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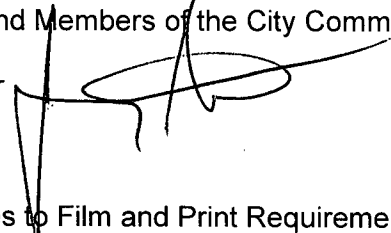
OFFICE OF THE CITY MANAGER

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LETTER TO COMMISSION
CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jimmy Morales, City Manager 

DATE: September 9, 2013

SUBJECT: Six Month Update on Changes to Film and Print Requirements and Guidelines

As you may recall, the City's Film and Print Requirements and Guidelines were amended on February 6, 2013 following significant community and public comment. At that time, City Staff was asked to bring the item back to Commission for review in six (6) months:

This Letter to Commission (LTC) serves to provide the requested update on the outcome of the changes to the City's Film and Print Requirements and Guidelines. The amended changes are summarized below for ease of reference:

- Created classification of "Low Impact Residential Film & Print Use," allowing for 12 or less people with no large equipment or vehicles allowed. Such uses include smaller-sized photo shoots, telenovelas and reality shows.
- Radius restriction within 500 feet of a hospital where film and print activity is restricted to no more than five (5) days per month without neighbor consent; ten (10) days per month everywhere else without neighbor consent.
- Any film or print activity above 10 days per month could still occur, but is required to obtain signed letters of no objection of abutting residents if deemed "Low Impact" and signed letters of no objection of abutting residents and no less than 60% of residents within 500' of the property if deemed "Standard Residential Film & Print Use."
- Up to 5 consecutive days of film and print activity per month without neighbor signed letters of no objection, only notification as currently required. Any film or print activity above 5 consecutive days (but no more than 10 consecutive days) could still occur, but require the signed letters of no objection of abutting residents. This was a significant reduction from the prior guidelines which allowed for 14 consecutive days without signed letters of no objection.
- Allows a maximum of 60 days of film and print activity at any residential property within a calendar year, which is a reduction from the 60 days in a 6 month period, or 120 days per year.
- Continue to allow for an appeal process if one of the abutting property owners/tenants does not consent, or if the property wishes to host in excess of 10 consecutive days of film and print activity, or 60 total days of film and print activity in a calendar year. The appeal would be to the Internal Review Board who will have the authority, based on new guidelines proposed, to approve the production's request after considering all circumstances including the opinion of the abutting property owner. The following criteria is to be used by the Internal Review Board before determining whether or not to approve the production's request:
 - history of Code violations at the property;
 - past history of the production company;
 - frequency of film/print productions at the property;

- duration of the subject production;
 - infrastructure and quality of life impacts (e.g. traffic interruptions);
 - other impacts to adjacent property owners, including exceptional filming activities (e.g., gunfire bullet hits, fire effects, explosions, car crashes, aerial filming, etc.); and
 - economic impact to the City (long-term, short-term, and indirect effects on profit/costs to local economic industries, including but not limited to hotels, restaurants, entertainment establishments, retail, and the City).
- Established a new requirement that if all abutting property owners/tenants do not consent, the production does **NOT** have the ability to appeal.
 - Expanded the Internal Review Board to include a member of the subject area's City-recognized neighborhood or homeowner's association. If the area does not have a City-recognized neighborhood or homeowner's association, a member of the Planning Board may serve on the Internal Review Board.
 - Requires property owners wishing to host permitted production activity to sign an owner affidavit, allowing the third party to obtain permits on their behalf, and agreeing to follow the permit terms and conditions, the Film & Print Guidelines and City Code, as well as acknowledge that the residence will not knowingly be used for commercial parties or for short term rentals as defined in the City Code.
 - Require a mandatory review of the guidelines in six (6) months.

Since the beginning of the calendar year, the Film and Print Office has issued 124 permits for residential Miami Beach locations for a total of 279 production days in 44 different properties. Additionally, the City received one complaint which resulted in one code violation during this time period. By comparison, during the same time period in 2012 the City issued 103 permits for residential Miami Beach locations for a total of 155 production days in 41 different properties.

The majority of permitted properties were used for between one (1) and three (3) days per month, with a few regularly used properties between five (5) to seven (7) days per month. Two properties were the sites of long-format reality television shows that succeeded in obtaining approval of the Internal Review Board for uses beyond 60 days and for uses beyond ten consecutive days. Both of these properties, 810 Espanola and 2700 North Bay, have now exhausted their allowed uses in twelve months from their initial start dates, with the only allowance for any further use in requiring Internal Review Board approval, for which the qualifying requirements are quite arduous. Since passages of the changes to the guidelines, no productions have requested or been permitted in properties within 500' of active hospitals.

This update reflects only a portion of the traditionally busy print and commercial season and comes at a time when the area has hosted fewer large television and film productions, due to the State's decision to not continue to fund the film incentive this past session.

Based on this review the Administration believes the guidelines are working as intended and does not recommend further modifications at this time.

Please let me know if you have any questions.

C: Kathie G. Brooks, Assistant City Manager
Max Sklar, Tourism, Culture and Economic Development Director
Graham Winick, Film and Event Production Manager
Production Industry Council