

Anatomy of a Successful Land Use Movement Against Cigarettes Cheaper

Cast

Protagonists

- Rockridge Community Planning Council, a Neighborhood Association
- Friends of the Rockridge Library
- Wayne Papy, neighborhood activist and web organizer
- American Lung Ass'n
- TALC
- ❖ *Supporting Role:* News Media (TV & radio coverage; SF Chronicle Columnist, Chip Johnson; The Montclarion, Oakland Tribune)

Antagonists

- John Roscoe, Cigarettes Cheaper

City Officials

- City Manager, Robert Bobb
- District Council Member, Jane Brunner
- City Planning Staff
- Deputy City Attorney

Background

In the summer of 1999, the ambitious goals of John Roscoe, owner of Cigarettes Cheaper! Collided headlong into neighborhood activists in Oakland, CA. Roscoe had already secured leases on two new sites in Oakland and was on the fast track to open 500 new stores nationwide by October 4th, 1999, the 5th anniversary of the first Cheaper store.

Ultimately, his goal was to open 23,000 stores nationwide and put every other tobacco retailer out of business. What he did not reckon with was the Oakland Rockridge neighborhood where he opened a store on July 22, 1999.

In his rush to open three stores a week nationwide, Roscoe skipped a few zoning requirements with the Rockridge location. Members of the Rockridge Community Planning Council (RCPC), one of the most organized and influential neighborhood groups in Oakland and the most sophisticated in land use, took issue with the cigarette discount store locating in their community and especially across the street from the newly built branch library. In fact, the children's reading room window overlooked the Cheaper storefront.

Coincidentally, the Planning Council, a neighborhood improvement association, had invited city manager Robert Bobb to speak at their monthly meeting shortly after it was learned that a Cigarettes Cheaper! outlet was planning to move into the neighborhood. So Mr. Bobb was apprised of the situation and community members learned that the city had no prohibitions against the location of such outlets.

Joining with Friends of the Rockridge Library, a neighborhood group that had helped raise additional money for the new branch, the RCPC members lobbied City Council members, queried city planning department staff and inspired one neighborhood resident, Wayne Papy, to start a website as an organizing tool.

<i>Activity</i>	<i>Tobacco Control Support</i>
<p>July 1999: Neighborhood activist Wayne Papy set up a website called: www.nocheaperbutts.org to document the store's progress, to raise community awareness about the negative impact of such a store in their neighborhood.</p>	<ul style="list-style-type: none"> • First Contact: W. Papy begins searching for resources. He contacts Americans for Nonsmokers Rights and American Lung Association of the East Bay. • ALAEB provides TA to Papy. Clarifies pre-existing tobacco control laws and offers support.
<p>His site showed photos of the store as it was being prepared for opening, the view of the storefront from the children's reading room, and events as they transpired. Not only was the website an easy source of information for the news media, it became a news medium itself and many community members and others visited it to keep updated on the situation.</p>	<ul style="list-style-type: none"> • Website is very useful in keeping ALA and other supporters aware of the latest activities and what support the organizers needed.
<p>On Saturday, July 24, two days after the store opened, a community protest was held in front of the Cigarettes Cheaper! store with children and parents picketing. Oakland Planning Department staff served notice on the store to close until an earthquake safety inspection was completed. But when City officials went to the store with their closure orders, the manager called their attorney and they refused to close. Present was the City Planning Director, the City Council member who represents the neighborhood and the City Manager who handed a picket sign to his son.</p>	<ul style="list-style-type: none"> • By July 25, the website featured pictures of the protesters and links to the Oakland Tribune and SF Chronicle articles covering the protest.
<p>On Monday, July 26, the City sought and was granted a temporary restraining order forcing the Roscoes to shut the store.</p>	
<p>Oakland City Council Passes 6-month Moratorium</p>	
<p>On Monday, Aug. 9, the City Council approved by unanimous vote an emergency ordinance establishing a 6-month moratorium on the issuance of building, zoning, and other permits for the establishment or expansion of activities devoted primarily to the sale or exchange of tobacco-related products.</p>	<ul style="list-style-type: none"> • TALC offers assistance to city planning staff on language of the findings, etc.
<p>Planning Commission Tackles Problem</p>	
<p>Once the City Council passed the moratorium, city planning staff were handed the responsibility of writing the ordinance. After staff completed their findings, they were to present it to the City</p>	<ul style="list-style-type: none"> • ALAEB sends a letter of support for the moratorium and continues to provide TA to Papy. • TALC begins helping with the crafting of

<p>Planning commission for its approval. <i>Using land use laws to control tobacco sales is a new process and most city planning staff will be unfamiliar with the issue.</i></p>	<p>the ordinance</p>
<p>Early November November 17, 1999: Oakland Planning Commission held a public hearing on the CUP. Tobacco Control supporters ask for increase from 500 to 1000 feet from child-sensitive areas, and deemed approved additions (re: advertising and self-service displays).</p>	<ul style="list-style-type: none"> • TALC, ALA and W.Papy meet to discuss staff report and what kinds of additional recommendations can be made. • ALAEB wrote a letter recommending changes to the staff report based on TA received from TALC. • ALAEB sent out an Action Alert for support for recommendations. • ALA attended commission meetings with community activist Papy and make additional recommendations to staff report. • Commission asks staff to review and make changes if possible.
<p>Early December 1999: Ninth Circuit court rules against Washington State tobacco advertising ban.</p>	<ul style="list-style-type: none"> • ALA withdraws all recommendations referring to tobacco advertising.
<p>December 15, 1999: Planning Commission approves increase in footage and sends ordinance to City Council subcommittee.</p>	<ul style="list-style-type: none"> • ALA attends meeting and clarifies recommendations.
<p>The Oakland Planning Commission is a group of unpaid citizen volunteers appointed by the Mayor. Most mid-large sized cities have planning commissions which meet once or twice a month to settle land use disputes and to advise the City Council on land use issues. Their decisions are routinely approved by the City Council unless there is some dispute in which case the Council may overturn Planning commission rulings.</p>	<ul style="list-style-type: none"> •
<p>January 11, 2000. City Council Subcommittee approved Planning Commission recommendations.</p>	<ul style="list-style-type: none"> • ALA attends meeting. Asks to have findings on youth smoking and price sensitivity added. No agreement. Ordinance passed as is.
<p>January 25, 2000. Full City Council unanimously approved adding tobacco shops to CUP process. Second confirming vote on Feb. 8.</p>	<ul style="list-style-type: none"> • ALA writes letter of support. Delivers to Council.