



SMALL BUSINESS COMMISSION MEETING MINUTES



Monday, April 27, 2015
2:00 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 2:07 PM. Commissioners Adams, Dooley (arrived at 2:25 PM), Dwight, Ortiz-Cartagena (arrived at 2:37 PM), Tour-Sarkissian, Yee Riley, and White were present. Staff in Attendance: Regina Dick-Endrizzi (Executive Director).

2. **General Public Comment (Discussion Item)**

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. 141303 [Planning Code – Massage Establishments] (Discussion and Possible Item)**

Presenter(s): Dyanna Quizon, Legislative Aide, Office of Supervisor Katy Tang

Ms. Quizon reviewed the requirements for a Massage Establishment to qualify as “Legal Non-Conforming Use” or “Permitted Conditional Use,” and offered clarity on the Amnesty Program and the difference between establishments that would receive “amnesty” and those that would be “grandfathered.” She also discussed the difference in permit requirements and processes for 1) Sole Practitioner Establishments, 2) Massage Establishments, 3) Massage as an Accessory Use, 4) Outcall Massage Service, and 5) Home-Based Massage. Furthermore, Ms. Quizon noted that the program acknowledges differences in zoning and works to establish zone-specific requirements, as well as broad requirements across all zones.

Diego Sanchez of the Planning Department and Cyndy Comerford of Department of Public Health were present to answer questions.

Commissioner Dwight suggested that workshops be offered in which massage therapists could raise questions and concerns. Commissioner Tour-Sarkissian asked whether an establishment that complied with the Planning Department and Department of Public Health (DPH) would have to go through the Conditional Use process, whether the Amnesty Program would also include businesses categorized as Massage as an Accessory Use, and the reasoning behind not including chiropractic offices as exempt from Conditional Use under the proposed and existing legislation. Commissioner Yee Riley asked for clarification about Accessory Use and Conditional Use. Director Dick-Endrizzi asked Ms. Quizon to walk through common scenarios and discuss the overlay between DPH and Planning requirements. She also asked for clarification on technical aspects of the Planning Code versus Health Code, why Medical Services wouldn't be able to have massage, restrictions to businesses qualifying with Massage as an Accessory Use, and how a chiropractic office would fit into the framework of the Amnesty Program. Commissioner Dwight asked whether there was a medical definition or definition put forth by DPH and whether amnesty would be available to practitioners that are currently practicing in a zone that explicitly prohibits massage.

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Commissioner Dooley asked why Massage Establishments, unlike the other types outlined in the presentation, would require Conditional Use. Commissioner White asked about the permit process for a nail salon that offers massage.

Commissioner Dwight explained the legislative process and clarified with the presenter that the Amnesty Program exempts those who are currently operating, even if they are in a zone that explicitly prohibits massage as long as they satisfied certain conditions before January 19. Future solo practitioners opening in a zone that requires a CU would be exempt but would require neighborhood notification. Commissioner Ortiz-Cartagena noted that the newly added provisions bring up other issues that should be carefully considered in assessing overall impact. He also expressed his objection to the implementation of Conditional Use Permits. Commissioner Yee Riley asked when Supervisor Tang's office would like to move forward. Commissioner Tour-Sarkissian asked about the Amnesty Program, and whether businesses that met DPH's requirements would go through Planning quickly. Commissioner White asked what the Commission could do to aid the massage therapy industry in being categorized as a medical service/practice, and questioned the efficacy of the insertion of Conditional Use in addressing certain problems around the industry. Commissioner Dooley noted that she could not express support for the proposed legislation given that it has yet to prove it will accomplish what it sets out to do, but impedes small businesses in a growing line of business. Commissioner Dwight recommended that the Land Use & Transportation Committee delay its consideration of this item.

Public comment:

Erica S. asked for more time to evaluate the legislation.

Adam Gordon asked for more time to review the legislation.

Amanda Leitner asked for more time for public review and clarification on zoning.

London Elise asked for more time to digest the legislation and ask questions.

Damien Souza commented about aligning massage with similar practices, accessory use, and asked for more time.

An individual commented on the grassroots nature of growing a massage business and how the CU process would hinder that; she asked for more time to look at the legislation.

Gary Witt praised Supervisor Tang for amending the legislation. He asked that the CU portion of the legislation be removed.

Corey Hollis asked for more time to look over the legislation.

Sasha Cardenas asked for more time and clarification about how the legislation would affect her business.

David Wozniak asked for more time to review the legislation.

Tony Siacotos asked for more time and noted that massage therapists are distinct from criminals engaging in human trafficking.

Beverly May asked the Commission to consider a postponement.

Motion: Commissioner Adams made a motion to recommend that Supervisor Tang defer scheduling of this legislation in the Land Use Committee until May 18, so that the Small Business Commission could continue its discussion at the May 11 Small Business Commission Meeting.

2nd: Commissioner Tour-Sarkissian.

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

Nay: None.

Absent: None.

Motion passed, 7-0.

4. **Discussion and possible action to make recommendations to the Board of Supervisors (BOS) on BOS File No. 150017 [Planning Code - Castro Street Neighborhood Commercial District, 24th Street-Noe Valley Neighborhood Commercial District, and Upper Market Street Neighborhood Commercial Transit District] (Discussion and Possible Action Item)**

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Presenter(s): Andres Powers, Legislative Aide, Office of Supervisor Scott Wiener

Mr. Powers discussed zoning changes to the Castro Street Neighborhood Commercial District, 24th Street-Noe Valley Neighborhood Commercial District, and Upper Market Street Neighborhood Commercial Transit District to allow for the development of neighborhood small businesses, while preserving the interests of those local communities.

Commissioner Adams thanked Mr. Powers for his presentation and outreach to merchants and neighbors.

Motion: Commissioner Adams made a motion to approve legislation as written.

2nd: Commissioner Dooley.

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

Nay: None.

Absent: None.

Motion passed, 7-0.

Note: Item #6 was called before Item #5.

6. **Presentation on Bay Bucks (Discussion Item)**

Presenter(s): Chong Kee Tan, Founder, Bay Bucks

Mr. Kee Tan discussed the way in which local communities and businesses may benefit from the use of a local currency, drawing from models of complementary and digital currencies.

Commissioner Dwight noted that the presentation was informative and could spark ideas for the ways in which small businesses, in the future, conduct business and exchange. Commissioner Tour-Sarkissian asked about monitoring, if there is a limit to using the services, and about the business model.

5. **Discussion and possible action to make recommendations to the Board of Supervisors (BOS) on BOS File No. 150268 [Administrative, Health Codes - Restaurant Week] (Discussion and Possible Action Item)**

Supervisor Breed's staff was unable to attend; therefore, Director Dick-Endrizzi provided a summary of the legislation, which provides for official recognition of Restaurant Week sometime in January. She noted that the Golden Gate Restaurant Association had expressed support.

Public comment: No members of the public requested to speak.

Motion: Commissioner Yee Riley made a motion to approve BOS File No. 150268 as written.

2nd: Commissioner White.

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

Nay: None.

Absent: None.

Motion passed, 7-0.

7. **Update and discussion for the development and implementation of the Legacy Business Program. (Discussion and Possible Action Item)**

Director Dick-Endrizzi noted points of consideration for the Commission as they continue to plan: when and where the applications will be reviewed, how many individuals will be allowed to aid in the review of a potential flood of applications, and how the Commission would like to define a "cultural legacy business." She suggested a survey of small businesses to determine which of their needs this program could serve.

Commissioner Dwight expressed reservations with having the Small Business Commission serve as an authorizing body that approves or disapproves of businesses having "legacy" status. He noted challenges

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once this status serves as a financial incentive for businesses. Commissioner Tour-Sarkissian noted that there may be moments when Commissioners may need to recuse themselves and asked about the hearing process by which a small business is deemed a Legacy Business by the Commission.

Public comment: No members of the public requested to speak.

8. **Director's Report (Discussion Item)**

Director Dick-Endrizzi noted that the new Commission Secretary would be present at the next Commission Meeting. The Small Business Commission did not win the Webby Award but did place in the Top 5. Salesforce enhancements are underway, as well as enhancements to the Office's outreach materials. A job posting is up for the open business counselor position.

9. **President's Report (Discussion Item)**

Commissioner Dwight mentioned SFMade Week and Small Business Week.

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

None.

11. **Commissioner Reports (Discussion Item)**

None.

12. **New Business (Discussion Item)**

None.

13. **Adjournment (Action Item)**

Motion: Commissioner Adams made a motion to adjourn the meeting.

2nd: Commissioner White.

Aye: All in favor.

Nay: None.

Absent: None.

Motion passed, 7-0.

The meeting was adjourned at 4:29 PM.

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