

**From:** [Ajouah Grass](#)  
**To:** [City Clerk](#)  
**Cc:** [Lara Weisiger](#); [Jeremy Wallenberg](#)  
**Subject:** [EXTERNAL] Written Testimony Submission (3/21/23 Council Meeting)  
**Date:** Tuesday, March 21, 2023 6:46:58 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[Canasta Kitchen \(Public Comment 3 21\).pdf](#)

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Good Evening,

I hope you're doing well today.

Please find the written testimony (*attached*) pertaining to item **5-F** on tonight's Consent Calendar.

***5-F 2023-2874 Final Passage of Ordinance Amending Alameda Municipal Code by Amending Article XIX (the Third-Party Food Delivery Services) of Chapter VI (Businesses, Occupations and Industries) to Continue Placing Limits on Charges Imposed by Third-Party Food Delivery Services; Define Core Product Offering to Mean a Service; and Other Amendments. (Community Development 24161823)***

Thank you and please let me know if you have any questions.

Ajouah

--

**Ajouah Grass (Ah-ju-ah)**, Senior Account Executive  
[Ground Floor Public Affairs](#)  
[Facebook](#) | [LinkedIn](#)  
58 2nd St. 4th Floor | SF, CA 94105  
(415) 291-9501

**03/21/23**

**File #:** [2023-2874](#)

**Business Name:** Canasta Kitchen

**Owner:** Ivan Tellez

**Email:** [canas-5a977d@masadelivery.com](mailto:canas-5a977d@masadelivery.com)

**Phone:** +15102178458

*I am the owner of Canasta Kitchen in Alameda. Growing up, my family owned restaurants and butcher shops, and I am happy to now own my own business. Canasta Kitchen started partnering with DoorDash six years ago to help drive incremental sales. The service has been helpful to expand the reach of our business to new customers.*

*The customers and restaurants that choose to use DoorDash do so voluntarily, so it doesn't make sense for the City Council to step in and set arbitrary limits on those fees, especially now that there are no restrictions on restaurants because of the pandemic. DoorDash uses these fees to provide customers and restaurants with great service and to pay Dashers.*

*In other cities where these price controls have been passed, DoorDash has had to make changes to help cover costs. These changes could result in fewer orders, which would greatly harm my business. The City Council should think about how this law could hurt local restaurants and consider other ways to help Alameda residents and restaurants. I ask that you vote no on this proposed law or to change it in ways that avoid unintended consequences.*

*Sincerely,*

*Ivan Tellez, Canasta Kitchen*

**From:** [Ling Huang](#)  
**To:** [City Clerk](#)  
**Subject:** [EXTERNAL] Please Protect My Earnings as an Alameda Dasher  
**Date:** Tuesday, March 21, 2023 6:10:56 PM

---

Dear Clerk Alameda City,

My name is Ling and I am a Dasher in Berkeley. I am writing to urge you to vote against Item 5-F (2023-2874) of the City Council's agenda for March 21st. This proposed ordinance is a price control on the fees platforms charge customers and restaurants for delivery services that could harm both restaurants and delivery workers.

This ordinance may cause a direct and harmful impact on my ability to earn income as a Dasher. If passed, this price control legislation could cause platforms to modify service in Alameda, which in turn may lead to fewer orders and fewer earning opportunities for me.

This law was first passed when restaurants were shut down and was supposed to be temporary. But restaurants are now fully reopened and proposals like this one could disrupt food delivery in the City if left in place. This could result in fewer opportunities for work and lower earnings for Dashers like me.

Please consider app-based delivery workers like myself before you vote to pass any price control legislation that will harm service in the city.

Sincerely,

Ling Huang  
2600 Bancroft Way  
Berkeley, CA 94704

**From:** [Steven Flores](#)  
**To:** [City Clerk](#)  
**Subject:** [EXTERNAL] Please Protect My Earnings as an Alameda Dasher  
**Date:** Tuesday, March 21, 2023 6:09:55 PM

---

Dear Clerk Alameda City,

My name is Steven and I am a Dasher in Keyes. I am writing to urge you to vote against Item 5-F (2023-2874) of the City Council's agenda for March 21st. This proposed ordinance is a price control on the fees platforms charge customers and restaurants for delivery services that could harm both restaurants and delivery workers.

This ordinance may cause a direct and harmful impact on my ability to earn income as a Dasher. If passed, this price control legislation could cause platforms to modify service in Alameda, which in turn may lead to fewer orders and fewer earning opportunities for me.

This law was first passed when restaurants were shut down and was supposed to be temporary. But restaurants are now fully reopened and proposals like this one could disrupt food delivery in the City if left in place. This could result in fewer opportunities for work and lower earnings for Dashers like me.

Please consider app-based delivery workers like myself before you vote to pass any price control legislation that will harm service in the city.

Sincerely,

Steven Flores  
4505 Stella Ave  
Keyes, CA 95328

**From:** [Essete Tolla](#)  
**To:** [City Clerk](#)  
**Subject:** [EXTERNAL] Please Protect My Earnings as an Alameda Dasher  
**Date:** Tuesday, March 21, 2023 6:09:25 PM

---

Dear Clerk Alameda City,

My name is Essete and I am a Dasher in San Lorenzo. I am writing to urge you to vote against Item 5-F (2023-2874) of the City Council's agenda for March 21st. This proposed ordinance is a price control on the fees platforms charge customers and restaurants for delivery services that could harm both restaurants and delivery workers.

This ordinance may cause a direct and harmful impact on my ability to earn income as a Dasher. If passed, this price control legislation could cause platforms to modify service in Alameda, which in turn may lead to fewer orders and fewer earning opportunities for me.

This law was first passed when restaurants were shut down and was supposed to be temporary. But restaurants are now fully reopened and proposals like this one could disrupt food delivery in the City if left in place. This could result in fewer opportunities for work and lower earnings for Dashers like me.

Please consider app-based delivery workers like myself before you vote to pass any price control legislation that will harm service in the city.

Sincerely,

Essete Tolla  
16875 Meekland Ave  
San Lorenzo, CA 94580

**From:** [Antonia Buccellato](#)  
**To:** [City Clerk](#)  
**Subject:** [EXTERNAL] Please Protect My Earnings as an Alameda Dasher  
**Date:** Tuesday, March 21, 2023 6:09:24 PM

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Dear Clerk Alameda City,

My name is Antonia and I am a Dasher in Pittsburg. I am writing to urge you to vote against Item 5-F (2023-2874) of the City Council's agenda for March 21st. This proposed ordinance is a price control on the fees platforms charge customers and restaurants for delivery services that could harm both restaurants and delivery workers.

This ordinance may cause a direct and harmful impact on my ability to earn income as a Dasher. If passed, this price control legislation could cause platforms to modify service in Alameda, which in turn may lead to fewer orders and fewer earning opportunities for me.

This law was first passed when restaurants were shut down and was supposed to be temporary. But restaurants are now fully reopened and proposals like this one could disrupt food delivery in the City if left in place. This could result in fewer opportunities for work and lower earnings for Dashers like me.

Please consider app-based delivery workers like myself before you vote to pass any price control legislation that will harm service in the city.

Sincerely,

Antonia Buccellato  
1014 Ventura Dr  
Pittsburg, CA 94565

**From:** [Hellen castilho](#)  
**To:** [CityCouncil-List](#)  
**Subject:** [EXTERNAL] Protect my delivery earnings  
**Date:** Tuesday, March 21, 2023 5:45:54 PM

---

Dear Alameda . City Council,

I'm a Uber Eats earner who delivers in Alameda and I oppose the city's attempts to place price controls on the fees that platforms like Uber Eats charge. This policy is unnecessary and could hurt couriers like me.

The customers and restaurants that choose to use Uber Eats do so voluntarily, so it doesn't make sense for the City Council to step in and set arbitrary limits on those fees, especially now that there are no restrictions on restaurants because of the pandemic. Uber Eats uses these fees to provide customers and restaurants with great service and to pay couriers like me.

This ordinance could result in fewer orders, which takes money out of the pockets of couriers and restaurants. The City Council should think about how this law could hurt people like me who use Uber Eats to earn additional income and consider other ways to help Alameda residents and restaurants. I ask that you vote no on this proposed law.

Please listen to earners - don't set arbitrary fee caps.

Regards,  
Hellen castilho  
777 Taylor Ave  
Alameda, CA 94501

**From:** [Enkhbat Lkhagva](#)  
**To:** [CityCouncil-List](#)  
**Subject:** [EXTERNAL] Protect my delivery earnings  
**Date:** Tuesday, March 21, 2023 5:45:52 PM

---

Dear Alameda . City Council,

I'm a Uber Eats earner who delivers in Alameda and I oppose the city's attempts to place price controls on the fees that platforms like Uber Eats charge. This policy is unnecessary and could hurt couriers like me.

The customers and restaurants that choose to use Uber Eats do so voluntarily, so it doesn't make sense for the City Council to step in and set arbitrary limits on those fees, especially now that there are no restrictions on restaurants because of the pandemic. Uber Eats uses these fees to provide customers and restaurants with great service and to pay couriers like me.

This ordinance could result in fewer orders, which takes money out of the pockets of couriers and restaurants. The City Council should think about how this law could hurt people like me who use Uber Eats to earn additional income and consider other ways to help Alameda residents and restaurants. I ask that you vote no on this proposed law.

Please listen to earners - don't set arbitrary fee caps.

Regards,  
Enkhbat Lkhagva  
1501 Union St Apt G  
Alameda, CA 94501



**From:** [Seth Smith](#)  
**To:** [City Clerk](#); [CityCouncil-List](#)  
**Cc:** [Marilyn Ezzy Ashcraft](#); [Tony Daysog](#); [Tracy Jensen](#); [Trish Spencer](#); [Malia Vella](#); [Yibin Shen](#); [Manager Manager](#)  
**Subject:** [EXTERNAL] Agenda Item 5-F 2023- 2874 - City of Alameda Third-Party Food Delivery Ordinance  
**Date:** Tuesday, March 21, 2023 3:07:49 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[Uber Letter to Alameda City Council re Third-Party Food Delivery Service Ordinance and UberEats Service \(March 20, 2023\).pdf](#)

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Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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Dear Alameda City Clerk's Office,

Please find attached a letter from Uber Technologies Inc. addressed to the mayor, vice-mayor, city council, and staff opposing final passage of Agenda Item 5-F 2023-2874, the City of Alameda Third-Party Food Delivery Ordinance.

I have copied the letter into the body of this email (below) for your convenience as well. Thank you for your time and consideration. Please let me know if you have any questions. Have a good evening.

Respectfully,  
-Seth Smith

—



Alameda City Council  
%: Alameda City Clerk's Office  
City of Alameda  
March 21, 2023

**RE: March 21, 2023 City Council Meeting, Consent Agenda Item 5-F 2023- 2874, Third-Party Food Delivery Services Ordinance**

Dear Mayor Ashcraft, Vice Mayor Daysog, Councilmembers, and staff,

We write to express deep concern with agenda item 5-F 2023- 2874, the Third-Party Food Delivery Services ordinance, which was supported by a 3-2 vote during the March 7, 2023 city council meeting and is on the March 21, 2023 city council consent agenda.

While we appreciate that this policy aims at providing predictability to consumers, couriers and merchants, it would have the exact opposite impact. **The policy would implement price controls that are a sweeping and unprecedented regulatory overstep without justification. As drafted today, this ordinance may force Uber Eats to suspend delivery to City of Alameda residents.** This would be hugely

detrimental to the merchants, couriers and consumers who rely on food delivery.

Specifically, **the various restrictions on customer facing fee structures**, in the context of the bill's other restrictions on third-party delivery platforms, raises serious concerns about our ability to operate a viable platform. Platforms require flexibility in determining how to cover costs attendant in running these platforms, including costs associated with changed circumstances and exogenous events. Platforms do not control item pricing -- merchants set those prices and collect sales proceeds. In fact, this ordinance prohibits platforms from adjusting item pricing. So platform viability depends on additional revenue to cover platform costs. And sometimes, as in any business environment, those costs change.

For example, state law regulates courier earnings. We fully support this state law and the earnings it mandates. But that leaves the question of how to financially support those earnings. This law would prohibit all the various mechanisms towards that end, by enacting limits on merchant-facing commissions AND consumer fees. These overlapping restrictions impede the ability to remain viable over time. Consumer-facing fees are transparently disclosed to customers *prior* to placing an order on the Uber Eats platform and are also displayed on a consumer's receipt. This transparency assures that consumers make an informed choice whether to order food from a restaurant using a third-party platform.

As temporary emergency health orders come to an end across the state, we encourage policymakers to review the effectiveness of these policies before considering extensions, and the importance of providing certainty to a growing market. We appreciate that the proposed policy around merchant fees seeks to assure restaurants as to the availability of low cost delivery, while allowing merchants flexibility to enter into arrangements that meet their different business goals. However, the requirement of a written waiver in order for merchants to avail themselves of services and benefits beyond the Core Product Offering is unnecessary where that merchant's choice is already enshrined in a valid business-to-business contract.

**As such, we respectfully request the council REJECT final passage of this ordinance as it is currently written and direct staff to consider language similar to the San Francisco DNC Fee Cap amendment.**

We appreciate the responsiveness the City has shown on this issue and thank you for your attention to this important matter. Please let us know if you have any questions or need any additional information moving forward.

Very Respectfully,

Seth Smith  
California Policy and Communications Manager  
Uber Technologies, Inc.

--

**Seth Smith**

Public Policy Manager | *California*





Alameda City Council  
%: Alameda City Clerk's Office  
City of Alameda  
March 21, 2023

**RE: March 21, 2023 City Council Meeting, Consent Agenda Item 5-F 2023- 2874, Third-Party Food Delivery Services Ordinance**

Dear Mayor Ashcraft, Vice Mayor Daysog, Councilmembers, and staff,

We write to express deep concern with agenda item 5-F 2023- 2874, the Third-Party Food Delivery Services ordinance, which was supported by a 3-2 vote during the March 7, 2023 city council meeting and is on the March 21, 2023 city council consent agenda.

While we appreciate that this policy aims at providing predictability to consumers, couriers and merchants, it would have the exact opposite impact. **The policy would implement price controls that are a sweeping and unprecedented regulatory overstep without justification. As drafted today, this ordinance may force Uber Eats to suspend delivery to City of Alameda residents.** This would be hugely detrimental to the merchants, couriers and consumers who rely on food delivery.

Specifically, **the various restrictions on customer facing fee structures**, in the context of the bill's other restrictions on third-party delivery platforms, raises serious concerns about our ability to operate a viable platform. Platforms require flexibility in determining how to cover costs attendant in running these platforms, including costs associated with changed circumstances and exogenous events. Platforms do not control item pricing -- merchants set those prices and collect sales proceeds. In fact, this ordinance prohibits platforms from adjusting item pricing. So platform viability depends on additional revenue to cover platform costs. And sometimes, as in any business environment, those costs change.

For example, state law regulates courier earnings. We fully support this state law and the earnings it mandates. But that leaves the question of how to financially support those earnings. This law would prohibit all the various mechanisms towards that end, by enacting limits on merchant-facing commissions AND consumer fees. These overlapping restrictions impede the ability to remain viable over time. Consumer-facing fees are transparently disclosed to customers *prior* to placing an order on the Uber Eats platform and are also displayed on a consumer's receipt. This transparency assures that consumers make an informed choice whether to order food from a restaurant using a third-party platform.

As temporary emergency health orders come to an end across the state, we encourage policymakers to review the effectiveness of these policies before considering extensions, and the importance of providing certainty to a growing market. We appreciate that the proposed policy

around merchant fees seeks to assure restaurants as to the availability of low cost delivery, while allowing merchants flexibility to enter into arrangements that meet their different business goals. However, the requirement of a written waiver in order for merchants to avail themselves of services and benefits beyond the Core Product Offering is unnecessary where that merchant's choice is already enshrined in a valid business-to-business contract.

**As such, we respectfully request the council REJECT final passage of this ordinance as it is currently written and direct staff to consider language similar to the San Francisco DNC Fee Cap amendment.**

We appreciate the responsiveness the City has shown on this issue and thank you for your attention to this important matter. Please let us know if you have any questions or need any additional information moving forward.

Very Respectfully,

Seth Smith  
California Policy and Communications Manager  
Uber Technologies, Inc.

**From:** [Trish Spencer](#)  
**To:** [Lara Weisiger](#)  
**Subject:** Fwd: Resource Re: March 21st Consent Item 5-F  
**Date:** Tuesday, March 21, 2023 2:34:01 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[Opinion- Caps on restaurant delivery app fees do more harm than good Lilly Rocha East Bay Times.pdf](#)

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----- Forwarded message -----

From: Kristen Brown <[kbrown@svlg.org](mailto:kbrown@svlg.org)>  
Date: Mar 21, 2023 10:55 AM  
Subject: [EXTERNAL] Resource Re: March 21st Consent Item 5-F  
To: Trish Spencer <[tspencer@alamedaca.gov](mailto:tspencer@alamedaca.gov)>  
Cc:

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Hello Councilmember Spencer,

I hope this message finds you well.

I am writing today to thank you for your vote of opposition in the Council's March 7th decision regarding the limits placed on third-party food delivery services, which will return for final consideration on the consent agenda at tonight's City Council meeting.

In advance of tonight's meeting, I'd like to provide you with a copy of today's East Bay Times Op-Ed written by the Executive Director of the Latino Restaurant Association, Lilly Rocha. I hope you will review this article and use it as a resource for reconsideration of the Council's previous action on this matter.

Thank you for your consideration.

Take Care,

Kristen

--

**Kristen Brown (She/Her)**

Vice President, Local & Regional Government Relations

Co-Lead, Women's Leadership Series

M: 831.435.0806

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# EAST BAY TIMES

## Opinion: Caps on restaurant delivery app fees do more harm than good

City of Alameda limitations will hurt small businesses' ability to survive in an ultra-competitive environment.

By [LILLY ROCHA](#) |

PUBLISHED: March 21, 2023, at 5:00 a.m. | UPDATED: March 21, 2023 at 5:05 a.m.

Restaurants are an integral part of California's vibrant economy. They create job opportunities, foster community by bringing people together, provide a diverse range of dining options for both locals and tourists, and contribute to the overall vitality and culture of our cities.



Lilly Rocha is executive director of the Latino Restaurant Association.

However, despite the numerous benefits they bring, local policymakers in the city of Alameda tonight will consider imposing strict limitations on these small businesses that could negatively impact their bottom line and their ability to survive in an ultra-competitive environment.

For the past three years, restaurants have been dealt blow after blow, trying to stay afloat and survive difficult times. Just one year into the pandemic, [nearly a third of California's restaurants closed](#) due to their inability to make ends meet. What restaurant owners deserve is a break and a fair shot at successfully running their businesses again.

Yet local governments throughout the state are considering placing yet another barrier in their way by permanently limiting the way restaurants work with the app-based food delivery services that help restaurants increase their sales and grow their businesses. This short-sighted policy change is happening just weeks after Los Angeles-area cities such as Beverly Hills passed this business limiting restriction, and [several Bay Area cities](#) are now considering doing the same.

Price controls, led by larger cities such as Los Angeles and San Francisco, made sense during the height of the pandemic when restaurants had no options beyond delivery and take out. But as our industry returns to normal, so should our policies. While there are plenty of ways local governments could help restaurants, extending a drastic pandemic-era policy is not one of them.

Placing permanent price controls on app-based food delivery services can have a detrimental effect on the restaurant industry, hindering its recovery. While the intention behind establishing caps may have been a well-meaning response during the worst days of the pandemic, limiting the amount of money that restaurants can choose to pay for services, such as marketing and deliveries, can significantly impact their ability to operate and turn the corner toward sustainability.

This proposed policy is a solution in search of a problem, because every major delivery platform already offers a 15% delivery option — the same commission as the price controls being proposed. As we move forward from the pandemic, it does not make sense to permanently codify policies that were designed to bring pandemic relief.

A permanent price control could result in reductions in service by platforms, making food deliveries less accessible for many residents, hurting customers, restaurants and Dashers in our region equally. History shows that price controls like this one don't work and are more likely to damage competition in the long run. As other regions with similar laws have experienced, total orders placed with restaurants could drop by more than 10%, resulting in significant losses for restaurants and state and local governments through lost taxes.

Policymakers are entertaining a one-size-fits-all solution, but the best way to support our local restaurants is to provide them with the flexibility to choose the services that best fit their unique needs. By limiting their options, we are hindering their ability to recover and ultimately harming the overall economic health of our region.

I urge policymakers to consider the negative impact that permanent price controls would have on our local restaurants and encourage them to work with the restaurant industry to find solutions that support recovery and ensure continued success. Now, more than ever, we need to come together as a community to support one another and help our businesses recover from recent hardships. Let's not cause more harm than good.

*Lilly Rocha is executive director of the Latino Restaurant Association.*



Honorable Mayor, Council members, City Manager, and City Staff,

Subject: -Item 5-F- Adoption of a Food Delivery Ordinance Similar to San Francisco's

As the owner of two restaurants in Alameda, Jim's Coffee Shop and Jim's on the Course, I am writing to you to express my support for implementing a food delivery ordinance in our city, mirroring the one adopted by San Francisco. With the ongoing challenges faced by local restaurants and small businesses, it is more important than ever to ensure their sustainability and financial stability.

As you may be aware, the City of San Francisco has enacted an ordinance that places a permanent 15% cap on delivery fees charged by third-party food delivery platforms to restaurants. This regulation is beneficial to both restaurant owners and customers, as it helps maintain fair prices and competition in the industry. Furthermore, the ordinance allows merchants the option to choose extra services provided by these platforms for a higher price, should they desire to do so.

I kindly request that the Alameda City Council consider adopting a similar ordinance for the following reasons:

1. **Support Local Businesses:** A cap on delivery fees will help small and independent restaurants to survive in the competitive food industry by reducing their financial burden. This, in turn, will enable them to maintain and create local jobs, contributing to our community's economic growth.
2. **Fair Competition:** By limiting the fees that food delivery platforms can charge, we can promote fair competition in the market, ensuring that local restaurants have equal opportunities to succeed.
3. **Consumer Benefits:** With lower delivery fees, restaurants can pass on the savings to customers, which could result in lower prices and a better overall dining experience.
4. **Flexibility for Merchants:** Allowing merchants to choose extra services at a higher price ensures they have the freedom to tailor their agreements with third-party platforms according to their specific needs.

In conclusion, I believe that adopting a food delivery ordinance similar to San Francisco's would greatly benefit our city by supporting local businesses, promoting fair competition, and enhancing the overall dining experience for residents. The City Attorneys' resources should be used for matters that could bring a greater benefit to the

citizens. San Francisco is 10 times larger than Alameda with 10 times the resources and yet they opted to reach an agreement, with the delivery companies, rather than spend large sums of money on an issue that is ultimately just another choice for a consumer on how to purchase a meal. I urge the Alameda City Council to consider this proposal and take the necessary steps to enact a similar ordinance.

Thank you for your time and consideration. I am confident that the Council will make a decision that benefits our city and its residents.

Sincerely,

Tom Geanekos

jimscoffeeshop@gmail.com

510-523-1121

Owner,

Jim's Coffee Shop

Jim's on the Course

**From:** [Tselmuun Dulguun](#)  
**To:** [CityCouncil-List](#)  
**Subject:** [EXTERNAL] 5-F  
**Date:** Thursday, March 16, 2023 3:24:33 PM

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I'm originally from Mongolia and live with my husband and two children in Alameda. I started driving for DoorDash to help supplement my income while finishing my English language courses at Alameda College. I also use the money I earn to help pay for my son's after-school activities.

The customers and restaurants that choose to use DoorDash do so voluntarily, so it doesn't make sense for the City Council to step in and set arbitrary limits on those fees, especially now that there are no restrictions on restaurants because of the pandemic. DoorDash uses these fees to provide customers and restaurants with great service and to pay Dashers like me.

In other cities where these price controls have been passed, DoorDash has had to make changes to help cover costs. These changes could result in fewer orders, which takes money out of the pockets of Dashers and other delivery drivers. The City Council should think about how this law could hurt people like me who use DoorDash to generate additional income and consider other ways to help Alameda residents and restaurants. I ask that you vote no on this proposed law.

Sincerely,  
Solongo Byambatsogt

**From:** [Kathy Weber](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Tony Daysog](#); [Tracy Jensen](#); [Trish Spencer](#); [Malia Vella](#)  
**Cc:** [Yibin Shen](#); [Jennifer Ott](#); [City Clerk](#)  
**Subject:** [EXTERNAL] RE: 5-F 2023-2874  
**Date:** Wednesday, March 15, 2023 8:07:28 PM

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Honorable Mayor, Councilmembers and City Staff,

We would like to clarify that our Association is in support of the final passage of 5-F 2023-2874, the ordinance before you this evening.

After a conversation with the City Attorney and City Manager, we are in full support of continuing the 15% cap on app delivery fees as outlined in the ordinance and we will continue to advocate for our restaurants as we move ahead.

Thank you to City staff for their work on this issue and we are grateful for your thoughtful consideration.

Respectfully,

Kathy

**Kathy Weber**

Executive Director  
Downtown Alameda Business Association  
2447 Santa Clara Avenue, #302  
Alameda, CA 94501  
Direct: 510-319-3543  
Main: 510-523-1392

[Kathy@downtownalameda.com](mailto:Kathy@downtownalameda.com)

[www.downtownalameda.com](http://www.downtownalameda.com)

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#DowntownAlameda



**From:** [Scott Gray](#)  
**To:** [CityCouncil-List](#)  
**Subject:** [EXTERNAL] Comment for Item 5-F  
**Date:** Wednesday, March 15, 2023 5:06:38 PM

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I'm a resident of Alameda and I oppose the city's attempts to place price controls on the fees that platforms like DoorDash charge customers and restaurants. This policy is unnecessary and could hurt Dashers like me.

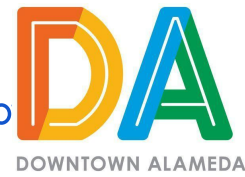
I first started Dashing after learning about it from my son. Dashing gives me the ability to earn extra income when I'm not working my regular job and I appreciate the flexibility of being able to Dash on my own terms, usually listening to baseball games on the radio. It also gives me the opportunity to spend more time with my son.

DoorDash uses the fees it collects from customers and restaurants to make the service work. If the city limits what DoorDash can collect on each transaction, they may have to modify the level of service they provide in the city. This could easily hurt Dashers like me if the changes cause there to be fewer orders to deliver. This would also hurt customers and restaurants. Fee caps might have made sense when the pandemic first hit and restaurants had to shut their doors, but they don't make sense now.

Sincerely,  
Scott Gray



ALAMEDA RESTAURANT  
& BAR COALITIO



City council meeting, March 21, 2023  
City Attorney Yibin Shen and City Manager Jennifer Ott

On behalf of the Alameda Restaurant & Bar Coalition, Alameda Chamber and Economic Alliance, West Alameda Business Association, and Downtown Alameda Business Association, we are writing to clarify our position on item 7B and the ordinance passed by City Council **on March 7, 2023**, regarding Third-Party Delivery Services.

We understand that the City Council voted 3-2 in favor of the staff's recommendation to cap merchants and consumers at 15% with a two-year expiration.

We recommend amending the ordinance instead and adopting a framework like San Francisco (attached). Our collective associations, representing Alameda restaurants and bars, favor placing a permanent 15% cap on "core delivery services" indefinitely to protect our merchants and give merchants a choice of adding extra services.

Alameda is the only city in the nation to adopt an extension of what was intended as a temporary emergency ordinance to support our community during the height of the pandemic. Neighboring cities have let the moratorium expire.

We have an opportunity in Alameda to reach a compromise that protects businesses by allowing our merchants to continue to provide a delivery service at a fair market price while permanently locking a price cap. This will protect our merchants if third-party delivery services raise their rates again after two years. It also allows the flexibility for merchants to pay more to increase their level of service, e.g. advertising/marketing with the delivery apps, should they desire.

We appreciate all of the City staff's hard work and effort and believe the ordinance, as drafted, was well intended. However, the language does nothing to protect our merchants in perpetuity and will restrict our ability to serve our customers. San Francisco created a model compromise that works for all parties and avoids costly legal battles that waste taxpayer dollars. We'd like to ask for your help finding a similar solution that protects our merchants, best serves our customers, and continues to foster our relationships with third-party delivery services.

We look forward to hearing back from you and are ready to meet whenever you can discuss this before the item is back at City Council for a second reading **on March 21, 2023**.

Madlen Saddik, President and CEO,  
Alameda Chamber & Economic Alliance

Downtown Alameda Business Association

Casey Hunt, Chairperson  
Alameda Restaurant & Bar Coalition  
Kathy Weber, Executive Director,

Linda Asbury, Executive Director,  
West Alameda Business Association