

# Notice of Exemption

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TO: \_\_\_\_\_ Office of Planning & Research  
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FROM: Department of Planning Services  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, California 92262  
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County Clerk- County of Riverside  
2724 Gateway Drive  
Riverside, California 92507

**Project Title:** Appeal of issuance of Certificate of Appropriateness allowing removal of Frank Bogert Statue to restore City Hall Class 1 historic site.

**Project Location:** 3200 E Tahquitz Canyon Way (APN 502-150-005).

**Description of Project:** Appeal of a Certificate of Appropriateness issued by the Historic Site Preservation Board for alterations to a Class 1 (Landmark) historic site. The alterations comprise the removal of a statue from the front lawn of the Palm Springs City Hall (Class 1 historic site number HSPB #33D). The appeal, filed on behalf of the Friends of Mayor Frank Bogert, was rejected by the City Council and the issuance of the Certificate of Appropriateness by the Historic Site Preservation Board was affirmed.

**Name of Public Agency Approving Project:** City of Palm Springs, Historic Site Preservation Board ("HSPB").

**Name of Person or Agency Carrying Out Project:** The City of Palm Springs, 3200 East Tahquitz Canyon Way, Palm Springs, California, 92262.

**Exempt Status:** *(Check One)*

- Ministerial (Public Resources Code Section 21080(b)(1); CEQA Guidelines Section 15268)  
 Categorical Exemption (CEQA Guidelines Section 15331)  
 Declared Emergency (Pub. Resources Code Section 21080 (b)(3); CEQA Guidelines Section 15269(a))  
 Emergency Project (Public Resources Code Section 21080 (b)(4); CEQA Guidelines Section 15269(b)(c))  
 Other Common-Sense Exemption (CEQA Guidelines Section 15061(b)(3))

**Reasons why project is exempt:** The project qualifies as a Categorical Exemption pursuant to CEQA Guidelines Section 15331 as follows:

Under section 15331, also known as class 31, projects that are for the "maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties" ("the Standards") are exempt from CEQA.

The proposed removal of the statue would restore the City Hall site to conditions consistent with its period of historic significance and this restoration is consistent with the Standards for restoration. The Standards, beginning on page 118, state that restoration can include removal of features that were introduced onto a site from outside the period of significance. As outlined in the report, the period of significance for City Hall was 1956 – 1965. The statue was installed in 1990, well outside the period of significance. Page 121 of the Standards further states that in restoring a site, it is recommended that "*work is included to remove... existing features that do not represent the restoration period.*" (emphasis added.) (Restoration period in this context is understood to mean the period of historic significance.) The Bogert statue was installed around 1990 and thus is not from the period of significance and removal is consistent with the Standards.

The Standards also denote on page 153 that retaining and preserving features that are important from the period of significance is recommended and that "*retaining non-restoration period (i.e. period of significance) landscape features is not recommended.*" (emphasis added.) Thus, in considering the findings for a Certificate of Appropriateness, removal of the statue is consistent with the Standards because it will contribute to restoring the City Hall site closer to the original appearance as seen in the vintage photos taken during the period of significance. As stated in the report, the statue is not recognized as a historic character-defining feature of the City Hall site and does not meet the definition of a historic resource as outlined in the City's Historic Preservation ordinance (PSMC 8.05.020), thus its removal is consistent with the Standards. As such, removal is exempt from CEQA under CEQA Guidelines section 15331.

Under CEQA Guidelines section 15061(b)(3), an activity is not subject to CEQA if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment."

Removal of the statue will not have a significant effect on the environment. Removal of the statue can be accomplished with a standard truck-mounted articulating or "knuckleboom" hydraulic crane loading it onto a conventional flatbed truck. The stones around the concrete base can be disassembled and the concrete hauled away for recycling. The lifting of a statue of this relatively small size onto a truck can be accomplished in a matter of hours and thus any noise or vehicle emissions while the trucks are on site are brief, periodic and insignificant. Furthermore, removal of the statue is not anticipated to have any impact on vehicular trips to or from City Hall and thus other than the temporary parking of the crane and truck to lift the statue off the site, no impact on transportation is expected.

Under CEQA Guidelines section 15300.2, a categorical exemption (such as in Guidelines section 15331) may not be used if specified exceptions circumstances exist with respect to the proposed project. None of the exceptions apply here, as explained below.

1. Location exception (CEQA Guidelines section 15300.2(a)): This exception only applies to Class 3, 4, 5, 6 and 11 exemptions, none of which are being utilized here.
2. Cumulative impact exception (CEQA Guidelines section 15300.2(b)): This exception only applies if there are successive projects of the same type in the same place over time that have a significant cumulative impact. Here, there are no other similar restoration projects proposed for City Hall and thus no successive projects of the same type in the same place
3. Unusual circumstances exception (CEQA Guidelines section 15300.2(c)): This exception only applies if there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. This exception does not apply because as explained above, there is no possibility that the proposed activity will have a significant effect on the environment and because there are no unusual circumstances related to the removal of the statue.
4. Scenic highway exception (CEQA Guidelines section 15300.2(d)): The scenic highway exception only applies if the project may result in damage to scenic resources within a highway officially designated as a state scenic highway. This exception does not apply because the statue is not located within a highway that is officially designated as a state scenic highway. Tahquitz Canyon Way is identified in the City's General Plan as an "enhanced transportation corridor" because it provides views of the San Jacinto Mountains and is developed with landscaped medians and street trees, however it is not a designated state scenic highway.
5. Hazardous waste site exception (CEQA Guidelines section 15300.2(e)): This exception only applies to projects located on sites that are identified on the Cortese List of hazardous waste sites. This section does not apply because the Project site is not included on any list of hazardous waste sites.
6. Historical resources exception (CEQA Guidelines section 15300.2(f)): The historical resources exception states that a categorical exemption may not be used if it would cause a substantial adverse change in the significance of a historical resource. This exception does not apply because, as explained above, the statue is not itself a historic resource, and because as also explained above, removal of the statue is a restoration of the City Hall site consistent with the Standards. Removing the statue will bring the City Hall closer to its original appearance during its period of significance.

**Lead Agency Contact Person:** Flinn Fagg

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Signature 

Date: 2/25/22

Title: Deputy City Manager – Development Services