

TOWN OF PALM BEACH

Planning, Zoning & Building Department

EXCERPT FROM MAY 17, 1991 MEETING OF THE LANDMARKS PRESERVATION COMMISSION HEARING SPECIFICALLY, REGARDING THE SUBDIVISION REQUEST FOR MAR-A-LAGO

MRS. DIVOLL: WITH THAT EXPECTATION OF GOOD FAITH WORKING, I WOULD PROPOSE THAT WE...MOVE THAT WE DEFER FURTHER CONSIDERATION OF THIS ITEM TO AN APPROPRIATE TIME IN THE NEAR FUTURE SO THAT WE CAN MOVE ON WITH CONSIDERATION...I CAN'T ADD TO THAT MOTION ANY PARTICULAR TIME FRAME BECAUSE WE DON'T KNOW WHAT WE WANT TO ADD TO IT.

Mr. Broberg objected to the above motion, as stated, because of his client's desire to "move on" or to know "whether we can move on". He agreed to the principal of a workshop where all parties would "sit down and hash it out till we're finished", but was adamant in his view that these discussions should not go on and on for months, or even years.

Mrs. Volk expressed her opinion that this item cannot and should not be hurried, as it is a matter of national importance, and effects the public good of the entire nation. Further, she stated that the Commission was "overwhelmed with information today", and felt it would be prudent for the Commission to take advantage of some of the expert testimony given. She felt that in deferring action today, a workshop should be established with the Town Council, who would ultimately decide the issue. All of our sincere concerns about this house and property should be brought to the workshop for discussion.

At this point, Mr. Randolph advised the Commission that the appropriate actions to be taken today were to approve, deny or defer the item to the next meeting. As this meeting had been publicly advertised, Mr. Randolph felt it was appropriate to defer to the next meeting of the Commission. Such a deferral would assist all concerned individuals to "know of a time certain that this matter would be re-visited."

MRS. DIVOLL: I'LL AMEND MY MOTION TO DEFER TO THE NEXT MEETING.

MRS. ALBARRAN DE MENDOZA: SECOND.

Mr. Randolph further advised that some guidance must be given to the applicant as to the type of information the Commission would like to consider at the next meeting.

Before the motion was voted upon, Mr. Broberg interjected that if the Commission desires a deferral and a workshop, his client needs "an

agreed-upon list of what we're going to do at that workshop". He reiterated that they need direction to avoid unnecessary time and expense on the part of his client, as well as the Town and its staff.

Mrs. Volk requested that they complete the motion before further discussion: MOTION CARRIED UNANIMOUSLY.

FOR THE RECORD, IT WAS NOTED THAT THE MATTER WILL BE DEFERRED TO THE NEXT MEETING WHICH WILL BE HELD ON JUNE 21, 1991.

Mr. Moore sought to clarify the motion. Mrs. Divoll, who sponsored the motion, replied "THIS IS ALSO CONDITIONED ON A WILLINGNESS TO WORK IN A GOOD FAITH WORKSHOP SETTING TOWARD A FULL UNDERSTANDING OF THE ISSUES AT HAND."

Mr. Moore questioned who would be present at the suggested workshop. Mrs. Divoll replied that she would like the Landmarks Preservation Commission members, Town Council members, the Applicant and his representatives, and members of the involved public to be present. She left it open for discussion, however, as to when the workshop should occur. Mr. Moore stated that Staff would have to present this request to the Town Council at their regular June 11, 1991 meeting. Mr. Randolph stated that the Town Council may prefer to have the LPC to act as an advisory, and then act upon the matter themselves without going to a workshop; or, they may elect to go to the workshop format. In any event, Staff will pass on the LPC's request to the Town Council to determine the course of further action.

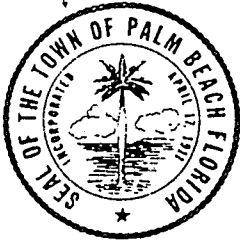
Mr. Randolph reiterated that both the applicant and the Commission be reconciled as to the type of information to be discussed at the workshop, if one is scheduled. Mrs. Metzger felt that perhaps a 30 day deferral would be an insufficient amount of time to review all of the information discussed today, and suggested that 60 days might be more appropriate, in fairness to the applicant. Mr. Randolph replied that the Commission is not obliged to reach a decision by the June 21st meeting, but must work in good faith to move forward toward reaching a decision, without intentionally delaying the project.

Mrs. Divoll was concerned about the concerns of the other members of the Commission who could not be present at this meeting. She suggested that Commission members prepare a general non-comprehensive list, within the next few days, contributing the kinds of questions they would like explored at the workshop. Mr. Broberg agreed that "any list would be fine...general or specific". As the applicant indicated no objection to that process, Mr. Randolph suggested that the lists be sent directly to the Building Official (Mr. Moore), and that they be signed by that individual Commissioner, as his or her own list of questions. There shall not be a collaborative effort on compiling questions for a member's list. After the list is submitted to the Building Official, they will be made a matter of public record, and will be available to the applicant and/or any member of the public

at large. Mr. Moore commented that if the lists require Staff to undertake costly measures for data collection, etc., which would be beyond the scope of his department's budget, he would have to seek approval for that expenditure from the Town Council.

THE MEETING ADJOURNED AT 2:25 P.M. WITHOUT BENEFIT OF A MOTION.

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TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, MAY 17, 1991

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

I. Call to Order: The meeting was called to order at 9:04 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
Jane Grace, Alternate 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

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that the following court reporters were present for the discussion regarding the subdivision of Mar-a-Lago: Ms. Dee Namie, Mudrick & Witt, 9:04 to 11:55 a.m.
Ms. Anne Bobzien, Mudrick & Witt, 1:22 to 2:25 p.m.

Let the record show that Mrs. Grace left the meeting at 11:18 a.m.

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

Mrs. Volk read the distributed corrections to the Court Reporter's transcription of the Designation Hearing for 91 Middle Road. (See attached)

Mrs. Divoll also mentioned that the court reporter recorded that the meeting adjourned at 11:30 a.m., however, it should read

that this item was completed at 11:30 a.m.

MOTION TO APPROVE THE MINUTES, AS AMENDED, BY MRS. DIVOLL.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 14-91,
Pool loggia

Applicant/Owner: Mr. John Pickett

Address: 1768 South Ocean Boulevard

Architect: Mr. Lindley M. F. Hoffman

Project Description: Request approval for the addition of a latticed pool loggia.

Mr. Lindley Hoffman presented this three-fold project for:

1. Pool loggia
2. Change window to door
3. Create jog in existing wall

Pool Loggia: The proposed pool loggia will replace an existing loggia on the west side of the house. The existing loggia is not centered on the existing pool, and is not large enough for the owner's needs. The new loggia will have a latticed effect, will incorporate a bar and dressing area, and the remainder will be totally open. The pitch of the roof of the proposed loggia equates to the existing pitch of the original Fatio porches.

MOTION TO APPROVE THE POOL LOGGIA, AS PRESENTED, BY MRS. GRACE.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

Change Window to Door: The window in question, on the south elevation, leads from an exercise room out to a grassed area. Changing it to a door will allow access to the pool, from the exercise room, without having to go through the rest of the house. The new door will match existing doors.

MOTION TO APPROVE THE CHANGE OF THE WINDOW TO A DOOR BY MRS. METZGER.

MOTION SECONDED BY MRS. GRACE.

MOTION CARRIED UNANIMOUSLY

New Jog in Wall: The owner wishes to place a little jog in the wall so that cars parked in the service court can back out and then go out the service drive. The wall will be six feet high, and per Mr. Hoffman, meets the Code in all respects. Creating the jog will necessitate moving the existing gate over to a new location in the area.

MOTION TO APPROVE THE JOG IN THE WALL BY MRS. GRACE.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

While the room was being prepared for the discussion of Item B., 1100 South Ocean Boulevard, Mrs. Volk moved on to the "Other Business" section of the agenda.

VI. Other Business

- A. Informal review: Bath & Tennis Club, 1170 South Ocean Boulevard; Requesting approval to remove existing cast stone deck and install interlocking paving stones.

There was no discussion of this matter as no one appeared to present same.

- B. Preservation Celebration: In Review

The Preservation Celebration was held on Wednesday, May 15, 1991 from 5:00 p.m. to 7:30 p.m. at the Society of the Four Arts, Four Arts Plaza, Palm Beach. The program consisted of a panel discussion, "Landmark Preservation...Working in Palm Beach", a lecture by Christina Orr-Cahall, Director of the Norton Gallery of Art, entitled "Mizner in Perspective", and a film showing the 1928 Hurricane which hit the island, and the 20's burning of the Breakers Hotel, as narrated by Charles Simmons, Director of the Flagler Museum. Refreshments were served during the event. Approximately 200 persons were in attendance.

Mr. Moore commented that he was very pleased with the number of persons who attended the event, and he felt that the program and the panel discussion were excellent. Mrs. Volk agreed that the event was successful.

IV. Public Hearings - Continued:

- B. 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.

Let the record note that the persons who appeared on behalf of the applicant were Mr. Peter Broberg, Esquire, Mr. Eugene Lawrence of The Lawrence Group Architects, and Mr. James Griffin, Resident Caretaker for Mar-a-Lago.

Mr. Peter Broberg, Esquire: Stated the applicant's desire to obtain a Certificate of Appropriateness for the subdivision of the grounds of the landmarked site of Mar-a-Lago. He read from the Ordinance, Chapter 16, Article III, Section 16-41, (a), pertaining to the criteria which shall be considered by the Commission when passing upon an application for Certificate of Appropriateness for new construction, i.e., visual compatibility with surrounding buildings and environment, preservation of existing rhythm of structures and space, sensitivity of the landscape plan, directional blending of new street facades, and incorporation of architectural details to relate the new with the old. He also read sub-section (d) from Section 16-41, relative to criteria for consideration with respect to demolition of a landmark or a building in a historic district. Further, he read Section 16-37, (d) as follows: "The Commission shall exercise only those powers and duties granted by this ordinance and those powers and duties which may be assigned to it at a later date by the Town Council." Relative to the Section 16-37, (d), he commented that the specifics of the subdivision, i.e., traffic, utilities, security, etc., were not for discussion today.

Mr. Broberg stated that the basis for the request "is very simply, the preservation of Mar-a-Lago". He then provided a brief history of the property, as follows:

1972 - Property deed to United States of America, Dept. of the Interior, by Mrs. Post's estate

1979 - Designated as a landmark of the Town of Palm Beach

1981 - Placed on the National Register of Historic Places, and the Dept of Interior deeded the property back to the

Post Foundation because of expensive maintenance costs and security risk considerations

1981 - Post Foundation offered the property for sale

1984 - Developer, Cerf Ross, contracted to buy the property. He wanted to subdivide the property into 9 lots: the main house and eight new lots. This subdivision plan was sanctioned by the Post Foundation.

March 5, 1985: In response to a letter from Councilwoman Nancy Douthit, the Department of Interior replied - "We would note that large estates such as Mar-a-lago have been successfully subdivided when owners and local officials work together." (Mr. Broberg distributed copies of that letter to the Commission.)

March 12, 1985: Certificate of Appropriateness approved by the Landmarks Preservation Commission for the Cerf Ross subdivision, however, the sale to Mr. Ross was never consummated.

December, 1985: Property purchased by present owner, Donald Trump.

Mr. Broberg explained that since Mr. Trump purchased the property, he has spent a large amount of money in restoration, updating, and maintaining the main house and property. He maintained that the 16.37 acres of property is "just too big", with property taxes, alone, that total over \$ 300,000. The subdivision is designed to pass off some of these maintenance costs, specifically, the property taxes and the maintenance of the grounds. Further, the subdivision would place the estate "in a similar light as other major estates in the Town of Palm Beach", with respect to size of the parcel, five or six acres regarded as manageable. With respect to Mr. Trump selling the property outright, Mr. Broberg speculated that it might take many years to find a buyer, and during that time the condition of Mar-a-Lago might become very different than it exists today, and could perhaps fall victim to neglect and/or demolition.

He re-stated his client's desire to preserve the estate, which this plan for subdivision allows. He commented, "For those who will never be invited inside the walls, they will never see a change. You will drive from the north to the south and still see the magnificent facade of Mar-a-Lago facing east. As you drive around the curve going across the Southern Boulevard Bridge, you'll see a wall with bougainvillea on it. There may have to be some screening behind it, but you'll never see any houses. Driving the

other way, over the Southern Boulevard Bridge going east and then going north, you won't see anything different. It is being preserved, in that sense, for those who won't go in, for the public view, and it won't be changed, and we certainly don't want it destroyed."

Mr. Eugene Lawrence, Architect: Stated he first became involved with Mar-a-Lago in the early 80's, when the property was up for sale. His charge was to determine what the best use of Mar-a-Lago was. He concluded that "the greatest value of Mar-a-Lago was its intactness, its completeness. We felt that its use as a house was best done with one user rather than a break up." At that time, he did a subdivision study for ten lots. Subdivision was considered at that time in an attempt to reduce the burden of the taxes and maintenance fees.

At this point, Mr. Lawrence began his slide presentation showing the site plan, the main house (63,000 square feet, excluding the basement or garage), several out buildings, slat houses and staff quarters in the northwestern part of the property. He projected, and gave an overview of the 1984-85 Cerf Ross Subdivision Plan for nine lots, which did not preserve the ocean to lake view, and which included a South Ocean Boulevard entrance to the property.

Mr. Lawrence stated their desire to amend their original request so that the single entrance/exit would not occur at the existing main drive. Instead there would be an entrance/exit to the north of the existing entrance/exit. This subdivision plan provides for three lots along the north property line, and five lots along the south property line, while maintaining the ocean to lake vista. The eight new houses would be situated within and behind the existing north and south tree lines. The subdivision is designed to create an enclave, a private neighborhood of houses which relate to Mar-a-Lago. A loop drive will go around the property to access the new houses. Existing landscaping will be retained or relocated as needed. He noted that there are no historic trees on the property. The plan also calls for the removal of assorted greenhouses, above-ground tanks, service structures, and out-buildings. All of the existing walls will be left all the way around the estate, and site screening will be done as necessary so that the new houses are not visible from Southern Boulevard. Mr. Lawrence noted that the existing elaborate security system will be maintained and continued.

Mr. Lawrence stated that maintaining the ocean to lake vista not only benefits the main house, but will also benefit the new houses, as they will all have a view of the lake. The plan is designed in accordance with R-AA Zoning, Estate Zoning. Setbacks for this type of zoning are 35'- front

yard setback, 30'- side yard setback, and 15' - rear yard setback. Mr. Lawrence, in a previous discussion with Mr. Gubelmann, LPC member, agreed to Mr. Gubelmann's suggestion that for the two lots along the lake, the setback from the lake be increased to more than the required 15 feet. Additionally, Mr. Lawrence and Mr. Griffin, Resident Caretaker, found that Lots 8 and 9, with 15' rear setbacks, were too close to the main house. To alleviate this, they have decided to increase the rear yard setback from 15' to 30', reducing the buildable area of those lots. As these two lots are very large, Mr. Lawrence felt that the loss was negligible.

After his review of the site plan and lot division as above, Mr. Lawrence commented that this plan represents how they have planned to place these homes on the property in a "complimentary fashion to the main house". There is no attempt being made in the design to hide the new houses, but instead, to have them serve as a compliment.

Mrs. Divoll questioned Mr. Lawrence regarding the view corridor and its north and south edges. Mr. Lawrence stated that they set the open vista lines to follow the existing tree lines, and nothing will be built in the open vista. Mrs. Albarran de Mendoza clarified, though, that the north vista line does not fall at the trunk of the trees, but at that point where the canopy of the trees cast their shadows on the ground. In effect, then, those shadowed areas are part of the proposed new lots, not part of the open vista.

Mr. Lawrence noted that each new house will require design approval from the Landmarks Preservation Commission. Likewise, the Homeowner's Association within the subdivision will require that the design be approved by their own Architectural Review Board, prior to coming to the LPC.

Mrs. Grace commented that as an LPC Commissioner, she feels that her most important concern is to conserve this historic landmark, of which there are only nineteen in the State of Florida. Of those nineteen, Mar-a-Lago is the only large house. She stated that Mar-a-Lago is not only a treasure to the Town of Palm Beach, but to the whole state. In review of the plan, Mrs. Grace was of the opinion that there should be no structures on Lot 9 (lot closest to main house on south) or on Lot 2 (lot closest to main house on north), and that if a structure were to be built, it should be limited to be a one-story structure.

Mr. Lawrence replied that in the approved Cerf Ross subdivision plan, the approval specified that construction be limited to a one story house on the Ross-designed lot, which is in the same location as this plan's Lot 9.

Further, he stated that site screening could be employed to ensure that any structure on this lot would not be visible from South Ocean Boulevard. With respect to Lot 2, Mr. Lawrence stated that this lot cannot be seen from the road at all. Mrs. Divoll, however, added that from the terrace, the existing slat house, which is situated on the proposed Lot 2, is highly visible. In reply, Mr. Lawrence stated that the attempt here is to locate the houses in the tree lines to blend them with the main house, not to hide them.

Mrs. Divoll commented further that she is concerned about the view of the site from the Southern Boulevard Bridge heading east across the bridge, the view from Flagler Drive across the water, the view from the Causeway public park along the water, and the view from boats in the Intracoastal. She brought these concerns forward in response to "the idea stated by Mr. Broberg that you would never see a change, could never see any house". This may be true from some viewpoints, but not from all viewpoints. Mr. Lawrence admitted that portions of some of the houses will be visible from a certain viewpoints.

Mrs. Volk stated her concern that we must protect the historic views of this site. Further she inquired about the structures which are scheduled for demolition per this plan. She requested more information about the significance of these structures...of how they related to the early estate.

At this point, 10:04 a.m., there was a short break. The meeting reconvened at 10:12 a.m., and that record is as follows:

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Mr. Jim Griffin, Resident Caretaker of Mar-a-Lago, came forward to describe those structures which are, by this plan, to be demolished. He showed pictures of same to the Commission as he went through his presentation. Structures to be demolished are as follows: A restored 1927/'28 garage; an original storage building; a 1986 chickee hut; greenhouse(s); watchman's cottage by Marion Sims Wyeth in the 60's; three weather sheds which are not original; golf house-partly original; storage shed built in the 60's; slat house built in the 60's; equipment shed built in the 70's; tanks and pump house which are original; and construction sheds.

PUBLIC COMMENTARY:

Mr. L. Frank Chopin, Esquire: Identified himself as the Secretary, Trustee, and Legal Counsel for the Preservation Foundation. He stated that Mar-a-Lago is a national historic landmark...not just the house, not just the property, but the entire site. He conjectured that if the public were asked to name the most significant structure in the Town of Palm Beach which best represents the culture and history of the Town, most would name Mar-a-Lago. "We're talking about something which is, frankly, a very, very big deal." He stated that the LPC is being asked to approve a Certificate of Appropriateness for a site plan, "which will effect this national, historic landmark". In response to Mr. Broberg's statement that the LPC should not consider the traffic or utilities today, Mr. Chopin replied that these must be considered "because none are so removed from the issue which you are supposed to consider, that they have no effect from the consequence of whatever action you take today." He agreed that all of the lots meet zoning requirements. The issue, however, as stated by Mr. Chopin, is "whether it is possible to subdivide a national historic landmark without destroying its character as a national historic landmark", and more specifically, can it be done in the case of Mar-a-Lago..."not whether this plan does it, but whether you can do it". "When you have a national historic landmark, you do not have an right, as a matter of law, to subdivide that property." He reminded the Commission that Mr. Trump bought a national historic landmark, wrote a book about the "deal" he made for it, and described it as the best property in America. Mr. Chopin maintained that Mr. Trump is not suffering a hardship with respect to Mar-a-Lago. The second issue, according to Mr. Chopin, is whether their site plan preserves the character of Mar-a-Lago as a national historic landmark, and "does it give you sufficient detail, sufficient guidelines, sufficient protection to ensure that the subdivision and the development of the property are not going to destroy the character of the property." He stated that the Preservation Foundation does not believe that the LPC has enough information to make a proper judgement on this matter. The Preservation Foundation is not asking the LPC to deny their request, but strongly recommends that it be deferred until a full understanding of the proposal has been achieved. Further, the Preservation Foundation advocates a workshop to allow the experts to speak. With respect to the applicant's presentation, as it was made today, Mr. Chopin displayed a chart which pinpointed certain items which the Preservation Foundation feels are "missing or misleading", as follows:

Mr. Chopin commented that Staff, upon their review of this matter, has not offered sufficient information to the

Commission regarding the various aspects of this issue.

1. FATE OF THE MAIN ENTRANCE GATE: The existing gate is too small for cars to pass in and out of the proposed subdivision. The proposed road is 30' wide, but the gate width is less than 30'. The site plan now calls for the road to be on the other side of the gate, so what is the fate of the main gate? This gate is just as important as the rest of the property, and it was not addressed in the plan.

2. SURVEY OF THE EXISTING VEGETATION: Mr. Chopin stated there is a protected milk brush tree on the property, as was noted when the Cerf Ross plan was before the Commission. There is also a tremendous amount of other vegetation on the site, but there is no survey of same. There has been no effort by the applicant to inform the Commission what effect the subdivision will have on the existing vegetation. For one matter, a road is planned to be built right through the vegetation. Further, planting cannot occur on the sides of the roadway because of requirements for emergency vehicles. Off-street parking will be necessary.

"That does not mean you should not allow them to subdivide the property. What it means is that you should insist that they do the kind of professional job which will let you make an informed judgement by knowing what it is that this property is going to look like at the time the development has taken place."

Changing the vegetation of Mar-a-Lago, Mr. Chopin stated, changes the character of this national historic landmark.

3. GRADING AND FILL PLAN: In order to develop the property, it will have to be significantly graded and filled. Lift stations and sewage stations will have to be introduced, yet the proposal neglects to show the effect of these. Such factors will affect the character of this property.

4. FLOOD ELEVATION PLAN: What will the effect on the property be when the elevation is required to be raised from perhaps five feet to 7.5 feet, in order to meet National Flood Elevation standards? This will effect the character of the property, and is not addressed in the plan.

5. VIEWSHED ANALYSIS: Mr. Chopin commented that in today's age of computers, viewshed analysis can be performed which allows you to know what the effect of the development of the property will be. Mr. Chopin presented a

mock model of the subdivision to illustrate the point that contrary to the statements of the applicant's representatives, not all of these proposed homes will have a view of the lake. Further, the mansion is not centered on the view of the lake. It is located more to the north. The proposed new construction, in combination with certain areas of the mansion being limited as far as a view of the lake, make the guarantee of a lake view questionable. Again, the planning has not been sufficient.

6. ARCHITECTURAL DETAILS: Mr. Chopin commented on the suggested deed restrictions for the new lots, and questioned what they actually are. Likewise, he questioned the suggested Homeowner's Association which has been mentioned, and what, if any, controls will be in place to govern any new construction.

7. PLANS FOR SECURING THE HOUSE: A genuine concern is that the house could be condominiumized. There must be some protection to prevent this in the plan.

8. TRAFFIC: Mr. Chopin referred to Mr. Moore's comments in the Shiny Sheet regarding the effect of the development to the traffic entering and exiting the site, wherein Mr. Moore stated that, in his opinion, Mr. Lawrence underestimated the number of vehicle trips per day that would originate from the proposed subdivision. The County standard is ten vehicle trips per day per lot, but Mr. Moore thought, in actuality, that the number of trips might be double or triple the allotted ten. Mr. Chopin commented that the traffic study submitted by the applicant is unrealistic in its allotted ten trips per day. Under the existing County Master Plan, for an E-grade road like South Ocean Boulevard, you cannot add more than 1% of the existing traffic. Ten trips per day, their estimation, slips in under the 1%. However, none of this takes into consideration that the State's Master Plan does not allow any additional trips to an E-grade road, and this has not been addressed.

STAFF COMMENTS: Mr. Chopin referred to them as "missing", and stated that Staff comments are an important part of the process. Mr. Chopin, who received the prepared Staff comments this morning, stated there was insufficient time to review same on his part, and guessed that the Commission may have had a similar experience.

In summary, Mr. Chopin stated the Preservation Foundation's view...that the best solution to this matter is to defer it, so that the LPC can take advantage of the people who want to help, and the expertise which is available, to an eventual decision as to whether it is possible to subdivide Mar-a-Lago and still preserve its character.

Before Mr. Chopin was seated, he distributed copies of the resume' of Mr. John Costonis, who would speak next.

Mr. John Costonis, Dean at Vanderbilt Law School: Brought forth these concerns...whether Mar-a-Lago should be subdivided at all; and if it is allowed to be subdivided, what types of controls are appropriate for any construction which might occur. After a subdivision occurs and lots are sold, the position of each lot owner will be very different from that of the present unitary owner, Mr. Trump. If subdivision is approved, there will be an effect on the valuation of the property, an impact on the overall landmarked property, and perhaps a more limited degree of controls relative to what may be done at that stage.

Mr. Costonis felt that it was quite appropriate for the Commission to consider the specifics of the subdivision today, and cited Sections 16-34 and 16-37 of the Ordinance to allow such consideration. He reiterated that this is a structure and a site, and the two cannot be separated. He stated that he has heard much testimony about the previous Cerf Ross subdivision, which did receive Town approval. Some have said that today's proposal deserves approval because a subdivision precedent had been set by virtue of the Ross approval. Today's proposal is very different, and a fundamental change of circumstances has occurred...the passing of the 1985 Florida Growth Management, "which totally restructured, in very fundamental ways, the manner in which local governments are to pass upon development applications". He questioned individuals' understanding of those changes, particularly with respect to the relationship of subdivision approvals and historic preservation. In 1985, the legislature adopted a State Comprehensive Plan which specified that it is the obligation of Florida local governments to protect historic resources. Further, the State's Plan requires that local government Comprehensive Plans be consistent with the State Plan. The Town of Palm Beach has a strong element included in its Comprehensive Plan to protect and preserve historic resources. If, as is the case, Mar-a-Lago is identified in the Town's Comprehensive Plan as a historic resource, any action by the Town's governing bodies which is incompatible with the way in which the Comprehensive Plan addresses Mar-a-Lago will be invalid. Further, the State legislature has authorized citizen lawsuits, in which a challenge can be leveled in response to alleged inconsistencies between a local land use plan and the Comprehensive Plan. "It seems to me, in particular at this time, that any favorable action on this proposal would raise very serious questions as to whether increasing the intensity, the character of the use, and the impact on the historic character of the site, would raise

very fundamental questions as to the consistency between the local land development order and the Comprehensive Plan itself." The historic preservation component of the review of this project is not subordinate to the subdivision review. Both must be in accord with the Comprehensive Plan, which "commits the community to the protection and safeguarding of that site" (Mar-a-Lago). He stated there is an "obligation of the Preservation Commission to establish a process and to conduct a review of this proposal that ensures that the values that led to the designation of Mar-a-Lago are respected." Mr. Costonis maintained that there is no right to subdivide Mar-a-Lago, and the Commission is not obliged to issue a Certificate of Appropriateness, especially based on what has been presented today. The burden is on the change proponent, especially since he desires to change 70% of this landmarked site. He must demonstrate that this proposal is in keeping with the Comprehensive Plan. Therefore, he maintained, in its present form, this proposal cannot be approved. Deferral is certainly an appropriate action.

Mr. Costonis questioned what configuration of lots and new construction would be visually compatible with the present site, if a subdivision were to be permitted. The problem lies in the fact that the owner who wishes to subdivide the site is not going to be the entity who builds the new houses. This will be up to the purchasers of the new lots. He maintained that if the LPC feels it is appropriate to subdivide the site, it is necessary to establish criteria "pursuant to which subdivision will result in development that's compatible with the landmarked site itself". The criteria must ensure that the factors which led to the designation of the site are not compromised. This type of process, he felt, is in the best interest of all parties concerned...the developer, the Landmarks Preservation Commission, the Town, and the public.

Mr. Adrian Winterfield: Referred to Mr. Broberg's comparison of Mr. Trump and the Post Foundation, the previous owner. Mr. Winterfield put forth various differences between the two, as follows:

Post Foundation

Mr. Trump

"Inherited" Mar-a-Lago.....	Purchased Mar-a-Lago
Charitable Foundation.....	Private Individual
Attempted sale for a.....	Did not attempt sale
number of years before	for a number of years
agreeing to the	
subdivision proposal	

Mr. Winterfield maintained that this subdivision request is

a financial move on the part of Mr. Trump; that Mr. Trump is re-organizing his financial empire; that he has not offered Mar-a-Lago for sale; that he knew what he was purchasing when he purchased Mar-a-Lago some years ago.

He commented that although Mr. Trump uses Mar-a-Lago only sporadically, on an occasion approximately two months ago, he held a reception there for real estate professionals which was purely a commercial function, relative to the sale of condo units in West Palm Beach.

Dr. Donald W. Curl: Identified himself as the Professor of Florida History and Architectural History at Florida Atlantic University. He stated that the principal architect of Mar-a-Lago was Joseph Urban, who came to Palm Beach for a period of about two years in the mid-20's. At that time, he designed various buildings including the Paramount and the Bath & Tennis Club, as well as Mar-a-Lago. Mar-a-Lago is the only Joseph Urban building which is left intact in the Town of Palm Beach. He mentioned that in 1926, E.F. Hutton, Mrs. Post's husband, stopped construction of Mar-a-Lago because they feared a proposed change in the type of structures which were contemplated for construction in the neighborhood. They felt that Mar-a-Lago would be of no value to such a neighborhood, if the change were to occur. This change never did occur, and construction continued and was completed on Mar-a-Lago.

He commented that he is not in support of the cries for deferral which were heard today. Instead, he felt that the LPC had all of the evidence needed to reject the proposal outright, and that it was incumbent upon the applicant to bring forth all the necessary data for review today. He commented further that after the problems experienced by the LPC with respect to 1800 South Ocean Boulevard, which led to its eventual undesignation as a landmark, the LPC decided that before decisions are made on a landmarked site, all the information must be presented. "Making decisions piecemeal resulted in 1800 South Ocean Boulevard".

Ms. Frances Bourque: Identified herself as a Trustee for the Florida Trust for Historic Preservation. She spoke on behalf of the Trust, and as a lifelong resident of Palm Beach County. She stated her appreciation for "being able to live in an area where such grandeur and history abounds". She stated the Trust's opinion, with respect to Mar-a-Lago, that "there is no other property quite like it in the treasure of historic landmarks in our country". "With a treasure so unique, why the desire to become average, even if average, in this sense, is admittedly unusual?" She discussed the importance of retaining the green space at Mar-a-Lago as a prized treasure, similar to the preservation

of the green space of the 36 acre Bonnet House in Ft. Lauderdale.

She commended Mr. Trump for his maintenance and restoration of Mar-a-Lago since he purchased it in 1985, but reminded the Commission that Mr. Trump purchased a 16 acre landmark site, not just a house. She stated that Mr. Trump "has a responsibility to preserve, for future generations, a treasure which truly belongs to us all. He is a custodian, and we hope, happily so." She stated that the Florida Trust for Historic Preservation is ready to offer any assistance in evaluating this proposal, or in offering a formal opinion regarding how this proposal may impact the inventory of significant historical landmarks in the State of Florida. She commented that Florida has appropriated more funding than any other state has, with respect to preservation efforts statewide. She speculated that perhaps in 1984, there may not have been enough funding to have a foundation be formed to make Mar-a-Lago similar to a Monticello, for example, but it could be possible in the future. It will only be possible, however, if the site is preserved intact. Lastly, she maintained that "we must not be held hostage to Mr. Trump's current economic plight, and be led to believe that with the sale of these lots, funds will then be available to continue maintenance and further restoration of the remaining property". She ended with this statement... "Mar-a-Lagos come...Please do not let them go."

Mr. Bill Wescott: Identified himself representing the State Board, the Historic Palm Beach County Preservation Board. He also stated that he is a professional engineer who works as a restoration consultant. He commented that this presentation is very premature, and is lacking the necessary facts to make a decision. He reminded the Commission that the collective resources of the Town, County, State and Federal Agencies are in place to "take care of this incredible landmark". He felt the LPC would be remiss if they did not at least call a workshop. He commented further that this presentation should have included a computerized CAD system which would show what the site would really look like after the changes.

Mr. Tersh Boasberg: Stated he was representing two national organizations: The American Society of Landscape Architects (ASLA) and Preservation Action. He is the Chairman of the Washington, D.C Zoning Commission, and as such could identify very well with having to review such a matter. He read the first sentence of the Ordinance, Section 16-33, Purpose and Intent, which addresses protecting, enhancing and perpetuating historic properties. The intent of the Ordinance was not to see what kind of economic return one can gain from a landmarked property. Mr. Boasberg, speaking

on behalf of the ASLA, which represents 10,000 U.S. members, read a portion of the statement of the ASLA which had been mailed to the Chairman and was entered as evidence. In this correspondence, the ASLA urged the preservation of Mar-a-Lago's historic landscape, as the landscape was an important factor in Mar-a-Lago's National Register designation. The ASLA maintains that this subdivision plan does not address the historic landscape resource. Mr. Boasberg reminded the Commission that over 70% of the entire property will be taken out of the historic resource and put into private ownership. "At Mar-a-Lago, questions of aesthetics, historical integrity and design intent should be the most salient issues driving these decisions." The ASLA called for "a detailed inventory of existing vegetation on the site" and "a complete aesthetic survey of the landscape, cataloging and analyzing individual elements and their interrelationships". Further, Mr. Boasberg was instructed to say that the ASLA would be pleased to send one of their members to assist the Commission.

Then, speaking on behalf of Preservation Action, Mr. Boasberg continued. He stated that there is a country-wide concern over this property. Further, he stated he has spoken to people at the National Parks Service and the National Landmarks Program, and they are appalled at the idea of a subdivision proposal at Mar-a-Lago. Since 1985, there has been a change in the regard of historic landscapes which has been largely attributed to the production of a publication from the National Parks Service which describes how to evaluate and nominate historic landscapes. Since its publication, there has been a 35% increase in the nomination of historic landscapes to the National Register.

He added that Mar-a-Lago was placed on the National Register in 1969, which was very early, and it is one of very few residences on the Register.

He pointed out six items which Preservation Action feels are necessary in the review of such a matter.

1. Record of existing vegetation, as performed by a professional landscape architect.
2. Viewshed analysis
3. Design guidelines for any development which might occur, i.e., massing studies of houses, architectural guidelines, the relationship of new buildings to the landmarked building and the viewshed, and the inevitable consequences which occur after a subdivision is permitted..
4. Study of the landscape...what will be done, what can be

done.

5. How many out buildings are contemplated, i.e., pools, garages, tennis courts, etc., and where they will be placed.

6. Economic analysis.

This type of review is done and has been done in the past for other sites like Monticello, Mt. Vernon, etc. In fact, this type of review is common. Mr. Boasberg maintained that the Commission needs to get some help. He stated that the LPC should control the study, not necessarily wait for the applicant's studies. He suggested that the LPC seek their own consultant, their own landscape expert, and other experts to gather the data necessary to make an informed decision. He reminded the LPC that they are the body which is "charged by law with approving or not approving what goes on that property", and therefore, the LPC must retain control of the data collection. He stated that the National Trust has a Consultant Services Grant Program, which makes money available to communities to do exactly what is needed here. Certain Foundations have monies available for this sort of project, as well. He felt sure that other national organizations such as the National Park Service are willing to lend their assistance. What must happen is that all of these experts must be assembled, regardless of whether they have volunteered their services or whether they are paid to develop these necessary development guidelines.

Further, Mr. Boasberg suggested that the LPC might specify that the owner should offer the property for sale for a reasonable period of time before considering a subdivision request. He maintained that this property was not only purchased as a national landmark, but because it was a national landmark and possessed "the prestige and the world renown which this buyer sought".

Lastly, he stated that Mar-a-Lago is not a compound, as had been suggested. "This is Mar-a-Lago".

Ms. Catherine Dickenson: Stated she was here representing the National Trust for Historic Preservation, the only Congressionally Chartered non-profit organization for historic preservation in the country, with over 235,000 members, 9,000 of which are in the State of Florida alone. The National Trust feels this plan is "an ill-conceived plan for Mar-a-Lago". She offered the technical assistance of the National Trust via their Preservation Technical Assistant Grant Program which offers financial assistance. "The National Trust for Historic Preservation would like to do that. We'd like to help the Landmarks Commission financially to put together a proper preservation plan for

Mar-a-Lago. This is too important a project not to do it properly."

Aline Massey

Mr. Ron Kolins: Identified himself as an attorney with the Moore, Flanigan Law Firm in West Palm Beach. He stated he was present today representing Lee Massey, a citizen, a neighbor who lives across the street from Mar-a-Lago. Ms. Massey feels that she lives here for special reasons, like most Palm Beach Residents, because the homes, the architecture, the history, the people, and the values are special. "When you cut through all of this, the issue is one of values." "If you subdivide it, you will have destroyed that heritage, that meaning, that value...forever. You can never undo it once you've done it."

He stated his personal viewpoint of favoring the rights of property owners, which would allow owners to do what they want with their properties, however, this is a very unusual case because of its historical significance and heritage. He commented that Mr. Trump's deed to this property clearly shows that this property is designated as a landmark, both locally and nationally. Further, he made "one heck of a deal when he bought it, and the reason he could buy it so well was because of it being designated, and thus not being able to be used for other things." Subsequent to the purchase, Mr. Kolins continued, Mr. Trump entered into litigation to have the tax assessment reduced on Mar-a-Lago. During this litigation, Mr. Trump took the position that this is "a great national treasure". "In the final judgement, it said that the highest and best use of that property is as that sole dwelling, just the way it is." So, Mr. Trump, using the argument that he can't do anything else with the property, argued that he should benefit via a reduction in taxes. Mr. Kolins argued that Mr. Trump has already benefitted by a low sales price and a subsequent reduction in the assessed value of the property. "So he has already been compensated for the limitations on the use of the property." Now, he requests subdivision which would allow him to sell off eight pieces of the property, yielding a "double compensation". He urged the LPC to not be threatened by any statements made by the applicant's representatives which indicate that if the subdivision were not permitted, the property would fall into disrepair. In summation, he said, "I feel the record is clear. You can and should deny this now. The record, reason, logic and I say to you...Just say no!"

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At this point, 11:55 a.m., the meeting adjourned for lunch. The meeting re-convened at 1:22 p.m..

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Mr. Gene Lawrence: Responding to some of the issues raised, he stated, regarding the gate, that the original submission using the main gate as the only entrance/exit was his fault. We have, of course, amended our proposal to employ a two-way gate to correct this problem.

Regarding the vegetation survey, they have no problem with seeing that one is done, however, they do not believe there is any vegetation of particular significance on the site.

Regarding allegations that this submission is not complete, Mr. Lawrence stated, "We believe the application is complete in accordance with the Ordinances of the Town. We met with the Preservation Foundation three months ago to say...do you have anything else you would like from us, or what are your comments, and they said, maybe you should have less units." If however, additional information is needed, Mr. Lawrence stated that they would be more than glad to present it.

Regarding the criteria for the design of the houses, the criteria used was the Town of Palm Beach Zoning Code and the overlay Ordinances which exist in the Town of Palm Beach. The Zoning Code addresses bulk, height, massing, land coverage and landscape open space, the objective characteristics. The subjective will be handled as these houses come before the LPC for design approval. They believe that both objective and subjective criteria were submitted to the Commission with this proposal, which are the present standard in this Town.

Further, he called attention to the fact that Mar-a-Lago is not a national monument, as are some other landmarks which have been mentioned today. Instead, it is a private home.

Mr. Lawrence assured the LPC that he is always available to discuss the matter. He also stated that neither he, nor anyone in his office "has ever knowingly tried to deceive you or mislead you".

If a "Good Faith Workshop" is desired, Mr. Lawrence stated that they are willing, able and available to enter into it. If, however, discussions which might run the course of years are contemplated, which would attempt to employ laws which are not laws of the Town at this time, he felt that entering into a workshop would be a waste of time.

Finally, he commented with respect to the vegetation, that he thought the LPC was fully aware that vegetation would have to be removed to allow for the construction of the road.

In summary, he stated, "We believe it is a good concept. We believe it is sensitive to the monument, and we believe it

will work."

Mrs. Volk commented that in actuality, there are 1,500 privately owned national historic landmarks, and there are only approximately 2,000 national historic landmarks in total. The government only owns about 500 of them.

Mr. Peter Broberg, Esquire: Gave his rebuttal as follows: Regarding Mr. Chopin's comment that as a matter of law, you can't subdivide a national landmark, Mr. Broberg stated there is no such law in effect. The Constitution does not say you can or cannot subdivide a property. Further, he cited the 5th Amendment "that there can be no taking of private property without just compensation". He corroborated Mr. Lawrence's statement that they had, three months ago, sought the input of the Preservation Foundation and asked them to review the proposal. The only comment they made was "How about one or two lots?" Mr. Broberg felt that the Preservation Foundation did not operate in good faith by withholding their comments until today.

Mr. Broberg referenced Mr. Chopin's comment about the traffic aspect of the project, which led one to believe that there was an obvious reason that the proponents did not want to discuss the traffic issue. The implication, of course, is that the new houses "will cause such a perceptible change to the traffic patterns", that a gridlock would occur. Mr. Broberg stated that the same gridlock occurs each time the drawbridge is raised. He stated that they, the applicants, submitted their traffic study to the Town as part of their application. It had been signed off by the Palm Beach County Traffic Engineers, and their criteria of 10 trips per day per house was used. This fell within an allowable 1% increase in traffic. Mr. Broberg, wondering if 10 trips per day per house was realistically enough, decided to double it to 20 and then triple it to 30. In the final analysis, they found that 27 trips per day per house would still fall under the 1% maximum allowable increase.

Regarding Mr. Dean Costonis's remarks, Mr. Broberg stated that he stressed the differences between the Cerf Ross subdivision and the Trump subdivision. Mr. Broberg commented that the house was on the local and national register then, and now. The Trump plan is just a better plan. Mr. Costonis also spoke about compliance with the Comprehensive Plan, which requests a reduction in density wherever possible. Mr. Broberg's comment was that if the house was leveled, twelve lots could be yielded. This proposal only requests nine, which was previously approved in the Ross subdivision approval. In response to Mr. Costonis's lengthy remarks on why a subdivision should not be granted, Mr. Broberg stated that Mr. Costonis has

appeared as an expert "on both sides of the fence", so to speak, and cited a similar instance in Rye, New York dealing with Peter Jay's house, a 22 acre local and national landmarked structure with view easements, which was proposed for subdivision to allow residential and industrial construction. In this instance, Mr. Costonis appeared on behalf of the developer.

Regarding Dr. Curl's comment that Mar-a-Lago is the only Joseph Urban structure left in Palm Beach, Mr. Broberg commented that they are not proposing to do anything to the structure, except preserve it.

Regarding Ms. Bourque's comment that it is Mr. Trump's duty to maintain the house, Mr. Broberg questioned whether he was obliged to maintain the house for the public, or whether he was to maintain the house in accordance with landmark laws and for himself. She also said the Florida Trust would provide funds, he thought she said, to maintain the property or to offer studies for the property, or perhaps to buy the property. Mr. Broberg wondered what they would do with the property if they bought it...turn it into a museum which would require a zoning change to commercial use at this location? He did not think that this is what the Town or the Trust had in mind.

Regarding Mr. Boasberg's comments about viewsheds, computer models, specifications for this and that, Mr. Broberg replied that he has read the Town's Codes over and over again, and nowhere in the Code does it specify that this type of presentation or submission is required. Mr. Boasberg also stated that the National Park Service would assist with this project, as it had other places. Mr. Broberg retorted that "the National Park Service used to own the house. They gave it back. They said it was too expensive. They were never around when they were needed. Ask Jim Griffin. I think they had their chance."

Referring to Mr. Kolins, Mrs. Massey's attorney, Mr. Broberg stated that the Masseys were the former owners of the beachfront property which Mr. Trump now owns. Now, Mrs. Massey, having gotten the monies from the property transaction, does not want to see Mr. Trump use his property in the way he sees fit.

In summation, Mr. Broberg reiterated that this subdivision submittal was made in accordance with the Ordinance. Otherwise, the submission would have been rejected by the Town. Certain of the considerations mentioned today are not for consideration by the LPC, but instead, by the Town Council. He again stated that they are preserving Mar-a-Lago, and allowing Mr. Trump to relieve some of the

financial burden of the property, and continue to maintain the property in the manner which he has done in the past. Lastly, he re-read portions of the letter to Mrs. Douthit from the National Park Service, as follows: "We appreciate your concern for preserving the nationally significant qualities of this landmark. However, the property's status as a National Historic Landmark places no restrictions on the owners beyond that of any historic property listed on the National Register of Historic Places. Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, properties listed on the National Register affected by Federal Agencies, through funding, licensing, or grant assistance must have such undertakings reviewed by the Advisory Council on Historic Preservation. Since it appears that the subdivision will not entail the use of Federal funds or licenses, no Federal review of this proposal would be required." "We would note that large estates, such as Mar-a-Lago, have been successfully subdivided when owners and local officials work together early in the planning stages to minimize the impact of new construction on the historic resource." Mr. Broberg again questioned where the law is that says you cannot subdivide a landmarked property.

Written Commentary: Mr. Frank read six letters of concern, with respect to the subdivision request, into the record. (These letters are attached to these Minutes as part of the record.) The letters were received from the National Park Service, Mr. William S. Gubelmann - LPC Commissioner, the Historical Society of Palm Beach County, the ASLA of Florida, the National ASLA, and the Bonnet House in Ft. Lauderdale. Mrs. Divoll requested that the letter from the National Park Service be read first as it reflects their current statement on this particular subdivision request, which differs from the viewpoint expressed in the 1985 letter to Mrs. Douthit, which was referenced earlier.

Mr. Randolph: Before any further Staff commentary, Mr. Randolph stated that the applicant should have an opportunity to respond to the new evidence just presented, the letters.

Mr. Broberg: Responding to the comments in the letter regarding landscaping, Mr. Broberg stated that in 1985, there was a workshop concerning the entire landscape of Mar-a-Lago. The findings were that there were no historical trees or bushes on the site. At one time, there was a historical milk brush tree which was blown over by the wind and died long before the Cerf Ross subdivision proposal.

In response to all of the concerns brought forth today, Mr. Broberg asked, "Where were they when Casa Apava (1300 South Ocean Boulevard) was subdivided? That was a landmarked

structure."

Mrs. Divoll: Commented that in her review of the 1985 Workshop referenced by Mr. Broberg, Mr. Ross resisted efforts by the Commission to insist that a tree survey be performed because he felt there weren't very many trees anyway. Then later he stated that such a survey would be too costly, which might suggest that there were a significant number of trees. This matter was never resolved at the Workshop. Mrs. Divoll felt that the vegetation should be documented, even though it may not have been in the past.

Mr. Moore: Stated that Staff is still reviewing this application for subdivision. He agreed with Mr. Costonis that the subdivision plan must abide in full by the Comprehensive Plan. He stated that the Town's Comprehensive Plan does anticipate subdivision, but the question of whether or not a landmark can be subdivided was deferred to Mr. Randolph. Mr. Moore, having reviewed the 1985 request for subdivision, recognized that the subdivision ordinance is now different, and the Growth Management Act has been in effect since 1985. He stated that Staff feels this subdivision request is far better than the Ross plan, but Staff will ensure, from their level of expertise, that the Comprehensive Plan's requirements are met.

Mr. Randolph: Stated the issue today is "whether or not you have the information before you upon which to act on the application". He advised that when acting on a Certificate of Appropriateness, the LPC must make a judgement as to whether the proposal is in sympathy with the landmark, as a whole. He commented that a great deal of information was presented today as to what information is necessary to make a judgement in this matter. In response to cries for outright rejection of the proposal today, Mr. Randolph doubted that the LPC had sufficient information to give such a denial. He cautioned the LPC..."you have to be responsible in your actions here today. I think you have a great responsibility both to the Town, to the public, and to the owner of this property, and in light of those responsibilities, I think that you have to give consideration not only to the information that's been compiled by your Staff, but to information that's been suggested by others here today. I agree that you should not be doing anything like that as simply a delay tactic. I think that anything that has to be done has to be done in good faith. I would urge you that your purpose is not to use the Landmarks Ordinance as a tool to restrict development. We have Zoning Ordinances which relate to development, and we have subdivision ordinances related to development, but you do have jurisdiction over all those

elements which relate to the effect that this proposal has on the landmark status of this property. To that end, I think you can give consideration to whatever you feel is relevant to that regard."

Mrs. Divoll questioned Mr. Broberg regarding a previous statement which he made to her by phone, that "the die is cast", that this is the plan that they are going with. Mr. Broberg commented that as Mr. Lawrence stated, they are willing to work with the Commission in good faith. They feel that this is a good and workable plan, one which abides by the Comprehensive Plan by requesting less lots than would be allowable, thereby reducing density.

MRS. DIVOLL: WITH THAT EXPECTATION OF GOOD FAITH WORKING, I WOULD PROPOSE THAT WE...MOVE THAT WE DEFER FURTHER CONSIDERATION OF THIS ITEM TO AN APPROPRIATE TIME IN THE NEAR FUTURE SO THAT WE CAN MOVE ON WITH CONSIDERATION...I CAN'T ADD TO THAT MOTION ANY PARTICULAR TIME FRAME BECAUSE WE DON'T KNOW WHAT WE WANT TO ADD TO IT.

Mr. Broberg objected to the above motion, as stated, because of his client's desire to "move on" or to know "whether we can move on". He agreed to the principal of a workshop where all parties would "sit down and hash it out till we're finished", but was adamant in his view that these discussions should not go on and on for months, or even years.

Mrs. Volk expressed her opinion that this item cannot and should not be hurried, as it is a matter of national importance, and effects the public good of the entire nation. Further, she stated that the Commission was "overwhelmed with information today", and felt it would be prudent for the Commission to take advantage of some of the expert testimony given. She felt that in deferring action today, a workshop should be established with the Town Council, who would ultimately decide the issue. All of our sincere concerns about this house and property should be brought to the workshop for discussion.

At this point, Mr. Randolph advised the Commission that the appropriate actions to be taken today were to approve, deny or defer the item to the next meeting. As this meeting had been publicly advertised, Mr. Randolph felt it was appropriate to defer to the next meeting of the Commission. Such a deferral would assist all concerned individuals to "know of a time certain that this matter would be re-visited."

MRS. DIVOLL: I'LL AMEND MY MOTION TO DEFER TO THE NEXT MEETING.

MRS. ALBARRAN DE MENDOZA: SECOND.

Mr. Randolph further advised that some guidance must be given to the applicant as to the type of information the Commission would like to consider at the next meeting.

Before the motion was voted upon, Mr. Broberg interjected that if the Commission desires a deferral and a workshop, his client needs "an agreed-upon list of what we're going to do at that workshop". He reiterated that they need direction to avoid unnecessary time and expense on the part of his client, as well as the Town and its staff. Mrs. Volk requested that they complete the motion before further discussion: MOTION CARRIED UNANIMOUSLY.

FOR THE RECORD, IT WAS NOTED THAT THE MATTER WILL BE DEFERRED TO THE NEXT MEETING WHICH WILL BE HELD ON JUNE 21, 1991.

Mr. Moore sought to clarify the motion. Mrs. Divoll, who sponsored the motion, replied "THIS IS ALSO CONDITIONED ON A WILLINGNESS TO WORK IN A GOOD FAITH WORKSHOP SETTING TOWARD A FULL UNDERSTANDING OF THE ISSUES AT HAND."

Mr. Moore questioned who would be present at the suggested workshop. Mrs. Divoll replied that she would like the Landmarks Preservation Commission members, Town Council members, the Applicant and his representatives, and members of the involved public to be present. She left it open for discussion, however, as to when the workshop should occur. Mr. Moore stated that Staff would have to present this request to the Town Council at their regular June 11, 1991 meeting.

Mr. Randolph stated that the Town Council may prefer to have the LPC to act as an advisory, and then act upon the matter themselves without going to a workshop; or, they may elect to go to the workshop format. In any event, Staff will pass on the LPC's request to the Town Council to determine the course of further action.

Mr. Randolph reiterated that both the applicant and the Commission be reconciled as to the type of information to be discussed at the workshop, if one is scheduled. Mrs. Metzger felt that perhaps a 30 day deferral would be an insufficient amount of time to review all of the information discussed today, and suggested that 60 days might be more appropriate, in fairness to the applicant. Mr. Randolph replied that the Commission is not obliged to reach a

decision by the June 21st meeting, but must work in good faith to move forward toward reaching a decision, without intentionally delaying the project.

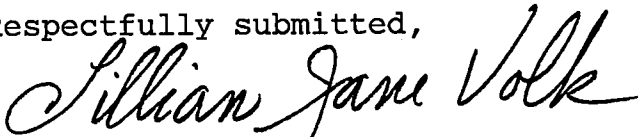
Mrs. Divoll was concerned about the concerns of the other members of the Commission who could not be present at this meeting. She suggested that Commission members prepare a general non-comprehensive list, within the next few days, contributing the kinds of questions they would like explored at the workshop. Mr. Broberg agreed that "any list would be fine...general or specific". As the applicant indicated no objection to that process, Mr. Randolph suggested that the lists be sent directly to the Building Official (Mr. Moore), and that they be signed by that individual Commissioner, as his or her own list of questions. There shall not be a collaborative effort on compiling questions for a member's list. After the list is submitted to the Building Official, they will be made a matter of public record, and will be available to the applicant and/or any member of the public at large. Mr. Moore commented that if the lists require Staff to undertake costly measures for data collection, etc., which would be beyond the scope of his department's budget, he would have to seek approval for that expenditure from the Town Council.

VII. Adjournment:

THE MEETING ADJOURNED AT 2:25 P.M. WITHOUT BENEFIT OF A MOTION.

The next meeting of the Landmarks Preservation Commission will be held on Friday, June 21, 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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Please note the following corrections, as noted by Mrs. Gingras, to the Court Reporter's transcription of the Designation Hearing for 91 Middle Road, as held at the April 19, 1991 meeting:

Pg. 6, Line 7: "Lord Aspacio" should be "Maurice Fatio".

Pg. 12, Line 23: "corviled" should be "corbeled"

Pg. 40, Line 22 and subsequent references: "Mara Lago" should be "Mar-a-Lago"

Pg. 61, Line 15: "false mensar" should be "false mansard"

Pg. 65, Line 22 & subsequent references: "Mr. Weibel" should be "Mr. Webel"

Also, Mrs. Delp noted the following correction:

Pg. 6, Line 17 & 18: Persons who made the motion to make the designation report a part of the record are listed incorrectly in court transcript - Should be that the motion was made by Mrs. Gingras and seconded by Mr. Gubelmann.

WILLIAM S. GUBELMANN

May 8, 1991

Mrs. Jane Volk, Chairman
Landmarks Preservation Commission
Town of Palm Beach
Palm Beach, FL 33480

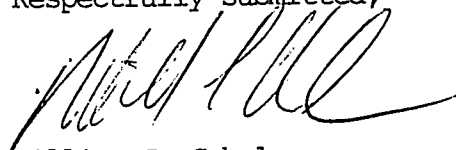
Dear Mme. Chairman:

Since I will be unable to be present at next week's meeting (May 17) I would like to share with you and the other members of the Commission some of my thoughts regarding the proposed sub-division of Mar-a-Lago:

1. I would like to see only six additional houses allowed on the grounds which would make a total of eight dwellings including Mar-a-Lago and the caretaker's house!
2. The proposed 15' setback from the lake for lots 4 and 5 is not enough. Living on the lake myself, I would have to recommend at least 30' between the lake and the closest building. Also, do these houses have the right to build docks and do the non-lakefront houses have any lake access?
3. I think the front driveway should be reserved for Mar-a-Lago only. There is a more than adequate service drive which could be altered to provide access to the new houses. It would spoil the vista from the main house to have all the traffic for the new houses pass in front of it.
4. There is only one "Mansion" on the premises, and that is Mar-a-Lago itself. The others should be described merely as "estates" or even "homes".

I feel strongly that a great deal of clear-headed thought needs to go into this project before any approvals are given which we would regret at a later date.

Respectfully submitted,



William S. Gubelmann
Member, Landmarks Commission



The Historical Society of Palm Beach County

May 14, 1991

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Mrs. Jane Volk, Chairman
Landmarks Preservation Commission
Town Hall
360 South County Road
Palm Beach, Florida 33480

Dear Members of the Landmarks Preservation Commission:

The Historical Society of Palm Beach County is opposed to the subdivision of the historic Mar-a-Lago Estate without careful consideration of all facts involved in making changes. This entire property, including the buildings and land, has been designated a national landmark and is on the National Register. National landmark designation puts this complex in the same category as Independence Hall. Would we allow Independence Hall to be "developed"?

The members of the commission should make a decision only after a complete study has been presented so all factors involved are considered. These factors include: How will changes relate to population density of the area? How will traffic patterns be affected? How will compatibility between the old and new be maintained? What provisions will be made for preservation and compatibility of landscaping?

Mar-a-Lago has become a symbol of a way of life and of our past. Although change is also part of our way of life, we have a responsibility to manage this change and to proceed after we know as many details as possible.

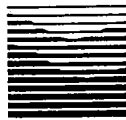
Please proceed cautiously. Thank you for your consideration.

Sincerely,

George Matsoukas

George Matsoukas
President

cs



ASLA

May 15, 1991

RECEIVED

MAY 16 1991

TOWN OF PALM BEACH
BUILDING DEPARTMENT

FLORIDA CHAPTER

AMERICAN
SOCIETY OF
LANDSCAPE
ARCHITECTS

Mrs. John Volk, Chairman
Landmark Preservation Commission
The Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Proposed Subdivision of Mar-a-Lago

Dear Mrs. Volk:

THOMAS I. PORTER
Executive Director
315 E. ROBINSON ST.
SUITE 505
ORLANDO
FLORIDA
32801
407 649-4375
FAX: 407 872-0524

It has been brought to my attention that studies are underway to subdivide and develop Mar-a-Lago by its Owner, Donald J. Trump. On behalf of the Florida Chapter of the American Society of Landscape Architects, I would like to express our strong opposition to this proposed plan.

Mar-a-Lago is the essence of the golden age of Palm Beach architecture and is recognized by its designation as a National Landmark. The magnificent grounds of this estate have become an integral part of the character and spatial relief which are enjoyed not only from the home but from the adjacent public corridors. Any subdivision of this property would greatly jeopardize the quality and aesthetics of existing grounds. More importantly the landscape architectural historic value of this Florida treasure would be irreparably damaged by the subdivision and addition of further estates on this property. The viewshed corridors would have to be compromised by the addition of structures and their associated amenities and landscaping.

We strongly urge that an extensive landscape survey be conducted for the entire property before any further studies are contemplated and encourage the solicitation of Landscape Architects, knowledgeable in the area of historical preservation, during future discussions or workshops.

We lend our support to your efforts to disengage the current momentum for the Mar-a-Lago plans and look hopefully to a solution that will save this National Landmark.

Sincerely,

Richard R. Conant

Richard R. Conant, ASLA
Florida Chapter President

cc: Claire Bennett, President ASLA
David Bohardt, Ex. Vice Pres. ASLA
Florida Chapter ASLA Ex. Committee

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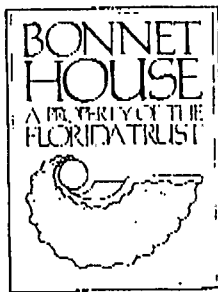
ION C. GIFFORD
Tampa Bay

THOMAS O'STEEN
Tallahassee

ROBERT R. GRIST
University of Florida

C. MICHAEL OLIVER
Florida International University

LINDA BARFIELD de QUINONES
Puerto Rico



May 17, 1991

Mrs. John L. Volk
Chairperson
Landmarks Preservation Commission
Palm Beach, FL

RE: Mar-A-Lago

Dear Mrs. Volk:

Bonnet House, Inc. is strongly opposed to the contemplated subdivision and development of Mar-A-Lago. Any development of this incredibly important National Landmark would inevitably destroy a vital part of Florida's and Palm Beach's heritage and cultural patrimony.

Beyond the local significance, the residence and grounds are nationally known and appreciated. National Landmark designation is only made to the most distinguished properties through out the United States. This site was elevated to a classification far above National Register and should remain in its original state. The value and significance of the original 17 acre tract and residence, would be irretrievably lost with its dismemberment and construction of new houses. How can you calculate the terrible damage to South Florida occasioned by destroying the very fabric of our cultural heritage? Should Palm Beach have to suffer the mutilation of its past to accommodate an individual whose only interest in the area is financial?

Bonnet House is a 35 acre estate in Ft. Lauderdale fronting on the Atlantic Ocean and stretching back to the Intracoastal Waterway. The property was donated by Mrs. Frederic C. Bartlett to the Florida Trust for Historic Preservation in 1983 in order preserve and maintain it as a whole for the public benefit. Like Mrs. Post, Mrs. Bartlett recognized the importance of saving a rapidly vanishing part of Florida's history.

Mrs. John L. Volk
May 16, 1991
page 2

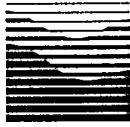
Please don't let years of distinguished heritage be destroyed
by a developer's bulldozer.

Sincerely,

Charles L. Mackie

Michael J. McNerney
President

Charles L. Mackie
Executive Director



ASLA

STATEMENT OF THE
AMERICAN SOCIETY OF
LANDSCAPE ARCHITECTS
FOR THE RECORD
TO THE PALM BEACH LANDMARKS PRESERVATION COMMISSION
REGARDING SUBDIVISION OF MAR-A-LAGO
MAY 17, 1991

AMERICAN
SOCIETY OF
LANDSCAPE
ARCHITECTS
4401 CONNECTICUT
AVENUE N.W.
FIFTH FLOOR
WASHINGTON, DC
20008-2302
202 686-ASLA
FAX 202 686-1001

Madam Chairman, the American Society of Landscape Architects (ASLA), representing 10,000 members throughout the United States, requests that these remarks be read to the public and included in the record of the hearing on the proposed subdivision of Mar-a-Lago.

ASLA notes that this subdivision plan typifies a common misunderstanding about historic resources: Too often, even when members of the general public embrace the concept of preserving historic structures, they are unwilling to turn this same concern towards historic designed landscapes.

In the case of Mar-a-Lago, the National Landmark nomination forms make it clear that the property was declared a National Landmark based on the dwelling house and other structures, but also on account of its historic designed landscape. Unfortunately, the subdivision plan that we have examined goes to certain lengths to mitigate problems associated with existing structures while it has not addressed in any way the historic designed landscape resources on the site.

Given the breadth of the landscape resources recorded on the landmark nomination form, the ASLA believes it ideal to resist subdivision plans completely. Given the current interests of the owner, we also recognize that the push for subdivision may continue even if the plan under consideration today is rejected.

As evident from the subdivision drawing, the eight new lots provided are based not on any features of the land or the landscape or the historic designed landscape. Their lines are based only on the most elementary geometry which appears to take into account, at most, concerns about circulation.

The subdivision plan under consideration may have used economics as its starting point in determining what extent of development the site can bear. But when such major historic designed landscape resources are at stake, we believe that a different approach to subdivision planning would be prudent.

We believe that the subdivision or alteration of any piece of land, and especially a site as historically significant as Mar-a-Lago, should not be driven solely by economics, but additionally by the physical capabilities of the land itself. At Mar-a-Lago, questions of aesthetics, historical integrity and design intent should be the most salient issues driving these decisions.

To address the reuse of a site of this kind, sound planning procedures should demonstrate that the physical and aesthetic opportunities and constraints of the site have been defined and analyzed. Only based on this data can an informed recommendation for the site's disposition be made. ASLA cannot support any planning decision that does not provide evidence of this process. At the very least, this would include the following:

- A detailed inventory of existing vegetation on the site annotated as to its functional and aesthetic purposes and value (landscape as buffer, climate modifier, separator of use areas, etc.).
- A complete aesthetic survey of the landscape, cataloging and analyzing individual elements and their interrelationships. This should include a description of landscape and hardscape in the definition of view corridors, visual foci, accents, etc.

Beyond the presentation of a considerable analytic product, evidence should be presented that the proposed plan has investigated its potential impacts on the historic site. This would include civil engineering studies, traffic engineering studies, but more importantly:

- The visual impacts of proposed structures on the original design intent.
- Effects of modifications or changes in viewsheds and vegetation on the historic plan.

To the extent that this analysis demonstrates a capacity for subdivision, the Commission may also want to require more than a simple subdivision plat. Through the use of easements or delineation of smaller lots, the subdivision plan might be able to sufficiently restrict building footprints so as to mitigate damage to the historic resources. But we would advise strongly against approval of these present subdivision plans with only the hope that purchasers of the lots would be able to understand and act responsibly towards these resources on a piecemeal basis.

Thank you for the opportunity to comment on today's proceedings.

○ Mrs. Volk
Palm Beach Landmarks Preservation Commission

I appreciated talking with you yesterday, May 16, 1991, about Mar-A-Lago National Historic Landmark. National Historic Landmarks are designated by the Secretary of the Interior and represent the highest level of historic significance recognized by the Federal Government. The following is a summary of our discussion which you requested.

○ The National Park Service (NPS) would be very concerned with the subdivision of Mar-A-Lago. Under Federal law, the National Park Service monitors all National Historic Landmarks and reports to Congress those that are seriously threatened or damaged. Any subdivision of this property will alter the historic appearance of the Landmark, and large amounts of new construction may cause serious damage to the integrity of Mar-A-Lago despite efforts to be sensitive. Of particular concern are the number of new units proposed; their placement in relationship to historic buildings, and structures; preservation and maintenance of the historic landscape design and its individual features, (such as vistas); and the visibility and appearance of the new construction. The more new housing units proposed, the more difficult it will be to design compatible new construction and the greater the likelihood of damage to the integrity of Mar-A-Lago. Other effects, such as the long term viability of the main house after subdivision, effects of traffic, and new road construction are also of concern and should not be ignored in evaluating the effects of

○

subdividing Mar-A-Lago.

The National Park Service would strongly urge that no subdivision be approved until a preservation plan for the Landmark be prepared in conjunction with the development plan, so that the visual and long term effects of proposed new construction on Mar-A-Lago may be carefully evaluated. The National Park Service would be pleased to comment on development proposals for Mar-A-Lago. These may be provided to Mr. Cecil McKithan, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, phone 404-988-6375.

Jean Travers

Preservation Assistance Division

National Park Service, Washington, DC