



SMALL BUSINESS COMMISSION MEETING MINUTES



Monday, May 11, 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, Adams, Tour-Sarkisian and Dooley were present. Commissioners Ortiz-Cartagena and Yee Riley were absent.

2. General Public Comment: (Discussion Item)

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

3. Presentation and Discussion on the Business Portal. Update on current utilization and the next stages of development including review of the permitting process. (Discussion Item)

Jane Gong, Department of Technology, presented an update to her previous October 2014 presentation. Ms. Gong presented a timeline illustrating the Portal's launch and ongoing improvements. She provided examples of user feedback and stated that analytics and feedback will assist them in developing their next steps. Ms. Gong provided analytics since launch, with over 12,400 views per month, mentioned press and multiple awards, and provided a sample of a new MUNI Bus Ad. She stated that in response to outreach from various Officials, including the White House, a Retrospective sharing their approach and lessons learned had been created and currently available online.

Since launch, she detailed their Restaurant focus, and permit mapping. A detailed Controller's Office report is due June 2015.

Ms. Gong provided next steps with the Portal and Process Streamlining, continuing to map out the 160 remaining permit application processes, as well as Technology Enhancements such as working with TTX to connect with their New Business Registration.

Commissioner White, Tour-Sarkissian and Dwight commended Ms. Gong for her work.

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

The Commission took no action.

SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110
SAN FRANCISCO, CA 94102
415.554.6134

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR/ COMMISSION SECRETARY, BRIAN POOLE

4. Presentation and Discussion on the University of San Francisco's (USF) School of Management and its Gellert Family Business Resource Center on the Legacy Business Program. (Discussion Item)

Presentation by: Students of the (USF) School of Management

Dr. Hudson and students Ian Rebholz, Darren Cabellero and Lindsay Warren presented their completed research associated with the following projects: Legacy Business Displacement Analysis, expanding upon the City's Legislative Analyst Office October 2014 report; Legacy Business Case Studies, collecting personal stories from two legacy businesses; and Legacy Business Incentives, which investigated options for encouraging legacy businesses to participate in the City's upcoming legacy business registry.

Commissioner Dooley commended the students for their work and would like it to be disseminated further so the public can view the findings. She commented on the importance of condoization noted in the presentation to help preserve legacy businesses.

Commissioner White commended the students on their fine work.

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

Director Dick-Endrizzi thanked the students for their work. She discussed development of programs associated with establishment of the registry, and mentioned the potential adaption of the concierge service for legacy businesses that was in the report.

5. Discussion and possible action to make recommendations to the Board of Supervisors (BOS) on BOS File No. 141303 [Planning Code – Massage Establishments] (Discussion and Possible Item)

****The Commission President called Items No. 5 and 6 for simultaneous consideration due to their interrelatedness. Minutes of the consideration of the items are provided under Item 5 only.****

Director Dick-Endrizzi stated that changes in the legislation before the Commission today are not substantive changes since they were discussed previously, excepting a health code change which was noted at a previous meeting. She referred to a handout from Supervisor Tang's office that summarizes changes to the legislation. One change was that Health Care Practitioners are no longer on the list of businesses to be exempt from having to obtain the Massage Establishment permit for having massage as an accessory use, as are Barbers, Cosmetologists, Estheticians and Manicurists.

She stated that both pieces of legislation, the Health Code and Planning Code, were heard May 4, 2015 at the Land Use Committee. At that meeting Supervisor Weiner had indicated he was going to divide the file for the Planning Code to continue on some amendments but has since decided he will reintroduce new legislation for the amendments. She referred to the handout that outlined his amendments to the Planning Code legislation only. It will cover dealing with solo practitioners co-located with chiropractors and acupuncturists not having to obtain a CU; allow for establishments that have completed the amnesty program to move one time without going through CU; find a means to allow establishments to go through the CB3P; and amend the definition of SERVICE, MEDICAL – to include massage.

Supervisor Weiner will not be amending the Health Code.

SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110
SAN FRANCISCO, CA 94102
415.554.6134

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR/ COMMISSION SECRETARY, BRIAN POOLE

She stated the Health Code and Planning Code legislation will be going before the Board of Supervisors tomorrow, including the Amnesty Program which is included in the legislation.

She stated a difficulty for solo practitioners that may work in multiple chiropractors' offices would be a requirement to obtain a solo practitioner permit for each location.

She stated the Commission recommends that staff continue to work the massage practitioner community to work with Supervisor Weiner's Office on proposed amendments; where necessary work with appropriate Supervisor's offices to make in changes in specific zoning districts; and work with the massage community to define the potential need to develop a more nuanced sole practitioner establishment license fee.

Commissioner Dwight spoke to how the massage community has mobilized itself, participated in the process, and put forth well thought out recommendations, particularly amnesty and treatment of sole practitioners, but stated there is still work to be done. He said it is important that they have found themselves a sponsor in Supervisor Weiner, a supporter who will listen to their needs and give considered thought. He stated that he thinks this represents the best legislation that could be accomplished in the short term and that we have a good foundation moving forward. He further said it was gratifying to have some of those things happen here with the Commission, and comforting to have their input at the sessions, and thanked the five speakers present.

Commissioner Dwight called for public comment.. Five members of the public requested to speak:

David Paul Wozniak, NHI Massage student. He stated he is new to the industry and still learning, but thinks there must be another way, although he understands why the legislation is happening. He thanked the Commission for its hard work.

Rob Bakewell, Chiromedica. He has worked in the industry for over 30 years. He thanked Supervisor Weiner for stepping up and other practitioners as well. He is still digesting the information but sees some things he finds alarming in it that he will bring to the attention of Supervisors Tang and Weiner.

Cory Hollis, NHI Massage student. He thanked the Commission for dealing with the issue, as well as Supervisor Weiner. He said he still has questions about the process in regards to out calls and non-profit work.

London Elise, Soothe. She thanked the Commission for the process, and Supervisor Weiner. She said amnesty was still confusing and is uncertain what happens after the legislation goes into effect. She read a short statement from a fellow practitioner in regards to potential quadruple regulation of the solo practitioner permit.

Tony Siacotos, Govt. Relations Chair, American Massage Therapy Association, CA Chapter. He thanked the Commission for its keen grasp of the problems this caused, and for advocating on their behalf. He applauded Supervisor Weiner's proposal of making new establishments eligible for CB3P program, mentioned potential land use regulations as a result of this legislation may not be needed, and his support for amnesty, but thinks no one will understand it if it becomes law. He said the background check would be illegal, as it is duplicative, and the legislation should be amended, and he would like the annual fee changed to a renewal fee.

Public comment was closed.

Commissioner Dwight thanked the public commenters for their specific and substantive suggestions. He said these are the types of issues the Commission will continue to work on and staff will be working on in the near future.

SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110
SAN FRANCISCO, CA 94102
415.554.6134

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR/ COMMISSION SECRETARY, BRIAN POOLE

He said the first recommendation is to work with Supervisor Weiner's office on the proposed amendments to the Planning Code, and work with him going forward on any follow on legislation that might be recommended. He also suggested working with Supervisors in specific districts regarding zoning issues, and residents in those areas where they may have already passed restrictions. Lastly, he suggested continued work with the massage community to define the potential need to develop a more nuanced sole practitioner establishment license fee. He said there are likely more issues.

Commissioner Tour-Sarkissian asked President Dwight that he be more specific about what exactly is being supported as to Supervisor Weiner's proposals.

Commissioner Dwight responded that he (Weiner) has made amendments to the current legislation, and Director Dick-Endrizzi said the four items she read earlier were confirmed by Supervisor Weiner's aide for the Planning Code legislation.

Motion: Commissioner Tour-Sarkissian motioned to recommend approval of the legislation as drafted, under the information of Supervisor Wiener's commitment to make amendments noted by Director Dick-Endrizzi. These being: 1) will cover dealing with solo practitioners co-located with chiropractors and acupuncturists not having to obtain a CU; 2) allow for establishments that have completed the amnesty program to move one time without going through CU; 3) find a means to allow establishments to go through the CB3P; and 4) amend the definition of SERVICE, MEDICAL – to include massage.

Commissioner Dooley expressed her concern that while much progress has been made, there remain many punitive items in the legislation towards the massage industry, but hopes these issues will be addressed since there are still problems in the legislation that will have a negative effect on the industry.

Director Dick-Endrizzi stated Commissioner Tour-Sarkissian had made a motion on Supervisor Weiner's four proposals. He commented in turn that he agreed with everything President Dwight had said, and President Dwight said he thought the motion expressed the Commission's desire to move the legislation forward and even beyond the current legislation.

2nd: Commissioner Dooley.

Aye: Dooley, Dwight, Tour-Sarkissian and White.

Nay: None

Commissioner Adams excused himself before the vote due to a previous commitment, at approximately 6:45.

Absent: Commissioners Ortiz-Cartagena and Yee Riley.

Commissioner Dwight stated the Commission is willing and enthusiastic about helping the massage community understand the amnesty provision, and that the Office of Small Business will spend some time trying to unravel the legislation and help the community understand it.

Commissioner Dwight recognized London Elise and he thanked her for her time spent to educate the Commissioners

6. Discussion and possible action to make recommendations to the Board of Supervisors (BOS) on BOS File No. 141302 [Health Code - Massage Practitioners, Establishments, and Associated Fees]
(Discussion and Possible Item)

No official action was taken as the Commission took action on BOS File No. 141302 on April 27, 2015. The item was agendaized to allow the Commission to discuss the contents of this legislation with BOS File No. 14103

SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110
SAN FRANCISCO, CA 94102
415.554.6134

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR/ COMMISSION SECRETARY, BRIAN POOLE

7. Discussion and possible action to make recommendations to the Board of Supervisors (BOS) on BOS File No. 150462 [Public Works Code - Waiver of Street Space Fee for Small Business Week Sidewalk Sales] (Discussion and Possible Action)

Director Dick-Endrizzi noted this was the annual fee waiver that is supported for the weekends of May 16th and May 23rd as a matter of pro forma.

No members of the public requested to speak on this item.

Motion: Commissioner Dooley motioned to recommend approval of the legislation as drafted.

2nd: Commissioner White

Aye: Dooley, Dwight, Tour-Sarkissian

Nay: None

Absent: Ortiz-Cartagena, Yee Riley, Adams

8. Director's Report: (Discussion Item)

Director Dick-Endrizzi welcomed Brian Poole, new Policy Analyst and Commission Secretary. She noted next week was Small Business Week and highlighted key activities of the week. She reviewed the January through March 2015 quarterly dashboard: noted meeting held in preparation for the Legacy Business Registry including meeting with SF Heritage, Historical Preservation staff Tim Fry and SF Travel to do exploratory discussion around criteria, and how to leverage it in the future from all three perspectives. She further stated Supervisor Tang has called for a hearing with Planning and DBI to improve the process, in relation to the massage legislation and other industries. No date has been established as of yet.

9. President's Report: (Discussion Item)

Commissioner Dwight said he attended SF Made last week and it continues to be a very successful event, and he encouraged everyone to participate as much as they can in Small Business Week next week, and he commended Strauss Events for their organizational efforts.

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

None.

11. Commissioner Reports: (Discussion Item)

None.

12. New Business: (Discussion Item)

No New Business items were introduced.

13. Adjournment. (Action Item)

SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110
SAN FRANCISCO, CA 94102
415.554.6134

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR/ COMMISSION SECRETARY, BRIAN POOLE

The meeting was adjourned at 7:14 PM.

Public Comment will be taken before or during the Small Business Commission's consideration of each agenda item. Speakers are requested but not required to complete a speaker card and state their names, which will help ensure proper spelling of speakers' names in the written record of the meeting.

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.

For questions about the meeting please contact 415-554-6134, sbac@sfgov.org.

SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110
SAN FRANCISCO, CA 94102
415.554.6134

REGINA DICK-ENDRIZZI, EXECUTIVE DIRECTOR/ COMMISSION SECRETARY, BRIAN POOLE