



CITY COUNCIL STAFF REPORT

DATE: February 24, 2022

NEW BUSINESS

SUBJECT: APPEAL OF HISTORIC SITE PRESERVATION BOARD ACTION APPROVING A CERTIFICATE OF APPROPRIATENESS FOR ALTERATIONS TO THE PALM SPRINGS CITY HALL, A CLASS 1 (LANDMARK) HISTORIC SITE LOCATED AT 3200 EAST TAHQUITZ CANYON WAY – REMOVAL OF FRANK BOGERT STATUE, (HSPB #33D/ CASE 3.3377).

FROM: Justin Clifton, City Manager

BY: Jeffrey S. Ballinger, City Attorney
Flinn Fagg, Deputy City Manager

RECOMMENDATION:

1. Approve a Resolution Denying the Appeal and Upholding the Decision of the Historic Site Preservation Board, Approving a Certificate of Appropriateness for Alterations to the Palm Springs City Hall, A Class 1 (Landmark) Historic Site Located at 3200 East Tahquitz Canyon Way – Removal of Frank Bogert Statue (HSBP #33D / Case 3.3377).

SUMMARY:

On September 29, 2021, the City Council voted 5-0 to begin the process to remove the statue of Frank Bogert that is in front of City Hall. City Hall is a Class 1 (Landmark) historic resource.

On November 2, 2021, the City's Historic Site Preservation Board ("HSPB") considered a Certificate of Appropriateness application to determine whether removal of the statue would materially impair the historic significance of City Hall. At that meeting the HSPB considered the application and continued it to a date certain, requesting more information about the defining historic characteristics of City Hall.

A historic resources report dated January 20, 2022 (the "ARG Report"), was prepared by the firm Architectural Resources Group ("ARG") which evaluated City Hall and identified, among other things, the defining historic characteristics of the historic resource, the elements on the site that contribute to its historic significance, the criteria from the City's Historic Preservation Ordinance (Palm Springs Municipal Code ("PSMC"), Chapter 8.05) under which the site qualifies as a historic resource and its period of significance.

The ARG Report concluded that the Bogert statue does not contribute to the historic significance of City Hall and its removal would not materially impair the characteristics that contribute to City Hall's historic significance.

On February 1, 2022, the HSPB voted (4-2 (with 1 abstention)) to approve the certificate of appropriateness for the removal of the statue, with the strong recommendation that the City Council ensure relocation of the statue to a suitable, publicly-accessible site in perpetuity.

On Thursday, February 10, 2022, Rod Pacheco, on behalf of his client, Friends of Mayor Frank Bogert ("Appellant"), filed an appeal of the HSPB's action. The action before the City Council is the consideration of that appeal.

REGULATORY FRAMEWORK:

Pursuant to the PSMC Section 8.05.110(A), prior to alteration of a Class 1 historic resource a Certificate of Appropriateness must be processed. The removal of the statue is a "Minor Alteration" as defined in PSMC Section 8.05.020 ("Definitions")¹.

The HSPB's authority, like that of the City Council in this appeal, is limited to evaluating the Certificate of Appropriateness application and making findings relative to the proposed alteration of the historic resource that is City Hall. The Board was not authorized by law, nor requested by the City Council, to evaluate the legacy of Frank Bogert, nor to opine about the artistic status or value of the statue itself – only whether its removal would materially impair the character-defining features that contribute to the historic significance of City Hall. That is the statutory authority of the HSPB, and on appeal, that of the City Council.

FACTUAL BACKGROUND:

The Palm Springs City Hall was designed in the Modernist architectural style by a collaborative effort of local architects including Albert Frey, John Porter Clark, and Robson Chambers. According to the ARG Report, construction of the original building began in 1956 and was completed in 1957. Subsequent additions were completed in 1965, 1972, and 1985. The ARG Report states that the elements that contribute to the significance of the site are the original building, the 1965 addition, and the overall open layout of the site including planted areas, parking lots and the drive aisle fronting the 1957 portion of the building.

¹ PSMC 8.06.110 (C)(2) notes that a Certificate of Appropriateness for "minor" alterations may be issued by the Historic Preservation Officer or may be referred to the HSPB for review and action. The HSPB is the reviewing body for Certificates of Appropriateness for demolitions and "major" alterations. However, the criteria used to issue a Certificate of Appropriateness is the same, regardless of whether the alteration is "minor" or "major". (PSMC 8.05.110(E).) In this case, staff referred the proposed statue removal to the HSPB for consideration and action. Therefore, Appellant's focus on the distinction between a "minor" alteration and a "major" alteration (Appeal, pp. 8-9) appears misplaced.

The period of significance is identified in the ARG Report as 1956 to 1965.²

The non-contributing elements on the site include the 1972 and 1985 additions, the rear (north) parking lot and landscaping from 1985, all plant materials, the flagpole and the Bogert statue.

In 2015, City Hall was listed on the National Register of Historic Places and was determined eligible for listing “because it embodies the distinctive characteristics of civic architecture associated with Albert Frey and is the work of a master architect.”

On page 13, the ARG Report states, “*The flagpole and Frank Bogert statue located in the lawn area in front of the building are alterations that occurred well after the period of significance and do not contribute to the property’s significance in terms of architecture or association with/embodiment of historic patterns of development – the flagpole was moved here from the main entrance in 1981 and the statue was added in 1990.*”

On page 14, the ARG Report lists the character-defining features of the site as follows:

Site:

- General open configuration and layout of the landscape and hardscape fronting the building, excluding planting materials, the flagpole, and the Bogert statue.

Building:

- Irregular plan.
- Low-slung, horizontal massing.
- Mid-Century Modern architectural style.
- Flat roofs.
- Low concrete plinth with curving concrete plaza and shallow steps.
- Textured concrete masonry unit cladding, with “offset squares” appearance.
- Asymmetrical composition of the primary façade, with office wing at the west and Council Chambers at the east.
- Original aluminum doors and windows.
- Projecting canopies over walkways at office wing primary façade, with light blue corrugated metal soffits and angled, cylindrical, metal brise soleils painted sage green.
- Deep eaves/metal canopy at office wing primary façade.

² Appellant states, in its appeal, that “ ‘Period of significance’ does not appear in any part of the PSMC relating to historic resources or sites, nor does it direct that after historic designations are made this imagined phrase can be used as a basis for redefining the historic resource designated by City boards and the City Council. In fact, “period of significance” is defined in the PSMC, at section 8.05.020, as “a discrete chronological period demarcated by year for which a historic resource is associated. The period of significance is the time period that a historic resource reflects.” The period of significance is a criterion to be used in determining whether a site, structure, building or object exhibits exceptional historical significance. (PSMC 8.05.070(C)(1)(a)(iii) & (iv)).)

- Differentiated Council Chamber massing / shape / details, with “telescopically stepped” walls with fixed windows oriented toward the north; diagonal corner treatment; and round concrete entry porch.
- Freestanding “mirror opposite” entrance canopies with original signage at primary façade: at office wing, a flat-roofed square with angled steel I-beam supports, light blue corrugated metal soffits, corrugated metal fascia, and open circle in roof; at Council Chamber, a concrete circular disk with simple columns.
- Flush-mounted sans serif aluminum signage, including “PALM SPRINGS CITY HALL,” “THE PEOPLE ARE THE CITY,” and “COUNCIL CHAMBER”.
- Corrugated metal entry canopy at west façade with “spider leg” supports, over recessed entry approach.

<i>Related Relevant City Actions by Planning, Fire, Building, etc.</i>	
1956 & 1965	Original portions of the building constructed.
1990	Frank Bogert statue placed in the front yard of City Hall.
1996	City Council designated City Hall as a Class 1 Historic Site.
2012	City Council expanded the Class 1 designation to include the entire parcel on which the building is located.
2015	City Hall listed in the National Register of Historic Places as part of the Architecture of Albert Frey Multiple Property Submission.
2018	The HSPB approved alterations to the Council chamber, specifically the dais.

<i>Neighborhood Meeting/Notification</i>	
1-28-22	Electronic notice sent to neighborhood organizations within a mile of the subject property.

APPELLANT’S ARGUMENTS

Accompanying this staff report is the written appeal. The appeal can be broken down into three (3) categories:

- Appellant’s assertion that the City did not follow the PSMC in approving the Certificate of Appropriateness;
- Appellant’s assertion that the issuance of the Certificate of Appropriateness violates the California Environmental Quality Act (“CEQA”); and
- Appellant’s assertion that federal and state laws regarding visual art on public display bars the proposed City action.

Each of these allegations are addressed, in turn, below.

- I. The Certificate of Appropriateness was Properly Issued, in Accordance with the PSMC

The essence of Appellant's argument appears to be that Appellant disagrees with the findings recommended by City staff and adopted by the HSPB, relative to altering the City Hall, which is a historic resource.

Pursuant to Municipal Code Section 8.05.110 (E), (*"Alteration of Class 1 and Class 2 Historic Resources – Certificate of Appropriateness"*), in considering a Certificate of Appropriateness request, the HSPB must evaluate the application and make findings for conformance based on the following criteria:

- 1. That the proposed alteration does not significantly impact or materially impair the character-defining features of the historic resource as listed in the resolution for historic designation, or, where a character-defining feature may be impacted, the proposed alteration minimizes that impact as much as possible;*

Appellant argues that "removal/relocation of the Bogert statue would definitely impact the historic resource as it is part and parcel of that resource". However, this argument, if followed to its logical extreme would mean that no historic resource could ever be altered, nor any object located on a historic site could be removed, even if that object's removal does not significantly affect the character-defining features of that historic site. Taken to its logical conclusion, Appellant's argument would mean that the City could not remove a sprinkler head from the landscaped area in front of City Hall. The question is not whether a historic resource is being altered; the question is whether the proposed alteration significantly impacts or materially impairs the character-defining features of the historic resource.

As noted in the ARG Report, City Hall's historic significance is recognized for its Mid-Century Modernist architectural style and its association with master architect Albert Frey. The character-defining features of the historic resource, as listed on page 14 of the ARG Report, include the general open configuration and layout of the landscape and hardscape fronting the building but does not include the planting materials, the flagpole or the Bogert statue. The statue is located in the open space in front of City Hall. Its removal would not significantly impact or materially impair the character-defining features because it does not alter the general configuration and layout of the open space fronting the building or any other character-defining feature that contributes to the historic significance of City Hall. As such, this finding can be affirmatively met.

Appellant also asserts that the Bogert statue itself is a "historic resource". The City's Historic Preservation Ordinance defines a historic resource as "...*any site, structure, building or object... which has been designated Class 1 or Class 2 status, or any identified contributing resource within a City Council-designated historic district.*" In this case, the Bogert statue, while potentially capable of being designated as a historic resource, has not been granted Class 1 or Class 2 designation and has not been identified as a contributing resource in a Council-designated historic site or district. Nor is the statue from the period of significance for the City Hall. The statue itself is not a historic resource and thus is not subject to further evaluation as such.

2. That the proposed alteration will assist in restoring the historic resource to its original appearance where applicable, or will substantially aid its preservation or enhancement as a historic resource;

Appellant argues that the removal of the statute would not assist in restoring the historic resource because, according to the Appellant, the statue was part of the historic resource defined in the City Council's 2012 resolution. However, this analysis does not focus on the required finding, namely whether *"the proposed alteration will assist in restoring the historic resource to its original appearance"* or *"will substantially aid its preservation or enhancement as a historic resource"*.

Upon completion of the original 1956 building and the 1965 addition, the character-defining open space in front of the City Hall building was comprised of two parking lots located at the southeast and southwest corners of the parcel, with a drive aisle connecting them across a broad expanse of landscape. There were no statues or other objects in the open space fronting City Hall during its period of significance. The Bogert statue was installed in 1990, well after the period of significance (1956-1965).

Further, Appellants have not demonstrated that the statue was part of the historic resource as designated by the City Council. The statue was not mentioned in the City Council resolutions that designated City Hall as a Class 1 historic site in 1996, nor in the subsequent resolution of 2012. It was also not mentioned in the materials submitted for consideration of adding City Hall to the National Register of Historic Places in 2015. It is not a character-defining feature; thus, its removal will not adversely affect the historic resource and will assist in restoring it to its original appearance. This finding can be affirmatively met.

3. That any additions to the historic resource are consistent with the massing, proportions, materials, and finishes of the existing historic resource, and: (i) can be distinguished from the existing historic resource as may be appropriate; or (ii) are indistinguishable from the historic resource as may be appropriate, and where such alterations are clearly documented in the City's archival file for the historic resource as being non-original to the historic resource;

Appellant argues that the City Council's 2012 resolution identified the Bogert statue as a historic resource, and therefore this finding cannot be met. As noted above, the 2012 resolution does not identify the statute as a historic resource. Moreover, again, the question is not whether the statue is a historic resource or not. This finding is focused on whether any proposed "additions to the historic resources are consistent with the massing, proportions, materials, and finishes of the existing historic resource". Here, the removal of the statue does not involve any "additions". Therefore, regardless of whether or not the statue is a historic resource, removal of the statue is not an "addition", and thus this finding can be affirmatively met.

4. That, in cases where Federal funds are to be utilized in financing the proposed alterations, the alterations are consistent with the Standards for the Treatment of Historic Properties, as put forth by the U.S. Secretary of the Interior.

No federal funds are involved in the proposed project.

Appellant also appears to argue that, because the City is not proposing to remove all non-contributing elements, the City is therefore precluded from removing this one non-contributing element. However, the City's motive for proposing the removal of the statue is not legally relevant to the findings that are called for under the PSMC. Instead, the findings that were provided by City staff, analyzed by City staff and the HSPB, and ultimately adopted by the HSPB are what are legally relevant.

II. The Issuance of the Certificate of Appropriateness is Lawful under CEQA

With regard to Appellant's CEQA argument, Appellant asserts that removal would violate CEQA because Appellant believes that the removal of the Bogert statue will cause a substantial adverse change in the significance of a historical resource.

However, as discussed above, based on the findings that are supported by the facts, the removal of the Bogert statue will not cause a substantial adverse change in the significance of a historical resource. The Bogert statue itself is not designated as a historical resource. Further, as explained above, removing the statue would restore the character-defining features of City Hall, which is the historical resource at issue. As such, removing the statue would improve the significance of City Hall and would not cause any adverse change, much less substantial adverse change, in City Hall's significance. As such, the categorical exemption relied upon by City staff and the HSPB is appropriate for the proposed removal of the Bogert statue.

III. Federal and state laws do not apply to the removal of art, as proposed by this action

Appellant cites to a California statute that prohibits anyone, except the artist, from intentionally committing, or authorizing "the intentional commission of, any physical defacement, mutilation, alteration, or destruction of a work of fine art." (California Art Preservation Act ("CAPA"), Civ. Code § 987(c)(1).)

However, even assuming the Bogert statue would be considered "fine art" under CAPA, the City is not proposing to deface, mutilate, alter, or destroy it. Instead, the City is proposing to remove the statue. Simply removing a statue from its current location and placing it in storage alone was not enough to violate CAPA, as found in the very recent case of *Schmid v. City and County of San Francisco*, (2021) 60 Cal.App.5th 470, 488.

As such, the cited statute does not prohibit the City from removing the Bogert statue.

CEQA DETERMINATION.

The proposed project is categorically exempt from review under the California Environmental Quality Act (“CEQA”) under CEQA Guidelines section 15331 and section 15061(b)(3).

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 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 ARG 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 ARG 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 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.

CONCLUSION:

The statue of Frank Bogert was placed in the front yard of City Hall in 1990. The statue is not a character-defining feature of the building or site. It does not reflect the period of significance when the City Hall was designed and built. The statue itself is not a designated historic resource. Its removal will assist in returning the appearance of the City Hall site to the way it appeared during the period of significance shortly after its completion in 1965.

Therefore, City staff recommends that the City Council deny the appeal and uphold the HSPB's approval of a Certificate of Appropriateness for the removal of the Bogert statue.

REVIEWED BY:

City Attorney:	Jeffrey S. Ballinger
Deputy City Manager:	Flinn Fagg
City Manager:	Justin Clifton

ATTACHMENTS:

1. ARG Report, January 24, 2022.
2. Friends of Mayor Frank Bogert Appeal, February 10, 2022.
3. Resolution.



Palm Springs City Hall (HSPB-33D) Limited Historic Resources Report

3200 East Tahquitz Canyon Way
Palm Springs, CA

Prepared for:

City of Palm Springs
Department of Planning Services

Prepared by:



January 24, 2022

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Appendix A. Existing Conditions Photos

1. Introduction

At the request of the City of Palm Springs' Department of Planning Services, Architectural Resources Group (ARG) has prepared this limited Historic Resources Report (HRR) for Palm Springs City Hall at 3200 East Tahquitz Canyon Way. Completed in 1957 and added on to several times since then, the Mid-Century Modern institutional building was designed by Clark, Frey & Chambers in collaboration with Williams, Williams & Williams. The City Hall landscape was originally designed by Eckbo, Royston & Williams.

In 1990, a statue of former mayor Frank Bogert was placed in the landscaped lawn area fronting City Hall, along Tahquitz Canyon Way. On October 2, 1996, Palm Springs City Hall was designated a Class 1 (Landmark) historic site through Council Resolution No. 18907, along with five other buildings designed by master architect Albert Frey.¹ This designation did not list the character-defining features that contribute to the sites' historic significance; this was partially, but not fully, clarified in 2012 (see *Section 2, Administrative Background*) when a second City Council Resolution was issued.

On November 2, 2021, the Palm Springs Historic Site Preservation Board (HSPB) considered the proposed removal of the Bogert statue. Because City Hall is a Class 1 historic site, the statue's removal constitutes an alteration to a Class 1 site, and thus requires a Certificate of Appropriateness from the HSPB in order to proceed. Planning Department staff recommended the Certificate of Appropriateness be granted, on the grounds that the statue is not an original or character-defining feature of the designated site and its removal would not materially impair the historic character-defining features of the site nor diminish its historic significance.

In the November hearing, HSPB Commissioners requested additional study of the site, in order to determine the resource's period of significance and its character-defining features. This limited Historic Resources Report is the result of that request. Because the property is already designated and therefore does not require evaluation for significance/eligibility, the HRR does not include a full architectural description, a historic context statement, or evaluation of eligibility or integrity.

1.1 Frank Bogert Statue

The bronze statue depicting former mayor Frank Bogert astride a horse was placed and dedicated in March 1990.² Designed and cast by Mexico City artist Raymundo Cobo, it was privately funded by the 50s Committee for Art in Public Places, a local non-profit group founded in 1988 to fund and promote public art.³ As of January 2022, the statue has not been evaluated for eligibility as a historic resource

¹ This and all other designation information is derived from the Department of Planning Services, HSPB Staff Report November 2, 2021; the Department of Planning Services, City Council Staff Report March 7, 2012; the Department of Planning Services, City Council Staff Report February 15, 2012; and all attachments (including resolutions). The other Frey buildings designated under Resolution No. 18907 are the Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, and the Carey House.

² "Statue Honoring Palm Springs Pioneer Unveiled at City Hall," *The Desert Sun* April 2, 1990.

³ "Bogert Statue Drive Nearing the Finish Line," *Palm Springs Desert Sun* 3 October 1989; "Bogert Statue Will Stand Tall in Palm Springs," *The Desert Sun* October 20, 1989; "Group Fights to Put Knight Back Out into the Daylight," *The Desert Sun* October 24, 1989; "Bogert Statue To Be Unveiled on March 31," *The Desert Sun* March 22, 1990; "Statue Honoring Palm Springs Pioneer."

and the historical significance of the art and its creator has not been determined. This study does not evaluate the Bogert statue under any eligibility criteria.

1.2 Methodology

Completion of this study involved a site visit and visual inspection of the property on December 28, 2021; compilation and review of historic drawings and project documents obtained from the Palm Springs Department of Planning Services; primary and secondary source research conducted through various online repositories, including the Palm Springs Historical Society Research Library, the Getty Research Institute, and the National Register of Historic Places database; and creation of a detailed development chronology. This report was prepared by Katie E. Horak, Principal and Mary Ringhoff, Senior Associate, both of whom meet the *Secretary of the Interior's Professional Qualification Standards* for Architectural History.⁴ ARG architectural historian Rosa Fry and intern Luke Leuschner provided research assistance and additional project support.

1.3 Summary of Findings

In summary, ARG recommends that the period of significance for Palm Springs City Hall be 1956-1965.

Contributing elements of the property as currently designated/defined include:

- The original building (started 1956, completed 1957)
- The open space at the front of the building including the parking lots, landscape areas and drive aisles. (1957)
- The northwest addition (1965)

Specific character-defining features are listed in *Section 7, Character-Defining Features*.

Non-contributing elements including those that have been substantially altered or added outside the site's period of significance are:

- The northeast addition (1972)
- The north addition (1985)
- The rear parking lot and landscaping (1985)
- All plant materials (1957-present)⁵
- The flagpole (1957, moved to front lawn 1981)
- The Bogert statue (1990)

⁴ Katie E. Horak is a Principal and Architectural Historian in ARG's Los Angeles office, with 18 years of experience in the field. She is a graduate of the Master of Historic Preservation (now Heritage Conservation) program at the University of Southern California. Mary Ringhoff is a Senior Associate in ARG's Los Angeles office, with 12 years of experience in the field. She is also a graduate of USC's Master of Historic Preservation program.

⁵ Council Resolution No. 23106 (attachment to November 2, 2021 HSPB staff report) specifies that landscape plant materials are excluded from the property's Class 1 historic site designation. This is presumed to apply to any surviving original vegetation – namely, the olive trees directly fronting the building, and possibly other mature trees – as well as replacement vegetation.

The following report provides a summary and contextual basis for analysis and a discussion of how these findings were made.

2. Administrative Background

The 1996 designation of City Hall as a Class 1 historic site did not identify character-defining features or elements that contribute to the site's historic significance. On March 7, 2012, the City Council partially addressed this issue by adopting Council Resolution No. 23106, which specified:

The Class 1 historic designation for the Palm Springs City Hall is hereby amended to include the structures, features, and land of that portion of APN No. 502-150-005 bounded by the north edge of the north parking lot and the curb edges along Civic Drive, Tahquitz Canyon Way, and El Cielo Road, excepting the landscape plant materials therein...⁶

This clarification limited the designation to include the southern part of the City Hall site, including the building and the open space fronting it (primary frontage along Tahquitz Canyon Way), and excluded the northern part of the site, which contains a dog park and the co-generation plant, along with associated landscape areas. It did not specify period of significance, character-defining features, or applicable local eligibility criteria, but based on the original 1996 designation it is assumed that the building was landmarked for its Mid-Century Modern architectural design by master architect Albert Frey.

In 2015, City Hall was listed in the National Register of Historic Places as part of the "Architecture of Albert Frey" Multiple Property Documentation submission. It was determined eligible for listing under National Register Criterion C, "because it embodies the distinctive characteristics of civic architecture associated with Albert Frey and is the work of a master architect."⁷

⁶ Council Resolution No. 23106, attachment to November 2, 2021 HSPB staff report.

⁷ Peter Moruzzi, National Register of Historic Places Registration Form: Palm Springs City Hall, 2015.

3. Historical Background Summary

In the Palm Springs Citywide Historic Context Statement (“HCS”) (2016), Palm Springs City Hall falls under the context “Post-World War II Palm Springs (1945-1969)” and the theme “Post-World War II Civic and Institutional Development (1945-1969).” During the post-war period, development and population growth in Palm Springs necessitated the construction of new civic buildings, including fire stations, schools, churches, and City Hall. They were usually designed by local architects and “reflected the progressive symbolism of Modernism.”⁸ The HCS summarizes the history and development of the building:⁹

In 1952 the firm of Clark, Frey & Chambers was selected to design a new City Hall building to accommodate the growing city’s administrative needs (3200 E. Tahquitz Canyon Way; HSPB-33). Various sites were considered, including Tamarisk Park and Torney General Hospital (El Mirador), before the city selected a ten-acre site within the vacated Federal land, avoiding the costs of land acquisition. On December 15, 1953 the city transferred \$300,000 from the Capital Outlay Fund to a dedicated City Hall Construction Fund to begin the process. The entire cost of the building, which totaled \$408,318, was financed through sales tax revenues, without resorting to bond issues or increased property taxes. Final working drawings were submitted on January 18, 1956 and the bid was awarded to Kretz and Wilson of Indio on February 21. Construction began on March 6, and the new City Hall was dedicated on November 8, 1957. By that time the city’s permanent population was 12,225, with a seasonal increase to 45,000.¹⁰

For the design of City Hall, Clark, Frey & Chambers collaborated with Williams, Williams & Williams. The building used a Modern vocabulary to convey the symbolic role of a city hall; the main entrance to the administrative offices was defined by a large square canopy with a circular opening to the sky, while the city council chamber was given definition in a separate, attached wing marked by a freestanding aedicula. The windows of the office wing were shaded by deep eaves and a screen of deep tubular sections that allowed views out, but shut out direct sunlight. The City Council wing was constructed of concrete block integrally tinted a rose color; the blocks were slightly offset to create a distinctive geometric pattern on the flat walls, especially when raked by sunlight.

Although completed in collaboration, the design of Palm Springs City Hall is firmly attributed to Albert Frey and John Porter Clark, and is noted to incorporate many of Frey’s characteristic ideas and choice of materials.¹¹ The firm of Eckbo, Royston & Williams, led by master landscape architect Garrett Eckbo, designed the original landscape.¹² Xeriscaped areas with bare earth, ocotillos, yucca, olive trees, and

⁸ City of Palm Springs, *City of Palm Springs Citywide Historic Context Statement & Survey Findings* (prepared by Historic Resources Group for City of Palm Springs, 2016), 285.

⁹ *Ibid.*, 285-286.

¹⁰ “Your City Hall” commemorative brochure published for the dedication of Palm Springs City Hall, November 8, 1957 (Palm Springs Public Library).

¹¹ Peter Moruzzi, National Register of Historic Places Multiple Property Documentation Form: The Architecture of Albert Frey, 2015, E-14.

¹² “Council Given City Hall Landscaping,” *The Desert Sun* March 20, 1957; Julius Shulman, Job 2519 photographs: Palm Springs City Hall (Palm Springs, Calif.), 1958 (Julius Shulman Photography Archive, 1936-1997, Getty Research Institute), accessed January 2022, [Job 2519: Palm Springs City Hall \(Palm Springs, Calif.\), 1958, 1958 - Getty Research Institute \[Alma\]](#).

boulder clusters directly fronted the building and were also present at most of the area fronting the parking lots and drive, including the parkways (with California fan palm trees at the southeast corner of the parcel). Similar xeriscaping occupied most of what is now the lawn area containing the Bogert statue, with an undulating hillock planted with low-growth, drought tolerant vegetation, and a small patch of lawn.¹³

Multiple secondary sources state that the building was constructed in phases between 1952 and 1956, but examination of primary sources found this not to be the case. Based on newspaper articles and historic drawings on file at the City, Clark and Frey began preliminary sketches in 1952, the project was funded in 1953, the building site was finalized in 1955, working plans by Clark, Frey & Chambers with Williams, Williams, & Williams were approved in early 1956, City Hall was complete in 1957, and the site was not fully cleared of older buildings to enable landscaping until months after construction of the new building.¹⁴

As outlined in *Section 5, Alterations and Chronology of Development*, City Hall received multiple interior modifications and three additions after its original completion in 1957. In 1965, a Williams, Williams & Williams-designed addition was placed at the northwest corner; this reinforced concrete masonry unit volume was intended to serve as both office space and as an emergency operations center in case of disaster (including nuclear attack – in this regard, it is an architectural embodiment of Cold War concerns on the local as well as nationwide level). In 1972, a Williams, Williams & Williams-designed conference room addition was placed at the northeast corner of the building. And in 1985, a large rear addition was placed at the northeast portion of the building; it was designed by Williams, Clark & Williams in collaboration with Clinton Marr & Associates, and partially obscured/incorporated the 1972 conference room addition.

¹³ Garrett Eckbo Collection, Environmental Design Archives, College of Environmental Design, UC Berkeley: 35mm slides of Palm Springs City Hall landscape reproduced in letter from Palm Springs Preservation Foundation to the Palm Springs Planning Commission, August 10, 2010, accessed January 2022, [23Aug10ltrPCpdf.pdf \(pspreservationfoundation.org\)](#); Julius Shulman photos at GRI.

¹⁴ Williams, Williams, Williams & Clark, Frey, Chambers, "Palm Springs City Hall," drawings (as built), January 16, 1956, on file at City of Palm Springs Department of Planning Services; "Council Hires Architect for New City Hall," *The Desert Sun* October 23, 1952; "Planners Call Meeting on Civic Center," *The Desert Sun* October 26, 1953; "Earmark \$300,000 for Proposed New City Hall," *The Desert Sun* December 17, 1953; "Council Favors Airport Site for New City Hall," *The Desert Sun* June 23, 1955; "City Hall Working Plans Approved; Total \$380,800," *The Desert Sun* January 19, 1956; "New City Hall To Be Ready By Next Friday," *The Desert Sun* March 5, 1957.

4. Summary Architectural Description

4.1 Site

The designated portion of the Palm Springs City Hall property occupies a large parcel bounded by East Tahquitz Canyon Way on the south, North Civic Drive on the west, the north edge of a surface parking lot on the north (abutting the dog park and cogeneration plant to the north), and East Cielo Road on the east. The building itself fronts south, facing Tahquitz Canyon Way, and sits on a low concrete plinth with concrete plaza and curving, shallow steps. Lawn, a low hedge, and mature trees are present directly adjacent to the building, including olive trees original to the 1957 landscape, and several Mexican fan palms in a circular planter at the main entrance. The palms occupy what was originally the location of the flagpole (moved in 1981), and projected up through the circular hole in the entrance canopy.

The flagpole, along with the bronze Frank Bogert statue, now sit in a larger, irregularly shaped, flat lawn area with mature Mexican fan palms, California fan palms, and a pine tree bordering Tahquitz Canyon Way. The parkway in the southeast portion of the parcel is xeriscaped with bare earth, yucca, California fan palms, and boulders; in the southwest portion of the parcel, the parkway contains lawn, palo verde trees, and a crape myrtle tree. Concrete-paved surface parking lots are present at the southeast, southwest, and north sides of the parcel, with the north lot being U-shaped and extending symmetrically southward on either side of the building. The lots in the south portion of the parcel are connected via a concrete-paved front drive that curves to follow the edge of the concrete plinth. Concrete-curbed, linear planters containing palo verde trees and yucca are present in both parking lots.

4.2 Building

The National Register nomination for Palm Springs City Hall and other Albert Frey buildings provides the following architectural description of the primary (south) façade of the original 1957 building, which ARG confirmed is accurate through the December 28, 2021 site visit:¹⁵

The one-story flat-roofed building is divided into two distinct sections, a symmetrical office portion with a wing extending from the rear of the main entrance, and a large council chamber that projects outward toward Tahquitz Canyon Way. The primary construction material is sandblasted terra-cotta-colored concrete block, but in this case every two rows are aligned so that the appearance from a distance is of offset squares.

The office portion exhibits a low horizontal profile with the flat roof extending southward to form deep eaves. The portion connecting the offices to the council chamber becomes a covered walkway sheltered by a series of distinctive angled cylindrical metal brise soleil painted sage green. Each brise soleil shelters floor-to-ceiling glazing of the offices. Flat metal fasciae contrast with corrugated metal exterior ceilings colored light blue.

The projecting council chamber is taller than the office portion, differing substantially in its design. The flared walls of the concrete block chamber appear telescopically stepped toward the north. As such, the chamber seems windowless when viewed from the west, south or east.

¹⁵ Moruzzi, MPDF, E-14 to E-15.

However, each flared elevation actually contains a north-facing window that provides light for the interior. An unusual detail of the council chamber is its corner treatment consisting of projecting concrete blocks cut at a diagonal at every other paired row. This element catches light and shadow, giving dynamism to the composition. It is a distinguishing detail that would appear in more elaborate form in the firm's Tramway Gas Station of 1965.

What makes the composition so extraordinary, however, is the design of the freestanding entrance canopies of the office portion and council chamber. The office canopy is a flat-roofed square of corrugated metal supported by posts; an open circle punctures the center. The words "Palm Springs City Hall" are written across the fascia. The council chamber canopy consists of a concrete circular disk – supported by posts – with a diameter equal to the void of the office canopy. On its fascia are the words "The People Are The City." Each canopy is its mirror opposite.

City Hall's west (side) façade, comprising the west wall of the 1957 office wing and the west wall of the 1965 addition, is a windowless expanse clad in textured concrete masonry units. A recessed entrance is accessed by a concrete walkway sheltered by a canopy with metal "spider leg" supports and a corrugated metal roof with light blue underside, matching the canopy at the primary elevation.

City Hall's rear (north) façade is entirely that of the 1965 and 1985 addition, and faces the property's rear surface parking lot. It is clad in textured concrete masonry units matching that on the rest of the building, and has floor-to-ceiling, anodized aluminum fixed windows with dark glazing. It is fronted by multiple flat-roofed projecting colonnades with simple square column supports of concrete masonry units painted white, and textured stucco soffits. The eastern portion of the north façade is comprised of a glass and aluminum curtainwall set at an angle.

City Hall's east (side) façade comprises three distinct sections. The southmost section is the "telescoped" original façade of the Council Chambers, clad in textured concrete masonry units and abutted directly to the north by the 1972 conference room addition; this portion appears windowless when viewed straight on, but north-facing windows are actually present at each "telescoping" element as described above. The final section of the east façade, to the north, is that of the 1985 addition, and features fenestration, cladding, and colonnades like those at the rear (north) façade.

5. Alterations and Chronology of Development

Upon review of secondary sources, historical building drawings, newspaper sources, and photographs, ARG created the following chronology of development for the Palm Springs City Hall historic site.¹⁶ This chronology provides a summary of the property's development and all documented and observed alterations.

Chronology of Development and Use

- 1952** City Council commission the architectural firm of Clark and Frey to prepare preliminary sketches for a new City Hall, despite a site not yet having been selected.¹⁷
- 1953** City Planning Commission holds a public hearing to determine the location of the new City Hall. Preliminary sketches by Clark and Frey have been completed at this time.¹⁸
- 1955** Site immediately north of city government buildings and adjacent to Palm Springs' airport is selected for new City Hall. New architectural plans commence.¹⁹
- 1956** On January 19, 1956, working plans for the new city hall are approved.²⁰
- On March 9, 1956, construction begins. Kretz and Wilson are the builders and H.C. Whittlesey is the structural engineer.²¹ According to original drawings the architects are Williams, Williams, Williams & Clark, Frey, Chambers.
- 1957** Palm Springs City Hall dedicated on November 8, 1957.²²
- City Hall landscape design by Eckbo, Royston & Williams approved by City Council and executed by local contractors William A. Foster (hardscape) and Neel's Nursery.²³
- 1965** A 9,300 sq. ft. addition to the northwest corner of City Hall is constructed. The addition is intended to be an emergency operating center with convertible accommodations for office space. Designed by Williams and Williams Architects to provide fortified earthquake and disaster resistance, the addition is constructed of steel reinforced concrete block with a reinforced concrete roof. Interior alterations to the original building

¹⁶ As building permits were not available for Palm Springs City Hall, findings are based primarily on drawings, photos, and newspapers; all development information in secondary sources (e.g., the National Register nomination, previous staff reports, Joseph Rosa's *Albert Frey, Architect*) was checked against primary sources.

¹⁷ "Council Hires Architect for New City Hall," *The Desert Sun*, October 23, 1952.

¹⁸ "Planners Call Meeting on Civic Center," *The Desert Sun*, October 26, 1953.

¹⁹ "Council Favors Airport Site for New City Hall," *The Desert Sun*, June 23, 1955.

²⁰ "City Hall Working Plans Approved; Total 380,800," *The Desert Sun*, January 19, 1956.

²¹ "Ground is Broken for New City Hall," *The Desert Sun*, March 9, 1956; Williams, Williams, Williams & Clark, Frey, Chambers, "Palm Springs City Hall," drawings (as built), January 16, 1956, on file at City of Palm Springs Department of Planning Services.

²² "Your City Hall," *Historic Context Statement*, 285.

²³ "New City Hall Landscaping Plans Approved," *The Desert Sun* July 11, 1957; "Council Approves Contract Bids, Plans at \$211,088 Cost," *The Desert Sun* August 1, 1957; Photo caption "Although the foundations..." *The Desert Sun* August 8, 1957.

at this time include the enlargement of two customer service counters, council chamber improvements, and the replacement of deteriorated asphalt tile with vinyl tile.²⁴

1972 Rear conference room addition at the northeastern corner of the building and interior renovations by Williams and Williams.²⁵

Concrete access ramp (sloping concrete walkway) with metal handrails added at east end of office wing, near junction with Council Chamber.²⁶

1981 Exterior and interior (lobby and hallway) renovations by Daniel Brisset Inc.²⁷ One set of fully glazed aluminum double doors at main entrance replaced with fully glazed sliding metal doors in original opening; other set of original doors replaced with fixed floor-to-ceiling aluminum windows (compatible with original assembly configuration).

Flagpole removed from canopy opening (replaced with palm trees) and relocated to the front lawn.²⁸

1984 Work begins on substantial addition to the northeastern corner of the building and remodeling. Rear parking added. Addition designed by Williams, Clark, and Williams with associate architects Clinton Marr & Associates, and structural engineers Johnson & Nielson Associates.²⁹

1985 Rear addition and remodeling completed.

Co-generation plant north of City Hall building completed.³⁰

1987 Minor renovations to finance department, mailroom, and office additions as designed by E. Alonso.³¹

1990 Frank Bogert statue dedicated in July 1990 with landscape designed by David Hamilton.³²

²⁴ "City Hall Addition Under Way," *The Desert Sun*, May 11, 1965; "City Hall Addition Scheduled for Completion in December," *The Desert Sun*, November 8, 1965; Williams & Williams and John Porter Clark, "Alterations to City Hall," drawings, August 9, 1965, on file at City of Palm Springs Department of Planning Services.

²⁵ Williams & Williams A.I.A. Architects, "Additions and Alterations City Hall," drawings (as built), February 24, 1972, on file at City of Palm Springs Department of Planning Services.

²⁶ Ibid.

²⁷ Daniel Brisset Inc./Designer, "Palm Springs City Hall Lobby/Hallway Remodeling," drawings, June 2, 1981, on file at City of Palm Springs Department of Planning Services.

²⁸ "Raising the Flag(pole)," *The Desert Sun*, October 23, 1981.

²⁹ Williams, Clark, & Williams, "Expansion of City Hall," drawings, January 15, 1984, on file at City of Palm Springs Department of Planning Services.

³⁰ "Palm Springs Breaks Ground for New Cogeneration Project," *The Desert Sun*, May 2, 1984; "Cogeneration Plants Operational," *The Desert Sun*, May 15, 1985.

³¹ E. Alonso, "Finance Department, New Offices & Mailroom," drawings, May 7, 1987, on file at City of Palm Springs Department of Planning Services.

³² "Statue Honoring Palm Springs Pioneer Unveiled at City Hall," *Palm Springs Desert Sun* 2 April 1990; David Hamilton Landscape Design, untitled preliminary plans for Bogert Statue, preliminary drawings, undated, on file at City of Palm Springs Department of Planning Services.

- 1996** Interior renovations including recarpeting, painting, reupholstering, and other basic restoration work is planned to be completed by the interior design firm of Jeffrey Juraski.³³
- City Council designates City Hall a Class 1 historic site (HPSB-33, Resolution No. 18907).³⁴
- 1997** Interior renovations by Interactive Design Group.³⁵
- 1999** Dog park north of City Hall building completed.³⁶
- 2004** Interior renovations remaking the mayor's office into cubicle space.³⁷
- 2012** City Council amends the historic designation of the Palm Springs City Hall (Resolution No. 23106) excluding the sit area north of the north parking lot.³⁸
- 2015** City Hall listed in the National Register of Historic Places as part of the Architecture of Albert Frey Multiple Property Submission.³⁹

During the December 28, 2021 site visit, ARG observed the following alterations which occurred at unknown dates:

Fully glazed metal door and sidelights added (or replaced original) at east end of office wing, near junction with Council Chamber

Alterations to original landscape: hillock in front lawn area flattened out, xeriscape of bare earth, ocotillos, yucca, and boulders directly adjacent to building replaced with lawn and hedge (olive trees retained), freestanding parking lot light standards replaced.

³³ "Panel aims to Restore City Hall," *The Desert Sun*, February 9, 1996.

³⁴ "Class 1 and Class 2 Historic Sites, Historic Districts, and Properties Listed on the National Register of Historic Places," *Palm Springs Department of Planning Services Historic Site Preservation Board*, revised August 2, 2021, accessed 2022, <https://www.palmspringsca.gov/home/showpublisheddocument/71976/637677386962370000>.

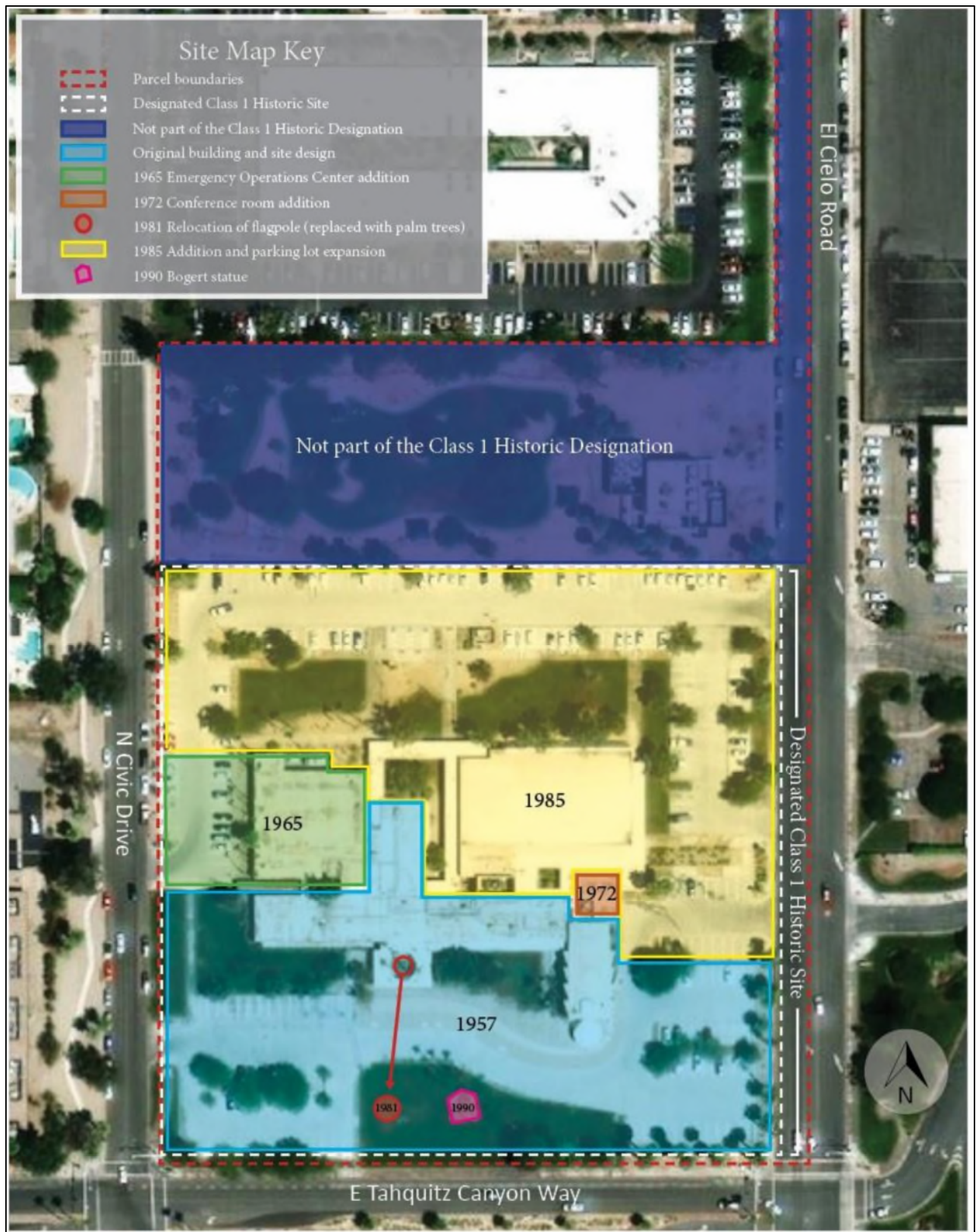
³⁵ Interactive Design Corporation, "Palm Springs City Hall Renovation," drawings, March 5, 1987, on file at City of Palm Springs Department of Planning Services.

³⁶ "Fence Around Dog Park Going Up as 'Release the Hounds' Day Nears," *The Desert Sun* January 31, 1999; "Palm Springs Dog Park Ready for Use April 3," *The Desert Sun* March 29, 1999.

³⁷ "City Hall Renovation Nears Completion," *The Desert Sun*, February 23, 2004.

³⁸ "Class 1 and Class 2 Historic Sites, Historic Districts, and Properties Listed on the National Register of Historic Places," *Palm Springs Department of Planning Services Historic Site Preservation Board*, revised August 2, 2021, accessed 2022, <https://www.palmspringsca.gov/home/showpublisheddocument/71976/637677386962370000>.

³⁹ Ibid; Peter Moruzzi, National Register of Historic Places Multiple Property Documentation Form: The Architecture of Albert Frey, 2015.



Areas of the site as discussed in this study. Base image: Google Maps, 2021.

6. Period of Significance

ARG recommends 1956-1965 as the period of significance for Palm Springs City Hall.

The period of significance begins with approval of the final design and beginning of construction in 1956, and ends with the addition of the emergency operations center at the northwest corner of the building in 1965. Although the 1965 addition was not an original part of the building, it is compatible with the original massing, configuration, and Mid-Century Modern style, and is clad in textured concrete masonry units identical to that of the original building. It is slightly separated/differentiated from the original volume via a recessed west entrance approach sheltered by a canopy with metal “spider leg” supports and a corrugated metal roof with light blue underside matching the canopies at the primary elevation. As the addition is sited behind the original building and is not visible from the primary viewshed at Tahquitz Canyon Way, its placement did not negatively affect the building’s architectural character. Its most visible façade, at the west, matches the west façade of the original volume, which is also windowless and devoid of ornamentation. For these reasons, the 1965 addition appears to be a contributing element to the building’s architectural significance as addressed in City of Palm Springs Class 1 Eligibility Criteria 4 and 5.⁴⁰

While a full significance evaluation is outside the scope of this study, ARG recommends that City Hall, comprising the original 1956-1957 volume and the 1965 northwest addition, also be considered eligible under local Class 1 Criterion 3 for its association with, and embodiment of, of post-World War II civic development in Palm Springs.⁴¹ The original building was funded and constructed in response to population growth and increased development in the once-sleepy Village during the post-war period. The 1965 addition was designed for use as an emergency operations center for civil defense as well as expanded office space, embodying the Cold War concerns preoccupying the nation in the years following the Bay of Pigs crisis. It was partially funded by the federal government and housed emergency equipment and supplies including a generator, separate water well, and a two-week supply of food for 90 people.⁴² For these reasons, the 1956-1965 period of significance is also appropriate for City Hall’s eligibility under local Criteria 3 (period), 4 (construction on the 1965 part), and 5 (architect).

The original landscape design by Eckbo, Royston & Williams has been significantly altered since 1957: most of the original plantings have changed; all low relief elements, notably an undulating hillock in the lawn area, have been flattened out; most boulders have been removed; and parking light standards have been replaced.). The general site plan configuration and layout of hardscape and landscape appears as it was during the period of significance, however the parking lot light fixtures and the specific plant materials that exist today in the landscape do not reflect the Ekbo design as seen in historic photos and a 1957 rendering.⁴³ The 2012 designation amendment specified that “landscape plant materials” are not included in the designation, and this is presumed to cover any remaining original as well as current vegetation. The flagpole and Frank Bogert statue located in the lawn area in front of the building

⁴⁰ City of Palm Springs Municipal Code, 8.05.070.

⁴¹ See applicable eligibility criteria, integrity considerations, and registration requirements in the Citywide Historic Context Statement, 289-291.

⁴² “City Hall Addition Under Way,” *The Desert Sun* May 11, 1965.

⁴³ “Council Given City Hall Landscaping,” *The Desert Sun* March 20, 1957.

are alterations that occurred well after the period of significance and do not contribute to the property's significance in terms of architecture or association with/embodiment of historic patterns of development – the flagpole was moved here from the main entrance in 1981, and the statue was added in 1990. In summary, the open space at the front of the building is a contributing element, while the actual vegetation, flagpole, and statue are not contributing elements.

The 1972 conference room at the northeast corner of the building was partially subsumed by the subsequent, much larger, addition constructed at the rear of the original volume in 1985. As a result, it does not contribute to the significance of City Hall. The 1985 addition is relatively young in age and is not associated with patterns of postwar development in Palm Springs. In keeping with its construction date, its architectural style is more Late Modern than Mid-Century Modern in appearance, featuring flat-roofed projecting colonnades, anodized aluminum windows with dark glazing, and a dramatically angled glazed bay, all of which are unlike anything seen on the parts of the building constructed in 1957 or 1965. This addition is also taller than the rest of the building, rising above even the Council chambers at the southeast corner of the original City Hall. In summary, the 1972 and 1985 additions do not contribute to the significance of City Hall and fall outside the 1956-1965 period of significance.

7. Character-Defining Features

ARG recommends the following as character-defining features of the Palm Springs City Hall:

7.1 Site

General open configuration and layout of the landscape and hardscape fronting the building, excluding planting materials, the flagpole, and the Bogert statue

7.2 Building

Irregular plan.

Low-slung, horizontal massing.

Mid-Century Modern architectural style.

Flat roofs.

Low concrete plinth with curving concrete plaza and shallow steps.

Textured concrete masonry unit cladding, with “offset squares” appearance.

Asymmetrical composition of the primary façade, with office wing at west and Council Chambers at east.

Original aluminum doors and windows.

Projecting canopies over walkways at office wing primary façade, with light blue corrugated metal soffits and angled, cylindrical, metal brise soleils painted sage green

Deep eaves/metal canopy at office wing primary façade.

Differentiated Council Chamber massing/shape/details, with “telescopically stepped” walls with fixed windows toward the north; diagonal corner treatment; and round concrete entry porch.

Freestanding “mirror opposite” entrance canopies with original signage at primary façade: at office wing, a flat-roofed square with angled steel I-beam supports, light blue corrugated metal soffits, corrugated metal fascia, and open circle in roof; at Council Chamber, a concrete circular disk with simple columns

Flush-mounted sans serif aluminum signage, including “PALM SPRINGS CITY HALL,” “THE PEOPLE ARE THE CITY,” and “COUNCIL CHAMBER”

Corrugated metal entry canopy at west façade with “spider leg” supports, over recessed entry approach.

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Appendix A. Existing Conditions Photographs



View north of Bogert statue, lawn, and primary (south) façade. (ARG, 2021).



Detail view of Bogert statue (ARG, 2021).



View northwest of the primary (south) façade with front driveway, off-center parking, and landscaping (ARG, 2021).



View north of the primary entrance. The palm trees at the center of the circular opening in the canopy were added in 1981 when the original flagpole was relocated to the front lawn (ARG, 2021).



View northwest of the primary entrance canopy, concrete plinth, and steps (ARG, 2021).



Canopy and brise soleils along the covered walkway at the primary facade (ARG, 2021).



View northwest of the Council Chamber entrance at the east corner of the primary (south) facade (ARG, 2021).



View northwest of the east façade with 1972 conference room addition (center-left volume) and 1985 addition (at colonnade) (ARG, 2021).



View southwest of the east and north façade at the 1985 addition (ARG, 2021).



View east of the north façade of the 1985 addition (ARG, 2021).



View southeast of the north façade with 1985 addition (left) and 1965 addition (right) (ARG, 2021).



View northeast of the west façade with 1965 addition and canopy (left) and original volume (right) (ARG, 2021).



View northeast of the west and portion of south facades (ARG 2021).



View southeast from primary entrance canopy with the Bogert statue and E Tahquitz Canyon Way in the background (ARG 2021).

RESOLUTION NO. 23106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE CLASS 1 HISTORIC DESIGNATION OF THE PALM SPRINGS CITY HALL TO INCLUDE THE STRUCTURES, FEATURES AND LAND OF THAT PORTION OF APN NO. 502-150-005 BOUNDED BY THE NORTH EDGE OF THE NORTH PARKING LOT AND THE CURB EDGES ALONG CIVIC DRIVE, TAHQUITZ CANYON WAY AND EL CIELO ROAD, EXCEPTING THE LANDSCAPE PLANT MATERIALS THEREIN.

The City Council of the City of Palm Springs, California finds:

A. Chapter 8.05 of the Palm Springs Municipal Code allows for the designation of historic sites.

B. On October 2, 1996, the City Council adopted Resolution No. 18907 adopting a historic designation, Class 1 for the Palm Springs City Hall building, including express restrictions on the City Hall building, but did not include express restrictions or limitations on the surrounding grounds and ancillary facilities or improvements.

C. On May 11, 2010, the Historic Site Preservation Board conducted a public hearing in accordance with applicable law and voted to recommend amending the existing Class 1 historic designation of the Palm Springs City Hall to expressly include the entire site in the historic designation.

D. The designation of the entire site or portions of the Palm Springs City Hall site would further the purpose and intent of Chapter 8.05 of the Palm Springs Municipal Code.

E. The designation of specific portions of the entire site of the Palm Springs City Hall shall promote the sensitive preservation of the Palm Springs City Hall site.

F. The City Council has reviewed and considered all of the evidence in connection with the designation, including but not limited to the staff report, application, and historical research, all written and oral testimony presented, and notes and reaffirms the following:

1. The lands and features surrounding the Palm Springs City Hall embody the distinctive characteristics of a type, period, or method of construction, because the steps and plaza, as a base or "plinth," reconcile the distinctive characteristics of the mid-century modern style with the traditional design of a public building.

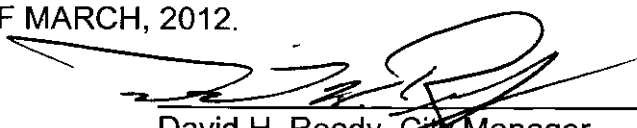
2. The building, lands, and features surrounding the Palm Springs City Hall include the work of a master builder, designer, artist, or architect whose individual genius influenced his age; because the development of the Palm Springs City Hall is part of Albert Frey's design plan for the property; the life and work of Albert Frey has been well-documented; and his work is recognized world-wide as significant toward the development of the modern movements of architecture, especially as he adapted such styles and movements to the local environment.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS RESOLVE:

SECTION 1. The Class 1 historic designation for the Palm Springs City Hall is hereby amended to include the structures, features, and land of that portion of APN No. 502-150-005 bounded by the north edge of the north parking lot and the curb edges along Civic Drive, Tahquitz Canyon Way, and El Cielo Road, excepting the landscape plant materials therein, subject to the following conditions:

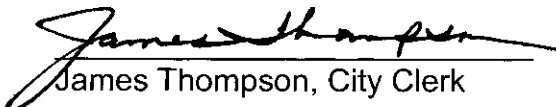
1. All future exterior modifications including but not limited to building, site, landscaping, lighting, walls, and fences shall require Architectural Approval pursuant to Section 94.04.00 of the Palm Springs Zoning Ordinance.
2. No permit for the alteration of the interior or exterior of any building, or the steps or entry plaza fronting the main (south) building entries, or the hardscape of the parking lot areas, including any and all of the properties elements and characteristics within the designated area described above shall be issued without prior approval by the Historic Site Preservation Board (HSPB) as provided in Chapter 8.05 of the Palm Springs Municipal Code. Modifications to landscape plant materials are exempted from HSPB review.
3. All existing or previously approved or installed alterations or improvements shall be considered acceptable and consistent with the requirements of Chapter 8.05 of the Palm Springs Municipal Code.

ADOPTED THIS 7TH DAY OF MARCH, 2012.



David H. Ready, City Manager

ATTEST:



James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. 23106 is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 7, 2012, by the following vote:

AYES: Councilmember Hutcheson, Councilmember Lewin, Mayor Pro Tem Foat,
and Mayor Pougnet.
NOES: Councilmember Mills.
ABSENT: None.
ABSTAIN: None.


James Thompson, City Clerk
City of Palm Springs, California

Recorded
10-8-96
386125

RESOLUTION NO. 18907

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS,
CALIFORNIA, DESIGNATING THE FREY HOUSE II, THE
VALLEY STATION OF THE PALM SPRINGS AERIAL
TRAMWAY, THE LOEWY HOUSE, PALM SPRINGS CITY
HALL, AND THE CAREY-PIROZZI HOUSE AS CLASS 1
HISTORIC SITES.

* * * * *

WHEREAS the Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey House have contributed substantially to the historic architectural diversity of the City of Palm Springs; and

WHEREAS the Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey-Pirozzi House have long been landmarks of the City of Palm Springs for residents, architectural students and visitors; and

WHEREAS the Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey-Pirozzi House together constitute a significant portion of a body of work designed by the architect Albert Frey, FAIA, along with various partners; and

WHEREAS the life and work of Albert Frey, FAIA, has been well-documented, and his work is recognized world-wide as significant toward the development of the International style and other modern movements of architecture, especially as he adapted such styles and movements to the local environment; and

WHEREAS the Palm Springs General Plan provides for the long-term preservation of significant architectural and historic buildings; and

WHEREAS Chapter 8.05 of the Palm Springs Municipal Code provides for the designation of sites with architectural and historic significance; and

WHEREAS on September 10, 1996, the Historic Site Preservation Board held a public hearing to recommend the designation of the Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey-Pirozzi House as historic sites and unanimously recommends to the City Council designation of said properties as Class 1 Historic Sites; and

WHEREAS the City Council concurs in the recommendation of the Historic Site Preservation Board regarding the architectural and historic value of the Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey-Pirozzi House; and

WHEREAS the designation of the Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey-Pirozzi House shall further the purposes and intent of the General Plan and Chapter 8.05 of the Palm Springs Municipal Code; and

WHEREAS the designation of the Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey-Pirozzi House shall promote the sensitive preservation and restoration of said sites.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Springs, California, as follows:

- Section 1. The Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey House were constructed during the period 1946-1965 and have since contributed to the historic architectural diversity of the City of Palm Springs.
- Section 2. The Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey House are excellent examples of the Modern architectural movement in the City of Palm Springs as designed and adapted by the renowned architect Albert Frey, FAIA.
- Section 3. a. The Frey House II, owned by Albert Frey ("Owner"), and located at 686 Palisades Dr., shall be designated as a Class 1 Historic Site pursuant to Chapter 8.05 of the Palm Springs Municipal Code. The site is located on Lot 10, and a portion of Lot 8, of Palm Springs Palisades, M/B 19/23, Riverside County, California; APN 513-110-020.
- b. The Valley Station of the Palm Springs Aerial Tramway, owned by Mount San Jacinto Winter Park ("Owner"), and located at the westerly terminus of Tram Way, shall be designated as a Class 1 Historic Site pursuant to Chapter 8.05 of the Palm Springs Municipal Code. The site is located on a portion of Sec. 7, T.4S., R.4E., Riverside County, California; APN 505-020-012.
- c. The Loewy House, owned by James Gaudineer ("Owner"), and located at 600 Panorama Rd., shall be designated as a Class 1 Historic Site pursuant to Chapter 8.05 of the Palm Springs Municipal Code. The site is located on a portion of the SW1/4 SE1/4 of Section 3, T.4S., R.4E., Riverside County, California; APN 504-292-014.
- d. Palm Springs City Hall, owned by the City of Palm Springs ("Owner"), and located at 3200 E. Tahquitz Canyon Way, shall be designated as a Class 1 Historic Site pursuant to Chapter 8.05 of the Palm Springs Municipal Code. The site is located on Lot 16 of Palm Valley Colony Lands, MB 14/652, San Diego County, California; APN 502-150-005.
- e. The Carey-Pirozzi House, owned by Vincent & Karen Pirozzi ("Owners"), and located at 651 W. Via Escuela, shall be designated as a Class 1 Historic Site pursuant to Chapter 8.05 of the Palm Springs Municipal Code. The site is located on Parcel 1, R/S 27/75, Riverside County, California; APN 504-193-002.
- Section 4. No permits for the exterior alteration to the Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey-Pirozzi House shall be granted without the prior approval of the Historic Site Preservation Board and/or the City Council, pursuant to Chapter 8.05 of the Palm Springs Municipal Code; approved alterations shall maintain the historic architectural integrity of the building.
- Section 5. The Owners shall permit the City to demark the Frey House II, the Valley Station of the Palm Springs Aerial Tramway, the Loewy House, Palm Springs City Hall, and the Carey-Pirozzi House as historic sites with a plaque of the City's choosing.
- Section 6. This resolution, and the historic designation put in place by it, shall not affect title to the subject properties.

Section 7. The City Council hereby directs the City Clerk to submit this resolution to the county recorder for recordation within 90 days of the effective date of this resolution.

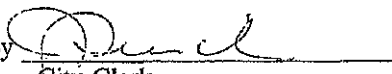
ADOPTED this 2nd day of October, 1996.

AYES: Members Barnes, Hodges, Oden, Spurgin and Mayor Kleindienst
NOES: None
ABSENT: None


ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

By


City Clerk


City Manager

REVIEWED & APPROVED: 



City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262
Tel: 760.323.8204 • Fax: 760.322.8332 • TDD 760.864.9527 • www.palmspringsca.gov

ACTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA

Council Meeting Date: February 15, 2012

Councilmembers Present: Councilmembers Hutcheson, Lewin, Mills, Mayor Pro Tem Foat, and Mayor Pougnet.

Councilmembers Absent: None.

Agenda Item No. Public Hearing, Item No. 1A

PROPOSED AMENDMENT TO AN EXISTING CLASS 1 HISTORIC DESIGNATION FOR PALM SPRINGS CITY HALL TO DENY THE HISTORIC SITE PRESERVATION BOARD'S REQUEST TO INCLUDE SITE PARKING AND LANDSCAPE AREAS, AND AMENDING THE DESIGNATION TO INCLUDE THE CONCRETE PLAZA, LOCATED AT 3200 EAST TAHQUITZ CANYON WAY, AS A CLASS 1 HISTORIC SITE (HSPB 33)

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated February 15, 2012.

Mayor Pro Tem Foat requested staff clarify the process of the staff recommendation as it differs from the Commission.

Councilmember Lewin noted previous actions of the City Council infer the Historic Designation included the entire site.

Mayor Pougnet opened the public hearing, and the following speakers addressed the City Council.

BARBARA MARSHALL, noted the concerns of the Historic Site Preservation Board, noted her frustration with City staff, and requested the City Council return the proposed resolution to the Historic Site Preservation Board for further discussion.

GARY JOHNS, Palm Springs, commented on the background and process to bring this item to the City Council, and requested the City Council support the Planning Commission's recommendation that protects the City Hall site.

RON MARSHALL, referred to a letter submitted by the Palm Springs Preservation Board dated January 13, 2012, and requested the City Council re-affirm the stated intent of the previous City Council designation of the City Hall site.

CHRIS MENRAD, commented on the definition of a Historic Designation and noted recent examples, and requested the City Council clearly define all designations as to the site.

ROBERT STONE, commented on the staff report and noted the report to the Historic Site Preservation Board was omitted from the City Council documents, and stated the current designation includes the entire site.

No further speakers coming forward, the public hearing was closed.

Councilmember Mills commented on the process of developing the ordinance and noted the building and the site were intended to be separate, the City Council indicated to staff that only the City Hall building was included in the designation, and stated the parking lot does not warrant the historic designation.

Mayor Pro Tern Foat requested the City Council re-affirm Resolution No. 18907, and confirm for all the properties addressed in Resolution No. 18907 the Class 1 designation include the entire site.

Councilmember Hutcheson stated the City Council and community would benefit from the Historic Site Preservation Board review, discussion, and recommendations on any modifications to City Hall, and stated the entire site should be considered a Class 1 designation.

Councilmember Lewin stated the current language is not ambiguous, the Ordinance allows both the structure and site, and Resolution No. 18907 includes an APN which includes the entire site.

Councilmember Mills stated all the properties in the Resolution were with support of the property owners, and each property owner should be contacted.

Councilmember Hutcheson stated the City Council resolution was not perfect, and recommended the City Council clean-up the designation to support the entire site.

Mayor Pro Tem Foat recommended the City Council consider the declaring the entire site of Palm Springs City Hall as a Class 1 designation and request staff complete research on the other properties in Resolution No. 18907.

Councilmember Mills requested the City Council define site and if such definition of site includes landscaping and lighting.

Councilmember Lewin stated plantings should not be included in an historic designation.

ACTION: 1) Direct staff to prepare a resolution to designate the entire site of City Hall as a Class 1 designation; 2) Direct staff to prepare an amendment to Resolution No. 18907 for the properties designated Class 1 by Resolution No. 18907; and 3) Direct staff to notice all current property owners for all properties in Resolution No. 18907. **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and carried 4-1 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Lewin, Mayor Pro Tem Foat, and Mayor Pougnet.

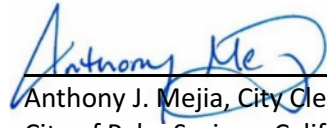
NOES: Councilmember Mills.

Councilmember Mills stated his no vote was not against the structure nor the hard-scape, but feels the parking lot was never considered historic nor should it be for the future.

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) SS.
CITY OF PALM SPRINGS)

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, California, do hereby certify the foregoing to be the official action taken by the City Council at the above meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of October 2021.



Anthony J. Mejia, City Clerk
City of Palm Springs, California

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United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

RECEIVED 2280

AUG 14 2015

1. Name of Property

Historic name: Palm Springs City Hall

Other names/site number: _____

Name of related multiple property listing: _____

The Architecture of Albert Frey

(Enter "N/A" if property is not part of a multiple property listing)

Nat. Register of Historic Places
National Park Service

2. Location

Street & number: 3200 East Tahquitz Canyon Way

City or town: Palm Springs State: CA County: Riverside

Not For Publication: ☐ Vicinity: ☐

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this X nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property X meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___ national ___ statewide X local

Applicable National Register Criteria:

___ A ___ B X C ___ D

Julianne Polanco/State Historic Preservation Officer

13 August 2015
Date

California State Office of Historic Preservation

State or Federal agency/bureau or Tribal Government

In my opinion, the property ___ meets ___ does not meet the National Register criteria.

Signature of commenting official:

Date

Title :

State or Federal agency/bureau
or Tribal Government

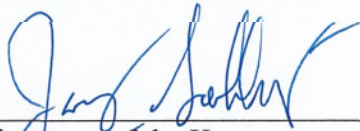
Palm Springs City Hall
Name of Property

Riverside, California
County and State

4. National Park Service Certification

I hereby certify that this property is:

- ☒ entered in the National Register
☐ determined eligible for the National Register
☐ determined not eligible for the National Register
☐ removed from the National Register
☐ other (explain:)


Signature of the Keeper

9-29-2015
Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

- Private: ☐
Public – Local ☒
Public – State ☐
Public – Federal ☐

Category of Property

(Check only one box.)

- Building(s) ☒
District ☐
Site ☐
Structure ☐
Object ☐

Palm Springs City Hall
Name of Property

Riverside, California
County and State

Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>1</u>	<u>1</u>	buildings
<u>0</u>	<u>0</u>	sites
<u>0</u>	<u>0</u>	structures
<u>0</u>	<u>0</u>	objects
<u>1</u>	<u>1</u>	Total

Number of contributing resources previously listed in the National Register 0

6. Function or Use

Historic Functions

(Enter categories from instructions.)

GOVERNMENT/city hall

Current Functions

(Enter categories from instructions.)

GOVERNMENT/city hall

Palm Springs City Hall
Name of Property

Riverside, California
County and State

7. Description

Architectural Classification

(Enter categories from instructions.)

MODERN MOVEMENT

Materials: (enter categories from instructions.)

Principal exterior materials of the property: METAL: steel, aluminum, CONCRETE
BLOCK, GLASS

Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

Palm Springs City Hall is located just west of the Palm Springs Airport in the civic center portion of East Tahquitz Canyon Way. The initial phase was completed between 1952 and 1956. Between 1956 and 1965 there were two large additions to the rear of the building, and, in 1984, a new building was constructed behind City Hall. The original one-story edifice facing Tahquitz Canyon Way strongly reflects Albert Frey's philosophy of desert modern design with its terracotta-colored double-stacked concrete block construction, flat roof, deep overhangs of corrugated metal, and large windows. Distinctive angled cylindrical metal *brise soleils* shield the south facing office fenestration from the sun.¹ The tall, projecting council chamber features telescopically flared concrete block walls fronted by a concrete circular disk supported by posts. In contrast, the freestanding City Hall entrance canopy is of corrugated metal with an open center that matches the diameter of the council chamber disk. Palm Springs City Hall is in excellent condition and, as viewed from Tahquitz Canyon Way towards its primary elevation, retains a high level of historic integrity.

¹ Brise-soleil: "A screen, usually of louvers, placed on the outside of a building to shield the windows from direct sunlight." Francis D. K. Ching, *A Visual Dictionary of Architecture* (New York: John Wiley & Sons, Inc., 1995), 227.

Palm Springs City Hall
Name of Property

Riverside, California
County and State

Narrative Description

Palm Springs City Hall (1952-1956) was one of Clark, Frey and Chambers' most important public buildings. Although the architectural firm of Williams, Clark & Williams later designed the large building at the rear, the initial phase was primarily the design work of Albert Frey, according to historian Joseph Rosa.

The one-story flat-roofed building is divided into two distinct sections, a symmetrical office portion with a wing extending from the rear of the main entrance, and a large council chamber that projects outward toward Tahquitz Canyon Way (**Figure 2**). The primary construction material is sandblasted terracotta-colored concrete block, and in this case every two rows are aligned—or double-stacked—so that the appearance from a distance is of offset squares.

The office portion exhibits a low horizontal profile with the flat roof extending southward to form deep eaves. The portion connecting the offices to the council chamber becomes a covered walkway sheltered by a series of distinctive angled cylindrical metal *brise soleils* painted sage green (**Figure 3**). Each *brise soleils* shades floor-to-ceiling glazing of the offices (**Figure 4**). Their cylindrical design appeared the following year in 1953 at Frey House I where they shaded the round windows of the architect's second story bedroom. Corrugated metal exterior ceilings that are light blue in color—a typical Frey design characteristic—distinguish the walkways and entrance canopy.

The projecting council chamber is taller than the office portion, differing substantially in its design (**Figure 5**). The flared walls of the concrete block chamber appear telescopically stepped toward the north (**Figure 6**). As such, the chamber seems windowless when viewed from the west, south, or east. Each flared elevation actually contains a north-facing window that provides light for the interior. An unusual detail of the council chamber is its exterior corner treatment consisting of projecting concrete blocks cut at a diagonal at every other paired row. This element catches light and shadow, giving dynamism to the composition. It is a distinguishing detail that would appear in more elaborate form at the firm's Tramway Gas Station of 1965.

What makes the composition so extraordinary is the design of the freestanding entrance canopies of City Hall and the council chamber. The former is a flat-roofed square of corrugated metal supported by posts; an open circle punctures the center (**Figure 7**). The words "Palm Springs City Hall" are written across the fascia. The single flagpole that originally centered the opening has been replaced by landscaping beneath the oculus. In contrast, the council chamber canopy consists of a circular concrete disk supported by posts with a diameter equal to the void of City Hall's entrance canopy (**Figure 8**). Classical *tholos* buildings of ancient Greece inspired the freestanding disk.² On its fascia are the words "The People Are The City."

² Tholos, also known as a beehive tomb: "a stone-built subterranean tomb of the Mycenaean civilization consisting of a circular chamber covered by a corbeled dome and entered by a walled passage through a hillside." Francis D. K. Ching, *A Visual Dictionary of Architecture* (New York: John Wiley & Sons, Inc., 1995), 248.

Palm Springs City Hall

Name of Property

Riverside, California

County and State

The initial phase of the building's construction was completed in 1952 by the firm of Clark, Frey and Chambers with small additions by the firm continuing until 1956. That year, a 17,000 square foot office addition appeared at the rear northwest portion of the building designed by the firms of Clark, Frey & Chambers, and Williams, Williams & Williams. In 1965, a 9,700 square foot office addition designed by Williams, Clark & Williams was completed at the rear, center portion of the building. In 1972, the firm of Williams and Williams was responsible for a modest 1,710 square foot rear addition. A substantial remodel of City Hall was undertaken in 1984 that included the construction of a 14,000 square foot office building at the rear, northeast half of the original building with a covered walkway connecting the two elements. The architectural firm of Williams, Clark & Williams was responsible for the design of the new building, a noncontributing resource within the property boundary. Although sharing some materials with the original City Hall such as double-stacked terracotta colored concrete block, the new building is differentiated by its full-width east-facing covered walkway with square posts and canopy fascia of a much larger and more prominent thickness than the 1952-1956 portion of City Hall. Other interior rooms at City Hall have been remodeled for new uses.

While cognizant of the noted alterations to and at the rear of the original building, the primary south-facing elevation of Palm Springs City Hall is able to convey its architectural significance because this portion of the property retains the essential physical features associated with the work of Albert Frey. These features include sandblasted double-stacked terracotta-colored concrete block, a flat roof, deep overhangs with fascia of corrugated metal, corrugated blue-colored metal ceilings for walkways and the main entrance canopy, distinctive *brise soleils* of angled metal cylinders, large expanses of glazing, and projecting concrete blocks with corners cut at a diagonal at every other paired row. The building's only historical reference is that of a Greek *tholos*. In sum, as viewed from Tahquitz Canyon Way, the integrity of design, materials, workmanship, location, setting, feeling, and association of the original 1952-1956 exterior portion of Palm Springs City Hall remains high.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Palm Springs City Hall
Name of Property
Riverside County, California
County and State
Architecture of Albert Frey, The
Name of multiple listing (if applicable)

Section number Additional Integrity Discussion Page 1

In response to the NPS reviewer's request for additional information regarding alterations and integrity, the following information is added to the National Register of Historic Places nomination September 25, 2015.

Palm Springs City Hall is able to convey its architectural significance because the primary south-facing elevation of the property retains the essential physical features associated with the work of Albert Frey. These features include sandblasted double-stacked terracotta-colored concrete block, a flat roof, deep overhangs with fascia of corrugated metal, corrugated blue-colored metal ceilings for walkways and the main entrance canopy, distinctive *brise soleils* of angled metal cylinders, large expanses of glazing, and projecting concrete blocks with corners cut at a diagonal at every other paired row. The building's only historical reference is that of a Greek *tholos*. As viewed from Tahquitz Canyon Way, the integrity of design, materials, workmanship, location, setting, feeling, and association of the original 1952-1956 exterior portion of Palm Springs City Hall remains high.

In 1965, a 9,700 square foot office addition designed by Williams, Clark & Williams was completed at the rear, center portion of the building. In 1972, the firm of Williams and Williams was responsible for a modest 1,710 square foot rear addition. Neither compromise the property's integrity because both of these additions are only visible from the secondary north elevation that faces a surface parking lot and a small public park.

The remodel of City Hall that was undertaken in 1984 included the construction of a 14,000 square foot office building at the rear, northeast half of the original building with a covered walkway connecting the two elements. The architectural firm of Williams, Clark & Williams was responsible for the design of the new building that, as noted on Form 10-900 in Section 5. Classification, is a noncontributing resource within the subject property boundary. In addition, following the Secretary of the Interior's Standards, the new building is compatible with the historic materials given its use of double-stacked terracotta-colored concrete block. Further, according to the Standards, the new building is differentiated from the original by its full-width east-facing covered walkway with square posts and canopy fascia of a much larger and more prominent thickness.

As relates to the interior of Palm Springs City Hall, the 1984 remodel altered the main entry lobby and central hallway such that their interior walls have been resurfaced. In addition, the lobby's information podium and hanging light fixtures have been replaced. The various offices facing south have experienced minor alterations such as the erection of dividing walls in the mayor's and city manager's office. None of these modifications negatively impacts the building's integrity because the key character-defining features of Palm Springs City Hall as discussed are visible from the exterior, especially, as noted, along its primary south-facing elevation. It should be noted that the interior of the council chamber is relatively unaltered with the dais remodeled and public seating replaced in 1984. The entrance lobby, interior walls, and ceiling are unchanged.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Palm Springs City Hall
Name of Property
Riverside County, California
County and State
Architecture of Albert Frey, The
Name of multiple listing (if applicable)

Section number Additional Integrity Discussion

Page 2

In terms of visibility from the public right-of-way, Tahquitz Canyon Way is the major east-west thoroughfare in Palm Springs stretching from the airport to Albert Frey's second dwelling up the mountain. City Hall's south elevation, which is the primary elevation facing Tahquitz Canyon Way, is the original portion by the firm of Clark, Frey and Chambers. In contrast, the west and east elevations face North Civic Drive and El Cielo Road, respectively, and the north (rear) elevation faces a parking lot and a public park. These are all secondary elevations that are not considered by the public to be representative of "City Hall" as it is known and understood. Frequent bus tours of Palm Springs' modern architectural resources stop along Tahquitz Canyon Way to view the property, not along peripheral streets. Similarly, newspaper articles and televised events focus on the primary elevation with its dramatic "Palm Springs City Hall" and "The People Are the City" declarations. In sum, as viewed from Tahquitz Canyon Way, the integrity of design, materials, workmanship, location, setting, feeling, and association of the original 1952-1956 exterior portion of Palm Springs City Hall remains high.

Palm Springs City Hall
Name of Property

Riverside, California
County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- ☐ A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ B. Property is associated with the lives of persons significant in our past.
- ☒ C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

- ☐ A. Owned by a religious institution or used for religious purposes
- ☐ B. Removed from its original location
- ☐ C. A birthplace or grave
- ☐ D. A cemetery
- ☐ E. A reconstructed building, object, or structure
- ☐ F. A commemorative property
- ☐ G. Less than 50 years old or achieving significance within the past 50 years

Palm Springs City Hall
Name of Property

Riverside, California
County and State

Areas of Significance

(Enter categories from instructions.)

ARCHITECTURE

Period of Significance

1952-1956

Significant Dates

1952
1956

Significant Person

(Complete only if Criterion B is marked above.)

Cultural Affiliation

N/A

Architect/Builder

Frey, Albert
Clark, John Porter
Chambers, Robson
Williams, E. Stewart
Williams, Roger

Palm Springs City Hall
Name of Property

Riverside, California
County and State

Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

Palm Springs City Hall is eligible for the National Register of Historic Places under Criterion C at the local level of significance in the area of Architecture. The property embodies the distinctive characteristics of civic architecture associated with the modern movement as interpreted by Albert Frey for the desert environment of the Coachella Valley. In addition, the property meets *The Architecture of Albert Frey* Multiple Property Submission registration requirements for civic buildings in association with the historic context “Desert Modern Design in the Coachella Valley, 1934-1965.” The period of significance corresponds with the building’s original construction in 1952 to the completion of its first phase in 1956.

Narrative Statement of Significance (Provide at least **one** paragraph for each area of significance.)

Although a joint venture of Clark, Frey, and Chambers, the design of Palm Springs City Hall is attributed primarily to Albert Frey by scholar Joseph Rosa as noted in the Multiple Property Documentation Form. The building exemplifies the distinctive characteristics of Albert Frey’s approach to modern design in the desert. It is constructed of double-stacked sandblasted terracotta-colored concrete block, has a flat roof, utilizes corrugated metal for the deep eaves and main entrance canopy, and has large windows that are—in this case—distinctively shaded by grids of angled metal cylinders. Applied ornamentation is absent. The sole historical reference is a *tholos* reinterpreted by Frey in concrete as the symbolic entrance to the council chambers. The rear office building designed by the firm of Williams, Clark and Williams in 1984 is a noncontributing resource.

Palm Springs City Hall exemplifies the distinctive characteristics of civic architecture associated with architect Albert Frey. The importance of the building and its significance within the “Desert modern design in the Coachella Valley 1934-1965” historic context are presented in the Multiple Property Documentation Form. Palm Springs City Hall is a key example of the civic building property type that maintains sufficient integrity to be readily identifiable as the work of master architect Albert Frey. The property meets National Register Criterion C because it embodies the distinctive characteristics of civic architecture associated with Albert Frey and is the work of a master architect.

Palm Springs City Hall
Name of Property

Riverside, California
County and State

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

As indicated in *The Architecture of Albert Frey* Multiple Property Documentation Form.

Previous documentation on file (NPS):

- ☐ preliminary determination of individual listing (36 CFR 67) has been requested
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey # _____
- ☐ recorded by Historic American Engineering Record # _____
- ☐ recorded by Historic American Landscape Survey # _____

Primary location of additional data:

- ☐ State Historic Preservation Office
 - ☐ Other State agency
 - ☐ Federal agency
 - ☐ Local government
 - ☒ University of California, Santa Barbara
 - ☒ Other
- Name of repository: Palm Springs Art Museum

Historic Resources Survey Number (if assigned): _____

10. Geographical Data

Acreage of Property Approximately nine acres

Latitude/Longitude Coordinates

Datum if other than WGS84: _____
(enter coordinates to 6 decimal places)

1. Latitude: 33.823876 Longitude: -116.511383

Palm Springs City Hall
Name of Property

Riverside, California
County and State

Verbal Boundary Description (Describe the boundaries of the property.)

The nominated property is located at 3200 East Tahquitz Canyon Way, Palm Springs, Riverside County, California northwest corner of East Tahquitz Canyon Way and El Cielo Road. The property fronts approximately 530 feet of East Tahquitz Canyon Way. Its legal description is 9.41 ACRES IN POR LOT 16 MB 014/652 SD P APN: 502-150-005.

Boundary Justification (Explain why the boundaries were selected.)

The nominated property includes the entire parcel historically associated with Palm Springs City Hall, 3200 East Tahquitz Canyon Way.

11. Form Prepared By

name/title: Peter Moruzzi/Architectural Historian
organization: _____
street & number: 2018 Griffith Park Blvd. #114
city or town: Los Angeles state: CA zip code: 90039
e-mail petermoruzzi@gmail.com
telephone: 213-706-0151
date: February 9, 2015

Additional Documentation

Submit the following items with the completed form:

- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Palm Springs City Hall

Name of Property

Riverside, California

County and State

Photo Log

Name of Property Palm Springs City Hall
City or Vicinity Palm Springs
County Riverside
State California
Photographer Peter Moruzzi
Date Photographed February 2015

Description of Photograph(s) and number, include description of view indicating direction of camera:

- 1 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0001.tif
Primary (south) elevation, camera facing northwest
- 2 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0002.tif
Primary (south) elevation, camera facing northeast
- 3 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0003.tif
South elevation, camera facing northwest
- 4 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0004.tif
South elevation beneath main entrance canopy, camera facing northeast
- 5 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0005.tif
South elevation, covered walkway, camera facing west
- 6 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0006.tif
South elevation, council chambers, camera facing north
- 7 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0007.tif
East elevation, council chambers, camera facing southwest
- 8 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0008.tif
Detail, corner of council chambers, camera facing northeast
- 9 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0009.tif
East elevation, camera facing west
- 10 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0010.tif
Rear (north) elevation, camera facing southwest
- 11 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0011.tif
Rear (north) elevation, camera facing southeast

Palm Springs City Hall
Name of Property

Riverside, California
County and State

12 of 12 CA_Riverside County_Frey MPS_Palm Springs City Hall_0012.tif
Interior view, council chambers, camera facing northwest

Index of Figures

Figure 1 Palm Springs sketch map by Albert Frey. City Hall is indicated with arrow.

Figure 2 South elevation, looking northwest, 1958.

Figure 3 South elevation, looking west, 1958.

Figure 4 South elevation, covered walkway, camera facing west, 1958.

Figure 5 South elevation, council chambers, looking north, 1958.

Figure 6 East elevation, looking west, 1958.

Figure 7 South elevation, looking northeast, 1958.

Figure 8 Detail, council chambers entrance, looking southwest, 1958.

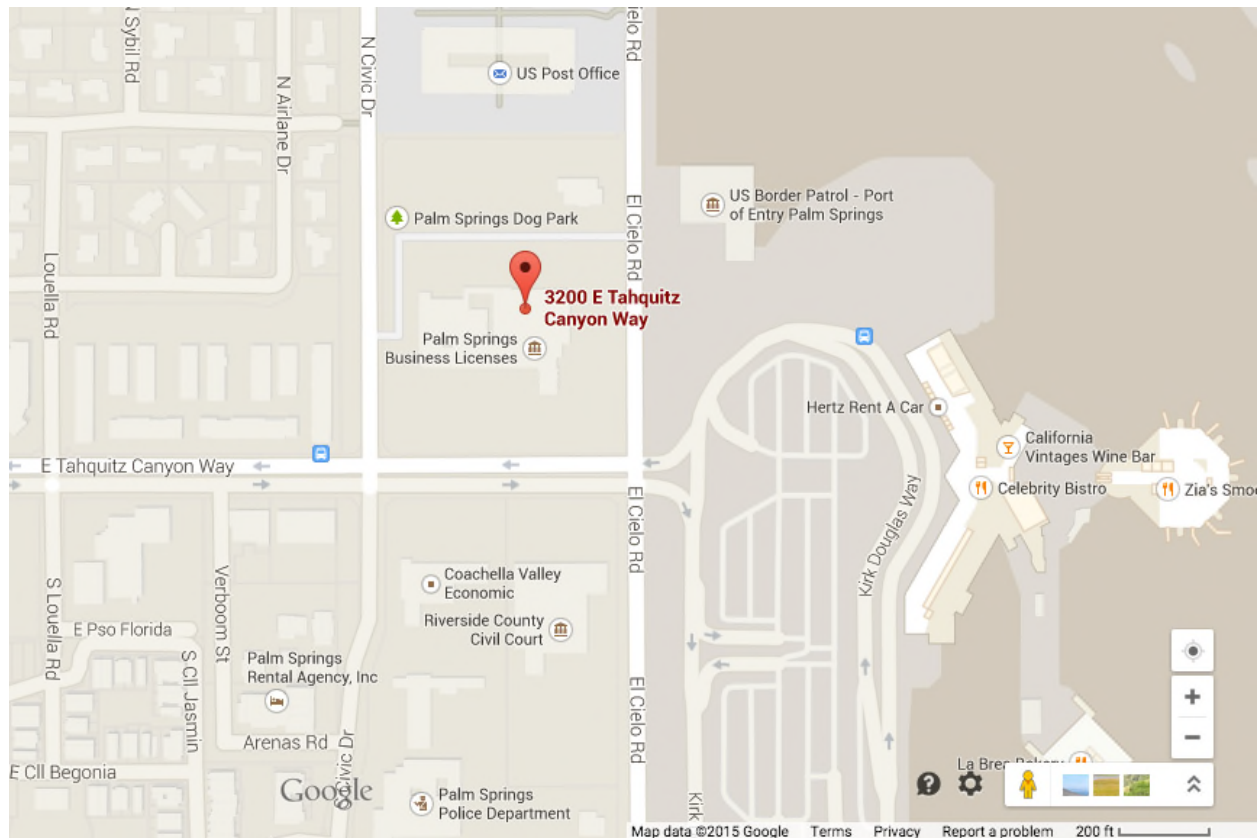
Palm Springs City Hall
Name of Property

Riverside, California
County and State

Location Map

Latitude: 33.823876

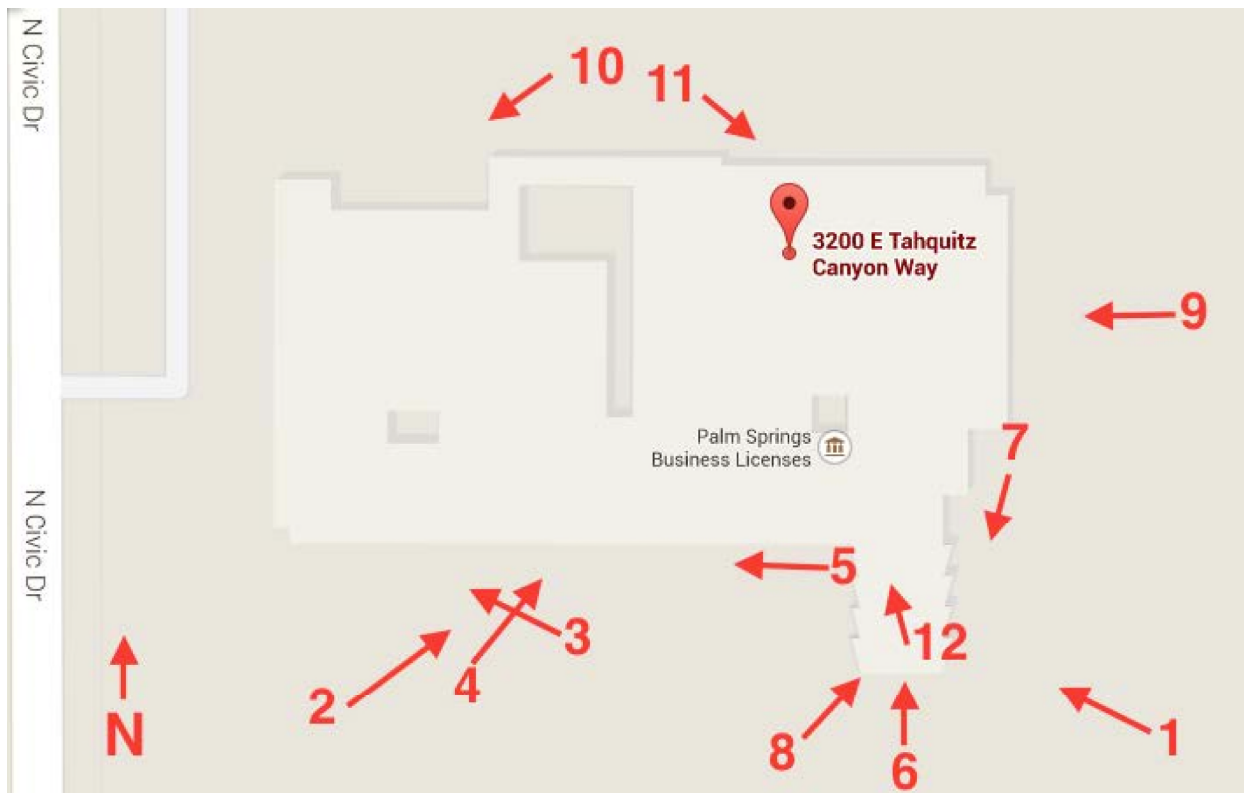
Longitude: -116.511383



Palm Springs City Hall
Name of Property

Riverside, California
County and State

Sketch Map/Photo Key



Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.

Palm Springs City Hall
Name of Property

Riverside, California
County and State

Figure 2. South elevation, looking northwest, 1958.



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Palm Springs City Hall
Name of Property

Riverside, California
County and State

Figure 3. South elevation, looking west, 1958.



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Palm Springs City Hall
Name of Property

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Figure 4. South elevation, covered walkway, camera facing west, 1958.



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Palm Springs City Hall
Name of Property

Riverside, California
County and State

Figure 5. South elevation, council chambers, looking north, 1958.



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Palm Springs City Hall
Name of Property

Riverside, California
County and State

Figure 6. East elevation, looking west, 1958.



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Palm Springs City Hall
Name of Property

Riverside, California
County and State

Figure 7. South elevation, looking northeast, 1958.



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Palm Springs City Hall
Name of Property

Riverside, California
County and State

Figure 8. Detail, council chambers entrance, looking southwest, 1958.



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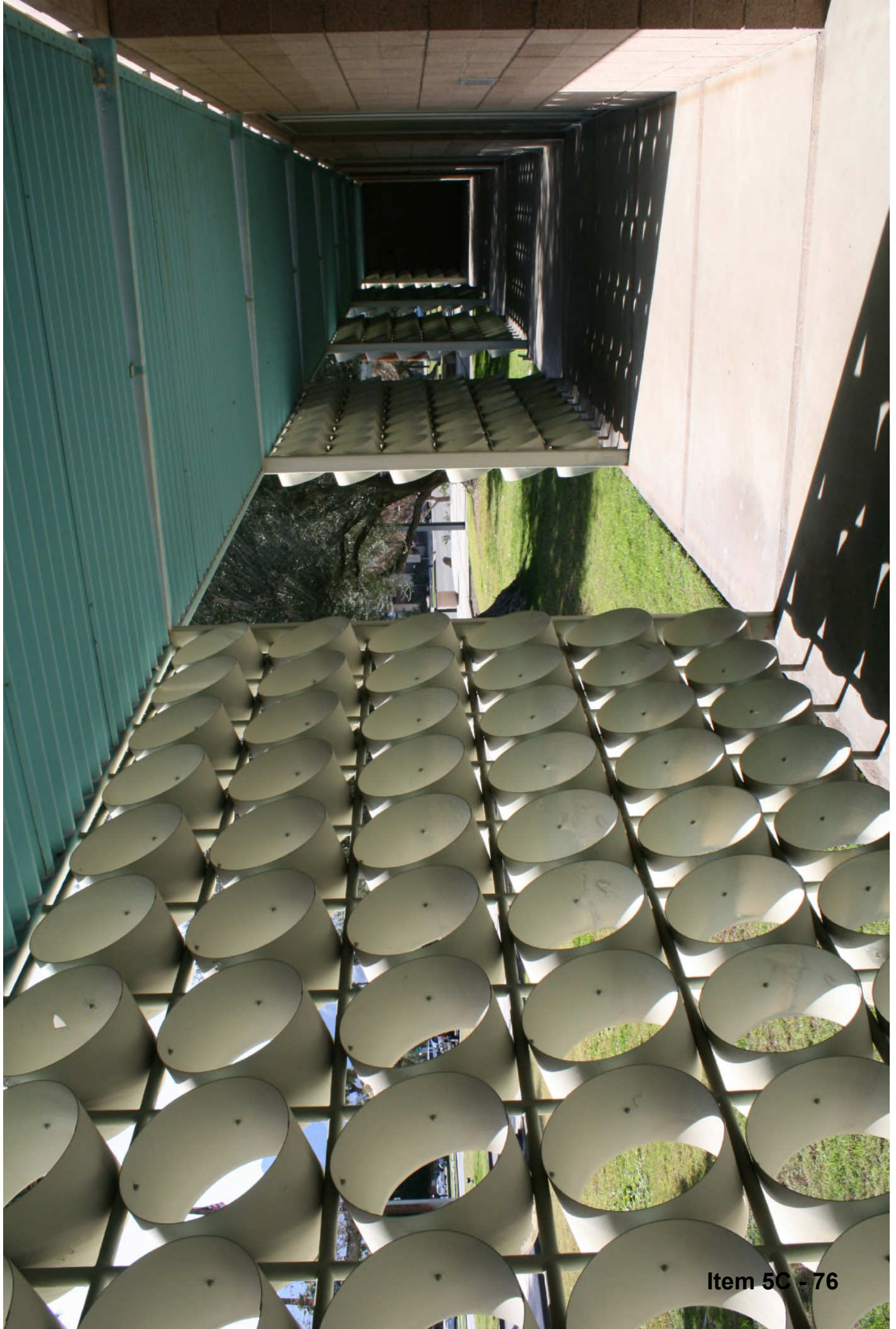


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Item 5C - 75







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Item 5C - 79



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Item 5C - 82



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
EVALUATION/RETURN SHEET

REQUESTED ACTION: NOMINATION

PROPERTY NAME: Palm Springs City Hall

MULTIPLE NAME: Architecture of Albert Frey MPS

STATE & COUNTY: CALIFORNIA, Riverside

DATE RECEIVED: 8/14/15 DATE OF PENDING LIST: 9/09/15
DATE OF 16TH DAY: 9/24/15 DATE OF 45TH DAY: 9/29/15
DATE OF WEEKLY LIST:

REFERENCE NUMBER: 15000641

REASONS FOR REVIEW:

APPEAL: N DATA PROBLEM: N LANDSCAPE: N LESS THAN 50 YEARS: N
OTHER: N PDIL: N PERIOD: N PROGRAM UNAPPROVED: N
REQUEST: Y SAMPLE: N SLR DRAFT: N NATIONAL: N

COMMENT WAIVER: N

☒ ACCEPT ☐ RETURN ☐ REJECT 9-29-2015 DATE

ABSTRACT/SUMMARY COMMENTS:

Meets Registration Requirements

RECOM./CRITERIA Accept C

REVIEWER J. Gabbant DISCIPLINE _____

TELEPHONE _____ DATE _____

DOCUMENTATION see attached comments Y/N see attached SLR Y/N

If a nomination is returned to the nominating authority, the nomination is no longer under consideration by the NPS.

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

**RECEIVED 2280**

AUG 14 2015

Nat. Register of Historic Places
National Park Service

August 13, 2015

J. Paul Loether, Deputy Keeper and Chief
National Register and National Historic Landmark Programs
National Register of Historic Places
1201 Eye St. NW, 8th Fl.
Washington D.C. 20005

Subject: **The Architecture of Albert Frey MPS
Riverside County, California
National Register of Historic Places Nominations**

Dear Mr. Loether:

Enclosed please find **The Architecture of Albert Frey Multiple Property Submission** consisting of the Multiple Property Documentation Form and ten associated individual nominations to the National Register of Historic Places. On August 7 in Sacramento, California, the California State Historical Resources Commission unanimously approved the MPS and found ten individual properties eligible for the National Register of Historic Places under Criterion C at the local level of significance.

The enclosed eight disks contain the true and correct copy of the nominations for THE ARCHITECTURE OF ALBERT FREY MULTIPLE PROPERTY SUBMISSION. Disk 1 includes the Multiple Property Documentation Form, correspondence, and ten associated individual nominations for Carey House, Fire Station #1, Frey House II, Kocher-Samson Building, Loewy House, North Shore Yacht Club, Palm Springs City Hall, Palm Springs Tramway Valley Station, Sieroty House, and Tramway Gas Station to the National Register of Historic Places. Disks 2 through 8 contain photographs in this same order.

The resources are eligible under Criterion C because they embody the distinctive characteristics of residential, commercial, civic, or religious architecture associated with architect Albert Frey. Frey's architecture helped define desert modernism in the Coachella Valley. Desert modernism is the adaptation of modern architectural concepts to the climatic extremes of the Coachella Valley while embracing the area's unique natural setting of mountains and open vistas. The geographical area of the MPS is Riverside County, California.

The first ten properties nominated under this MPS are as follows, in alphabetical order. Period of significance is the date of construction, indicated in parentheses.

- Carey House: 651 West Via Escuela, Palm Springs (1956)
- Fire Station #1: 227 North Indian Avenue, Palm Springs (1955)
- Frey House II: 686 Palisades Drive, Palm Springs (1964)
- Kocher-Samson Building: 766 North Palm Canyon Drive, Palm Springs (1934)
- Loewy House: 600 Panorama Road, Palm Springs (1946)

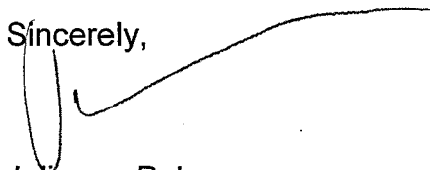
- North Shore Yacht Club: 99-155 Sea View Drive, Mecca (1958)
- Palm Springs City Hall: 3200 East Tahquitz Way, Palm Springs (1952-1956)
- Palm Springs Tramway Valley Station: 1 Tram Way, Palm Springs (1963)
- Sieroty House: 695 East Vereda Sur, Palm Springs (1941)
- Tramway Gas Station: 2901 North Palm Canyon Drive, Palm Springs (1965)

The MPS, including the MPDF and ten associated properties, is nominated on behalf of a group of private individuals. In its role as representative of the City of Palm Springs, a Certified Local Government, the Historic Site Preservation Board did not comment on the nomination.

Eleven letters of support were received, including a letter from the City of Palm Springs in support of the three city-owned properties. A letter of objection is on file from Mount San Jacinto Winter Park Authority, owner of Palm Springs Tramway Valley Station and governing body of Palm Springs Aerial Tramway. The Authority, a public agency and public corporation of the State of California, was created by the Mount San Jacinto Winter Park Authority Act Ch.1040 of the Statutes of 1945, as amended by Ch.70 of the Statutes of 1947 and Ch.1004 of the Statutes of 1951, of the State of California.

If you have any questions regarding this nomination, please contact Amy Crain of my staff at (916) 445-7009.

Sincerely,



Julianne Polanco
State Historic Preservation Officer

Enclosure

EXCERPTS OF MINUTES

At the Historic Site Preservation Board meeting of the City of Palm Springs, held November 2, 2021, the Historic Site Preservation Board took the following action:

4.A. THE CITY OF PALM SPRINGS, REQUESTING A CERTIFICATE OF APPROPRIATENESS FOR ALTERATIONS TO THE PALM SPRINGS CITY HALL, A CLASS 1 (LANDMARK) HISTORIC SITE, LOCATED AT 3200 EAST TAHQUITZ CANYON WAY, (HSPB #33D / CASE 3.3377). (KL).

Attorney Priest acknowledged public comments on this item; noted the Board is only deciding on the removal of the Bogert statue from City Hall and must make certain findings before issuing a Certificate of Appropriateness.

Staff member Lyon summarized staff report.

Chair Hough discussed the sculpture; referenced the Visual Arts Rights Act (VARA) of 1990 and opined that if the sculpture is removed, it may change the integrity of the artwork as it was the artist's intention to place the artwork on a cropping of rocks. She addressed the importance of protecting artistic property and ensure public access and noted the piece is part of the City's public art collection.

Attorney Priest reported that his office has looked into the issue of the Visual Arts Rights Act of 1990 and believed that if the statue is carefully removed and stored, it would still meet the requirements of VARA; there would be no defacement, alteration or mutilation of the statue.

Vice-Chair Nelson disclosed his mother knew Frank Bogert and worked with the Palm Springs Historical Society to design a second edition of his book; expressed concerns that the HSPB is being asked to opine on a highly politicized issue and felt it would be logical for the Art Commission to make any determination on the resolution or replacement of statues and declared his abstention on this matter.

Board Member Rosenow spoke about the need for more a clear CEQA determination, did not feel this should fall under the Class 31 exemption.

Board Member Rose expressed concerns the Board may be acting on an incomplete record; and stated a decision cannot be made without a complete record.

Board Member Kiser stated the proposed removal of the statue might be less controversial if the action also included clarification on its relocation or storage.

Board Member Miller acknowledged the contributions of Mr. Bogert; and spoke about the Board's task. He stated he sees nothing that tells him the removal of the statue would adversely affect the historical resource of City Hall.

Staff member Lyon referenced the staff report noting the statue itself is not a designated historical resource and reiterated the question is whether the removal of the statue would materially impair the historic resource that is the City Hall and its site.

Motion by Rose, seconded by Rosenow, to continue the matter to a date certain of December 7, 2021, and direct staff to initiate a historic resources (assessment) report to provide further information about the historic significance of the City Hall site and the Bogert statue.

I, JOANNE BRUGGEMANS, Administrative Secretary for the City of Palm Springs, hereby certify that the above action was taken by Historic Site Preservation Board of the City of Palm Springs on the second day of November, 2021, by the following vote:

AYES: Rose, Rosenow, Kiser Hough.

NOES: Miller.

ABSTAIN: Nelson.

ABSENT: Hansen.

Joanne Bruggemans
Adminstrative Secretary

Main Office

Three Park Plaza, Suite 120
Irvine, CA 92614
Office: 714.462.1700
Fax: 714.462.1785

Riverside Office

3649 Mission Inn Avenue
Second Floor Rotunda
Riverside, CA 92501

February 10, 2022

VIA E-MAIL AND PERSONAL SERVICE

Anthony Mejia
City Clerk
Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
anthony.mejia@palmspringsca.gov

Jeff Ballinger
City Attorney
Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
jeff.ballinger@bbklaw.com

Re: Appeal to the Palm Springs City Council of the Historic Site Preservation Board
Vote, on February 1, 2022, Approving a Certificate of Appropriateness Allowing
the Removal/Relocation of the Mayor Frank Bogert Statue Located at City Hall

Dear Mr. Mejia:

I represent Friends of Mayor Frank Bogert, a collection of Palm Springs residents who are opposed to the removal/relocation of the Mayor Bogert statue from its current location on City Hall parcel located between El Cielo Road, Civic Drive and Tahquitz Canyon Way. One of my clients is Mrs. Frank Bogert who has consistently opposed removal/relocation of the statue of her deceased husband, Frank Bogert.

The Palm Springs Historic Site Preservation Board (“HSPB”) approved, on February 1, 2022, the issuance of a Certificate of Appropriateness for Alterations to The Palm Springs City Hall, A Class 1 (Landmark) Historic Site Located at 3200 Tahquitz Canyon Way, specifically the removal/relocation of the Mayor Bogert statue.

On behalf of Mrs. Bogert and the Palm Springs residents of the Friends of Mayor Frank Bogert, I as their legal counsel, appeal the above-described vote and decision of the HSPB taken on February 1, 2022, to the Palm Springs City Council (“CC”). The basis for the appeal is as follows: I. Failure to adhere to the law including but not limited to the Palm Springs Municipal Code (“PSMC”) Relating to Historic Site Preservation; II. California Environmental Quality Act (“CEQA”) has not been lawfully followed as there is no exemption under law for the City’s proposed action; but instead, an exception that bars it; and III. Federal and state law regarding visual art on public display bars the proposed City action.

I. Failure to adhere to the law including but not limited to the Palm Springs Municipal Code Relating to Historic Site Preservation Code Sections

a. Introduction

The evaluation and assessment of the relocation/removal of the Bogert statue in the context of historic resource designation can only be bound by the actions of the CC and its successful resolutions. The PSMC dictates a certain treatment and assessment for historic sites, particularly a Class 1 designation, as here. If there was no historic designation at issue then we would not be having this debate and there would be no need to refer the matter to various committees or the CC, the statue could just be removed/relocated by edict. Consequently, the PSMC relating to historic site preservation governs, and dictates. Within that code is the authority *granted only to the City Council* to designate a historic site and or resource.

Therefore, the assessment of what is or what is not a historic resource is defined solely by CC Resolutions, pursuant to the PSMC. In this instance there were only two such resolutions relating to City Hall, one in 1996 and another superseding one in 2012. Prior to that time there were no resolutions identifying any part of the City Hall property, or its features, or its structures, as a historic resource or site. There was no resolution in 1957 when the first part of Mr. Frey’s modern design was constructed. There was no resolution designating the second phase of Frey’s construction in 1965 either. When subsequent additions occurred after 1965, they also were not identified as historic resources at the time of their construction and placement. Only in 1996 and 2012 did the CC exercise their authority to designate relating to City Hall, its features, structures and land.

Whether any of the features of City Hall through the decades would have so qualified as historic resources is helpful but does not decide the path the City must take in its analysis of whether it is

lawfully removing/relocating the Mayor Bogert statue. The CC defined the historic resource, not City staff in their various and unfortunate attempts to change or alter the intentions of the HSPB or the CC.

City staff continues here to materially contort both the facts and the application of the law embodied not only in the PSMC but state and federal law as well. Staff distorts the analysis by falsely claiming that the historic resource is actually defined by the staff. *They* decided that the “period of significance”¹ was in 1957 and 1965 and then directed historic experts to focus only on Frey’s work at that time period, though his architectural firm designed and built two other additions subsequently. Unfortunately, Frey’s work in 1957 and 1965 is not relevant nor controlling as no CC resolution has ever defined *only* Frey’s design and construction in 1957 and 1965 as a historic resource.

The *only* historic designations were done by resolution in 1996 and 2012. The Bogert statue creation and placement at City Hall occurred in 1990 and predates those resolutions, thus it was obviously present at the time the CC passed its resolution designating City Hall as a historic resource on both occasions. While it appears from a review that such resolution encompassed more than the building itself, but also other features and structures, grounds and parking lots, subsequent discussions identified some confusion on what features or structures were included in the 1996 Resolution. Thus, starting in 2010 the City, the HSPB and CC took up the discussion in attempt to further define the earlier resolution.

In March of 2012 the CC finally passed the second and last resolution designating the “land, features and structures” contained within an area defined by three streets, “El Cielo Road, Tahquitz Canyon Way and Civic Drive”. At the time of this resolution, the Bogert statue was both a feature and structure, by definition, and sits exactly in the middle of the defined area designated as a historic resource/site. This is the last time the CC defined the land, features and structures therefore any alteration of the 2012 designation is the issue, not a false description of a “period of significance” from the 1950s disingenuously advanced by staff.

Importantly, both the CC and the HSPB have received volumes of materials and information from my clients and from my office attesting to and proving that (1) Mayor Frank Bogert presided over the modern transformation of Palm Springs and had a lasting legacy of incredible civic and community progress; (2) that the statue of Mayor Bogert is of great artistic value and is a piece of fine art constructed by one of the world’s finest sculptors and the preeminent sculptor in the country of Mexico.

What is of particular concern and exemplifies the great extent of staff machinations in this matter is that the historic experts hired by the City were specifically instructed by staff *not* to evaluate the legacy of Mayor Bogert and were further instructed *not* to evaluate the artistic value of the Mayor

¹ “Period of significance” does not appear in any part of the PSMC relating to historic resources or sites, nor does it direct that after historic designations are made this imagined phrase can be used as a basis for redefining the historic resource designated by City boards and the City Council. If staff could change the resolutions passed by the Council designating historic resources in such a way, as they attempt to do so here, there would be no need for the Council or the HSPB, staff would decide whenever it suited them to do so. No votes need be taken, but then democracy would not exist.

Bogert statue. [“As of January 2022, the statue has not been evaluated for eligibility as a historic resource and the historical significance of the art and its creator has not been determined. This study does not evaluate the Bogert statue under any eligibility criteria.” (Historic Resources Report dated January 24, 2022, p.1-2, Section 1.1)]

But clamping down on the experts was not enough, staff went so far as to take the reins from the HSPB by dictating to those appointed officials what they could discuss and evaluate and what they could not regarding the Mayor Bogert statue. Specifically, staff falsely claimed that the HSPB could not evaluate or review the artistic value or historical significance of Bogert statue [“The Board’s authority is limited to evaluating the Certificate of Appropriateness application and making findings relative to the proposed alteration of the historic resource that is City Hall. It is not authorized or requested to evaluate the legacy of Frank Bogert, nor to opine about the artistic status or value of the statue itself...” (HSPB Staff Report dated February 1, 2022, p. 2)]. Not only should the HSPB have evaluated the Mayor Bogert statue as it was designated a historic resource in the 2012 Resolution, but staff knew the statue would satisfy various criteria not only under PSMC, but also state and federal law. Consequently, in order to skew a certain outcome, the “game” had to be fixed before it was played, much like the confidence game “Three-card Monte”.

b. *2012 CC Resolution*

We note initially that there is little mention of the 2012 Resolution passed by the CC on March 7, 2012 by staff in their HSPB Report. Obviously, the language of the controlling document, the last resolution which identifies what is and what is not part of the historic resource designation, would be important not only to the HSPB but also to the CC.

In its 2012 Resolution the CC referred to Chapter 8.05 of the Palm Springs Municipal Code (“PSMC”) as the operative law. (2012 Resolution Section A.) It went on to cite the confusion regarding the 1996 Resolution. (2012 Resolution Section B.) The CC expressed the value of a designation of the entire site or specific portions of the site as a historic resource. (2012 Resolution Section C. and D.) The CC also indicated in its resolution that it had reviewed all manner of information before making its decision, including but not limited to historical research, written and oral testimony. (2012 Resolution Section F.) The CC’s operative motion, which passed near unanimously with only one dissenting vote, is repeated here verbatim:

“THE CITY COUNCIL OF THE CITY OF PALM SPRINGS RESOLVE:

SECTION 1. The Class 1 historic designation for the Palm Springs City Hall is hereby amended to include the *structures, features*, and land of that portion of APN No. 502-150-005 *bounded by the north edge of the north parking lot and the curb edges along Civic Drive, Tahquitz Canyon Way, and El Cielo Road, excepting the landscape plant materials therein*, subject to the following conditions:

1. All future exterior modifications including but not limited to building, site, landscaping, walls, fences shall require Architectural Approval pursuant to Section 94.04.00 of the Palm Springs Zoning Ordinance.
2. No permit for the alteration of the interior or exterior of any building, or the steps or entry plaza fronting the main (south) building entries, or the hardscape of the parking lot areas, including any and all of the properties elements and characteristics within the designated area described above shall be issued without prior approval by the Historic Site Preservation (HSPB) as provided in Chapter 8.05 of the Palm Springs Municipal Code. ***Modifications to landscape plant materials are exempted from HSPB review.***
3. ***All existing*** or previously approved or installed alterations or ***improvements*** shall be considered acceptable and consistent with the requirements of Chapter 8.05 of the Palm Springs Municipal Code.

ADOPTED THIS 7TH DAY OF MARCH, 2012.”

(Emphasis added.)

1. *The Mayor Bogert statue was included for protection as a historic resource in the 2012 Resolution in a number of ways.*

The CC specifically identified that their historic designation included “features” and “structures” found on the City Hall property bordered by Civic Drive, Tahquitz Canyon Way, and El Cielo Road. In analyzing any legislative act, statute or resolution the law applies the rules of “Statutory Construction”, which guide courts of law in their interpretation of those legislative acts. “Any question of statutory interpretation begins with looking at the plain language of the statute to discover its original intent. To discover a statute's original intent, courts first look to the words of the statute and apply their *usual and ordinary meanings*... A court may also look at: the common usage of a word, case law, *dictionaries*...” Legal Information Institute, Cornell Law School. (Emphasis added.)

“Structure” is defined as

“Something built”. Cambridge Dictionary

“Something (such as a house, tower, bridge, etc.) that is built by putting parts together and that usually stands on its own”. Merriam-Webster Dictionary

“Something (such as a building) that is constructed.” Merriam-Webster Dictionary

“A structure is something that has been built”. Collins Dictionary

“Feature” is defined as

“A prominent or conspicuous part or characteristic”. Collins Dictionary

“Something offered as a special attraction.” Collins Dictionary

“A prominent part or characteristic”. Merriam-Webster Dictionary

“A special attraction: such as
(c) something offered to the public or advertised as particularly attractive.” Merriam-Webster Dictionary

“A prominent or distinctive part, quality, or characteristic: a feature of one’s personality;
a feature of the landscape.” The Free Dictionary by Farlex (Emphasis added.)

“A prominent or distinctive part or aspect, *as of a landscape*, building, book, etc.” The Free Dictionary by Farlex (Emphasis added.)

The “plain language” of the 2012 Resolution designates all *structures* and *features* within the border of three streets. And there is no question the CC knew of the statue’s existence at the time they voted on the Resolution in 2012.

And by any definition the Mayor Bogert statue is both a *feature* of the defined City Hall area located between Civic Drive, Tahquitz Canyon Way, and El Cielo Road, as it is a prominent and distinctive part of the landscape. And it is also a *structure*, something that has been built. In this instance, built by a world-renowned artist. Therefore, the CC in its 2012 Resolution by reference included all features and structures within the parameters of the defined portion of land. That portion included, prominently and distinctly, the Bogert statue.

Subsection 3. of the 2012 Resolution, approved 22 years after the Mayor Bogert statue was added to the City Hall area, states that “[a]ll existing...improvements shall be considered acceptable and consistent with the requirements of Chapter 8.05 of the Palm Springs Municipal Code. An improvement is defined as

“The act of adding something to a property such that it increases the property's value.” The Free Dictionary by Farlex

“An instance of such improvement: something that enhances value or excellence.” Merriam-Webster

“A change or addition to land or real property, as a sewer, fence, etc., to make it more valuable. Collins Dictionary

In this instance, the Mayor Bogert statue was built by Raymundo Cobos Reyes, an artist of international fame. His sculptures grace the renowned Heroic Figures Paseo de la Reforma, and a monumental sculpture, “Playa de Toros” in Mexico City, as well as *a statue of Pope John Paul II in the*

Vatican. Mr. Reyes also had one man art shows in the Museum of Art in Chicago, and at the Museum of Man in Paris, to name a few. His statue of Mayor Frank Bogert is unquestionably a piece of fine art and adds tremendous value and excellence to the defined City Hall area. If a “sewer” or “fence” qualifies as an improvement, it is impossible that a work of fine art from a world-renowned artist does not.

Consequently, the statue is an “improvement” and it existed at the time of the 2012 Resolution, therefore the Mayor Frank Bogert statue “...shall be considered acceptable and consistent with the requirements of Chapter 8.05 of the Palm Springs Municipal Code.” That municipal code section defines historic resource. Use of this language regarding “all existing improvements” is perfectly consistent with the language designating all features and structures within the designated area as part of the historic designation. Again, Statutory Construction reaffirms that the Mayor Bogert statue was protected as an historic resource. [“Statutes should be internally consistent.” Legal Information Institute, Cornell Law School.]

Further, we know that the 2012 CC was circumspect about what parts to include and what parts to exclude in its designation. For example, the CC in 2012 made clear that the landscaping of City hall was not part of the historic designation and would not need approval for alteration in the future. If the CC wanted to exclude the Mayor Frank Bogert statue from its designation, as it did with the landscaping, they would have done so. The rules of Statutory Construction applies here too. “The legislature is presumed to act intentionally and purposely when it includes language in one section but omits it in another.” Legal Information Institute, Cornell Law School. If the CC wanted to exclude the Mayor Bogert statue from the designation, as they did with landscaping, they would have. Therefore, any omission by the CC from such exclusion, of the statue, was purposeful. They did not want to exclude the Mayor Bogert statue from its historic resource designation.

Moreover, An evaluation of the Mayor Bogert statue in comparison to the criteria under PSMC 8.05.070, Procedures and Criteria for the Designation of Class 1 and Class 2 Historic Resources, finds that it qualifies on more than one criterion:

- “(ii) The resource is associated with the lives of persons who made a meaningful contribution to national, state or local history; or
- (iii) The resource reflects or exemplifies a particular period of national, state or local history; or...
- (v) The resource presents the work of a master builder, designer, artist, or architect whose individual genius influenced his or her age, or that possesses high artistic value;”

Therefore, it certainly did qualify for inclusion within the historic resource designation made in 2012 by the CC.

2. Lawful Evaluation of the Historic Resource as defined and designated by the 2012 CC Resolution

As previously stated, any evaluation of the lawful criteria must begin with a definition of the historic resource. Given that only the CC can identify what is an historic resource any analysis must start and end at a successfully passed resolution of that CC. As we know there have only been two and the last one, the operative one, was passed in 2012. That designation was broad and inclusive of all “features” and “structures” within the defined geographical parameters which included the Bogert statue.

Any attempt to recast what is the historic resource found in the 2012 Resolution, in contradiction to the CC designation in 2012, is a false premise, a rather transparent “straw man”², designed only to mislead the HSPB and ultimately the CC. And which creates a decayed foundation for the City in subsequent litigation.

The Mayor Bogert statue’s removal must be evaluated in light of the lawful criteria. HSPB approved a Certificate of Appropriateness which would lead to removal/relocation of the Mayor Bogert statue. There is no question that removal/relocation of the stature is an “alteration” under the PSMC definitions:

PSMC 8.05.020 Definitions.

“Alteration” means any exterior change or modification to a building, structure or *object*. For the purposes of this chapter, an “alteration” shall include, but not be limited to...and the placement or *removal of any exterior objects...*”

“Object” means a construction primarily *artistic in nature* or relatively small in scale, such as a sign or a *statue*.”

[Without question the Mayor Bogert statue is an “object” within the meaning of the PSMC.]

“Major Alteration” means any alteration that does the following:

- A. ***Removes***, encloses or modifies (i.e., new window and/or window relocation) (i) twenty-five (25) percent or more of the lineal footage of the elevation(s) of the building, structure or *object* (including site and garden walls) ***facing a public street or right-of-way*** (or a street-facing elevation if the parcel is a through lot or landlocked), or (ii) more than fifty (50) percent of the lineal footage of all exterior

² Definition of “straw man”: an intentionally misrepresented proposition that is set up because it is easier to defeat than an opponent's real argument.

elevation(s) of the building or structure, so that they no longer function as exterior elevation(s) of the building or structure.

[The HSPB voted affirmatively to allow the “removal” of the Mayor Bogert statue, which is an “object” “facing a public street.” Consequently, such act would entail a Major Alteration.]

- B. ***Removes*** fifty (50) percent or more of the cumulative area of the building, structure or ***object’s footprint***.

[Given that the intent and decision is to remove all of the statue that would exceed 50% including its footprint. Consequently, such act would entail a Major Alteration.]

“Minor Alteration” means any alteration that is not demolition or a major alteration.³

“Landmark/Class 1 historic resource” means ***any site***, structure, building or ***object*** not located on Tribal Trust or Allotted Trust Land ***designated by resolution of the City Council as having historic***, architectural, archaeological, cultural or aesthetic significance ***that contributes to an understanding and awareness of the community’s history***. A Class 1 historic resource may include a structure, building or ***object on the site, or may include all or a portion of the site itself***. Class 1 historic resources are eligible for the execution of a Mills Act historic property preservation agreement, as determined by the City Council.

“Historic resource” means any site, structure, building or ***object*** not located on Tribal Trust or Allotted Trust Land ***which has been designated Class 1*** or Class 2 ***status***, or any identified contributing resource within a City Council-designated historic district. (Emphasis added.)

3. Criteria for Alteration of a Class 1 Historic Resource has not been lawfully satisfied.

The criteria for removal/relocation must ***all*** be satisfied before alteration can occur according to the PSMC.

“PSMC 8.05.110 E Alteration of Class 1 and Class 2 Historic Resources- Certificate of Appropriateness)

³ Staff in its report to the HSPB dated February 1, 2022, incorrectly identifies the removal/relocation of the mayor Bogert statue as a “minor alteration”. The PSMC, state and federal law disagree. (See HSPB Staff report, p. 2, Regulatory Framework)

E. Criteria and Findings for Alteration of Class 1 and Class 2 Historic Resources. In considering a Certificate of Appropriateness application, the approval authority shall evaluate the application and *make findings for conformance to the following criteria:*

1. That the proposed alteration does not significantly impact or materially impair the character-defining features of the historic resource as listed in the resolution for historic designation, or, where a character-defining feature may be impacted, the proposed alteration minimizes that impact as much as possible;

[Removal/relocation of the Bogert statue would definitely impact the historic resource as it is part and parcel of that resource. It is a feature and structure of the 2012 historic resource designation. California Public Resources Code § 5020.1(q) clearly states that “relocation” of a historic resource is a “substantial adverse change...such that the significance of an historical resource would be impaired.”

Therefore, this criterion is not satisfied and neither relocation or removal can occur.]

2. That the proposed alteration will assist in restoring the historic resource to its original appearance where applicable, or will substantially aid its preservation or enhancement as a historic resource;

[As stated above, removal or relocation would not “assist in restoring the historic resource” as the historic resource was defined in 2012 by the CC. The Bogert statue was included as both a feature and structure of that historic designation. Thus, restoration of the 2012 designated historic resource would not be restored if a feature/structure, the Mayor Bogert statue, was removed from the site.

Therefore, this criterion is not satisfied and neither relocation or removal can occur.]

3. That any additions to the historic resource are consistent with the massing, proportions, materials, and finishes of the existing historic resource, and: (i) can be distinguished from the existing historic resource as may be appropriate; or (ii) are indistinguishable from the historic resource as may be appropriate, and where such alterations are clearly documented in the City’s archival file for the historic resource as being non-original to the historic resource;

[The historic resource was defined and delineated by the CC in its 2012 Resolution and in fact resolved any misunderstanding from the 1996 Resolution which either included the structures and features on and around City Hall or did not. The 2012 Resolution put an end to the confusion and made clear that the historic resource was not just the 1957 and 1965 pieces of construction but included every feature and structure within the defined area between the three streets that surrounded City

Hall and which area included the Bogert statue. Anything “non-original” to the 2012 designated historic resource, which would have had to postdate the Resolution, would be subject to alteration pursuant to the language of the Resolution. The Bogert statue *did not* postdate the 2012 Resolution and in fact had been on site since 1990 and was thus part of the historic site designated by the CC in 2012. Thus, the Bogert statue is part of the “original” designation in 2012.

To artificially claim, as staff attempts to do so, that the original historic resource is the 1957 and 1965 parts of the City Hall building is sophistry. As stated, prior, no resolutions were passed until 1996 and 2012. To harken back to 1957 is a false construction.

Therefore, this criterion is not satisfied and neither relocation or removal can occur.]

4. That, in cases where Federal funds are to be utilized in financing the proposed alterations, the alterations are consistent with the Standards for the Treatment of Historic Properties, as put forth by the U.S. Secretary of the Interior.”

Not applicable.

c. *Failure to remove or renovate any other “non-conforming object” identifies the real unlawful motives to remove the Mayor Bogert statue*

1. Staff falsely indicate the Certificate of Appropriateness request is founded on a mere desire to “...determine whether removal of the statue would materially impair the historic significance of City Hall”.

The falsity of this request is legion. First, the intentions of the HSPB and the CC are borne out by the very report commissioned. Ostensibly both the CC and the majority of the HSPB voted to remove the statue because it does not comport with the original design in 1957 and follow-up addition made in 1965 by a modern art architect, Frey. That is the entire basis for the vote to remove the statue. Public money was spent on historic experts in an effort to secure assistance in the construction of this façade, this supposed adherence to the majesty of the original architecture.

Yet for the past year plus, if not longer, the Mayor Bogert statue has been at the center of a very public community debate surrounding Mayor Bogert and events that occurred literally half a century or more ago (Section 14). At each meeting when this item has been on a City agenda numerous citizens have weighed in on the statue and Mayor Bogert’s legacy. In addition, the CC members have made numerous public and private comments about the statue and Mayor Bogert’s legacy and not once was there a cry to conform the existing City Hall area to the earliest buildings constructed in 1957 and 1965.

The political correctness attack on Mayor Bogert has been the *only* reason offered for the statue's removal, until the staff and CC were informed that political correctness and cancel culture did not qualify for alteration of the statue under the law.

Consequently, a new rationale had to be concocted, one we have discussed herein. If that is the basis, adherence to the early architecture, then why aren't the additional "non-conforming" items also being removed or corrected? The commissioned Historic Report identifies many "non-conforming" parts of the City Hall site, all included in the 2012 Resolution. Yet all of these other nonconforming items have been left untouched. They are:

"The general site plan configuration and layout of hardscape and landscape appears as it was during the period of significance, ***however the parking lot light fixtures and the specific plant materials that exist today in the landscape do not reflect the Ekbo design as seen in historic photos and a 1957 rendering.*** The 2012 designation amendment specified that "landscape plant materials" are not included in the designation, and this is presumed to cover any remaining original as well as current vegetation. ***The flagpole*** and Frank Bogert statue located in the lawn area in front of the building are alterations that occurred well after the period of significance and ***do not contribute to the property's significance in terms of architecture or association with/embodiment of historic patterns of development*** – the flagpole was moved here from the main entrance in 1981, and the statue was added in 1990. In summary, the open space at the front of the building is a contributing element, while the actual vegetation, flagpole, and statue are not contributing elements." (Historic Report, p.12-13/ Sect. 6.)

The Report goes on to identify the 1972 conference room addition which was essentially altered by another nonconforming addition in 1985. The report speaks plainly: "As a result, it does not contribute to the significance of City Hall." (Historic Report, p.13/ Sect. 6.)

If the HSPB vote was honestly about restoring the grandeur of the City Hall constructed in two phases in 1957 and 1965 by a celebrated architect, then the resolution would have included not only the removal of the Mayor Bogert statue but also:

1. The removal of the flagpole;
2. The demolition or complete reconstruction of the 1972 addition (conference room);
3. The demolition or complete reconstruction of the 1985 addition;
4. Replacement and restoration of original parking lot standards;
5. Restoration of original landscape design from 1957.

Yet none of these items were even mentioned in the HSPB review at issue, nor have they been the subject of discussion or debate in the slightest, either by the HSPB or the CC in any of its meetings since the issue of Mayor Bogert's legacy arrived. The reason they were not included in any of the above is because conformity with a 1957 architectural drawing is not the issue, political correctness/cancel culture is the issue. But because political correctness/cancel culture is not found as a basis for altering or removing or relocating a feature/structure/object of a designated historic site in the PSMC the appointed

and elected officials⁴ on the CC and HSPB have had to find what appears a lawful reason. Unfortunately, the rationale here is not availing and is merely an attempt to force a “round peg into a square hole.” It should not be surprising that some public officials use obfuscation to achieve goals the law does not allow.

2. Staff disingenuously altered the mandate and directive from the HSPB provided in its November 2, 2021, meeting.

Specifically at the Nov 2, 2021, meeting of the HSPB the motion that passed was simple and direct- “...initiate a historic resources (assessment) report to provide further information about the historic significance of the City Hall site *and the Bogert statue.*” (Emphasis added.) City staff changed the motion made by HSPB and altered it to suit their purpose of removal.

By the February 1, 2021, meeting of the HSPB the Staff report had materially altered the directive, instead to require the Board to “...determine whether removal of the statue would materially impair the historic significance of City Hall.” And the staff added further that the HSPB requested “...more information about the defining historic characteristics of City Hall”, again omitting any HSPB request relating to the statue.

No mention was made of a historic significance assessment of the Bogert statue voted on and approved by the majority of the HSPB. This part of the directive was not only concealed from the HSPB when the matter was returned over three months later on February 1, 2022, but also from the historic experts staff hired to complete the assessment. Instead the experts were directed contrary to the very request by the HSPB. As noted, the Historic Report clearly states as follows:

“As of January 2022, the statue has not been evaluated for eligibility as a historic resource and the historical significance of the art and its creator has not been determined. This study does not evaluate the Bogert statue under any eligibility criteria.” (Historic Report, p. 1-2/ section 1.1)

In essence, the HSPB was not only deceived by staff’s material alteration the HSPB lacked all of the information it thought it needed to evaluate the question, and that the law required. Because of these actions by staff, and other acts with the same intent identified herein, the vote on February 1, 2022, by the HSPB on the issue of a Certificate of Appropriateness, which allowed for the removal/relocation of the Mayor Bogert statue, was fatally flawed.

⁴ We except those appointed or elected officials who have seen this charade for what it is and have voted accordingly.

3. Staff inappropriately skewed the Historic Report to achieve a desired outcome, which indicates there was no meaningful consideration of the law or facts at the time of the HSPB vote.

Failure to fully assess the appropriateness of their action, by the HSPB, to remove an object that was included and designated a Class 1 Historic Resource is a failure to follow the law as identified within the PSMC. Failure to follow the law is error and no decision based on error can be upheld by the CC.

The staff hired the historic experts. And they directed their evaluation and assessment. And staff confined the experts work to the parameters they designed, and not those defined by the HSPB. Staff then prepared a report for the HSPB that consumed more than two full pages referring to and citing the Historic Report they commissioned and constructed. Again, presumably mindful their work would be misused, the historic experts freely acknowledged that they were not requested to evaluate the artistic value or effect of the statue or the significant local historic contributions of Mayor Frank Bogert, which is exactly what the PSMC required. PSMC 8.05.070. Procedures and Criteria for the Designation of Class 1 and Class 2 Historic Resources.

The 2012 Resolution was a recognition by the CC that the City Hall parcel included various contributions to the City's history with varying significance attached to each. Consequently, the additions of 1972 and 1984, the flagpole, the Mayor Bogert statue and other features were all considered part of the mosaic of the historic resource embodied in the 2012 designation. Prior to this resolution it was arguable that only the building that was City Hall was designated a historic resource by the 1996 Resolution. The 2012 Resolution was an unmistakable effort by the CC to recognize the contributions to historic significance of all of the features, including but not limited to the Mayor Bogert statue.

To exacerbate matters, the staff created a grossly misleading document by commanding the historic experts to ignore the historic and artistic value of the Mayor Bogert statue. Staff then commanded the experts to only focus on the architecture from a specific time period, and then directed the experts to compare that architecture to other features added later to the City Hall parcel. Only in this way, by this twisted construction, could a straw man be created. It should not be surprising that the experts when commanded with that incongruity delivered the misleading answer commanded by staff.

The report was then used as a Trojan Horse to claim the statue had no historic significance. Coupled with the glaring failure by staff to fully offer and analyze the 2012 resolution in its staff report to the HSPB, and skewed Historic Report, the Staff decided the outcome before the game was played. The HSPB was then herded down the path, some of them unwillingly.

Another example is the "Clarification" section found on page 5. Both the Chair and Vice Chair expressed concern about effect of removal of the statue, its artistic value and the integrity of the statue itself. Instead of evaluating those items staff indicated in its report that "...it is not within the purview or subject matter expertise of the HSPB to be able to determine impacts on artwork associated with a Certificate of Appropriateness." This was done even though the HSPB had directed staff to evaluate the

artistic value of the statue. And this material alteration by staff violated PSMC 805.070(a)(v) which specifically requires an evaluation by the HSPB of the artistic value of the artist and the artwork. If one had been done the results would have been clear, both the artist and the sculpture of Mayor Bogert have great artistic value.

4. The National Register of Historic Places Registration Form is irrelevant and serves only as a distraction from the main issues herein

Scant discussion of 2012 CC meeting, or HSPB mtg, designating the entire parcel and its features a historic site was found in the Staff Report of February 1, 2022. One small reference and one sentence buried in the middle of a chart at the bottom of page 3. It could not have been more obscure unless it was removed entirely.⁵ By contrast staff spent significant space on the certification from the National Register of Historic Places. While interesting it neither overrules or disputes the statue as a historic object or artistic object within the meaning of PSMC or the Resolution passed by the CC designating the entire parcel, including the statue as a Class 1 historic site. The National Register was not asked to evaluate whether the 2012 CC Resolution included the Mayor Bogert statue in its historic resource designation, nor was it asked at the time to evaluate the historic or artistic value of the statue to the community of Palm Springs, of Mayor Bogert's legacy for that matter.

Therefore, inclusion of the National Register application, which has nothing to do with the 2012 CC resolution, as it antedates the resolution by three (3) years, is nothing more than a "red herring."⁶

II. CEQA has not been lawfully followed as there is no exemption under law for the City's proposed action; but instead, an exception that bars it

The California Environmental Quality Act ("CEQA") is clear that all public projects undertaken by a public agency are subject to CEQA. There are two types of exemptions from the strictures of CEQA, one statutory and the others categorical. Statutory exemptions do not apply in the case before the City, possibly the one thing we agree on with staff. The dispute in this field is a categorical exemption.

Categorical exemptions are identified and defined in the CEQA Guidelines (14 CCR Section 15300-15331). Importantly under the CEQA law, categorical exemptions *cannot* be used for projects that may cause a "substantial adverse change" in the significance of an historic resource. (14 CCR Section 15300.2(f)). The lead agency, in this instance the City, has to, by law, determine that a categorical exemption, that it may claim, "...is not barred by one of the exceptions set forth in Section 15300.2." (14 CCR Section 15061(a)(2)).

⁵ To their credit the historic experts included the 2012 Resolution but only as an exhibit in their report, though its inclusion and significance did not persuade the staff to meaningfully include it in their Staff Report.

⁶ Definition of "red herring": something, especially a clue, that is or is intended to be misleading or distracting.

An exception does however that bars the City's action identified herein, and abrogates the action by the HSPB:

“15300.2. EXCEPTIONS

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.”

(14 CCR Section 15300.2(f))

CEQA also identifies those resources that qualify as a historic resource:

15064.5. DETERMINING THE SIGNIFICANCE OF IMPACTS TO

ARCHAEOLOGICAL AND HISTORICAL RESOURCES (a) For purposes of this section, the term “historical resources” shall include the following: (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.). (2) *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*

(Emphasis added.)

The Palm Springs CC in 2012 identified all features and structures within a defined area around City Hall as historic resources, that included the Mayor Bogert statue, as previously discussed. That designation was the inclusion of the features, structures and land within that defined area into the “local register of historical resources”. Therefore, pursuant to CEQA, the statue of Mayor Bogert “...shall be presumed to be historically or culturally significant.”

And finally, a “substantial adverse change” is defined as:

“A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, **relocation**, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” 14 CCR Section 15064.5(b)(1).

(Emphasis added.)

Therefore, any proposed relocation of the Mayor Bogert statue requires an elaborate CEQA process typically involving an environmental impact report (“EIR”) and other determinations by the lead

agency, the City. California Public Resources Code §§ 21080(d), 21082.2(d), 21100(a), 21151(a). Of course, a full public review of this process is part and parcel of the requirements. None of these rules have been followed, no EIR has been done, the City has merely relied on an unqualified, and false claim of exemption. It is important to note that such claims are subject to review in court by a judicial officer. The City will bear the burden of proof regarding its claim of exemption.

The staff claim that all the City intends is to restore a historical resource, but this false claim fails too. The historical resource is not only the 1957 and 1965 buildings on site, pursuant to 14 CCR Section 15331. As we know the CC defined the entire area and its features and structures of the area as a historic site. Claiming that you are ‘restoring’ the site by removing one of its protected historic features/structures is like claiming you’re saving the village by burning it to the ground. Neither makes sense, and in a legal courtroom both illogical claims fail, as they should here.

III. Federal and state law regarding visual art on public display bars the proposed City action

There should be no question that the Mayor Bogert statue is an acclaimed piece of fine art created by an internationally respected artist, Raymundo Cobos Reyes. Mr. Reyes has exhibited his sculptures and paintings not only in his home country of Mexico, but all over the world.

State law prohibits anyone, including municipalities, of intentionally committing “...any physical defacement, mutilation, *alteration*, or destruction of fine art.” California Civil Code § 987(c)(1). (Emphasis added.) Only the artist who created the fine art may authorize any alteration of their work. *Id.*

The purpose of the law, embodied in California Civil Code § 987(a), embraces ideals and principles of which the Palm Springs City Council should take note:

“The Legislature hereby finds and declares that the physical alteration or destruction of fine art, which is an expression of the artist’s personality, is detrimental to the artist’s reputation, and artists therefore have an interest in protecting their works of fine art against any alteration or destruction; and that there is also a public interest in preserving the integrity of cultural and artistic creations.”

Failure to abide by California Civil Code § 987(a) subjects the offender to litigation which can include, injunctive relief, actual damages, attorney’s fees and costs, and *punitive damages*. California Civil Code § 987(e).

The law requires notification to the artist, which we know for a fact has not been done by the City, as we have already contacted him.

IV. Conclusion

Based on the foregoing points and authorities several things are clear. The HSPB was not provided with a complete understanding of the law and information was concealed from them either intentionally or inadvertently. As a result, the HSPB did not and could not make an informed decision. Further, the facts and law that was provided to the HSPB was skewed to achieve a desired outcome that suited the interests of some elected and appointed officials who wanted to remove the Mayor Bogert statue for unlawful reasons, political correctness and cancel culture. And the basis for the HSPB vote was a a flawed application of the law and facts. As a consequence of all of these commissions and omissions the PSMC was not followed lawfully.

In addition to the tortured analysis offered by staff regarding the PSMC, they also offered one regarding CEQA. Instead of following the CEQA process they proffered to the HSPB a false exemption that could not be claimed due to an exception preventing its use. Again, the HSPB was duped, and the law was not followed in all of its requirements.

Unfortunately, no effort was made by staff to even discuss the law regarding visual arts and the failure to follow it. On this basis alone the HPB decision should be reversed, though there are many bases for reversal of that decision.

We encourage the CC members to show courage to follow the law whether they like the result or not. Law is the only thing holding our society together, and any diminution of it in any context weakens that which holds civilization together in an orderly and safe fashion. It is the duty of all public officials to follow the law whether it suits their opinions or interests.

Therefore, we appeal the decision made by the HSPB granting a Certificate of Appropriateness to effectuate a removal/relocation of the Mayor Bogert statue.

Very truly yours,

Rod Pacheco



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING AN APPEAL OF HISTORIC SITE PRESERVATION BOARD ACTION APPROVING A CERTIFICATE OF APPROPRIATENESS FOR ALTERATIONS TO THE PALM SPRINGS CITY HALL, A CLASS 1 (LANDMARK) HISTORIC SITE LOCATED AT 3200 EAST TAHQUITZ CANYON WAY – REMOVAL OF FRANK BOGERT STATUE, (HSPB #33D/ CASE 3.3377)

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

A. WHEREAS, Chapter 8.05 of the Palm Springs Municipal Code allows for the designation of historic resources; and

B. WHEREAS, on November 2, 2021, the City's Historic Site Preservation Board ("HSPB") considered a Certificate of Appropriateness application to determine whether removal of the statue would materially impair the historic significance of City Hall. At that meeting the HSPB considered the application and continued it, requesting more information about the defining historic characteristics of City Hall; and

C. WHEREAS, staff solicited proposals for a historic resources report and the firm Architectural Resources Group ("ARG") was selected to prepare the report; and

D. WHEREAS, a historic resources report dated January 20, 2022 (the "ARG Report") was prepared by ARG, which evaluated City Hall and identified, among other things, the defining historic characteristics of the historic resource, the elements on the site that contribute to its historic significance, the criteria from the City's Historic Preservation Ordinance (Palm Springs Municipal Code ("PSMC"), Chapter 8.05.) under which the site qualifies as a historic resource and its period of significance; and

E. WHEREAS, the ARG Report concluded that the Bogert statue does not contribute to the historic significance of City Hall and its removal would not materially impair the characteristics that contribute to City Hall's historic significance, and

F. WHEREAS, on February 1, 2022, based on the information provided to the HSPB, including the ARG Report, the HSPB voted (4-2 (with 1 abstention)) to approve the certificate of appropriateness for the removal of the statue, with the strong recommendation that the City Council ensure relocation of the statue to a suitable, publicly-accessible site in perpetuity; and

G. WHEREAS, at the said meeting, the HSPB carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report and all written and oral testimony presented and voted 5-0-1 (Burkett absent) to recommend that the City Council designate the Palm Springs Racquet Club a Class 2 (Historic Merit) historic site; and

H. WHEREAS, on Thursday, February 10, 2022, Rod Pacheco, on behalf of his client, Friends of Mayor Frank Bogert ("Appellant"), filed an appeal of the HSPB's action

I. WHEREAS on February 24, 2022, a duly noticed meeting of the City Council was conducted to consider the Appeal, in accordance with applicable law, at which time all interested parties were afforded an opportunity to be heard; and

J. WHEREAS, at the said meeting, the City Council carefully reviewed and considered all of the evidence presented in connection with the Appeal, including, but not limited to, the staff report, the ARG Report, and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS RESOLVES:

SECTION 1: INCORPORATION OF RECITALS

The City Council hereby incorporates by reference, the recitals contained above, as though fully set forth herein.

SECTION 2: DENIAL OF APPEAL.

Based on all of the evidence presented in connection this appeal, including, but not limited to, the staff report, the ARG Report, and all written and oral testimony presented, and based on the findings contained in this Resolution, the City Council hereby denies the Appeal and upholds the HSPB’s February 1, 2022 decision.

SECTION 3: FINDINGS IN SUPPORT OF DECISION

Pursuant to the PSMC Section 8.05.110(A), prior to alteration of a Class 1 historic resource, such as the proposed removal of the Bogert Statue from the City Hall site, a Certificate of Appropriateness must be processed.

Pursuant to Municipal Code Section 8.05.110 (E), (“*Alteration of Class 1 and Class 2 Historic Resources – Certificate of Appropriateness*”), in considering a Certificate of Appropriateness request, the HSPB must evaluate the application and make findings for conformance based on the following criteria:

1. *That the proposed alteration does not significantly impact or materially impair the character-defining features of the historic resource as listed in the resolution for historic designation, or, where a character-defining feature may be impacted, the proposed alteration minimizes that impact as much as possible;*

As noted in the ARG Report, City Hall’s historic significance is recognized for its Mid-Century Modernist architectural style and its association with master architect Albert Frey. The character-defining features of the historic resource, as listed on page 14 of the ARG Report, include the general open configuration and layout of the landscape and hardscape fronting the building but does not include the planting materials, the flagpole or the Bogert statue. The statue is located in the open space in front of City Hall. Its removal would not significantly impact or materially impair the character-defining features because it does not alter the general configuration and layout of the open space fronting

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the building or any other character-defining feature that contributes to the historic significance of City Hall. As such this finding can be affirmatively met.

Appellant also asserts that the Bogert statue itself is a “historic resource”. The City’s Historic Preservation Ordinance defines a historic resource as “...*any site, structure, building or object... which has been designated Class 1 or Class 2 status, or any identified contributing resource within a City Council-designated historic district.*” In this case, the Bogert statue, while potentially capable of being designated as a historic resource, has not been granted Class 1 or Class 2 designation and has not been identified as a contributing resource in a Council-designated historic site or district. Nor is the statue from the period of significance for the City Hall. The statue itself is not a historic resource and thus is not subject to further evaluation as such.

2. That the proposed alteration will assist in restoring the historic resource to its original appearance where applicable, or will substantially aid its preservation or enhancement as a historic resource;

Upon completion of the original 1956 building and the 1965 addition, the character-defining open space in front of the City Hall building was comprised of two parking lots located at the southeast and southwest corners of the parcel, with a drive aisle connecting them across a broad expanse of landscape. There were no statues or other objects in the open space fronting City Hall during its period of significance. The Bogert statue was installed in 1990, well after the period of significance (1956-1965).

Further, Appellants have not demonstrated that the statue was part of the historic resource as designated by the City Council. The statue was not mentioned in the City Council resolutions that designated City Hall as a Class 1 historic site in 1996, nor in the subsequent resolution of 2012. It was also not mentioned in the materials submitted for consideration of adding City Hall to the National Register of Historic Places in 2015. It is not a character-defining feature; thus its removal will not adversely affect the historic resource and will assist in restoring it to its original appearance. This finding can be affirmatively met.

3. That any additions to the historic resource are consistent with the massing, proportions, materials, and finishes of the existing historic resource, and: (i) can be distinguished from the existing historic resource as may be appropriate; or (ii) are indistinguishable from the historic resource as may be appropriate, and where such alterations are clearly documented in the City’s archival file for the historic resource as being non-original to the historic resource;

As noted above, the 2012 resolution does not identify the statute as a historic resource. Moreover, again, the question is not whether or not the statue is a historic resource or not. This finding is focused on whether any proposed “additions to the historic resources are consistent with the massing, proportions, materials, and finishes of the existing historic resource”. Here, the removal of the statue does not involve any “additions”. Therefore, regardless of whether or not the statue is a historic resource, removal of the statue is not an “addition”, and thus this finding can be affirmatively met.

4. That, in cases where Federal funds are to be utilized in financing the proposed alterations, the alterations are consistent with the Standards for the Treatment of Historic Properties, as put forth by the U.S. Secretary of the Interior.

No federal funds are involved in the proposed project. As such, this finding is not relevant and this finding need not be met.

With regard to Appellant's CEQA argument, Appellant asserts that removal of the statue would violate CEQA because Appellant believes that the removal of the Bogert statue will cause a substantial adverse change in the significance of a historical resource.

However, as discussed above, based on the findings that are supported by the facts, the removal of the Bogert statue will not cause a substantial adverse change in the significance of a historical resource. The Bogert statue itself is not designated as a historical resource. Further, as explained above, removing the statue would restore the character-defining features of City Hall, which is the historical resource as issue. As such, removing the statue would improve the significance of City Hall and would not cause any adverse change, much less substantial adverse change, in City Hall's significance. As such, the categorical exemption relied upon by City staff and the HSPB is appropriate for the proposed removal of the Bogert statue.

Appellant cites to a California statute that prohibits anyone, except the artist, from intentionally committing, or authorizing "the intentional commission of, any physical defacement, mutilation, alteration, or destruction of a work of fine art." (California Art Preservation Act ("CAPA"), Civ. Code § 987(c)(1).)

However, even assuming the Bogert statue would be considered "fine art" under CAPA, the City is not proposing to deface, mutilate, alter, or destroy it. Instead, the City is proposing to remove the statue. Simply removing a statue from its current location and placing it in storage alone is not enough to violate CAPA, as found in the very recent case of *Schmid v. City and County of San Francisco*, (2021) 60 Cal.App.5th 470, 488.

As such, the cited statute does not prohibit the City from removing the Bogert statue.

City staff is authorized to remove and dispose of the Bogert statue in a manner determined by the City Manager to be in the best interest of the City.

SECTION 4: ENVIRONMENTAL ASSESSMENT:

The proposed project is categorically exempt from review under the California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15331 and section 15061(b)(3).

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 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 ARG Report, the period of significance for City Hall was 1956–1965. The statue was installed in 1990, well outside the period of significance. ~~Item 5C of the~~

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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 ARG 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 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.

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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, and therefore will not cause a substantial adverse change in the significance of a historical resource.

ADOPTED THIS 24th DAY OF FEBRUARY, 2022.

Justin Clifton, City Manager

ATTEST:

Anthony J. Mejia, MMC
City Clerk

CERTIFICATION

STATE OF CALIFORNIA) COUNTY OF RIVERSIDE) ss. CITY OF PALM
SPRINGS)

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, hereby certify that Resolution No. is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on February 24, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this ____ day of February, 2022.

Anthony J. Mejia, MMC
City Clerk