

From: [Board of Supervisors, \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Subject: FW: SUPPORT Legislation 200398 - Police Code - 3rd Party Food Delivery Services
Date: Monday, November 2, 2020 8:45:01 AM

From: Katherine Chiao <kat.chiao@gmail.com>
Sent: Sunday, November 1, 2020 9:47 PM
To: BOS-Supervisors <bos-supervisors@sfgov.org>
Cc: Hepner, Lee (BOS) <lee.hepner@sfgov.org>
Subject: SUPPORT Legislation 200398 - Police Code - 3rd Party Food Delivery Services

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To the San Francisco Board of Supervisors:

Hi there! My husband and I are small business owners of Kagawa-Ya Udon, an udon shop located on Market Street/11th here in the city.

We are elated that there is a legislation supporting the cap of 3rd party delivery apps working its way to your desks on Tuesday for final approval.

Even though the city is at 25% capacity for indoor dining with outdoor seating options; it's not viable for us to sustain our business long-term. With this legislation of capping fees of 3rd party delivery apps at 15% for 60 days after 100% indoor dining resumes; It is essentially a lifeline that we can hope to hold onto to survive this pandemic. With this legislation in place, we won't be forced to open our dining room when the city allows 50% or 75% capacity.

Being located in a commercial district, there has been little or no foot traffic coming up to our storefront since re-opening in May. We now have to rely on delivery apps for revenue. Prior to covid-19, they only accounted for 10-15% of our revenue source; but now, it is a whopping 90%! Having upwards of 30-40% of our revenue being taken from 3rd party delivery commission fees is just not sustainable for any business! (let alone restaurants with razor thin margins)

Even with the city's re-opening plans, we don't foresee us returning to pre-covid sales until at least the workforce returns, and that could be well into 2022. Being able to assess the situation and keeping the safety of our employees in mind; we can better navigate these waters with the legislation in place; rather than being forced to open our dining rooms when the mayor's moratorium expires.

We openly support the legislation and hope that it will pass and gain approval from the Board.

Thank you so much for looking out for us small business owners!

Best Regards,
Katherine Chiao

From: [Michael Nulty](#)
To: [Carroll, John \(BOS\)](#)
Subject: 10-22-20 Public Safety Committee Public Comment
Date: Friday, October 23, 2020 8:08:59 AM
Attachments: [3-PartyFoodServices_NOMBA.pdf](#)
[LatinxCommunity_COVID_MN.pdf](#)
[TheSwigType48.pdf](#)

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Michael Nulty

P.O. Box 420782

San Francisco, CA 94142-0782

(415) 339-8327 - Direct

(415) 339-8779 - Alliance for a Better District 6

(415) 339-8683 - Central City Democrats

(415) 937-1289 - North of Market Business Association

(415) 820-1412 - Tenderloin Futures Collaborative

<http://abd6.cfsites.org/>

North of Market Business Association

P.O. Box 420846; San Francisco, CA 94142-0846

(415) 937-1289 Phone (415) 820-1565-Fax

nomba@att.net

October 22, 2020

Public Safety & Neighborhood Services Committee
City Hall
San Francisco, CA 94102

Police Code - Third-Party Food Delivery Services Public Comment

Dear Public Safety and Land Use Committee of SF Board of Supervisors members:

This is Michael Nulty, Co-coordinator of The North of Market Businesses Association (NOMBA) was established 13 years ago serving/advocating for small businesses with in the North of Market area.. The North of Market Businesses Association (NOMBA) is in full support of Aaron Peskin's Police Code changes regarding Third-Party Food Delivery Services. We believed it is about time serves be stream lined for both restaurants and customers who have to use these servings during either shelter in place or lack of a kitchen facility in their tourist room or SRO room.

Further, we understand that Mom and Pop and immigrant owned restaurants need city hall to step up to serve their needs and make sure that delivery services are regulated in a manner that provides relieve from services that are not being regulated.

On a personal note I have experience as a consumer I have experience the different pricing of that restaurant use for customers their online pricing and their onsite menu. I think better customer protection are needed.

Michael Nulty
Coordinator
North of Market Businesses Association

From: [Jeremy Wallenberg](#)
To: [Carroll, John \(BOS\)](#)
Cc: [Waltonstaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Stefani, Catherine \(BOS\)](#)
Subject: Submissions for 10/22 Public Safety and Neighborhood Services committee meeting [tomorrow]
Date: Wednesday, October 21, 2020 10:52:27 AM
Attachments: [Burma Inc. Permanent SF Cap.pdf](#)
[Commission Cap Letter to the Editor William Bornhorst \(1\).docx](#)

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Good morning John and hope you and yours are well today.

In preparation for tomorrow's regular meeting of the Board of Supervisors Public Safety and Neighborhood Services committee meeting, Thursday, October 22, 2020, we would like to submit the enclosed letters on behalf of two San Francisco restaurant owners who would like to register their opinions for the official record regarding Item #5 on the agenda: **200398 [Police Code - Third-Party Food Delivery Services]**.

These locally based small businesses include *Burma Inc.* (Burma Club, Burma Superstar, Burma Love, Burma Love Foods Company) and *Man vs Fries* (locations across San Francisco and the Bay Area, including Bernal Heights) who believe this ordinance, as currently written, inhibits merchant ability to maintain optionality and choice in how they operate their businesses.

Please let us know should you have any follow up questions or require any additional information of course.

Thank you as always for your assistance.

Jeremy

--

Jeremy L. Wallenberg, Vice President
[Ground Floor Public Affairs](#)
[Facebook](#) | [LinkedIn](#)
58 2nd St. 4th Floor | SF, CA 94105
(415) 291-9501



To Whom it May Concern:

Burma Inc. appreciates the steps that DoorDash has taken to be a proactive partner to small restaurants across San Francisco. One of the most important things that delivery companies can do for local restaurants is to provide access to new customers through efficient fulfillment of delivery orders; DoorDash has been an active partner in helping us make this happen before COVID but especially since our dining rooms were forced to close when they reduced commission fees, increased delivery boundaries, and funded marketing promotions. Having third party partners like DoorDash handle delivery logistics has been essential to our operations, because providing our own delivery services would not have been financially viable. We hope that city policymakers are able to make a fair assessment and come to a viable solution that continues to allow our delivery partners to bring value to restaurants.

Burma Love
211 Valencia St
San Francisco, CA 94103

As a San Francisco restaurant owner, I've had to adapt this year in ways I never thought before. Today 80% of my sales are now through delivery platforms. In exchange for access to a delivery fleet (which is resource-intensive and inefficient to build on my own) and exposure to customers who may never have known about my store, DoorDash receives a portion of the order subtotal - a commission. Commissions also pay for marketing, customer support, insurance, and more.

The Board of Supervisors has proposed a long-term cap on delivery platform commissions. While well-intended, the way it's currently written, the proposal could hurt restaurants trying to survive. For example, in the future I might need to increase lunch orders and choose to work with DoorDash on marketing to do that. But the current proposal means I'd come up against an arbitrary limit on what I can do.

The pandemic has been unpredictable since day one. I need as much flexibility as I can get, so fixing prices won't help. I hope our elected officials will find a way to keep my options open and choose what's best for my business.

William Bonhorst, Owner, Man vs. Fries

wbonhorst@gmail.com, 860-940-9290, San Francisco, CA

William Bonhorst is the owner of Man vs Fries founded in 2018 with locations across the Bay Area, including in Bernal Heights. He has been a long time Bay Area resident, currently calling Alameda home.

From: [Carroll, John \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Subject: FW: Support the Fairness in Food Delivery legislation
Date: Wednesday, October 14, 2020 10:36:56 AM

From: Koji Kanematsu <koji@onigilly.com>
Sent: Thursday, October 8, 2020 9:23 AM
To: BOS-Supervisors <bos-supervisors@sfgov.org>
Subject: Support the Fairness in Food Delivery legislation

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

My name is Koji Kanematsu, founder of Onigilly.
We had 6 restaurant locations, however because of the pandemic, we had to close 4 locations permanently. We open 2 locations, but we are still not making a profit.

The fairness food delivery legislation helped us a lot to survive. The order from the delivery companies has been increasing significantly and we believe it is helping to prevent COVID-19 spread. We couldn't survive without the commission cap and this is very important for us to make the business sustainable.

Thank you very much,
Koji Kanematsu

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Koji Kanematsu

ONIGILLY LLC,
343 Kearny St, San Francisco CA 94108

Tel and Fax 415-671-4706
koji@onigilly.com www.onigilly.com

Mission: Provide delicious, healthy and convenient food to our customers!

From: [BOS Legislation, \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: RE: Fairness in Food Delivery Request
Date: Thursday, October 8, 2020 8:15:32 AM
Attachments: [image001.png](#)

Hey John,

Does the below go under File No. 200398 [Police Code - Third-Party Food Delivery Services]?

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

From: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Sent: Wednesday, October 7, 2020 9:16 AM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: FW: Fairness in Food Delivery Request

Hello Leg,

Just checking that there is not a file open for this?

Eileen

From: Benson Wang <bensonwang@gmail.com>
Sent: Tuesday, October 6, 2020 9:43 PM
To: BOS-Supervisors <bos-supervisors@sfgov.org>
Subject: Fairness in Food Delivery Request

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I'm writing to ask that you please consider extending the 15% commission cap on delivery apps for the foreseeable future or at the very least, until restrictions are pulled on dining capacity.

With indoor dining restrictions, our business is more heavily predicated on delivery sales than ever intended and cannot survive on the margins created by this segment alone. Not to mention, the winter months will also be driven largely by delivery. Our business went from 1% delivery to 100% overnight. The old adage that the strong will survive is not applicable in this situation - we are all limited at the moment by uncontrollable circumstance. I believe that only restaurant concepts built for delivery will make it - these are chain restaurants, large restaurant groups, and quick service restaurants - often serving low quality and commoditized food and owned by large Corp.

Although I believe free markets can influence innovation, the exorbitant amount of private capital invested in the delivery tech industry has played a heavy hand in creating the habit of ordering delivery vs dine in and takeout. As these companies race to the bottom to acquire market share, merchants are often stifled with the bill. This model, in my humble opinion, is unsustainable for merchants and as Mayor Breed pointed to, has heavily contributed to restaurant net closures since they began 5+ years ago. Without consolidation, many of these businesses will crumble and leave with nothing to show for it other than apocalyptic commercial corridors.

As a restaurant owner, Treasurer of the GGRA and a restaurant advisory committee member of Doordash, I am working tirelessly to help our industry survive through this pandemic and can confidently say that this cap singlehandedly kept my businesses alive, allowing me to keep people employed and serving the community.

I am happy to connect to provide further insight on this matter and appreciate your time. Thank you for the continued support

Best,
Benson

--

Benson Wang
2030 Union St., Ste 208

San Francisco, CA 94123
[SL Hospitality](#) | [The Flamingo](#)
c: 707.888.3343
bensonwang@gmail.com

From: [Hepner, Lee \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#)
Subject: Fwd: Support the Fairness in Food Delivery legislation
Date: Thursday, October 8, 2020 11:35:36 AM

Mr. Carroll - when you get a chance, please include the below correspondence in the public file for Board File No. 200398.

Thanks,
Lee

Begin forwarded message:

From: "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>
Date: October 8, 2020 at 10:21:19 AM PDT
To: "Hepner, Lee (BOS)" <lee.hepner@sfgov.org>
Subject: Fwd: Support the Fairness in Food Delivery legislation

From: Koji Kanematsu <koji@onigilly.com>
Sent: Thursday, October 8, 2020 9:22:48 AM
To: BOS-Supervisors <bos-supervisors@sfgov.org>
Subject: Support the Fairness in Food Delivery legislation

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Hello,

My name is Koji Kanematsu, founder of Onigilly.
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The fairness food delivery legislation helped us a lot to survive. The order from the delivery companies has been increasing significantly and we believe it is helping to prevent COVID-19 spread. We couldn't survive without the commission cap and this is very important for us to make the business sustainable.

Thank you very much,
Koji Kanematsu

--

Koji Kanematsu

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343 Kearny St, San Francisco CA 94108

Tel and Fax 415-671-4706
koji@onigilly.com www.onigilly.com

Mission: Provide delicious, healthy and convenient food to our customers!

From: [Mchugh, Eileen \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Subject: FW: SUPPORTING Public Safety and Neighborhood Services Committee Agenda Item #3 Police Code - Third-Party Food Delivery Services File #200398
Date: Monday, October 5, 2020 10:18:05 AM

Hello John,

For the file!

Thank you,

Eileen

From: aeboken <aeboken@gmail.com>
Sent: Saturday, October 3, 2020 6:22 PM
To: BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: SUPPORTING Public Safety and Neighborhood Services Committee Agenda Item #3 Police Code - Third-Party Food Delivery Services File #200398

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TO: Board of Supervisors members

I am in support of amending the Polce Code to regulate third-party food delivery services.

Restaurants are already facing enough challenges.

Eileen Boken
Coalition for San Francisco Neighborhoods*

* For identification purposes only.

Sent from my Verizon, Samsung Galaxy smartphone