The Court of Appeal rejected a challenge to the City of Buenaventura's removal of a statue, finding there was substantial evidence for the City's conclusion that the statue was not historically significant. *Coalition for Historical Integrity v. City of San Buenaventura*, 92 Cal.App.5th 430 (2023).

In 1936, a concrete statue of Father Junípero Serra was dedicated in front of the Ventura County courthouse. In 1974, the City of San Buenaventura, which by then owned that property, adopted a resolution declaring the statue to be a historic landmark. In 1989, the concrete statue, which had fallen into disrepair, was replaced with a bronze replica. The replica retained the original statue's status as a historic landmark. A 2007 study by Historical Resources Group (HRG) commissioned by the City concluded that the statue retained sufficient historic integrity to remain eligible for designation as a historic landmark. By 2020, however, members of the public had begun to object to the statue's landmark status, citing atrocities allegedly perpetrated by Junípero Serra against California's indigenous peoples. The City again hired HRG to conduct a historic analysis of the statue; that study concluded that the 1989 bronze replica did not meet the criteria for a historic landmark because it was less than 40 years old.

Relying on the more recent HRG report, the City council voted to remove the statue's landmark status and relocate the statue to the San Buenaventura Mission. The City council further concluded that its decision to relocate the statue was exempt from CEQA, citing CEQA's "common sense" exception.

The Coalition for Historical Integrity challenged the City's decision regarding the statue, contending that removal of the statue (1) required review under CEQA; (2) violated the City's Specific Plan; (3) failed to follow the procedure set forth in the municipal code for removing landmark status; and (4) was a quasi-judicial act, and that City council members unlawfully acted with bias and prejudice.

To support its CEQA claim, the Coalition argued that the statue qualified as presumptively historical because the City designated the original concrete statue historically significant in a 1974 resolution. California Public Resources code section 21084.1 provides, in relevant part, that "[h]istorical resources included in a local register of historical resources… are presumed to be historically or culturally significant… unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant." Based on the most recent HRG report, the City found that the statue was not historically significant. The Court upheld that report as substantial evidence rebutting the statutory presumption, rejecting the Coalition's claim that the report did not provide participant testimony and lacked evidence as to the author's qualifications, and affirming that municipal agencies can properly consider and base decisions on evidence that would not be admissible in a court of law. On the other claims, the Court found that nothing in the Specific Plan prohibited the City from destroying or removing a statue that is listed as a historical resource upon a finding that, on reexamination, it never had historical value. Further, the City's municipal code provisions for removing landmark status were inapplicable following the City's finding that the bronze statue was never a landmark. Finally, the Court rejected the claim that the City was acting in a quasi-judicial capacity, finding the City's decision was quasi-legislative in that it was making policy and was not engaged in finding facts under criteria establishing by a statute or ordinance.

Authors

Christian Termyn

Counsel
CTermyn@perkinscoie.com 415.344.7018

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