



CITY MANAGER'S OFFICE

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CITY COUNCIL STAFF REPORT

Date: November 4, 2025

Subject

Introduce Ordinance No. 25-XXX: "An Ordinance of the City Council of the City of Cupertino Amending City Code Title Five (Business Licenses and Regulations) to Establish Chapter 5.51 to Regulate Film Production."

Recommended Action

Conduct the first reading of Ordinance No. 25-XXX: "An Ordinance of the City Council of the City of Cupertino Amending City Code Title Five (Business Licenses and Regulations) to Establish Chapter 5.51 to Regulate Film Production."

Background

The City has consistently received filming-related inquiries from independent filmmakers, commercial production companies, students, and international media outlets. Just in the last year, these inquiries totaled over a dozen, ranging from small student projects to commercial shoots, including inquiries from Yamaha Motor Corporation, El Camino Health, the Italian television network La7, and CBS. A number of neighboring cities and throughout California have adopted film permitting procedures. To date, Cupertino has not adopted such an ordinance. Without a formal ordinance or permit process to regulate film production within the City, staff have handled film inquiries on a case-by-case basis, often involving multiple departments to coordinate safety, parking, traffic, and use of the public right-of-way with no consistent approach leading to duplicative work and additional staff time. Additionally, without such a permitting procedure the City has no means of collecting fees for its efforts in supporting the commercial efforts of film production activities within the City.

Reasons for Recommendation and Available Options

Addressing film-related inquiries has resulted in significant staff time and ambiguity regarding insurance, liability, and the use of City resources. Establishing a clear, standardized framework to manage filming requests will establish clear process and expectations, protect the City,

improve efficiency of operations and staff resources, and allow for the recovery of the benefits offered by City.

The proposed ordinance (Attachment A) establishes a formal film permit application process that complies with state guidelines outlined in California Government Code Section 14999.20 et seq. Staff researched similar ordinances in other Bay Area cities and Los Angeles County region, as well as California cities with demographics similar to Cupertino. From this review, staff developed the proposed ordinance, consistent with the best practices among these other jurisdictions.

The proposed ordinance would require a film permit for any film production within the City on both public and private property, with the following exemptions:

- News media
- Private non-commercial (family) videos
- Studio filming

The proposed ordinance authorizes the City to collect permit fees to recover administrative and operational costs associated with the processing, review, and issuance of film permits. These fees would be comparative to fees in other cities that have an established film permit process and will be included in an upcoming fee schedule amendment to be considered by Council at a later date. As written, charitable (nonprofit) and student film projects would be required to obtain a film permit but will be exempt from paying any film-related fees.

Other key provisions in the proposed ordinance include:

- Establishing general requirements regarding public noticing, filming hours, site conditions, crew behavior, and oversight.
- Prohibiting interference with routine neighborhood activities (e.g. street sweeping, refuse collection).
- Setting requirements for filming that would impact traffic flow.
- Authorizing the City Manager, or designee, to issue film permits, impose conditions, and require insurance, safety plans, and coordination with law enforcement or emergency services, when applicable.
- Incorporating standard liability, insurance, and indemnification provisions consistent with City Code and state law.
- Codifying criteria for permit denial, revocation, and enforcement to ensure compliance with the City's Municipal Code and public safety standards.

Applications for film permits will be reviewed and administered by the City Manager's Office. However, applicants will still be required to obtain a business license and other necessary permits from the appropriate departments. Requests involving street or sidewalk closures,

special effects, drone use, or large crews will require additional review and/or permits from the Public Works Department, County Sheriff's Office, and/or County Fire per already established processes.

Next Steps

Prior to adoption, staff will submit the proposed ordinance to the California Film Commission for review, in accordance with California Government Code Section 14999.21. The Commission will review the draft ordinance and provide its findings to the City within five business days of receipt. A summary of the Commission's findings will be provided to the Council at the second reading, tentatively scheduled for early December 2025. If this ordinance is not adopted, the City will not have a mechanism for regulating commercial film production in the City or for collecting fees associated with that production.

Sustainability Impact

No sustainability impact.

Fiscal Impact

The proposed ordinance authorizes the City to collect permit fees and require such permittees to carry insurance limits at levels expected to protect the City's from liability and to cover the various costs incurred by the City associated with such film production activity within the City. In adopting the associated fee schedule, future film production within the City should not be a drain on the City's finances.

City Work Program (CWP) Item/Description

None

Council Goal:

Fiscal Strategy

California Environmental Quality Act

No California Environmental Quality Act impact.

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Floy Andrews, Interim City Attorney

Approved for Submission by: Tina Kapoor, Interim City Manager

Attachments:

A – Draft Ordinance