

Altadena Filming Committee Report
Accountability for Filming Permit Approval and Enforcement

Executive Summary

The Altadena Filming Committee has prepared a report addressing accountability in Los Angeles County’s filming permit approval and enforcement processes. This report was prepared in response to concerns raised by members of the Altadena Community.

This report reviews roles and duties described in the County’s official documents. Additionally, it details the County’s current practices as described in correspondence from County officials. The document then summarizes how the County departments address required duties and identifies gaps between the current practice and required duties. The report concludes with findings intended to explain how accountability problems arise from these gaps and provides a set of recommendations intended to address them.

Contents

1	Introduction.....	1
2	Duties prescribed in LA County documents.....	2
3	Duties described in correspondence between the County and the Committee	4
4	Delegated roles for authorities and responsibilities	6
5	Assignments of duties to County departments.....	7
6	Findings.....	7
7	Recommendations.....	9
8	References.....	9

1 INTRODUCTION

The Altadena Filming Committee (AFC) was formed to address concerns that members of the Altadena Community expressed about location filming. A goal of the AFC is to assist Town Council Members and Community members in working with County departments to resolve filming issues in order to ensure Altadena remains a ‘filming-friendly’ community.

The issue raised most to the Committee was the apparent lack of accountability by County departments. In particular, community members felt that the departments responsible for approving and enforcing filming permits were unresponsive or ineffective. In other words, there was no one in the County able to effectively resolve issues related to permit violations or overuse.

In an effort to understand better the County procedures for filming permit approval and enforcement, the AFC undertook a study of publicly available County rules and roles including those in the ordinances, the Board Policies and the contractual terms and conditions of a filming permit. The Committee also conducted a series of consultative meetings with County representatives to develop a clear understanding of how the County conducts its processes for filming permit approval and enforcement.

2 DUTIES PRESCRIBED IN LA COUNTY DOCUMENTS

The LA County ordinances, the Board of Supervisors recorded Board Policies, and the Terms and Conditions that accompany an LA County filming permit all designate authorities and responsibilities associated with filming permit approval and enforcement.

The following section lists the authorities and responsibilities that are described in each of those official documents. It also identifies the delegated agency charged with those authorities and responsibilities.

Note: Italics have been added to help identify the duties required by each County ordinance or policy. (See section 4 for a summary of the duties required by each defined County role)

2.1 LA County Code of Ordinances Title 2: Administration

- 2.118.020 – Filming Permit Coordination Office § L

Text: “The office shall:...*Review, approve, and issue* permits for on-location filming on private property in the county, as authorized by Title 22 of this code, the zoning ordinance.”

Delegated to: Filming Permit Coordination Office

- 2.118.030 – Departmental responsibilities § E

Text: “Each regulatory department and district will periodically *review and prepare detailed rules, procedures and requirements* for filming in areas under their jurisdiction and transmit this data to the office in a format which can be distributed to the filming permit applicant.

Delegated to: All LA County Departments that participate in the filming permit process

2.2 LA County Code of Ordinances Title 22: Planning and Zoning

- 22.56.1925 – Movie on-location filming § A

Text: “...applications for movie on-location filming permits shall be filed with the filming permit coordination office which *shall approve* such application...”

“...the filming permit office *shall also find that such approval will not result in a frequency of usage likely to create incompatibility* between such temporary use and the surrounding

area. Where an application is denied due to frequency of usage, the *filming permit office shall specify the minimum time period between approvals* which, in its opinion, is necessary to prevent such incompatibility.

Delegated to: Filming Permit Coordination Office

- 22.56.1925 – Movie on-location filming § B

Text: “In interpreting the other provisions of this Part 14 in relation to movie on-location filming, the *filming permit office shall be substituted for the director*, and the provisions of Sections 22.56.1840 and 22.56.1870 shall not apply.”

Note: The “director” role designated in this ordinance refers to a County role in the permit approval process. References to the “director’s” duties appear throughout Title 22, Part 14. The “director” role is not a reference to a film director.

Delegated to: Filming Permit Coordination Office

2.3 LA County Supervisors Board Policy 3.125 – County Filming Policy

- County Filming Policy III.a.2 – Rules and Regulations

Text: The *County will promulgate rules and regulations*, subject to approval by resolution of the Board, governing ... any film activity ... within the County... The rules and regulations may be based upon the ...mitigation of disruption to all persons within the affected area...”

Delegated to: All LA County departments that participate in the filming permit process

2.4 LA County Filming Permit Terms and Conditions

- Filming Permit Terms and Conditions § 8 – Authority to revoke/cancel

Text: “...in the event that an authorized representative of the Permit Authority *determines that the activities being or to be conducted under this permit...* are not being conducted in accordance with the terms and conditions of this permit, said representative, at his or her sole discretion, *may suspend, revoke, cancel or amend* this permit.”

“Without limiting the effect of any provision herein, an *authorized representative of the Permit Authority may suspend, revoke, cancel or amend this permit if permittee does not abide by the terms of the attached "Filmmakers' Code of Professional Responsibility"* and the following code of conduct: (a) equipment/crew may not arrive before or depart after any time specifically designated by this permit; (b) moving or towing of vehicles is prohibited without the express permission the owner, the Permit Authority, police or other appropriate civil authorities; (c) crew vehicles/equipment parked on streets must adhere to all parking signs and other legal requirements unless otherwise specifically authorized by this permit; (d) parking on both sides of a street without specific authorization by this permit is prohibited; (e) trespassing onto neighboring property without owner permission is

prohibited; (f) removing, trimming and/or cutting of vegetation or trees is prohibited unless specifically approved by property owner and the Permit Authority; (g) on or before the date of expiration of this permit, permittee must remove all catering, crafts service, construction, strike and other (including personal) trash as well as all signs, location structures and other matter placed on the property in connection with the Permit Activities; (h) all signs or other matter removed or altered for purposes of carrying out the Permit Activities shall be replaced and restored to its or their preexisting condition upon the completion of such activities, unless specifically authorize otherwise by this permit; (i) noise levels must be kept as low as reasonably possible, and generators and other noisemaking equipment must be kept as far as reasonably practicable from residential buildings; and j) all persons working under this permit shall observe designated smoking areas.”

Delegated to: Permit Authority or authorized representative

2.5 Agreement between County of Los Angeles and Film L.A. Inc. for Film Permitting Services

- Exhibit R – Approvals by County Departments

Summary: Exhibit R requires that the following Departments approve a filming permit: Fire Department, Department of Harbors and Beaches, Department of Public Works, Department of Parks and Recreation, and County Sheriff’s Department.

Delegated to: Permit Approver, Fire Department, Department of Harbors and Beaches, Department of Public Works, Department of Parks and Recreation, and County Sheriff’s Department.

2.6 CEO Memo, July 5, 2017, County Filming Fees (Item No. 9, Agenda of May 2, 2017)

Summary: The Film Liaison, as the Project Manager, ... *[provides] direction in the areas related to “County policy, information requirements and procedural requirements.* Responds to Board office inquiries and Board orders related to filming issues...Coordinates with FilmLA to resolve issues with production companies and County departments.”

Delegated to: County Film Liaison

3 DUTIES DESCRIBED IN CORRESPONDENCE BETWEEN THE COUNTY AND THE COMMITTEE

The AFC found that the County does not provide publicly available documents that describe the processes that govern filming permit approval or enforcement. In order to provide the Altadena Community with a better understanding of how the filming processes operated, the AFC met with and corresponded with representatives from the County departments to learn the details of County operations. The following section lists the authorities and responsibilities that are recorded in correspondence with those officials.

Note: Italics have been added to help identify the duties required by each County ordinance or policy. (See section 4 for a summary of the duties required by each defined County role)

3.1 Permit approval

Summary: Permit approval is distributed among the County departments and contractors [15]. The Contractor that *manages the approval process also coordinates approvals* from the relevant County departments [14, 15]. The Contractor *evaluates the permit application* and specifies the permit conditions but does not have the authority to approve the permit [5, 15]. The Permit Approver *grants final approval* of the filming permit by confirming approvals from the required departments but does not review the permit conditions or recommendations made by the Contractor [15]. Issues with permit approval are referred to the Contractor, not the Permit Approver, for *resolution* [5, 15].

Coordination of approvals delegated to: Contractor

Evaluation of permit application delegated to: Contractor

Final approval delegated to: Permit Approver

Resolution of issues with permit approval delegated to: Contractor

3.2 Fines for permit violations

Summary: There are no specific County or State codes regarding the issuing of *finest for violations of a filming permit* in unincorporated areas of the County. However, incorporated areas of the County, like LA City, do have codes for issuing citations for filming permit violations [14].

Delegated to: Not applicable

3.3 Overuse

Summary: The AFC asked for clarification of which department was *responsible for the determination of overuse and mitigation* described in County code 22.56.1925 [15].

Delegated to: The AFC was not able to obtain a direct answer.

3.4 Neighborhood Surveys

Summary: When a filming permit application requests an exception to the standard restrictions defined in Board Policy 3.125, the Contractor may require a production company to conduct a neighborhood survey. The Contractor *evaluates the survey responses and grants the exceptions*. The Contractor does not make the survey results or methodology publicly available. The Permit Approver does not review the Contractor's findings prior to final approval [15].

Delegated to: Contractor

3.5 Disruptions from filming

Summary: LA County Supervisors Board Policy 3.125 – County Filming Policy *requires rules and regulations for handling disruptions* [13].

Delegated to: The AFC was not able to determine who was responsible for writing the rules.

Note: The AFC requested information about the implementation of the Board Policy. County officials responded that "Those rules and regulations are contained both within County Code and Guidelines and Best Practices for Filming Activities in County of Los Angeles" [14]. However, those documents do not specify rules or regulations for handling disruptions. They only require that those rules exist.

4 DELEGATED ROLES FOR AUTHORITIES AND RESPONSIBILITIES

This section summarizes the delegated roles named in the official documents and emails, and lists the authorities and responsibilities charged to each. Each role is listed with a brief description of their prescribed duties.

4.1 Filming Permit Coordination Office

- Reviews, approves, and issues permits for on-location filming (*see sections 2.1, 2.2*)
- Holds authorities and responsibilities of Director for interpreting County code (*see section 2.2*)

Note: The "director" refers to a County role in the permit approval process. References to the "director's" duties appear throughout Part 14. (see section 2.2) The "director" role is not a reference to a film director.

- Determines when frequency of use creates an incompatibility with the surrounding area (*see section 2.2*)

4.2 Permit Approver

- Final authority to approve a filming permit (*see section 3.1*)

4.3 Permit Authority

- Enforces permit conditions as described in the filming permit Terms and Conditions § 8 (*see section 2.4*)
- Appoints authorized representatives to exercise authorities described in the filming permit Terms and Conditions § 8 (*see section 2.4*)

4.4 Permit Authority Authorized Representative

- Enforces permit conditions as described in the filming permit Terms and Conditions. § 8 (*see section 2.4*)

4.5 County Film Liaison

- Manages FilmL.A. contract [15,16]
- Responds to Board office inquiries and Board orders related to filming issues [7]
- Coordinates with FilmL.A. to resolve issues with production companies and County departments [7]
- Includes the following duties described in email correspondence:
 - Conducts an annual review of the FilmL.A. contract [15]

- Assists in the creation and revision of County film policies at the Board and department level [15]

4.6 Not Delegated

- Promulgates rules and regulations of filming activity (*see sections 2.3, 3.5*)

5 ASSIGNMENTS OF DUTIES TO COUNTY DEPARTMENTS

This section identifies the County departments and contractors assigned to fulfill the duties described in the official documents. In addition, the office of the Film Liaison is listed with duties that have been described in correspondence with County Officials [14,15].

Role	Assigned Department
Filming Permit Coordination Office	FilmL.A.
Permit Authority	Department of Public Works (DPW)*
Final Permit Approver	Department of Public Works*
County Film Liaison	CEO Division of Economic Development and Affordable Housing
Required Permit Approvers	Fire Department, Department of Harbors and Beaches, Department of Parks and Recreation, and County Sheriff's Department
Agent assigned to promulgate rules and regulations	Not assigned

*The AFC was unable to determine which DPW office is assigned filming permit duties

6 FINDINGS

1. Permit approval authority
 - a) LA County codes 2.118 and 22.56.1925 § A state that the *Filming Permit Coordination Office* has the authority to act as the Director (*see section 2.2*), and can review, approve, and issue filming permits.
 - b) The *Filming Permit Coordination Office* has been identified as FilmL.A.
 - c) The President of FilmL.A. and the CEO's Film Liaison assert that FilmL.A. does not have filming permit approval authority. Filming permit approval authority is held entirely by the *permit approvers*.
 - d) In practice, filming permits are approved by DPW personnel who act as the *permit approver*.
 - e) FilmL.A. assesses the impact filming will have on affected residents and businesses and stipulates the conditions for permitted filming.
 - f) The DPW *permit approver's* review of the permit application is limited to a check for approvals from the required County departments. The *permit approver* does not review assessments made by FilmL.A.
 - g) In practice, all issues with filming are referred to FilmL.A.

Finding: The agency responsible for approving filming permit applications and assessing filming impact lacks enforcement authority and the agency with enforcement authority does not assess nor mitigate any disruptive impacts of filming.

From the perspective of a community member, no County agency appears to be accountable for filming permit approval decisions.

2. Overuse

- a) LA County code 22.56.1925 § A states that the Filming Permit Office shall deny approval of permits that lead to overuse of the surrounding area. If overuse is determined, the Filming Permit Office shall specify an interval between approvals.
- b) No County department has been clearly identified as holding duties described in County Code 22.56.1925. According to County officials, “Only the County can establish such rules.... there are no set frequency of use standards in County Code” [15].
- c) Neighboring incorporated areas, like Pasadena, have frequency of use regulations.

Finding: The authority to regulate frequency of use is vested in a County ordinance, but no County department appears to take responsibility for enforcing the ordinance. When compared to neighboring jurisdictions, the County is unresponsive to concerns of overuse despite the duties described in the ordinance. From the perspective of a community member, no County agency appears to be accountable for issues of overuse.

3. Enforcement mechanisms

- a) Filming Permit Terms and Conditions § 8 grants the Permit Authorizer the authority to “suspend, revoke, cancel or amend” a filming permit.
- b) The County does not issue citations for violation of filming permit conditions.
- c) Law officers may issue citations only for violation of the California Vehicle Code. They may not issue citations for filming permit violations.

Finding: The Terms and Conditions of a filming permit provide the only enforcement choices available to County officials. It provides four options: suspend, revoke, cancel, or amend the permit. Given the draconian nature of each option, they are seldom applied. Consequently, the enforcement of permit conditions relies on the voluntary cooperation of the permittee. As a result, permit conditions associated with restrictions like arrival and departure times, timely strike, and cast and crew parking are frequently ignored without repercussion. From the perspective of a community member, no County agency appears to be accountable for enforcement of filming conditions.

4. Authority to enforce

- a) Filming Permit Terms and Conditions § 8 allows the Permit Authority to appoint authorized representatives to “suspend, revoke, cancel, or amend” a filming permit.
- b) Law officers have asserted they do not have the authority to enforce the conditions for reasons other than traffic or safety concerns.
- c) County officials report FilmL.A. does not have the authority to enforce the Terms and Conditions § 8 without approval from DPW [15].

Findings: DPW, as the Permit Authority, has the enforcement authority described in the Permit Terms and Conditions. However, DPW does not provide an on-location presence to monitor permit violations. Although DPW may delegate its enforcement authority, it has not done so. Consequently, from the perspective of a community member, no County agency appears to be responsible for the enforcement of filming conditions.

5. Transparency of County processes

- a) Despite LA County code 2.118.030 provision “Each regulatory department...will review and prepare detailed rules, procedures and requirements for filming in areas under their jurisdiction,” there are no publicly available documents that describe these procedures.

(Exception: Documentation to help filmmakers with permit applications is available on the FilmL.A. website. However, this information does not include the detailed information called for in the code.)

- b) County departments do not document the rationale underlying the decisions to approve permit applications that exceed the County guidelines.

Findings: In response to inquiries, none of the County departments was able to provide documentation of its filming permit approval and enforcement policies. The information provided comes from informal verbal responses that are often inconsistent. From the perspective of a community member, the County filming permit processes are opaque, arbitrary, and without accountability.

7 RECOMMENDATIONS

Based on the findings in the previous section, the AFC recommends that the Supervisors instruct the proper County departments to consider the following four recommendations:

1. Unify the permit application evaluation and approval process into a single office. This will make the approvers responsible for their decisions and provide the public a clear understanding of who is accountable.
2. Provide additional enforcement mechanisms that can be actually applied. The current enforcement options are draconian and rarely exercised. An ordinance to issue citations for filming permit violations would encourage permit compliance which would resolve most of the concerns of community members.
3. Require the permit approving authority to specify an on-set County representative who has been delegated the authority to enforce permit conditions and to make that delegation public.
4. Institute a program of documenting the County’s permit approval and enforcement policies. A clear statement of the processes will help the public understand what to expect and recognize which of their concerns have merit.

8 REFERENCES

- [1] Altadena Filming Committee, “Consultative Meeting with Representatives of Department of Public Works”, 9/28/16. <http://altadenatowncouncil.org/wp-content/uploads/2016/12/SeptemberAFCMinutes.pdf>

- [2] Altadena Filming Committee, “Consultative meeting with Los Angeles County Law Enforcement”, 2/8/17. http://altadenatowncouncil.org/wp-content/uploads/2017/04/film-8Feb-law_officer_meeting_FinalR.pdf
- [3] Altadena Filming Committee, “Consultative Meeting Minutes [all departments]”, 6/15/16. <http://altadenatowncouncil.org/wp-content/uploads/2016/08/20160615AFCMinutesr2.pdf>
- [4] Altadena Filming Committee, “Town Hall Meeting on Filming in Altadena,” 2/28/17 http://altadenatowncouncil.org/wp-content/uploads/2017/05/Town_Hall_Meeting_28Feb2017_Detailed_Notes-1.pdf
- [5] Audley, P., Smith, G. “Review Comments on Altadena FAQ,” 11/21/17. Email correspondence available on request. Review comments available on request.
- [6] Graham, G. “Altadena Filming FAQ – follow-up questions”. Email correspondence, 4/5/18. Email correspondence available on request.
- [7] Los Angeles CEO Memo, July 5, 2017, County Filming Fees (Item No.9, Agenda of May 2, 2017)
- [8] Los Angeles County FilmL.A. Contract. Exhibit R
- [9] Los Angeles County Filming Permit Terms and Conditions. § 8
- [10] LA County Code of Ordinances Title 2: Administration. 2.118.020 – Filming Permit Coordination Office § L
- [11] LA County Code of Ordinances Title 2: Administration. 2.118.030 – Departmental Responsibilities § E
- [12] LA County Code of Ordinances Title 22: Planning and Zoning. 22.56.1925 – Movie on-Location Filming § A & B
- [13] Los Angeles County Supervisors Board Policy 3.125 – County Filming Policy III.a.2
- [14] Smith, G. “Filming FAQ – follow-up questions”. Email correspondence, 2/6/18. Email correspondence available on request.
- [15] Smith, G. “Altadena Filming FAQ – follow-up questions”. Email correspondence, 4/5/18. Email correspondence available on request.
- [16] County of Los Angeles Contract No. 77980. “Agreement by and between County of Los Angeles and FilmL.A. Inc. for Film and Still Photography Permitting Services”, (2009/2014).