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City Lacked Authority to Close Public Street for Installation of Marilyn Monroe Statue



The City of Palm Springs' three-year closure of a public street for installation of a statue was unlawful because the Vehicle Code permits only temporary closure of streets for parades or other short-term events, not multi-year closure for installation of semi-permanent structures. *Committee to Relocate Marilyn v. City of Palm Springs*, 88 Cal.App.5th 607 (2023).



The City of Palm Springs closed one of its downtown streets for three years to allow a tourism organization to install a large statue of Marilyn Monroe in the middle of the street. Plaintiff challenged the street closure, contending the City did not have the authority to close the street under Vehicle Code section 21101(e), which permits cities to "[t]emporarily clos[e] a portion of any street for celebrations, parades, local special events, and other purposes." Plaintiff argued the street closure was impermissible because it was long-term—not temporary. Plaintiff also claimed the City erroneously found the street closure categorically exempt from environmental review under CEQA.

In response, the City contended that the street closure was temporary, and therefore permissible, because it was not permanent, and that the CEQA claim was untimely because the City filed a notice of exemption and plaintiff did not assert its CEQA claim until after the expiration of the 35-day statute of limitations period.

The Court of Appeal ruled for the plaintiff on both issues, finding that Vehicle Code section 21101(e) allows cities to close portions of streets only temporarily for short-term events like holiday parades, neighborhood street fairs, and block parties—proceedings that generally last for hours, days, or possibly as long as a few weeks. It did not vest cities with the expansive power to close public streets for years to allow statues or other semi-permanent works of art to be erected.

The court also found the CEQA claim timely. The notice of exemption stated that vehicular access to the street would be vacated as part of the project, but after the notice of exemption was filed, the City abandoned its plan to vacate vehicular access and elected to close the street entirely. Because the City materially changed the project and did not provide the public an opportunity to consider the revised project or its environmental effects, the notice of exemption did not trigger a 35-day statute of limitations. Instead, the CEQA cause of action was subject to the default statute of limitations of 180 days, measured from the date plaintiff knew or should have known about the changed project. Under this limitations period, plaintiff's CEQA claim was timely.

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