

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, AUGUST 16, 1991

AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order at 9:03 a.m. by Chairman Lillian Jane Volk.

II. Roll Call:

PRESENT: Lillian Jane Volk, Chairman
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member
Leslie Divoll, Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: Elise P. Mackintosh, Vice Chairman
Sally Gingras, Secretary
William S. Gubelmann, Member
Arthur Silverman, Alternate Member
Wilmer J. Thomas Jr., Alternate Member
Jane R. Grace, Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Helen Chase of Everman & Associates was present serving as a Court Reporter, hired by the applicant, for the hearing regarding Application for Certificate of Appropriateness #15-91, the subdivision of Mar-a-Lago. (Helen Chase: 659-7444)

III. Approval of the Minutes of the July 19, 1991 Meeting:

MOTION BY MRS. DIVOLL TO APPROVE THE MINUTES AS CORRECTED. (CORRECTION PREVIOUSLY DISTRIBUTED TO ALL RECIPIENTS OF MINUTES)

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

A request had previously been made to allow hearing Item (H) first, as the applicant's representative had a conflict of time.

MOTION BY MRS. METZGER TO ADJUST THE ORDER OF THE AGENDA TO ALLOW HEARING ITEM (H) FIRST.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

H. Application for Certificate of Appropriateness No. 29-91, Replace Fire Stair

Applicant/Owner: Society of the Four Arts

Address: Four Arts Plaza

Contractor: Conkling & Lewis

Project Description: Request approval to replace existing steel fire exit stair on the north facade of the Library with new galvanized stair to meet current codes.

Mr. John Schuler and Mr. Don Conkling, Contractor, presented the project to replace the existing deteriorated fire stair on the north facade of the Library building. The stair leads from the second floor library to the ground level. Currently, the stair is situated flush against the north facade. The existing stair, the original for the building, however, is quite steep, with narrow treads and no platform.

The new fire stair will be made of galvanized steel. It will be designed with a platform, wider treads, and a lower descending angle than the existing stair. Instead of the stair being totally flush against the north facade, the ground level portion of the new stair will project from the side of the building to the north, out onto the north parking area. It is noted that one parking space will be lost due to this projection. It is further noted that the projected design is being employed due to the location of the existing air compressor and the requirements of current codes. The stair may be painted to match the color of the Library. Mr. Schuler noted that Mr. Frank had sent a letter to the Society of the Four Arts requesting that landscaping be installed at the air compressor area. They plan to landscape, as needed for screening the air compressor and stair, as soon as the stair is complete.

It was noted that the applicant had previously spoken to Mr. Harry Ackerman, Chief Building Inspector, and Mr. John Wandell, Fire Marshal, regarding the proposed stair. Each of them approved the proposal.

Mrs. Divoll commented that the new design departs from what

was original, primarily due to the projection to the north. She felt that if the fairly new air compressors, sidewalk, landscaping and fire stair design were considered together, this deviation from the original might have been able to be avoided. Since this did not happen, the LPC is placed into a situation where approvals are being sought in a piecemeal fashion. She described the piecemeal approach as "the cumulative effect of small changes, which bring about or force a considerably larger change from the original configuration." She commented, for the benefit of Staff, that more information should have been submitted with this application, particularly a site plan and elevations.

MOTION BY MRS. DIVOLL TO APPROVE THE PLAN BECAUSE OF THIS "TIGHT SITUATION, AND WE ARE FAMILIAR WITH THE SITE, AND THE POSITION THEY ARE IN".

MOTION SECONDED BY MRS. METZGER, THOUGH SHE MENTIONED THAT A DIFFERENT APPROACH WOULD HAVE BEEN PREFERABLE.

MOTION CARRIED UNANIMOUSLY.

- A. Application for Certificate of Appropriateness No. 21-91, Additions and facade modifications
Applicant/Owner: Mr. Ralph McDonald
Address: 300 El Brillo Way
Architect: Smith Architectural Group
Project Description: Request approval for the addition of second story (staff quarters) over existing garage; addition of porte-cochere/gate house joining main house to garage; various modifications to exterior facades

(Please note that this item was deferred from the July 19, 1991 Meeting.)

Mr. Frank noted that the applicant has modified his application requesting only various modifications to the exterior facades at this time. Mr. Ken Brower, of Smith Architectural Group, presented the changes for the west and north facades. Mr. Brower stated that the applicant's desire is to bring the house up to current standards, by while still maintaining the historical character of the home. In fact, those items stated in the original application and subsequently removed from consideration, were eliminated by the owner in his attempt to make only minimal changes to the structure.

West Facade: Currently, there is an open porch or loggia on the first floor. The applicant would like to enclose and air-condition the loggia. Also, currently, on either end, there are two fixed glass panels. Between the two fixed glass panels, three pairs of patio doors with mullions will

be inserted.

Mrs. Albarran de Mendoza objected to mullions in the doors, feeling that single glazed doors would be preferable, while still satisfying the owner's desire for large glassed areas to open up the house.

Mrs. Divoll questioned how the owner plans to protect the new glassed area from hurricane damage. Mr. Brower responded that removable shutters will be used.

North Facade: The kitchen, former staff dining area, laundry area, and a via leading to the staff quarters occur on this facade. The applicant is requesting that for the future conservatory, the sections of screening between columns be replaced with glass so that these openings could be operable. In addition, the request is to add arches above these openings. Mr. Brower stated that arched elements occur in the interior of the building, and these exterior arches represent an attempt to bring some of the interior elements out to the exterior. Adjacent to the conservatory, three windows occur. The proposal includes lowering the sills on these three windows, and in fact, making the center one function as a door. The door will lead out to three steps which are proposed to be lengthened across the span of the three window section of the structure. A fourth, longer step will occur on the ground level. Over the westernmost lowered sill window, the existing shed roofs will be removed, and a barrel tile overhang will be constructed. An existing wall to shield views of the basement will be increased in height.

In response to the expressed reservations regarding the proposed mullioned doors on the west elevation, Mr. Brower was prepared with an alternative design showing undivided french doors, as Mrs. Albarran de Mendoza had suggested.

Mrs. Divoll, regarding the north elevation, objected to the arched elements being introduced to the exterior facades. Rather, she suggested a simple substitution of the existing screen with glass, to avoid changing the historic configuration of the structure.

MOTION BY MRS. DIVOLL TO ACCEPT ALL FEATURES OF THE PLANS AS PRESENTED, EXCEPTING THE ARCHES ON THE NORTH ELEVATION, AND SUBSTITUTING THE PROPOSED MULLIONED DOORS ON THE WEST ELEVATION WITH UNDIVIDED FRENCH DOORS.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness No. 23-91,
Doors, windows, awnings, guest rooms

Applicant/Owner: Mr. Wilson C. Lucom

Address: 260 North Ocean Boulevard

Architect: Smith Architectural Group

Project Description: Request approval to install three french doors at east elevation of breakfast room; install four stained glass window units at south elevation of breakfast room; provide awning at front entry; and provide new staff/guest rooms at south elevation outside of pool area wall.

(Please note that this item was deferred from the July 19, 1991 Meeting.)

Mr. Don Kino of Smith Architectural Group presented this project for additions and renovations at Villa Flora.

South Elevation: The applicant requests the construction of new staff and/or guest quarters, consisting of four rooms, outside the pool area wall. An existing door in the wall, which leads to the pool, will remain as part of the addition. The total square footage of the addition is approximately 560 square feet. The roof line of the addition will be a continuation of the roof line of the main house. The poolside elevation of the addition will be a blank wall in an effort to maintain privacy for those using the pool area.

Breakfast Room: This room was added four to five years ago. The problem with the existing breakfast room is that the window sills are four feet from the ground, affording no view of the ocean, and making the room very dark. The proposal calls for dropping the sills and adding french doors in the front. Arched openings between twisted columns will occur on the east elevation of the breakfast room. The center arch will be higher than the two flanking it. Also on the breakfast room's east facade, a new Herpel cast stone terrace and awning will be installed to provide further enjoyment of the ocean vista. The awning will be very simple, white with no scalloping.

On the south elevation (now a blank wall) of the breakfast room, the owners would like to re-utilize four stained glass windows from a previous residence.

The application requests a new awning at the front entry. A deferral is requested for this item to next month.

Mr. Kino asked the LPC to offer opinions on one additional item, beyond the scope of the application, yet already on the drawings. It concerns the addition of a new window in

the master bedroom area, to match existing windows on the east facade of the main structure. Currently, there is only one small window in this area. The owners would like more light and a better view from the master bedroom.

Mrs. Divoll requested that all awnings requested be deferred to next month.

MOTION BY MRS. DIVOLL TO APPROVE THE PLANS AS PRESENTED, EXCEPTING THE TWO AWNINGS REQUESTED, WHICH WILL BE DEFERRED TO NEXT MONTH.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

IT IS NOTED THAT THE MATTER OF THE ADDITIONAL WINDOW ON THE EAST ELEVATION WILL BE HEARD NEXT MONTH SUBSEQUENT TO LEGAL ADVERTISEMENT OF SAME.

C. Application for Certificate of Appropriateness No. 24-91, Hurricane Shutters

Applicant/Owner: Mr. Henry McIntosh

Address: 124 Via Bethesda

Contractor: Rolladen, Inc.

Project Description: Request approval of hurricane shutters on the east and south facades

(Please note that this item was discussed informally at the July 19, 1991 Meeting, and is now formally before the Commission for action.)

Mrs. Susan McIntosh, owner, and Mr. Charles McKaye of Rolladen Shutters returned to present hurricane shutters for this residence. Mrs. Volk summarized the LPC's concerns, as expressed last month, regarding these shutters. At last month's meeting, a bronze accordion shutter was proposed. and the LPC felt that a light color would have been better. Subsequent to the Commissioners having visited the site since last month, they are in agreement that the bronze color is more suitable for this particular location. Additionally, the LPC did not want to see boxes or housings on the east facade, as the permanently affixed housings would detract from the beauty of the facade. Mrs. McIntosh, however, assured the Commission that existing vines would cover those housings completely. The housings will be in a light color to match the house color. Side tracks for the east facade first floor shutters will be removable, but side tracks on the second floor will be permanent.

Mrs. Metzger commended the owners for their attempts to arrive at a practical solution to this problem. Mrs. Divoll

added that they are also to be commended for the extensive measures they have undertaken to protect all windows on other facades.

MOTION BY MRS. METZGER TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

- D. Application for Certificate of Appropriateness No. 25-91, Changes to north facade
Applicant/Owner: Via Mizner Associates Limited Partnership
Address: 333 Worth Avenue
Architect: The Lawrence Group
Project Description: Request approval of renovation of north facade at second floor level to include the addition of two doors, relocating a window and extending an existing balcony.

Ms. Donna Beinstein of the Lawrence Group presented this project. The proposal is to extend the north facade balcony all the way across the second floor to the point of the stairs, and to support the balcony with new metal brackets. Additionally, there are three existing windows and a door. They plan to retain the existing door, and re-configure the windows, so that two additional doors will be added, and an existing window will be relocated. A new awning will be added over the second story windows to match an existing awning.

Mrs. Divoll mentioned that at last month's meeting, the LPC approved first floor changes for this structure. She questioned whether today's requests completed the plans for this particular structure. Ms. Beinstein responded that to her knowledge, "this is pretty much completed". Mrs. Divoll, concerned about the cumulative effect of small changes, was pleased "to know that this is all that's planned for this building".

MOTION BY MRS. METZGER TO APPROVE THE PROJECT AS SUBMITTED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

- E. Application for Certificate of Appropriateness No. 26-91, Addition of exterior stair
Applicant/Owner: Via Mizner Associates Limited Partnership
Address: 333-345 Worth Avenue
Architect: The Lawrence Group
Project Description: Request approval for the addition of an exterior stair to the northeast building at Via Mizner for entry to a proposed second floor apartment

Due to some suggestions made by Commissioners who had visited the site prior to today's meeting, Ms. Beinstein stated that they wish to defer this application to next month.

MOTION TO DEFER CERTIFICATE OF APPROPRIATENESS NO. 26-91 TO THE SEPTEMBER MEETING.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness No. 27-91, Awning

Applicant/Owner: Bath & Tennis Club

Address: 1170 South Ocean Boulevard

Contractor: Southern Awning

Project Description: Request approval for an awning on the west facade second floor at the linen room

Mr. Mark Johnson and Mr. Peter Breck of Southern Awning presented the request for an awning on the west facade second floor at the linen room. The awning covering will be #510 Green vinyl - Patio 500, the same as the existing awnings.

MOTION BY MRS. DIVOLL TO APPROVE THE AWNING IN THE GREEN COLOR TO MATCH OTHER EXISTING AWNINGS.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness No. 28-91, Identification Signage

Applicant/Owner: Buchanan, Underwood Travel Associates

Address: 361 South County Road

Contractor: Kauff's Custom Lettering & Signs

Project Description: Request approval for identification signage on the front windows, front and side of the building, and via windows; change awnings.

Mr. Jerry Buchanan, and Mr. John Holland of Kauff's Custom Lettering and Signs came forward to present this application. It was noted that this building, though it is part of the Town Hall Square Historic District, is a non-contributing building within the District. Mr. Buchanan stated that Mr. Zimmerman, of Planning, Zoning & Building, had previously reviewed the signage with respect to zoning, and found that it adhered to the sign code.

Signage will occur in strips or bands placed in the lower portion of the windows on the street facade and the via facade. On the street facade, the three bands will be 5 feet long, and 12" wide with 2-1/4" letters. On the via facade, the three bands will be 8 feet long, and 12" wide with 3-1/2" letters. The bands will be royal blue with gold metallic lettering. Also, individual plastic letters (8") in royal blue to read "Buchanan, Underwood Travel" will be placed above awning-covered arches on the street facade. Three bubble awnings will be placed to follow the arch pattern on the street facade of the building. The first color choice for the awnings is royal blue with gold leaf trim; the second color choice is Mizner pink with royal blue trim.

MOTION BY MRS. DIVOLL TO APPROVE THE SIGNAGE AND BOTH ALTERNATIVE COLOR SCHEMES AS PRESENTED.

MOTION DIED FOR LACK OF A SECOND.

MOTION BY MRS. METZGER TO APPROVE THE SIGNAGE AND AWNINGS AS PRESENTED, WITH ROYAL BLUE AND GOLD AWNINGS AS THE APPROVED COLOR FOR THE AWNINGS.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

- I. Application for Certificate of Appropriateness No. 30-91, Replace Urns - West elevation
Applicant/Owner: The Breakers Palm Beach Inc.
Address: 1 South County Road
Contractor: Keystone Restoration Inc.
Project Description: Request approval for installation/replacement of fiberglass urns on the west elevation at the fifth floor, (identical to urns on towers)

Mr. Al Pinedo of Keystone Restoration presented this request to replace urns on the west elevation of the Breakers Hotel at the fifth floor level. Mr. Moore explained that the west facade is a landmarked elevation. The previous urns, which were in this location, were removed some years ago, and this request is a restoration attempt. Mr. Frank stated that the LPC is hearing this matter as the request includes a material change from the previous concrete to the proposed fiberglass. The new urns will be five feet high and four feet wide. Due to the weight of such an urn made of concrete, and the height at which it will be placed, the urn is proposed in fiberglass, a much lighter material. The urns will be placed to withstand 120 m.p.h. winds. One of the Commissioners commented that they would appreciate the contractor using a textured paint on the new urns. Mr. Pinedo stated that this could be done, but a texture will not be visible to anyone looking at the urn. These urns

will match the original urns which had previously been in this location, and will match the newly-replaced tower urns as far as construction.

MOTION BY MRS. DIVOLL TO APPROVE THE FIBERGLASS URNS AS PRESENTED.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

V. Other Business

- A. Courtesy Review - 250 Worth Avenue: New opening and gate in existing wall between courtyard of 250 Worth Avenue and courtyard of 256 Worth Avenue. Please note that ARCOM approved the project at their July 24, 1991 meeting.

Mr. Robert Bell, Architect, presented this project to the LPC as the courtyard of 250 Worth Avenue (not landmarked) is adjacent to the courtyard of 256 Worth Avenue (landmarked). A wall occurs between the courtyards and the proposal is to create an opening in the wall, and insert a gate which will usually be open permitting pedestrian travel through the adjoining courtyards. The new opening will actually appear as a backdrop to the existing fountain in the Gucci courtyard.

The Commission thanked Mr. Bell for bringing this item forward, and expressed their pleasure with the design.

- B. Informal Review - 365 South County Road: New storefront doors and windows with barrel tile overhangs on west and north facades.

Mr. Don Kino, Smith Architectural Group, came forward to present this request for this structure, a contributing building with the Town Hall Square Historic District. He stated that on the west elevation, there is an existing drive. They propose two new storefronts with barrel tile overhangs. Also, along the north elevation, one additional new storefront with overhang would occur. The overhangs will match those previously approved on the south facade.

Additionally, he mentioned that they had previously gotten LPC approval for three storefronts with overhangs on the south facade. During the demolition of the spaces, they discovered that the beam, on which the overhangs would be attached, was higher than anticipated. This had no effect on two of the overhangs, but the third would become a problem because it would interfere with an existing balcony. Therefore,

they request to amend that previous approval for three overhangs on the south facade to only two overhangs.

Mrs. Divoll reminded the Commission that these are unadvertised, last minute changes, and they require no action today. Mr. Kino stated that they realize this, however, the construction is continuing and they would like to make provisions to do these changes.

Some of the Commissioners suggested that all of the overhangs on the south facade might be removed. Mr. Kino stated that the removal of all of them would leave a blank wall, and this would not be advantageous to the owner's attempts to lease these spaces. The overhangs, "dress up", if you will, an otherwise blank facade. Mrs. Albarran de Mendoza felt that the overhangs are very highly perched. The Commission advised Mr. Kino to give the matter some further study before bringing it back next month, after advertising.

C. Amend Certificate of Appropriateness No. 22-91, 356 Worth Avenue, Everglades Club

Mr. Jeffery Smith, Smith Architectural Group, came forward requesting an amendment to approval given at the July 19, 1991 meeting. He explained that they have discovered the original paint color, terracotta, during the course of work progressing there. It is noted that the Landmarks Preservation Commission strongly encouraged the use of the original paint color, as they favor a true restoration. Therefore, the July 19, 1991 approval was amended to allow the use of the original paint color.

MOTION BY MRS. DIVOLL TO ACCEPT THE TERRACOTTA COLOR "AS A VERY DESIRABLE ALTERNATIVE COLOR".

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

Let the record show that Mrs. Volk called for a break at 10:36 a.m., and the meeting re-convened at 10:48 a.m.

IV. Public Hearings (Continued)

J. Application for Certificate of Appropriateness No. 15-91, Subdivision Request

Applicant/Owner: Mr. Donald J. Trump

Address: 1100 South Ocean Boulevard

Architect: Mr. Gene Lawrence, The Lawrence Group Architects

Attorney: Mr. Peter Broberg, Esquire

Project Description: Request approval of subdivision of the property, providing for the addition of eight single family lots of at least 60,000 square feet, while retaining 196,548

square feet (approximately 4.5 acres) for the principal residence, Mar-a-Lago. No modifications, alterations, or additions are involved in the principal residence or ancillary structures, except for the elimination of several greenhouses, some above-ground tanks, and other service structures located on or near the north and south tree line. The primary entrance would remain in its present location, with no new entrance on Southern Boulevard, and the vista to the Lake would remain open.

(Please note that this item has been deferred from the May 17, 1991 meeting, the June 21, 1991 meeting, and the July 19, 1991 meeting.)

Please note that the attached record is a verbatim transcription of this hearing.

VI. Adjournment

MOTION BY MRS. DIVOLL TO ADJOURN AT 3:15 P.M.

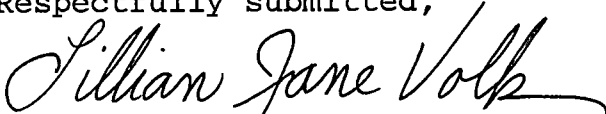
MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

Let the record show that after adjournment, Mr. Moore interjected that the BP Station at 340 South County Road, in the Town Hall Square Historic District, is currently up for sale at its highest and best use. The current operator, Mr. Gray, has informed Mr. Moore that at this time, there will no changes to the sign until the new owner and/or operator is determined. If the property remains a service station, and remains a BP station, Mr. Moore has been assured that they will use a ground sign in the original North American Green color.

The next meeting of the Landmarks Preservation Commission will be held on Friday, September 20, 1991 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,


Lillian Jane Volk, Chairman

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LANDMARKS PRESERVATION COMMISSION MEETING
FRIDAY, AUGUST 16, 1991

Transcript excerpt of the meeting re: Mar-a-Lago

Present:

Jane Volk
Anne Metzger
Jacqueline Albarran De Mendoza
Leslie Divoll

LANDMARKS
TAPE 2
SIDE 1

VOLK

Application for Certificate of Appropriateness #15-91 subdivision request. Mr. Donald J. Trump, 1100 South Ocean Boulevard, Mr. Eugene Lawrence and The Lawrence Group Architects. Mr. Peter Broberg, Esq., attorney. Project description. Request approval of subdivision of the property, providing for the addition of eight single family lots of at least 60,000 square feet, while retaining 196,548 square feet (approximately 4 1/2 acres) for the principal residence, Mar-a-Lago. No modifications, alternations, or additional are involved in the principal residence or ancillary structures, except for the elimination of several greenhouses, some above-ground tanks, and other service structures located on or near the north and south tree line. The primary entrance would remain in its present location, with no new entrance on Southern Boulevard, and the vista to the Lake would remain open. This item has been deferred and by the study of the reports and the, hearing the [INAUDIBLE]. The July the 19th meeting was a requested delay by the owner.

BROBERG

We have been very happy to receive, oh Peter excuse me.
Good morning.

VOLK

Good morning.

BROBERG

Do you want me to stand up now and speak or do you want to go to

VOLK

I think perhaps, what would be

BROBERG

I think that would probably be best.

VOLK

Alright.

VOLK

We have been very happy, very pleased to have with us today Mrs. Cheryl Inghram and designer Howard S. Decker and landscape architect Glen Herbert and we wish to compliment them on their informative and cogent scholarly report. And we would ask you, Mr. Decker I believe you are going to speak, to summarize that report for us, please.

DECKER

It is a pleasure to be here with you this morning. And I appreciate your kind words in our behalf. This morning we thought it would be appropriate to share with you the basic structure and outline in part. Before we do that I think it would be appropriate for us to say again that we understand your charge to us, to review the significance, the historic significance of Mar-a-Lago, to identify the historic resources' critical features and to comment on proposed subdivision and subdivision in general, all with an eye towards the goal of the most appropriate long range preservation of the landmark that Mar-a-Lago represents. We have kept that as our charge and our goal as we created the report which is before you and we will offer our comments and answer your questions today with that goal in mind.

Briefly, to describe for you the principal features of our report, we have in our report to you, first tried to sketch for you in our introduction, some sense of the extent to which the preservation of large estates is a challenge not only for you here in Palm Beach, but for preservationists throughout the country. Preservation of large estates is a very difficult challenge as you so well know and it has many difficult obstacles and we have tried to take into consideration the experiences of preservation of large estates throughout the U.S. as we have gone forward with the creation of our report. But it is a very serious problem that many locals in the United States face on an ongoing basis.

Our first task we identified, our first task to be to establish the historic significance of Mar-a-Lago. In this regard we have examined the preservation of both the buildings and the grounds of Mar-a-Lago. In recent years the preservation movement has at last understood that true preservation must take into consideration the historic resources involved, built elements of a property as well as characteristics of the site; vegetation, topography, arrangement of elements on site other than strictly built resources. These elements which surround the buildings form the context, the historic context of the landmark resource. So we have attempted to identifying the significance of Mar-a-Lago to discuss both the significance of the house itself and other structures and the characteristics of the grounds and the landscape and vegetation which are significant.

Next, we have identified the critical features of Mar-a-Lago. In preservationist parlance critical features are those aspects of historical resource which are the keys to its landmark status and which are those elements which must be preserved if the historic character of the resource is indeed to be preserved.

We have identified 5 categories of critical features to report to you and those include the topography of the site, views of the site (exterior and interior), the sequence and arrangement of elements on the site, the structures of the site, and here we have emphasized that without question the house itself is THE MOST critical feature of Mar-a-Lago. And finally we have at some length identified the critical features of the landscape.

Having established the significance and identified the critical features of the historic resource, we have then tried to come to terms with the larger question of the subdivision of Mar-a-Lago. The question before us has been, "Can Mar-a-Lago be subdivided, and if it is subdivided, can the historic significance and critical features of Mar-a-Lago be preserved in an appropriate way?" Our answer to the larger question, "Can subdivision of Mar-a-Lago take place in the context of preservation of the historic critical significant features?" is in our opinion "yes" we believe that subdivision is possible in that context and that subdivision can go forward while we continue to maintain the historic character of Mar-a-Lago.

Next we have moved on to a review of the proposed subdivision. In that regard we have used the Secretary of the Interior's standards as a guide, this is a widely [INAUDIBLE] standard of care, and I would like very briefly to call to your attention that we have included the ten standards and also the following in our report which is quote from the Secretary of the Interior's standards:

The relationship between a historic building or buildings and landscape features within a property's boundaries or the building site helps to define the historic character and should be considered an integral part of the overall planning for rehabilitation of the project work.

We call this to your attention again because we want to underscore and emphasize it is our understanding that historic resources are combination of building and grounds.

We have begun then in our report to deal with the proposed subdivision. While the proposed subdivision begins in our opinion, to address what we have identified as appropriate issues, we believe as we have said in our report, that the preservation plan, in addition to this subdivision, will cover the gap that now exists between what we have reviewed, what is before you, in fact, as to the proposed subdivision, and what we believe is necessary to meet the goals of the preservation of Mar-a-Lago. We believe that a preservation plan can be corrected, a plan which addresses those key issues we believe will help to preserve the estate character of the property. Our report discusses these issues and they include the location of zones appropriate for new construction, the characteristics of the topography, landscape related issues, architecture related issues, and in this area we have discussed building gross area, footprint of the buildings, height and design considerations for the construction, we have discussed view corridors as an aspect of the preservation plan, and we have discussed infrastructure as an aspect of the preservation plan. In this category, we have included roadways and roadway improvements and we have included engineering requirements as well as utilities and structural elements. We would like to let you know that we have seen throughout the United States

that the question of engineering requirements in matters of this type is a matter of concern elsewhere as well. Many municipalities are investigating and studying the relationship between engineering requirements and their impact on development. And finally, we have tried to describe for you some first thoughts about a process. We believe an extraordinary opportunity exists for a permanent solution to the preservation question that Mar-a-Lago imposes. And we believe that the Town of Palm Beach, in our opinion, should be a participant in that process. As I said there is a skilled group of participants present, all of whom have or will act on the future of Mar-a-Lago and we believe that together these participants can create an appropriate preservation plan to guide development of Mar-a-Lago. Again our goal and we believe this is your goal, is the long term preservation of Mar-a-Lago and we believe that by working together, this goal can be achieved. We are happy to answer any questions you may have of us regarding our report to engage in any discussion you would like to have about any of the matters which we have reported on to you.

VOLK

Any questions from the Commission? Open it to the public. Any comments from the public? Questions? Mr. Winterfield.

WINTERFIELD

Good morning. My name is Adrian Winterfield. I live at 445 Brazilian Avenue, Town of Palm Beach. The goal, I understand, is the permanent preservation of Mar-a-Lago. The Report deliberately avoids certain aspects which I think are extremely relevant. In citing possible dangers, that is a deterioration, the absence of an owner who would purchase the property as an entity, and the danger that public use might destroy the historic fabric. The words "historic fabric" are those of the authors of the report. It's certainly my deficiency that I don't understand what that means, nor can I understand why one method of preservation might be more destructive of historic fabric than another. The basic assumption in the report, if I understand correctly, is that subdivision is considered as a remedy to the problem, but that other possible solutions are not given full consideration. I would presume to suggest that the authors of the Report would agree, hypothetically, that if a landmark property could be maintained appropriately in its original function, in this case, a large single family residential estate, it would be more appropriate to maintain it in that original function than to search alternative solutions, whether it be by subdivision, adaptive re-use, or any other alternative. But this possibility is not considered. It's thrown off, as I mentioned, as unlikely that it would be possible to identify a person willing to live in a grand style. Sorry, I don't have my notes with the precise language. I respectfully submit that subdivision is an extraordinary remedy and should be considered only when the circumstances are extraordinary. I respectfully submit that it is of secondary relevance that the problem of preserving large estates exists throughout the United States. I think more attention must be paid to the particular circumstances, the Town of Palm Beach. It is not irrelevant that there have been other estates purchased for large sums of money, at least one in

excess of fifteen million dollars. It is obvious that this Town attracts un-poor people from throughout the world, and it is not impossible that in a reasonable time, one of these very un-poor people might come forward and say, I would like to purchase Mar-a-Lago and maintain it as a single family residence. The danger of any subdivision, particularly one which greatly reduces the area reserved for the principal structure, is that ultimately, when the present owner decides that he no longer wishes to maintain ownership, it might be extremely difficult to find a person who would be prepared to pay the price for a property which no longer enjoys unobstructed use of sixteen acres, but which is jammed into a development, how luxurious it might be, of other houses. I think at the very least, this house and building should be recognized and considered, because what would happen in such a case? I would suggest that after the owner of the principal structure and the four some-odd acres remaining to it, [INAUDIBLE], he'd come back to Landmarks and say, "I've got a hardship. No one wants to buy this wonderful house. Please help me. Please consider adaptive re-use." In this regard, I think there is a great danger that the preservation solution is not permanent. At the initial presentation, the applicant's attorney explained that he was requesting subdivision because the costs of maintenance were too high. Obviously, if the burden of the costs of maintenance were too high, the logical thing to do would be to attempt to sell the property. But the applicant has indicated that he wishes to retain the principal residence, and just incidentally, as everyone in this room realizes, if the present subdivision is approved, you will not only avoid the problem of high maintenance, but reap a profit of at least several hundred per cent over his initial investment. I respectfully suggest that these matters should be taken into consideration.

VOLK

Mr. Decker, do you care to comment on [INAUDIBLE]?

DECKER

Well, we have understood that our work has been undertaken for you on the context of the proposal which is before you. And we have attempted to, because we feel this is our charge from you, our task, to respond in the context of the proposal as it stands before you. All, and I trust the fact that you are as a commission going to have to deliberate on that proposal. So our report has been created with an eye towards this proposal, and we think that is an appropriate way to proceed.

VOLK

Is there anyone else that wishes to speak? If not, Mr. Broberg would you care to?

BROBERG

Thank you Mrs. Volk. Good morning. Here we are again. What [INAUDIBLE] to map out what I think we would like to do. We certainly don't want to take a lot of your time today, but I'd like to make a couple of introductory comments and introduce a man who I would like to have speak to you, Mr. John Belle and then I think Mr. Lawrence will speak for a moment in the technical stance from a standpoint of some of the recommendations and comments made in the Clarion report, and I think Mr. Belle will speak after that. So we're

gonna flip/flop a little bit.

I'd like to just give you a little background on how we got to where we are with Mr. Belle. Henry Dudley, Mrs. Posts' lifetime and lifelong attorney, her executor and trustee of the Foundation for a while, introduced me to a man named George Hartlett; Hartzog, excuse me. And George Hartzog is a former director of National Park Service. And I contacted him in hopes of finding some of the history of Mar-a-Lago and its designation and its placement on the National Register of Historic Places National Landmark. And we discussed the structure, grounds, the history and reviewed some of the documents and Mr. Hartzog made a comment which early on, and made it more than once, that to do a project such as this, a preservation plan is required. And I asked him if he could direct us to someone who might assist us in creating such a plan. And he without hesitation, introduced, mentioned that we should contact John Belle, which I did. And we sent the subdivision plans and as much background materials we had up to Mr. Belle. Mr. Belle is an architect in New York with Beyer, Blinder and Belle and upon reviewing our material, and coming to Mar-a-Lago, walking the grounds and on a couple of occasions, spending some time on the property and also being taken through Palm Beach to visit sites of properties that once had great estates that are no longer with us, he agreed to assist us.

And his first comments were, I think, ones that echo what the Clarion report said that good planning, common sense, was necessary to such a project. And he urged that the town ordinances and engineering requirements be flexible to allow some movement to create a plan for the preservation of such a unique property and historic resource.

By way of a short resume of Mr. Belle's works, and I certainly will let him speak more to his work than is simply just published in [INAUDIBLE]. Mr. Belle was in charge of the restoration and renovation of Grand Central Terminal in New York. He was in charge of the restoration of Ellis Island the main reception hall, New York. He was in charge of creating a master plan for the renovation of Central Park and many of its bridges. He is also president of New York City's or New York's landmarks conservancy which is I understand it, is the New York's equivalence of the Preservation Foundation of Palm Beach. And I would like to introduce right now Mr. Belle and have him come up and speak with you for a moment and to relinquish the podium Mr. Lawrence, and then come back and speak further about a preservation plan.

BELLE

Good morning. My name is John Belle and I am a partner in the firm of Beyer, Blinder, Belle and Mr. Broberg has introduced me to you by perhaps mentioning a few projects that I have been involved with.

I recognize that any of us who are involved in the general appeal to preservation as we know it, that the architect member of the field is frequently the most suspect. And the reason of course, is that the

architect exists to implement change. And of course, so often preservation movement must, in order to protect our heritage, resist change. I am no exception to that rule. I, as an architect am sometimes just as suspect as any other who comes before you. Perhaps I have been a little more fortunate than some in that for now 23 years or so, my practice has been predominately involved in the field of historic preservation. And that has given me, I think, a certain humility that probably would not have come if I had been active in some other fields of architecture.

It has also made me realize that there is indeed a somewhat unique role for the architect in the preservation field. We have to be the advocates of change; a change is inevitable. The issue is the appropriateness of change. Mr. Broberg mentioned that one of the projects that I spent 8 years of my life on. The restoration of Ellis Island. It was an extraordinary project and clearly for those of us who worked on it, went far beyond an architectural assignment. Far beyond a preservation assignment. We were literally dealing with the roots of our nation. I don't know of any other building where one can point to and recall that 60 million people went through that building and from those 60 million people, about 114 million living Americans traced their ancestors. If there is anything more humiliating than that for an architect who has been assigned the responsibility of restoring such a building, I don't know. I think its the only nation in western civilization which can so pinpoint its history.

The reason I say that is that the only way to save Ellis was to change it. Ellis was built as an immigration station; that was its function. Clearly, for many, many years it has no longer had that function. It went through many sad period of deterioration that amounted to almost 40 years of total neglect before eventually this current campaign was mounted. And the only hope we had to restore that building, was to accept change. And so Ellis is no longer an immigration station; it's the museum of national immigration. It still handles as many people as it did in its peak, in fact it will handle more this year. In its first year of the opening there will be 3 million people who will visit [INAUDIBLE]. It still has many of the functional needs that the original building had, but it's different.

In the case of Grand Central Terminal, which is an ongoing plan, we have not completed it, I wish we had, it's an immense task, but again what building could be more germane to everything that preservation movement stands for that was the cornerstone of the nation's laws that upheld preservation and landmarking. In the case of Grand Central Terminal, one no longer uses it the way it was built as the terminal of long-haul, long-distance trains. One uses it as a regional railroad station, as a commuter railroad station. There are no more long distance trains. There is no more 20th century limited. Unfortunately, comes the [INAUDIBLE], I wish that it doesn't. And there again the issue was the right context of preservation within the framework of its change.

I mentioned those two things in some detail because I think its really quite necessary to document in some specifics where an architect like myself, could expect to be in the issue of Mar-a-Lago's future. I disagree with the last speaker who I think somewhat wistfully, is looking backwards to the days when indeed the great estates like Mar-a-Lago existed in great numbers here. And he somewhat wistfully said that he thinks it can happen again. I don't believe that. I don't believe that that is a positive vehicle to move forward and to develop a new plan and I just want to go on record and tell you that right from the beginning. I think that as the last or the latest I should say, the latest of the out of town experts to join you on this issue, probably not the last, I would say that notwithstanding your different points of view, both the town and the applicant have received some I think, very, very, sound advice and some expert opinions. I would certainly wish to commend the Clarion Associates for their work. I think its a very, very thoughtful document, I think its what they say it is, its the beginnings of the means to prepare a plan. But I'd also like to recognize that I think that too empirically grew from some other material which was probably generated by yourselves. Ms. Divoll's memorandum which I read I thought was extremely thoughtful began to place the context of this application within the whole issue of how does one control and adjust change and what are the mechanisms for doing that. And that's where she also repled to the need to prepare a preservation plan.

I'd like to come back later if I may, and speak a little bit about what I think are the specific tasks of the preservation plan, but just to end, I don't want anyone to feel that preservation plan is a particularly unique document. It's just a mechanism, a very, very important mechanism, for first of all understanding everything that everyone needs to understand about the history of the subject. And understanding changes over time is so important. And once one has that understanding, guarding the sound methodology for planning for those changes that the estate must go through. I am very fortunate that one of my partners is one of the grand old men of the preservation movement, James Master Fitch. And Jim Fitch who probably trained more preservationists at Columbia University than the rest of the universities put together, although I acknowledge Florida's very fine program, Jim has always defined as somewhat standard document that's known in the trade as an HSR. For those of you who don't know that, that's a Historic Structures Report. He's always defined the HSR as being the record of the past, present and future. That indeed, is what the preservation plan is to be. It has to be this process, this record if you will, to map each course and if it is appropriate, a little later I'd like to come back and outline for you, some of the things that I should [INAUDIBLE]. Thank you.

VOLK

We will break at 12:00 o'clock for lunch and return at 1:45 P.M.

LAWRENCE

Mrs. Volk and the commission, I am not going to make a presentation and I am going to be as brief as we possibly can be. We are delighted with the report that we got from the Clarion Group. We have been through it in detail, we have had a chance to study it and go through

it, and we believe that very firmly, its goals that they have set out can be achieved with a positive cooperative effort. I think the biggest part of the report that's important to us, is the issue that we would ask for some movement in the town's requirements and other people's requirements for the things that happen on the site. Specifically, the infrastructure. If our criteria for example, for storm drainage were county criteria as opposed to the town criteria, we would have a completely different problem. So the plan that we submitted to you is completely in accordance with all laws that we know that apply. So what we would like to do is go question those so that we would maintain the intent of what's clear but hopefully we would be before this council with a plan that is more sensitive to the property and the landscaping is within the criteria that works, but does not necessarily comply with each little individual ordinance. We have met with John and developed great respect for him in a short period of time and we are about to embark on preparing a, a preservation plan. As was also pointed out, we think that the Landmark Commission of the town should be a part of that process. And Mrs. Volk we would request that one or more of the members of your commission be designated to work with us on a regular basis as this plan is developed. It's going to take some time to get it all done. But, we will identify the issues and we would like very much for the town to be a part of the preparation of this plan. We look forward to it and I'd like to ask Mr. Belle and [INAUDIBLE] to address a little [INAUDIBLE] we have as to what this plan will be.

BELLE

I thought that Mr. Lawrence was going to go into some detail [INAUDIBLE]. If I may with your permission, I am simply going to read from my handwritten notes here and outline what I think should be done. I've simply called this Notes on a Scope for a preservation plan:

The purpose of the Preservation Plan will be to provide the framework for a clear and comprehensive understanding of the property's history, that's the past, its current status and condition, that's the present, and the options available to ensure that the property will continue to exist, that is its future. The plan will be used as the handbook for all aspects of the project. The goal of the preservation plan will be to achieve an acceptable strategy for maintaining and preserving the property's intrinsic character as well as integrating new residential onto the estate grounds. To accomplish this, four tasks have been identified which will synthesize all the numerous previous studies and reports.

Task 1 is the archival research and documentation of the property's history. Although considerable written and graphic material exists, and much of it has been circulated in the recent past, this task is necessary to organize all existing relevant documentation about the original owner, the original construction campaign and subsequent changes to both architecture and landscape. In this manner, all interested parties will have the same basis of historical facts and the information at their disposal. Only through such an effort will it be

possible to understand the estate's original planning and development, the changes over time within the estate, and its immediate surroundings, and the impact that these changes have made to its present form and condition. It is crucial to reach substantive understanding of the estate's history so that the proposed future [interventions] are either firmly rooted in precedent or are not in conflict with the estate's primary characteristics. This task will review all of the important historical material including the Joseph Urban collection at the [Avery] Library Columbia University, the National Park Service records, including the management option study, the Harris report including drawings and photographs, the National Register nomination and of course, the local landmark designation report.

Task 2 is the development of principles to guide estate preservation and potential development. The changes in lifestyle and social attitudes that have occurred over the recent past have ended the age of the great estates. Often descendants of the original owners are no longer able to bear the ever increasing costs of operating and maintaining, but additionally there has been a change in the attitude of many current owners of these estates who simply refuse to burden themselves with unwieldy, uneconomic properties that are simply no compatible with contemporary living regardless of the amplitude of their means. Therefore, for a property such as Mar-a-Lago to become self-sustaining, change is inevitable. This task aims to establish opportunities where sympathetic compatible change will occur. The two most recognizable solutions to this problem of obsolescence are also a part of Mar-a-Lago's recent history. The initial disposition of the properties, to the National Park Service, to be held in trust for the public at large was the first solution. That was attempted, it didn't work. And now subdivision of the property with the retention of the mansion of itself on a reduced site is the second solution.

Fortunately, a third solution which already experienced regrettably in Palm Beach in the recent past the demolition of the mansion in order to achieve the maximum subdivision is not contemplated by anyone. To date the discussions and studies of the subdivision of the property have not had the benefit of any historical analysis and framework that would establish basic guidelines to apply to this particular property's preservation and future development. The distinctive history and physical characteristics of the property are the best assets to guide us future form and the over-riding objective of saving and preserving the mansion must govern the application of municipal statutory land use planning regulations.

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In addition to the considerable analysis that has occurred of the current conditions and status of the mansion and site, priorities must be assigned to establish how future alterations will be impacted by governing statutes and current conditions. To be a useful tool to assist in developing the optimum plan for the estate, information must

be assembled in order to first illustrate and subsequently define, the potential conflicts between preservation and development. Subdivision regulations for site infrastructure, building footprints and square footages, permissible ancillary uses and locations, landscaping of the overall estate, individual new residences, and the historic mansion, must all be cost fitted to the overall property.

Finally, task 4. Preservation and development. Extensive work has been accomplished and a plan exists, that can be tested and reviewed within all of the above mentioned tasks. Subsequent refinement and amendment of the plan will be based upon a full understanding of the historical factors critical to the estate's continued existence, the landscape and other features that shape the site and the overall overriding significance of this, one of the last great examples of Palm Beach architecture, the mansion itself.

In conclusion, just a personal note, I would like to express my admiration of you and your colleagues in the preservation community who have worked so long and hard to retain this great mansion, and I would hope that you will be able to acknowledge that your success is merited by the extensive and very sensitive efforts of the present owner to have first restored that the mansion's interior to its original splendor. I believe optimistically that these efforts on each party's part are the surest indications that we will all eventually be [winners]. I would be happy to answer any questions.

VOLK

Mr. Chopin

CHOPIN

I get confused all the time and I want you to know that this is no exception. We commend Mr. Belle. We believe because of his background in preservation and restoration of properties and equivalent value of Mar-a-Lago has probably brought to the attention and focus of the owner in the hopes that had previously brought to the application for certificate of appropriateness, the needs to do what we suggested to you needed to be done some months ago. And that is to put together a preservation plan. It was clear to us 4 months ago that there was no preservation plan. It was clear to us that you couldn't make a determination fairly as to the impact of what was being proposed without a preservation plan. It was clear to Clarion Associates that what was being proposed overstepped what seemed to make sense. But also that much more needed to be done in order to be able to properly evaluate it. So where does that get us? As I understand the law and Skip will advise you, there is an application which is pending before the Landmark Preservation Commission to grant a certificate of appropriateness with respect to the plan which has been submitted by Mr. Trump. Now [if] I heard what Mr. Belle said, what Mr. Lawrence said, and what Mr. Broberg said, they no longer want you to approve their plan; certainly at least not today. Frankly, if they have to put together a preservation plan in order to be able to understand the history of the property, its current status, its future, and how to preserve that future, then it would seem axiomatic that they can ask you to approve a plan before they do the work they tell you is so desperately needed.

So what do they want from you today? We don't know. I don't know that you know. Maybe there has been other communication, but it would seem to me that they are either asking you to defer any ruling until such time as they go out and do what is so desperately needed so that you will have an opportunity to evaluate what it is that they propose to do and what it is that needs to be done, or they're asking you to deny the current application so that they can submit the different application as some point in the future for your consideration. I don't believe on the basis of what I've heard that they're asking you to approve the application. So, I think that the most useful thing I can do at this moment is not to tell you all of the things that I had proposed to tell you, but rather to put the question on the floor and let you pursue, where are we? What is it that's being asked for today because frankly we really approve of what Mr. Belle has said. We desperately agree with the need to do the things frankly, that he recognizes needs to be done. We also wish that they had done it before they filed their application, because then it would have given the process that this commission operates by, a much more meaningful opportunity to consider what a subdivision is in fact, and a particular subdivision of Mar-a-Lago, is useful, meaningful, and preserves the historic criteria and the historic character of the property itself. So, I'd like to yield the floor, if you will, that is I do that so Skip doesn't say you've already had your shot and you can't come back and talk anymore, and I'm sure that there are other people here that neither want to waste your time by saying things that won't be relevant or to unduly deal with a plan which nobody is intending to support anymore, and give them a chance to tell us just what does all of this mean? What are they asking the commission to do today? Thank you.

VOLK

Mr. Broberg?... Are you going to speak Mr. Broberg?

BROBERG

I just wanted to see how many guns were remaining in their sheaths, their holsters. Yes, I am prepared to speak and I'd be happy to tell Mr. Chopin what we want, and to tell you all too. I think the Clarion report is very clear, has excellent direction; I think from the beginning our presentation, our application for subdivision, was designed to preserve the historic resource, Mar-a-Lago. The views were designed to be preserved. There was no building which was previously approved in those vistas. We ask for nothing more than what was approved once before. And our whole intent was simply to preserve the main house and transfer some of the operating expenses and subdivide the property in a fashion that we felt was not harmful to the historic resource. There has been a lot of information that has been garnered and submitted, which nobody in their right mind would have their opinions completely cast in stone; we are obviously amenable to change if it is for the better. We have submitted to you the model; unfortunately we have never seen "Mar-a-Lego;" they refuse to bring that forward. But we have submitted our model and everybody has had a chance to look at it and see what we've tried to do, and of course, everyone has an opinion, especially attorneys, and what we would like to do, I think everybody is in a win-win situation here today. I think the Clarion report clearly said that

some form of subdivision was possible. We would like the town and the Landmark's Commission to give us an approval for some form of subdivision subject to coming forth with a preservation plan that is acceptable. We can't go forward until we have a direction to go in.

We have made a submission that hasn't been acted upon, its been deferred. We are asking you to conceptually or actually approve that the subdivision can be created and exercised on the grounds and that the preservation plan will in all of the fashions and outlines that can be created will be followed and submitted and be subject to be the part that it would be subject to. That's where we are. I think the Landmarks Commission is in a position to do that now. You have substantive report dictating that such a move is possible and we're asking the town to participate [in this work]. Mrs. Gingras' letter specifically said that we shouldn't, if we were to get to this point, we were not to maybe submit it and then have it then have it critiqued. Let's just keep the wheels oiled and just move it along. But, we'll do it together. And I think if we do it together, we'll come up with a good plan.

VOLK

Thank you Mr. Broberg. We have moved very carefully with this subdivision as submitted and because of the importance of this national historic landmark both to the community and to the United States as a matter of fact, there is an interesting little sentence in the national designation report that says that it's one of America's treasures. So anything less than our most careful attention would have been a betrayal of everyone's interests. It is my feeling that the certificate of appropriateness before us cannot be approved because of the information that we have received and because of this [love] and carefulness with which we have gone, the more we go into it, the more we realize that the aspects of, the many aspects of it have a severely negative impact on both house and site. And we must keep in mind that house and site are landmarked. Both. Each. Landmarked. And to [it] with this plan as presented, we would lose; it is my feeling and my observation, about 80% of the site as it is, taking away the space and [mass] which makes this building stand out as a unique residence.

We would be, we think that it could be you who would submit another plan. We would be perfectly willing to work with you on a more preservation oriented plan and, but it is my feeling that this one should be denied. And I put this before the commission for your comments and opinions.

RANDOLPH

It may be premature for your final discussion in that regard. I think that Mr. Chopin has asked what the applicant was seeking today. Depending upon the answer I think I'd advise that he may have additional comments to make and that other members of the audience may have additional comments to make. I think its only fair in these proceedings for the applicant and the commission itself to be able to hear all of the comments that the public may have and then finally, have the applicant be able to address the commission and

then the commission will [have the final] comments in regard to it. So I think that rather than enter into a debate between this commission and people in the audience, that anyone else who has comments to make in this regard that is in the audience, ought to make them, before you're finally deliberating.

CHOPIN

Given that you are going to break at lunchtime, I do have some things to say about the hocus-pocus of approving something before you are told what it is.

VOLK

Yes

CHOPIN

I would like to say to Mr. Broberg that he will have the hour & 45 minutes at lunchtime to be able to gather whatever evidence it is that he has where he ever asked us (and you have my phone number Peter) where you ever asked me to produce the model. Because had you asked me to produce the model, I would have been delighted to do so. But you didn't ask me, Peter. So I don't know that it's fair to suggest to these folks that we wouldn't do so. But if I can defer until after lunch and then maybe make some comments.

BESS SUMMERS

Good morning. I'm Bess Summers, past president of the Garden Club, and I'm representing the Garden Club today, in Mrs. Smith's absence. To begin with, I have a letter here from the United States Department of the Interior, which I would like to introduce into the Minutes. It is addressed to Mrs. John L. Volk, Chairman. I'm just going to read a couple of paragraphs in it. (Please note that the letter which is referenced by Mrs. Summers is included in the correspondence which will be listed later in this transcript, as introduced by Mr. Frank, and as attached). Also, in today's paper, I think the Post this morning, announced that Mar-a-Lago is going to be considered in front of Congress. So, this is fairly serious. As far as the Garden Club goes, we feel very strongly that more research needs to be done into the landscaping, the gardens, and the vistas of Mar-a-Lago. And there are a lot of papers, I think there's some at the University of Florida and other places around the state that have not even been considered, I don't believe. We believe that they should be considered, and spend a lot of time looking into them. Thank you.

VOLK

We have a [couple] of letters here [INAUDIBLE] part of the record [INAUDIBLE]. Can you address that?

T. FRANK

Thank you madame chairman. What I am going to do here is list various correspondence that we have received. These items of correspondence date back to June 24th, 1991. Because of the deferral of last month's meeting none of these have yet to date been entered into the record. The commissioners have packets in front of them with all of these letters. The one correspondence that Mrs. Summers just read from is one of these and if anyone desires any additional of these comments to be articulated and put into the record, I'd be happy to do so. However, at this point I just will list for the record, what they are:

We have correspondence to Mr. John C. Randolph, town attorney, from Peter S. Broberg, dated June 24, 1991; we have a memorandum from Leslie Divoll, AIA to Timothy M. Frank, [AICP] dated July 3, 1991 subject Landmarks Preservation Commission, Mar-a-Lago; correspondence from Elise P. Mackintosh dated July 8, 1991 to Mrs. John Volk, chairman; correspondence Elise P. Mackintosh dated July 8, 1991, again, a separate correspondence to Mr. Timothy Frank; correspondence from Peter S. Broberg to Mr. Robert Moore dated July 9, 1991; correspondence to Mr. Robert L. Moore from Peter S. Broberg dated July 12, 1991, a separate correspondence; correspondence from Mrs. Jane [Downs] Carter, president of the Florida Chapter [INAUDIBLE] which is dated July 9 and that comes from Education Through Art Inc. Studio 7; also correspondence from Jane R. Grace, Mrs. Robert M. Grace, dated July 16, I'm sorry, dated July 14, 1991 to Mr. Robert Moore, Director of Planning, Zoning and Building, Town of Palm Beach; another letter from Peter S. Broberg to Mrs. Jane Volk dated July 17, 1991; correspondence dated July 19, to Mrs. Polly Anne Earl from Robert L. Moore, CBO, Director of Planning, Zoning and Building; also a letter to Coe and Broberg dated July 23, 1991 from Timothy M. Frank; another correspondence from Mr. [Orator] Woodward to the honorable members of the Landmark Commission, dated July 24, 1991; a letter addressed to Mrs. Betsy S. Burden from Mr. William N. Thurston, supervisor of the Florida Department of State, Division of Historical Resources, the letter was written August 2, 1991 and submitted to us as a copy; the letter from Sally Gingras, secretary of the landmarks preservation commission to Mrs. Jane Volk dated August 9, 1991; another letter from Peter S. Broberg to Mrs. Jane Volk, dated August 12, 1991. This is a letter with attachments and enclosures to Ms. Betsy Burden, Caldwell and Pacetti, dated 14 August 1991 submitted to us a copy from Jan Abell AIA; the letter that Mrs. Summers referred to was addressed to Mrs. John L. Volk, Chairman, from H. Ward Jandl of the United States Department of the Interior, National Park Service dated August 14, 1991; and this particular letter was faxed to us a fax cover sheet; in addition there is a statement from Tersh Boasberg, Esq. representing Preservation Action, Inc. dated August 16, 1991, Boasberg and Norton, attorneys at law; and a letter from Susan A. Kidd, Regional Director, Southern Regional Offices of the National Trust for Historic Preservation to Mrs. John L. Volk, dated August 16, 1991; this correspondence was faxed to us and that completes the letters for the record that are in front of you.

VOLK	MAY I HAVE A MOTION TO MAKE THESE PART OF THE RECORD?
DIVOLL	I MOVE
VOLK	SECOND?
METZGER	SECOND
VOLK	ALL THOSE IN FAVOR, SAY AYE.

ALL AYE. (THE MOTION CARRIED UNANIMOUSLY.)

VOLK We will break for lunch. Please return at quarter to two.

.....LUNCH BREAK.....

VOLK Mr. Frank has another letter to be added to those already received for the record.

FRANK Thank you madame chairman. It was brought to my attention that another letter did not make its way to our packet, so we will copy these and provide you with this one as well. It's from Caldwell and Pacetti, Betsy Burden, letter written to John Randolph, Esq. with attachments, dated July 16, 1991.

RANDOLPH At this point you might want to, since you're adding information to the record, receive and file the Clarion Report which has been presented to you.

VOLK MAY I HAVE A MOTION TO RECEIVE AND FILE THE CLARION REPORT AS PART OF THE RECORD, (AS WELL AS THE ADDITIONAL LETTER REFERENCED EARLIER.)

DIVOLL MOVE TO RECEIVE AND FILE.

VOLK SECOND?

METZGER SECOND.

VOLK ALL THOSE IN FAVOR?

ALL AYE

VOLK SO MOVED

RANDOLPH And then of course you need to act on the letter that was

VOLK And a motion...I thought that would fit in with the others.

RANDOLPH If you want to include that, just make a statement that is made part of the record pursuant to the previous motion.

VOLK It will be made part of the record by the preceding motion. We have now Mr. Belle is going to leave early so we would hear from him first. [INAUDIBLE] Mr. Broberg.

BROBERG I appreciate you taking him a little out of turn because he does have a plane to catch. Just for the record I want to make sure that everybody understands what the applicant is asking for today, very simply we're asking the commission to approve the certificate of appropriateness, for a subdivision conditioned upon a preservation plan to be achieved with mutual interplay between the Landmarks Commission and the applicant.

BELLE

Thank you. With that clear and simple statement by Mr. Broberg, I think it perhaps would be useful if I offer you my professional point of view about that proposal. I think that the Clarion Report has made it very clear to me at least, in a very positive way, in a very constructive way, that there is a way to move forward. And I hope that my remarks this morning supported that and proposed it in a very specific way, for the town to move forward. With that in mind, I would express my personal hope that the town through its landmarks commission, chooses to be involved in that process of moving forward pro-actively as a participant in the preparation of the preservation plan. From my own professional point of view, I think that the conditional approval of the plan, would give you every safeguard and every means to do that so that indeed, the plan could move forward to answer all questions that everybody has about and that you indeed, would be participants in that process. So I just wanted to share that with you, offer you my opinion about that and hope very much that you proceed in that way. Thank you.

VOLK

Thank you Mr. Belle. Do you wish to speak?

BURDEN

My name is Betsy Burden and I'm an attorney with Caldwell and Pacetti here in Palm Beach. I'd like to go ahead and give you our position on behalf of our client, Mrs. [INAUDIBLE] Lillian Loomis; she lives next door to Mar-a-Lago on Woodbridge, which is just to the north of the property, and we have some serious concerns about the very direct impact that of the subdivision, and I'd like to just briefly go over those concerns and some of the material that we have submitted to the commission.

Mrs. Loomis' property, her back yard directly abuts Mar-a-Lago and with the present configuration of the subdivision plan, the proposed roadway will come within two feet of her property line. So we've got some serious problems with all the houses, traffic will come by there, and some of the trash pick up locations, the way it's set up now, we aren't satisfied with it and we prefer that there not be a subdivision. We have spoken with Mr. Broberg and I have asked him to address these concerns, we have already made that request known, so at this juncture we are very much against the subdivision proposal and I'm like Mr. Chopin, a little, I think it's a little unorthodox request today, as you have it before you, you have the certificate of appropriateness that was filed in February, and that is a request that you are to rule on today. So, I'd like to just go over some of the reasons why you should deny that, and that's what is before you today.

One of the things that I have submitted to Mr. Randolph, and that's the letter that was just included, is a letter describing some of the cases that have gone over this same type of issue. And briefly, there have been at least three other cases where this has been litigated and there have been subdivision proposals for historic properties and the courts have said NO, based solely on the historic factors of the properties, and I have those cases in a letter to Mr. Randolph that seem to be directly on point of some of the facts and

in addition, we have already, I think Mr. Frank already mentioned the letter from the state that I requested, which unequivocally states that this should not be subdivided. As a result of the subdivision the state states that it would be removed from the National Register because of the impact that it would cause and I hope you have a chance to look at that report. We have also retained an architect from Tampa who is a commissioner like you are, in Tampa and has emphatically stated in her report that is in the record, that this should not be subdivided. And I hope you have a chance to look at that as well.

If there is some kind of movement forward we just would request that we be allowed to participate as an adjacent land owner. We are directly impacted by the subdivision proposal and if there is something that goes forward, we would like to be part of that. As it stands today, we think there's substantial evidence and a legal authority that I hope Mr. Randolph reviews that you should deny the proposal. Thank you.

VOLK

Anyone else [from the public]?

CHOPIN

This is a very different situation than what we've anticipated from when we came here this morning so we we've made some hurried revisions in the remarks that we intended to make to you this morning. [INAUDIBLE] a long time ago, that something you may remember that said, "if its Tuesday, it must be Belgium." And it's very similar to that here because since it's Friday, we really ought to, and must have a different a different issue which is before you for consideration. If you read the newspapers, you saw the Shiny Sheet last Sunday, you know the issue was whether the Preservation Foundation was going to be able to have a party at Mar-a-Lago and that was the issue. A couple of months ago, the issue was if you didn't approve this, he was going to sell it to the Moonies. Another time he made it very clear that if you don't approve it, he was going to sue you. Another time he makes this out to be an issue involving personalities. But, frankly, none of those things are the issue which are before you. The Preservation Foundation doesn't care if the Moonies own the property or if Donald Trump owns the property, or if Donald Duck owns the property. The issue is the property and how and whether it ought to be subdivided.

Let me tell you about the process. I don't have to tell you about the process, but I'm want to tell you about it anyway because you do this every month and I don't and so I know you know the process better than I do. Let me make the point, because there is some sleight of hand and it may come from personalities and the need to always be perceived as getting what you want even when you don't get anything. You make that decision.

But everybody that comes before you files an application. They don't have a choice. The ordinance requires it, to file an application. And when they file an application, they tell you what they want to do. They explain it in greater or lesser detail, they do

a better or worse job, but they file an application. And you consider that application, your staff considers the application, and you make a judgment about that application. You don't put the application together. You don't work with the applicant in a private setting to the exclusion of the public, but rather you sit as judges. It's a jury, collectively making a judgment to grant or deny subject to an appeal to the town council, [the ones] who grant the application. And an application was filed in this case. It's very hard to get a copy of it, it's very hard to begin to try to understand what it is that was being asked for. When we were back here several months ago we saw wonderful pictures of all the trees that Clarion has now told us they are going to tear down; when you said, "gee whiz, how are you going to get through the main gates?," they said "that's all right, we'll move it." Everything that you raised, they had an easy answer for. And fortunately, what they tried to do, was to finesse this. To do it casually, to be the epitome of reason and at the end of the day, they wanted you to approve an additional eight lots at Mar-a-Lago.

The issue which is before you is a simple one. And your obligation is not in dispute. The issue is whether the application for the approval of the certificate of appropriateness ought to be granted. And that in turn means, does that certificate or application for a certificate of appropriateness, so demonstrate that it meets the criteria for the preservation of the historic landmark, so as to warrant being approved. That's what's before you. We've been fighting over that issue since February. The Preservation Foundation gets involved, but not alone. A lot of people have been involved in attempting to point out to you that there really isn't a plan before you which gives you enough information for you to make that decision.

The staff told you we don't have the expertise to evaluate this. The staff went to the Town Council and as a result of that lack of in-house expertise, asked you to hire, or asked the town for authority to hire experts to help you with the evaluation of the report. The Town Council is just as concerned about this matter as is everybody else. And they approved the expenditure of about \$30,000 to Clarion Associates and to the other experts in order that they would have an opportunity to evaluate the application for a certificate of appropriateness and give you their comments. And they did do that. And we have acknowledged that report. And interestingly enough, everybody acknowledges that it was really a good job. And they told you that they believe that subdivision of the property is possible and they told you that in fact, the plan, the application, the agenda item, now which is before you for decision, is not worthy of approval because it is substantially damages the historic character of the property and substantially fails to consider any number of issues which are deserving of consideration.

Mr. Trump has spent the last several months trying to find an expert to come in and testify to you, I'll be glad to give Peter the names of those experts that turned him down, by the way if you'd like that. But if in trying to find an expert who will come in and say

in fact, this application ought to be granted, he wasn't able to do that. When we as the Preservation Foundation appeared before you at your first hearing, we told you that there wasn't sufficient information in order to be able to make that judgment. And you may remember that both Gene Lawrence and Peter told you we've given you everything you could possibly want. You weren't satisfied with that. So you collectively put together a list of information you believed they needed to submit to you in order for you to have the opportunity for consideration that you needed to warrant any kind of decision. And they gave you a little bit more information.

Finally, today now shows up, and he tells you what we've been telling you for some number of months. Which is that we need a preservation plan. You need a plan which understands and researches properly the history of this property, not just the building, but the whole of the property that understands its current status which develops a plan for its development, if you will, and a plan for ensuring that its future will be preserved in the context of that development. That's what a preservation plan is. As Mr. Belle told you this morning, that is neither as unique nor unusual in dealing with properties of this character. We agree with him. We in fact anticipated him and we preceded him in saying that was what was needed, and we agree with him and we pledged that we will work with him as will all of the national organizations who have made themselves heard in connection with this matter in the hopes of putting together such a plan which will ultimately be successful.

Now, they changed the issue on us again. Instead of the issue being The Application, which they filed, asking for you to allow for this property to be subdivided into eight divisional lots, now they're saying what we want, Mr. Belle described this as a short and concise statement, the approval of the certificate of appropriateness conditioned upon a preservation [INAUDIBLE] plan presented which is mutually acceptable. In other words, they want you to approve something, not something you know what you're approving, not with any knowledge of what it is you are approving, but that you should approve it in concept. Well, we don't think that that's the way you ought to proceed.

I would like to discuss with you for a few minutes if I can, why I don't think you ought to proceed in that fashion. First of all, everybody who comes before this commission ought to be treated the same. And that includes Mr. Trump. Mr. Trump should not be treated any differently when it adversely affects him, he should not be treated any differently when it benefits him. But when everybody comes into Landmarks, they submit an application. And you rule on that application. Mr. Trump has not submitted an application. He has conceded, he has acknowledged that the application which he did submit to you, is not worthy of approval because the proper documentation, the proper preservation plan is not there which would warrant its approval. He hasn't submitted an additional application. He couldn't possibly have discovered only this morning for the first time that he no longer had any confidence in the plan that he

submitted to you in February, he didn't bring Mr. Belle down this morning, he didn't contact Mr. Belle this morning, he didn't get the harsh news from Mr. Belle that "I'm not gonna support this plan unless you put together a preservation plan that's workable and meaningful in a historic context." But he didn't submit another application. Instead, Mr. Trump has to be able to say, "I won, I got them to approve the certificate of appropriateness."

Let me ask you something. And let's just talk in terms of the process because it's important. What about the next applicant that comes in and he wants to put that cast stone or fiberglass, I heard you all talking about as I came in this morning. Did he file an application and say "approve it in concept and then I'll come back and tell you what it is that you've approved, later on." But when the Gucci building wants to put a hole in the wall, or whatever it is they want to do, can they file an application and say "hey, just approve it, it's okay. I'm going to come back and you know what I'm going to do, I'm going to get you to work with me, give me one of your members and you and I will sit down and we'll sit down and figure out what it ought to be. And then we'll come back and let everybody else have their shot at it." That would be a horrible precedent. That could be just an atrocious precedent. It would in fact violate the procedures which are in the town ordinance but even if it didn't it would be a horrible procedure. And then you folks would be going to an architect's office and I know we have two architects [INAUDIBLE] lawyers offices to work with these lawyers in secret to come up with a plan that ultimately would be submitted to your colleagues. And of course, then you wouldn't be able to participate in discussions and determinations as to whether to agree to that plan, because you'd fundamentally have a conflict of interest, wouldn't you? Because you heard matters and discussed matters and participated, [INAUDIBLE] in the development of the plan.

So what Mr. Trump is asking you to do, is to treat him different than everybody else. And I don't think Mr. Trump has done anything in this matter that warrants him being treated differently than everybody else. All Mr. Trump has to do is submit an application that is properly documented with a properly prepared preservation plan and ask you to consider it and approve it. And he hasn't done that.

There are a lot of people who want to participate in this process. The neighbors, National Historic organizations, the Preservation Foundation which represents a lot of members, and we're being excluded from that process if you do what he asks you to do. And that is fundamentally wrong. And it's not an accident. I told you this morning it was hocus pocus. It's sleight of hand. It's Donald Trumpism at it's very best. It is an attempt to cause you to become a part of the process of the application rather than the judge of the application. And that is wrong. All Mr. Trump has the right to do, all that he can do, is any day, tomorrow, the next day, six months from now or a year from now, whenever he finishes the work that he's done is to file his application and he'll get on your agenda. And

what will that process do for you at that time? Well, you'll be sitting there as a judgment-making body, viewing and considering and making judgment about his plans. And you may hear from me and some of the other people of the Preservation Foundation and you may even hear us say, good job. Mr. Belle has a good reputation. Mr. Belle has done some good work. Mr. Belle has integrity and we know that while we may not agree with him, that we're not going to get the kind of presentation that we got in February, March or April, May or June and July, we're going to get a presentation which attempts to address the issues. But he can do that at any time. He can ask you for a deferral and come back at some other time modifying his application. But instead, he wants you to say up front, without any information as to what it's going to look like, that I am conferring upon you the right to subdivide this property. Why should you do that? Why should you make that kind of decision? Who do you benefit by doing it? And what kind of a corner do you paint yourself into if you do that? The fact of the matter is, is that there is a process. And it's a staff process. And when the application is submitted, there is an opportunity to consider the application and what is being proposed. I didn't have a chance on the lunch break because all these television cameras kept interviewing us, to find the part in the Clarion Report that said something to the effect that ...

TAPE 3
SIDE 1

CHOPIN

... look at this little part of what I want to do. And they say "Well, that may make sense". And then they come to you a couple of days later and say, "take a look at this little piece of what I want to do," and you say, "that makes sense." And they do this over and over and over again, and you [INAUDIBLE] have to say that makes sense without ever having seen how the pieces fit together. And the only way you can really make a judgment of what it is that they are asking you to do, is that if you first see the whole, and then break it down into its various parts, you've conditioned approval in the past, no argument with that process. But you've never conditioned approval in the past without seeing the whole. But what they're asking you to do here, is that without seeing anything, conditionally approve it and then have a preservation plan. They don't tell us whether they are asking for conditional approval of eight lots, seven lots, six lots, five lots, four lots, three lots, 2 lots, 1 lot, any kind of lots. Clarion says don't develop the lakefront. They don't comment on that. What they want you to do is to commit yourselves, because that takes away a little bit of your discretion, it takes away a little bit of your freedom of action, it takes away a little bit of the decision making process in a vacuum rather than in an environment which allows you to have whole complete consideration of the issues. And that's wrong.

So, I don't want to take up more of your time, but I do want to make the points that we are very happy that Mr. Trump has finally concluded that he was not going to bully you or finesse you into making a decision to approve this application. Clarion made it very

clear that this is not an application which ought to be approved. [INAUDIBLE] Mr. Belle second that. And so Mr. Trump finally backed off. Everybody is happy about that. Gene is happy, Peter is happy, the whole world is happy about the Clarion Report and the Clarion Report says Mr. Trump was wrong in February when he filed his application. That's a given. So now let's move on. But let's move on to what he will want every time. Let him file his application. Don't participate in the preparation of the application.

There is a danger. And since I won't get to speak last, I may not get a chance to tell you about the dangers, but I am sure Peter, is going to tell you about them. They're going to say, "well you know, this ought to be a mutual kind of thing." To use John Belle's words "you should be pro-active." Well, you should not be proactive. Not any more than you have and I'm going to tell you how you've been pro-active already. You are not representing Mr. Trump; you are representing the Town. It is for them to be pro-active. We'll be pro-active with them. The Preservation Foundation will gladly work with Mr. Trump and helping him in any way he would like, and I pledge this authorization to that end, right here and now and on the record, to putting together a plan which we can agree with an acceptable subdivision, a division of the property at Mar-a-Lago. But not too close. You're the judges. You're the ones who said I'm supposed to be involved in the decision making process, not in the application process. And so, at the end of the day, what we ask you to do, is one of two things.

Either defer this application to give them the opportunity to amend their application, and to present the kind of preservation plan that they concede is necessary to be presented, or alternatively, to deny the application, because they've conceded the application is not worthy of having been acceptable. It does not do what is required to be done. That's not Frank Chopin telling you that, that's John Belle telling you that. That's Peter Broberg telling you that. That's Gene Lawrence telling you that. That's Donald Trump telling you that. His application does not warrant approval. He can come back again anytime he wants to and submit another application. And when that application is submitted, we'll go through the normal process. And at that time, you'll have the freedom to accept it or to reject it, or to reject it or to accept it conditionally. But to have an opportunity to hear what other people think about that application. But if you do what he's asking you to do, you will #1, divert from the processes of the code and #2, you will exclude everybody from the process. You will exclude everybody from having an opportunity to comment at a time before the decision has been made to approve or disapprove the plan. And they'll produce a better plan at the end of the day because they know that we're going to be watching that plan; they know that we care about the property. They know that we're going to be here and that a lot of other people are going to be here and as a consequence of that, instead of trying to get more out of that property than it deserves, more out of the character of the property than it deserves, we'll get a better plan. So don't treat

Donald Trump any better than anybody else or any different than anybody else. Let him follow the same rules and either approve, excuse me, defer, or deny the application. Thank you.

VOLK

Thank you Mr. Chopin.

KOLINS

Good afternoon Madame Chairman and the commission. My name is Ron Kolins and I'm with the Moyle, Flanigan law firm and perhaps you will recall since I've been before you in most, if not all of the hearings you've had in this matter I represent Alyne Massey who lives across the street and in fact, virtually directly across the street not only from Mar-a-Lago, but the very entrance to this proposed subdivision. She as a resident of the town, is most directly affected as is Ms. Burden's client. I am sorry that Mr. Belle left because I wanted to confront him and I'm sure you will all notice as I did that as he began, he got off immediately on the wrong foot. Because you will recall he told you that in terms of the folks that participate in [in these things] are architects that are most suspect. But you all know and I know that it's always the lawyers that are most suspect. I will accept that burden as I go forward.

I also have another burden. And that is just that the fates have as we've gone through this process, found me going last all the time. Which means everybody before me most of whom are considerably brighter, have usually said all of the things that I want to say. So I'm going to be brief, try not to be too repetitious, but at least make the points to you that I think Mrs. Massey would want to be made to you, and that I personally think are very important as you consider this matter.

We have a bit of a strange situation here today and moreso I think than any other time we have all been before you on this question. And that is I perceive that everybody, both the applicant and the opponents are in total agreement. Now think about that for a minute. Their expert, Mr. Belle, I've never heard of him before but I'm sure he's a very fine man, and Clarion your expert, I don't know them either, but I'm sure they're very competent. And for that matter, everyone of the other experts at least from this side of the room that appeared in the other hearings before you, everybody is saying the same thing. The plan you have in front of you is no good.

And that therefore, is a given. We don't have to argue about that. Everybody says at the very least, you need a new plan. I have to tell you I want to make no bones about this. My client is not going to come to you and say "let's see if we can get a good subdivision plan" because my client doesn't feel that property should be subdivided. It should not be subdivided for historical reasons, it should not be subdivided for landmarks preservation consideration. It should not be subdivided for quality of life reasons and character reasons of this town. There are all kinds of reasons why it shouldn't be subdivided. For those who maintain that it should, everybody is in agreement that you need a new plan. I disagree with Mr. Trump on one point, and one point only, and that is the suggestion, well one

thing you could do is defer. I don't think so. Because I think that if this process is to move along in a meaningful way, in fairness to Mr. Trump and in fairness to everybody else, you ought to after all this time, move ahead with a clean slate. Everybody agrees the application you have is no good. I urge you, have a simple motion: deny it. Put it away, get through it. Now Mr. Trump can, as was pointed out, tomorrow or the next day, or whenever, come back with a new plan and at that time you can consider the new plan.

Something interesting has happened here too, I think. I believe without knowing, that people in your positions who are citizens trying to do a good job for your town, there aren't too many folks who volunteer to give the time and effort to do that, but you're kind of in a hot seat all the time, because there is always competing interest. There is usually competing interest. This is a major thing you are talking about here for the Town of Palm Beach. And you are pulled in a lot of directions, I'm sure, and that's not real comfortable. And in the face of a lot of pressure, a lot of pressure, you said to Mr. Trump for four or five months, we're not bringing this to a conclusion unless we have more information, we're not going to give in, because we think there are some problems. And you know what? You guys were all proven right, as he has now admitted. I congratulate you for that. And now the question is, how you deal with the ball where it lays? Now I will suggest this. Hey, let's clean this up. Deny the existing application. I don't think anybody is going to be unhappy if you do that. I think everybody accepts that at this point. Let them reapply, and consider the new application at that time. Then you heard the suggestion Mr. Chopin discussed it, it was made by Mr. Trump's counsel. You all are a participant in the process; you shouldn't, for all the reasons Mr. Chopin said, and there is one other reason why you shouldn't. If I heard Mr. Broberg correctly when he made the suggestion. He said one or more of you [are] to join with them to put this thing together. Bear in mind there is such a thing called Sunshine Law in the State of Florida. And certainly there is more than one of you in a room at the same time doing something like that, you'd have a legal problem, but I think Mr. Randolph will agree that is not something [he would] think is best. In any event, not even one of you should participate for all the reasons you were told by Mr. Chopin. I won't take your time to repeat all that. You should not be part of designing the new plan.

This business of a conceptual approval, with all due respect, and I will get right to the point, that is absolute nonsense, as far as I'm concerned. It's legal nonsense because you don't have the authority to do that in my judgement. It is ethical nonsense because you should not be asked to approve smoke and mirrors. If you're going to do your job, if this town is going to be well served, the property's going to be well served, and in the end Mr. Trump is going to be well served. You need to vote on something that's real, definable, and know what it is; you can vote it up or you can vote it down, but conceptual approval does nothing for this town except put you in a very, very precarious, unnecessary, and debilitating position. So

I urge you, deny, just [slap it down] simple, deny the existing application and everybody knows that this body will entertain, in the right spirit, any other application put together [by] Mr. Trump's interests consistent with the ideas put forth in the Clarion Report, consistent with the input from Mr. Lawrence, considered also the input from Belle. They'll probably put a better product before you the next time. Whether its good enough, whether it should be done at all, that's for you to judge. But you shouldn't judge something that does not exist. Thank you.

VOLK

Thank you Mr. Kolins. Does anyone else wish to speak? Would you care to make any comments.

DECKER

Very briefly I suppose, I think that our feeling, as consultants, is that with respect to the mechanics of how you might move forward, we would look to Mr. Randolph for [INAUDIBLE] guidance in that matter.

With respect to how you may handle the matters before you at this moment, we believe that the discussions in the course of the last several hours have indicated not a complete consensus but a general opinion that the conclusions that the deliberations and the conclusions that our report represents, are conclusions which are not inappropriate. And I think that whatever alternatives that Mr. Randolph may be able to offer you, you may elect to undertake. It would be appropriate, I think in our opinion, to additionally offer guidance for revisions to the existing application or a new application, depending upon how you rule in this matter. To suggest that this report then becomes a framework for whatever might come next, you all may not agree with that. And we're here to answer any questions you may have about some of those fundamental issues. But we do feel having deliberated carefully and long in this matter, that this can offer you and the applicant, some means assuring that whatever comes next will come in a way which you find satisfactory, assuming that you can accept the [earlier] conclusions in our report. So I would offer that for you in additional counsel and then offer our willingness to answer any questions you may have about the issues which we have tried to address.

RANDOLPH

Madame chair. The options before you I think they're understood by all and the ordinance indicates that you may either approve, deny or defer action of an application before you. I would also indicate that I believe that an option is approval with conditions. I'm not putting any emphasis on that, I'm just listing that as one of the alternatives available to you because that portion of the ordinance under 16-40 f indicates that the commission shall have the right to make such recommendations for changes and modifications as it may deem necessary in order to enable the applicant to meet the requirements. So I think that you need to now, having received all of the input that is before you, make a determination as to how you wish to proceed. Do you feel that it's in the best interest of the applicant and the Town to simply deny the application that's before you because it doesn't in all of [its] particulars meet the recommendations of the

consultants, whether you wish to, because you feel you need more information and because you wish to see a preservation plan, wish to deny, excuse me, defer further consideration until you have that before you, or whether or not you wish to adopt the plan that has been presented to you by Clarion, as the framework and give an approval conditioned as has been suggested by the applicant, upon them coming back with a mutually agreeable plan. I think those are the options that are before you. I think that's what should be discussed by you. In addition, I think you should discuss openly any questions that you may have of the consultant or anyone else here today, so that this may move forward.

VOLK

Thank you Mr. Randolph. Is there anything further you wish to say, Peter?

BROBERG

Yes, thank you very much. I've heard some very strong words from Mr. Kolins and Mr. Chopin but I expected that. I've heard that the plan is no good. And that's pretty strong and pretty much an affront on the person that drew it. I don't think words of that nature are necessary. I don't think the plan is in any sense, no good. The plan is a very good plan, as you all can be informed by the Town Council, it complies completely with the subdivision ordinance. It was done in accordance with the rules for the Town of Palm Beach. It just so happens that in someone's opinion that it wasn't proper in a preservationists mode. And wasn't proper in a fashion to preserve what is perceived as a great national resource. The applicant has said over and over and over again, that that's what they want to do. If they need some guidance in doing that, they're asking for it. And they have retained an expert to help them do that, the Town has retained experts to help them do that. If it needs to be that your consultants work with our consultants, however the process needs to be, let it be. We are trying to do what is perceived to be the right thing with the subdivision which has been, which is said to have been, to be something that is possible. That's why we're asking for you to approve the fact that a subdivision can be, and then we'll do the preservation plan and see how it will be. It's not smoke and mirrors. We still stand by our plan. It's going to be refined obviously, unless it's accepted in its form today, which I don't think you'll do. So. The applicant hasn't conceded that this plan is wrong for the same reasons I've just outlined.

The applicant is standing by saying that he wants to subdivide that property. Houses down the north side, houses down the south side, preserve the views to the lake, and preserve the views of the ocean to and from the property. Preservation has been the heart of the plan from the beginning. There are some that are better versed in describing how preservation should be. And that's what the preservation plan will do. We're asking you to let the guidance come from you that the subdivision is a viable alternative for that property and then we'll do the plan and make it work. I think that's all I have to say.

VOLK

I think we really are well aware though, from our previous discussion

of a workshop that that is not possible. That the plan should be made by the applicant and brought to us. [INAUDIBLE] we can work in that [INAUDIBLE] meeting.] I'd like to hear from the commission.

DIVOLL

I have some questions of Clarion. And maybe they're not really questions. They're points where...first off, I am very pleased [with] the report. And so I'm echoing what others have already said many times over. I do feel that the first choice is only a short term choice...should be a continuation of a single family dwelling on a single piece of property and that in wording a report or an acceptance of a report should we acknowledge that a subdivision or other development of the property is a possibility for the property. We must also acknowledge the desirability of the single family single residence use of the whole property. I'm not ready to concede that that is not the best way to preserve the property. It's true we're looking for a long-term solution and we know the subdivision has come up in the past. Regardless of any resolution today, or with this application or a subsequent one from the same applicant, It would probably come up again in the future. We need, I believe, to create a framework for reviewing potential development of the site, without foreclosing the first, in my view, the primary desirability of a single family use of that property.

VOLK

There is a possibility of its remaining that way. I think we have a peculiar climate in this town different from perhaps anywhere in the United States. And that is they are still building very large houses. All you need to do is to drive along the North Ocean Boulevard and see that there is still a demand for a large house, a large estate. That is the question that we really; but that will probably come to an end too, and as Leslie has said, and that should be pointed out clearly, that have all areas been explored so that it could be continued on as a single estate? And other adaptive use.

DECKER

I think we were charged with a review of the application as it exists before us.

VOLK

Yes, I understand that. But could we add this to your report? This thought?

DECKER

As preservationists we all wish and I think this is something that was said in our report, that [INAUDIBLE] remaining where they are, I guess that we sense a preservation opportunity for the Town of Palm Beach to show the means by which this kind of challenge can be met in the most successful way and I think you would agree with Commissioner Divoll's contention that you will face this issue, whether now or at some point in the future. And so what we have attempted to is to offer you some of the means by which to address this challenge. Without, because it wasn't a part of our charge from you and we don't believe its part of the work you need us to do, without addressing the question of whether or not those may be, persons may be around who might want to continue it as a single family residence, I guess you sense in our report our very strong feeling that very often, the handling of this matter has not been well

done. And very often important resources have been lost. Because an appropriate level of care and concern and the thoughtful and objective step by step process hasn't been utilized in preserving what is in this case certainly an extraordinary historic resource. So I guess our feelings and our opinions have been schooled by an effort to try and give you the tools to deal with what we see is an inevitable issue for you. And frankly we see it as an issue for you here in this specific matter before you. And I suspect it is a matter which will be a part of the work for you for many, many years to come. So that's been our approach to the question.

ALBARRAN DE MENDOZA Once again, I tend to agree with what has been said by [INAUDIBLE] I do not want to make any decisions today that are based on taking the comments without seeing all the possibilities [INAUDIBLE] without a preservation plan presented. I'm very interested in seeing a preservation plan, but I cannot imagine making a decision today because we don't know if a preservation plan can be worked out on a site that size, and with buildings on both sides. There's too much that we need to know before we make that decision.

METZGER

I want to go back to what Skip pointed out in the ordinance about the [INAUDIBLE] right to make recommendations to the chairman for modification. I think there's a difference between somebody bringing a plan to us that we can see, and saying I want to put a window here instead of a door. And us saying well okay, can you move it over. [We'd] be happier with that than trying to make a decision today on a huge piece of property for a subdivision that we can't see. And while I think the commission works very hard to try to cooperate with people and come up with things that they can work with and move ahead and not have to come back, I think that's a very different situation than what we're being asked to talk about **and decide on** today and I agree with Jackie. I don't think that I can give approval to something that I can't see. I'd like to see a plan of what they would like to do. And if they can bring that back I think everybody would be delighted to work with them. But I don't think that I can conceptually approve.

DIVOLL

I agree entirely on that point. The Preservation Plan in its own right generates the rules for the development plan we need to respond to and I'm not at all inclined to accept this application with the elements proposed but somewhat modified perhaps without any reference to any preservation plan. I think we should [reject it]. [INAUDIBLE] As to "working with", I think we need to be very clear what we mean about working with the applicant. And I take to heart the idea of a real conflict that isn't to become part of any commissioner who would become involved in assisting development of a plan in for changes. So as an architect and preservation[ist] a project of this significance and this national importance, it would be an incredible temptation to want to be part of it. Because at the heart of it I do believe that development can take place on this property; at what level, at what intensity, what components, particularly infrastructure, might be [INAUDIBLE]; those are questions that need to come back again and be checked back again for preservation. So, I guess Mr. Belle comments that architects are agents of change and is [INAUDIBLE], of course, for me personally and I have to sometimes guard against this. But I do see real potential for development on that site with the essence and the heart and the

importance and significance, and the completeness and the wholeness of Mar-a-Lago intact.

VOLK

Any comments from the staff? The question is whether we will deny this application or the certificate of appropriateness or whether we will defer with the hope that they will come in with a new plan and encompassing our preservation goals, so we must make that decision or defer, or deny the application as it stands. I think we all agree that the application as it stands is not in the interest of this marvelous landmark, that too much of the site is compromised, that the house may remain intact, but it is both house and site that are landmarked and I would like to know what you feel that we should do.

DIVOLL

I don't know the difference from the applicant's standpoint of what it would mean to them should we deny it or include [INAUDIBLE]. to defer it?

ALBARRAN DE MENDOZA I don't know what would be the ramifications if we do one or the other. Is that part very difficult to know.

DIVOLL

They would have to come back with a substantially, a new plan and a substantially new application.

VOLK

Preservation plan.

LAWRENCE

I would ask if you are going to go in one of those two directions, I would definitely say please defer. And the reason I would say please defer, is that there is a massive amount of work that has to be done and information that has to be brought forward. And the report commented on the possibility of participation from the Town to us, if you don't want to fine, but the more we can come back to you with outlines and overviews in intermediate stages, the more effective we are going to be. I don't see this thing being an immaculate conception that's going to come into being in one day and everybody's going to be happy. It's going to change. It's going to be a living document. So if that's the choice, I would respectfully request that you please defer it. You understand what I'm saying?

METZGER

I don't understand why.

LAWRENCE

Because there is so much material, Anne, that even if you say, okay we'll give you 80%, we don't have to bring something back to you and wait a month, and more time and more time and more time. It would be much more expeditious to do it under deferral than to deny it and have to start this whole process all over again.

VOLK

But that's misleading in a way. It would seem that this plan is acceptable. And we've decided that at least I feel that was the feeling here, that we don't feel that this certificate [subdivision] as it stands, is one that we could approve.

LAWRENCE

I understand that.

VOLK

It's misleading.

LAWRENCE

I think that if the deferral route is used and we come back to you in 30 days with what goals we can establish with Mr. Belle and what things [INAUDIBLE] then we're back to you in 30 days. We're not back in here in 60 days or 90 days or 120 days.

METZGER

Why is the time limit different if we deny?

LAWRENCE

Because if it's denied, we have to file [and wish] to be heard in 30 days in advance. So the work product is 30 days down the road.

CHOPIN

That's not accurate. He's going to have to file something and get on your agenda in any event and if you deny it he can file a new application and get on your agenda within the same time period, but you made the point, Mrs. Volk, the consensus is that this particular plan is not acceptable. What we need is a brand new plan that tries to do all the things they tell us they're going to do. There is no difference in time treatment whether they file a new application, because what they're going to do is they're going to take this old application, throw it away and put a new one in anyway.

LAWRENCE

We're using a lot of terms here, and one of the terms "plan." And plan not meaning a footprint or a site plan of the site, but plan in the context of this new direction we're going and if you will look at this old [chronology], that when we started this thing, there is nothing in the Ordinance anywhere that says that there should be a preservation plan. None of these things are spelled out or required by law. But as the process went through, you were concerned with issues and the staff recommended you get a consultant. Your consultant came back and defined the issues and then we went and got someone to help us work it at that level. So there has been a progression of thought and I just think it would be smoother if we continue on the basis [INAUDIBLE]. We're adding an element. This preservation plan is a whole separate thing than the site development plan that we submitted to you. Is that not correct [INAUDIBLE].

VOLK

We're not saying that the plan as a subdivision plan is wrong as someone said, as a subdivision plan I presume that it would stand up according to our planning and zoning. But what we are saying according to our comprehensive plan, and the commission that we are appointed to, is to protect our historic landmarks and as we proceeded and the search of this plan and review of your plan, we discovered that it really was not doing that at all. And so I would really feel that that would make that clear, is my feeling about this particular certificate of appropriateness.

LAWRENCE

My point is that it's something that's evolved in this process and a great deal has come out of the process that we've done so far. If the town had passed an ordinance that said that national landmarks have to have preservation plans, or the landmark ordinance said you have to have a preservation plan, but these are things that came out of a process. And I think that we should just continue that process. I

don't see that it gains anything to just...

ALBARRAN DE MENDOZA I don't know if the Staff has any comments on [mechanics] of deferral versus [INAUDIBLE]

VOLK Mr. Kolins you wish to speak?

KOLINS With your permission, just very briefly because I did make, I thought as clearly and as strongly as I could that the request be denied, and I will tell you why I disagree with Mr. Lawrence's position on the two possibilities. Given that the procedure doesn't dramatically differ, this is not a question of taking a plan that you have and making a few little modifications to it to get it approved by you. Clarion's report makes clear that while they feel there can potentially be some subdivision, it would have to be dramatically different than the plan before you. There were many, many elements of the plan before you that Clarion has said were unacceptable. Mr. Belle says two things and you missed one of those in your discussions so far. Not only did he agree that a lot of work and a lot of information is to be gathered to present to you preservation plan, but he also said the same has to be done regarding a development plan. I think it would just make a hodge podge of this record if we deal with this issue by piece meal, chop away here, add a little piece there basis. It becomes a confusing mess. They could simply take what is simply an unacceptable plan and try and fit it into a totally different framework. I think it's much cleaner, much more effective for you and for everybody if they present something clean, something that presumably meets Mr. Belle's concerns and Clarion's concerns on a clean sheet from which we can all work and [INAUDIBLE]. Thank you.

VOLK Jacque, you asked a question? Would you repeat it please?

ALBARRAN DE MENDOZA Yes, of the Staff, if they have an opinion of the mechanics of this process. It seems like there's a discrepancy...

RANDOLPH Well there will be discrepancy because you have to understand the interests that are before you. Mr. Decker did you wish to say anything before I...

DECKER I think you should all be heartened by the enormous amount of progress that's been made and I think that certainly is one of the hallmarks of this meeting today. There has been a lot of agreement that you may have suspected would never have precipitated as a result of this process. And that's quite a wonderful achievement. Whatever actions that Mr. Randolph has suggested in your deliberation, you may ultimately take, I guess that I feel that it's important that there be some clear statement of what your preservation goals are, as you conclude your deliberations. So that there is a way of integrating the kinds of senses of agreement that have taken place today. I think that would be helpful for you, but I think it would be helpful for all those who are acting in the matter in the future of Mar-a-Lago. So I would hope that you would come to

a conclusion that allows you to say what you believe should happen, at least in some global way, whatever action you may ultimately take based on [INAUDIBLE].

RANDOLPH

I agree. I think that would necessary for the record, if nothing else, not only for the applicant but for any subsequent authority that might look at this. If you for instance, made the determination to deny today, without having made a statement as to what you see as the future of this property, the applicant goes away with nothing and I don't think there's anything in the record to indicate that this hasn't simply been a denial of an application for certificate of appropriateness [INAUDIBLE] which would be right for subsequent action. I think that you have to take into account the report that Clarion has come up with, and I think in the report they indicated that there were many good things in the application that is before you. I think they listed those on several pages. And then indicated, however, there is more to be done. I think when you look at it in that manner, it makes some sense for you to not necessarily throw out everything that has been done so far, but to give further consideration to that which may be done. There is a certain amount of risk in either way you go. If you decide to deny this today and the applicant decides to take it as a flat denial, and takes subsequent action, then you may not see this back before you. The next time it may be before another body. On the same hand, if you defer it, with the request that more information come back to you and that a preservation plan come back, there may be some allegation that in doing that it's tantamount to giving blessing to the subdivision. I think if you do defer it, that you should be careful in acknowledging that by doing so, you're only doing that as has been stated by Commissioner Divoll, to give you an opportunity to see more information, to see the preservation plan, and then make a determination as to whether it can be subdivided and the extent to which it can be subdivided. I can't decide for you which way to go, but I think that you need to give consideration to all of those things in whatever you decide to do today. And I think that Mr. Decker has indicated certainly, you must take, if you do decide to deny it, you must make it clear what your position is in regard to the possibility of a subdivision of the property.

DIVOLL

I think we could look at that in several parts. As to the possibility of other development on the property, subdivision or other forms of development on the property, your report is very clear...Clarion's report is very clear in identifying possibilities that exist, provided they are within a preservation plan framework...and presuming that we accept that preservation plan as being suitable. I personally concur with that opinion. One part of the heart of the report. This, in itself, should [we] adopt that part of the report would give quite a bit of information to the applicant, whether we should defer or deny, either way. Is it sufficient to accept that [INAUDIBLE] the combination of identifying possible development within preservation plan framework.

VOLK

What page is that?

DIVOLL

Those are my words. I happen to be open to page 18.

DECKER

That I think represents the heart of the matter from my point of view.

DIVOLL

In further reference to the Secretary of the Interior's standards which I will point out for our own purposes, is not referred to in our ordinance, and I think is a weakness in our ordinance. But it points out to the Secretary of the Interior's Standards again as a starting point for developing any preservation plan. And further in the report there is elaboration on specific things that need to be addressed in a preservation plan for this property. So we have the global, the Secretary of the Interior's standards, as a reference point. And the particular, as brought out in Clarion's report. Those can create reference for us in approving any future preservation plan that this applicant brings forward or some other applicant brings forward. [INAUDIBLE] that seems to me to be the other major part of Clarion's report. [INAUDIBLE]

VOLK

Would you want to make a motion for the acceptance of the Clarion Report [be] made a part of the record.

DIVOLL

Well, we have but the one thing I feel very uncomfortable accepting is the idea of other kinds of uses of the property. Single family and institutional as being less than desirable preservation alternatives. True, they're not on the table now for us to consider as part of the current applicant's proposal, but I, we expect that Clarion's report should give us and future landmarks commissioners guidance on future questions that will arise. And should an institutional question arise, or should some other subdivision plan not go through and someone else identify a single family long term preservation plan. I don't want the record to suggest that those are [INAUDIBLE]. So I would prefer to leave reference to that out if we can make them do that.

HERBERT

May I make a comment. I think I want to caution you all that we did not and do not anticipate that a preservation plan would be a justification for subdivision. Basically, what I think what the report said, that the preservation plan is necessary to preserve those resources. It doesn't I don't think, preclude the fact that it may stay a single family residence, it may have some other use in the future. I think what we were trying to do is identify what was important from a historical context and how to preserve that. If a subdivision plan comes along...

TAPE 3
SIDE 2

...in that context.

DIVOLL

However, it says very specifically here on page 18, "a third public use for the platted grounds could only serve to postpone the essential question [possibly] of preservation, integrity and liability and further may be quite destructive to the historic value". Maybe yes, and maybe no. I don't know. I don't want to give a future applicant, who may have a very viable and non-destructive institutional or

public use...I don't want to scare them away because of our preservation plan framework mentioned in this report.

DECKER

I think that a portion of that specific reference to public and institutional use is partially schooled by our investigation of proposals for sites of this type in Palm Beach [historical] and it has been historically been seen that those are less acceptable alternatives. Sometimes they do [INAUDIBLE] and so I think we were attempting to acknowledge the history and the ways in which these kinds of estates have been dealt with in the past. With respect to the future, I think what Glen is saying so clearly is, that if there's a plan in place and it could be that some of these uses [could] be acceptable based on the character, and we would accept that as a modification or [correction] [INAUDIBLE].

DIVOLL

If we were to accept that as a modification or correction and incorporate it into this report, I would be pleased to accept the report as a background document from which a preservation plan should be developed. Our decisions regarding the acceptability of such a preservation plan, [checked back against it].

T. FRANK

Is that a motion?

DIVOLL

We're still talking about it.

DECKER

I want to emphasize that in our judgment processes, there is a preservation plan and as a result of the preservation plan, then there is a plan accepted That's the sequence, as Glen has suggested.

METZGER

I think based on what Mr. Decker just said, I am going to move that the...can I do that now?

RANDOLPH

Yeah, that wasn't a motion.

METZGER

I'D LIKE TO MOVE THAT WE DENY THE APPLICATION FOR CERTIFICATE OF APPROPRIATENESS NUMBER 15-91 BECAUSE I THINK DEFERRING IT CONFUSES THINGS, BUT IF I NEED TO ADD SOMETHING TO THAT, **AS YOU SUGGESTED, MR. RANDOLPH**, I'D BE DELIGHTED IF THE APPLICANT WOULD COME BACK WITH A PRESERVATION PLAN. I THINK AS MR. DECKER SAID, WE NEED A PRESERVATION PLAN FIRST, AND THEN THE SUBDIVISION.

DECKER

I think that's the order [we've imagined] that the plan is not a justification for the subdivision plan. The plan comes first, and subdivision is in response to the plan.

METZGER

Right, that is why I'm making...

DECKER

All in the context of our deliberation of this particular proposal.

VOLK

May I have a second?

MOTION DIED FOR LACK OF A SECOND.

DIVOLL I'd like to deal with the [INAUDIBLE] report, to give a background framework.

VOLK Was that a motion that you made?

DIVOLL Well, I'll come back to that motion now that I'm [INAUDIBLE]. I MOVE THAT WE ACCEPT CLARION'S REPORT WITH THE AMENDMENT AND CORRECTION REGARDING ACCEPTABLE OTHER USES ASIDE FROM SUBDIVISION USES AND MAKE IT A FOUNDATION DOCUMENT FOR ANY PRESERVATION PLAN THAT IS DEVELOPED FOR THIS PROPERTY.

VOLK SECOND TO THAT MOTION?

ALBARRAN DE MENDOZA I SECOND THE MOTION.

VOLK ALL THOSE IN FAVOR SAY AYE.

ALL AYE.

VOLK Now the motion that Mrs. Metzger made failed. Second?

DIVOLL When did Mrs. Metzger [INAUDIBLE]?

VOLK Would you repeat it please Anne?

METZGER I MADE A MOTION THAT WE DENY THE APPLICATION FOR CERTIFICATE OF APPROPRIATENESS #15-91.

DIVOLL SECOND.

VOLK ALL THOSE IN FAVOR SAY AYE.

ALL AYE

VOLK SO MOVED. THE CERTIFICATE OF APPROPRIATENESS IS DENIED, BUT WE DO RECOMMEND AND HOPE THAT YOU WILL COME BACK. WE WILL BE WILLING TO WORK WITH YOU AND THAT YOU WILL HAVE A NEW PLAN BASED UPON THE GOALS OF PRESERVATION. May I have a motion for adjournment?

DIVOLL MOTION TO ADJOURN THE MEETING.

METZGER SECOND. (MOTION CARRIED UNANIMOUSLY)

Mrs. Divoll reminded the Commissioners of the Florida Trust Annual meeting to be held on September 19, 20 and 21 in Ft. Myers.

HERBERT I think one comment that I would like to make [INAUDIBLE] I think that there is an opportunity here that [INAUDIBLE] I think that the process, because I've been involved in these things before, can be extremely frustrating from a consultant's standpoint to keep going through the motions of trying to second guess or develop what would

be an appropriate [permanent] solution that the commission would feel comfortable with. The opportunity that if in some form or fashion, either through staff or through some appointee or designee, the Landmarks Commission could have input into the planning, into the development of the preservation plan. There are a number of complex issues that need to be dealt with. I think it could be in the City's best interest to try and approach it from that viewpoint. There are things that I think are exceptions that could be negotiated that would reduce the negative impact of any type of change in use for that property. I guess I feel a little uneasy, maybe it's because we have talked so much about how the process should happen, in seeing the applicant walk out of the room and you all go your separate ways, and then one day you're going to come back together and may in fact think of going through these same types of deliberations [INAUDIBLE].

VOLK

I understand what you're saying. Maybe Mr. Moore could give us some direction along this line.

MOORE

I'm not sure what direction I can give you. I think Mr. Randolph laid it out considerably that in denial there is a possibility you'll never see this plan again by denying and I hope that that point got across. By not deferring [you] could possibly have seen this plan for the last time and it may end up in front of another body for its final determination. As far as us participating, I talked at length with the consultants and with an attorney on this particular subject. I am not intransigent on this position. I have agreed to give it some consideration. I also am of the same opinion that Mr. Chopin is that it's a function of government to review the applicant's application rather than participate in helping prepare the application. As a personal opinion and as a professional opinion, [but] I am not intransigent. I will give that thought. I will give that whole concept thought, but if pressed and pressed into an answer today, I do happen to believe that you should be the reviewing process. Staff should review, offering assistance to both the applicant and our commissioners, wherever asked for. The concept of a commission member sitting together with an applicant and a member of the staff in preparation, often times you do this in complicated projects but I think that the concept of the [window] that Mrs. Metzger mentioned, I think you've done that on other projects, at least the Architectural Commission has as well, that I can remember, on more complicated projects. But not to the complication of what we're talking about here a preservation plan which this staff does not have the expertise to develop. Hence, the request for the consultants that would and then the consultants being further extended to this commission, for review and use by this commission of their expertise and then subsequently probably, Town Council for the consultants to assist them in their deliberation process. But I understand what Mr. Herbert was saying when he states that it's a unique opportunity. For that reason I will not close forever the possibility of government, staff, sitting down and participating to that degree trying to work with the applicant with a member of this commission. If pressed on that issue, I would have to say that I personally don't believe that is a function of government.

DIVOLL

I have a thought on that subject too. From day one in reviewing the engineering drawings before we ever had our first meeting, one of the real shocks to me was the impact of the infrastructure which is an essential, some form of infrastructure improvement is essential for development, but a lot of it, the more we studied it, the clearer it became that a lot of this was being driven by technical requirements of engineering departments. It was not generated entirely by the applicant. Some of the strong negative impact on the site was because of the town regulations, among other things. I would think that if the Town, which has certainly demonstrated it's care for this landmark, is really interested in a long term preservation of the landmark as a whole, it needs to revisit the kinds of rules that it applies on that property. And that's something that this commission is not prepared to do. That's for the engineering department and the planning department, and so forth.

MOORE

A vehicle for that, if in fact that does come to a fruition, we have a vehicle Ms. Divoll, as I think you already know, a PUD-4. There is a Planned Unit Development. You are an architect. You are associated with development so in a Planned Unit Development there is a lot more give and take in that capacity. So there is a vehicle for that. This was not the applicant's choice. The applicant chose to apply for a subdivision. So the applicant was then compelled to follow the town's regulations, and quite frankly in defense of some of the town's regulations, over the past ten years, some of the subdivisions such as the Blossom estate, Bolton property, Maddock subdivision, those are somewhat attractive subdivisions, and they do meet the requirements of engineering wise that the Town has as well as the fire department and the police department or the zoning ordinances of the town. So those regulations were not put together specifically for Mar-a-Lago which I totally agree and what our consultants have told us is that we are going to have to be more flexible in a preservation plan ...the Town. So it may very well be that they may be asked to go forward with a planned unit development instead of a subdivision. We will have to take a look at that, have to discuss that with the consultants, as well as the town attorney on that matter before we advise the applicant about any further submissions. So they are starting over now, there is no deferral, so it's out of the subdivision mode, and they may end up in a planned unit development mode which would give the Town the flexibility, and I correctly believe that that is correct that the elevation problems down at the lake should be addressed for instance as one item or the elevation of the roadway. Or there are some other regulatory agencies such as the South Florida Water Management District, the Federal Flood Insurance program. The Town cannot just decide for preservation purposes, it could just waive those requirements. But we have those as other agencies that impose their rules as normally upon the Town. So from a technical standpoint some of those regulations will have to be addressed.

VOLK

Thank you Mr. Moore.

(This ends the transcription of the Mar-a-Lago hearing.)



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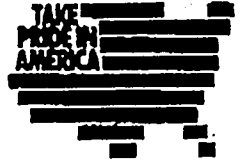
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United States Department of the Interior

NATIONAL PARK SERVICE

P.O. BOX 37127

WASHINGTON, D.C. 20013-7127



August 14, 1991

RECEIVED

AUG 14 1991

Mrs. John L. Volk, Chairman
Landmarks Preservation Commission
360 South County Road
Palm Beach, Florida 33480

TOWN OF PALM BEACH
BUILDING & ZONING

Dear Mrs. Volk:

The Preservation Foundation of Palm Beach has shared a copy of a recent report, prepared by Clarion Associates, Inc., Decker and Kemp, and Glen Herbert, regarding the proposed subdivision of the Mar-a-Lago estate, a National Historic Landmark (NHL). The Foundation requested that we provide comments directly to you.

Mar-a-Lago is one of only 1994 National Historic Landmarks nationwide. Landmarks are acknowledged as our Nation's most important historic and cultural resources: properties commemorating historical events that changed the course of history; architectural, artistic, humanistic, social, political, educational, and cultural achievements, and primary sites associated with Native American and ethnographic history. Mar-a-Lago, the estate of Marjorie Merriweather Post, exemplifies the baronial way of life of the wealthy who built mansions in Florida during the Florida land boom of the 1920s. It was designated by the Secretary of the Interior as a National Historic Site on January 19, 1969 and as a National Historic Landmark on December 23, 1980.

The Landmark designation encompasses the entire property, including the main house, various outbuildings, as well as the surrounding grounds. It is our understanding that the boundaries of the NHL are contiguous with the boundaries of the local designation.

The NHL nomination contains little specific information regarding the landscape itself. This is not surprising in that historic landscape preservation is a new and evolving profession. Many National Register and National Historic Landmark nominations prepared prior to 1987 contain little information on landscape features and designs. In 1987, the National Park Service issued "National Register Bulletin 18: How to Inventory and Evaluate Designed Historic Landscapes," the first publication to address the identification and designation of historic landscapes specifically. In this bulletin, designed landscapes include those that are laid out by a master gardener, landscape architect, architect, or horticulturist, or an owner or other amateur using a recognized style or tradition in response or reaction to a recognized style or tradition. The landscape of Mar-a-Lago appears to have developed like many of the estates of its period: as a collaboration between the owner, nurserymen or landscape designers, grounds staff, etc. It contains, as a result, not only the grounds and immediate setting for the house, but also functional and support structures and landscape features, and an extensive recreational landscape. These features are all evident in the 1991 aerial photograph.

Regarding the specific effect of the subdivision proposal on the landscape of Mar-a-Lago, we have not seen sufficient documentation to make a judgement about the independent significance of the landscape design. For example, vegetation growth, death, and replacement is a constant process in historic landscapes and does not necessarily equate to a loss of significance or integrity. The Blakely report is simply an inventory of the existing vegetation on the site. It appears to rely on personal experiences and observances



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of the existing landscapes of Palm Beach rather than adequate historical documentation to make conclusions regarding the relative integrity of the landscape. On the other hand, the Clarion report has highlighted the importance of the visual, spatial, and functional relationships of all the features on the site. These are the characteristics, in addition to the individual features, that should be considered in the future.

Despite the lack of written documentation on the Mar-a-Lago landscape, it is clear that the setting of this building contributes to the Landmark's significance. The house was sited in such a way as to take advantage of ocean and lake views. Although altered and modified over time, the property appears to contain an assemblage of patios, pools, fountains, lawns, plantings and groves of ornamental and native plant material, garden ornaments, views, informal and functional gardens, paths, roads, and a golf course. The estate also includes a number of functional outbuildings such as garages, sheds, greenhouses, and slat houses built to support the estate life as well as a number of more recent structures which may contribute to the historic character of the property.

Based on the information we have received to date, we concur with the concerns voiced by the Foundation and the National Trust for Historic Preservation. The proposed subdivision of the historic property and the addition of eight new residences will have a significant impact on the integrity of Mar-a-Lago. Given the proposed lot configuration and the conceptual locations of new buildings, it is possible that new building construction will occur within 75 feet of the main house (with site construction as close as 40 feet), obstructing views and destroying any remaining evidence of early grounds including demolition of many original outbuildings. The proposal calls for the retention only of small vistas to the ocean and the lake (which are actually parts of the subdivided lots); this does not retain sufficient grounds or landscape features to retain the character of the estate as a whole.

Given our concerns about the subdivision proposal, the National Park Service is giving serious consideration to listing Mar-a-Lago in its 1991-92 annual report to Congress on threatened and endangered National Historic Landmarks.

We concur that a preservation plan or study be prepared for the property in order to analyze the effect of alternatives to the proposed subdivision on the historic character of the landmark property as a whole. We recommend that additional historical research on the Mar-a-Lago landscape be undertaken in order to make informed decisions regarding the integrity and character-defining features of the site.

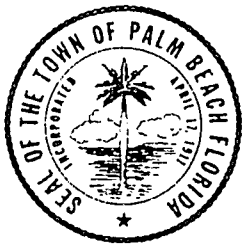
We hope that our comments are helpful to you. If you have any questions about the issues raised in this letter, please feel free to contact either me (202-343-9588) or Lauren Meier, ASLA, on my staff (202-343-9583).

Sincerely,

H. Ward Jandl

H. Ward Jandl
Chief, Technical Preservation Services
Preservation Assistance Division

cc: Boasberg
Clarion Associates
National Trust for Historic Preservation
Preservation Foundation of Palm Beach



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, SEPTEMBER 20, 1991

AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order at 9:05 a.m. by Chairman Lillian Jane Volk.

II. Roll Call:

PRESENT: Lillian Jane Volk, Chairman
Sally Gingras, Secretary
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member
Leslie Divoll, Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building

ABSENT: Elise P. Mackintosh, Vice Chairman
William S. Gubelmann, Member
Arthur Silverman, Alternate Member
Wilmer J. Thomas, Jr., Alternate Member
Jane R. Grace, Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Jacqueline Albarran de Mendoza arrived at 9:07 a.m.

III. Approval of the Minutes of the August 16, 1991 Meeting:

Let the record show that an amended copy of the August 16, 1991 Minutes was delivered to the Commissioners on September 19, 1991. As some of the Commissioners present had not been able to review the changes as yet, the approval of the Minutes was postponed to the October agenda.

Mr. Moore took this opportunity to remind the Commissioners and the Staff to speak loudly and clearly into the microphones, as the tapes of the meeting are the official transcript of the meeting.

IV. Public Hearings:

- A. Application for Certificate of Appropriateness No. 23-91,
Doors, windows, awnings, guest rooms
Applicant/Owner: Mr. Wilson C. Lucom
Address: 260 North Ocean Boulevard
Architect: Smith Architectural Group
Project Description: Request approval to provide awning at front entry; and a new awning at the east facade of the breakfast room.

(Please note that this item was deferred from the July 19, 1991 Meeting and the August 16, 1991 Meeting.)

As Mr. Jeff Smith and Mr. Don Kino, Smith Architectural Group, representing the applicant, requested deferral of this item to the October meeting,

MOTION BY MRS. GINGRAS TO DEFER COA #23-91 TO THE OCTOBER MEETING.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

- B. Application for Certificate of Appropriateness No. 32-91,
New window on east elevation
Applicant/Owner: Mr. Wilson C. Lucom
Address: 260 North Ocean Boulevard
Architect: Smith Architectural Group
Project Description: Request approval to add new window on the east elevation at the master bedroom.

Mr. Jeff Smith and Mr. Don Kino stated that this item had been heard informally last month. The proposal is to add one new window on the east elevation at the master bedroom. This new window will match an existing original window at this location. The owners wish to add the window because current fenestration does not provide sufficient light into the master bedroom, nor does it provide an optimum ocean view.

Mrs. Divoll questioned what other fenestration changes have occurred to this house over the years. Mr. Smith stated that he is aware that fenestration changes have occurred on other elevations of the house, as well as the east elevation, now being discussed. However, the only change which occurred on the east elevation was on the first floor and consisted of opening up stuccoed areas on the facade and inserting windows. In this case, the windows were inserted in previously denoted openings between existing columns, by merely removing the stucco and glazing the openings.

In light of the above, Mrs. Divoll questioned whether the east elevation, then, can be considered "the only remaining intact elevation from original construction, in terms of definition of openings." Mr. Smith stated that he could not answer that.

MOTION BY MRS. GINGRAS TO APPROVE THE ADDITIONAL WINDOW AS PRESENTED.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED 4-1, WITH MRS. DIVOLL OPPOSING.

- C. Application for Certificate of Appropriateness No. 26-91, Addition of exterior stair
Applicant/Owner: Via Mizner Associates Limited Partnership
Address: 333-345 Worth Avenue
Architect: The Lawrence Group
Project Description: Request approval for the addition of an exterior stair to the northeast building at Via Mizner for entry to a proposed second floor apartment

(Please note that this item was deferred from the August 16, 1991 Meeting.)

As the Lawrence Group had requested removal of this item from the agenda previous to this meeting...

MOTION BY MRS. DIVOLL TO REMOVE COA #26-91 FROM THE AGENDA.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

- D. Application for Certificate of Appropriateness No. 31-91, Facade changes, driveway removal, courtyard & fountain
Applicant/Owner: Mr. Franklin Frank
Address: 365 South County Road
Architect: Smith Architectural Group
Project Description: Request approval to add two new storefronts on the west facade and one new storefront on the north facade, all with barrel tile overhangs; remove existing driveway and replace with courtyard and fountain; eliminate one previously approved barrel tile overhang on the south facade.

It should be noted that these items were discussed informally at the August meeting, with no action taken. Mr. Jeff Smith and Mr. Don Kino presented this project. Mr. Smith explained that they have recently had a variance request approved by the Town Council to convert the interior space east of the existing driveway to retail space. The

proposal requests converting the existing driveway area to a courtyard with fountain and landscaping, in an attempt to invite pedestrians back into this area. Although the fountain has not, as yet, been selected, and the landscaping is still under discussion, approval was being sought for the design and layout of the courtyard today. Such an approval would include a fountain, landscaping, and benches, with details of same to be presented to the Commission at a later date. Mr. Smith added that the Town Council has requested that the fountain of choice be a "noisy" fountain or "bubbler" to draw attention to the site. Initially, ficus trees trimmed in a topiary style have been contemplated for use in the courtyard. The Commission, however, warned Mr. Smith against ficus in this area, as ficus roots tend to invade pipes and/or structures in the process of their search for water. Mrs. Albarran de Mendoza felt that some amount of shade should be provided in this area. Mr. Kino acknowledged that some relief from the heat should be provided.

In keeping with the south facade storefronts, this proposal includes the addition of two new storefronts with barrel tile overhangs on the west facade at the new retail space allowed by the recently approved variance, and one new storefront with barrel tile overhang on the north facade.

On the south elevation, there had been a previous approval for three new storefronts with barrel tile overhangs. During the course of construction, it was found that the supporting beam, running across the south facade, was higher than expected. Therefore, it became impossible to construct the westernmost overhang in line with the other two, as this overhang would interfere with an existing balcony. Mrs. Albarran de Mendoza repeated her comment from last month that the overhangs on this facade seem very high. Mr. Kino stated that the other alternative is, of course, simple fabric awnings. Some of the Commissioners felt that perhaps awnings would be a better solution than the barrel tile overhangs for at least one of the storefronts, if not all three. Ms. Divoll added that "an awning is not a permanent architectural element", and "it could bring about much the same pedestrian factor". If awnings were used, all three treatments would match. If the overhangs were used, however, they could only be used on two of the storefronts, with the westernmost storefront to remain as is, with the balcony above.

Mrs. Divoll commented that here again, we have the problem of dealing with cumulative effect of approving small changes. Mrs. Gingras stated, however, that the Commission recognizes that during construction, sometimes changes are required for the project to progress.

Mr. Smith stated that the owner would probably agree to awnings on the south facade, if the Commission so desired, because costs would be greatly reduced. They do feel, however, that the barrel tile overhangs are a better architectural solution.

MOTION BY MRS. GINGRAS TO APPROVE THE PROJECT.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

After the motion carried unanimously, there was some disagreement as to what was actually approved. Mrs. Albarran de Mendoza seconded the motion thinking it was an approval of the courtyard, whereas Mrs. Gingras was including the south facade as well. Because of this, Mr. Moore requested that the motion be re-stated.

MOTION BY MRS. GINGRAS TO APPROVE OF THE THREE ADDITIONAL STOREFRONTS ON THE COURTYARD, CONCEPTUAL APPROVAL OF THE COURTYARD, AND CHANGES, AS PRESENTED, ON THE SOUTH ELEVATION.

MRS. GINGRAS THEN AMENDED HER MOTION TO INCLUDE CONCEPTUAL APPROVAL OF THE COURTYARD PENDING THE SELECTION OF THE FOUNTAIN AND SELECTION OF THE LANDSCAPE.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

Before Mr. Smith departed, he mentioned that he and Mr. Kino were leaving for Ft. Myers to the Florida Trust Conference for Historic Preservation. He added that Smith Architectural Group did receive an award for the Pomerantz addition at 780 South Ocean Boulevard, and for the Town Hall. The Commission offered their congratulations.

E. Application for Certificate of Appropriateness No. 33-91, Solarium

Applicant/Owner: Mrs. Tauni De Lesseps

Address: 452 Worth Avenue

Architect: Mr. Steven J. Bruh

Project Description: Request approval to add a new glass enclosed solarium on the south side of the building

Let the record show that Mr. Bruh was returning today with a new design for the solarium, subsequent to the July 19, 1991 denial of his first design of same.

Mr. Bruh stated that they have re-studied the solarium design and have arrived at a new design which they feel emulates the existing construction. He called it basically "a post and beam construction", with four square posts set to match the columns on the terrace above. Like the previous design, a glass roof will occur on the solarium, and the solarium will be covered by an existing awning. A sixteen inch knee wall will occur on either side of the door. The solarium openings will be paned.

This can be considered a permanent structure, but it does not change any of the existing architectural elements. Similarly, it could be removed without harming the existing historic structure. The Commission noted, however, that an owner would be less likely to remove this designed addition than the previous design, which had been denied.

Mr. Bruh expressed his desire to move forward with this project so that it might be completed before "season" begins.

Mrs. Divoll commented that she had made several statements to Mr. Bruh previously indicating the importance of keeping this addition very light, transparent, and easily removable. Today's design, on the contrary, is more substantial, more attached, and more permanent. She stated that she could not accept this new design, calling it "such a hybrid".

Mrs. Albarran de Mendoza commented that the original design was completely removable, but inadequate. She stated that when the original design had been denied, some comments were made which may have led Mr. Bruh to design a more permanent-type structure, but according to her recollection, those comments were asking for a design which was totally in keeping with the architecture of the house, as if the original architect had designed it. Today's presentation, on the other hand, is more permanent, but with the same characteristics as were unacceptable in the original design. Further, she stated that even if she saw the entire elevation, the design presented today does not fit in with the style of the house.

Mrs. Gingras commented that one of the foremost problems with the original design was the glass roof of the solarium, and that feature has been retained in today's presentation. Mr. Bruh replied that the alternative, adding a hard roof, would impact the facade tremendously. Also, a space problem would be created there, due to the existing balcony and its accompanying construction underneath.

Mrs. Divoll and Mrs. Albarran de Mendoza felt that the Commission may be divided on this issue, and consequently,

it may be difficult for Mr. Bruh to arrive at a suitable design. Mrs. Gingras reminded the Commission that the project was denied in July because the removable structure was not acceptable as presented.

Mrs. Metzger asked Mr. Bruh if he thought a solarium could be designed to look as though it was original to the house. Mr. Bruh replied that he did not think it was possible.

Mr. Moore commented that if a pre-fabricated solarium was previously before the Commission, and the Commission recognizes that they are divided on this issue, the applicant, the property owner, is faced with a real dilemma in her attempts to seek approval. Mr. Moore asked the Commission to address whether a solarium would be considered for this house at all, and then discuss the type of construction that would be deemed appropriate.

Mrs. Volk commented that in her opinion, the most appropriate addition would be one which would be obvious as an addition and one that could be easily removed, i.e., not permanent. She stated "one does not try to integrate a new structure, unless it's an absolute necessity". This solarium is being requested by the owner as something that she wants and needs. The most appropriate addition would be a simple, easily removable solarium, without attempting to disguise it by trying to duplicate architectural elements of the historic structure.

Mrs. Divoll reiterated the owner's reasons for requesting a solarium -- A desire for a patio which is shaded from the sun, sheltered from the wind, and protected from insects, but at the same time, has an outdoor feeling -- with no air conditioning or heat.

Mrs. Volk commented further that the simplest solarium would be best and would serve the owner's needs. Therefore, she recommended the original design as the least objectionable.

Mrs. Divoll found no problem with the canopy over the glass roof because one looking at the facade would see the canopy and not the glass roof. The enclosure of the walls, however, should be handled on a much lighter scale, she thought. Regarding whether we should consider a solarium at all, she felt that one should be considered to make the house more liveable. In considering, the design of the solarium, she favored the original design rather than the one presented today.

Mrs. Albarran de Mendoza presented a third alternative, that being to design a permanent addition to the house -- designed as if it were done by the original architect. She

did acknowledge, however, that this would be a more costly route to pursue, with respect to time and money.

Mrs. Metzger expressed her concerns about the appearance of the facade, should some future owner decide to remove the awning above the solarium. She suggested either installing sides on the awning or implementing the third alternative as suggested by Mrs. Albarran de Mendoza above. Mr. Bruh replied that even if the awning is removed, the addition is still see-through (the original design). Mrs. Metzger disagreed, stating that it would appear that it was just "stuck on" there, and it is visible from the lake and from certain points on Worth Avenue. She called it "a mistake".

Mrs. Volk reminded the Commission that these houses were built for a short period of winter usage. That is no longer true in many cases because owners are using their properties all year round or at least, for longer periods of time. She felt that the LPC must adapt the new uses in the "mildest way possible".

Mr. Moore advised the Commission, in light of expressed concerns over removal of the awning, that if they chose to approve a solarium, they can make the condition that there be an awning over the solarium.

MOTION BY MRS. DIVOLL THAT THE PREVIOUSLY SUBMITTED PROPOSAL WHICH SHOWED THE PLAIN GLASS SOLARIUM UNDER AN EXISTING AWNING BE ACCEPTED WITH GREEN MULLIONS AND NOT DARK GLASS, THE LIGHTEST GREY THAT YOU CAN GET, THAT THIS AWNING OR A REPLACEMENT AWNING BE CONSIDERED PART OF THE OVERALL SOLARIUM DESIGN AND THAT THE FRAME AND GLAZED PORTION MUST ALWAYS INCLUDE AN AWNING OVER IT THAT FITS THIS CONFIGURATION AS IT EXISTS NOW.

Mrs. Gingras brought up her concern that the awning extends too far out, and asked whether the awning could be shortened. She felt that the awning, as shown on the drawing, projected too far out from the facade of the solarium. Mr. Bruh admitted that he had just recently discovered that the side view shown on the drawing was drawn incorrectly, and should only show a 3' projection from the facade of the solarium. The Commission objected to being asked to review and then act upon this matter, when the drawings are either incomplete or incorrect in some fashion, or both.

MOTION WITHDRAWN BY MRS. DIVOLL BECAUSE THE DRAWING WAS NOT A CORRECT REPRESENTATION OF THE PROJECT.

Mrs. Metzger repeated her request for an accurate drawing

showing the entire elevation. Mrs. Albarran de Mendoza echoed this request, asking for a detailed elevation.

When Mrs. Metzger suggested that perhaps the awning be made smaller in size, closer to the size of the solarium, Mrs. Gingras commented that part of the problem here is that the existing awning is not attractive. Mr. Bruh added, however, that the building was landmarked with the existing awning in place. Further, he stated that a glass solarium in this location had previously been approved for permit, but the owner did not take action to complete the project at that time. Since that permit approval, the house has been landmarked. With this landmark status, the solarium now requires the approval of the LPC, whereas, prior to landmarking, review by one of the Town's review boards was not necessary as the solarium could not be seen from the road.

Mr. Bruh commented that it is reasonably apparent from discussions today that the original design, which had been denied previously, would still be the most inoffensive design, while still achieving the needs of the owner. He maintained that a detachable solarium would not change the historic characteristics of the building, and for this reason, is the best solution, though it may not be considered a "good" solution.

Mrs. Divoll stated that she could not move to accept a scheme that was inaccurately portrayed on the drawings, as a matter of principle, but perhaps, another Commissioner might want to suggest that this is a generally satisfactory direction, pending the architect answering various unknowns about the project. None of the Commissioners offered a motion for same.

Mr. Moore repeated the fact that the solarium had been approved for permit, but the owner did not proceed to build it at the time. He asked the LPC, in the interest of fairness to the owner, to give direction to the applicant, so that before he is required to bring back additional plans, the LPC would indicate whether a solarium will be considered for this site, conceptually or in theory.

Mrs. Gingras encouraged the applicant that the LPC would be open to considering a new set of drawings.

Mrs. Volk stated that the owner feels this solarium is necessary for her comfort, and called for the LPC to adjust their thinking to a degree to allow owners to make their homes liveable. Mrs. Volk called for a some sort of conceptual approval so the owner can proceed.

MOTION BY MRS. GINGRAS TO DEFER THE PROJECT WITH THE REQUEST THAT THE ARCHITECT BRING BACK A CORRECTED SET OF DRAWINGS FOR SCHEME #1 THAT WOULD INCLUDE A FULL RENDERING OF THE SOUTH ELEVATION, INCLUDING COLORS, ATTACHMENTS.

[Mrs. Gingras added that she would be happy to see some changes to the existing awning as well.]

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness No. 34-91, Identification Signage

Applicant: Avant Light c/o Mr. Jeffrey J. Guiffre

Owner: Via Mizner Associates Ltd. Partnership c/o Aston Development

Address: 96 Via Mizner

Project Description: Request approval for one wall-mounted sign

Mr. Jeffrey Guiffre, applicant and tenant at 96 Via Mizner, presented his request for identification signage. There will be one wooden wall-mounted sign painted dark green with white lettering, consistent with the existing directory signage in the Via. The sign will be 15" high by 17" wide, and will read "96" on the first line, "AVANT LIGHT" on the second line, "LIGHTING CONSULTATION" on the third line and "& DESIGN" on the fourth line.

MOTION BY MRS. DIVOLL TO APPROVE THE SIGNAGE--COLORS, LOCATION, SIZE.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

V. Other Business

Preliminary Review - 60 Cocconut Row, Royal Poinciana Chapel Demolition of 1,100 square feet of the existing western portion of the building (existing sanctuary to remain), and addition of 11,000 square feet for Fellowship Hall, kitchen, and offices.

Prior to any review of this project, Mr. Moore addressed the Commission. He stated that this property is presently "under consideration" for landmark designation, for consideration during the 91/91 Designation Season. He informed the LPC that this property had previously been brought before the LPC and the Town Council in the early 80's for designation. At that time, the Town Council did not ratify the designation, because it was

felt that the architecture had been changed various times over the years. Also, the property owner reacted negatively to the prospect of being designated as a landmark.

As the property is currently "under consideration", any changes to the property, as are currently proposed, must be reviewed by this Commission, despite the fact that the designation cannot be acted upon till later in the year, during Designation Season.

Mr. Moore stated that in light of the prior action of the LPC and the Town Council, and the fact that the property is once again "under consideration", a legal matter may be raised. This, in addition to the negative reaction of the owner to placing the property "under consideration", has caused Staff to recommend that this property be removed from the list of properties "under consideration", and that the applicant be released to go before the Architectural Commission for approval of the current proposal.

Mr. Moore stated however, that if the property or the circumstances surrounding the property have significantly changed between the time the Town Council originally acted against ratification of landmark designation and the present, then there would be sufficient grounds for reconsideration of that landmarking.

At this point, Mrs. Divoll noted, for the record, that she has a conflict with respect to the Chapel, (Voting Conflict form on file) as she has been retained by the Building Committee in an advisory capacity only. She did state, however, that according to her recollection, the Chapel had come before the Commission during the last Designation Season, and at that time, had been deferred pending action in the 91/91 Designation Season. Mr. Moore agreed with this.

Mrs. Volk was reluctant to relinquish the Chapel, as was recommended by Staff. She stated she had met with various persons at the Chapel, and had heard some negative feedback regarding the landmarking, but also felt that if the LPC cooperated with the Chapel in this current, very large project, they might succeed in dispelling some of their expressed fears that landmarking prohibits change. She also stated that she and/or Mr. Frank will contact the Chapel again before the Designation Season to answer their unanswered questions and concerns.

Mr. Nichols expressed his desire to deal with only one Commission. He did not want to present this project to the LPC, and then later have to go before ARCOM. Mr. Moore stated that it is up to the Commission as to whether they wish to retain jurisdiction over the Chapel at this time, pending later action by the Town. Responding, the Commission affirmed their desire to retain jurisdiction, and Mr. Nichols proceeded with the

review of the project.

Let the record show that Mrs. Divoll vacated her seat and moved to the audience area of the Council Chambers.

First, Mr. Nichols presented a photo history of the Chapel, and explained the changes which the Chapel has undergone, with respect to bulk, elevation, and front facade. The Chapel was moved in 1971 to its present location, and had major alterations by John Stetson at that time.

As the Commissioners, at this point in time, were "huddled" around Mr. Nichols and his presentation drawings, and they were having multiple concurrent conversations, Mr. Moore took this opportunity to once again remind them to speak clearly into the microphones, one person at a time, particularly when a verbatim transcript is involved, to avoid inaudible comments and/or testimony.

Mr. Nichols described the existing Chapel as a one story, very visible structure. The purpose of the proposal at hand is to demolish the existing 1,100 square feet western portion of the building which is currently office and storage space, and to add both a one story and two story addition. The first story will provide a foyer, a Fellowship Hall, a multi-purpose room, a kitchen, toilet facilities, elevator and stairs. The existing sanctuary will remain.

He stated they have made every attempt to design the addition so that it did not overpower the Chapel itself, and to minimize the impact of the two-story element. The addition was designed to respect the Chapel in massing, detailing, color and character. Mr. Nichols noted that the Chapel is a wood frame structure. Under current codes, wood frame "assembly" structures are not permitted. In light of that fact, the new construction will be masonry, with stucco made to appear as wood siding. They have been successful in disguising the 50' wide Fellowship Hall to reduce it to an element of approximately 32'. Dormers will introduce light into the second story office space. Early decisions had been made regarding the fenestration, with the result that the fenestration on the new construction will not be identical to or mimic the Chapel. A loggia will overlook the lake, and a portico will be the focal point on the western exposure.

The Commission expressed their compliments to Mr. Nichols for his design which they unanimously regarded as beautiful.

MOTION BY MRS. METZGER FOR CONCEPTUAL APPROVAL OF THE PROJECT, AS PRESENTED, PENDING LEGAL ADVERTISEMENT.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

Mr. Moore commented, for informational purposes, that prior to this project coming before the Landmark Preservation Commission, a Special Exception had to be requested from the Town Council, as the church is a Special Exception Use in the R-B Zoning District. The Town Council did give this needed approval at its September meeting.

Please note that as this item was not legally advertised for this meeting, it will be on the October agenda for final action, subsequent to such advertisement.

Mr. Moore made mention of the packet of information distributed to the Commission regarding Mar-a-lago, 1100 South Ocean Boulevard. The information included within the packet was correspondence received after the August 16, 1991 meeting, at which time that item was heard.

VI. Adjournment

MOTION BY MRS. METZGER TO ADJOURN AT 10:55 A.M.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

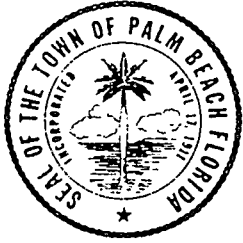
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be heard on Friday, October 18, 1991 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,


Sally Gingras
Secretary

cmd



TOWN OF PALM BEACH

Planning, Zoning & Building Department

TO: Recipients of Minutes of the Landmarks Preservation Commission

FROM: Cynthia M. Delp, Landmarks Preservation Commission (cmd)
Recording Secretary

DATE: September 19, 1991

SUBJECT: Additions/Corrections to the Minutes of the
August 16, 1991 Meeting

Attached please find a copy of the amended Minutes of the August 16, 1991 Landmarks Preservation Commission Meeting. You are already in receipt of the first distribution of Minutes of that meeting. Since that distribution, I have re-listened to the tapes of the meeting to verify the accuracy of the additions and/or corrections submitted by Mrs. Volk and Mrs. Divoll, and I have inserted same into the record. While re-listening to the tapes, I was able to identify some of the sections of the transcription that were previously noted as [INAUDIBLE]. There are, however, still [INAUDIBLE] sections remaining, and therefore, they will stand, as recorded.

For your convenience, I have underlined all of the additions and corrections that I have made. Please note the underlined changes on Pages 7 & 9 of the Minutes, and the underlined changes throughout the Mar-a-Lago Hearing transcription.

cmd

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME DIVOLL LESLIE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS COMMISSION
MAILING ADDRESS 242 EIGHTH ST. PALM BEACH	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY WEST PALM BEACH, FL COUNTY	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED SEPT. 20, 1991	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

☐ You should disclose orally the nature of your conflict in the measure before participating.

• You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, LESUE DIVOU, hereby disclose that on Sept. 20, 1991:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain; or

☒ inured to the special gain of ROYAL POINCIANA CHAPEL, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

Preliminary review of demolitions and additions to the Chapel. My interest is as consultant to the Building Committee in an advisory capacity. I am not the Project Architect.

Sept. 20, 1991

Date Filed

LESUE DIVOU

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.