

LOS ANGELES FIRE DEPARTMENT



DEC 2 2008

DOUGLAS L. BARRY
FIRE CHIEF

November 19, 2008

BOARD OF FIRE COMMISSIONERS
FILE NO. 08-178

TO: Board of Fire Commissioners
FROM: Douglas L. Barry, Fire Chief *DLB*
SUBJECT: **SPOT-CHECK PROGRAM FOR FILMING**

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

Recommendations:

That the Board:

1. Approve the proposed change in the Spot-Check fee from \$85 per film permit to \$65 per filming location.
2. Approve the proposed Film Safety Officer (FSO) fee.
3. Approve the proposed Film Safety Officer fee to be \$77 per hour.
4. Direct the Board Executive Assistant to forward this report to the Office of the Mayor for consideration and approval.
5. Subject to the approval of the Mayor, request that this report be forwarded to the City Council for consideration and approval.
6. Subject to the approval of the Mayor and City Council, request the City Council to instruct the City Attorney to draft an ordinance (reference State of California Fire Code, Chapter 46 attached) to the Los Angeles Municipal Code (L.A.M.C.), Chapter 5, Article 7, for the collection of Spot-Check and Film Safety Officer fees, and for the review and modification of the fees by the most recent cost recovery schedule as provided under L.A.M.C. 57.04.12C.

7. Request the City Attorney to report back to the City Council within 30 days with an ordinance revising the L.A.M.C., Chapter 5, Article 7, per the recommendations in this report.

Summary:

The Spot-Check Program was initiated in 1994 as a "pilot program" to provide a cost effective method of providing fire and life safety oversight at filming locations for the movie and TV industry. At the onset of the program, the Spot-Check fee was set at \$85 per applicable film permit. It was estimated that there would be approximately 4,480 Spot-Check inspections per year. However, the demands of the industry have increased dramatically and to date, the actual number of Spot-Check inspections required at filming locations is more closely 19,000 per year.

In order to service the increasing demands of the film industry, and to enable recovery of the costs and expenses associated with the Spot-Check Program, it is proposed that the method of charging the Spot-Check fee be changed from the current method of charging based on each applicable film permit to charging based on each filming location. Because the current Spot-Check fee is based on each applicable film permit and each film permit may contain up to 10 locations, large production companies pay \$85 for a film permit that may contain up to 10 locations while a small production company filming at one location also pays the same \$85. Charging the Spot-Check fee based on each filming location provides for a more equitable distribution of charges to production companies. Charging the Spot-Check fee based on filming locations would reduce the current Spot-Check fee of \$85 per film permit to \$65 per filming location and enable the Spot-Check Program to achieve full cost recovery.

In order to differentiate the Uniform Fire Safety Officer (UFSO) fees for filming activities from the UFSO fees for other non-film related activities, it is proposed that all UFSO activities related to filming be assigned the FSO fee. Based on Fiscal Year 2008-2009 staffing costs, the FSO fee was determined to be \$77 per hour.

To accommodate the current workload demands, additional personnel for the Film Unit would be requested through the Fiscal Year 2009-2010 budget process to include: (4) Inspector I, (1) Accounting Clerk II, and (1) Clerk Typist. The additional staffing will provide for weekend and evening enforcement and ensure that fire and life safety oversight issues are properly administered.

Findings:

Prior to filming in the City of Los Angeles, filming companies are required to obtain a film permit. The Fire Department Film Unit, in conjunction with Film LA Inc., determines if a Spot-Check inspection or a UFSO will be required at the filming location.

A UFSO is used for locations requiring the highest level of oversight. A UFSO is responsible for enforcing the City of Los Angeles Fire Code and is required when pyrotechnic effects and/or when members of the public may be unknowingly placed in potential jeopardy by the filming process.

Generally, a Spot-Check is used for locations that may not require a full time UFSO. If a Spot-Check is determined, Film LA Inc. issues the permit, collects the \$85 Spot-Check fee, and forwards the details of the film permit to the Film Unit to provide fire life safety oversight. Permits issued to students, movies made on studio sets, and movie productions at the Los Angeles Airport are exempt from paying the Spot-Check fee.

Currently, the Film Unit consists of 1-Captain I, 1-Inspector II, 3-Inspector I, and 1-Senior Clerk Typist. In addition to conducting Spot-Check inspections, the Film Unit is responsible for conducting inspections of film studios, live audience shows, plan check and walk-through of special events occurring in studios, issuing special effects permits for pre-planned large explosions and open flame used during filming, and issuance and inspection of tents, helicopters, and fireworks used on filming locations. The Fiscal Year 2008-2009 direct and indirect costs to operate the Spot-Check Program portion of the Film Unit is \$672,024.

The average revenue collected from the Spot-Check Program over the past 4 fiscal years (Fiscal Year 2004-2005, Fiscal Year 2005-2006, Fiscal Year 2006-2007, and Fiscal Year 2007-2008) is approximately \$459,085 yearly, or approximately 68% of Fiscal Year 2008 – 2009 total costs.

Because each film permit may contain up to 10 filming locations per permit, and it may be necessary to make multiple visits to a specific Spot-Check location, the actual number of Spot-Check inspections required is over 19,000 per year. However, due to the lack of staffing, the Film Unit is currently able to conduct approximately 7,900 Spot-Checks per year. A large percentage of the filming which takes place on weekends and evenings receive little or no oversight. This has resulted in an increase in the number of complaints from the public concerning filming violations.

To ensure that fire life safety oversight issues are properly administered and enforced, and that all Spot-Check inspections are completed, additional staffing will be requested through the Fiscal Year 2009-2010 budget process as follows: (4) Inspector I, (1) Accounting Clerk II, and (1) Clerk Typist. The additional Inspectors would enable weekend and evening enforcement. The Clerk Typist would provide additional clerical and administrative support for the Film Unit, and the Accounting Clerk II would provide additional support in the billing and collections aspects of the unit.

The current UFSO fee is \$64 per hour and has not increased since 2002. The UFSO fee is an overtime rate determined based on the weighted average cost for a UFSO. The Fiscal Year 2008-2009 UFSO overtime rate was computed to be \$77 per hour. To distinguish the UFSO fee from the UFSO fees involving filming activities, it is proposed

that all UFSO activities related to filming be called the FSO fee determined at \$77 per hour.

Conclusion:

Changing the method of charging Spot-Check fees to be based per filming location rather than by film permit, and reducing the Spot-Check fee to \$65 will provide for a more equitable method of charging Spot-Check fees and enable the Spot Check Program to achieve full cost recovery. The change would also provide for funding the additional staffing necessary to manage the heavy workload, maintain high quality of service, and ensure proper fire life safety code enforcement in the film industry. Increasing the FSO fee to \$77 per hour is necessary in order to achieve full cost recovery.

Based on an estimated implementation date of July 1, 2009, the estimated revenue from the Spot-Check Program is approximately \$1,239,615 in Fiscal Year 2009-2010 or 189% above actual Fiscal Year 2007-2008 revenue of \$428,145. The estimated revenue from the FSO fees is \$2,284,343 in Fiscal Year 2009-2010 or 20% above actual Fiscal Year 2007-2008 revenue of \$2,209,550.

Board report prepared by Muriel Gee, Senior Management Analyst I, Bureau of Administrative Services.

Attachment

CHAPTER 46

MOTION PICTURE AND TELEVISION PRODUCTION STUDIO SOUND STAGES, APPROVED PRODUCTION FACILITIES AND PRODUCTION LOCATIONS

SECTION 4601 GENERAL

4601.1 *Scope.* Production studios, sound stages, approved production facilities, and production locations used by the entertainment industry for the purpose of motion picture, television and commercial production shall be in accordance with the provisions of this article.

4601.2 *Purpose.* The purpose of this article is to establish minimum requirements that will provide a reasonable degree of safety from fire, panic and explosion. Buildings and structures defined herein shall be in accordance with this article.

4601.3 *Definitions.*

APPROVED FIRE WATCH are individuals provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

APPROVED PRODUCTION FACILITY is an existing building, or portion of a building, or a group of buildings altered for use by the entertainment industry for the purpose of motion picture, television and commercial production.

PLATFORM is part of a set, which is a floor or horizontal surface raised above stage floor level.

PRODUCTION LOCATION is any area or facility outside a production studio, approved production facility or sound stage used by the entertainment industry for the purpose of motion picture, television and commercial production.

PRODUCTION STUDIO is a building, portion of a building, or a group of buildings designed and constructed for use by the entertainment industry for the purpose of motion picture, television and commercial production.

SET is a structure built or assembled for the purpose of motion picture, television and commercial production.

SOUND STAGE is a building or portion of a building usually insulated from outside noise and natural light for use by the entertainment industry for the purpose of motion picture, television and commercial production.

SECTION 4602 OCCUPANCY CLASSIFICATION

4602.1 *Live audience stages.* Production facilities, sound stages and approved production studios with live audience stages shall be classified as Group A-I occupancies in accordance with the California Building Code.

4602.2 *All other stages.* Production studios, sound stages and approved production facilities without live audience stages shall be classified as Group F-I occupancies in accordance with the California Building Code.

Note: Sections 4603 through 4610 apply only to Studio Sound Stages and Approved Production Facilities.

SECTION 4603 REQUIRED PERMITS

4603.1 *Change in use.* A permit from the fire code official shall be obtained any time a change in use or occupancy is intended by the owner (e.g., for live audience shows, wrap parties).

4603.2 *Additional permits.* A permit shall be required for:

1. Use of pyrotechnic special effects.
2. Open flames.
3. Flammable or combustible liquids, gases and dust.
4. Hot work.
5. Presence of motor vehicles within a building.
6. Any additional permits as required by the fire code official.

4603.3 *Live audiences.* A permit shall be required for seating arrangements of all live audience stages.

SECTION 4604 GENERAL REQUIREMENTS

4604.1 *Housekeeping.* Provisions of this part shall maintain proper housekeeping in accordance with Chapter 3.

4604.2 *Aisles.* Perimeter aisles within the sound stage and approved production facility shall be provided. Aisles required by this section shall have a minimum width of 4 feet (1219 mm). See Chapter 10 for maintenance requirements. Aisles required by this section shall have a minimum clear unobstructed height of 7 feet (2134 mm).

4604.3 *Travel distance.* The maximum travel distance to any exit within the sound stage and approved production facility shall be 150 feet (45720 mm).

4604.4 *Exit doors.* Exit doors shall be equipped with panic hardware and swing in the direction of exit travel.

4604.5 *Exit signs.* Illuminated exit signs shall be installed in accordance with the California Building Code.

4604.6 *Exit illumination.* Exit illumination shall be provided in accordance with the California Building Code. In the event of power failure, exit path illumination shall be automatically provided by an approved emergency backup system.

4604.7 *Exit obstructions.* All means of egress shall be maintained in accordance with the provisions of Chapter 10, Section 1005.1.

4604.8 *Foam plastics.* All foam plastics shall meet the requirements of Chapter 8, Sections 807.4.2.4 and 807.4.5.

4604.9 Decorative materials. Drapes, drops, cut greens, etc., shall meet the flame-retardant requirements of Title 19 California Code of Regulations, Chapter 5, and Chapter 8, Sections 807.4.2.4 and 807.4.5.

SECTION 4605 FIRE-EXTINGUISHING SYSTEMS

4605.1 Existing sound stages and approved production facilities. All existing sound stages and approved production facilities equipped with an automatic fire sprinkler system shall be maintained in accordance with the provisions in Chapter 9.

4605.2 New sound stages. All new sound stages shall be equipped with an approved automatic fire sprinkler system. The system shall be installed in accordance with the provisions of Chapter 9 and shall meet the minimum design requirements of an Extra Hazard, Group 2 System.

4605.3 Solid-ceiling sets and platforms. All interior solid-ceiling sets over 600 square feet (55.7 m²) in area, and platforms (when provided) over 600 square feet (55.7 m²) in area and which exceed 3 feet (914 mm) in height shall be protected by one of the following:

1. An approved *aM* listed heat detector system. Heat detectors shall be spaced 30 feet (9144 mm) on center or as required by the manufacturer's installation instructions. Detectors shall be connected to an approved and listed central, proprietary or remote station service or a local alarm, which will give an audible signal at a constantly attended location. Such system shall be installed in accordance with Chapter 9.
2. The ceiling shall be positioned to allow for the operation of the building's automatic fire sprinkler system after rehearsal, videotaping, filming, or broadcasting of programs has been completed for the day.
3. An approved fire watch.
4. Special hazards shall be reviewed by the fire code official (see additional fire protection systems, Section 901.4.3).

SECTION 4606 FIRE-DETECTION EQUIPMENT

4606.1 Fire alarm control units. Fire alarm control units shall be California State Fire Marshal listed and shall be utilized in accordance with their listing. Control units may be temporarily supported by sets, platforms or pedestals.

4606.2 Heat detectors. Heat detection required by this article shall be defined as a portable system as it is intended to be reinstalled when platforms or sets are changed.

Heat detectors may be secured to standard outlet boxes which may be temporarily supported by sets, platforms or pedestals.

Heat detectors shall be provided for solid-ceiling sets and platforms where required by Sections 4605.3 and 4611.14.

SECTION 4607 FIRE SAFETY OFFICERS

4607.1 Where permits are required by the fire code, a requirement for standby fire safety officers shall be determined by the fire code official on a case-by-case basis. Standby fire safety officers shall not be required when the provisions of this article are met.

SECTION 4608 ELECTRICAL REQUIREMENTS

4608.1 General. All electrical equipment including lighting, cabling and temporary power; such as portable generators, shall be maintained in good working order and shall comply with the provisions of the California Electrical Code.

4608.2 Lighting and power requirements. A studio sound stage and approved production facility shall be provided with a minimum of 35 watts per square foot of permanently installed power dedicated for the distribution of production lighting and power. Mobile generators may be utilized for auxiliary power.

4608.3 Distribution. Distribution equipment shall be designed for sound stage use. The wiring to such equipment shall be considered permanent and shall comply with applicable provisions of the California Electrical Code. Temporary feeders shall not be tapped from panelboards and switchboards where deadfront covers have to be removed.

4608.4 Installations. Permanent or temporary electrical installations shall be installed in accordance with the California Electrical Code and this code. Such equipment shall not obstruct exits, means of egress or fire department access, unless approved by the fire code official.

4608.5 Generators. Portable, mobile or stationary power-generating equipment may be used to supplement building electrical power for temporary use. Equipment shall be located at a predesignated location as approved by the fire code official.

Temporary auxiliary power cables supplied from mobile generators or adjacent buildings may pass through exterior walls and interior fire-resistive assemblies provided an approved through-penetration firestop system is utilized for protection of the opening.

SECTION 4609 MECHANICAL EQUIPMENT

4609.1 Existing equipment. All mechanical equipment used as part of the building ventilation system shall be maintained in good working order and shall comply with the provisions of the California Mechanical Code.

4609.2 Auxiliary equipment. All auxiliary heating, ventilation and air-conditioning equipment shall be approved and listed for the intended use. Flexible duct, if utilized, shall be noncombustible. Such auxiliary equipment shall not obstruct exits, means of egress or fire department access.

SECTION 4610 DESIGN REQUIREMENTS

4610.1 The fire code official shall be provided with certification that approved production facilities and studio sound stages will sustain the anticipated loads of sets, props or other temporary modifications.

Where the anticipated loads exceed the design criteria for an approved production facility and studio sound stage, the building or portions thereof shall be modified for the additional loads.

SECTION 4611 PRODUCTION LOCATIONS

4611.1 General. This chapter shall apply to production locations.

4611.2 Permits. A permit shall be obtained, unless waived by the fire code official for any of the activities that follow:

1. Use of pyrotechnic special effects, see Section 3308.1.1 and Title 19, California Code of Regulations, Chapter 6.

Open flames.

3. Flammable or combustible liquids, gases and dust.

4. Hot work.

5. Presence of motor vehicles within a building.

6. Tents and canopies, see Chapter 24.

7. Any additional permits as required by the AHJ.

4611.3 Pyrotechnic special effects and open flames. The use of pyrotechnic special effects and open flames shall be subject to the approval of the fire code official.

4611.4 Standby fire personnel. A requirement for standby fire safety officers shall be determined by the fire code official on a case-by-case basis.

4611.5 Foamed plastic materials. All foam plastics shall meet the requirements of Chapter 8, Sections 807.4.2.4 and 807.4.5.

4611.6 Smoking. When the fire code official determines that hazardous conditions necessitate controlled use of smoking materials, smoking may be prohibited or limited to designated smoking areas.

4611.7 Structural loads. Sets, scenery and other equipment shall not impact the structural integrity of a building or structure. Consultation with a building official or structural engineer may be required.

4611.8 Electrical requirements.

4611.8.1 General. All electrical equipment including lighting, cabling and temporary power; such as portable generators, shall be maintained in good working order and shall comply with the provisions of the California Electrical Code.

4611.8.2 Distribution. Temporary feeders shall not be tapped from panelboards and switchboards where deadfront covers have to be removed.

4611.8.3 Installations. Electrical installations shall be installed in accordance with the California Electrical Code. Such equipment shall not obstruct exits, means of egress or

fire department access, unless approved by the fire code official.

4611.8.4 Generators. Portable, mobile or stationary power-generating equipment may be used to supplement building electrical power for temporary use. Equipment shall be placed in a location acceptable to the fire code official.

4611.9 Fire department access. Required emergency vehicle access shall be maintained. Any deviations are subject to approval by the fire code official.

4611.10 Means of egress. The production location shall be provided with means of egress appropriate for the intended use as approved by the fire code official.

4611.11 Fire protection systems and equipment. Functional fire protection systems and equipment shall be maintained in an operable condition, unless approved by the fire code official. Disconnecting or altering of fire protection systems and/or equipment shall be prohibited, unless otherwise approved by the fire code official with alternate means of protection provided.

4611.12 Fire hydrants and fire appliances. Hydrants, standpipes and Fire Department Connections (FDC) shall not be obstructed, blocked or rendered inoperable in accordance with Chapter 9, unless approved by the fire code official.

4611.13 Fire extinguishers. Approved fire extinguishers shall be provided as required by the Fire Code Official.

4611.14 Solid-ceiling sets and platforms. In buildings with existing fire protection systems and where production intends to construct solid-ceiling sets over 600 square feet (55.7 m²) in area, and platforms over 600 square feet (55.7 m²) in area and which exceed 3 feet (914 mm) in height shall be protected by one of the following:

1. An approved and listed heat detector system. Heat detectors shall be spaced 30 feet (9144 mm) on center or as required by the manufacturer's installation instructions. Detectors shall be connected to an approved and listed central, proprietary or remote station service or a local alarm, which will give an audible signal at a constantly attended location. Such system shall be installed in accordance with Chapter 9.
2. The ceiling shall be positioned to allow for the operation of the building's automatic fire sprinkler system after rehearsal, videotaping, filming, or broadcasting of programs has been completed for the day.
3. An approved fire watch.
4. Special hazards shall be reviewed by the enforcing agency (see additional fire protection systems, Section 901.4.3.).

4611.15 Buildings without fire protection systems. Special hazards shall be reviewed by the fire code official (see special hazards Section 901.4.3.).