



**SMALL BUSINESS COMMISSION
MEETING MINUTES**

Monday, May 8, 2017

5:30 P.M.

City Hall, Room 400

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

SMALL BUSINESS COMMISSIONERS

Mark Dwight, President

Stephen Adams, Vice President

Kathleen Dooley, William Ortiz-Cartagena

Irene Yee Riley, Paul Tour-Sarkissian, Miriam Zouzounis

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

The meeting was called to order at 5:32 PM.

Commissioners Adams, Dwight, Tour-Sarkissian, Yee Riley, and Zouzounis were present.

Commissioners Dooley and Ortiz-Cartagena were absent.

Staff in attendance: Regina Dick-Endrizzi (Executive Director), Menaka Mahajan (Senior Policy Analyst), and Richard Kurylo (Legacy Business Program Manager).

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

No members of the public requested to speak.

3. **Approval of Legacy Business Registry Applications and Resolutions. (Discussion and Action Item)**

Richard Kurylo (Legacy Business Program Manager, Office of Small Business) presented 4 applications for inclusion on the Legacy Business Registry:

a. BrainWash (Application No.: [LBR-2016-17-069](#))

b. Chinese Historical Society of America (Application No.: [LBR-2016-17-043](#))

c. Gino and Carlo (Application No.: [LBR-2016-17-045](#))

d. Noriega Produce (Application No.: [LBR-2016-17-076](#))

Mr. Kurylo informed the Commission that all of the applications met the criteria for the Legacy Business Registry, and all of the applications received positive recommendations from the Historic Preservation Commission. Mr. Kurylo recommended that the Small Business Commission adopt 4 resolutions to include the 4 applicants in the Legacy Business Registry as Legacy Businesses under Administrative Code Section 2A.242.

Public Comment:

Mary Jane Pierson spoke in support of Gino and Carlo.

Pamela Wong spoke in support of the Chinese Historical Society of America.

Jeffrey Zalles spoke in support of BrainWash.

Commissioner Adams spoke in support of Gino and Carlo and the Chinese Historical Society of America.

Commissioner Yee Riley agreed. Commissioner Zouzounis spoke in support of Noriega Produce.

Motion: Commissioner Adams motioned to adopt 4 resolutions to include the following 4 applicants in the Legacy Business Registry as Legacy Businesses under Administrative Code Section 2A.242: BrainWash; Chinese Historical Society of America; Gino and Carlo; Noriega Produce.

2nd: Commissioner Yee Riley.

Aye: Commissioners Adams, Dwight, Tour-Sarkissian, Yee Riley and Zouzounis.

Nay: None.

Absent: Commissioner Dooley and Ortiz-Cartagena.

Motion passed 5-0, 2 absent.

Note: Item 5 was called before Item 4.

5. **Board of Supervisors File No. 170240 - Police, Building Codes - Lactation in the Workplace. (Discussion and Possible Action Item)**

Ashley Summers (Legislative Aide, Office of Supervisor Katy Tang) answered the Commissioners' questions from the last meeting, offered clarification regarding independent contractors, noted an amendment to extend the effective date to 1/1/18 to allow time for outreach, and addressed permissible lactation space and what constitutes a financial hardship. She clarified that before the Office of Labor Standards Enforcement (OLSE) issues a Notice of Violation, they would offer resources to the employer on how to comply. There was also discussion of OLSE collaboration with merchant associations and other business organizations to inform employers, especially those with under 20 employees.

Commissioner Zouzounis raised concerns about predatory lawyers. Commissioner Tour-Sarkissian clarified requirements and asked about transportation workers, the process from discussion to complaint, a compliance period, a safe harbor period, and small businesses with just one employee.

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

Motion: Commissioner Zouzounis motioned to recommend approval of BOS File No. 170240, including the amendments that were outlined during the sponsor's presentation.

2nd: Commissioner Tour-Sarkissian.

Aye: All in favor.

Nay: None.

Absent: Commissioners Dooley and Ortiz-Cartagena.

Motion passed 5-0, 2 absent.

4. **Board of Supervisors File No. 170441 - Health Code - Banning the Sale of Flavored Tobacco Products. (Discussion and Possible Action Item)**

Note: Commissioner Zouzounis requested recusal due to a material interest.

Motion: Commissioner Adams motioned to allow Commissioner Zouzounis' recusal.

2nd: Commissioner Yee Riley.

Aye: All in favor.

Nay: None.

Absent: Commissioners Dooley and Ortiz-Cartagena.

Motion passed 5-0, 2 absent.

Brittini Chicuata (Legislative Aide, Office of Supervisor Malia Cohen) discussed the legislation and the reasoning behind it. Derek Smith (Department of Public Health) discussed flavored tobacco products -- what they are, why they are a problem, and who uses them.

Commissioners Adams and Yee Riley clarified the effect of the legislation on individuals over 21 versus those under 21 years of age. Commissioner Adams asked if flavored tobacco products could still be purchased online and about outreach to small businesses. Commissioner Dwight asked why the distinction was drawn between flavored and regular tobacco products, rather than banning cigarettes altogether. Brittini Chicuata and Derek Smith reiterated that the goal of the legislation was to target flavored tobacco because it is used to initiate new smokers. Commissioners Tour-Sarkissian and Yee Riley asked for clarification on flavored cigarettes, including menthol. Commissioner Dwight expressed his opposition to banning legal products and his concern around the ban's effectiveness in solving the larger problem. Commissioner Tour-Sarkissian

inquired about the definition of “establishment.” Commissioner Yee Riley stated that education may be a better approach. Commissioners acknowledged the health-oriented intentions of the ban, but explained that the role of the Commission is to evaluate the legislation’s effect on small business.

Public Comment:

Shakib Kaileh spoke in opposition to the legislation.

David Zouzounis spoke in opposition to the legislation.

Salim Nasser requested that the City provide some options for corner stores to survive if they are no longer able to sell flavored tobacco.

Carol McGruder spoke in support of the legislation.

Elizabeth Velten spoke in support of the legislation.

Jiries Totah spoke in opposition to the legislation.

Stephen Cornell spoke in opposition to the legislation.

Supervisor Cohen has agreed to look at abatement fees and helping stores find other products to replace lost revenue.

Motion: Commissioner Adams made a motion to recommend that the Board of Supervisors not approve the legislation.

2nd: Commissioner Yee Riley.

Aye: Commissioners Adams, Dwight, Tour-Sarkissian, and Yee Riley.

Nay: None.

Absent: Commissioners Dooley and Ortiz-Cartagena.

Recused: Commissioner Zouzounis.

Motion passed 4-0, 2 absent, 1 recused.

Commissioner Dwight left at approximately 7:30 PM.

6. **Board of Supervisors File No. 170443 - Police Code - Outdoor Amplified Sound Permits. (Discussion and Possible Action Item)**

Jocelyn Kane, Executive Director, Entertainment Commission, discussed the need for the new permits, clarified what is and is not considered “entertainment,” and explained that the fees are based on the cost of administration. The proposed legislation offers a solution to complaints against businesses by offering a way to obtain permission.

Commissioner Adams noted that this will legitimize some businesses that play music and commended the Entertainment Commission for working with small businesses. Commissioner Tour-Sarkissian clarified that it separates “noise” (a Police issue) from entertainment issues. He asked about the free speech element and fees. Commissioner Zouzounis asked whether the fee is uniform, regardless of whether it’s a small outdoor space with soft music or a larger space with loud music and recommended a scaled system. Commissioner Yee Riley asked about business owners’ reactions.

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

Motion: Commissioner Yee Riley motioned to recommend that the Board of Supervisors approve File No. 170443.

2nd: Commissioner Tour-Sarkissian.

Aye: Commissioners Adams, Tour-Sarkissian, Yee Riley, and Zouzounis.

Nay: None.

Absent: Commissioners Dooley, Dwight, and Ortiz-Cartagena.

Motion passed 4-0, 3 absent.

7. **Draft Ordinance Public Works Code - Waiver of Temporary Street Space Occupancy Fee for Small Business Week Sidewalk Sales. (Discussion and Possible Action Item)**

Director Dick-Endrizzi discussed the draft ordinance to allow for sidewalk sales during Small Business Week. Commissioner Adams asked about permanent legislation.

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

Motion: Commissioner Tour-Sarkissian motioned to recommend that the Board of Supervisors approve the legislation.

2nd: Commissioner Zouzounis.

Aye: Commissioners Adams, Tour-Sarkissian, Yee Riley, and Zouzounis.

Nay: None.

Absent: Commissioners Dooley, Dwight, and Ortiz-Cartagena.

Motion passed 4-0, 3 absent.

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

Director Dick-Endrizzi discussed the Noe Valley Bakery and updated the Commission on the Small Business Roundtable that meets with the Mayor on a quarterly basis to work on issues surrounding homelessness in San Francisco. The Commissioners expressed appreciation to Jeff Kosinsky for meeting with small business leaders. The Director also went over updates for the Small Business Accelerator Team (SBAT) and Small Business Week.

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

9. **Commissioners' Reports. (Discussion Item)**

Commissioner Adams attended the Working Solutions Invest in Dreams breakfast with Director Dick-Endrizzi. Commissioner Zouzounis wished a happy belated International Workers Day and mentioned that the Arab-American Grocers' Association is holding a community meeting on May 10 to discuss legislation. Commissioner Yee Riley discussed working with the Small Business Administration (SBA) to put together a small business mixer on May 12 with a reception and panel of speakers; she also attended a San Francisco Airport (SFO) event on May 17.

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

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

Commissioner Yee Riley asked about the San Francisco International Airport (SFO) presentation.

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

11. **Adjournment. (Action Item)**

Motion: Commissioner Yee Riley motioned to adjourn.

2nd: Commissioner Adams.

Aye: All in favor.

Nay: None.

Absent: Commissioners Dooley, Dwight, and Ortiz-Cartagena.

Motion passed, 4-0, 3 absent.

The meeting was adjourned at 8:09 PM.