

Council Report: Mitigating Impacts of Filming in Residential Areas

August 22, 2017

Summary

At the City Council meeting of April 25, 2017, a motion was passed directing staff to research means to mitigate negative impacts of filming:

April 25, 2017 City Council meeting:

WHEREAS as a result of the growing film industry in the City of Greater Sudbury, City Council passed By-Law 2015-227 on November 24th, 2015 to regulate filming activity on City of Greater Sudbury Property in order to streamline regulation of filming on municipal property;

AND WHEREAS Zoning By-Law 2010-100Z was amended to include the definition of a filming event and further amended Section 4.40 Uses Permitted in all Zones to permit filming events in all zones;

AND WHEREAS filming activity occurs in residential areas and can have significant impacts on residents in those areas;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury directs City staff to provide a report to Council suggesting ways to mitigate the negative impacts of filming activity in residential areas at its July of 2017 Council meeting.

This report will provide an overview of the issue as well as the various methods for mitigating negative impacts, drawn from research conducted on policies in place in other municipalities.

Background

Filming has taken place throughout the City of Greater Sudbury, and throughout the past five years Sudbury there has been an increase in volume due to the growing industry and incentives. On-location filming, including that in residential areas, remains essential to the success of Greater Sudbury's film industry. The majority of filming conducted across the community has proceeded without issue; however, issues have been raised in certain circumstances.

Volume of film traffic & Job Creation since 2012*

Number of film productions	Total film days in Sudbury	Total local spend	Local crew
89	2,774	\$90.2M	56%

**Combined total of feature films, television movies, full television series, music videos, student films and single episodes. Estimates included those reported by productions as a precursor to their municipal permitting process. This is a conservative representation of industry traffic since City is not necessarily involved at every level.*

Film in Greater Sudbury is an important sector for job creation as well; as an example, the Northern Ontario Film Studio has reported that productions associated with their film studio resulted in 750 FTE created in 2015 and 1,200 in 2016, and this number continues to increase.

Sudbury's attractiveness as a film destination depends not only on regional incentives, but also on its ability to service a variety of film production types. Sudbury's four seasons and diverse landscape and architecture has enabled it to be the backdrop setting playing large urban centres, such as Chicago, Toronto and Los Angeles, small town suburban USA in residential neighbourhoods as well as rural and farm settings for prairie landscapes.

Filming in Residential Areas

Since 2012, staff are aware of two situations in which film productions have utilized individual addresses more frequently in residential areas. In these cases the issues of length (number of days) of a single film production's shoot, as well as repeated use of the same property by multiple productions, have been raised.

Staff have been contacted by residents raising the following general concerns regarding filming in residential areas:

- Overuse of specific locations and requests for time limits a production can be at one location in a residential area
- Prolonged or frequent period of time a location is used as a film studio for a production, including pre- and post-production activities as well as filming itself (makeup, wardrobe, storage equipment and so on)
- Parking on roadways with too many large vehicles on narrow streets.
- Notification concerns, including short lead times, level of detail provided to residents or changes in production plans as laid out in the original notification.
- Frequency and presence can impact a neighbourhood and residents' quiet enjoyment (e.g. through associated production activity such as deliveries, crew meetings, site preparation, 24-hour security)

Development of Film By-Law

In May 2015 staff prepared a report to Council which outlined the need to review current By-Laws around filming, seeking direction on whether to regulate all film activity across the city, including private property, or regulate only those productions using public/municipally-owned property.

Council subsequently directed staff to provide options for streamlining film permitting processes on public (municipal) property only, rather than regulate filming on private property as well. This direction was based on best practices within the industry as well as available resources.

May 4, 2015 Community Services Committee meeting:

THAT the City of Greater Sudbury directs staff to develop and amend appropriate By-Laws in order to streamline regulation of filming on municipal property; and

THAT staff be directed to update existing processes and policies that may affect filming on private property in order to ensure expedited turnaround times and a more responsive service to the industry.

August 10, 2015 Community Services Committee meeting:

THAT the City of Greater Sudbury directs staff to conduct a public input process to

solicit community and stakeholder feedback on the Proposed Draft By-Laws attached to the report of the General Manager of Growth & Development dated August 10, 2015 prior to presenting a final report describing the public feedback and recommending draft By-Laws to the Community Services Committee.

Throughout the summer public input was gathered, and a summary available in the staff report provided to Council in September/October 2015. Filming in residential areas was noted in that report, however it was beyond the scope of Council's direction to develop policies that streamline and regulate filming on private property based on the direction to regulate filming on public property only.

October 5, 2015 Community Services Committee meeting:

THAT the City of Greater Sudbury replace the Film Policy (By-Law 2005-118) with the Film By-Law and related By-Law amendments as outlined in the report dated September 9, 2015 from the General Manager of Growth and Development.

April 11, 2016 Planning Committee meeting:

THAT the City of Greater Sudbury approves the amendments to Zoning By-Law 2010-100Z as set out in Attachment 1 to the report from the Director of Planning Services dated March 21, 2016.

Council passed the By-Law regulating filming activity on City of Greater Sudbury (By-Law 2015-227) on November 24, 2015 and it came into effect on February 1, 2016. It expires on January 31, 2020, at which point it is anticipated that a review of the By-Law's implementation would take place.

In November 2015 Council also approved amendments to the related By-Laws (including Road Occupancy, Delegation of Authority, Traffic and Parking) to include filming as an activity under these By-Laws as well. The filming By-Law did not consolidate activities related to parking, traffic and road occupancy because there were already these By-Laws in place, which would apply for example when the filming was taking place on private property but also impacting public parking or right-of-ways.

Below are key points of the Film By-Law:

- It regulates filming on municipal property only
- It requires complete film permit applications to be received between four and 30 days in advance of the filming event, depending on the complexity of the film shoot
- The issuing of film permits is under the authority of the Director of Assets, who has the ability to suspend, amend, revoke or refuse permits
- It includes standard conditions, with the possibility of applying additional conditions to the permit as required, including security deposits, etc.

These By-Laws were revised in order to sustainably service the industry, coordinate municipal services quickly, encourage "film-friendliness", recognize the economic impact of filming and profiling the community, and most importantly to manage multiple interests (including those of the public, the film sector and the City of Greater Sudbury).

Mitigating Negative Impacts in Residential Areas

For Council's information, several approaches are outlined below as they relate to mitigating filming, with examples of implications for filming on private property and in residential areas.

Strengthen Film Guidelines regarding filming on private property is the recommended course of action. It can be implemented in the short term and is suggested as an initial step.

It is recommended that the existing Film By-Law be supported by strengthened Film Guidelines to moderate filming activity in residential areas – including best practices relating to time limits on production days and filming hours in residential areas.

The Film By-Law expires on January 31, 2020. Should Council approve this recommendation, it is suggested that the undertaking for this review is brought back to Council in 2019, in advance of this expiry date.

If Council wishes to explore the potential for other methods, it should be emphasized that this should require industry consultation, economic impact analysis and a more fulsome report and presentation to Council.

Balancing the needs of residents, together with those of film productions and the municipality, is a consistent challenge in communities actively engaged in the film and television sector. Industry research clearly indicates that many jurisdictions regulate filming activity on public property only, and that Film Guidelines and Codes of Conduct are effective tools to moderate filming and mitigate negative impacts on residential areas alike.

Recommendation:

Strengthen Film Guidelines regarding filming on private property

The review of best practices shows that some municipalities wishing to attract film production investments, while still mitigating resident and business concerns, will do so by strengthening filming guidelines which are implemented by the respective film offices on behalf of the City.

Currently the City of Greater Sudbury has a set of Film Guidelines that were drafted to directly reflect the current film By-Law (see *Appendix B*, attached). The Guidelines are limited in their application to municipal property only and outline the permitting process for roads, parking, and other activities that would currently require municipal involvement. They would need to be updated to reference the City's role with regards to filming on private property where permits are not required.

In addition, City staff are committed to continuing a greater role in mediating and assisting film productions; this will also be accomplished by continuing to educate the industry on best practices specific to filming activity on private property, while also ensuring consistent communication with residents and businesses.

This builds on the success realized to date through staff's ongoing responsibility to provide consistent support and respond quickly and proactively to mitigate situations as they arise, on a case-by-case basis.

- *Legislative implications:*

While the current Film By-Law legislates filming activity on public property only, the existing Filming Guidelines would be updated to include specific language relating to residential areas including a limit on consecutive days of production duration, standard hours for filming activity, and notification of residents.

- *Resource implications:*

The City will continue to support the role of Film Liaison within Economic Development in order to coordinate permits. This staff person should continue to be supported to find solutions as the community representative prior to and during filming. Staff should also be aware of any previous film production within the community and remain sensitive to local citizens' concerns.

In order to facilitate this workload, the municipal filming website is being enhanced as a central access point, clearly listing all municipal film regulations, permit and insurance requirements, fee schedules and liaison contact information.

There are some concerns that Guidelines, unlike By-Laws, cannot be strictly enforced; however, Film Guidelines have been implemented successfully in other jurisdictions where they have mitigated negative impacts of filming on private property within residential areas, and are generally accepted by the film industry as a way to ensure sustainability of the sector.

- *Economic development implications:*

By fostering a climate that supports filming in residential areas and balancing the needs and concerns of residents, Greater Sudbury would remain competitive in attracting film productions. Staff would need to continue monitoring situations as they arise to ensure that the guidelines are being followed.

OTHER APPROACHES:

The following approaches have been included as additional information that Council may wish to consider in the future, depending on the results of these initial changes and a more detailed evaluation of the program.

Each of these approaches would require a reconsideration of Council's original resolution since the direction given to staff was to develop a film By-Law that regulates filming on public property only; accordingly, public consultation was conducted with this proposal in mind and therefore further stakeholder consultation will be required.

Moderate Regulation of Filming on Private Property

In other cities, Film By-Laws include considerations beyond those applicable to municipal property and permits. For example, such considerations relating to residential areas may include: filming/production duration, standard hours for filming activity, and notification of residents.

This method does not entail a permitting process for filming on private property. Instead, it introduces additions to the existing Film By-Law. For example, such considerations for an amended Film By-Law would include components for limits on film duration including limiting filming to certain times of day, limiting the number of consecutive days on a site and obligations for neighbourhood notification and consent of residents outside of those limits. Additionally, staff could build in regulation for private

property filming activity through existing processes, for example, through the Road Occupancy By-law as relates to filming.

- *Legislative Implications*

This approach would require a reconsideration of Council's original resolution as a change from the previous direction given to staff to develop a film By-Law that regulates filming on public property only; accordingly, public consultation was conducted with this proposal in mind and therefore further stakeholder consultation will be required.

- *Resource Implications*

This change to the By-Law represents some challenges in terms enforcement, as it is also a change in service levels currently offered by the City and would require additional resources to enforce and monitor.

In addition, as it does not include a formal permitting approach for filming activity on private property, this approach does not enable staff to easily track the frequency of filming activity in one location over the course of the year, making it difficult to enforce limits on frequency of production on one site.

- *Economic Development Implications*

This approach is not in line with best practices in place in larger filming centres, as it presents additional challenges to the film industry and would deter filming in residential areas. This approach has negative implications for Greater Sudbury's competitive reputation as a film-friendly jurisdiction.

Such an approach will also require comprehensive stakeholder consultation with the industry being directly affected by this change as it may be perceived as a barrier to ongoing development of the sector.

Comprehensive Private Property Regulation

While this approach does present significant barriers to industry, there are also some benefits to regulating filming activities on private property. For example, it would facilitate imposing certain conditions on filming, such as requiring that film productions obtain consents from for those productions filming for extended periods of time or at an increased level of frequency.

Legislative implications:

Should Council wish to regulate all filming activities, regardless of whether they take place on private or City-owned property, several considerations apply:

- This all-encompassing approach would require the creation of a revised Film By-Law to govern all filming within CGS boundaries
- Exceptions could be made for minor scale productions and some other exclusions to be considered by City Council in a report and draft By-Law brought first to the Community Services Committee for review and recommendation

This approach would require a reconsideration of Council's original resolution since the original direction given to staff was to develop a film By-Law that regulates filming on public property only; accordingly, public consultation was conducted with this proposal in mind.

- *Resource implications:*

This process represents a higher service level impact, requiring significant staff time to create the streamlined system as well as to address the ongoing work created by the resulting increase in volume of permits to be developed and enforced.

With access to the additional resources required for implementation, this approach would enable CGS staff to better track and monitor all film activity that takes place, identify frequently used locations and monitor growth within the local industry. The City would remain as a main point of contact for permitting inquiries.

Obtaining consents from residents and/or property owners can be challenging in areas with a higher number of rental properties where land owners may not be readily accessible, thus requiring more time and effort to obtain consent for specific filming activity and presenting more obstacles to meeting the short timelines associated with most productions.

- *Economic development implications:*

Although utilized in some municipalities, this approach is not in line with best practices in place in larger filming centres. It requires that all filming go through municipal permitting systems, which would slow progress in an industry that already operates with tight timelines. Greater Sudbury would deter filming in residential areas and likely lose its reputation as being as being film-friendly and responsive to the industry.

Change The Zoning By-Law (Amend to restrict filming in R1)

Council may wish to amend the Zoning By-Law, for example, to restrict filming in particular zones according to density, allowing all filming in zones with a medium or higher density and prohibiting filming in specific low-density zones.

It is important to note that many films have been produced specifically in R1-zoned areas, including some of the highest-profile productions coming out of this community such as *Slasher* (featured on Netflix) and CTV's *Cardinal*.

By creating this additional barrier to the growth of the industry, Greater Sudbury would deter filming in residential areas and likely lose its reputation as being as being film-friendly and responsive to the industry.

- *Legislative implications:*

This approach would need to abide by the *Planning Act* process for changing the Zoning By-Law. This would require a public hearing and appropriate notice; the Zoning By-law amendment is also subject to appeal at the Ontario Municipal Board.

- *Resource implications:*

This approach would show consideration for the issues raised by residents to date. However, it would be challenging for staff to implement additional criteria based on the current capacity. It is also a more complicated approach, as there is a need to distinguish between the densities of different residential zones, adding a step to current processes which already have tight timelines.

- *Economic development implications:*

This process would significantly limit the number of viable film locations in residential areas and would have a detrimental effect to industry growth and sustainability.

As an illustration provided for context, the various R1 zones in the City where single detached dwellings are the main permitted use (including R1-1, R1-2, R1-3, R1-4 and R1-5) comprise 80% of the land area that is zoned as a "R" Residential zone. The balance (20%) of the lands zoned "Residentially" are zoned, R2-1, R2-2, R3, R3-1 and R4. These figures do not include lands zoned Rural, Agricultural or Rural Shoreline where single detached dwellings are also permitted uses.

Such a restriction would limit opportunities and choice for filming events which might require scenes or locations in residential areas.

Current Processes

Currently permit requests are facilitated through the role of Film Liaison within Economic Development. Internally, CGS staff work across departments to ensure that timelines are being met with increased efficiency to deliver these streamlined services. A set of Guidelines for filming on municipal property and a code of conduct for cast and crew have been drafted and are distributed to film productions (see *Appendix B*, attached).

Since 2010, the City's "Special Events Internal Team" has worked to facilitate interdepartmental communication and policies, in particular when a project, such as filming, requires collaboration among department and sister agency representatives (e.g.: Nickel District Conservation Authority, Greater Sudbury Police Services and the Sudbury District Health Unit).

When the filming is situated on property that is not City-owned, staff provides a referral service to direct the film representatives to the relevant contact person, for example, at Music & Film in Motion, Nickel District Conservation Authority or the Ontario Provincial Police.

In cases of filming in residential areas staff works to ensure consistent communications with industry and residents, encourages production companies to work with neighbours, using contracts etc.

Permitting parking on municipal roadways, conducting special effects or building sets are examples of scenarios where the City is involved in filming activities taking place on private property. Any changes to the permitting processes for these types of scenarios are dealt with separately from the film By-Law.

When film productions have contacted the City in order to film in residential areas, staff's involvement has included the following activities:

- Directing the locations personnel to apply for the relevant permits through the guidelines on www.filminsudbury.ca and providing templates for notification, parking maps, etc.;
- Advising location personnel on areas to be notified by door-to-door letter distribution;
- Reviewing and issuing Road Occupancy Permits for on-street parking;
- Reviewing and issuing Road Occupancy Permits for intermittent traffic interruptions and circulating appropriate public notification through Public Service Announcements;
- Receiving resident calls regarding filming in their neighbourhoods;

- Once issues are raised, facilitating meetings with production representatives, the Ward Councilor and staff from Economic Development, Planning and Legal Services;

It should be noted that generally speaking, CGS staff have no direct involvement or input in filming activities taking place on private property in most cases, unless specific activities involve safety reviews (e.g.: pyrotechnics, set buildings or stunts).

Conclusion

Juggling the interests of film productions, local business, the municipality and residents is a challenge that faced by nearly all cities active in the film and television industry. In those cities surveyed, as with Greater Sudbury, there are consistently far more positive experiences than there are negative ones. Nevertheless, staff endeavor to be responsive and proactive in mitigating situations as they arise on a case-by-case basis within the parameters of the existing By-Law systems.

All CGS By-Laws are enforced on a complaint basis, including the Film By-Law. Residential and neighbourhood use for on-location filming is one of the assets driving film traffic to the city, which has become a significant driver of job creation and economic growth for the industry.

Council has prioritized the need to reduce barriers to business and to make Greater Sudbury a “film friendly” city. The film sector pays close attention municipal policy development, and staff have been contacted by industry representatives concerned by perceived restrictions on filming in key areas.

Greater Sudbury’s competitiveness as a film destination depends on regional incentives as well as its ability to service a variety of film production types. Efforts to mitigate effects of filming in residential areas must balance the needs of residents with the interests of the film sector as an important economic driver.

Relevant Links for Further Information:

1. *Community Services Committee meeting of May 4, 2015*

Staff report: Update on film By-Law development & overview of private/public property implications
<http://agendasonline.greatersudbury.ca/?pg=agenda&action=navigator&lang=en&id=829&itemid=9591>

2. *Community Services Committee of August 10, 2015*

Staff report: Update on film By-Law development – draft for review
<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=832&itemid=10092&lang=en>

3. *Community Services Committee meeting of October 5, 2015*

Staff report: Update on film By-Law development – draft By-Law for review & details of public consultation

<http://agendasonline.greatersudbury.ca/?pg=agenda&action=navigator&lang=en&id=834&itemid=10311>

4. *Planning Committee meeting of April 11, 2016*

Staff report: Housekeeping amendments to zoning By-Law – addition of filming events as permitted activities in all zones

<http://agendasonline.greatersudbury.ca/?pg=agenda&action=navigator&lang=en&id=983&itemid=11102>

5. *City Council meeting of April 25, 2017*

Council motion requesting a staff report on ways to mitigate negative impacts of filming

<http://agendasonline.greatersudbury.ca/?pg=agenda&action=navigator&lang=en&id=1126#agendaitem13135>