

ORDINANCE NO. 1471

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, AMENDING CHAPTER 5.36 (COMMERCIAL PHOTOGRAPHY AND MOTION PICTURE FILMING) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) AND CHAPTER 17.88 (TEMPORARY USE PERMITS) OF TITLE 17 (ZONING) OF THE SIERRA MADRE MUNICIPAL CODE

RECITALS

WHEREAS, operational concerns have been brought to the attention of the City indicating that negative impacts to the enjoyment and use of private residential property may arise from high frequency of film and photography activity and temporary uses; and

WHEREAS, the City desires to amend Chapter 5.36 (Commercial Photography and Motion Picture Filming) of Title 5 (Business Licenses and Regulations) of the Sierra Madre Municipal Code in order to address such concerns; and

WHEREAS, the City desires to amend Chapter 17.88 (Temporary Use Permits) of Title 17 (Zoning) of the Sierra Madre Municipal Code in order to address such concerns; and

WHEREAS, on March 28, 2024, the City Council directed staff to draft an ordinance to address such concerns upon deliberating the amendment proposed under Ordinance No. 1470 and hearing the community's concerns of negative impacts to residential areas.

THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The Recitals above are true and correct and incorporated herein by reference.

SECTION 2. Amendment. Section 5.36.030 (Definitions) of Chapter 5.36 (Commercial Photography and Motion Picture Filming) of Title 5 (Business Licenses and Regulations) is amended to read as follows:

5.36.030 Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. "Charitable films" shall mean motion picture, television, or still photography produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes, or photos.
- B. "City film permit" shall mean a permit issued by the City of Sierra Madre to allow the activities associated with the production, filming or video taping of motion picture and television shows, programs, commercials, and still photography.
- C. "City film monitor" shall mean the city manager of the City of Sierra Madre or his/her designee.
- D. "City produced or city sponsored government or educational access productions" shall mean motion picture, television, or still photography produced by or in association with the city.
- E. "Commercial area" shall mean the same as "central core area" under section 17.35.050 of this code.
- F. "Family videos" shall mean the filming or videotaping of motion pictures or taking of still photographs solely for private use and shall exclude productions intended to promote any commercial business.
- G. "Film or photography activity" shall mean and include all activity attendant to staging or shooting motion pictures, television shows or programs, commercials,

or commercial photo shoots, and utilizing a cast and crew consisting of more than five persons.

- H. "News media" shall mean the photographing, filming, or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers, or cameramen possessing valid credentials recognizing affiliation with a news organization.
- I. "Non-commercial area" shall mean a private property, public property, public right-of-way or portion thereof that is not a commercial area.
- J. "Student films" shall mean motion picture, television, or still photography produced to satisfy a course or curriculum requirement at an educational institution. The student must supply proof that he/she is currently enrolled in an educational institution.
- K. "Studio productions" shall mean a legally established, commercial, motion picture/television/still photography, place of business where film or photography activities (motion or still photography) are regularly conducted inside a studio/stage upon the premises.

SECTION 3. Amendment. Section 5.36.065 (Area standards) of Chapter 5.36 (Commercial Photography and Motion Picture Filming) of Title 5 (Business Licenses and Regulations) is amended to read as follows:

5.36.065 Area standards.

A. Non-commercial Area Standards.

- (1) Total. Each property is limited to sixty days of film or photography activity per year and ten days of film or photography activity per month.
- (2) Frequency. There must be at least fourteen days between any two productions or between any production and any temporary use permitted pursuant to Chapter 17.88 of this code.
- (3) Timing. Film or photography activities are limited to the hours of 7:00 a.m. through 10:00 p.m. Monday through Saturday.
- (4) Noise. All noise shall be subject to Section 9.32.030 of this code.
- (5) Parking. All parking shall be subject to Chapter 10.24 of this code. The request for no parking signs must be included in the application and, if approved, must be posted no later than seventy-two hours before the commencement of the requested no parking time.
- (6) Street Closure. A traffic study shall be prepared and submitted with the application for any street closures.
- (7) Lighting. Lighting shall be hooded and directed downward to reflect away from adjoining properties.
- (8) Property Owner or Tenant Approval. Applicants must secure the approval of the owner and tenant of the property where the proposed film or photography activity will take place.
- (9) Notice. Notice must be provided to every residential address within a three hundred-foot radius of the property for film or photography activity.
- (10) Variance. Any variance from these standards may be approved in writing by at least seventy-five percent of owners or tenants within a three hundred-foot radius of the property for film or photography activities.

B. Commercial Area Standards.

- (1) Total. There is no limitation on the number of days of film or photography activity per year per property.
- (2) Frequency. There is no limit on the number of days between productions.
- (3) Timing. Film or photography activities are permitted twenty-four hours per day, seven days per week.
- (4) Noise. All noise shall be subject to Section 9.32.040.
- (5) Parking. All parking shall be subject to Chapter 10.24 of this code. The request for no parking signs must be included in the application and, if

approved, must be posted no later than seventy-two hours before the commencement of the requested no parking time.

- (6) **Street Closure.** A traffic study shall be prepared and submitted with the application for any street closures.
- (7) **Lighting.** Lighting shall be hooded and directed downward to reflect away from adjoining properties.
- (8) **Property Owner or Tenant Approval.** Applicants must secure the approval of:
 - (a) Fifty-one percent of property owners or tenants within a three hundred-foot radius of the property for film or photography activities between the hours of 7:00 a.m. through 11:00 p.m.
 - (b) Seventy-five percent of property owners or tenants within a three hundred-foot radius of the property for film or photography activities between the hours of 7:00 a.m. through 11:00 p.m. if film or photography activities involves street closures.
- (9) The approval of property owners or tenants is not required for film or photography activities occurring between the hours of 11:00 p.m. through 7:00 a.m.
- (10) **Notice.** Notice must be provided to every residential address within a three hundred-foot radius of the property for film or photography activity.
- (11) **Variance.** Any variance from these standards may be approved in writing by at least seventy-five percent of owners or tenants within a three hundred-foot radius of the property for film or photography activities.

SECTION 4. Amendment. Section 5.36.080 (Appeal procedures) of Chapter 5.36 (Commercial Photography and Motion Picture Filming) of Title 5 (Business Licenses and Regulations) is amended to read as follows:

5.36.080 Appeal procedures.

The decision of the city film monitor to issue, conditionally issue, not issue or revoke a city film permit may be appealed by any impacted property owner within the non-commercial or commercial area or by the applicant in writing within five days of the decision or post-marked date of the notice informing residents of the decision, whichever is later. The appeal must include copies of all pertinent material necessary to support the appellant's position. The city manager shall hear all appeals and any actions of the city manager shall be final. Such written request for an appeal shall be accompanied by a fee, as established by city council resolution.

SECTION 5. Amendment. Section 17.88.020 (Allowable uses of permits) of Chapter 17.88 (Temporary Use Permits) of Title 17 (Zoning) is amended to read as follows:

17.88.020 Allowable uses of permits.

- A. **Temporary Use Permits Authorized.** No person may use private property in a manner that is inconsistent with the permanently entitled authorized use of the private property, even if the use is of limited duration, unless a temporary use permit is issued therefore or the First Amendment would prohibit the city from requiring compliance with this chapter. The city may issue a temporary use permit in any zone in the city, to authorize any temporary use of property, including, but not limited to, those uses set forth in subsection C of this section. A temporary use permit may authorize a temporary use, even if the use itself could not be authorized in the zone on a permanent basis.
- B. **Uses Must Be "Temporary".** A temporary use permit may be authorized only for uses that will be conducted on a "temporary" basis. For these purposes, "temporary" means:
 1. **Non-commercial area.** For property located outside the central core area, as defined under section 17.35.050 of this code:

- a. **Duration.** The use will occur at the property for a period not to exceed twenty-four hours, inclusive of setup and takedown operations; and
 - b. **Frequency.** The use will occur at the property no more than two times per calendar year and there must be at least fourteen days between any two temporary uses or between any temporary use and any film or photography productions permitted pursuant to Chapter 5.36 of this code.
 2. **Commercial area.** For property located within the central core area, as defined under section 17.35.050 of this code:
 - a. **Duration.** The use will occur at the property as often as daily during the period specified in the permit, and will not span more than forty-five days, inclusive of setup and takedown operations; and
 - b. **Frequency.** The use will occur no more than four times per calendar year.
- C. **Specific Regulations.** The following additional specific regulations apply to the following types of temporary uses, and supersede any inconsistent more general regulations set forth in this chapter:
 1. **Carnivals.** Carnivals, circuses and similar events may be permitted for a period of up to ten days within any twelve-month period, and no such activity shall be conducted for longer than five consecutive days at one time. Certification of the safety of rides shall be made by a professional engineer, registered in the state of California, which certification shall be provided to the building official prior to the commencement of the use of the equipment. The applicant shall also provide a site safety plan (site layout of the carnival) and include a parking plan for its employees and those persons associated with the carnival.
 2. **Special Events.** If a special events permit was issued pursuant to Chapter 12.34, and the use of the subject property is merely incidental to use of public property authorized pursuant to the special events permit, then the director shall approve the temporary use of the property, and shall impose conditions consistent with the purposes of the conditions imposed by the special events permit. If, however, the use of the private property is not merely incidental to the special events permit, then compliance with the other provisions of this chapter is required as if there were no special events permit issued for the use. The applicant shall provide a site safety plan (site layout of the special event) and include a parking plan for those persons associated with the special event.
 3. **Seasonal Retail Sales.** Otherwise vacant portions of privately owned property may be used for seasonal-related retail sales. Examples of such uses, without limitation, include pumpkin patches and Christmas tree lots.
 4. **Sales Promotions.** Applications for the temporary display, exhibit and sale of goods, merchandise and equipment, and temporary display facilities, canopies and ancillary items relating thereto, to be utilized in conjunction with special promotional events, may be approved by the director pursuant to the provisions of this chapter. The length of any one promotional event shall not exceed seven consecutive days. A maximum of three such promotional events may occur at the same location or property within any twelve-month period.
 5. **Temporary Signs.** Temporary signs shall comply with the requirements of Chapter 17.72, "Signs".
- D. **Exemptions.**
 1. **House Parties.** Private gatherings of up to forty-nine (49) people, inclusive of all persons onsite, not for commercial use.
 2. **Publicly Owned Property.** Events that are to be conducted on publicly owned property pursuant to Chapter 12.34 of this code.
 3. **Filming Permits.** Activities associated with an approved city film permit issued pursuant to chapter 5.36 of this code.
 4. **Construction Yards—On-site.** On-site contractors' construction yards in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the

construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.

5. **Emergency Facilities.** Emergency public health and safety needs/land use activities.
6. **Institutional Uses.** Temporary use permits for properties with a general plan land use designation or zoning designation of "institutional" shall be regulated by the applicable master plan or conditional use permit under Chapter 17.38 of this code. If the master plan or conditional use permit does not regulate temporary use permits, then the property will be regulated under this chapter.

SECTION 6. California Environmental Quality Act. The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the public hearing on the matter held by the City Council, and hereby determines that the text amendments will not have a significant effect on the environment. In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed amendments to Chapter 5.36 (Commercial Photography and Motion Picture Filming) of Title 5 (Business Licenses and Regulations) and Chapter 17.88 (Temporary Use Permits) of Title 17 (Zoning) of the Sierra Madre Municipal Code are Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed amendments to the Sierra Madre Municipal Code may have a significant effect on the environment. The amendments do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that the municipal code text amendments may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 8. Publication. The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance and her certification, together with proof of the publication, to be entered in the book of Ordinances of the City Council.

SECTION 9. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code Section 36937.

PASSED, APPROVED AND ADOPTED this 10th day of September, 2024.



Kelly Kriebs, Mayor

ATTEST:



Laura Aguilar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF SIERRA MADRE)

I HEREBY CERTIFY that the foregoing Ordinance 1471 was introduced by first reading on the 9th day of July, 2024, and duly adopted by the City Council of the City of Sierra Madre, California, at a regular meeting held on the 10th day of September, 2024, by the following vote:

AYES: Mayor Kelly Kriebs, Mayor Pro Tem Robert Parkhurst, Council Member Edward Garcia, Council Member Gene Goss, Council Member Kristine Lowe

NOES: None.

ABSTAIN: None.

ABSENT: None.



Laura Aguilar, City Clerk