

Case Study: Mountain View

Using A City Sign Law to Reduce Tobacco Advertising on Store Exteriors

Background

Located in the northern part of Santa Clara county, the city of Mountain View is a diverse and dynamic city in the heart of Silicon Valley. Mountain View's population of 70,925 reaches a daytime total of 100,000 as commuters from all over the Bay area have found work in Mountain View's technology, scientific research, and services sectors. There are approximately 4,400 businesses in Mountain View and 70 tobacco retailers.

Mountain View is a charter city with a council/city manager form of government, with seven city council members, one who serves as mayor, and another as vice-mayor. The City Council is active in responding to neighborhood and community concerns mostly via the Council Neighborhoods Committee (CNC) that meets monthly. There are three council members who serve on the CNC as well as a staff person who is the Neighborhood Preservation Manager. The CNC focuses on issues relating to community livability, community involvement, housing, rental issues, code enforcement and other issues relating to the quality of life, particularly in the city's residential areas. By working with the CNC increased sign enforcement efforts were accomplished which ultimately led to declining tobacco advertising on store window exteriors within the two year project period.

The Stanford Center for Research in Disease Prevention began to work in Mountain View in the summer of 1995 as a part the project Tobacco Ads Snare Kids (TASK), funded by DHS, Tobacco Control Section. The goal was to use an already existing law, the sign ordinance, as a way to decrease tobacco advertising in Mountain View communities. Within this general goal, staff set the following **objective**:

By June 1997, 90% of tobacco retailers in Mountain View will be in compliance with the existing local sign law following institutionalization of the regular enforcement efforts.

Chronology of Events, and Key Players

Mountain View's current sign law states that signs must not cover more than 25% of window space and portable (free standing) signs are prohibited except under special circumstances with permission from the City. In the late summer, 1995, TASK launched a sign law campaign in Mountain View and Gilroy (for the purposes of this case study, only Mountain View will be discussed). The campaigns were initiated after the Santa Clara Tobacco Control Coalition news conference at which the results of the Operation Storefront survey were released. The survey results showed that only 57.4% of stores in the sample were in compliance with the law and that the average number of exterior tobacco ads on stores was very high at 6.7. These data were valuable in making the case to City Council and the community that the sign law was not being followed by retailers nor adequately enforced by the city.

Stanford project staff spoke to 89 residents and conducted 13 community presentations in Mountain View and Gilroy combined, in an effort to mobilize the community to identify and complain about sign law violations. Due to the perceived lack of interest from community residents and groups about this issue, an alternative strategy was implemented which involved working directly with city staff to achieve the desired change. This involved working in partnership with staff of the CNC. In December 1995, Stanford staff conducted a photo survey of all tobacco retailers in Mountain View in to determine compliance with the city's sign law. That survey revealed that of the 69 tobacco retailers surveyed, 29 stores (43%) were found to be in violation of the city sign law. In addition, it was reported that the average number of exterior tobacco advertisements on store windows was 6.3.

Project staff sent letters to all 69 tobacco retailers in Mountain View informing them of the sign law and how to comply with it. A second letter was sent to each tobacco retailer with a photo showing the exterior window of their store. If stores were in compliance with the law, the letter congratulated the store owner. If the photo showed that a store owner was not complying with the sign law, the letter urged them to reduce their window coverage and warned that if they did not, a complaint would be filed with the city's code enforcement office. Three weeks later, a second photo survey was conducted to determine any change in compliance with the sign law. The data revealed that 21 stores in Mountain View continued to be out of compliance with the sign law. A thank-you letter was sent to all tobacco retailers found to be in compliance with the sign law. Immediately prior to lodging complaints, checks were repeated of those found in violation, which yielded 13 stores still in violation. The city's code enforcement office sent a complaint letter and visited the 13 stores to urge compliance with the sign law. Following city action, nine of the 13 stores came into compliance and project staff sent a second complaint to CNC regarding the remaining 4 non-compliant stores.

Project staff also began work with CNC staff to develop a specific and simple brochure outlining the Mountain View sign law. These brochures were sent by the city's Community Development Department to all tobacco retailers in Mountain View in early spring, 1996. The remaining brochures were provided to the city for distribution at their office. The 4 non-compliant stores were monitored to assess change. A second complaint letter was sent to the city regarding the continued non-compliance of these 4 stores.

The 1996 countywide Operation Storefront survey of tobacco retailers included all known tobacco retailers in Mountain View, and showed significant improvement in Mountain View over the previous year. The survey results showed that the number of stores in violation of the 25% limit on window coverage decreased by 63.3% from the previous year, from 43% of stores in violation to 16% violating the sign ordinance. At the same time, the number of exterior retail tobacco ads decreased by 54.5% in Mountain View, from an average of 6.3 exterior tobacco ads to 2.9. In comparison, the Santa Clara Countywide Control sample of stores showed much less improvement. The number of tobacco retailers in violation of the sign ordinance actually increased by 1% over the previous year, from 27% to 28% of tobacco retailers non-compliant with the sign law. In addition, the average number of exterior tobacco ads decreased only slightly among tobacco retailers from 3.7 in 1995 to 3.4 in 1996.

In late summer, 1996 a news conference was conducted in the city of Mountain View, to highlight the city's work and the impressive results. In addition to print and radio coverage, the city of Mountain View received national news coverage by CNN. Over the

next several months, project staff met with CNC members to discuss how best to strengthen the enforcement procedures to maintain and improve compliance with the law. As a result of these discussions, the CNC developed recommendations that were unanimously approved by the City Council in December 1996.

The following new initiatives to increase sign law compliance were approved by the City Council:

- 1) Add all major arterial streets where commercial properties are located to be monitored by semi-annual community sign canvassing (before, this was limited to the downtown area);
- 2) Increase educational efforts for sign law enforcement including: an annual mailing of city sign requirements to commercial businesses, the development and distribution of improved educational materials (e.g., a simple “do’s and don’t” pamphlet); and
- 3) Work with the Central Business Association (CBA), the downtown Revitalization Committee and the Chamber of Commerce to maintain support for City sign enforcement efforts.

The CNC met early in 1997 and received an update on the actions taken by the Council on December 11, 1996 with an emphasis on the initiatives approved to improve sign law enforcement. CNC staff reported that some of the new initiatives had begun including the meeting with members of the business organizations to promote greater sign law compliance. This resulted in a newsletter article informing businesses about the sign law which was sent to all businesses by the Central Business Association. However, the more aggressive measures to improve sign law compliance, including the expanded enforcement sweeps and other educational efforts, were not initiated until much later in the year.

Project staff continued to work with staff of the CNC to emphasize the need to implement the new initiatives in a timely manner and to find ways to institutionalize the process so that there would be continued enforcement and maintenance of higher compliance with the law. As a result, expanded sweeps were finally conducted in May and June 1997 and from the period January to June 1997, a total of 86 businesses (not limited to tobacco retailers) were sent letters informing them that they were not in compliance with the sign law. At the July CNC meeting, the Mayor and other council members of the CNC conducted their own survey of downtown stores to check compliance and they were not satisfied with their results. CNC staff was directed to complete work on the expanded educational effort and the city attorneys were asked to develop a system of penalties to give more “teeth” to the law and provide greater deterrence for potential violators. The committee also expressed interest in: 1) what are other cities doing for sign law compliance and consistency and to regulate the number of ads; and 2) the feasibility of implementing a city ordinance to restrict all outdoor tobacco and alcohol advertisements.

At the next meeting of the CNC in October, project staff presented the results of the 1997 Operation Storefront campaign in Santa Clara County. The results showed that compliance with the sign law in Mountain View was 79.1% as compared to 84.1% in 1996, and 57.4% compliance in 1995. In comparison, the compliance rate for the Santa Clara control was 80.6% as compared to a compliance rate of 72.1% in 1996, and 66%

in 1995. Furthermore the results showed that in the paired store analysis, Mountain View stores had an average of 3.4 tobacco ads on exterior windows as compared to the average of 2.9 in 1996, and 6.7 tobacco ads in 1995. The Santa Clara control data indicates very little change in average exterior tobacco ads at 4.6 compared to 3.4 in 1996, and 4.6 in 1995.

Although the results support a sustained improvement in window coverage compliance from 1995 to 1997, they do not signal increased compliance with the sign law from 1996 to 1997. In fact, the countywide sample showed greater results with respect to sign law compliance. Based on these findings, project staff recommended the following to city staff:

1. Continue aggressive enforcement efforts.
2. Publicize the results of the enforcement efforts (the number of outlets visited and the results with no names mentioned).
3. Be explicit with retailers about the provisions of the sign law and the penalties for noncompliance.
4. In order to reduce youth exposure to pro tobacco messages, ban exterior advertising.

These recommendations were well taken by staff. The expanded sweeps continue to be conducted two to three times yearly. The city attorney is studying the issue of penalties for those who are not compliant with specific relevance to how to handle the already identified 3-4 chronic violators; and the feasibility of an exterior advertising ordinance. The city council will be reviewing code enforcement policy early in 1998 at which time the procedures used for sign law compliance will be reviewed.

Final Outcomes

Although compliance with the sign law and average number of exterior tobacco advertisements was improved from 1995 to 1996, further improvement was not achieved as of April, 1997. (See *Summary of TASK Project* attached) We speculate that due to a six-month delay in implementing the initiatives passed by the City Council, the April, 1997 data may not reflect the changes made. For example, the expanded code enforcement sweeps did not start until May, 1997, one month after the April Operation Storefront survey and it was not until the summer, 1997 that the CNC sponsored its own "site visit" to survey signs in the downtown area stores and to assess compliance with the sign law.

An educational brochure was developed by CNC staff and sent to all businesses in Mountain View in September 1997. The brochures will be sent annually to remind businesses of their responsibilities under the sign law.

In addition to the expanded sweeps conducted at least twice yearly that will monitor all businesses for compliance with the sign law, code enforcement officers have a much improved system of monitoring and enforcement. Code enforcement staff regularly monitor compliance with the sign law when they conducting other business as well.

Warning notices have been sent from the city to 163 stores in 1997. A comparable number (172) of warning notices were sent in 1996. According to code enforcement staff, the majority of the violations are for banner and portable signs that are often put out for temporary purposes. According to city staff, the majority (90%) of violators now comply after the first warning notice is sent from code enforcement staff. The issue of

how to prosecute chronic violators of the sign law and to strengthen the penalties as well as the feasibility of an exterior advertising ban in Mountain View is actively being explored by the city attorneys' office. According to Mountain View's assistant district attorney, these issues will be on the Council's agenda early in 1998. TASK was the catalyst for these new initiatives.

Challenges

Due to staffing constraints, the expanded sign enforcement sweeps (all major arterial streets where commercial properties are located) were not conducted by code enforcement staff until May and June of 1997. There was also a significant delay in getting the educational efforts underway. For example, the brochure developed by the CNC staff to explain the sign law and make clear what was prohibited by law, was not distributed to local businesses until September, 1997, nine months after the Council had directed it. Thus the effects of the Council's December 1996 decision to expand and strengthen sign law enforcement, was not captured by the data collected in April, 1997. Continued work with the CNC revealed that there is a true commitment to strengthening sign law enforcement and acknowledgment that there was an unfortunate delay in carrying out the Council's intent.

Lessons Learned and Implications for Tobacco Control

- 1) Community residents not already engaged in the tobacco control movement are difficult to mobilize regarding instigation of sign law enforcement actions.
- 2) Code enforcement agencies are often not ready to act on complaints about sign law violations due to resource constraints, competing priorities, and unclear political mandates. However, sign law enforcement can be strengthened through collaborative efforts of city staff, targeted merchant education, and documentary evidence of sign law violations brought forward by local tobacco control advocates.
- 3) Code enforcement strategies for these types of ordinances are not typically well defined nor are the penalties for violations of the law. Since this may involve careful and thoughtful discussion by elected officials, city staff, code enforcement and attorney staff, expect that this may not be accomplished in one or two meetings or within a year's time.
- 4) It is important to find allies among the city council members serving on the committee which handles neighborhood or code enforcement issues. If supportive, these members can have significant impact on how and when sign law initiatives are accomplished even if the staff assigned to carry out the initiatives are not as supportive. Having the support of the Mayor and city manager is especially important. For enforcement issues, making contact with and having support from the city attorney and code enforcement officers is also critical.
- 5) Finding allies within the business community can help in gaining merchants' acceptance of the sign law and in avoiding merchant confusion about the rules and penalties for not following them.

- 6) Even when allies are clearly stimulating the process of strengthening sign law enforcement, it is difficult to plan when initiatives will be implemented. For example, in the case of a Council Neighborhoods Committee, there are many issues that take priority at any given time, requiring immediate action from staff. While unforeseen community events can detract attention from the sign law issue, it is important to continue to keep the agenda alive within the city by attending and actively participating in meetings, making frequent phone calls to staff for updates on progress, and sending follow-up letters.
- 7) Framing the issue as having benefits for public safety, police protection, and beautification of the city can arouse more interest and concern among residents, city staff, and particularly, businesses, than if framed as a tobacco prevention or health issue.
- 8) Using the media and other methods to advertise any efforts on behalf of the city in strengthening enforcement efforts, builds additional interest and pride in working toward improvement and ultimately, more aggressive and targeted approaches to solving the problem.
- 9) It is important to bring something to the table in negotiations about sign law enforcement and to volunteer yourself as a willing community participant. Since sign law enforcement is usually not a priority, Council members and staff are very eager for information from the public.
- 10) It is essential to keep current on sign law issues and initiatives to reduce tobacco advertising throughout the state and elsewhere and share updates with city staff. If they know your suggested initiative, strategy, or policy has been successful in another city, elected officials and city staff are much more likely to consider it and request more information.

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