

**ITEM 2 ATTACHMENT
ORDINANCE NO. 2020-384**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, AMENDING CALABASAS MUNICIPAL CODE CHAPTER 5.04 - MOTION PICTURE, DIGITAL MEDIA, TELEVISION AND PHOTOGRAPHIC PRODUCTION.

WHEREAS, the City Council strongly desires to support the film industry while also protecting the public health, safety, general welfare, and enjoyment of property in the City by the adoption of amendments to this Motion Picture, Digital Media, Television and Photographic Production ordinance; and

WHEREAS, the City of Calabasas (the "City"), pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws that promote the public health, safety and general welfare of its residents; and

WHEREAS, the City's Municipal Code has not been updated to reflect film industry changes in the use of digital media and distribution through social media platforms; and

WHEREAS, changes in technology have permitted individuals the opportunity to create and transmit media content outside of any regulation or permit; and

WHEREAS, some large gatherings of people, including those ostensibly organized as a film or digital media production in a private residence have become loud and unruly to the point that they constitute a threat to the peace, health, safety, or general welfare of the public; and

WHEREAS, the City Council finds and declares that the Los Angeles County Sheriff's Department, City Code Enforcement personnel are called upon to respond, sometimes on multiple occasions, to locations of such loud or unruly gatherings in order to restore and maintain the peace and protect public safety, causing a burden on the Office of the City Prosecutor and other City resources, causing delays in law enforcement's ability to respond to regular emergency calls, and compromising community safety; and

WHEREAS, the City requires all persons involved in filming activity in the City to abide by the California Film Commission's Filmmaker's Code of Conduct.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that the adoption of this ordinance amending the City's regulations for motion picture, television, digital media and photographic production permitting will have a significant effect on the environment. Accordingly, under the provisions of § 15061(b)(3) and § 15378(b)(5) of Division 6 of Title 14 of the California Code of Regulations, the CEQA Guidelines, the adoption of this ordinance is not subject to the requirements of the California Environmental Quality Act.

SECTION 3. The City Council hereby amends Section 5.04.060 of the Calabasas Municipal Code, Chapter 5.04 to read as follows, with additions denoted by underlined text and deletions denoted by ~~strike-through text~~:

5.04.060 - Permit application and issuance.

A. Permit Application. Any person desiring a permit under the provisions of this chapter shall fill out an application form provided by the City. The form must be signed and accompanied by a signed letter or form consenting to the permit application from the property owner or property owner's authorized agent (if the property owner is not the applicant). All required fees, deposits, and the insurance certificate required by this chapter shall be submitted before the permit will be processed. Such application shall be submitted at least two working days prior to the date on which such person desires to conduct the activity for which a permit is required. If such activity interferes with traffic or involves potential public safety hazards, an application shall be submitted at least five working days in advance.

Written evidence of permits and/or coordination with other public agencies may be required upon submission of an application for a film permit. Requirements of these responsible agencies shall be requirements of this permit. Examples of such agencies include, but are not limited to, the California Highway Patrol, the Los Angeles County Sheriff's Department and the Los Angeles County Fire Department.

B. Permit Issuance. The City Manager ~~shall~~ may designate the person or body responsible for issuing permits under this chapter.

The City Manager or his or her designee shall issue a permit as provided for in this chapter when, from a consideration of the application and from such other

information as may be otherwise obtained, the application complies with the provisions of this chapter and he or she finds that:

1. The conduct of such film activity will not unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time. Seventy-two (72) hours' notice of any street closure shall be given;
 2. The conduct of such film activity will not unduly interfere with the enjoyment of residential neighborhoods;
 3. The conduct of such film activity will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant; and
 4. At the determination of the City's Building and Safety and Public Works Departments, as well as the Los Angeles County Sheriff's Department and Los Angeles County Fire Department, ~~and Los Angeles County public works department~~, that the condition of such activity will not constitute a fire hazard or any other type of hazard and all proper safety precautions will be taken as determined by the heads of the aforementioned Departments or their designee.
 5. Issuing the permit authorizing the proposed filming and related activities will not be detrimental to the public's health, safety, or welfare.
- C. Cost of Additional Services. If deemed necessary by the City Manager or his or her designee, additional Sheriff, Code Enforcement, Fire, and other City ~~services~~ personnel, and contracting services such as an on-site Film Monitor shall be provided for the purpose of protecting, assisting and regulating the proposed activity. The cost of providing such additional services shall be paid in advance to the City by the applicant. Any additional City services will be provided/coordinated through the City Manager or his or her designee.
- D. Notwithstanding subdivision (B) of this Section, the City Manager or designee shall deny an application for a permit if the proposed private property location is the subject of an issued notice of violation or an issued administrative citation, and the violation or violations described therein have not been fully abated with all required city approvals, permits and inspections.
- E. Additional Conditions. The City Manager, or a designee thereof, may impose ~~any~~ all reasonable conditions found necessary to protect the public's health, safety, and welfare. The applicant shall, prior to issuance of the permit, agree in writing by signing and returning the City's permit compliance form to comply with any conditions, prohibitions, or restrictions the City may impose as a

condition to issuing a permit. A condition of a permit may not be waived, rescinded or modified, except in writing by the City Manager or a designee thereof. ~~No changes shall be made without first obtaining the city's approval.~~

- F. Compliance with Rules and Regulations: All permit holders shall comply with all rules and regulations set forth in Section 5.04.080 and adopted by the City Manager under the authority provided therein. Failure to do so is a violation of this code.

SECTION 4. The City Council hereby amends Section 5.04.080 of the Calabasas Municipal Code, Chapter 5.04 to read as follows, with additions denoted by underlined text and deletions denoted by ~~strike-through text~~:

Section 5.04.080 Rules and Regulations; Permit Restrictions.

- A. Rules and Regulations. The City Manager, ~~or his or her designee,~~ is, in order to promote the effective administration of this chapter and to protect the public's health, safety or welfare, authorized and directed to promulgate rules and regulations governing the form, time and location of any film activity set forth within the City. He or she shall also set forth the procedures for the issuance of permits. ~~The rules, regulations, and procedures shall be based on the criteria set forth in Section 5.04.060.~~
- B. In accordance with City of Calabasas Ordinance No. 2006-217, a comprehensive Second Hand Smoke Control Ordinance is in effect. All applicants shall comply with said ordinance which is available at www.cityofcalabasas.com.
- C. Maximum Number of Filming Days Allowed. The maximum number of filming days that will be allowed for filming activity at the same location is fourteen (14) days within the immediately prior twelve-month period of the date(s) for which a film permit is sought. The Calabasas Film Office may grant an extension to the fourteen-day limit ~~only due to~~ for film days impacted by inclement or extreme weather, acts of God or force majeure. Any such event must be reported to the Calabasas Film Office immediately in order to be evaluated for an extension in filming days.

To extend the filming period for up to and including twenty (20) total days of filming activity during a twelve-month period, ~~an~~ a new film permit application including ~~one hundred (100) percent~~ ninety percent (90%) approval signatures ~~from properties within five hundred (500) feet of the filming location shall be obtained and submitted to the Calabasas film office.~~ consent from the current residents, whether they are the owner of the property or the lessee, whose properties are bordering the filming site on all sides as determined by the City, shall be submitted to the City for approval. The Film Office will provide a radius map or list of addresses within the

~~five-hundred-foot area bordering area for use by the applicant in obtaining signatures. A signature form will also be provided. To extend beyond the twenty (20) days, an applicant shall be required to obtain approval from the City Manager. Council at the next available meeting.~~

~~D. Filming Permit Hours. In addition to any special conditions imposed by the permit, the following restrictions shall apply to all filming activity: Filming activities may occur between the hours seven a.m. and seven p.m. Monday through Sunday. Applications to film from six a.m. to seven a.m. and seven p.m. to midnight must include All activities occurring in connection with an issued City-filming permit shall only occur at the approved location between the hours of seven (7) a.m. and seven (7) p.m. Monday through Sunday. Applications to film from six a.m. to seven a.m. and seven p.m. to midnight must include one hundred (100) percent ninety percent (90%) signature consent from the current residents, whether they are the owner of the property or the lessee, whose properties are immediately contiguous to a filming location and written consent of at least seventy five (75) percent of the remaining properties within the five hundred foot radius. bordering a filming location as determined by the City. The City Manager, or a designee thereof, shall not approve such request if he or she determines allowing additional permit hours would be detrimental to the public's health, safety or welfare. The City Manager, or a designee thereof, may impose all reasonable conditions on any approved request.~~

~~E. Applications that fail to include the minimum amount(s) of consent shall require approval from the city council at the next available meeting.~~

~~E. Maximum Number of Allowed Persons. The maximum number of persons that may be present at a private residentially zoned property in connection with a permit is the number of persons listed on the permit application as cast and crew for the permitted activity, unless otherwise approved in writing by the City Manager or designee. Full-time residents of the property (whether as property owners or tenants) are not subject to this subpart. Applicants may seek authorization to exceed that limit pursuant to a procedure that is established pursuant to Subsection (A) of this Section. The City Manager, or a designee thereof, shall not approve such that request if he or she determines allowing additional persons would be detrimental to the public's health, safety or welfare. The City Manager, or a designee thereof, may impose conditions on any approved request. As used herein, "allowed persons" includes but is not limited to: (ii) actors and crew; and, (iii) persons directly or indirectly involved in the activity that is authorized by the permit; and, (iii) individuals who are providing security services; and, (iv) persons who are full-time residents of the property. If the number of allowed persons present at a private residentially zoned property during the pendency of a film permit~~

exceeds the permitted number of persons, then the City Film Office, the Los Angeles County Fire Department, or a peace or Code Enforcement officer may require the persons present beyond the permitted number of persons to disperse or the City may take any other lawful enforcement action available under this Code or applicable law. The permit holder for any permit with a specified number of cast and crew that exceeds fifty (50) persons must contract for and secure the on-site presence of a fire safety advisor or other person qualified to provide fire protection and life safety advisory services who will ensure that the number of persons present during filming activity does not exceed applicable limits at any time.

F. Prohibitions. All permit holders shall comply with the following prohibitions:

(i) The permit holder shall not allow any members of the public to be present at the private property location for any reason during the period a permit is in effect. This prohibition includes before, during, and after the allowed hours for permitted activity, as discussed in Subdivision D of this section.

(ii) All persons present in connection with a permit, as identified in Subdivision (E), shall leave the permitted filming location at the end of permit hours, as discussed in Subdivision D of this section.

(iii) No persons present in connection with a permit as identified in Subdivision (E), except licensed security personnel or full-time residents (whether as property owners or tenants) of the property, shall stay overnight at the permitted filming location (whether outdoors, or in any structure) during the period a permit is in effect. The City Manager or designee may approve additional persons for overnight stays if the City Manager or designee finds that approving the additional overnight stays would not be detrimental to the public's health, safety, or welfare. This type of overnight occupancy of any private property, including private residentially zoned property, is transient in nature and is not a permitted use under Title 17 of this Code. Overnight presence at lawfully permitted hotels, motels, and bed and breakfasts is exempt from this prohibition, if such activity is in compliance with the hotel, motel, or bed and breakfasts City-issued permits.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Calabasas hereby declares that it would have adopted this Ordinance and each

section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 6. Effective Date:

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance.

SECTION 7. Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 28th day of October 2020.

Alicia Weintraub, Mayor

ATTEST:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

APPROVED AS TO FORM:

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
City Attorney