

From: [Elizabeth Nathan](#)
To: [Council Clerk – Testimony](#)
Subject: In support of commission rate caps
Date: Monday, July 6, 2020 7:19:03 PM

Hi there-

I own Eb & Bean, a frozen yogurt shop in PDX with three locations. I'm writing in support of the commission caps already enacted in many cities nationwide. Like all others, we've been crippled by this pandemic, and it just laid bare how completely unsustainable our third party delivery agreements were. We asked them for relief, so that our businesses could collectively survive. They granted nothing and so we moved on. They will say that they are unprofitable at a lower rate: I'll say their business shouldn't exist if they can't have a model that doesn't bleed restaurants in order to operate. Thank you for your time and consideration-this is of crucial important to businesses doing everything they can to avoid closure.

Thank you,
Elizabeth Nathan
Owner, Eb & Bean

Sent from my iPhone

From: [Rachelle Menashe](#)
To: [Council Clerk – Testimony](#)
Subject: *531
Date: Monday, July 6, 2020 7:41:10 PM

Please don't put a cap on the delivery services that people have been relying on. I have avoided going on unemployment because I've been able to supplement my income enough with these services. I am a driver. I already went through losing my livelihood when Uber came to town so please don't cut me out of the only thing I can do as a physically challenged person during this time of crisis! If you have a way of guaranteeing that these apps won't cut into our pay then by all means put a cap on what they charge the restaurants but I'm pretty sure it's going to trickle down to the people who actually do the service and that's not right. Customers don't have to use our apps, restaurants don't have to use our apps, they choose to do so out of simplicity and necessity.. please don't shoot the messenger (drivers) !! VOTE NO !! Thankyou

Rachelle Menashe
8514 n Edison, 97203
503-358-7823
Agenda # *531

Sent from my iPhone

July 7, 2020

Clerk of the Council Karla Moore-Love
City of Portland
1221 SW 4th Avenue, Room 130
Portland, OR 97204

Re: Written Testimony on Council Agenda Item 531, Emergency Temporary Limitations on Third-Party Delivery Services, July 8, 2020

My name is Toney Anaya and I am Head of Government Relations at DoorDash. While well intended, item 531 could result in severe unintended consequences including lower restaurant and delivery driver earnings, lower tax revenue, and less access to food delivery for Portland residents across the city who are sheltering in place. This outcome can be avoided by withdrawing the proposal and establishing a process whereby all stakeholders provide input and other commission cap ordinances are examined.

Access to safe and affordable food delivery has never been more important

During the COVID-19 crises, access to safe and affordable food delivery has become a necessity for many Portland residents. Any legislative proposal that places regulations on food delivery that could impact availability and affordability must be carefully examined. Commission caps are price controls that can affect all aspects of food delivery—from fees charged and the cost of food to the availability of the service itself. When availability declines, restaurants and delivery drivers suffer.

DoorDash's response to the COVID-19 crises

At DoorDash we share Commissioner Eudaly's concern about the future of our local restaurants hit hard by the effects of the COVID-19 crises. Beginning in mid-March we voluntarily launched a series of programs to support the restaurant community, and in April we went further by instituting a 50% reduction in commissions for mom-and-pop restaurants through the end of May, plus 0% fees for pickup and 0% fees for restaurants new to DoorDash. Many Portland restaurants have benefited from these programs. Nationally, we are proud to say that restaurants on the DoorDash platform were 4 times more likely to stay open during the COVID-19 pandemic compared to US restaurants as a whole.

As restaurants begin to reopen in Portland, we are committed to continuing to support restaurants by offering a range of services, including options for offering delivery without paying any commission at all. DoorDash has long enabled restaurants to pay a flat fee for delivery orders that the restaurant receives directly from customers. Now, through our comprehensive initiative Main Street Strong, restaurants will be able to create their own online stores to offer takeout or delivery for a flat-fee and no commission. Recognizing the hardships smaller local restaurants face, those with fewer than 5 locations will pay no fees at all through the end of

2020. Main Street Strong will also include a free new web presence option, new delivery and pickup discounts, and the prominent featuring of local restaurants in the app and on DoorDash.com.

**A 10% commission cap would be the only one in the nation
and would jeopardize food delivery in Portland**

The proposal references other cities that have instituted commission caps, but not a single jurisdiction in the country has a price control as low as 10%, and the proposal does not reference the dozens of cities that have considered caps but determined that the policy was not the best solution. Increasingly, jurisdictions such as New Jersey and Cincinnati have elected only to regulate contracts entered into during the emergency, and jurisdictions like New York City and cities in Los Angeles have implemented caps of 20-25% to minimize the negative consequences associated with caps. Any cap or form of price control will have unintended consequences and DoorDash opposes this form of regulation. But there are regulatory approaches that decrease the negative impacts.

What are commissions and where do they go?

Restaurants that offer delivery through DoorDash agree to pay a percentage of the order subtotal in exchange for that service. The restaurant and DoorDash agree to this commission in advance in their contract. Restaurants can also choose to offer their own delivery, or only offer pickup.

Commissions help put money in workers' pockets (on average \$24/active hour in Portland) and cover a wide range of costs that the local restaurants would otherwise have to pay directly if they chose to provide their own delivery. These include background checks for delivery drivers that help promote safety on our platform, insurance to cover medical and disability for couriers who are injured on the job, customer support agents 24/7, and other essential administrative needs. Overall, this business model protects the interests of our partners and the communities we serve, and taking them away would hurt the ability of many restaurants to continue operating in the "new normal" we find ourselves in.

Again, we respectfully request that item 531 be withdrawn from consideration, so that the council can make a fully-informed decision with input from all stakeholders.

Sincerely,



Toney Anaya
Head of Government Relations
DoorDash

From: [Toney Anaya](#)
To: [Council Clerk – Testimony: Runkel, Marshall](#)
Subject: Written Testimony July 8/Item 531
Date: Tuesday, July 7, 2020 2:28:06 PM
Attachments: [PORTLAND TESTIMONY 78.pdf](#)

Please see attached testimony for item 531 on tomorrow's agenda. Thank you.

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Toney Anaya
Head of Government Relations
202-295-7675

www.doordash.com

Dear Commissioners,

We respectfully request that you immediately implement a 10% cap on delivery commission fees for third-party companies such as Caviar, Postmates, Grubhub and Doordash. These companies dominate the delivery market in Portland. During the COVID-19 crisis they have continually taken advantage of local restaurants by charging them excessive commission rates that range from 20-30%.

Small restaurants are one of Portland's greatest assets. They strengthen our community by bringing Portlanders together. They bring opportunity for entrepreneurs, chefs, service and kitchen staff to bring our communities the food that makes Portland so special. They draw visitors from around the country and the world to take advantage of our dining culture. They represent the diversity of our community including people of color and immigrants, for whom restaurants create economic opportunity and build places of cultural gathering and community.

With the pandemic, we are now at risk of permanently losing these vital community assets and jobs--and imminently. It is no secret that the restaurant industry is suffering. We have been among the hardest hit by the COVID-19 crisis and our community of independent owners are fighting for their survival daily. In a study recently published by the Independent Restaurant Coalition it was found that close to 85% of independent restaurants may not survive this crisis. Our ability to generate revenue is drastically affected by the lack of on-premise dining forcing a larger percentage of our business to take place through to go and delivery.

Restaurants are dependent on delivery apps for both sales and visibility, yet they have no power in setting or negotiating commission rates. These 'partners' have proven to be exploitative and their egregious rates leave restaurants with little to no profit. Restaurants at price points that are accessible to many Portlanders are some of the hardest hit. These same restaurants are often those owned by people of color and immigrants, disproportionately impacting these entrepreneurs and their workers. We are asking that a City Wide Ordinance be enacted immediately in accordance with the Emergency Order that would cap fees at 10%.

This Ordinance would help ensure that local restaurants stay open, keep people employed, and continue contributing to Portland's economy. When tourism resurfaces, travelers will flock to our beautiful city once again because it is rich with diverse small business. Without this ordinance, we fear that these same small restaurants that make up the fabric of our city are at risk of succumbing to their high costs of operation and lack of profit.

We need your help to survive this crisis. As City Leaders, we hope you will identify with this need to help sustain our industry; which has proven to be a cornerstone of Portland's economy and community.

Respectfully,

Portland Independent Restaurant Alliance & Signees Below

Katy Connors	Hat Yai
Erica Escalante	The Arrow Coffeehouse
Aaron Adams	Farm Spirit
Arvind Kumar	India House
Nhi Nguyen	Boiling Bowl LLC
Katherine Prevost	Jam on Hawthorne
Ricky Gomez	Palomar
	Nostrana & Enoteca
Nicholas Suhor	Nostrana
Aaron Barnes	The 1905
Jessica Woods	THE PIE SPOT
Alex Basler	Ava Gene's and Tusk
Jessica Silverman	Grassa
Daniel Gold	Sebastiano's Deli
Grace Emanuel	Gladstone Street Pizza
Matt Lounsbury	Proud Mary Coffee
Alain Machtelinckx	La Provence
Kenneth Pico	Rocking Frog Cafe
Blake Kusler	24th & Meatballs
Summer Triato	Bar West, Union Pine
Jodie Ostrovsky	What's the Scoop?
Portland	Marigold Coffee
Hannah Cooley	Tacovore
Marcus Oliver	Miss Delta restaurant
	The Jasmine Pearl Tea
Jodi Harrison	Company
Chip Addabbo	3 on a Match Bars
Grace Emanuel	Gladstone Street Pizza
	The Old Gold / Paydirt /
	Tough Luck / Hi-Top
Ezra Caraeff	Tavern
Emily Everett	Quaintrelle
	Handsome Pizza & Seastar
Will Fain	Bakery
Naomi Pomeroy	Beast
	Seastar Bakery/Handsome
Katarina Bezerra-Clark	Pizza

Andrew Fortgang	Canard
Celeste Brady	Extracto Coffee Roasters
April Severson	April Severson Events, LLC
Bonnie Morales	Kachka
Deepak Kaul	Bhuna Restaurant
David Rademacher	Marukin
Daniel Boling	Bar West
Jade Shebelski	Maven & Muse Media
Jennifer Pereau Shasserre	Rawdacious Desserts
Ro Tam	Either/Or
Garrett Peck	Imperial and The Crown
Darius R Jones	Wishbone Kitchen
Nate Tilden	Clyde Common
Shaylee	Shaylee King photography
Elizabeth Petrosian	Burrasca
Ryan Cross	Ryan Cross
Maria C Baez	ATAULA
Vanessa Parscale	Laughing Planet
Angela Gaither	Parkside
Angela Gaither	Parkside
Laura Selvey	Social Worker
Portland	24th & Meatballs, LLC
Jeff Terry	Southland Whiskey Kitchen.
Allison Lawson	Insight Global
Julian Brown	NHOB design and landscape
Lisa Belt	Lovejoy Bakers
Kara Gilbert	Vibrant valley farm
Patricia de Aguiar	La Provence
Sonya Sanford	Beetroot Market & Deli
Katharine van der Hoorn	N/A
Brian Carrick	Please Louise
Erica Escalante	The Arrow Coffeehouse

Jessie Hawkins	Redwood
Sean O'Connor	Baby Blue Pizza
Chase Renton	L'Angolo Estate
Pati Gallagher	self employed
Taylor Bougie	Clyde Common
Kelly DiCristina	None
Jacob Buckmaster	Cheryls on 12th
Michael Gibbons	Papa Haydn, Papa Haydn
Brian Snyder	West, Jo Rotisserie & Bar
Augusto Carneiro	Pine State Biscuits
Emily Mistell	Nossa Familia Coffee
Daniel Aispuro	Hey Love
Jane Smith	Cheryl's on 12th
Bethany Jayne	Dame
Nicolle Dirks	Imperial
Kate Beacom	Epif
Faith Meyers	None
Angie Duncan	Sweet Betty's bistro
Emma Dye	Que Pasa Cantina
Lily Tollefsen	Crisp
Claire McGuire	Radar Restaurant
Gordon Feighner	Bleecker Brown LLC
Gabriel Pascuzzi	Cricket Cafe
Katie Prevost	PN26 LLC DbA: Mama Bird
Jordan Cruz	+ Stacked Sandwich Shop
Meagan Phillips	Jam on Hawthorne
Clay Smith	Pasta Pronto
Emily Mistell	Self Employed
adele' nofield	Self-employed
Jaime Soltero Jr	Hey Love
Patricia Cabrera.	Wilfs Restaurant & Bar
Justin Ashby	Tamale Boy
Janelle Engel	La Calaca Comelona Inc.
	Tidal Boar Foods
	Failla Wines

Kat Stock	Hey Love
Kayoko Kaye	Kayo's Ramen Bar
Han Ly Hwang	Kim Jong grillin
Lisa Schroeder	Mother's Bistro & Bar
Brandi Williams	Screen Door
Tom Connor	Hungry Tiger
Brent Richford	Taqueria nueve
Ryan Moy	Rollin' Fresh
Jordan Cruz	Pasta Pronto
Elizabeth Nathan	Eb & Bean
Scott Allen	ChefStable
Liv Vasquez	Livviesmalls Events
Sarah Kinas	Hey Love
Sean Ferraro	Blossoming Lotus
Judith Stokes	Derby Restaurant & Market
Jennifer	Le gay pigeon, llc
Willow gordon-Magnus	BoldxBoho
Yong Bakos	TwentySix Cafe
Andrew Mace	Lazy susan
Nora mace	Lazy susan family charcoal diner
Zac webster	Little Taco & Tequila
Nicole Wiggin	Verde Cocina
Kiki Hanover	Joe's Burgers
Katrina Scotto di Carlo	Supportland
David Yudkin	HOTLIPS Pizza
Siobhan Passmore	South LLC
Emily Greene	Foodie Snitch
Gabrielle Quiñónez Denton	Ox Restaurant and Bistro Agnes
Laura Grandin	Thai Roses Cuisine
Jeana Edelman	HOTLIPS Pizza
Shardell Dues	Red sauce pizza
Jonathan Grumbles	Portland Tacovore
Kim Boyce	Bakeshop
Jonathan Grumbles	Portland Tacovore

Zachary Seth Laub	La Provence
Patrick	Own
Laura Tran	XLB
Jasper Shen	xlB
Kayla Dunn	N/A
Rodrigo Souza	Favela Brazilian Cafe

From: [Katy Connors](#)
To: [Council Clerk – Testimony](#); [Dunphy, Jamie](#); [Bradley, Derek](#); [Castro, Cynthia](#); [Commissioner Fritz](#); [Commissioner Eudaly](#); [Wheeler, Mayor](#); [Commissioner Hardesty](#)
Subject: Letter in Support of Agenda Item 513
Date: Tuesday, July 7, 2020 4:10:44 PM
Attachments: [Commission Cap on Third Party Delivery Services Agenda Item 531.pdf](#)

Hello!

We hope this letter finds you well. Portland Independent Restaurant Alliance is supporting the City Ordinance outlined in Agenda Item 513 and we will be testifying tomorrow in favor of the bill.

The letter attached to the email outlines our stance on the issue at hand. We have gathered over 130 signatures of local restaurant owners and operators that align with this view.

I look forward to speaking to all of you tomorrow.

Best,

Katy Connors

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From: [Chris Diamond](#)
To: [Council Clerk – Testimony](#)
Subject: Agenda Item 531- Delivery fee cap
Date: Tuesday, July 7, 2020 7:21:12 PM

Hello,

tl;dr- I believe 10% is too low, why not 20%? Instead of a cap, why not allow restaurants to set their own pricing knowing they will pay a commission? Can we shorten the amount of time this cap lasts after the state of emergency? Does this set a precedent for cities to regulate pricing for consumer goods and services?

My name is Christopher and I am one of the owners of Spork Bytes. We are a catering delivery service that started in Portland in 2014. Our company connects offices in Portland with local restaurants to cater to large group meals or meetings. We are a small local business that has been decimated by COVID.

I am asking you to reconsider the delivery fee cap. Our company, which works with nearly 60 local restaurants, has always charged a 20% commission and I rarely hear a complaint. I have read in the briefing that other companies charge upwards of 30%, but I do not know how accurate that number is and if so, I also believe this is a huge reduction the city is asking businesses to take. Spork has always been successful with a 20% cap and I think that would still help restaurants hold on to more of their money.

Another piece not addressed is some rules other delivery services have such as not being able to charge any price different than what may be advertised on a local restaurant menu online. Our company allows restaurants the freedom to charge whatever price they would like, knowing they will pay a commission of 20%. If they feel 20% is too high, they can choose to charge a higher price on our platform to make up the difference, although very few chose to do this.

All this being said, if the 10% cap passes, may I also suggest speeding up the time when this regulation expires? Since my business serves large groups, we are unlikely to do any business until after the cities state of emergency is removed, but we would likely be in business soon after and an additional 3 months after the state of emergency is another strain on our business which has already been hit so hard.

Lastly, I am a bit uncomfortable with the precedent this may set with cities being able to regulate prices of services. There are many products and services we all pay for each day that have much more ridiculous markups (10-30%) than delivery. From coffee to hair cuts, if we regulate prices in one industry, where does that stop?

Thank you,

--

Christopher Diamond
Co-Founder

P: 510.915.4296
E: chris@sporkbytes.com



www.sporkbytes.com
Feed Your Office.



From: [Bethany Thompson](#)
To: [Council Clerk – Testimony](#)
Subject: Restaurant commission
Date: Wednesday, July 8, 2020 7:38:40 AM

Hello,

Thank you in advance for reading my email. I operate two restaurants downtown. It goes without saying that our downtown community has been devastated in regards to dining. We were able to operate curbside and delivery through our pizza restaurant for approximately 1 month during the Covid-19 closures. We had to close for the safety of our team members after the destruction of downtown started in June.

Asking our guests to come pick up food from our downtown location has been a particular challenge. We are asking guests to navigate through streets filled with tents, human waste, boarded up businesses, and trash to arrive to a downtown scene that looks like something from apocalyptic times. This is not a successful business model, so we turned to courier pick up (Door Dash & Caviar) to try and keep our business open.

Providing menu options that are crave worthy and affordable is possible. However, having to incur commission rates of 20-25% makes it financially irresponsible for our restaurant to be open and stay relevant to our guests. We simply cannot make a profit with such aggressive commissions. We in fact, cannot break even unless these commission rates are drastically reduced.

Further, the delivery platforms do NOTHING for our hourly employees that rely on tips to supplement their income. There is no option on the platforms to leave a tip for a restaurant employee. Only, for the delivery driver.

These companies are blatantly stating to business owners 1) their profits are the only concern of keeping our business open to the public 2) if we as business operators are not happy with these outlandish commissions that we can simply sit dark 3) all of the money that is supposedly used for the technology on their platform is not being used appropriately i.e. not having a tip line on their platform for tipping restaurant employees.

Hospitality has been absolutely devastated by Covid-19. Please do not allow these technology platforms to drive the nail further into the coffin of Portland restaurants.

Thank you,



Bethany Thompson | General Manager

| Imperial & The Crown |

| Imperial 503.228.7222 | The Crown 503.228.7224 |

e bethany@imperialpdx.com

p 203.525.5998



July 8, 2020

Mayor Wheeler, Commissioner Eudaly, Commissioner Hardesty and Commissioner Fritz,

For the record, my name is Caleb Weaver and I run public affairs for Uber Technologies across a seven state region in the western U.S. I am writing today because Uber Eats welcomes a conversation with the Portland City Council on the topic of food delivery platforms and the impacts of commission caps on local restaurants, the workers who deliver food in Portland, and the residents who are relying on food delivery during this pandemic.

We first became aware of this proposal last Thursday afternoon, and would strongly encourage the City Council to delay a vote on this ordinance in order to allow for a full review of the negative impacts of this legislation on restaurants, delivery drivers, and the Portland community.

We appreciate that Commissioner Eudaly's staff took the time on a public holiday to discuss the importance of safe and reliable food delivery for both restaurants and consumers and listen to concerns about the proposed cap. Unfortunately, the amended ordinance before you does not address those concerns, and we continue to believe that adopting this ordinance may have the opposite of the intended effect.

Our hope today is to urge further discussion about the role food delivery can play in supporting restaurants before a cap is adopted so any new policy accomplishes our shared goals.

Uber Eats has been proud to partner with local restaurants to help them remain open during this unprecedented crisis. When dine-in options were restricted overnight, our platform provided restaurants an option to continue to serve their customers and for consumers to continue to patron and support their local eateries. Additionally, recognizing the challenges facing restaurants, we moved quickly to support existing and new partners to make it accessible and affordable to utilize our app to help their business stay open. We reduced and eliminated the fees that cover the costs of food delivery, such as the technology of the platform, insurance, background checks and pay for delivery people.

Over the last 20 weeks, we have seen significant growth in deliveries in every area of Portland except downtown, Lloyd business district and where the University of Portland is located. This shows that the demand is strong, consistent and our service is helping Portland residents who

cannot or should not go out access safe, reliable food delivery from local restaurants that traditionally rely upon foot traffic. At a time when jobs are limited, food delivery is also offering an important source of income for many people in the Portland area.

All platforms and services are not the same, and I would like to outline how Uber Eats operates and the costs associated with the service. A restaurant or other food establishment interested in partnering with Uber Eats can choose to use their own delivery workers, use Uber Eats delivery people, or a combination of both. Fees to the restaurant depend on the option selected.

Restaurants can choose to alternate between these options seamlessly. For example, if restaurants are using their own delivery staff and then it gets too busy, they can decide to tap into our delivery network at the touch of a button. They can then turn this option off and go back to a lower commission when things slow down again.

We are committed to having no hidden fees for restaurants. We don't charge for credit card processing, and we don't charge higher rates for lead generation. Our model is straightforward and transparent from the beginning. Restaurants can choose to pay a lower commission and use their own delivery workers, or pay a higher commission to use Uber Eats delivery people. Currently, we charge 0% for pick-up orders.

Many restaurants choose to have Uber Eats facilitate the delivery because it means not having to pay upfront for a delivery worker(s) by the hour and the associated costs of background checks, vehicle or multiple vehicles, insurance and other training required for delivery. Uber Eats also allows restaurants that do not want their own online or mobile platform to link from their website to ours and the built in customer service eliminates the restaurants from having to manage concerns or questions from app users.

Under this structure, commissions are the primary way we cover the costs of providing reliable food delivery services. A 10% commission on a \$30 food order would be \$3, not enough to even pay the delivery driver for their work, much less any of the other costs of delivering the food, including credit card processing fees, customer support, and the other costs mentioned earlier.

To remain viable, particularly over the extended period when this ordinance would be in effect, companies like Uber Eats will be forced to make significant changes to their operations, including potentially reducing services and increasing fees on customers. Such changes will likely lead to decreased orders, reducing revenue for restaurants and income for delivery drivers, and reducing access to food delivery for the public.

Our business relies on thriving local restaurants, and we share the goal of supporting Portland's local restaurants. We have been working to help be part of the solution and we understand the

urgency. But we respectfully request that instead of adopting this ordinance today, that you bring a representative group from the food delivery business and restaurant industry together to identify the best way to do this during a time when restaurants are unable to rely on dine-in customers.

Thank you for your consideration and we stand ready to partner with the City and others to find solutions that support our collective goals.

If you need more information on our model or operations, my contact information is below.

Sincerely,

Caleb Weaver
Uber Technologies, Inc.
weaver@uber.com

From: [Caleb Weaver](#)
To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Mayor](#); [Commissioner Hardesty](#); [Commissioner Eudaly](#); [Commissioner Fritz](#); [Grant, Nicole](#); [Williams, Tia](#); [Edwards, Karly](#); [Crail, Tim](#); [Oswill, Andres](#); [Runkel, Marshall](#); [Anna Richter Taylor](#)
Subject: Testimony for Ordinance No.531; Food Delivery Commission Cap
Date: Wednesday, July 8, 2020 8:00:33 AM
Attachments: [Portland Commission Caps Testimony July 8 2020.pdf](#)

Attached please find written testimony for Ordinance No.531; Food Delivery Commission Cap.

Sincerely,
Caleb Weaver

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Caleb Weaver
Public Affairs
weaver@uber.com

