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17 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
18 **COUNTY OF VENTURA**

19 COALITION FOR HISTORICAL
20 INTEGRITY, an unincorporated
21 association,
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Case No. 56-2020-00543397-CU-PT-VTA
Petition Filed: July 21, 2020

Assigned for All Purposes to the Honorable
Ronda J. McKaig

PETITIONER'S OPENING BRIEF

["CEQA Case" filed under the California
Environmental Quality Act, Cal. Pub. Resources
Code, § 21000 et seq.]

Hearing Date: September 10, 2021
Hearing Time: 8:20 a.m.
Dept. No.: 41

**VENTURA
SUPERIOR COURT
FILED
JUN 08 2021
BRENDA L. McCORMICK
Executive Officer and Clerk
By: CRISTAL V. ALVAREZ Deputy**

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I. SUMMARY

Broadly speaking, the California Environmental Quality Act, or CEQA, requires certain public agencies to identify and address significant environmental impacts of their actions, and CEQA defines the “environment” to include historic resources. A resource is presumptively deemed historic if it is listed on a local historic register or referenced in a general plan or specific plan. As a result, the bronze Father Serra statue, “Historic Landmark No. 3,” that stood in front of the Ventura City Hall for over three decades, after replacing the 1936 concrete statue, could only be removed after an appropriate environmental review.

On June 12, 2020, a demand was made on the Mayor of the City of Ventura (“City”) to remove the statue. After holding private meetings, the Mayor immediately agreed to remove what he described as a “designated landmark.” In subsequent proceedings the City Attorney agreed that the Mayor had demonstrated a disqualifying bias. In the course of this litigation it was revealed for the first time that the Mayor did not act alone. Through email the entire City Council engaged in secret meetings where they prejudged their decision. Everything after these initial private meetings was simply a post hoc rationalization to cover for the politically expedient approach.

Faced with justifying a decision with obvious CEQA implications, City staff engaged a consultant on a rushed basis to conclude that despite decades of contrary evidence (and a previous finding by the same consultant), the bronze statue was in fact not Landmark No. 3. To the surprise of all, the consultant claimed that Landmark No. 3 was a mass of crumbled concrete that had been stored in a leaky box in a private storage yard since its removal decades ago. The anonymous consultant was not made aware of – or choose not to discuss - the 2002 Historic Landmark Recordation for the bronze statue, or the references to it in the City’s General Plan and its environmental impact report (“EIR”), the Specific Plan, among other evidence.

City staff then attempted to use this report to justify applying a CEQA exemption to allow for the immediate removal of the statue. Initially it claimed the action was exempt through a “categorical” exemption only to soon abandon that approach. At a subsequent meeting they claimed the actions were now exempt through the extremely narrow “commonsense” exemption, i.e., that it could be said with “certainty that there is no possibility” that the activity in question

1 “may have” a significant impact on the environment. Several of the key documents were not
2 disclosed to the council and public, including the 2002 Recordation. Nevertheless, by ignoring the
3 prior designation and failing to make the required findings, the council ruled that the statue was not
4 a historic resource and could be immediately removed. The entire process from the first contact to
5 completion, including a “study” and three public meetings occurred in under a month.

6 Like private individuals, when cities engage in projects that impact historic resources they
7 must comply with CEQA. Although it is not necessary to explain the virtues of CEQA, in this
8 context a more robust environmental review would not only comply with the law but would also
9 open avenues for true dialogue and community healing.

10 II. FACTS

11 A. ORIGINS OF A LANDMARK

12 In 1936 a concrete statue of Father Serra was installed in front of what was then the County
13 Courthouse. (AR 5035¹). Thirty-seven years later, in November 1973, the City passed a resolution
14 deeming various “sites” as historic landmarks including the “Father Serra Statue.” (AR 5094-
15 5098). The statue was not only historically significant on its own, but visually it was central to the
16 downtown area. The statue stood at the front of the old courthouse on a rise at the end of
17 California Street that looked over the entire downtown. As noted by Anthony Grumbine, an
18 architect specializing in historical buildings and the chair of the City of Santa Barbara’s Historic
19 Landmarks Commission: “by terminating the main, central axis of the main road to a major Beaux-
20 Arts designed Civic building, the presence of a statue of Padre Serra is and has played a key role in
21 civic life of Ventura.” (AR 681). As noted by the Ventura Cultural Heritage Board on December
22 14, 1970: “the courthouse is a “structure of exceptional architecture . . . the statue of Father Serra
23 constitutes part of the Courthouse grounds.” (*Request for Judicial Notice*, 1.) Less than a year
24 after this statement the City applied for and received a National Registration for the courthouse.

25 B. “LANDMARK RENEWED”

26 By the 1970s the concrete statue was showing wear. (AR 5028, 536). In about 1985, the
27 City began reaching out to experts about options to repair the statue. In a letter seeking an expert

28 ¹ Citations to the administrative record (“AR”) will be as follows: AR [page number].