

OFFICE OF THE CITY MANAGER

MEMORANDUM

October 23, 2000

TO: CITY COUNCIL

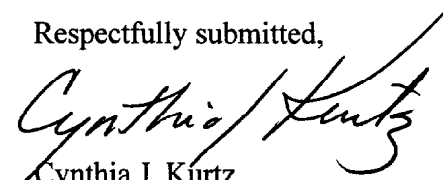
FROM: CITY MANAGER

SUBJECT: BUSINESS ENTERPRISE COMMITTEE (BEC) RECOMMENDATION REGARDING AMENDMENT TO ZONING CODE REGARDING FILMING, REVISIONS TO THE GENERAL FILMING GUIDELINES, REVISIONS TO GUIDELINES FOR FREQUENTLY FILMED AREAS AND ADOPTION OF THE SPECIAL FILMING DISTRICT GUIDELINES

On October 18, 2000, the Business Enterprise Committee of the City Council approved the attached staff recommendation except for one staff-recommended modification of the general Filming Guidelines. Staff recommends that to film past 10 p.m or before 7 a.m. film companies obtain signatures from 90% of residents. In addition, however, staff recommends that the current 100% signature requirement be retained for certain neighborhoods that have been in popular demand by filmmakers.

The BEC recommends that the 90% signature requirement be enacted citywide. During discussion, the BEC was concerned about creating the perception that the City is showing favoritism to certain neighborhoods and that additional requirements were being imposed without a vote of the residents. Further, the BEC stated that through a vote of the residents, high demand neighborhoods could request Special Filming District Guidelines to require 100% signatures.

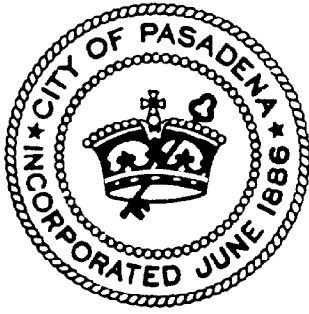
Respectfully submitted,


Cynthia J. Kurtz,
City Manager

10/23/2000

5.A.(1) and

6.A. (8:00 P.M.)



Agenda Report

TO: CITY COUNCIL
THROUGH: BUSINESS ENTERPRISE COMMITTEE

FROM: CITY MANAGER

DATE: OCTOBER 23, 2000

SUBJECT: AMENDMENT TO ZONING CODE REGARDING FILMING, REVISIONS TO THE GENERAL FILMING GUIDELINES, REVISIONS TO GUIDELINES FOR FREQUENTLY FILMED AREAS AND ADOPTION OF THE SPECIAL FILMING DISTRICT GUIDELINES

CITY MANAGER'S RECOMMENDATION

It is recommended that the City Council:

1. Direct the City Attorney to prepare an amendment to the Zoning Code to incorporate the changes recommended in attachment A of this report;
2. Direct the City Attorney to prepare a resolution to incorporate the proposed changes to the revised Film Guidelines and the revised Guidelines for Frequently Filmed Areas; and,
3. Direct the City Attorney to prepare a resolution to approve the Special Filming District Guidelines as contained in attachment C.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission, who held two public hearings over the last few months regarding filming revisions, concurs with the staff recommendation (as outlined in Attachment A). They reviewed and approved the staff recommendation regarding the Zoning Code amendments and revisions to the general Filming Guidelines on July 26, 2000. They also reviewed the Guidelines for Frequently Filmed Areas on May 10, 2000 and recommended that staff consider a process for establishing special filming district guidelines for parts of the City receiving high filming volumes and impacts. Staff developed the special filming district guideline process recommended in Attachment C based on Planning Commission and Business Enterprise Committee feedback. In addition, the Planning Commission approved their final recommendations for changes to the citywide Guidelines for Frequently Filmed Areas on August 23, 2000.

BACKGROUND

The City's original short-term filming ordinance was approved by the City Council in 1985, the

MEETING OF 10/23/2000

5.A.(1) and
AGENDA ITEM NO. 6.A. (8:00 P.M.)

year the Film Liaison Office was established. The ordinance expressed the City's intention to accommodate filming in the community, but set standard rules and procedures. This encouraged greater confidence on the part of the film industry and as a result, filming increased by more than 400% between 1985 and 1996.

The City has experienced a significant increase in filming. Specifically, the demand for locations in Pasadena has increased as a result of new dot-com companies and in anticipation of various labor strikes. This increased volume of filming raised a number of new issues on behalf of filming companies and residents impacted by filming activity. As a result, staff reviewed the guidelines and zoning code regulations for relevancy, consistency and improved administrative practices.

Filming Ordinance

The Zoning Code sets forth the general provisions for short-term permits and long-term conditional filming use permits. Chapter 17.90 states that the City Council may adopt, by resolution, further Filming Guidelines to be applied when granting permits and setting conditions.

Changes to the Zoning Code include reductions in the number of times a long-term filming permit can be extended and standardizing notification requirements, so they are similar to other city notification procedures. A summary of recommended changes and supporting rationale are included in attachment A.

Filming Guidelines

Under authority stated in Section 17.90, the City Council adopted general Filming Guidelines. These guidelines, currently referred to as the Rules and Regulations, define specific procedures for applying for permits and conducting filming, videotaping and still photography in the City. They also specify conditions for permit approval.

Changes to the Filming Guidelines include two significant issues:

Signature Requirements

In a residential area, the City currently requires approval signatures from 100 percent of impacted residents for film permits on Sunday through Thursday, before 7 a.m. or after 10 p.m. Because of concerns voiced by citizens and filming representatives, staff recommends reducing the percentages of signatures from 100 percent to 90 percent.

Currently, the 100% requirement creates an inequitable system where one citizen ultimately holds veto power over the wishes of most of the neighbors. Staff in the Film Liaison Office has witnessed requests for large sums of money by individuals who know that their signature is absolutely required to obtain the 100% approval. This is a problem for residents who wish to participate in filming but are prevented from doing so by individuals without legitimate concern. This also creates barriers to film companies who may be forced to use other locations, possibly outside of the city.

In August, staff conducted a survey of 84 film customers and received 31 responses. A majority (74%) of respondents indicated that they had been asked to pay excessive amounts (between \$1,000 and \$5,000) and 58% said they were forced to use a different location as a result.

Staff believes that the 90% requirement would eliminate the potential for one individual to prevent filming without legitimate concern while preserving protections for those with legitimate concerns. In cases where a proposed production generates a significant amount of impact, it is common for numerous residents to voice objections and refuse to sign. In addition, the Film Liaison has discretionary authority to deny a permit in situations where the health and well being of a resident(s) may be affected. Attachment B highlights the current Pasadena approval signature requirements.

However, staff and the Planning Commission recommend keeping the 100% signature requirement for high volume areas such as portions of South Madison, South Oakland, South Grand, San Rafael, and the Prospect Blvd. area. These areas are constantly in demand for television commercials and major feature films. Some of these neighborhoods have been hosting up to 45 days of filming a year on an annual basis. The average neighborhood in Pasadena hosts no more than 2 or 3 filming days a year. Most host less than this amount. To request that these highly filmed neighborhoods also host late night filming as well, will result in disproportionate demands on these already heavily impacted areas.

Penalties

Present guidelines require that a violation of any rules or guidelines result in the banishment of any film activity by that company for a minimum of six months. Because this procedure is punitive and does not allow the applicant to remedy the violation, staff believes it could be subject to legal challenge. In place of this process, staff recommends that a mediation procedure be established that allows the company to immediately remedy any violation. Staff believes that if a violation wasn't remedied properly then a penalty of \$650 per violation be charged. A letter of complaint will be sent to a responsible production executive. If future violations occur by the production company, they will be banned from filming in the City for up to a year. In addition, if repeat violations occur at a specific filming location, a hearing should be held before the Planning Commission to consider a ban on filming at that location for a year's period of time.

Guidelines for Frequently Filmed Areas

These citywide guidelines seek to provide particular scrutiny and more stringent conditions for film permits in areas that receive frequent filming activity. They were approved by the City Council back in 1992. A residential area is defined as such when six or more days of filming activity take place within the previous 90 days; a commercial area is defined as such when 15 or more days of filming activity take place within the previous 90 days. Based on a set of ten criteria, a permit in these areas may be approved, conditionally approved, or denied.

Changes to these Guidelines include a clarification of the definition of a frequently filmed area. In addition, it is recommended that language be added to confirm that the City has the right to deny a permit in a frequently filmed area.

Special District Filming Guidelines

On May 10, 2000, the Planning Commission acknowledged that some neighborhoods in Pasadena receive such a high volume of filming or are otherwise logistically impacted that they may need special protections beyond the citywide Guidelines for Frequently Filmed Areas.

To address this concern, staff conducted workshops for the South Madison/Oakland Area and the South Grand/Palmetto Area in July and August 2000. Special Filming Guidelines for South Madison/Oakland were reviewed by the Planning Commission on August 23, 2000 and were recommended for approval to the City Council. The Planning Commission prepared to review special district guidelines for the South Grand/ Palmetto area on September 27, 2000; however, the Planning Commission, due to an overwhelming schedule on that date, pulled this from the agenda.

On September 6, 2000, the Business Enterprise Committee (B.E.C.) of the City Council reviewed the South Madison/ Oakland Special Filming Guidelines. The B.E.C. requested that staff develop an administrative process that allows for the establishment of special filming districts without having to be reviewed by the Planning Commission or City Council.

At this September 6, 2000 meeting, the BEC also requested that staff cease with circulating the South Madison/ Oakland and the South Grand/Palmetto Guidelines to the Planning Commission, the BEC or the City Council. They wanted staff to develop a special filming district guidelines process for Council to adopt by resolution. This process would allow special guidelines to be developed by community participation, not through Council or Planning Commission review. Staff is recommending that the Special Filming District Guidelines process (Attachment C) be adopted by resolution. After the Council approves a process, staff will be able to finish their work with the neighbors on South Madison/ Oakland and South Grand/Palmetto through the new Council approved process.

This process would require that a 2/3rds majority of the property owners sign a petition requesting special district in their area. Any special district guidelines would be developed through workshops with the neighbors and enacted if 2/3rds of the property owners, within the defined area, vote "yes" for the guidelines. These guidelines could also be rescinded by request and a petition of 2/3rds of the neighbors within the defined area.

ENVIRONMENTAL DETERMINATION

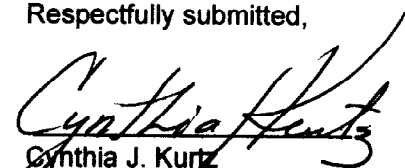
The general exemption found in section 15061 (b) (3) of the California Environmental Quality Act (CEQA) applies to these guidelines.

CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment, the activity is not subject to CEQA.

FISCAL IMPACT

Staff believes that improved filming guidelines and clear direction from neighborhoods create a more attractive environment for the film industry and will ultimately result in increased film activity. This would, in turn, result in an increase in revenue to the City. The direct results of this action, however, cannot be calculated at this time.

Respectfully submitted,



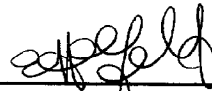
Cynthia J. Kurtz
City Manager

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