DPH spoke. He stated they will be administrative support for the group and they will have City Attorneys available to provide any legal assistance, which alleviated Commissioner Dwight's concern for no specific legal representation.

Public comment was closed.

Motion: Commissioner White made a motion, and Commissioner Dwight and Tour-Sarkissian suggested possibly adding a medical doctor to the task force as part of the recommendation, in place of one of the neighborhood representatives. Commissioner White amended her motion to pass the legislation with the recommendation of a medical doctor as an addition to the voting membership.

2<sup>nd</sup>: Commissioner Yee-Riley

Aye: Commissioners Dwight, Ortiz-Cartagena, Yee-Riley, Tour-Sarkissian and White

Nay: None

Absent: Commissioners Adams and Dooley.

**4. Discussion and possible action to make recommendations to the Board of Supervisors (BOS) on BOS File No. 150535 [Resolution of Intention - Dogpatch & Northwest Potrero Hill Green Benefit District] (Discussion and Possible Action)**

Presentation by: Jonathan Goldberg, Green Benefit District Manager, San Francisco Public Works

Mr. Goldberg stated that GBDs are public realm maintenance and landscape districts, modeled on OEWD Community Benefit District programs. This is the first GBD under formation and has broad based support among the Dogpatch and NW Potrero Hill neighborhoods, with approximately 1382 parcels and a budget of approximately \$500,000 per year. About 1/3 of that will be public realm maintenance, 1/3 on capital improvements, 1/4 on communications/marketing/website, and the remainder on contingency operations.

If approved by the BOS, it will initiate a 45 day ballot period which concludes on July 29, 2015. The District will then be formed, the baseline services agreement will be worked out with the City, the non-profit assessment entity will be formed, and assessment bills will be mailed out on November/December. They will be collected by the City and services will begin in January. The District is levied for a 10 year term.

Commissioner Dwight thanked Mr. Goldberg for his work on this, and noted this is the first GBD in the country. He signaled his support as a property and business owner in the District.

Commissioner White clarified that it is an additional property tax assessment.

Commissioner Ortiz-Cartagena asked what the biggest opposition was besides the cost. Mr. Goldberg responded the remoteness of certain landlords as opposed to residents or local owners.

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Commissioner Tour-Sarkissian requested the non-profit structure and budget be further explained. Mr. Goldberg said all CBDs are non-profit as well, and these are comprised of business owners, property owners, neighborhood representatives, and steering committee members. There is an elaborate process to determine the Board of Directors. Here 60% of seats will be determined by residents, 20% by tenants, and the remainder will be at large individuals. The City enters into an agreement with the non-profit, and that entity will be responsible for administering the funds. The City conducts audits twice annually, and there are 10-14 Board members.

Commissioner Yee-Riley asked how a GBD is different than a CBD. Mr. Goldberg replied the major difference is that a GBD is neighborhood based while a CBD is on behalf of business owners and commercial tenants. She asked an additional question about how the assessments were determined, and he responded they are determined by an assessment engineer.

Commissioner White asked why the GBD was for only 10 years. Mr. Goldberg deferred to formation committee members to provide their perspective.

Public comment was called for.

Ms. Sally Johnson spoke.

Public comment was closed.

Motion: Commissioner Tour-Sarkissian voiced support.

2<sup>nd</sup>: Commissioner White

Aye: Commissioners Dwight, Ortiz-Cartagena, Yee-Riley, Tour-Sarkissian and White.

Nay: None.

Absent: Commissioners Adams and Dooley.

**Item 5 was heard after Items 6 and 7.**

**5. Discussion and possible action to make recommendations to the Board of Supervisors (BOS) on BOS File No. 150464 [Health Code - Enforcement of Service Station Bathroom Requirements and Fines] (Discussion and Possible Action)**

Presentation by: Sunny Angulo, Aide to Supervisor Kim and Richard Lee, Department of Public Health

Ms. Angulo stated that last year Land Use and Economic Development Committee was asked to consider amendments to Public Health Code Section that would ensure that gas station bathrooms could be unisex. At that time, these amendments were considered but it was decided to first talk to DPH about how to structure the fee system. The existing law in Section 725 requires gasoline/service stations provide clean and sanitary bathrooms to patrons during business hours. It provides for DPH to conduct inspections but there has been no defined mechanism to do so under the existing law.

After discussions with DPH, Supervisor Kim is proposing to amend the current law to allow administrative fines for violations of the existing law. The ordinance would authorize DPH or designee to issue citations upon the finding of a violation. The tiered fees are up to \$500 for the first violation, up

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to \$750 for the second violation, and up to \$1000 for the third violation. Other more structural oriented violations would have 24 hours+ to correct the problem. The amendment would also clarify that the Service station is only responsible to have the restrooms open during business hours.

Commissioner Dwight asked for the definition of a patron. Ms. Angulo replied that the health code currently has 10 different references to patron that are undefined. There is one spot that defines a patron in Article 20 as a person who enters the business with the purpose of purchasing or viewing, as a shopper, merchandise offered for sale. She thinks the intent is someone that actually purchases goods or services.

Commissioner Dwight notes that the legislation states specifically that it is a person(s) who purchases gasoline, other motor fuels, or lubricating oil directly into motor vehicles. He asked if the service station also has a convenience store, is a patron also someone who buys a bag of chips. Ms. Angulo deferred to the inspector. Commissioner Dwight suggested the definition should be refined very specifically because there are businesses of all kinds that are not required to provide facilities for their patrons and so as not to leave the interpretation of the law up to people that are unable to do so.

Ms. Angulo noted they are not trying to change the definition of a patron, but clean up the legislation to offer an enforcement mechanism. Commissioner Dwight stated that rather than leave the definition to the discretion of someone levying a substantial \$500 fine, since the legislation is being amended, this is an opportunity to address what he views as a shortcoming of the legislation. Or, if the intention is to define a patron as a person that puts gasoline directly into their car, then leave the wording as is, if not it should be clarified.

Richard Lee, DPH, stated they would enforce if a complaint was received in 311 or through other avenues. If they received the call from someone that they weren't able to access a bathroom, what they would probably do is send out an inspector to purchase something, may or may not be gasoline, and then ask to use the bathroom. If they are denied access, the service station would be cited with a warning the first time. If they received another complaint or maybe they would go out without another complaint, he said, and if they were denied access again then they would be cited for the first violation. He said based on his information, a patron can be defined as a person that purchases gas or chips. In an exchange with Commissioner Dwight, he stated that if the definition of patron was debated after a fine was assessed, a fine could be administratively appealed since it is an administrative fine. A precedent setting case would have to take place to potentially resolve the issue, Commissioner Dwight said. Mr. Lee said maybe the definition should be clarified now, but he doesn't see where a patron is currently defined as just someone buying gas. Mr. Dwight said some stations have convenience stores, but that neighborhood corner convenience stores are not required to provide facilities, that there should be equal treatment. He asked how we protect the business owner as well as the legitimate patron, and define this so a business owner can protect their business and the patron can get the service they need. Again Mr. Lee stated maybe we should then clarify the definition of a patron in this legislation. Mr. Dwight said these kinds of things would come out in outreach, but was uncertain as to what kind of outreach had been conducted in this instance, but it appears there has been none.

Commissioner Tour-Sarkissian stated it is essential to define a patron so there is equal treatment. He said often gas stations are in bad neighborhoods, and they may need to shut down facilities for safety sake, but there is nothing in the legislation that there are any exceptions to the rules, and the station owner is held to a certain standard, obligated to provide safety on premises, and there are liability issues. He said there are certain hours of the day when it's just not feasible to provide open facilities; it is dangerous to the patrons. He then asked if this law prohibits charging for bathroom use. Ms. Angulo responded the legislation does not propose charging to use the bathroom. She said this law just provides

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an enforcement mechanism to the existing law. He asked the question again if the owner can charge for bathroom use, or if it's open with no restriction to a patron. She said the law stipulates that during business hours it must be open and sanitary. He said it is not a benign issue, it might be quite onerous and dangerous to provide an open bathroom during certain hours in certain neighborhoods.

Commissioner Ortiz-Cartagena asked if there was any data that there was a problem, how many complaints have been received? Ms. Angulo said that Mr. Lee stated earlier that there have been no complaints because there has been no way to enforce the law. He asked again if there has been any feedback from the public that this was a pressing issue. Ms. Angulo stated that the small businesses in District 6 have provided feedback that they don't want to bear the burden of folks not able to use restroom facilities and using their doorstep from a person that maybe did buy drinks or chips from a gas station but used the bathroom in the vicinity of their business and then they have to clean it up. Commissioner Dwight stated he thought that was a separate issue and we cannot put the onus on service stations to provide public bathrooms. It was mentioned the City does provide public bathrooms in some merchant corridors, and Supervisor Kim has been a champion of public restrooms, and piloted the Pit Stop program in last year's budget, which is currently in Tenderloin and SOMA and being expanded.

Commissioner Ortiz-Cartagena asked if there was a projected cost to taxpayers for inspectors to go at night. Mr. Lee responded inspectors are not able to earn overtime, so would earn comp time. No new inspectors would be hired.

Commissioner Dwight said that generally fines should cover the cost of enforcement, and when legislation is presented, it typically outlines how fines and fees cover the cost of administering those fees. He said the fine amounts appear to be arbitrary, and he suggests the fine structure come with some rationale, otherwise they appear to be capricious or arbitrary. Mr. Lee said there have been conversations with Supervisor Kim's office about the amounts of the fines, and to make them enough to be a detriment, and Mr. Dwight responded that was punitive. Mr. Dwight mentioned DPH recently stated that for the massage legislation, DPH specifically stated that the fines were as-is to cover administration of the fines. Mr. Dwight said that if you are going to make it punitive, you should spell that out, that businesses have the right to know.

Commissioner Yee-Riley asked about the number of complaints and where they were coming from and if they were patrons. She said this is a long standing law, and now we want to penalize businesses, but we don't even know if it is a real problem. She said we have a solution looking for a problem.

Commissioner Tour-Sarkissian asked why the Fire Department is the one who requests the inspections in the legislation. Ms. Angulo said it is part of the original legislation and you would need to speak to who wrote the original legislation to determine why.

Public comment was called for.

Jim Lazarrus, SF Chamber of Commerce, was Deputy Director to Mayor Feinstein when this law originated and said it has nothing to do with public access to bathrooms. It had to do with motorists' access to bathrooms in a time when service stations were changing to pure gas stations, not convenience stores. It had nothing to do with general public access. He spoke against the legislation and said it was a terrible burden for small businesses.

Dave Sahagan, Marianne Katajolkling , Sally Johnson, and Henry Karnilowicz were opposed.

Public comment was closed.

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Commissioner Tour-Sarkissian made a motion against the legislation as drafted, and that Supervisor Kim should convene a meeting of stakeholders.

Executive Director Dick-Endrizzi clarified Commission could take action to support, non-support or to continue to work with gas station owners to come up with definitions or guidelines so enforcement can be done in a more reasonable and specific manner.

Commissioner Ortiz-Cartagena said he realized Supervisor Kim's intent was not to hurt small businesses but to have a win-win and have a healthy district. For the record, it was clarified that if restrooms are out of order they will have time to correct the problem before being fined.

Commissioner Dwight summarized the problems/points of opportunity for improvement as 1) Determine if is there a problem, and if so what? 2) Has there been any outreach to the community? 3) Is there a justification or rationale for the fine structure? 4) Has there been any assessment of unintended consequences of legislation as amended or as it was written previously? 5) What is the definition of patron? 6) Clarification/amendment of Subsection D regarding the Fire Department. 7) Difficult to enforce. 8) Exceptions should be considered. Mr. Dwight restated the motion against the legislation as presented and convene a meeting of stakeholders to discuss the points mentioned.

2<sup>nd</sup>: Commissioner White.

Aye: Commissioners Dwight, Ortiz-Cartagena, Yee-Riley, Tour-Sarkissian and White.

Nay: None.

Absent: Commissioners Adams and Dooley.

**6. Presentation and Discussion of [SF Biz Connect](#), a business to business buy local campaign.**  
(Discussion Item)

Presentation by: Susan Ma, Laurel Arvanitidis, Office of Economic and Workforce Development and Taryn Taddeo, SF Chamber of Commerce

Ms. Arvanitidis thanked the Commission for their encouragement to create a business to business program. Ms. Ma presented a power point and noted 95% of businesses in San Francisco are small businesses, and 55% of new jobs come from small business. Just a 1% increase in spending at restaurants and retailers in neighborhood corridors would generate an additional \$100 million to our economy, she noted. She discussed the opportunities for small business that the program created, while encouraging local spending habits. She discussed program goals and provided a brief website demo.

Commissioners Dwight, Tour-Sarkissian asked various questions about the site and the companies that have pledged and how companies can get on the list.

Commissioner Yee-Riley asked about outreach and Commissioner Ortiz-Cartagena thanked them for their efforts.

Public comment was called for.

Sally Johnson spoke.

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Henry Karnilowicz spoke in favor of the program.

Public comment was closed.

**7. Presentation and Discussion of [Hack the Hood](#), a non-profit that builds websites for small businesses.** (Discussion Item)

Presentation by: Henriette Ako-Asare

Ms. Ako-Asare presented a power point on Hack the Hood. The program teaches 16-21 year old low income youths of color web development skills to prepare them for careers in technology by offering free websites to small businesses. In 2013-14 they built websites for over 250 small businesses. In 2015 they are expanding into San Francisco and other Bay Area cities, and hope to help 1500 small businesses over the next 5 years, and have 5000 youth served over the 5 year span.

Commissioners Dwight, White and Tour-Sarkissian asked various questions related to staffing, budget, how many youths it has helped, and expressed that they thought it was a wonderful program for all involved.

Commissioners White, and Yee Riley asked questions about the youth participants, and commented that it is very beneficial to students and the community.

Executive Director Dick-Endrizzi expressed her support and asked about their outreach.

Public comment was called for.

Henry Karnilowicz spoke in favor of the program.

Public comment was closed.

**8. Approval of Draft Meeting Minutes May 11, 2015.** (Action Item)

Motion: Commissioner White motioned to adopt the meeting minutes.

2<sup>nd</sup>: Commissioner Ortiz-Cartagena

Aye: Dwight, Yee-Riley, Tour-Sarkissian

Nay: None

Absent: Dooley and Adams

**9. Director's Report:** (Discussion Item)

Executive Director Dick-Endrizzi stated that meetings are scheduled with Supervisors to discuss development of Legacy Business Registry, and she will provide input from them at next meeting.

She extended her appreciation to everyone involved in Small Business Week, including the Commissioners. The 2015 Honoree List was noted.

She noted the California Commission on Disability Access will conduct a hearing June 24<sup>th</sup> 12-4:00 pm in Room 416 at City Hall with DBI's Access Appeal Board on a Checklist Guide for CASp and building inspectors. She will present work the City has been doing.

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She said next week on June 16 there is a meeting on those involved with the Buy Local initiatives.

She noted a special acknowledgement to Treasurer Cisneros with Greg Kato and Marianne Thompson with their efforts to assist those who didn't have a computer or needed special assistance with online business registration. On May 28 they used the south light court with different stations and registered over 400 individuals and it was exemplary. She noted we may want to thank them at a future meeting.

She noted the Mayor signed both pieces of massage legislation, and they will go into effect June 19, 2015. Supervisor Wiener is working on Planning Amendments.

Sugar Sweetened Beverage legislation was passed. Supervisor Wiener's legislation will require health care warning notices on advertising similar to cigarette warnings.

She said Supervisor Tang called for a hearing to discuss Streamlining the Restaurant Business Permitting Process and report. This will focus a lot on the work Jane Gong is doing with the Controller's office and mapping out that process.

She stated future legislation will be hearing would be BOS File No. 150465 regarding accessory use entertainment in SOMA.

She noted that June 16 is the Small Business Network's Gala. She congratulated Commissioner Adams as Small Business Advocate of the Year by a Non-Small Business, and Vice President White for Small Business Advocate of the Year.

She stated Emily Gassner has requested to come before the Commission soon to provide an update of Micro Loan program, and concluded her comments.

**10. President's Report: (Discussion Item)**

No report except to congratulate everyone on a successful Small Business Week.

**11. Vice President's Report: (Discussion Item)**

She enjoyed Small Business Week and provided a thank you to Adam Strauss for the great job he did in putting everything together so well.

**12. Commissioner Report: (Discussion Item)**

Commissioner Yee-Riley noted the Small Business Week events she attended, and stated she spoke with several people about the Portal and others that were impressed with the service the OSB provided. Commissioner Tour-Sarkissian congratulated Commissioners White and Adams on their Small Business Network Awards.

**13. New Business: (Discussion Item)**

No new business items were introduced.

**14. Adjournment. (Action Item)**

The meeting was adjourned at 8:02 PM.

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Explanatory Documents: Copies of proposed legislation listed in this agenda, and other related materials received by the SBC after the posting of the agenda, are available for public inspection and/or copying at City Hall Room 110. Please call (415) 554-6134 to make arrangements for pick up or review.

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