March 7, 2023

Dear Madame Mayor and Council Members,

My name is Joann Guitarte, I am Chair Elect of the Alameda Chamber and a business owner that utilizes third party delivery apps.

We are urging the City of Alameda to continue to cap the fees charged to restaurants by delivery apps at 15%, while allowing to pay for additional marketing service at a higher cost if desired. As Chair Elect of the Alameda Chamber and Economic Alliance our recommendation is to modify our position to adopt an ordinance that nears San Francisco. In addition, that the third party notifies by May 1rst and that the ordinance becomes in effect on July 1rst.

Thank you for taking the time to consider our recommendation.

Sincerely,

Joann Guitarte
Chair Elect
Alameda Chamber and Economic

Café Jolie & Donut Petit
Owner

March 7, 2023

Dear Madame Mayor and Council Members,

My name is John Ngu, I am a business owner that utilizes third party delivery apps in Alameda.

We are asking the City of Alameda to continue to cap the fees charged to restaurants by delivery apps at 15%, while allowing to pay for additional marketing service at a higher cost if desired. As a business owner my recommendation is to follow the ordinance that is like San Francisco.

Thank you for taking the time to consider our recommendation.

Sincerely,

John Ngu

Owner

Cookiebar, Left Field Dogs, Neptune's

From:	Lola Rogers
To:	City Clerk
Subject:	[EXTERNAL] Re: 7-B 2023-2688. Continue the 15% Cap for Delivery App Fees
Date:	Tuesday, March 7, 2023 1:35:16 PM

Honorable Mayor and Councilmembers,

As a local Alameda restaurant owner/operator, I am writing to urge the City of Alameda to continue to require delivery apps to cap the fees they charge restaurants at 15%.

My restaurant relies on these delivery apps to drive revenue to our business. Many customers have come to use these apps frequently as they are quick and convenient. Unfortunately, from a restaurant operations standpoint, even a 15% fee wipes out nearly all our profit margin.

We urge this cap to remain in effect now that the state of emergency has been lifted. In doing so, you allow my small, local Alameda restaurant to continue to provide services at a more affordable rate to as many customers as possible.

The effects of the pandemic are still being felt at my restaurant. We continue to struggle with high costs of goods, high rates of inflation, and a severe labor shortage. Any and all support we can get from our community and government is greatly appreciated. Your support of this ordinance will be a big help!

Alameda has come to be known for its diverse food scene, and our restaurants are an integral part of the community. Tourists visit Alameda to dine at our restaurants and visit other local businesses in doing so. We employ locals at our establishments and keep the area full and vibrant. We drive tourism, revenue, and tax dollars directly within the City of Alameda.

Local restaurants continue to need all the support we can possibly get. Please support this delivery fee cap ordinance to help our local restaurant survive and thrive.

Thank you for your thoughtful consideration of my request.

Sincerely,
Mark Rogers
Lola's
1417 Park St.

From:	Lilly Rocha
To:	City Clerk
Subject:	[EXTERNAL] 7-B 2023-2688 Introduction of Ordinance Amending Alameda Municipal Code Section 6-62 (Third-Party Food Delivery Services) of Article XVIII (Fair Housing and Tenant Protections) of Chapter VI (Businesses, Occupations and Industries) to Contin...
Date:	Tuesday, March 7, 2023 10:37:13 AM
Attachments:	We sent you safe versions of your files.msg Alameda BH Letter.pdf

Please see attached letter
7-B 2023-2688 Introduction of Ordinance Amending Alameda Municipal Code Section 6-62 (Third-Party Food Delivery Services) of Article XVIII (Fair Housing and Tenant Protections) of Chapter VI (Businesses, Occupations and Industries) to Continue Placing Limits on Charges Imposed by Third-Party Food Delivery Services; Define Core Product Offering as a Service; and Other Amendments. (Community Development 24161823)

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Lilly Rocha
she/her/hers/ella
Latino Restaurant Association
latinorestaurantassociation.org
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IG - Click here
JOIN TODAY Click Here

Alameda City Council
2263 Santa Clara Ave.
Alameda, CA 94501

RE: Alameda Municipal Code Section 6-62 (Third-Party Food Delivery Services)

Dear Alameda City Council

On behalf of the Latino Restaurant Association (LRA), I write to express our opposition to amending the Alameda Municipal Code Section 6-62 (Third-Party Food Delivery Services) to continue placing limits on charges imposed by third-party food delivery services. The LRA supports and promotes restaurateurs, small businesses and the entire Latino restaurant community in Los Angeles and beyond. Amending this ordinance would rewrite private contracts between delivery platforms and restaurants and unfairly favor one industry over another.

Countless Latino restaurants had to close their doors under the pressure of indoor dining restrictions and closures. Many of our members turned to delivery platforms to keep their businesses going, often for the first time. Delivery platforms give our members more flexibility and choice, and let us decide what services work best for our businesses.

Although this mandate was well-intentioned to help struggling small businesses, food delivery systems connect three different groups: drivers, restaurants, and consumers. Imposing price controls on one side of the market will upset the delicate balance and make economic recovery harder for small businesses.

In these unprecedented times, the City of Alameda should not make any more unnecessary changes for businesses. Price controls would reduce options for customers and negatively impact businesses. Rather than implementing a fee cap structure, the City should provide businesses with funding to keep help with their costs and ensure that their staff is employed.

We appreciate you taking the time to hear from us today. We strongly urge the Alameda City Council to oppose mandating price controls for third-party food delivery services.

Sincerely,

Lilly Rocha
CEO/Executive Director, Latino Restaurant Association

From:	Seth Smith
To:	City Clerk
Cc:	Marilyn Ezzy Ashcraft; Tony Daysog; Malia Vella; Trish Spencer; Tracy Jensen
Subject:	[EXTERNAL] Uber Letter to Alameda Mayor and City Council re: Food-Delivery Service Ordinance (March "23)
Date:	Monday, March 6, 2023 6:22:51 PM
Attachments:	We sent you safe versions of your files.msg Uber Letter to Alameda City Council (clerk) re_ Food-Delivery Service Ordinance (March "23) (1).pdf

Dear Alameda City Clerk's Office,

Please find attached a letter to Mayor Ashcroft and the city council regarding Uber's positions on the proposed Food-Delivery Service ordinance on the regular agenda (Item 7-B) for discussion at the 3/7/23 city council meeting.

I respectfully request this letter be submitted as public comment to that agenda item and be read into the record during the public comment portion of the discussion on the agenda item. Thank you for your time and have a great week.

Very Respectfully,
-Seth

--
Seth Smith
Public Policy Manager | *California*
Uber

Uber

Alameda City Council
%: Alameda City Clerk's Office
City of Alameda
March 6, 2023

RE: March 7, 2023 City Council Meeting, Agenda Item 7-B, Third-Party Food Delivery Services

Dear Dear Mayor Ashcroft, Vice Mayor Daysog and Councilmembers
Jensen, Spencer, and Vella,

We write to express our concerns with certain aspects of the Third-Party Food Delivery Services ordinance that will be introduced at the March 7, 2023 City Council meeting.

In 2020, as a response to the COVID-19 pandemic, the City of Alameda put in place an emergency ordinance limiting the fees that Third-Party Food Delivery Services could charge to retail food establishments located in the City, as well as to customers. These types of regulations were enacted throughout the State of California, and were either tied directly to the Governor's COVID-19 State of Emergency or to local public health orders.

In October 2022, the City of Alameda terminated its local COVID-19 emergency health order. And on February 28, 2023, the State of California also terminated its statewide COVID-19 emergency health order, prompting many Bay Area jurisdictions to do the same, and thereby sunsetting the City's emergency cap on Third-Party Food Delivery Services' fees. We urge consideration of continued policies that further the goal of reopening and moving into a post-pandemic future, while also cautioning against a return to policies that were implemented for an emergency situation that no longer exists.

While we are opposed to this ordinance in its entirety as we do not see a need for it at this time **due to the ending of the COVID-19 state of emergency**, we are especially concerned with the provisions listed below:

1. **Arbitrary freeze on consumer-facing fee structures in place on September 3, 2020**: Consumer-facing fee structures, which are transparently disclosed to customers *prior* to placing an order on the Uber Eats platform (and are also displayed on a consumer's receipt), are generally not calculated by using a simple percentage of an order total or a flat fee. Consumer fees are variable and depend on a variety of dynamic factors, including the size of an order, the location of a customer, whether a merchant wishes to charge a separate delivery fee, etc. Thus it would be impracticable to predict whether a fee for any individual consumer's order would be higher than the fee that would have been charged to that consumer on September 3, 2020. This restriction would prohibit Third-Party Food Delivery Services from changing the methodology behind calculating dynamic consumer fees until at least May 1, 2025, even if the change is not intended to

increase consumer fees — and even if the change would in fact *decrease* fees for most, but not provably all potential, orders. Moreover, in addition to the practical concerns associated with compliance, the City has failed to provide any rationale for this fee freeze. Allowing Third-Party Food Delivery Services the option to change their methodologies for calculating fees in response to market factors, changes in their own business models, etc., would not restrict consumer choice: consumers have numerous choices when placing a food delivery order—they could choose among different restaurants on a platform (with potentially different fees), choose among different platforms, which would be free to adjust their fees to be more appealing to consumers, and choose, as always, to order directly from restaurants.

Annual disclosure of current breakdown of proportion of businesses electing different fee tiers: We consider this data to be material nonpublic information subject to restrictions on disclosure under applicable SEC regulations, as well as competitively sensitive information that is critical to our ability to compete in the market.

2. **Criminal penalties for any violation**: Criminal penalties, including possible imprisonment, are inappropriate for an ordinance directed at regulating business practices. The City of Alameda would go beyond Alameda County and surrounding cities (including Oakland, San Francisco, Emeryville, and Berkeley) in attaching criminal penalties to violations of this ordinance.

3. **Requirement of written waiver of 15% fee in addition to notice**: We support the provision of a written notice to merchants of the option to obtain core services for a 15% fee, however, we consider the additional requirement of an affirmative written waiver to be both burdensome and unnecessary.

The proposed ordinance regarding food delivery regulations would be two steps backwards at a time when businesses are just beginning to find our footing again. For these reasons, we respectfully request that you not support this ordinance as it is currently drafted. As an alternative, we also ask the City to consider as a model the proven approach enshrined in San Francisco's recent amendment to their third-party food delivery service fee ordinance. The amendment was adopted unanimously by the SF Board of Supervisors in late 2022 with the support of restaurant owners, the restaurant association, and the food-delivery platform industry.

We appreciate the responsiveness and cooperation the County 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:	Kristen Brown
To:	City Clerk
Subject:	[EXTERNAL] Comment for March 7th Council Meeting - Item 7B
Date:	Monday, March 6, 2023 5:51:18 PM
Attachments:	We sent you safe versions of your files.msg City of Alameda - Commission Fee Cap.pdf

Hello,

Attached, please find a letter on behalf of the Silicon Valley Leadership Group in regard to the following item on the City Council agenda for Tuesday, March 7th, 2023:

- 7-B 2023-2688 Introduction of Ordinance Amending Alameda Municipal Code Section 6-62 (Third-Party Food Delivery Services) of Article XVIII (Fair Housing and Tenant Protections) of Chapter VI (Businesses, Occupations and Industries) to Continue Placing Limits on Charges Imposed by Third-Party Food Delivery Services; Define Core Product Offering as a Service; and Other Amendments. (Community Development 24161823)

Thank you,

Kristen Brown (She/Her)
Vice President, Local & Regional Government Relations
Co-Lead, Women's Leadership Series
M: 831.435.0806
Connect with us: Twitter | LinkedIn | Facebook

SILICON VALLEY
LEADERSHIP GROUP

2460 N First St, Suite 260
San Jose, California 95131

(408) 501-7864

svlg.org

Mayor and City Council
2263 Santa Clara Avenue
Alameda, CA 94501

March 6, 2023

Dear Mayor Ashcroft, Vice Mayor Daysog and Councilmembers Jensen, Spencer, and Vella,

On behalf of the Silicon Valley Leadership Group, I am writing in opposition to the proposed Introduction of the Ordinance Amending Alameda Municipal Code Section 6-62 (Third-Party Food Delivery Services) of Article XVIII (Fair Housing and Tenant Protections) of Chapter VI (Businesses, Occupations and Industries) to Continue Placing Limits on Charges Imposed by Third-Party Food Delivery Services; Define Core Product Offering as a Service; and Other Amendments (Community Development 24161823). We ask that you allow the commission fee cap to expire consistent with the sunsetting of the State of California's State of Emergency on February 28th, 2023.

The Silicon Valley Leadership Group is driven by more than 350 member companies to proactively tackle issues to improve our communities and strengthen our economy, with a focus on education, energy, the environment, health care, housing, tax policy, tech & innovation policy, and transportation.

Throughout the pandemic, third-party food delivery companies have served as a reliable method of ensuring that our communities stay safe while still allowing for the patronage of local restaurants. Third-party food delivery companies have evolved since the onset of the pandemic and now offer restaurants a variety of partnership options–including low-cost options–designed to help them grow their business, in addition to powering pickup and delivery. Now that the worst of the pandemic is in the rear-view mirror, restaurants have even greater flexibility when deciding how to reach customers.

We oppose price controls like this one because they are unnecessary and are likely to have unintended consequences that will hurt the customers, delivery drivers, and restaurants that depend on them. This proposed ordinance is particularly troubling because it would impose criminal liability for violations and would cap the prices that third-party delivery companies may charge both restaurants **and** consumers.

SILICON VALLEY
LEADERSHIP GROUP

Our understanding is that this approach is unique among cities that have considered or enacted similar laws and could open the city up to legal action if enacted on a permanent basis. The proposed ordinance could also severely limit the ability of third-party food service delivery companies to operate in the city, harming customers, delivery drivers,

While we appreciate the amendments considered thus far, we feel that they do not address a number of major concerns and ask that you move forward in removing the commission fee cap that was originally set to sunset on February 28th, 2023, when the State of California's State of Emergency was rescinded.

Sincerely,

Kristen Brown
Vice President, Local & Regional Government Relations
Silicon Valley Leadership Group

From: Sidestreet Pho
To: City Clerk
Subject: [EXTERNAL] Continue the 15% Cap for Delivery App Fees
Date: Monday, March 6, 2023 4:50:11 PM

Re: 7-B 2023-2688
Honorable Mayor and Councilmembers,

As a local Alameda restaurant owner/operator, I am writing to urge the City of Alameda to continue to require delivery apps to cap the fees they charge restaurants at 15%.

My restaurant relies on these delivery apps to drive revenue to our business. Many customers have come to use these apps frequently as they are quick and convenient. Unfortunately, from a restaurant operations standpoint, even a 15% fee wipes out nearly all our profit margin.

We urge this cap to remain in effect now that the state of emergency has been lifted. In doing so, you allow my small, local Alameda restaurant to continue to provide services at a more affordable rate to as many customers as possible.

The effects of the pandemic are still being felt at my restaurant. We continue to struggle with high costs of goods, high rates of inflation, and a severe labor shortage. Any and all support we can get from our community and government is greatly appreciated. Your support of this ordinance will be a big help!

Alameda has come to be known for its diverse food scene, and our restaurants are an integral part of the community. Tourists visit Alameda to dine at our restaurants and visit other local businesses in doing so. We employ locals at our establishments and keep the area full and vibrant. We drive tourism, revenue, and tax dollars directly within the City of Alameda.

Local restaurants continue to need all the support we can possibly get. Please support this delivery fee cap ordinance to help our local restaurant survive and thrive.

Thank you for your thoughtful consideration of my request.

Sincerely,
Hanh Nguyen
Sidestreet Pho Restaurant
2304 Encinal Avenue

Alameda, Ca 94501

From:	Kathy Weber
To:	Marilyn Ezzy Ashcraft; Tony Daysog; Tracy Jensen; Trish Spencer; Malia Vella; City Clerk
Cc:	Linda Asbury; Madlen Saddik; Casey Hunt
Subject:	[EXTERNAL] Re: 7-B 2023-2688 Third-Party Food Delivery Service 15% Fee Cap
Date:	Monday, March 6, 2023 2:48:06 PM
Attachments:	We sent you safe versions of your files.msg Item 7-B 2023-2688 Third-Party Food Delivery Service 15% Fee Cap.pdf

Honorable Mayor and Councilmembers,

We respectfully submit the attached letter for your consideration.

The Alameda Chamber & Economic Alliance, Alameda Restaurant and Bar Coalition, West Alameda Business Association and Downtown Alameda Business Association support the continuation of capping Third-Party Food Delivery Service fees at 15%.

Thank you for your time and we look forward to continuing our partnership to provide support to our business community.

Kind Regards,

Kathy

--

Kathy Weber

Executive Director

2447 Santa Clara Avenue, #302

Alameda, CA 94501

Direct: 510-319-3543

Main: 510-523-1392

Kathy@downtownalameda.com

www.downtownalameda.com

Find us on Facebook Twitter Pinterest & Instagram

#DowntownAlameda

March 6, 2023

Re: 7-B 2023-2688

Honorable Mayor and Councilmembers,

We are writing to urge the City of Alameda to continue to cap fees charged to restaurants by delivery apps at 15%, while allowing restaurants to pay for additional marketing services at a higher cost if desired.

Prior to Alameda's 2020 local COVID-19 pandemic state of emergency ordinance, fees imposed on restaurants could be as high as 31%. This commission fee can wipe out a restaurant's entire margin. The negative effects of the pandemic remain a very real problem for the restaurant industry in particular. Countless restaurants have been forced to close due to the sky-rocketing costs of doing business. By supporting our local establishments, you will ensure they can continue to operate in a financially sustainable way as they work to recover from the past several years.

We urge this cap to remain in effect now that the state of emergency has been lifted. Many of our small, locally owned businesses have come to rely on these third-party delivery services and with this cap in place, they will be able to continue to provide service at a more affordable and reliable rate.

Local restaurants continue to need all the support they can possibly get. Beyond the fees they must pay delivery service providers, they are coping with huge increases in costs of goods, high rates of inflation, and increases in labor costs. Helping restaurants to keep every dollar diners spend with them means more storefronts will remain occupied, more Alameda residents will have jobs, and more locals and tourists alike will flock to our diverse and delicious restaurants.

Thank you for your thoughtful consideration of our request.

Sincerely,

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

Kathy Weber, Executive Director,
Downtown Alameda Business Association

Casey Hunt, Chairperson
Alameda Restaurant & Bar Coalition

Linda Asbury, Executive Director,
West Alameda Business Association