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## IV.D. CULTURAL RESOURCES

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The following section summarizes the information presented in the technical report, Tower of Wooden Pallets, Historic Resources Report, prepared by Teresa Grimes (November 28, 2003) and from the archaeological records search conducted by Margaret Lopez, Coordinator at the South Central Coastal Information Center (February 2, 2004). These reports are provided in Appendix D to this Draft EIR.

### ENVIRONMENTAL SETTING

#### Historic Resources

##### *Regulatory Environment*

A lead agency must consider a property an historic resource under the California Environmental Quality Act (CEQA) if it is eligible for listing in the California Register of Historical Resources (California Register)<sup>1</sup>. The California Register is modeled after the National Register of Historic Places (National Register). Furthermore, a property is presumed to be historically significant under CEQA, if it is listed in a local register of historic resources or has been identified as historically significant in an historic resources survey (provided certain criteria and requirements are satisfied) unless a preponderance of evidence demonstrates that the property is not historically or culturally significant.<sup>2</sup> The National Register of Historic Places and the California Register of Historic Resources and the Los Angeles Historic-Cultural Monuments are discussed below.

##### *National Register of Historic Places*

The National Register of Historic Places (National Register) is “an authoritative guide to be used by federal, state, and local governments, private groups and citizens to identify the nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment.”<sup>3</sup>

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<sup>1</sup> *California Public Resources Code, Section 5024.1*

<sup>2</sup> *Ibid.*

<sup>3</sup> *36 CFR Part 60.2*

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To be eligible for listing in the National Register, a property must be at least fifty years of age and possess significance in American history and culture, architecture, or archaeology. A property of potential significance must meet one or more of four established criteria:<sup>4</sup>

- a. Associated with events that have made significant contribution to the broad patterns of our history, or
- b. Associated with the lives of persons significant in our past, or
- c. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or
- d. Yield, or may be likely to yield, information important in prehistory or history.

### Physical Integrity

According to National Register Bulletin 15, “to be eligible for listing in the National Register, a property must not only be shown to be significant under National Register criteria, but it also must have integrity.” Integrity is defined in National Register Bulletin 15 as “the ability of a property to convey its significance.” Within the concept of integrity, the National Register recognizes seven aspects or qualities that in various combinations define integrity. They are feeling, association, workmanship, location, design, setting, and materials.<sup>5</sup>

In addition to integrity, a property must also be significant with an historic context to be eligible for listing in the National Register. National Register Bulletin 15 states that the significance of an historic property can be judged only when it is evaluated within its historic context. Historic contexts are “those patterns, themes, or trends in history by which a specific...property or site is understood and its meaning...is made clear.”<sup>6</sup> A property must represent an important aspect of the area’s history or prehistory and possess the requisite integrity to qualify for the National Register.

### *California Register of Historical Resources*

In 1992, Governor Wilson signed AB 2881 into law establishing the California Register of Historical Resources (California Register). The California Register is an authoritative guide used by state and

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<sup>4</sup> 36 CFR Part 60.4

<sup>5</sup> National Register Bulletin #15, pp. 44-45.

<sup>6</sup> National Register Bulletin #15, p. 7.

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local agencies, private groups and citizens to identify historic resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The criteria for eligibility of listing in the California Register are based upon National Register criteria, but are identified as 1-4 instead of A-D. The California Register consists of properties that are listed automatically as well as those that must be nominated through an application and public hearing process. The California Register automatically includes the following:<sup>7</sup>

- California properties listed in the National Register and those formally Determined Eligible for the National Register.
- California Registered Historical Landmarks from No. 0770 onward.
- Those California Points of Historical Interest that have been evaluated by the Office of Historic Preservation (OHP) and have been recommended to the State Historical Resources Commission for inclusion on the California Register.

Historic resources eligible for listing in the California Register may include buildings, sites, structures, objects, and historic districts. Resources less than 50 years of age may be eligible if it can be demonstrated that sufficient time has passed to understand its historical importance.<sup>8</sup> While the enabling legislation for the California Register is less rigorous with regard to the issue of integrity, there is the expectation that properties reflect their appearance during their period of significance.

#### *City of Los Angeles Cultural Heritage Ordinance*

The Cultural Heritage Ordinance was adopted by the Los Angeles City Council in 1962 and amended in 1985 (Sections 22.120 et. seq. of the Administrative Code). The Ordinance created a Cultural Heritage Commission and criteria for designating Historic-Cultural Monuments. The Commission is comprised of five citizens, appointed by the Mayor, who have exhibited knowledge of Los Angeles history, culture and architecture. Unlike the National and California Registers, the Ordinance makes no mention of concepts such as physical integrity or period of significance. Moreover, properties do not have to reach a minimum age requirement, such as fifty years, to be designated as Monuments. Section 22.130 of the Ordinance states that a historical or cultural monument:

*“...any site (including significant trees or other plant life located thereon), building, or structure or particular historical or cultural significance to the City of Los Angeles,*

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<sup>7</sup> *California Public Resources Code (PRC) Section 5024.1.*

<sup>8</sup> *14 CCR Section 4852.*

*such as historic structures or sites in which the broad cultural, political, economic or social history of the nation, state or community is reflected or exemplified or which are identified with historic personages or with important events in the main currents of national state or local history, or which embody the distinguishing characteristics or an architectural-type specimen, inherently valuable for a study of a period style or method of construction, or a notable work of a master builder, designer, or architect whose individual genius influenced his age.”*

### **Project Site**

The project site is located at 15357 Magnolia Boulevard, on the north side of the street between Sepulveda Blvd. and the 405 Freeway. East and west of the property are large multi-family residential buildings and the south side of the block is an extension of the Sepulveda Dam Recreation Area. 15357 Magnolia Boulevard is Lot 7 of Tract #1201, which is 210 feet by 297.5 feet. It includes the Tower of Wooden Pallets in the approximate center, a one-story, single-family residence on the west side, and sheds on the rear. The house has been partially demolished. The entire lot, which is overgrown and littered with trash, is surrounded by a chain link fence.

The Tower of Wooden Pallets was constructed in 1951 by Dan Van Meter. It consists of approximately 2,000 wooden fork-lift truck pallets laid on top of one another in a brick-like fashion. The pallets, which measure 3 feet by 4 feet and are 6 inches thick, sit directly on the earth and are not attached to one another. The structure is approximately 22 feet high with a diameter of 22 feet at the base and 13 feet at the top. The shape of the Tower is conical. An opening at ground level functions as the entrance. In the interior there are steps going to the top, which is open to the sky.

The physical integrity of the Tower has been evaluated by two structural engineers. The findings revealed that the wood exposed to the elements in the Tower is weathered, dry-rotted, and termite-infested. The wood has diminished or totally lost its structural properties. The wood elements are cracked, split, and broken. Some of the broken pallets are giving way to settling and all elements are essentially loose. The nails and pin rivets are oxidized and loose. The connectors remaining can be removed by hand without any effort. The steps towards the top are leaning with a tendency to slide off.

### **Evaluation of Historic Significance**

The Tower of Wooden Pallets is not eligible for listing in the National or California Registers because it does not appear to meet any of the criteria for significance. There are similar resources throughout the United States that have been designated under federal and state landmark programs including the national historic Landmark, National Register, California Register and California Historical Landmark, to name a few of the applicable programs. These resources are usually designated under Criterion C for their artistic value.

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While the debate continues on how to categorize such works, the term folk art environments is the most commonly used term. In 1978, a National Register Multiple Property Nomination was prepared for folk art environments in California. The Tower was not included in that nomination. While there have been several articles in local newspapers about the Tower, it is not identified in any of the scholarly work in the field of folk art environments or related fields such as outsider art, found object art, or fantasy architecture.

While the historical significance of the Tower is dubious, it was in fact, designated a Monument by the City of Los Angeles in 1978. The Cultural Heritage Commission file does not include a formal application form, but merely a letter of request from the owner and creator of the Tower, Daniel Van Meter, which stated that it was a unique art form of historical significance. It appears that at no time did the Commission or City Council find that the Tower met the definition of a Monument in the Administrative Code. The records indicate, however, that the Tower was designated “because of its significant social interest in the San Fernando Valley.”<sup>9</sup>

#### *National Register of Historic Places*

The Tower is not eligible for listing in the National Register under Criteria A or B, as it is not associated with events that have made a significant contribution to the broad patterns of our history, nor is it associated with any persons of historic significance. Criterion C states that properties may be eligible for one of four reasons: as the embodiment of a distinctive type, period, or method of construction; as the work of a master, as a work possessing high artistic value; or as a significant and distinguishable entity.<sup>10</sup> The only aspect of Criterion C that appears to apply is that of a work possessing high artistic value. As previously stated, folk art environments have been listed in the National Register. There are seventeen in the United States and four in California. The National Register folk art environments in California are: the Watts Towers in Watts, the Underground Garden’s in Fresno, the Bottle Village in Simi Valley, and the Desert Sculpture Garden in Joshua Tree. In addition, the Old Trapper’s Lodge (relocated to Pierce College) Litto’s Hubcap Ranch in Pope Valley, and Nitt Witt Ridge in San Luis Obispo are designated as California Registered Historical Landmarks. Watts Towers has the added distinction of being one of only a dozen National Historic Landmarks in Los Angeles County.

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<sup>9</sup> *Wednesday, April 19, 1978, Cultural Heritage Commission meeting, enclosed in Historical Resources Report, Teresa Grimes, November 28, 2003.*

<sup>10</sup> *Criterion D was not considered in the Historical Report as it applies to archaeological resources.*

Folk art environments can be found throughout the world, they are the handiwork of men and women who have been inspired to remake their personal spaces by combining art, architecture, sculpture and landscaping, often in wildly imaginative ways. Typically such works are created over long periods of time and involve the use of found objects such as glass bottles, broken tiles, bottle caps, hub caps, and etc. Folk art environments have also been described as outsider art environments. The term outsider art is used to describe creative works – paintings, drawings, sculptures, assemblages, and idiosyncratic gardens and other outdoor constructions – by people who have had little or no formal training in art and who produce art without any regard to the mainstream art world’s recognition, marketplace or definitions. These are people who make art for themselves or their immediate community, often without recognizing themselves as artists until a collector or expert informs them that what they are doing is making art.

While the Tower of Wooden Pallets has some of the characteristics of an outsider art object, it is not eligible for listing in the National Register for its “high artistic value.” According to its creator, Daniel Van Meter, the Tower was a work of art he created for his personal pleasure. Like many outsider artists, Van Meter was not a trained artist and he created the Tower out of recycled material. In this case, fork-lift pallets which had been discarded by a local brewery. Recycled materials and found objects are almost always incorporated into folk art environments; however, the works encompassed sites that were created over a long period of time.

While folk art environments take many forms; in some cases existing buildings are modified, new buildings are constructed, objects and sculptures are displayed in yards, they are almost always grand in scale. The Tower is merely a single, albeit large, object. As such, it does not seem as though Van Meter was out to create a unique environment on his property. The Tower should not be categorized as a folk art object or sculpture, as the term implies working within an established ethnic or religious tradition. The Tower is one of a kind.

Assuming that one considers it a work of art at all, the most accurate description of the Tower would be a work of outside art, be it an assemblage or sculpture. While outside artists, by definition, do not think of themselves as artists, they create some art form for long periods of time, if not their entire adult lives. Their work, whether it is a painting or an entire environment, is also defined by its creativity and imagination. In this context, the Tower of Wooden Pallets is not significant. It was the only object Van Meter ever created and it does not demonstrate the inventiveness associated with outsider art.

#### *California Register of Historical Resources*

The Tower does not appear to be eligible under any of the criteria for significance for the same reasons it is ineligible for listing in the California Register.

### *Los Angeles Historic-Cultural Monuments*

While the Tower does not meet the definition of a Historic-Cultural Monument, the entire property was in fact designated as such by the City of Los Angeles in 1978.

Although Van Meter requested that the Tower be designated as a unique form of art, the Commission recognized it for “its significant social interest in the San Fernando Valley.” There was no material or information about its role or significance in the social history of the San Fernando Valley.

### **Archaeological Resources**

According to the records search conducted by the South Central Coastal Information Center, there are no known archaeological resources within a half-mile radius of the project site.

### **Paleontological Resources**

There are no known paleontological resources located on the project site or in the immediate vicinity.

## **ENVIRONMENTAL IMPACTS**

### **Thresholds of significance**

#### ***Historic Resources***

The proposed project would create a significant impact to historic resources if it results in a substantial adverse change in the significance of a historic resource pursuant to Section 15064.5 of the CEQA Guidelines. Section 15064.5(a)(3)(D) of the CEQA Guidelines states that: “Generally, a resource shall be considered by the lead agency to be ‘historically significant’ if the resource...has yielded, or may be likely to yield, information important in prehistory or history”.

In enacting the California Register, the Legislature amended CEQA to clarify which properties are significant, as well as which project impacts are considered to be significantly adverse. A project with an effect that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment.<sup>11</sup> A substantial adverse change in the significance of an historic resource means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be

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<sup>11</sup> CEQA Guidelines, Section 15064.5(b)

materially impaired.<sup>12</sup> The significance of an historic resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics that convey its significance and that justify its inclusion in or eligibility for inclusion in the California Register, local register, or its identification in an historic resources survey.<sup>13</sup> Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties and associated guidelines shall be considered as mitigated to a level of less than significant impact.

## **Project impacts**

### ***Historic Resources***

#### *National Register of Historic Places/California Register of Historic Resources*

The Tower of Wooden Pallets is not eligible for listing in the National and California Registers because it does not appear to meet any of the criteria for significance. The demolition of the Tower would not result in a negative effect on the environment. Therefore, impacts to historic resources regarding the National and California Registers would be less than significant.

#### *Los Angeles Cultural Heritage Ordinance*

Since the Tower is designated as a Monument under the City of Los Angeles Cultural Heritage Ordinance, demolition of the Tower would result in a significant impact on the environment, as there would be a permanent loss of this historic resource. The significance of the historic resource would be materially impaired by its demolition. Consequently, the demolition of the Tower on the project site would be a significant and unavoidable impact.

### ***Archaeological Resources***

No archaeological resources are known to exist on the project site or in the vicinity of the project site. However, it is difficult to know what may lie beneath the ground surface. In the event that archaeological resources are encountered during project activities (e.g., demolition, excavation, etc.) mitigation measures have been provided to mitigate potential impacts. Therefore, impacts to archaeological resources would be less than significant.

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<sup>12</sup> CEQA Guidelines, Section 15064.5(b)(1)

<sup>13</sup> CEQA Guidelines, Section 15064.5(b)(2)

### ***Paleontological Resources***

No paleontological resources are known to exist on the project site or in the vicinity of the project site. However, it is difficult to know what may lie beneath the ground surface. In the event that paleontological resources are encountered during project activities (e.g., demolition, excavation, etc.), mitigation measures have been provided to mitigate potential impacts. Therefore, impacts to paleontological resources would be less than significant.

## **CUMULATIVE IMPACTS**

Cumulative impacts on historic resources evaluate whether impacts of the proposed project and related projects, when taken as a whole, substantially diminish the number of extant resources within the same or similar context or property type. It is not known at this time if future development of the related project sites would involve historic resources. However, it is anticipated that historic resources that are potentially affected would be subject to the requirements of CEQA and City of Los Angeles historic resource protection ordinances. It is further anticipated that the effects of cumulative development on historic resources would be mitigated to the extent feasible in accordance with CEQA and other applicable legal requirements. Consequently, cumulative impacts on historic resources as a result of related project development are expected to be less than significant and thus, when considered in conjunction with the proposed project would not be cumulatively considerable

## **MITIGATION MEASURES**

If the Tower is demolished, the following mitigation measure is required to reduce the significant adverse impacts on the historic resources. However, this mitigation measure will not reduce impacts to a point where no significant effect on the environment would occur.

1. The demolished buildings shall be documented in a report consistent with Historic American Buildings Survey (HABS) standards. It shall document the significance and physical condition of the buildings proposed for demolition, both historic and current, photographs, written data, and text. The documentation shall include the following:
  - A site plan on 8" x 11" paper showing the location of the Tower shall be included. This site plan shall include a photo key.
  - Large format (4" x 5" or larger negative size) photographs in accordance with HABS guidelines. Views shall include several contextual views, all exterior and interior elevations.

- The report shall include copies or prints of any available original plans and historic photographs
- Archival copies of the documentation shall be submitted to the Los Angeles Central Library.

### **Archaeological Resources**

2. If any archaeological or historical remains are uncovered during excavation or construction, work in the affected area will be suspended. In such an event, a qualified archaeologist will then conduct a survey of the affected area. A preliminary determination will then be made as to the significance of the survey findings.
3. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in the California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the project site outside the area affected by such discovery.

### **Paleontological Resources**

4. If any paleontological remains are uncovered during excavation or construction, work in the affected area will be suspended. In such an event, a qualified paleontologist will then conduct a survey of the affected area. A preliminary determination will then be made as to the significance of the survey findings.

## **LEVEL OF SIGNIFICANCE AFTER MITIGATION**

Mitigation measure 1 listed above would reduce impacts to the Tower. However, the demolition of the Tower of Wooden Pallets on the project site would still result in a significant and unavoidable impact. No other mitigation measures are available to reduce this unavoidable, significant impact.

No impacts to archaeological or paleontological resources are anticipated as a result of the proposed project. However, implementation of Mitigation Measures 2, 3, and 4 provided above would ensure that potential impacts are less than significant.