

*Reducing Outdoor Dining Secondhand Smoke Exposure in
Santa Clara and San Benito Counties*

July 1, 2015 - June 30, 2020



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ABSTRACT

California state laws do not protect restaurant employees and patrons from secondhand smoke in outdoor dining areas (ODA). From 2010-2013, Breathe California was instrumental in achieving 100% smoke-free outdoor dining policies in five Santa Clara County cities. This objective built on that success and assisted the County Local Lead Agency by undertaking one of its priority CX indicators.

The project sought to achieve smoke-free outdoor dining ordinances in at least four cities in Santa Clara and/or San Benito Counties. Five process evaluation activities were conducted that supported achieving the objective and informed the intervention campaign: Two key evaluation activities gauged policymaker support for smoke-free outdoor dining policies through key informant interviews and public opinion surveys in four cities showed 81% supported ordinances. Key intervention strategies included educating policymakers and citizens about the harmful effects of smoking in ODAs and engaging youth and adult volunteers as spokespersons. The achievement of this objective was measured through documenting ordinance adoption and compliance was determined through observations of ODAs.

AIM and OUTCOME

Breathe California of the Bay Area (Breathe California) established the following primary objective for its CommUNITY Project to protect residents of Santa Clara and San Benito Counties from secondhand smoke (SHS) exposure in outdoor dining establishments and to reduce tobacco litter, through the following objective:

By June 30, 2020, at least four cities in Santa Clara County and/or San Benito County (such as Gilroy, Los Gatos, Milpitas, Saratoga, Los Altos, and San Juan Bautista) will adopt and implement policies to designate 100% outdoor dining and bar areas as smoke-free, including

Breathe California exceeded its objective by helping seven cities adopt ordinances that protect customers and employees from secondhand smoke in ODAs. After unexpected delays in the fall of 2019 and COVID-19 in early 2020, ODA compliance observations were conducted in mid-June under COVID-19 restrictions that only permitted food service in ODAs. Only 80 of 139 restaurants observed in four cities had ODAs open for business during the observations. None of the 583 customers in the ODAs were observed smoking and one restaurant had some evidence of tobacco litter. However, only one-third of the restaurants posted no-smoking signage and only 70% of those signs were noticeable from the ODA.

Breathe California should continue to build its relationships with city compliance officers and offer its educational and signage assistance to restaurants to boost policy compliance. Although the findings indicate virtually no tobacco use in the observed restaurant ODAs, in 2019 Breathe California expanded its service area from two to eight counties and now has the opportunity to implement its effective intervention and evaluation strategies in some of the 25 cities in its larger service area that need smoke-free ODA policies.

the use of cigarettes, cigars, hookahs, and electronic nicotine delivery devices (ENDDs). The corresponding Communities of Excellence indicators are 2.2.6 Smoke-free Outdoor Dining/Bar Service Areas and 2.2.29 Tobacco Litter.

Achievement of this objective was measured through documenting the adoption of ordinances that created 100% smoke-free outdoor dining areas (ODAs) and compliance was determined through observations of ODAs.

Breathe California exceeded its objective by helping seven cities: Saratoga, Santa Clara, Los Gatos, Sunnyvale, Milpitas, and Los Altos in Santa Clara County and the City of San Juan

Bautista in San Benito County - to adopt ordinances to protect customers and employees from secondhand smoke in restaurants with outdoor dining areas. Information on the dates that cities adopted smoke-free outdoor dining policies, when they went into effect, and details on each ordinance are listed in the Policy Adoption section of this report.

In mid-June 2020, observations for ordinance compliance were conducted at 139 restaurant ODAs in four cities. Due to limitations resulting

BACKGROUND

Breathe California worked in the geographical communities of Santa Clara and San Benito Counties. Santa Clara County, with 1.94 million residents, is the sixth-largest county in California. Its government seat is San Jose, the nation's tenth largest city. Home of "Silicon Valley," 95% of its residents live in 15 cities. In 2017, the county had a median income of \$107,000, compared to \$75,300 for California. A plurality demographically, the county population is 35% white, 32% Asian/Pacific Islander, 27% Latino, and 2% Black.

In contrast, San Benito County, the rural neighbor to the south, has a population of only 62,000 residents of whom 59% are Latino/Hispanic, 36% white, and 3% Asian/Pacific Islander.¹ There are only two cities in the county: Hollister, with 37,000 residents, and tiny San Juan Bautista, with 2,000.² In 2017, the county median household income was \$80,760. It has a large number of low socioeconomic status (SES) residents, mostly

from COVID-19 pandemic restrictions on restaurant outdoor dining areas, only 80 of the restaurants (58%) were open for outdoor dining during the observations. Results showed that the 583 observed adult patrons were neither smoking nor vaping in any of the restaurants. One sports-bar restaurant did have two ashtrays and showed slight evidence of tobacco litter. Only one-third of the restaurants observed had posted no-smoking signage and only 70% of those were visible to customers in the ODA.

migrant farmworkers who experience tobacco-related health inequities.

The highest smoking prevalence in Santa Clara County is among Asians (12% Vietnamese and 21% Filipinos)³ and in San Benito County, among low-income Latino farmworkers. Indeed, nearly twice as many Vietnamese men smoke (24%) compared to the County's general male population (13%). Within Vietnamese culture, smoking is an ingrained social norm for men, which provides context for the high smoking rate. Socializing with other men at restaurants and bars is the second most prevalent trigger to smoking mentioned by surveyed Vietnamese men at 57%, with the first being socializing with friends, especially at parties and clubs (71%).⁴

The California Smoke-Free Workplace Act prohibits smoking in enclosed workplaces of employment to reduce exposure to SHS. However, it does not protect employees who work in outdoor dining areas. SHS exposure has decreased in California due to decreased smoking rates and regulations in some cities and counties to prohibit smoking in outdoor dining restaurants. However, as of 2014, nine

¹ Source: Quick Facts, U.S. Census Bureau
<https://www.census.gov/quickfacts/fact/table/sanbenitocountycalifornia,santaclaracountycalifornia/PST045219>

² Source: U.S Census Bureau American Community Survey 2017 5-year estimates and the Census' 2018 Population Estimates, downloaded on 6 December 2018.
<https://www.california-demographics.com/hollister-demographics>

³ Tobacco Use in Santa Clara County 2012.
<https://www.sccgov.org/sites/phd/hi/hd/Documents/tobacco-reports/tobacco-use.pdf>

⁴ Status of Vietnamese Health: Santa Clara County, CALIFORNIA 2011
<https://www.sccgov.org/sites/phd/hi/hd/Documents/VHA%20Full%20Report,%202011.pdf>

cities in Santa Clara and San Benito Counties did not have smoke-free outdoor dining ordinances in place. CX Indicator #2.2.6 (outdoor dining) is possibly the most critical factor to reduce secondhand smoke in Santa Clara County restaurants.

During the 2014 Communities of Excellence process, the Santa Clara County Local Lead Agency (LLA), Breathe California, and the local Tobacco-Free Coalition determined that CX Indicator #2.2.6, *the proportion of outdoor dining areas that are smoke-free*, was a priority and agreed to pursue more smoke-free dining ordinances. The Santa Clara County LLA decided not to directly address smoke-free outdoor dining in their work plan. However, since they had been successful in working with the County of Santa Clara to adopt smoke-free outdoor dining in unincorporated areas of the county in 2010, and the LLA agreed that more work needed to be done on this indicator, they agreed to collaborate with Breathe California to educate policymakers in the nine jurisdictions without an outdoor dining policy. Underscoring the importance of this indicator, Santa Clara County data shows that over 90% of both adults and youth believe that secondhand smoke is harmful to nonsmokers and may cause cancer. In addition, 84% of adults agree that there is a need to prohibit smoking in outdoor restaurant dining patios.⁵ Furthermore, the San Benito County LLA also identified this CX indicator as a priority indicator and one in which it could continue its more than 25 years of collaboration with Breathe California in mutually addressing tobacco control issues.

Since 2010, Breathe California has concentrated their efforts on protecting citizens from secondhand smoke in outdoor dining areas.

Indeed, from 2010-2013, with CTCP funding, Breathe California was instrumental in achieving 100% smoke-free outdoor dining and bar area ordinances that protect more than 1.26 million people in the Cities of Campbell, Cupertino, Mt. View, San Jose, Morgan Hill, and in the county's unincorporated areas from secondhand smoke. Breathe California was also successful in having three cities adopt ordinances that restricted smoking to a percentage of outdoor service areas for restaurants and bars: Gilroy (50%), Palo Alto (50%), and Sunnyvale (60%). In February 2014, the City of Palo Alto expanded its smoke-free outdoor dining ordinance to 100%.

Building on their previous success, for the 2015-2020 Scope of Work, Breathe California and its partners decided to focus on achieving smoke-free outdoor dining ordinances in at least four cities in Santa Clara and/or San Benito Counties, including those with extremely high numbers of priority populations such as Sunnyvale (45% Asian), Santa Clara (41% Asian), and Milpitas (66% Asian population).⁶ The areas of these cities with the lowest-SES populations also have higher smoking levels of 20-26%.⁷ Indeed, targeting outdoor dining areas of restaurants and bars serves a dual purpose of reducing secondhand smoke for families and possibly leading to less smoking in general by Vietnamese men. Moreover, enacting and enforcing smoke-free outdoor dining policies will protect employees that work in these locations. Finally, because many restaurants in San Benito County's cities of Hollister and San Juan Bautista only have unwritten voluntary smoke-free outdoor dining policies, Breathe California felt it was important to protect residents in that county from SHS in outdoor dining patios, particularly the low SES

⁵ Tobacco Use in Santa Clara County 2012.
<https://www.sccgov.org/sites/phd/hi/hd/Documents/tobacco-reports/tobacco-use.pdf>

⁶ Source: U.S Census Bureau American Community Survey 2017 5-year estimates and the Census' 2018 Population Estimates, <https://www.california-demographics.com/hollister-demographics>

⁷ Community Health Existing Conditions Report For the County of Santa Clara General Plan Health Element 2013
https://www.sccgov.org/sites/dpd/DocsForms/Documents/HealthElement_Existing_Health_Conditions_FINAL_May_2013.pdf

predominately Latino (59%) population, through policy adoption.

EVALUATION METHODS and DESIGN

A non-experimental evaluation design was used to document the success of Breathe California's smoke-free outdoor dining objective. The plan type for this evaluation was Legislated Policy Adoption and Implementation, with a post-test measure of policy compliance. The evaluation plan incorporated gathering formative data that provided Breathe California with information to guide their intervention activities and outcome data to confirm the adoption and implementation of new smoke-free outdoor dining policies in at least four cities in Santa Clara and San Benito Counties.

The outcome – implementation of the policy – was assessed using a Smoke-Free Outdoor Dining Observation tool that measured the degree of compliance with newly adopted outdoor dining ordinances by noting the presence of smokers, tobacco litter, and no-smoking signage in outdoor patios and bar areas.

Five process evaluation activities were conducted over the five-year grant that supported achieving the objective and informed the intervention campaign: (1) pre- and post-policy interviews with policymakers and/or their staff in years 1 and 5 focused on identifying barriers and facilitators to policy adoption; (2) a Public Opinion Intercept Survey (POS) conducted in years 2 and 3 in multiple languages (English, Spanish, and Vietnamese) with a convenience sample of 200 residents gathered the opinions for or against policy adoption in four targeted cities; (3) training conducted in years 1-3 for youth and adult volunteers prepared them to be spokespersons for the smoke-free outdoor dining campaign; (4) one data collection training conducted with

12 youth and adult volunteers prepared them to collect the public intercept surveys and ensure the accuracy of data collected; and (5) periodic assessment and monitoring of policy records. Quantitative data were analyzed for descriptive statistics and qualitative data were analyzed through content analysis to identify common themes.

Data gathered from the formative process evaluation activities provided: 1) information on the level of public and policymaker support for smoke-free outdoor dining policies and the factors that influenced their decisions to vote for or against policy adoption, 2) the level of community support in each city for smoke-free outdoor dining, and 3) the readiness of youth and adult volunteers to conduct public opinion/intercept surveys and to advocate for smoke-free outdoor dining ordinances. Overall, the data helped identify barriers to policy adoption and assisted the project staff in refining strategies to address policymakers' concerns. Table 1 provides an overview of how the evaluation activities were used to support the objective.

Limitations

The opinions of the public intercept survey participants, all self-selected community members, may not be reflective of the views of all city residents. Additionally, the opinions of key informants were limited to the elected officials and/or city administrators who agreed to be interviewed. Lastly, the June 5th Phase 2 COVID-19 pandemic shelter-in-place orders in Santa Clara County⁸ limited the number of restaurants with open outdoor dining areas that could be observed and our ability to fully measure implementation of the newly adopted smoke-free outdoor dining ordinances (please see Policy Compliance Results for more information).

⁸ <https://www.sccgov.org/sites/covid19/Pages/public-health-orders.aspx#explained>

Table 1: Key Process and Outcome Evaluation Activities

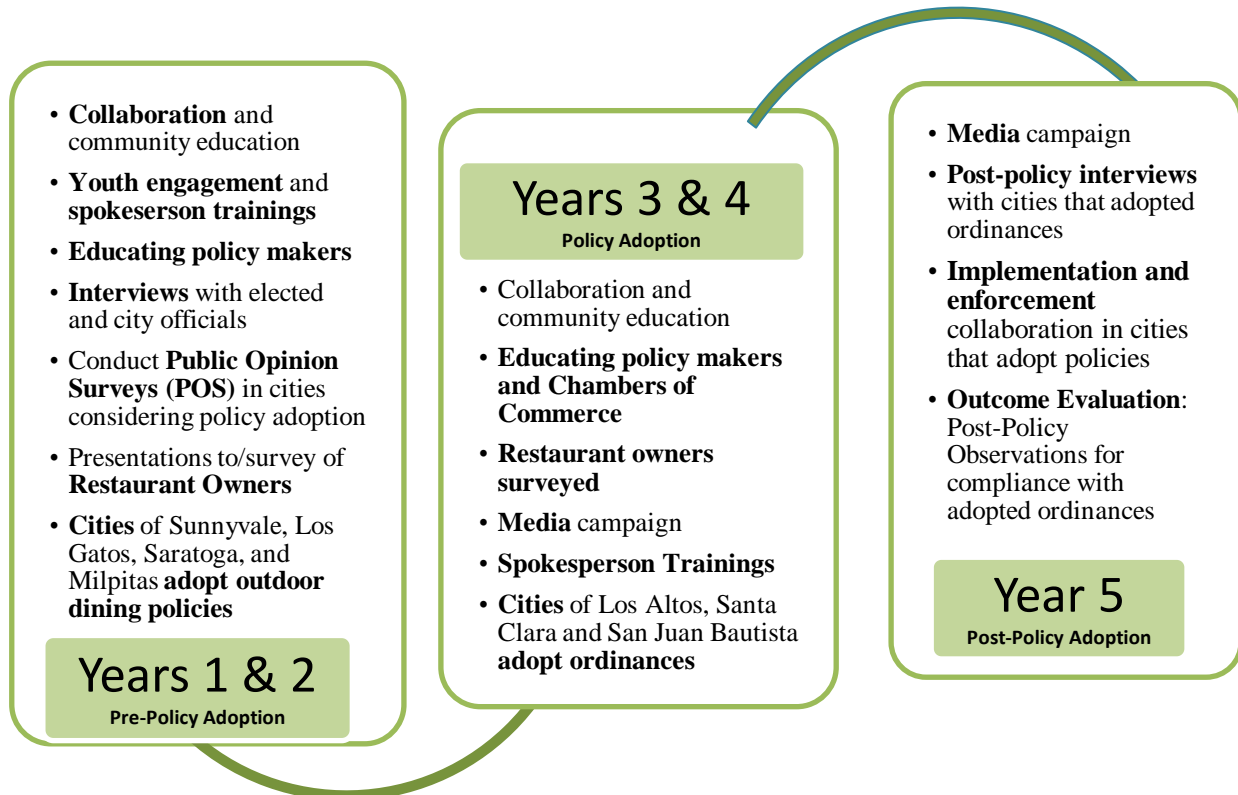
| Evaluation Activity | Purpose | Sample | Instrument Source | Analysis Method | Timing/Waves |
|--|---|---|--------------------------|---|---------------------|
| <i>Outcome</i> | | | | | |
| Outdoor Dining Observation Survey | To assess the level of implementation and compliance with smoke-free outdoor dining ordinances adopted in 4 cities | Convenience sample of outdoor dining restaurants in four cities | Evaluation consultant | Descriptive statistics and content analysis | Year 5 1 Wave |
| <i>Process</i> | | | | | |
| Public Opinion Data Collection Training: | To ensure quality of data collection for gathering public opinion surveys | 12 adult and youth volunteers | Evaluation Consultant | Descriptive statistics and content analysis | Year 1 1 Wave |
| Public Opinion Intercept Survey | Measure knowledge of SHS danger and public opinion on smoke-free outdoor dining. | Convenience sample of 200 (English, Spanish & Vietnamese) residents in cities considering policy adoption | Evaluation Consultant | Descriptive statistics | Year 1-2 1 Wave |
| Key Informant Interview | Gather pre-policy level of support from city leaders and intervention strategies that might contribute to policy adoption | Purposive sample of 4 elected policymakers, city staff, and/or community spokespersons | Evaluation Consultant | Content analysis | Year 1 1 Wave |
| Policy Spokesperson Education Participant Survey: | Measure knowledge gained about SHS and readiness to be policy spokesperson for smoke-free outdoor dining campaign | 69 adult and youth volunteers | Evaluation Consultant | Descriptive statistics and content analysis | Year 1-3 1 Wave |
| Policy Record | Identify barriers and successful actions to policy adoption in 4 targeted cities | Census of City Council minutes and policy meetings in 4 targeted cities | Evaluation Consultant | Content analysis | Year 1-5 1 Wave |
| Key Informant Interview | Gather post-policy opinions from elected leaders on factors that motivated their vote | Purposive sample of 4 elected policymakers, city staff, and/or community spokespersons | Evaluation Consultant | Content analysis | Year 5 1 Wave |

IMPLEMENTATION and RESULTS

The first phase of the project focused on building capacity to conduct intervention activities and developing a plan to educate the community and policymakers about the need for smoke-free outdoor dining legislation. Pre-policy interviews conducted in year 1 helped

Breathe California to identify the factors that influence policymaker decisions. Summaries of policies adopted in years 1-4 and post-policy interviews conducted in year 5 identified the key elements that facilitated policy adoption and implementation of smoke-free outdoor dining policies. Figure 1 illustrates these key implementation and evaluation activities.

Figure 1: Key Intervention and Evaluation Activities in Chronological Order



Below are the highlights of the intervention and evaluation activities across the 5 years.

Collaboration and Community Education

Community outreach and informational presentations were conducted throughout the grant to heighten community awareness of the need for smoke-free outdoor dining ordinances. Educational presentations to youth and parent/community groups and information distributed at community events and cultural festivals also informed the priority populations regarding tobacco inequities and how the

tobacco companies target ethnic and low-socio-economic populations. Breathe California conducted over 400 presentations during the grant to community groups and distributed SHS materials to groups such as the Viet-American Voters and the Korean American Community Services (KACS) organization that highlighted the need to protect outdoor diners in their communities from SHS. One of Breathe California's guiding principles has always been working with their priority populations with dignity and respect. Throughout the grant, they continued to be guided by this principle as they collaborated with partner organizations to

produce materials that were cultural and linguistically appropriate and to present to the community groups in a language to fit the population. For example, one Breathe California Board of Directors member, who was active with Viet Voters, co-presented on the SHS issue to the organization members. KACS provided translators for Breathe California presentations and materials distributed to their members.

Breathe California's media activities supported the community education efforts and focused on reaching ethnic groups targeted by the tobacco industry with culturally and linguistically appropriate messaging on smoke-free outdoor dining. Website posts, newsletters, a radio talk show, and promotional advertisements in event brochures were developed in collaboration with ethnic partner CBOs to reach Korean, Vietnamese, Latino, and African American residents. The pre-recorded television show Breathe California aired focused on smoke-free outdoor dining/bars and SHS and was co-hosted by the executive director of the African American Community Services Agency (ACSA). The radio talk shows were developed and translated into other languages with the help of ethnic partners such as Viet Votes, and the programs were aired on a Vietnamese-language radio station. Breathe California also developed a 30-second radio ad about smoke-free dining that aired on Korean, Vietnamese, and Spanish language stations. These media and community education activities helped garner support for smoke-free outdoor dining policies among the Asian population of Vietnamese and Korean residents in Santa Clara County and Latino adults in San Benito County.

Youth Engagement

Youth played an integral part in the smoke-free outdoor dining policy intervention. In year 1, youth participated in the campaign from Breathe California's Youth for Lungs (YFL) group, recruited from local high schools, youth commissions, and youth groups. They attended policy spokesperson trainings to prepare them

to present to city councils, they spoke on behalf of the campaign in meetings with individual council members, assisted with collecting public opinion surveys, presented to other youth groups, and participated in the media campaign by writing letters of support to elected officials and letters to the editor in cities considering policy adoption. The youth also participated in a Photovoice project on mentholated cigarette use in the African American community.

Youth were trained to be policy spokespersons during 30-60-minute sessions that reached 69 youth participants. Session topics included information about the dangers of tobacco and the harmful effects of SHS, as well as protocols and steps for passage of a law. The youth read sample policies, learned how to identify and engage a councilperson who could serve as an internal ally, and were trained on how to speak before a city council. They also had the opportunity to participate in practice sessions in which they role-played presenting to a city council. Participant feedback on the trainings (*see Appendix for training evaluation survey*) demonstrated that they were effective in preparing attendees to educate on smoking in outdoor dining establishments. Most participants felt confident about the skills they gained from the training. However, a few attendees of the initial training were less confident in their ability to be policy spokespersons for the smoke-free outdoor dining campaign. These findings were shared with the project staff who responded by providing supplemental training opportunities for some participants and refining future trainings.

Educating Policymakers and Restaurant Owners

There were nine cities and towns that did not have 100% smoke-free outdoor dining ordinances in Santa Clara and San Benito Counties at the start of Breathe California's 2015-20 grant. As described in the Policy Adoption section of this report, in year 1,

Breathe California began by reaching out to cities in Santa Clara and San Benito Counties that did not have smoke-free outdoor dining policies with a multi-prong intervention campaign that included educating councilmembers and law/code enforcement staff (e.g. Cities of Los Altos and Milpitas Code Enforcement staff) about the need to protect outdoor dining patrons and restaurant employees from SHS. Youth often took part in the meetings and presentations educating policymakers on the issue. Relationship building and education of policymakers have always been a hallmark of Breathe California's success and a critical part of their policy adoption strategies throughout the grant period. This approach of building relationships with policymakers during face-to-face meetings took place throughout the grant and proved to be one of the campaign hallmarks in cities that adopted an outdoor dining ordinance.

In years 1-4, educational presentations to restaurant owners in cities considering policy adoption was another part of Breathe California's multi-prong community education approach. These presentations educated restaurant owners with linguistically appropriate materials in multiple languages, including Spanish, Chinese, Korean, and Vietnamese, and solicited their support for smoke-free outdoor dining. Information on cities within the county that previously adopted outdoor dining ordinances and statistics on how customers prefer dining at restaurants with no-smoking, and how that translates to increased revenue, were shared with restaurant owners. Opinion surveys conducted with restaurant owners identified opposition for outdoor dining policies among some owners who were concerned that their businesses would suffer if their city adopted a smoke-free outdoor dining ordinance. However, many of those surveyed indicated that they would prefer to have smoke-free outdoor dining (*see individual city policy summaries in this report*), a sentiment also conveyed in other interactions with restaurant owners. Additionally, Breathe

California conducted educational presentations to seven Chambers of Commerce/business associations, attended by some restaurant owners, in these communities (i.e., Los Altos, Milpitas, Sunnyvale, Santa Clara) further stressed the public health need and business benefits of supporting outdoor dining policies. After a policy was adopted, Breathe California reached out to cities to provide support to restaurant owners implementing policies with window and table-top signage. They also produced 5 media releases that highlighted new policies adopted in the Cities of Los Altos, Saratoga, and Milpitas.

Key Informant Interviews

In order to gauge the level of support in cities that had not adopted a smoke-free outdoor dining ordinance, we reached out to elected leaders and their staff in three cities (Milpitas, Los Altos, and Santa Clara) in year 1. When no representatives responded to our request for an interview, we reached out to cities that had recently adopted policies in early 2016 (Sunnyvale, Los Gatos, and Saratoga), and were able to interview administrators from the Cities of Saratoga and Sunnyvale about the factors that contributed to policy adoption in their city and the lessons they learned in the process (*see Appendix for interview questions*).

Breathe California's Role in Policy Adoption

From the cities that adopted ordinances, we found that the personal relationships Breathe California had built overtime with city administrators contributed to the success of the objective. The one-on-one educational meetings initiated by Breathe California with policymakers and administrators, as well as the technical support provided by the project staff regarding ordinances adopted by other cities, also helped influence policymakers, as noted in the following quote:

For this [city] council it was helpful to understand that the regulations exist elsewhere and are not totally new and that other cities have implemented them.

Factors Contributing to Policy Adoption

The American Lung Association's tobacco policy annual report card⁹ also appeared to affect city councilmembers' decisions to vote for smoke-free outdoor dining policies. One city staff person interviewed said:

Information was shared with council members regarding other cities' restrictions on outdoor dining [provided by Breathe California], and specific information was conveyed to council members regarding how the city's grade from the American Lung Association would be improved by adopting an ordinance. This seemed to help influence the council's decision to adopt the ordinance.

Lessons Learned

The Saratoga and Sunnyvale city staff interviewees also shared lessons learned/best practices they experienced during the policy adoption process including *the importance of assessing the community level of support before approaching the city council, gauging council members interest in learning about more restricted smoking areas, and providing technical assistance and education to restaurants that would be impacted by the ordinance*. One city staff interviewee offered these suggestions for other cities considering policy adoption:

It is important to do a lot of community outreach because that will help you be successful. Councils won't pass anything that the community won't support.

Another interviewee included the importance of involving law enforcement in the policy adoption process, as noted below:

Meetings with City Council members and Police Chiefs are the most important aspects of

creating and passing ordinances. These relationships need to be initiated and maintained to ensure success.

We also interviewed a Breathe California adult volunteer who resided in the City of Santa Clara to identify what role Breathe California could play in assisting that city to adopt a smoke-free outdoor dining policy.

Challenges to Policy Adoption

The City of Santa Clara resident we interviewed was perplexed by her city's lack of interest in adopting a ban on smoking in outdoor dining restaurants. She said, "Our policymakers don't seem as concerned about health and safety as other city councils." Her suggestion was to focus on the health factors when approaching city councils and to "...involve the health-focused agencies like American Heart and Cancer and health care facilities like Kaiser to speak to city councils."

The 2016 interview findings documented the facilitators and lessons learned in smoke-free policy adoption, reinforced the intervention approaches used by Breathe California, and highlighted some strategies they planned to incorporate or emphasize in their policy adoption campaign.

Public Opinion Survey

We learned from the key informant interviews the importance of assessing community-level support before approaching a city council. This insight highlighted the value of conducting surveys to gauge community attitudes towards smoking in outdoor dining areas and to garner support for no-smoking outdoor dining policies. Throughout years 1 and 2, we trained 12 youth and young adults (*see Appendix for copy of Training materials*) to conduct public opinion

and translating each state and the federal government's relative progress into a letter grade of "A" through "F." A grade of "A" is assigned for excellent tobacco control policies while an "F" indicates inadequate policies.

⁹ The American Lung Association's "State of Tobacco Control" report consists of a report card that evaluates state and federal tobacco control policies by comparing them against targets based on the most current, recognized criteria for effective tobacco control measures,

surveys (POS) in four cities in Santa Clara County from a convenience sample of 237 intercept surveys in the cities of Santa Clara (n=109), Saratoga (n=51), Milpitas (n=52), and in Los Altos (n=25). The number of surveys collected was proportional to the cities' populations. The POS contained 13 questions, including four demographic questions (see *Appendix for a copy of POS*). With assistance from our community partners, the survey was translated into Spanish and Vietnamese to gather opinions from the demographically diverse citizens in Santa Clara County. The City of Sunnyvale conducted its own POS online, so Breathe California did not conduct a separate POS there. Due to resource constraints, Breathe California had to limit where they conducted surveys and chose not to conduct any in San Juan Bautista, with a small population, nor Los Gatos, which is a progressive city where we did not anticipate pushback on a policy.

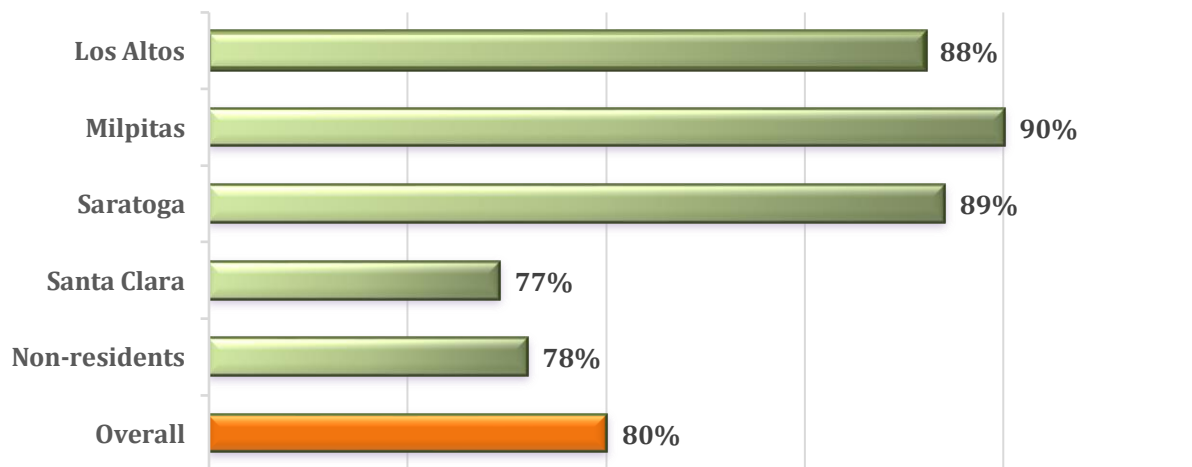
The results were very similar across the four surveyed cities (see *Appendix for sample Results Summary*). The aggregated data showed that most respondents (92%) indicated that they dined out at least once in the last three months. Indeed, 34% said they dined two to four times and 44% said they dined out five or more times in the last three months. Eighty-one percent of

all respondents indicated that they preferred to visit restaurants that have no-smoking outdoor areas and two-thirds felt that restaurants would attract more customers if they offered no-smoking outdoor areas.

Notably, support across the four cities for a no-smoking policy in outdoor dining areas ranged from 77% to 90% with a mean of 80%. In each city, respondents were asked their city of residence. Slightly more than one-third of respondents (36%) did not live in the city where data were gathered, but 83% of those respondents lived in nearby Santa Clara County cities (e.g. San Jose, Sunnyvale, etc.) and the greater Bay Area. Even then, 78% of those who did not live in the surveyed cities supported a smoke-free outdoor dining policy. The finding that even customers from outside their city limits preferred smoke-free outdoor dining areas was conveyed to policymakers.

The results of the POS conducted in each city are summarized below, by location. Findings from the opinion surveys reaffirmed Breathe California's intervention strategies and provided policymakers with evidence of community support for an outdoor dining ordinance in their city (see individual city summaries below).

Support for policy to ban smoking in outdoor dining areas N=236



Policy Adoption

As noted in the Background section, between 2010 and 2013, Breathe California played a significant role in the adoption of 100% smoke-free outdoor dining and bar area ordinances in the cities of Campbell, Cupertino, Mt. View, Morgan Hill, San Jose, and the unincorporated areas of Santa Clara County that protected more than two-thirds of the County’s population. The successful adoption of such ordinances served as the model for policymakers in neighboring cities to adopt smoke-free outdoor dining policies. After San Jose, the county’s largest city (1.1 million), became an early adopter of a smoke-free

outdoor dining ordinance in 2012, Breathe staff used a strategy of citing San Jose’s adoption to policymakers in the bordering cities of Santa Clara, Los Gatos, Saratoga, San Juan Bautista, and Milpitas, to follow suit. Similarly, Breathe California promoted smoke-free policies to city councils in the cities of Sunnyvale and Los Altos using the example of adjacent cities with established policies: Mt. View and Cupertino.

The following table, presented in chronological order, highlights the smoke-free policies that were adopted in seven cities during the Breathe California FY 2015 – 2020 Scope of Work and when they went into effect.

Table 1: Summary of Smoke-free Outdoor Dining Policies Enacted 2015-2020

| Adopted - Effective | CITY | Ordinance Adopted |
|---|---|---|
| February 9, 2016 October 1, 2016 | Sunnyvale [est. pop. 153,000] | <i>Prohibits smoking:</i> <ul style="list-style-type: none"> • <i>in outdoor dining areas</i> • <i>within 25 feet of doorways and other openings of locations where smoking is prohibited</i> • <i>within 25 feet of public transit stops</i> • <i>in common and outdoor areas of multi-family housing</i> • <i>within 20 feet of the entrance of multifamily housing and inside multi-family housing units</i> <i>Includes tobacco smoke, electronic smoking devices, and marijuana.</i> |
| May 3, 2016 June 26, 2016 | Los Gatos [est. pop. 30,500] | <i>Prohibits smoking:</i> <ul style="list-style-type: none"> • <i>in any restaurant with dining in or out</i> • <i>within 30 feet of all buildings, public events, public trails, and parks</i> • <i>in apartments and in common areas of multi-family rental housing with two or more units.</i> <i>Include smoking and the use of electronic delivery device products.</i> |
| July 6, 2016 September 17, 2016 | Saratoga [est. pop. 30,600] | <i>Prohibits smoking: in all outdoor dining areas</i> <ul style="list-style-type: none"> • <i>in the common areas of all hotels and multifamily developments, such as hallways, courtyards, pool areas, and playgrounds</i> • <i>in most workplaces, including outdoors; and in new multi-family apartment complexes</i> |
| January 3, 2017 Feb 2, 2017 | Milpitas [est. pop. 80,500] | Council voted to amend Municipal Code, Title V, Chapter 215, <i>Regulation of Smoking in Certain Places to include outdoor dining.</i> |

| Adopted - Effective | CITY | Ordinance Adopted |
|------------------------------------|---|--|
| March 13, 2018 April 27, 2018 | Los Altos [est. pop. 30,500] | Encompasses an extensive list of smoke-free places, including: <ul style="list-style-type: none"> • <i>outdoor dining, service areas, recreational areas, common multi-unit housing areas, and a 25ft buffer zone from entryways and windows.</i> |
| February 5, 2019 August 1, 2019 | Santa Clara [est. pop. 129,500] | Amended previous policy to expand smoking restrictions: <ul style="list-style-type: none"> • <i>in open-air dining areas</i> • <i>public parks</i> • <i>service areas</i> • <i>public places when being used for a public event</i> • <i>multi-unit residences</i> • <i>30 feet away from any operable doorway, window opening, and vent into any enclosed area and any unenclosed area in which smoking is prohibited</i> |
| May 21, 2019 June 20, 2019 | San Juan Bautista [est. pop. 1,900] | City Council voted to amend the City’s Municipal Code and adopted Ordinance 2019-02 to <i>prohibit smoking in every restaurant, including any area which is located outdoors.</i> |

Individual City Policy Adoption Summaries

Below are the highlights of the activities that promoted policy adoption in the seven cities between 2015 and 2019 (*policy records on file for each city*).

City of Sunnyvale [est. pop.153,000] (policy adopted February 2016)

The City of Sunnyvale held public meetings in 2015 to gather input from the city’s residents for the adoption of a smoke-free public places ordinance, including both outdoor dining and multi-family housing units. The Breathe California Project Director and a volunteer from the Tobacco Coalition of Santa Clara County attended meetings to offer support for, and testify on the importance of, such an ordinance. Simultaneously, Breathe California conducted outreach and education on the benefits of smoke-free outdoor dining to restaurant owners and the Downtown Business Association. The city’s Department of Public Safety also gathered opinions from an online survey from 301 residents on exposure to secondhand smoke in outdoor dining areas and

multi-unit housing. The results showed that 88% would support an ordinance to prohibit smoking in outdoor dining areas.

In the following year, Breathe California spoke on behalf of the ordinance at the February 9, 2016 city council meeting, at which many residents also came to testify in support of smoke-free outdoor dining, as well as, banning smoking inside multi-family housing units. The city council voted 6-1 to approve the ordinance.

Town of Los Gatos [est. pop.30,500] (policy adopted May 2016)

The Town of Los Gatos adopted a smoke-free outdoor dining ordinance on May 17, 2016, with a unanimous 4-0 vote. The ordinance was spearheaded by the Town’s Youth Commission, who played an active role in supporting the passage of a stronger smoke-free ordinance than previously existed. Breathe California staff supported the youth with a presentation on the dangers of SHS and the benefits of smoke-free outdoor dining and wrote a letter of support to the city council in favor of the ordinance. Additionally, the youth surveyed local hotels to

determine the level of smoke-free facilities in the Town and their openness to a 100% smoke-free ban in Los Gatos. The unanimous adoption by the Town Council highlights the importance that youth played in being spokespersons for the smoke-free ordinance in their community.

City of Saratoga [est. pop.30,600] (policy adopted July 2016)

In March 2016, Breathe California met with City of Saratoga staff to provide sample policies and information on the policy adoption process. In June 2016, Breathe California staff conducted a public opinion intercept survey with 51 individuals who frequent outdoor dining restaurants in the city. Of the respondents, 47% were Saratoga residents. A majority (92%) of the respondents were in favor of the city passing a smoke-free outdoor dining policy. Results were shared with city officials a week before the city council was to meet to review and discuss several components of a smoke-free ordinance. When the city council met, on July 6, 2016, Breathe's project director and a board officer cited the outdoor dining opinion survey results and spoke in favor of the ordinance during the meeting's public comment period, along with other community ordinance supporters. After the public comment period, the city council unanimously adopted the smoke-free outdoor dining ordinance.

City of Milpitas [est. pop.80,500] (policy adopted January 2017)

Breathe California began their policy educational campaign in the City of Milpitas in January 2015, by meeting with the city's code compliance staff to educate them on the health and business benefits of a smoke-free outdoor dining ordinance, as well as how Breathe California could assist them with ordinance enforcement once it passed. Unfortunately, code compliance staff stated they were not interested in working with Breathe California to establish such a policy. The Breathe California Chief Executive Officer (CEO) was not discouraged as she had previously established

tobacco control connections with some of the council members and pushed on with a different strategy. She engaged a Milpitas resident, who was a long-time Breathe California volunteer, to maintain a connection with the city council and commissioners. When that volunteer moved out of the area, the CEO took over to follow-up with council members on his behalf.

As part of its educational effort, in June 2016, Breathe California surveyed 52 individuals for their opinion of smoking in outdoor dining areas of restaurants in Milpitas. Among the respondents, 36% were Milpitas residents and 64% of those surveyed were from nearby cities. The findings showed that 89% of Milpitas residents *avored a non-smoking policy*, followed by 87% of non-residents. These findings were shared with the city council as part of Breathe California's ongoing effort to educate and participate in council and policy committee meetings. Once Breathe California bypassed the objections of the code compliance department and demonstrated that constituents supported smoke-free outdoor dining policies, the city council was more receptive to adopting an ordinance.

The Breathe California project director spoke before the city council on December 6, 2016, sharing the harmful effects of secondhand smoke and urging the council to approve the outdoor dining ordinance. Her testimony was so impactful that it was quoted in the local newspaper. On January 3, 2017, the Milpitas City Council voted unanimously to regulate smoking in restaurant outdoor dining areas.

City of Los Altos [est. pop.30,500] (policy adopted March 2018)

Early in the campaign, Breathe California conducted outreach to restaurant owners in the City of Los Altos in 2016, educating them on the business and health benefits to workers and patrons of a smoke-free outdoor dining policy. In addition, they met with two councilmembers

and the mayor pro temp to garner their support and provide similar information. All seemed supportive and one councilmember agreed to champion the ordinance while Breathe California worked on a draft policy.

In June 2017, Breathe California presented the policy rationale to the city's Environmental Commission. No councilmembers were present. The Commission members were attentive but did not demonstrate an interest in supporting the policy. Despite this disappointing outcome, Breathe California pressed on. In July 2017, with the support of the Los Altos Village Association (LAVA), Breathe California conducted 25 public opinion intercept surveys at the Los Altos Village Art & Wine Festival. The findings showed that 88% would support an ordinance to ban tobacco use in outdoor dining patios. Breathe California then conducted a Restaurant Owner Opinion Survey in conjunction with the Los Altos Chamber of Commerce and LAVA. The online survey, posted on the Chamber's website, was only completed by three owners but all were in favor of a no-smoking ordinance. The report on both opinion surveys was provided to LAVA, the Chamber of Commerce, the champion councilmember, and the city staff, who provided it to councilmembers in preparation for a discussion on the ordinance, in early September 2017.

The council held the first reading of the ordinance on October 24, 2017. One member of the public spoke against it, while a Breathe California staff and an American Cancer Society volunteer spoke in support. Council discussed the policy and requested time to make revisions. An expanded smoke-free environments ordinance was subsequently passed by the city council by a 4-0 vote on March 13, 2018.

The Council also approved an MOU with Breathe California to assist the city with ordinance implementation and compliance. Under the MOU, Breathe California would provide technical assistance to restaurants,

including educating restaurant owners about the ordinance, providing no-smoking signage, and offering Breathe California's Secondhand Smoke Helpline for any customer SHS complaints.

***City of Santa Clara [est. pop.129,500]
(policy adopted February 2019)***

Breathe California collaborated with the Santa Clara County Public Health Department (SCCPHD) and the SCCPHD's Tobacco-Free Coalition Steering Committee over two years to advance the passage of a smoke-free outdoor dining ordinance in the City of Santa Clara.

In April 2017, in a meeting with City of Santa Clara staff, that included a councilmember, the Assistant City Manager, and the city's Economic Development Committee (made up of the vice-mayor and two other councilmembers), Breathe California shared smoke-free outdoor dining educational materials and addressed any concerns the group had related to the economic impact of an ordinance on tourism and restaurant businesses. The committee seemed interested in considering the ordinance and agreed to raise it for consideration at the next city council meeting, as well as, possibly set up a study session on the ordinance in June or July 2017.

In March and April 2017, Breathe California staff also met with the Chamber of Commerce president to discuss the smoke-free outdoor dining ordinance. While the chamber president appeared to favor an ordinance, he requested that Breathe California develop a restaurant owner survey to gather owners' opinions on an outdoor dining policy. Breathe California distributed the opinion survey to 99 restaurant owners in June 2017. The results from the 63 owners who responded indicated that 86% favored a no-smoking outdoor dining ordinance. Breathe California also gathered public opinion intercept surveys from 109 community members in Santa Clara. Nearly three-quarters of respondents (73%) favored a

no-smoking outdoor dining policy. In July 2017, the Breathe California evaluators prepared a 1-page summary of the POS and the restaurant owner survey results that were given to the city manager. The City Manager found the outdoor dining policy data informative but decided to gather his own data with an opinion survey posted on the city's website in the fall of 2017. In February 2018, the city posted the online survey results from 428 respondents indicating overwhelming support for an expanded smoke-free zones policy.

Given the survey findings, the Breathe California's project director, along with representatives from the Santa Clara County Public Health Department, the American Cancer Society and three residents of the City of Santa Clara, met with the Vice Mayor, the Management Analyst, and Assistant City Manager in March 2018, to discuss a smoke-free outdoor dining policy. Subsequently, the city began working on a draft ordinance, but development lagged into the summer of 2018. Breathe California and its partners continued to meet and support council leaders throughout the process. On February 5, 2019, the Santa Clara Council unanimously adopted an expanded ordinance that banned smoking in outdoor dining areas and other locations.¹⁰

In discussing the persistent effort and time that it took for the City of Santa Clara to pass an ordinance, the Breathe California CEO made the following comments, grounded in her more than 30-years of experience in tobacco control:

Just because it's your big issue doesn't mean ...it's theirs. ...take the pulse of the community and the Council to understand how many Council members think it's important. "Sometimes you think because you have certain people aligned with you that things will go fast, and they don't. Advocacy takes time. So, you can't just think, 'oh at the next Council meeting,

they're going to do this.' It might be a year or more later before you see the results you hoped for."

City of San Juan Bautista, San Benito County
[est. pop.1,900] (policy adopted May 2019)

Breathe California began their policy campaign in the City of San Juan Bautista in May 2016 with a presentation to the San Benito County Wellness Coalition, which is affiliated with the San Benito County Public Health Department. During this meeting, Breathe California staff explained the benefits of regulating smoking in outdoor dining restaurants and enlisted the Coalition's support in advancing an ordinance in San Juan Bautista. While the Coalition was supportive, they anticipated push-back from the Chamber of Commerce over concern for the potential consequence of loss of business. In response, Breathe California noted that the county appeared to have an unwritten no-smoking policy in restaurant patios. The city only needed to adopt an ordinance to ensure that any new restaurants would be smoke-free.

While Breathe California planted the seed for policy adoption in San Juan Bautista, it was up to the San Benito County Health Department (SBCHD) to take the lead, with Breathe California playing a supporting role. From July 2018 to June 2019, Breathe California played this role by participating in Coalition meetings, policy meetings, attending City Council meetings, and sending a letter in support of the policy to the City Council. On May 21, 2019, the San Juan Bautista City Council voted to amend the City's Municipal Code and adopted Ordinance 2019-02 to prohibit smoking in restaurant outdoor dining areas.

¹⁰ public parks, service areas, public places when being used for a public event, multi-unit residences, and 30 feet away from any operable doorway,

window opening, and vent into any enclosed area and any unenclosed area in which smoking is prohibited.

Post-Policy Interviews

Post-policy interviews with five city administrative staff members from four different city offices, as well as the CEO of Breathe California of the Bay Area, were conducted in year 5 and identified key factors that facilitated policy adoption and implementation of smoke-free outdoor dining ordinances (see Appendix for interview questions).

Facilitators to Policy Adoption

Factors that helped facilitate the adoption of policies included demonstrating community support through community surveys and community meetings; providing statistics and data that demonstrate that smoke-free bans are the trend both in surrounding communities and more broadly; assuaging fears of business economic loss through sharing the beneficial experiences of other communities and restaurants customers; appealing to the City's beautification efforts in reducing cigarette litter; and highlighting the health benefits resulting from smoke-free bans.

Influence of Surrounding Communities and Trends

Two of the key informants interviewed specifically cited the influence surrounding communities had on their city's decision to adopt a smoke-free outdoor dining ordinance that seemed to also reflect the change in community attitudes towards smoking in outdoor dining areas. One city official was reticent to "break new ground" in policy adoption and during a pre-policy interview in 2016, stated that the city did not see a need for

another no-smoking ordinance. It took some time for the city council to come around. Indeed, the council changed its opinion because as one official noted, "since other cities passed similar ordinances it felt very normal, it felt very standard." This and other cities were also concerned about their city's annual American Lung Association State of the Tobacco Control grade.¹¹ They also looked to Santa Clara County's Healthy Cities Program Dashboard as another indicator of their progress in achieving healthy policies and strategies in comparison with other cities.¹²

"...something changed fundamentally for our elected officials. They didn't want to be one of the cities in Santa Clara county recognized as having an "F" grade. Or they didn't want to be behind their peers on [Santa Clara County's Healthy Cities Program Dashboard] only having like 2 out of 3 initiatives or only 1 out of 3."

Economic Impact

In the early years of smoking bans, the Tobacco Industry would try to convince business owners that any bans on smoking would be detrimental to their profits. This fear continued to perpetuate among business owners throughout the grant, according to the Breathe California CEO. Before the passage of an outdoor dining ordinance, most city officials said they were concerned about restaurant owners who thought a ban on smoking outdoors would impact their business.

Pre-policy Attitudes:

"...there were businesses who showed up at the council meeting [who said] 'we're going to go out of business if we can't have outdoor

¹¹The American Lung Association's "State of Tobacco Control" report consists of a report card that evaluates state and federal tobacco control policies by comparing them against targets based on the most current, recognized criteria for effective tobacco control measures, and translating each state and the federal government's relative progress into a letter grade of "A" through "F." A grade of "A" is assigned for excellent tobacco control policies while an "F" indicates inadequate policies.

¹²Healthy Cities Program. Public Health Department - County of Santa Clara. <https://www.sccgov.org/sites/phd/hi/shc/healthy-cities/Pages/healthy-cities.aspx>. Published 2020. Accessed May 18, 2020. Santa Clara County's Healthy Cities Program Dashboard is released yearly and reports on the progress that each city and town in the County has made toward achieving specific health-promoting policies and strategies.

smoking.’ And it was mostly the bars who were saying that.”

However, this was unfounded. After policy adoption, one interviewed city administrator said that businesses found that they had new customers and that the ban had an unexpectedly positive effect on their business. Indeed, another policymaker said the ban had increased the popularity of outdoor dining in her city.

Post-policy Attitude:

“... there was so much worry... when they banned smoking in restaurants and bars that they would go out of business, and they didn’t. They saw a lot of new customers that weren’t coming [previously due to health issues or the smell of smoke].”

Intrinsic Benefits

One informant said that their City Council was most influenced by the assumed reduction in the litter that would result from smoke-free dining, resulting in “*beautification*” of his city.

The second major factor in adopting the policy for this city was the health and wellness of the community. The Breathe California CEO also identified health as a motivating factor, but it was behind constituent support and economic impact factors.

Smoke-Free Benefits

“[the ban on smoking] has made our outdoor dining, which we’re trying to emphasize, a lot more popular.”

Lessons Learned/Best Practices

Engaging in clear and consistent communication with policymakers was mentioned by more than one interviewee as essential to both the passage and implementation of an outdoor dining smoking ban. They also emphasized educating the community early in the process and collecting policy opinion feedback from the community. The Breathe California CEO

explained how they support these efforts, including by preparing news releases on behalf of cities, sending out information through their e-newsletter, posting pertinent information on social media, and providing “no smoking” signage for businesses.

Interviewees advised that it was important to provide clarity in the ordinance’s guidelines to avoid confusion, address any questions or concerns, and equip businesses with the knowledge to accurately follow guidelines. The Breathe California CEO said that, above all, it is key to understand and accept that things move on the City Council’s timeline.

Post-Policy Outdoor Dining Compliance Observations

The Outdoor Dining Observations were scheduled for completion during the warm weather and rain-free month of October 2019, when local college interns would also be available to conduct the observations. However, observations were not completed due to very poor air quality caused by the Kincade Fire, the largest fire of the year, burning 77,758 acres in Sonoma County that began in October and ended in early November. Also, rolling blackouts in Northern California caused by the threat of fire contributed to the uncertainty of restaurants being open for outdoor dining observations. Therefore, the observations were postponed until early spring 2020, when restaurants customarily open their outdoor patios.

Outdoor Dining Observations and the COVID-19 Pandemic

We planned to observe a convenience sample of 80 restaurants with outdoor dining areas (ODAs) in four cities that had adopted smoke-free outdoor dining ordinances during the grant. The types of restaurants ranged from fast food to fine dining. The number of restaurants observed in each city was determined by the city’s population size. The larger cities of

Sunnyvale (30) and Santa Clara (30) comprised a larger proportion of the sample compared to the two smaller municipalities of Los Altos (10) and the Town of Los Gatos (10).

The observation method often includes walking into the restaurant to access the ODA, whether it is located in the front or back patio area. On March 16, 2020, the Santa Clara County Health Officer released a shelter-in-place order due to the COVID-19 pandemic, which affected data gathering plans. Under the new guidance, restaurants were permitted to "...prepare and serve food only for delivery and carry-out."¹³ We hoped that the order would be lifted by late April or early May and still give us time to conduct the observations as planned. In anticipation of this occurrence, and to better identify restaurants to survey from the hundreds operating across the four cities, Breathe California and the external evaluators engaged and trained five San Jose State University (SJSU) Department of Public Health service-learning students in late March to use Google Maps and Yelp to identify approximately 20 restaurants in each of the smaller cities and 30 to 50 in the two larger cities. We chose to oversample because we anticipated that some of the restaurants might not reopen during the pandemic. To make observations more efficient, we planned to survey as many restaurants as possible that were located on the main thoroughfares of each city or town. Between April 2nd and April 8th, the students gathered information on 133 restaurants and recorded the findings in an online database, along with confirmation photographs of ODAs for each restaurant. The photographs were designed to be used by ODA surveyors as an aid, should the shelter-in-place be lifted in time to conduct observations before mid-June.

In late April, when it was still very unclear if Santa Clara County would open restaurants to outdoor dining before the end of the grant, we

developed a two-step process to estimate whether restaurants were complying with the smoke-free outdoor dining ordinances. First, on May 5th, we sent emails to administrative compliance officials in the four cities and queried them on their policy enforcement activities and whether any ordinance violations had been reported since policy adoption. Three of the four city administrators said they had no record of violations to their city's ordinance. The fourth, the City of Sunnyvale, reported that they had received less than 10 complaints since the ordinance was adopted in February 2016. The city's Department of Public Safety is charged with enforcing the law and subsequently issued warnings to the violators, most of whom then complied. Two citations were issued since adoption through February 2020. The number of non-compliant restaurants is minor in consideration of the city's size and the vast number of restaurants. Some of the enforcement challenges in that city were related to two hookah businesses that were exempted from the city's ordinance due to the significance of tobacco in certain cultures.

Second, when the opening of ODAs was still uncertain, on May 26, we emailed the 133 restaurant managers/owners with ODAs, identified online by the SJSU college students in early April, and asked: 1) if they had any problems with customers not complying with the ordinance; and 2) if their restaurant displayed no-smoking signage in the ODA. After five days, the few responses we did receive only provided us with the restaurant's corporate phone number to contact for compliance information. We accepted that we were very unlikely to gather any compliance information from the restaurant owners. Luckily, on June 2nd, the County Health Officer announced that outdoor dining would reopen in Santa Clara County on June 5th under strict health, safety, and social distancing guidelines, while still

¹³ <https://www.sccgov.org/sites/covid19/Documents/03-16-20-Health-Officer-Order-to-Shelter-in-Place.pdf>

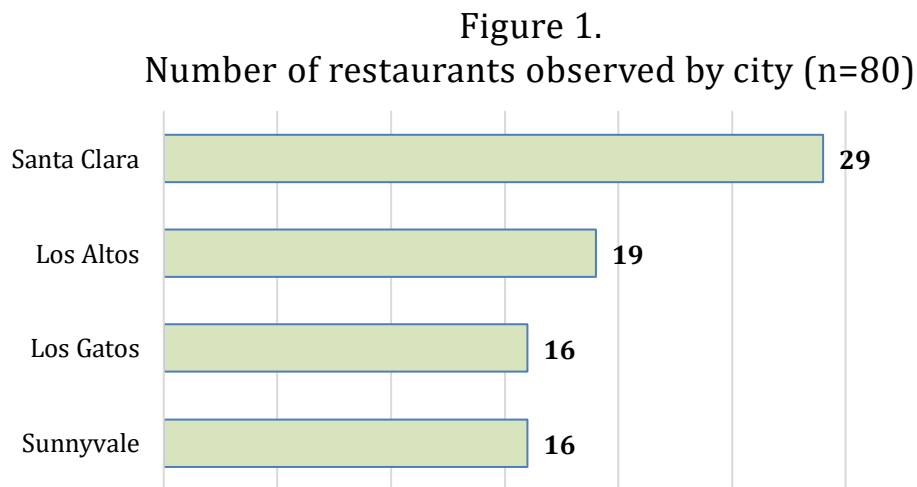
prohibiting indoor dining. Therefore, we shifted our focus to conducting the observations. Recognizing that many restaurant owners had neither the time, financial resources, trained staff, or protective equipment (e.g., plastic barriers, masks for employees, cleaning supplies, etc.) to open safely on Friday, June 5th, we decided to conduct the observations primarily from June 12th to June 17th. We developed a 12 question online Outdoor Dining Observation form that could be used to gather observation data with a smartphone (see *Observation Form in appendix*). The Breathe California CEO engaged, and the external evaluators trained five college summer interns to use the formative restaurant information gathered by the SJSU students in April to conduct the observations. The interns were trained on June 10th via the ZOOM platform on how to follow social distancing procedures, including not entering the restaurant or the ODA, wearing a mask, using alcohol-based hand sanitizers as needed, and to being aware of their surroundings (see *Training Documents in appendix*). They were also asked to take unobtrusive photos of the ODA, when possible, in order to gather data on no-smoking signage,

tobacco litter, and table social distancing. Finally, students were provided with a signed letter from the Breathe California CEO explaining their role as unobtrusive surveyors to restaurant managers, if queried during their observations.

The five students were each assigned between 27 and 31 restaurants to observe. To limit their cross-town travel and maximize their ability to observe the ODAs in a 3 to 5-hour period, most of the restaurants assigned were located on primary city streets (e.g., Main Street in Los Altos, El Camino Real in Santa Clara and Sunnyvale, and Santa Cruz Avenue in Los Gatos). In most cases, this allowed the surveyors to walk up and down the primary streets to observe the ODAs.

Compliance Observation Results

A total of 139 restaurant observations were conducted.¹⁴ As shown in Figure 1, 80 restaurants (58%) were open for outdoor dining during the observations.



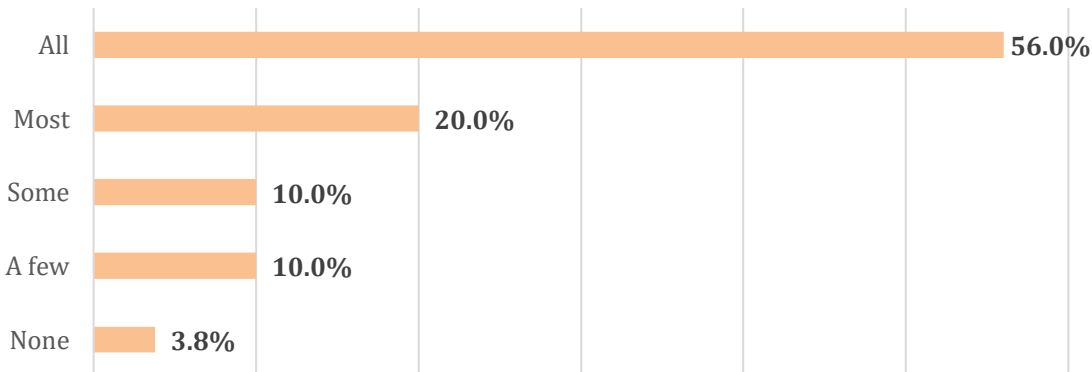
¹⁴ Six more than expected because one student found the opportunity to observe some additional restaurants in her assigned city.

A qualitative analysis of surveyors' comments regarding the 59 restaurants that were not open during the observations highlighted four key themes. Twenty-five percent were closed when the surveyors conducted their observations (likely due to restaurants operating only limited hours), 5% were permanently closed, 22% had signs indicating they were temporarily closed but hoped to open soon, and 48% did not have customers in their ODAs and only offered "take-out" service.

Among the 80 observed restaurants, nearly two-thirds were in the affordable \$11-\$30 price

range (i.e., \$\$) and one-quarter in the \$1 to \$10 range (i.e., \$). The number of tables per restaurant ranged from 2 to 20, with a total of 623 tables and an estimated seating capacity of 2,200, even under the social distanced spacing of the tables. Because of the increased risk posed by secondhand smoke during the COVID-19 pandemic, surveyors were asked to estimate whether the ODA restaurant table placements were following the County's social distancing six-foot guidelines. As shown in Figure 2, only 56% of restaurants were properly following the guideline.

Figure 2.
Six-foot social distancing of tables (n=80 restaurants)



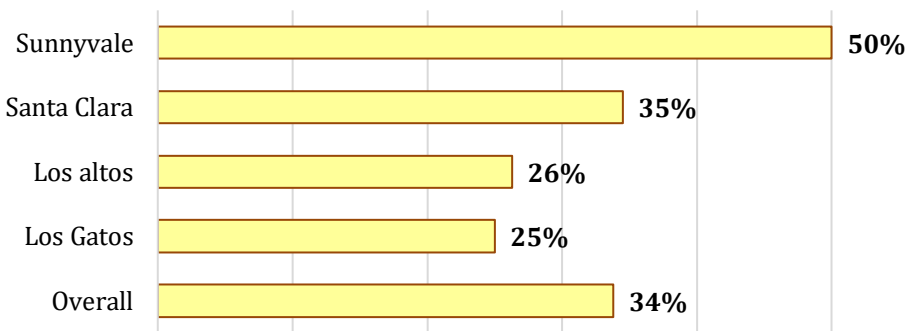
Sixty-three restaurants (79%) had customers in the ODAs at the time of the observations. A total of 583 customers were observed in the ODAs, including 69 children/teens estimated to be under age 21. None of the customers were seen either smoking or vaping during the observations. However, two ashtrays and "a little" cigarette butt litter were seen at a popular beer and burger sports bar in Sunnyvale with a large ODA.

Since ordinances require the proper posting of outdoor no-smoking signage, all of the surveyors were trained on how and where to look for no-smoking signs.

As shown in Figure 3, only 27 out of 80 restaurants (34%) had either wall, door, table, or gate no-smoking signs in the ODA. Three-quarters of the signs were wall signs and the other one-quarter were door, gate, or table

signs. Proper no-smoking signage should also be easily visible to the customers in the ODA. Among the 27 restaurants that had no-smoking signs posted, 70% were noticeable from the ODA.

Figure 3.
Restaurants with No-Smoking signage by city
(n=27)



Sharing Results

Key findings and results were disseminated during the grant through different channels and formats, including one-on-one meetings with policy leaders and their representatives, infographic summaries of public opinion survey results shared with city councils, letters to the editor, and media releases. Progress was also shared at meetings with community partners and adult and youth coalition members. Findings from this report will be shared with Breathe California partners and administrators from the four targeted cities where public opinion surveys and outdoor dining observations were completed, to assist them in increasing policy compliance.

CONCLUSIONS and RECOMMENDATIONS

Breathe California exceeded its objective by helping the seven cities of Saratoga, Los Gatos, Sunnyvale, Milpitas, Los Altos, Santa Clara, and San Juan Bautista adopt ordinances that protect

customers and employees from secondhand smoke in restaurants with outdoor dining areas (ODAs). This success is grounded in Breathe California's five key intervention strategies: 1) relationship building with city councilmembers, their staff, and law and code enforcement officials, 2) educating policymakers and the multi-ethnic citizens of Santa Clara County about the harmful effects of smoking and vaping in outdoor dining areas, 3) gathering public opinion surveys from residents in each city considering policy adoption and sharing policy supportive results with policymakers, 4) engaging and mobilizing youth volunteers to be spokespersons for the campaign, and 5) sharing the ratings in the annual ALA State of Tobacco Control report card and Santa Clara County's Healthy Cities Dashboard report as an incentive for policymakers to adopt a smoke-free outdoor dining policy. In addition, interviews with city administrators and volunteers identified helpful strategies that led to policy adoption success such as engaging in early, clear and consistent communication with policymakers. They also emphasized that policy supportive feedback from the community should be combined with

model ordinance guidelines that are clear and can be easily followed by restaurant owners. In effect, information from the interviews confirmed that Breathe California's five key strategies contributed to policy adoption and that they should be used in future efforts.

Initially, completing post-policy observations for compliance with smoke-free outdoor dining policies enacted during the grant proved to be challenging due to massive forest fires and rolling power outages in fall 2019 and then due to the COVID-19 pandemic shutdown in early 2020. Despite these challenges, we were able to complete ODA observations in mid-June when the county permitted outdoor dining. A total of 139 restaurant compliance observations were conducted by five trained college interns, but only 80 restaurants (58%) were open for outdoor dining during the observations. The observation results showed that little to no smoking or vaping was occurring. Indeed, none of the 583 adult customers were observed smoking or vaping but some evidence of tobacco use was found at one Sunnyvale location, and some smoking complaints noted by the Sunnyvale compliance officer since February 2016 may indicate that tobacco use is still, albeit minor, an issue. It will be important that Breathe California shares its findings with all four city compliance officers to increase policy compliance.

Only one-third of the restaurants had either wall, door, table, or gate no-smoking signs in their ODA and only 70% of those signs were noticeable from the ODA. This may mean that restaurant owners and managers feel that

tobacco use is so low that there is no need to post signs in the outdoor dining areas. However, we recommend that all city policy compliance officials be informed of these findings and that Breathe California continues to build its relationships with the compliance officers by offering its educational and proper signage services to the restaurants.

The very low prevalence of smoking and vaping was observed in the four cities with high income and highly educated populations, who are less likely to use tobacco. While it may seem that no smoking or vaping in ODAs is now a social norm that is only violated by a few, Breathe California still has more tobacco control work to do. Indeed, in June 2019, Breathe California of the Bay Area became responsible for an eight-county service area with at least 25 cities that do not have 100% smokefree outdoor dining ordinances to protect customers and employees.¹⁵ Breathe California should continue to implement its hallmark strategy of building relationships with policymakers and key opinion leaders, as it endeavors to achieve smoke-free outdoor dining policies in its expanded service area. Breathe should also continue to implement its key strategies of listening to the community through its public opinion surveys, gathering and heeding the suggestions of key informants, providing city staff with the data to support the need for policy adoption, offering model policy examples, and continuing to engage youth and adult volunteers to present before city councilmembers on the importance of adopting policies that protect customers and employees.

¹⁵ In 2019, Breathe California of the Bay Area merged two northern California affiliates Golden Gate and Central Coast to comprise an eight-county region that includes the Counties of Alameda, Contra Costa, San Benito, Santa Clara, Santa Cruz, San Mateo, San Francisco and

Monterey. Golden Gate also contributed to the passage of similar ordinances in the cities of Livermore, Fremont, Oakland, and Hayward (first reading to date), and the County of Alameda during the same grant term.

APPENDICES

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APPENDIX A

BREATHE CALIFORNIA OF THE BAY AREA

OBSERVATION of Outdoor Dining Area (ODA)

City: Los Altos Los Gatos Santa Clara Sunnyvale

Date _____ Time of survey _____ (am/pm)

Restaurant Name: _____ Code #: _____

For questions with asterisk * enter a number starting with zero (e.g., 0, 1, 2, 3, etc)

1. Is the ODA open or closed?: Open Closed If closed, stop and go to next restaurant. If open please continue with the survey.
 2. *How many **tables** are in the ODA? _____
 3. How many tables are at least 6ft socially distanced?
All Most Some A few None
 4. *Estimated total table **seating** capacity with all chairs, stools, benches: _____
 5. *Estimate number of customers in ODA under age 21?: _____ over age 21 _____
 6. *How many **people are smoking (e.g., cigarettes, pipes, cigars, etc.)?** _____
 7. *How many **people are vaping (e.g., e-cigarettes)?** _____
 8. How much **cigarette litter** can you see? A lot Some A little None
 9. *How many **ashtrays can you see** on the ODA tables? _____
 10. What types of no smoking signs did you see?: (check all that apply)
Wall sign Door Sign Table tent sign other type (describe below)
 11. *How many **NO smoking signs** did you see in the ODA?: _____.
 12. If you saw signs were they visible to customers from the ODA? Yes No
- Please add any comments you may have about this location** _____

APPENDIX B

Breathe California Outdoor Dining Observations Instructions

PREPARATION BEFORE THE SURVEY

Step 1 – Gather the supplies and items you’ll need: (1) Smartphone (2) list of restaurants you have been assigned to observe (3) 12 copies of the survey in case you cannot use your smartphone, (4) pen/pencils, (5) Print and take with you the letter from Breathe California that explains to owners/customers, if necessary, what you are doing and why, 6) a COVID-19 protective mask.

Step 2 – Review the Following Items Before You Go Out to Observe

- ▶ Review the FAQs document to help you respond to any questions from restaurant owners or customers during the survey.
- ▶ Review the restaurant ODA photos of the city you are surveying that are located in a shared link sent to you by Perales & Associates Evaluation Services (PAES).

Step 3 – The Day Before You Go Out to Observe

- ▶ You received a list of restaurants. You will need to locate the phone numbers. If possible, call the day before or before you leave your home to make sure the outdoor dining area (ODA) is open. If the restaurant is not serving food in an ODA report that in the online or paper survey.
- ▶ Contact (PAES) by email at evaluation@perales-paes.com to let us know the time(s) and day(s) you plan to do the observations

CONDUCTING THE SURVEY

Step 4 - Conducting the Survey

- ▶ **Rule #1: Be safe! Practice COVID-19 prevention measures.** Wear a mask when doing the surveys. Keep at least 6 feet of social distance from ODA customers. Wash your hands as needed. Do not survey in areas or restaurants that make you feel unsafe.
- ▶ **Rule #2:** Do NOT enter the restaurant's main dining area or the ODA.
- ▶ **Rule #3:** Please note that the restaurant managers will likely only allow customers with reservations to use the bathroom, so plan accordingly.
- ▶ Conduct the observation from the sidewalk or areas where you can observe diners and answer the questions in the online survey as you observe.
- ▶ Take photos, if possible, of:
 - Outdoor dining area showing tables. Try to find an angle that does not invade customer privacy. If someone objects – do not take photos at the restaurant.
 - No smoking signs on walls, windows, doors, and/or tables
- ▶ Make sure your entries are complete before moving to the next restaurant
- ▶ **If you have time, you are encouraged to survey restaurants with ODAs that are not on your list, that you encounter during the survey.**
- ▶ **If you encounter any problems while conducting the observations**, please call Denise Perales or Dr. Daniel Perales of PAES at 925-265-4014 or 925-200-7076.

Step 5 - After All Surveys Are Done

- ▶ Notify PAES by email that all observations are complete and entered into SurveyMonkey
- ▶ Use your personal URL link provided by PAES to upload your photos into the cloud. If possible, provide the name of the restaurant on each photo.



▶ FAQ's For Surveyors

1. Do we need permission from the restaurant owner/manager to conduct the survey?

No. As long as you are on a public sidewalk you do not need permission to conduct the survey. Even then, do not block a path from the sidewalk to a restaurant entrance or exit.

2. What if a restaurant owner or a customer asks us what we're doing? What should we say?

Always be courteous and explain that you are a college intern with Breathe California of the Bay Area, a 100-year-old non-profit tobacco control organization, who is under a contract with the California Department of Public Health to conduct a survey to see if anyone is smoking in outdoor dining areas in the of city _____. Explain that you will not be asking employees or customers any questions and that you will take 5 to 10 minutes to observe for smoking.

3. When should I use the Breathe California Information letter?

If you think that the restaurant owner/manager is not satisfied with your verbal response. Give them a copy of the **Breathe California Information letter**. If that still does not satisfy the owner/manager say thank you and go to the next restaurant.

4. What should we do if a restaurant owner or customer gets angry and asks us to leave?

We never want you to feel like you are in an unsafe atmosphere. Do not attempt to conduct the survey if you are in a location or encounter a person that makes you feel uncomfortable or unsafe. If this happens, leave the area and go to another location. Later, write a short comment in the survey to explain what happened at the restaurant.

5. Should I carry copies of the survey when I am doing observations?

We prefer that you enter the survey information into your smartphone. However, always carry 12 paper copies of the Observation Form to enter the results if for some reason you cannot enter the data into your phone. Use the survey link provided by Perales & Associates Evaluation Services (PAES) to enter the data into Survey Monkey. You can do that while doing the observation or at home. If you do it at home, then plan on recording your observations in the printed Observation form then entering that info when you get home.

6. Should I take photos?

Yes. If you feel comfortable, and no one seems to object, take unobtrusive photos (see the Instruction sheet for more information. Also take a photo of the restaurant name, if possible. Upload the pictures via a cloud folder link that will be provided to you.

If you have any additional questions or encounter any problems during the survey please contact Dr. Perales or Denise Perales with Perales & Associates Evaluation Services at evaluation@perales-paes.com or at 925-265-4014 (They will be on-call) or Tanya Payyappilly MD, MPH, Project Director, Tobacco Prevention Program, Breathe California tanya@lungsrus.org 408-886-1532.

APPENDIX C

Breathe California - Outdoor Dining Public Opinion Training Survey Final

Demographic Information

1. What is your gender?

- Female
- Male

2. What race/ethnic group or groups do you identify with: (mark only one)

- White/Caucasian
- Hispanic/Latino
- Black/African American
- Native American/Indian
- Asian/Pacific Islander
- Other

If Other: Please specify

3. What is your age?

- 14
- 15
- 16
- 17
- 18
- 19 to 24
- 25 to 34
- 35 to 44
- 45 to 54
- 55 to 64
- 65+

4. Please check one option

- Breathe California Staff
- Volunteer
- Youth volunteer
- Parent of youth volunteer
- Other
- Other (please specify)

5. If staff, please list your position:

Breathe California - Outdoor Dining Public Opinion Training Survey Final

After the Public Opinion Survey Training:

6. How would you rate your understanding about the dangers of second hand smoke?

- Poor
- Fair
- Good
- Very good
- Excellent

7. How confident are you in your ability to tell people about the purpose of this survey?

- Not confident at all
- Slightly confident
- Somewhat confident
- Quite confident
- Extremely confident

8. How confident are you in your ability to explain how the survey results will be used?

- Not confident at all
- Slightly confident
- Somewhat confident
- Quite confident
- Extremely confident

Breathe California - Outdoor Dining Public Opinion Training Survey Final

Training Evaluation

9. After the training, how confident are you that you can use the information you gained to conduct the Outdoor Dining Public Opinion Surveys?

- Not confident at all
- Slightly confident
- Somewhat confident
- Quite confident
- Extremely confident

10. What did you find the most useful about the training?

11. What would you change about this training?

12. Please enter any other comments you may have about the training:

APPENDIX D



Outdoor Dining Public Opinion Survey

1. How many times in the last 3 months did you dine or eat out at a restaurant in
 0 times 1time 2-4 times 5 or more times
2. Have you ever been bothered by tobacco smoke while in an **Outdoor Dining area** of any restaurant?
 Yes No Not sure
3. What do you usually do when people are smoking in the **Outdoor Dining area** of a restaurant? (**Mark all that apply**)
 Nothing, smoke doesn't bother me Go to another restaurant
 Ask to sit inside Move to another table (outside)
 Complain to the restaurant staff Leave the restaurant early
 Ask the person to stop smoking Other (specify) _____

For the following, indicate if you agree or disagree by marking **one choice per question**:

4. As long as you are outside, it is not harmful to your health to sit near someone who is smoking.
 I agree I disagree I'm not sure/have no opinion
5. Patrons should be able to smoke outdoors at restaurants.
 I agree I disagree I'm not sure/have no opinion
6. I prefer to visit restaurants that have non-smoking outdoor dining areas.
 I agree I disagree I'm not sure/have no opinion
7. A restaurant would attract more customers by having a no-smoking policy in Outdoor Dining areas.
 I agree I disagree I'm not sure/have no opinion
8. I would be in favor of a non-smoking policy in Outdoor Dining areas in my city.
 I agree I disagree I'm not sure/have no opinion

For classification purposes only:

9. What is your age range? 18-24 25-34 35-44 45-64 65+

10. What is your race/ethnicity?

- White/Caucasian Black/African American
 Hispanic/Latino Asian/Pacific Islander Native American/Indian
 Other _____

11. How do you identify yourself? Male Female Trans*

12. What city do you live in? Santa Clara Other: _____

13. Do you currently use tobacco?

- Yes, on a regular basis No, but I am a former tobacco user
 Yes, but only once in a while No, and I have never used tobacco

APPENDIX E

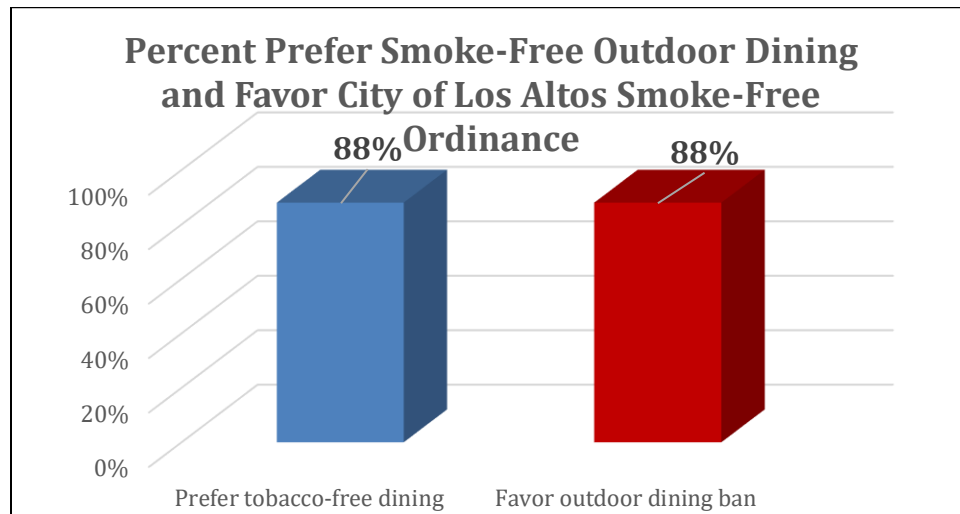
City of Los Altos Outdoor Dining Public Opinion Survey Results

Breathe California of the Bay Area conducted a Public Opinion Survey with Los Altos residents frequenting restaurants with outdoor dining patios. Twenty-five respondents completed the survey during the month of July 2017. The following are some of the key result from that survey:

- **64%** said they have been bothered by tobacco smoke while dining at outdoor restaurants
- **32%** said they would leave a restaurant if people were smoking near them in an outdoor dining patio
- **88%** believe it is harmful to your health to sit near someone who is smoking

Furthermore, as seen in the graph below,

- **88%** of respondents prefer to visit a restaurant with a no-smoking outdoor dining policy, and
- **88%** would support an ordinance to **ban tobacco use in outdoor dining patios in the City of Los Altos**



In addition, two participants completed a **Restaurant Owner Opinion Survey**:

- **100%** said they would be in favor of a no-smoking ordinance in Outdoor Dining areas in the City of Los Altos

APPENDIX F

Smoke-Free Outdoor Dining Spokesperson Training Evaluation

| | |
|-----------------------|-------------------------|
| Name: _____ | Date: _____ |
| Email: _____ | Phone: _____ |
| Race/Ethnicity: _____ | Age: ____ Gender: _____ |

Instructions: On a scale from 1 to 5 (1 being the least favorable and 5 being the most favorable), *After today's training*, please circle the number that best represents your answer to the questions.

1. Rate the **knowledge** you gained about the “dangers of tobacco use and second-hand smoke”.

1 2 3 4 5

2. Rate the **knowledge** you gained about a “spokesperson” and what makes a spokesperson effective.

1 2 3 4 5

3. Rate the **skills** you gained about “Media Advocacy” and what core messages it should contain.

1 2 3 4 5

4. Rate how **helpful** the “practice activity” speaking before a city council was to you.

1 2 3 4 5

5. Rate how **ready** you are to assist Breathe California in representing the agency as a “spokesperson” for the outdoor dining campaign and other policy activities.

1 2 3 4 5

6. Overall, rate the effectiveness of this training.

1 2 3 4 5

7. In the box below, please enter 3 words that describe your experience during this training:

Enter any comments about this training on the back of this form.

APPENDIX G

Breathe California of the Bay Area
Key Informant Interview Questions for Elected Leaders – Spring 2016

Interviewee: _____ Date _____

Title: _____

Agency: _____

Phone: _____ Fax: _____

E-mail: _____

Interviewer _____

1. What is your role in the City of _____
2. What was your role with the adoption of the City of _____ Smoke-free Outdoor Dining Ordinance passed in _____ *(insert month & year)*.
3. Did you support the policy? If yes, why. If not, why not?
4. What information seemed the most important to the City Council members in getting the ordinance passed?
5. How has the community responded to the ordinance?
6. What challenges has the city encountered in enforcing this new ordinance?
7. What suggestions do you have for other cities or counties considering such a policy?
8. Would you like to make any additional comments?

That concludes the interview
THANK YOU FOR YOUR TIME

Breathe California of the Bay Area

Key Informant Interview Questions for Elected Leaders – Spring 2016

Interviewee: _____

Position: _____

Agency Represented: _____

Date Interviewed: _____

1. The City of Sunnyvale recently passed a smoke-free outdoor dining ordinance. What was your role in the Breathe California's *CommUNITY* Project's efforts to advocate for smoke-free outdoor dining policies in the City of Sunnyvale?

2. Please describe the barriers and challenges you experienced in advocating for the City of Sunnyvale's smoke-free outdoor dining ordinance.

3. Was there opposition from restaurant owners?

4. The council voted 6-1 to approve the ordinance, what do you attribute to the Council's overwhelming vote to approve the ordinance?

5. What information seemed the most important to the City Council members in getting the ordinance passed?

6. What challenges do you think the City will encounter in enforcing this new ordinance?

7. Do you have any additional comments?

Appendix H

Breathe California of the Bay Area

Key Informant Interview Questions for Elected Leaders – Spring 2020

Interviewee: _____ Date _____

Title: _____

Agency: _____

Phone: _____ Fax: _____

E-mail: _____

Interviewer _____

1. What is your role in the City of _____
2. What role did you have in the adoption of the City of _____ Smoke-free Outdoor Dining Ordinance passed on _____ *(insert month & year)*.
3. What information seemed the most important to the City Council members in getting the ordinance passed?
4. How has the community responded to the ordinance passage? Is it your sense that residents are complying with the ordinance?
5. What challenges has the city encountered in enforcing this new ordinance? Is it your sense that restaurants are complying with the ordinance?
6. What suggestions do you have for other cities or counties considering such a policy?
7. Would you like to make any additional comments?

**That concludes the interview
THANK YOU FOR YOUR TIME**

Breathe California of the Bay Area
Key Informant Interview Questions for CEO – Spring 2020

Interviewee: _____

Position: _____

Agency Represented: _____

Date Interviewed: _____

1. Please describe the barriers and challenges you've experienced in advocating for smoke-free outdoor dining.
2. What success have you experienced?
3. What was Breathe California's role in the passage of each ordinance (see attached list of policies adopted)
4. What information seemed the most important to the City Council members in getting the ordinance passed?
5. Do you think there is community support for smoke-free outdoor dining policies in other Santa Clara County cities?
6. What support has Breathe California provided to cities that have adopted smoke-free outdoor dining ordinances during the 2015-20 grant term?
7. Do you know if the cities that passed outdoor dining ordinances have experienced challenges in enforcing the ordinance, and if yes, what kind of challenges have they experienced?
8. What suggestions would you give other public health departments and CBOs advocating for smoke-free outdoor dining policies in their city or county?
9. Do you have any final comments?

Appendix I



PUBLISHED: August 15, 2017
FOR IMMEDIATE RELEASE

Media Contact: Illyasha Peete
(408) 998-5865; illyasha@lungsrus.org

Saratoga: Grade

SAN JOSE, CA --- Looking to live in a smoke-free environment? Look no further, Saratoga has set a prime example for all other cities in Santa Clara County on becoming smoke-free. Since 2009 Saratoga has taken the stand to protect its community from the negative health impacts of second-hand tobacco smoke and improve their tobacco control grade from F to A.

One of Saratoga's most recent ordinances unanimously passed, on July 6th, 2016, was item 2.2 Ordinance Amending Smoking and Tobacco Retailer Regulations. The ordinance prohibits smoking in common areas of multifamily developments, new rental apartment complexes built after September 2016, at outdoor events with children present, 20 feet from entryways to enclosed areas where smoking is prohibited, in outdoor dining areas, and in all service areas and at all outdoor work-sites.

After the ordinance was proposed Vice-Mayor Emily Lo (currently Mayor) asked, "What about construction sites? Are they subject to this ordinance?" Yes, under item 2.2, construction sites would be considered as an outdoor work site and the workers would be subject to the restriction of smoking outdoors.

It's important for communities to continue focusing on achieving smoke-free air among every location for the benefit of keeping outdoor areas, children, and pets free of pollution.

Nidhi Badiyani Panjwani of Breathe California of the Bay Area (BCBA), made a public comment in support of the smoke-free ordinance, "By implementing a smoke-free ordinance in the city of Saratoga this will significantly protect the most vulnerable population such as children, pregnant women, and the elderly." Additionally, BCBA conducted public opinion surveys in Saratoga. Results from the survey showed 82% of 51 respondents believe it is harmful to sit near someone who is smoking, 71% agree patrons shouldn't be allowed to smoke in outdoor dining areas and 88% of respondents are in favor of having a non-smoking policy in outdoor areas in Saratoga.

Councilmember Rishi Kumar made a final comment stating that item 2.2 is "Creating one more level of safety for our citizens of Saratoga."

Saratoga's tobacco control grade efforts from F to A:

- 2009: Requiring new tobacco retailers to have a conditional use permit, which limited sales in a given area, near schools, and city parks
- 2010: Saratoga adopting smoke-free recreational area, where the city prohibited the use of tobacco products in city parks and recreational areas
- 2015: Saratoga city council adopted an ordinance prohibiting electronic smoking devices in city parks and recreational areas. Additionally the city established a licensing program to strengthen its tobacco control
- 2016: Saratoga city council adopted an ordinance to prohibit smoking in multifamily housing common areas, new rental apartment complexes, at outdoor events with children present, 20 feet from entryways to enclosed areas where smoking is prohibited, in outdoor dining areas, and in all service areas and at all outdoor worksites

About Breathe California of the Bay Area:

BCBA has been based in San Jose since 1911. BCBA promotes lung health and provides services to the residents of Santa Clara, San Benito, and Alameda County. BCBA works towards fighting lung disease in all its forms including protecting communities from flavored tobacco products. BCBA provides support, guidance, and education to cities in Santa Clara County about secondhand smoke exposure, implementing smoke-free ordinances, flavored tobacco products, and other regulations around tobacco use.

By: Melissa Renteria

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