

Altadena Filming Committee Correspondence with
Los Angeles County Department of public works
(July 2018)

Starting in July 2017, the Altadena Filming Committee send a copy of its reported findings on the Department of Public Works (DPW) filming permit policies The report was produced during year-long effort to correctly describe DPW policies for filming permit approval and enforcement in order to correct errors in the current version of the [Altadena Filming FAQ](#).

The report and correspondence with DPW and County representatives appears below.

FINDINGS on DEPARTMENT OF PUBLIC WORKS POLICIES FOR FILM PERMIT APPROVAL AND ENFORCEMENT

The Altadena Filming Committee (AFC) is in the process of collecting information needed to correct any errors that appear in the version of the *Frequently Asked Questions about Filming in Altadena* (FAQ) document that is currently hosted on the Altadena Town Council website. The findings in this report will be used to update the FAQ.

The Committee's recent information gathering efforts have been focused on gaining a better understanding of the County's filming permit process in the following areas:

- The application of the authorities and obligations described in the County ordinances guidelines and contracts to the filming permit processes and practices
- The distribution of authorities in the permit approval process
- Any remediation process that might be available to the public

This report is narrowly focused on those topics. No effort is made to provide a comprehensive description of how the County departments approve and enforce filming permits.

Background

On April 5, 2018, the AFC sent a list of questions regarding LA County filming permit policies to Greg Graham in the Department of Public Works (DPW). Our goal was to obtain a detailed understanding of DPW's role and how it corresponded to language in the following documents:

- The Terms and Conditions associated with every filming permit
- Board of Supervisors Policy Manual, 3.125 - County Filming Policy
- County ordinance 22.56.1925: Movie on-location filming

The Committee also sought to understand which County department actually approved filming permits by seeking clarification about the distinction between *permit application approval* and *permit approval*. In addition, the Committee sought to discover if the County offered any remediation process for citizens whose concerns about filming activities were not effectively addressed by FilmL.A.

While Mr. Graham did not provide responses to the Committee's questions, Gary Smith of the County's CEO office replied on his behalf. Mr. Graham has assured us that Mr. Smith's responses accurately reflect DPW policy.

This report reflects the AFC findings about DPW policies based on this correspondence and previous correspondence with Mr. Smith.

We wish to extend our appreciation to both Mr. Graham and Mr. Smith for helping us in our efforts to develop a more thorough understanding of LA County filming permit policies.

Note on the presentation of findings in this document

The findings here will be presented as answers to the questions posed to Mr. Graham. All AFC findings are preceded by the prefix “**AFC finding**”.

1. Questions about the “permit approver” described in the permit Terms and Conditions.

Background: A statement of Terms and Conditions is attached to each LACO filming permit. These Terms and Conditions delegate authority to the ‘permit approver’. Gary Smith, in the County’s CEO office, reports to us that the Department of Public Works is the permitting authority that denies or approves a filming permit.

Question: Is the LA County *Filming Permit Approver* for Altadena in your office? If not, who is the LA County *Filming Permit Approver* for Altadena?

AFC finding: DPW is the *Filming Permit Approver* for Altadena.

Question: Is the *Filming Permit Approver* a single person or a shared role? If a single person, who is the *Filming Permit Approver*? If a shared role, who are the individuals that share the role?

AFC finding: The DPW *Filming Permit Approver* is not a designated position. No particular individual is responsible for approving Altadena filming permits. However, Greg Graham has served as the DPW point of contact for filming permits.

Background: The following questions assume that DPW is the “final approver.”

Question: Is DPW wholly reliant on FilmL.A.’s approved permit application when granting a final approval? Or does DPW have an additional permit review process prior to granting final approval?

AFC finding: The DPW permit approval process consists of checking authorizations from other County Departments. The *Filming Permit Approver* does not conduct any further review.

Question: If DPW conducts its own review prior to granting permit approval, what are the evaluation criteria used for that review? For example, does DPW review the results of neighborhood surveys, relevant complaint data, filming frequency data or any recent concerns expressed by neighbors or businesses near the location in the permit application? Are those evaluation criteria documented? May they be viewed by the public?

AFC finding: The DPW approval process is limited to ensuring the authorizations from Fire, Sheriff and other Departments have been completed. DPW does not review neighborhood surveys, Special Filming Conditions, recorded community

or business complaints or possible overuse concerns prior to approving a filming permit. Assessment of any community concerns has been contracted to FilmL.A.
Note: FilmL.A. does not have the authority to approve or enforce a filming permit.

Question: May a member of the community participate in a DPW review of a FilmL.A.—approved permit application? If so, who in DPW would be the point of contact?

AFC finding: Members of the public may not participate in DPW’s final approval of a filming permit. The filming permit approval process does not include a step that is open to public review.

2. Questions about the authority and responsibility of the Permit Authority described in the permit Terms and Conditions.

Background: Item #8 in filming permit’s Terms and Conditions states:

*...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 U) all persons working under this permit shall observe designated smoking areas.

Question: Does DPW hold the authorities to “suspend, revoke, cancel or amend” as described for the *Permit Authority* in item #8 of a filming permit’s Terms and Conditions? If not, which office and/or County Department holds those authorities?

AFC finding: As the Final Approver of a filming permit, DPW becomes the *Permit Authority* described in a filming permit’s Terms and Conditions. As the *Permit Authority*, DPW holds all the authorities described in item #8.

Question: Do the DPW authorities to “suspend, revoke, cancel or amend” apply to *all* conditions described on a filming permit? For example, does DPW have the authority to “suspend, revoke, cancel or amend” a filming permit for a violation of a condition that reads “no cast or crew parking on area streets” or for the arrival of production vehicles prior to allowed arrival time? If not, which conditions on a filming permit are not applicable to item #8?

AFC finding: DPW has the authority to “suspend, revoke, cancel or amend” any filming permit if a filming company violates any condition.

Question: Disregarding permit violations that address traffic or fire safety, does another County department or contractor hold the authorities described in item #8 of the Terms and Conditions? If so, who are those Departments and/or Contractors?

AFC finding: The authorities held by the *Permit Authority* may be delegated to any authorized representative. For example, FilmL.A. or a law officer may be authorized to enforce any permit condition.

Question: Disregarding permit violations that address traffic or fire safety, who has the *responsibility* for enforcing filming permit conditions? In other words, which Department or contractor has the *responsibility* for issuing a citation or applying another enforcement tool when there is a filming permit violation? If the DPW has enforcement *responsibility*, what are the enforcement tools they can apply?

AFC finding: While limited permit enforcement authority does exist, no County department, including DPW, has the designated *responsibility* to enforce permit conditions. Existing enforcement options are severe and seldom exercised. Since there are no moderate penalties, County officials attempt to enforce conditions by seeking the cooperation of permit violators.

Question: If a FilmL.A. Monitor is present, is the Monitor responsible for ensuring filming permit conditions are met?

AFC finding: A FilmL.A. Monitor is responsible for ensuring filming conditions are met. The authorities held by the FilmL.A. Monitor are not documented. In practice, Monitors enforce conditions by seeking the cooperation of permit violators.

3. Questions about compliance with Board of Supervisors Policy Manual, 3.125 - County Filming Policy

Background: LA County Supervisors Board Policy 3.125 – County Filming Policy III.a.2 states:

*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...***

Question: Other than traffic and safety rules and regulations, does the DPW have rules or regulations that describe the types of disruptions that need mitigation? If so, do those rules address issues raised by disruption to local commerce? Do those rules address frequency of use concerns?

AFC finding: DPW has not established or documented any rules or regulations to mitigate disruption from a film production. FilmL.A. subjectively assesses and mitigates disruptions on DPW's behalf. FilmL.A. does not document the rationale that underlies its decisions.

Question: Are Special Filming Conditions considered rules or regulations as they are described in Board Policy 3.125?

AFC finding: The AFC was unable to determine if the County treats Special Filming Conditions as enforceable rules and regulations. However, all of the Altadena Special Filming Conditions include language that suggests that the Conditions are merely advisory. In several public meetings, FilmL.A. has stated they regard the Special Conditions as advisory and not compulsory.

Background: The board policy refers to a document called "Guidelines and Best Practices for Filming Activities in County of Los Angeles." The guidelines have recommendations for standard filming hours, notification as well as other permitted conditions.

Question: Does DPW require a rationale when a filming permit application includes conditions that violate the County guidelines? For example, does DPW require a justification when a filming permit application does not comply with Special Filming Conditions? If so, are these rationales available for public inspection?

AFC finding: DPW does not require a rationale when County guidelines are disregarded. Similarly, DPW does not require a rationale when Special Filming Conditions are ignored.

Note: *The County Film Liaison has asserted that filming permit applications will not be approved if the application does not comply with Special Filming Conditions. This policy would represent a change in current practice.*

4. Questions about County ordinance 22.56.1925 - Movie on-location filming

Background: The ordinance states:

*...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.

Question: For the purpose of this ordinance, is DPW the *filming permit office*?

AFC finding: The County ordinance assigns responsibility to a County office that does not currently exist. No County office has the authority to find that frequency of use would create an incompatibility with the surrounding area—that authority rests solely with the Board of Supervisors.

The County services that participate in filming permit approval and enforcement are: *Filming Permit Approver (DPW), Permit Authority (DPW), Film Permit Final Approver (DPW), Film Permit Coordination Office (FilmL.A.), Film Liaison (LA County CEO), Sheriff's Department, Fire Department and other County Departments depending on the permit application.*

Background: Gary Smith has reported that FilmLA does not have the authority to establish standards of overuse.

Question: Does DPW have the authority to establish criteria for determining when frequency of use is likely to create an incompatibility with the surrounding area or for determining the minimum time period needed between approvals? If not, what Department in the County has that authority?

AFC finding: DPW does not have the authority to establish criteria to determine when frequency of use is likely to create an incompatibility with the surrounding area nor to determine the minimum time period between permit approvals. No County office has the authority to find that frequency of use would create an incompatibility with the surrounding area—that authority rests solely with the Board of Supervisors.

Question: Has any other County Department or contractor, functioning as the *filming permit office*, established criteria for incompatibility due to frequency of usage for any community or neighborhood? If so, what Department or contractor has established those criteria?

AFC finding: The *filming permit office* described in the County ordinance does not exist.

5. Questions about the approval of the film permit application

Background: Gary Smith has reported that FilmL.A. has the authority to approve only *filming permit applications*, and they do not have the authority to approve the *actual filming permits*.

Question: Aside from the final approval signature, does the approved *filming permit application* ever differ from the actual filming permit? If so, how?

AFC finding: DPW's final approval of filming permits is perfunctory. DPW does not modify the applications processed by FilmL.A.

Question: Assuming that approval of the *filming permit application* is distinct from the *permit approval*, does DPW provide FilmL.A. with rules for the inclusion of specific conditions that must be part of a permit application prior to approval? For example, does DPW provide FilmL.A. with a rule that requires specific posting guidelines for permit applications for locations on New York Drive, or rules for blocking parking spaces in commercial zones on Lake Avenue? If so, are those specific rules available for public inspection?

AFC finding: DPW does not provide FilmL.A with documented specific conditions that must be part of a filming permit. The implementation of a mandated condition like "no parking on both sides of New York Drive" relies on informal communications between FilmL.A. and the County offices that participate in the permitting process.

Question: Does DPW review FilmL.A.'s permit application approval process? If so, are the results documented? Are they available for public inspection? If not, is their permit application review process reviewed by another County Department? If so which department?

AFC finding: DPW does not review FilmL.A.'s permit application approval process. However, the County CEO conducts an annual audit on the contract with FilmL.A. that includes a review of the application process.

6. Additional Questions:

Question: It is our understanding that County ordinances and the Manual on Uniform Traffic Control Devices provide the rules and regulations that govern the approval and enforcement of filming permits. Are there other rules and/or regulations that DPW must apply when approving or enforcing a filming permit? If so, where may they be found?

AFC finding: Aside from the MUTCD, DPW does not have any rules or regulations when approving or enforcing a filming permit.

Question: In cases where a resident or business owner feels that FilmL.A. has not provided a prompt or satisfactory response, would DPW be receptive to an appeal for remediation? If so, who should they contact?

AFC finding: The Film Liaison in the County's CEO office handles appeals for remediation in cases where FilmL.A. has not provided a prompt or satisfactory response.



Altadena Filming Committee <altadenafilmingcommittee@gmail.com>

Altadena Filming Committee Report: DPW Policies for Film Permit Approval and Enforcement

Gregory Graham <GGRAHAM@dpw.lacounty.gov>

Wed, Jul 25, 2018 at 8:48 AM

To: Altadena Filming Committee <altadenafilmingcommittee@gmail.com>

Cc: Barbara Childers <BCHILDERS@dpw.lacounty.gov>, Gary Smith <gsmith@ceo.lacounty.gov>, Paul Audley <PAudley@filmla.com>, Donna Washington <DWashington@filmla.com>, Arturo Piña <apina@filmla.com>, Sussy Nemer <SNemer@bos.lacounty.gov>, Chris Perry 5th <cperry@bos.lacounty.gov>

Hello Anne, Pat, Kenny, Victoria,

My apologies for not getting back sooner, I had time off early this week and just now getting caught up with correspondences.

I am looking into your inquiry and will need to reach out to others (some noted in your cc) and get back to you.

Greg Graham

County of Los Angeles, Department of Public Works

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Altadena Filming Committee Report: DPW Policies for Film Permit Approval and Enforcement

Gary Smith <gsmith@ceo.lacounty.gov>

Fri, Jul 27, 2018 at 2:19 PM

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Good Afternoon,

Thank you for providing the County the opportunity to further review the Altadena Filming Committee's FAQ. On behalf of the County, we feel that we have adequately provided extensive clarifications and input in the FAQ. For your convenience, I have attached our previous communications which includes our input.

For future requests for information, please direct all of those to me and we will coordinate responses from other County departments if needed.

Thank you

Gary Smith

Gary Smith

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