



MEMORANDUM

DATE: March 17, 2023
TO: Project File
FROM: Heather Richards, Community Development Director
SUBJECT: Public Testimony Provided at the Public Hearing, 03.16.23 for AP 1-23 (HL 6-22), AP 2-23 (HL 7-22), AP 3-23 (HL 8-22), and AP 4-23 (DDR 2-22), Appeal of the Gwendolyn Hotel Land-Use Applications

Project File,

Following is the public testimony that was provided and submitted for the public record at the public hearing on 03.16.23.

Public Testimony:

- Marilyn Kosel, Document
- Nathan Coopriker, Picture
- Nathan Coopriker, Document

Interior renovation of the “Old JC Penny” building. McMinnville, Oregon Project dates 2006/2007

Presented by Marilyn Kosel
3/16/23



The Fenton Building was completed in 1928. The building was constructed by Mr. Fenton, a prominent McMinnville business man, for the JC Penney Co. JC Penney occupied the store until the early 1990's. It then had short stints as a furniture store, an event rental store and was used for storage. It was vacant for several years before this renovation.

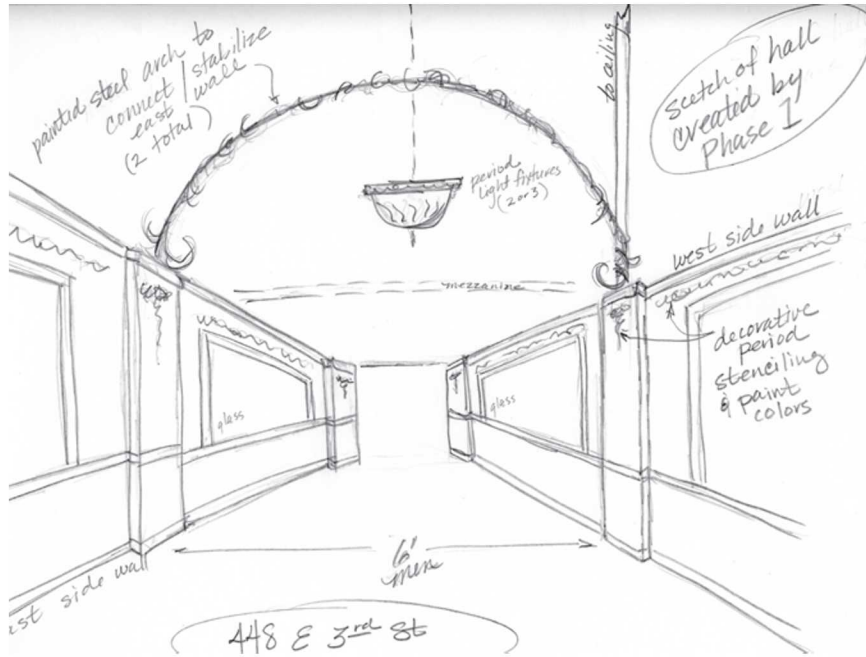
The 2nd floor of the building has not been used in quite some time. Although in need of renovation, it retains much of its original character. It features much of the original woodwork, windows, transoms, pressed glass and wood floors. The entry to the 2nd floor off of 3rd Street is especially nice and mostly intact.

The building is masonry construction with variegated brick on the street sides of the building. The back and off street sides are plaster over masonry block. There is a tile roofed bulkhead on the street sides as well.

Historic status was applied for and received. Renovations were undertaken by Fenton Equities LLC in 2006-07. A historic renovation was planned and they were pleased to find many original historic elements as they undertook the renovation.

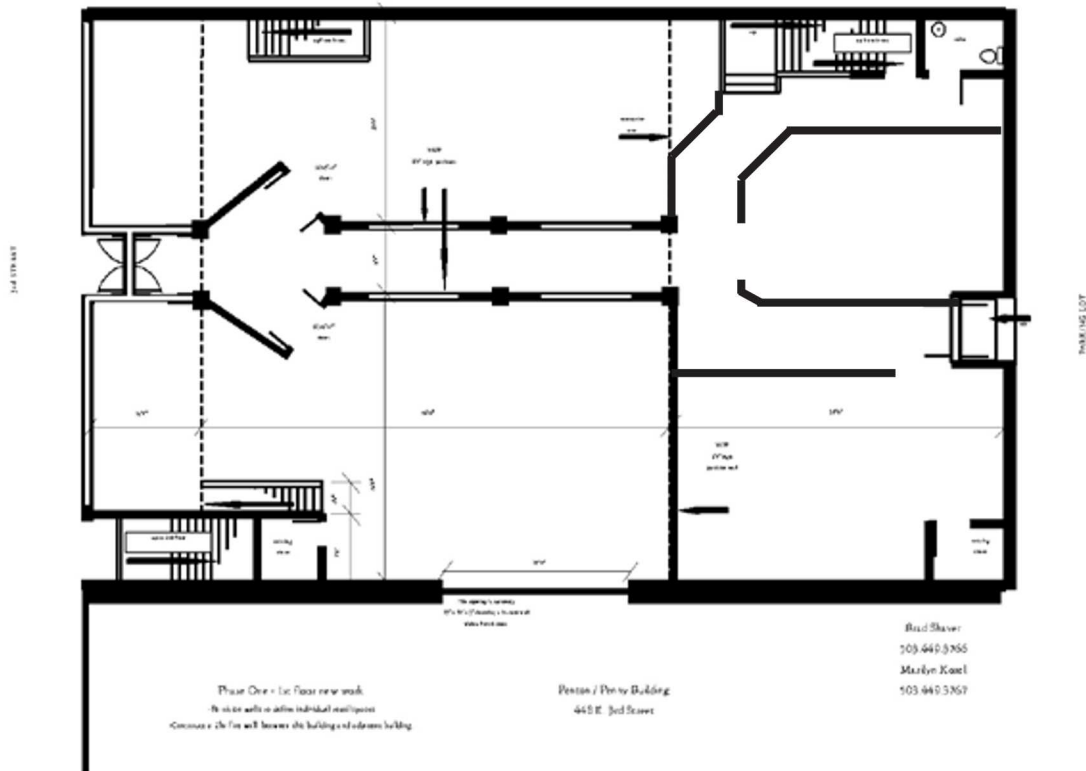
The plan was to divide the space into smaller retail spaces. Keeping a welcoming atmosphere and good pedestrian flow was also primary goals. The building had proved had to rent as one large space. Division of the space allowed for multiple tenants in smaller spaces they could afford.

The building has been fully occupied since renovation was completed.



Original sketch of hall concept

Plan for the ground floor, dividing up the large open space.





We suspected there would be hardwood floors under the multiple layers of flooring that had been added over the years.

Carpet was removed in strips, pulled up with an ATV. Under that were linoleum and linoleum tile layers that were pried off.

We were pleased to find beautiful maple flooring under the layers. The original floor was sanded and re-finished.



We were surprised and pleased to find original oak railing that had been boarded over.



We also found original stair treads under the carpeting. The stairs were sanded and refinished.



Several windows had been plastered over on the inside. These were uncovered and restored.



Old lighting was removed and new retail friendly track lighting was installed.

After Pictures



City of
Town of
Name: _____

The message and content outside of the City of _____

It is requested that you call this agency to the extent of your possible. If you would like to receive copies of the 1st edition, please contact the agency.

From: Nathan Campbell <nathan@nathanandcompany.com>
Date: March 10, 2017, 11:11 AM
To: Nathan Campbell <nathan@nathanandcompany.com>



Memo: Public Testimony
Gwendolyn Hotel – Appeal of HLC decision, applications HL- 6-22, HL-7-22, HL 8-22, and
DDR 2-22
Date: Thursday, March 16th, 2023
By: Nathan Coopriider

Dear McMinnville Planning Commission:

The Historic Resource Assessment by ARG (November 2022) does not contain a professional opinion on the proposed demolition, but within the report you can find documentation of a level of existing historic integrity which supports denial of demolition. I believe the correct conclusions are the ones made by HLC based on their study of all of the facts presented and available.

I am opposed to these demolitions and I don't think alternatives have been closely studied. One indication that alternatives were not studied is that consultant investigations of the buildings were made after concept designs were complete and presented to the neighborhood (April 25, 2022).

Another indication that alternatives were not studied is that the scope of the structural reports (7/29/2022 & 11/6/2022) was very cursory, did not recommend demolition, and also indicated that the scope of the project, as they understood it, was not to salvage the building:

(7/29/2022 HHPR Report Scope)

Scope Summary:

As requested, HHPR has performed a site visit to document the existing conditions of the three building structures located and the above referenced addresses in McMinnville, Oregon. Note the following as it relates to our documentation efforts:

1. All documentation was visual and non-destructive in nature.
2. A Little Giant 13 ladder was used to access some areas, but not all overhead areas were able to be reached.
3. Some laser measurements were taken and provided to Scott Thayer from Otak, Inc.
4. The primary method of documentation was via digital images taken during the observation. Some images are provided as part of this report, and the remainder can be made available via digital file transfer.

(11/6/2022 HHPR Report Scope)

Scope Summary:

What follows is a response to the structural components of the City of McMinnville Staff Report dated September 29, 2022. The Staff Report is a response to the information submitted by the design team that contain information prepared by the HHPR Structural Team in relation to the structural condition of the existing buildings. The initial report prepared by HHPR is dated July 29, 2022.

Response:

There is a common comment that is applied to each of the three buildings. This is:

“The structural analysis is very cursory and did not include any load test sites. Without load testing of the unreinforced masonry walls, the structural analysis did not indicate any structural issues that were significant or imminent public safety hazards, the condition of the building is not a significant determining factor requiring the demolition of the property.”

- No analysis (structural calculations) was performed and would be premature based upon where we are in the process.
- Given that load testing of specific materials does not determine a building's seismic performance, and for the following additional reasons, HHPR's analysis does not include load testing of brick or other materials. Load testing the brick would be premature at this time and **is typically used when the scope is to salvage the building**. That scope would involve an ASCE Tier 1 Assessment and Tier 2 Retrofit. Industry knowledge regarding the shear capacity of brick-and-mortar assemblies is that they are known to be low strength in URM buildings, particularly older ones.
- An analysis of unreinforced masonry buildings (URM) is not required at this time to understand and convey the risks associated with URM buildings. We have used our knowledge and expertise as structural design professionals to convey the risks.
- Further, we have referenced FEMA documents below to further convey the risks associated with unreinforced masonry buildings.

A third indication that alternatives were not studied is that a renovation plan was not submitted until requested by the City during the demolition application review process (See “News Register / Wild Haven Hotel”, Drawing dated 10/11/2022). My professional opinion is that this plan does not represent a reasonable attempt to renovate these buildings. (Also worth noting, this document is labeled “3rd Party Contractor Assessment” in the record, but it was prepared by Hugh Construction, LLC, which I believe in an entity with financial connection to the applicant.)

This case has been presented as “great minds don’t always think alike”, and I believe that to be true.

On one side, you have a City appointed decision making body upholding of the Purpose of the Downtown Design Standards & Preservation codes.

On the other side: A different proposal about what is best for the future of McMinnville.

Some differences of views include:

1.) How to ensure that key downtown parcels offer the highest and best use for their locations?

Please refer to my testimony submitted 3/15/2023 offering different approaches to achieve “Highest and Best Use” which do not require historic building demolition.

I do not believe that MAC-Town 2032 is meant to undo the Purpose of the Historic Preservation Codes.

MAC-Town 2032:

Goal 6: Be a Leader In Hospitality and Place-Based Tourism

POTENTIAL TASK OR PROJECT:

“Evaluate current zoning, historical districts and designations, and existing land use patterns, including underutilized parcels to ensure that key land use patterns, including underutilized parcels, to ensure that key downtown parcels offer the highest and best use for their locations.”

2.) How does one reconcile the Zone C3 80’ height limit and the building scale and mass requirements of the downtown design code?

This can easily be answered: Refer to MZO 17.03.040.B “Most Restrictive Requirements Apply”

“Where the conditions and requirements imposed by any provision of this Title are less restrictive, vary from or conflict with other provisions of this title or of any other ordinance, resolution or regulation, the provisions which are most restrictive or the highest standard shall govern “

As an architect I can testify that my training included being taught to ALWAYS deeply study the design overlay requirements, because these contained MORE RESTRICTIVE requirements than the base zone. It is common knowledge that projects in design overlay zones will have restrictions than projects outside of design overlay zones will not.

3.) How the City implements it’s downtown design code could contribute to sprawl.

4.) The challenges of historic preservation make it an idea past its prime and not conducive to economic health. (Old buildings are costly).

5.) Economic Hardship:

As many have already pointed out, if historic preservation and this hotel can’t coexist on this site, this is simply a self-imposed problem which can easily remedied through alternate site selection.

Test-fitting a site prior to site purchase is a very ordinary part of any development activity.

As far as the design code goes, exception to the design rules have a financial hardship consideration and it is a very high bar (MZO.17.59.040.A.3 Waiver Request):

1.) The alternative must equal or better at achieving the “Purpose” of the code.

2.) The alternative must be the minimum necessary to alleviate the difficulty.

There are many occasions that the City has recommended and reviewed waiver requests for “should” guidelines, and this is a method that the code supports (See wording of MZO.17.59.030.D: Waiver Process). This applicant originally submitted a waiver request for a “should” guideline, which was not approved in the original staff report. It appears that when the applicant realized the bar that needed to be crossed and the indication given that the planning staff would hold them to that bar, the chose to withdraw the request and appeal to you instead.

Nonetheless:

The question you are reviewing regarding the design proposal, is if the design meets each specific point in the code and the overall purpose of the code. Unfortunately, I do not see in this process any new evidence being provided that this is the case. I do hope you have access to previous testimony provided which specifically address the codes that the design failed, and how those codes have been implemented in the past, as we have limited time to repeat that testimony here. (I've attached some hear for easy access).

Regarding the hardship to existing property owners:

I can add my testimony that the previous city building official Bob Poskin also told me that abandoned second floors downtown could not be reoccupied as existing uses, and therefore would need to meet all of the requirements of new construction through a change of use permit review. Since 2014, the city has hired a new building official and new existing-building codes have been adopted. As I understand it, these new codes are actually less restrictive and provide more options for renovating existing buildings and previously abandoned portions of existing buildings. A precise understanding of the impact of these code changes and fact-informed conclusions about what is possible with require very thoughtful and creative study with the end-goal of achieving a renovation project. This has not occurred.

One of the property owners' representatives indicated that different potential buyers have reached conclusions about the buildings, but without those reports you are not able to see the facts they were based upon, or even what conclusions were draw that caused them to not move forward with purchase of the building.

Preservation requires a willingness to work with what is there.

Demolition can't be justified simply by intent to demolish no matter what is discovered.

A hard look at the economics of continued use has not been explored based on the evidence provided. Nor is this necessarily a determining factor based on the weight of other facts.

Your design code is, by intention, very strong. And I know through experience that it has been enforced very firmly and very consistently.

I have great trust in your decisions for the future of McMinnville.

Sincerely,
Nathan Coopridner

End note:

The idea of precedent in a design review is very interesting challenge because it can move focus from where it should be: the specific facts of each individual case, and how a design is similar to the existing historic buildings adjacent or on the block, to a focus on what has been approved previously in the district.

Nonetheless, this proposed demo AND design are very much unprecedented, and unlike anything else in the district in very clear and specific ways. The important thing are the facts in this case. What I've seen the City says about precedent is that "each project is reviewed based on its own set of facts"

Nonetheless, there is a new building that was approved adjacent to this one, and another one nearby on a different block. They need to be looked at very carefully, to scale, side by side, to see the many differences.

Codes:

17.59.050 Building and Site Design.

A. Building Setback.

1. Except as allowed by this ordinance, buildings shall maintain a zero setback from the sidewalk or property line.
2. Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways.

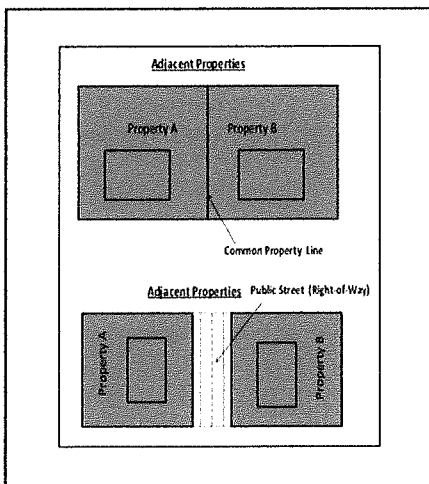
B. Building Design.

1. Buildings should have massing and configuration similar to adjacent or nearby historic buildings on the same block. Buildings situated at street corners or intersections should be, or appear to be, two-story in height.
2. Where buildings will exceed the historical sixty feet in width, the façade should be visually subdivided into proportional bays, similar in scale to other adjacent historic buildings, and as appropriate to reflect the underlying historic property lines. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the front façade.

MZO – Definitions: Adjacent is clear and objective.

Adjacent – Contiguous to a property boundary at a property line or property corner. Two properties separated by street or right-of-way are considered adjacent (Figure 2).

Figure 2



Some Definitions of Massing:

Massing. Means the three-dimensional bulk of a structure: height, width and depth (lawinsider.com)

Massing means the way in which a building's gross cubic volume is distributed upon the site, which parts are higher, lower, wider, or narrower. (lawinsider.com)

Massing is a term in architecture which refers to the perception of the general shape and form as well as size of a building. (Wikipedia, see for sources)

Building mass means the aggregate size of a building, or the total height, width and depth of all its parts (lawinsider.com)

Definition of Configuration:

Configuration - An arrangement of elements in a particular form, figure, or combination. (Oxford Dictionary)

Configuration - Relative arrangement of parts or elements. (Merriam-Webster)

Other Definitions:

Bay: "in architecture, any division of a building between vertical lines or planes, especially the entire space included between two adjacent supports; thus, the space between two columns, or pilasters, or from pier to pier in a church, including that part of the vaulting or ceiling between them, is known as a bay." (Encyclopedia Britannica)

Scale: "Architectural scale means the size of a building relative to the buildings or elements around it. When the buildings in a neighborhood are about the same size and proportion, we say they are "in scale." It is important that buildings have generally the same architectural scale so that a few buildings do not overpower the others." (Law Insider)

Block:

(Definition of Block (bound by 4 streets) and Block Frontage (along one side of a block) submitted in previous testimony)

Past testimony:

Regarding a building's "proportional bays", they are required to be "similar in scale to other adjacent historic buildings". A common understanding of scale is that it is determined by both width and height. The Committee was correct to determine that a 6 story tall bay is not similar in scale to a 3 story tall bay at the adjacent Odd Fellow's Building. The difference in scale is 3 stories and 35 feet (contrasted with 1 story and 10' difference at the Atticus Hotel). To help visualize, picture the Atticus Hotel being two stories taller than it is, and consider if the resulting 6 story bay would still be similar in scale to the bays of the historic Odd Fellows Building. It is very important to enforce scale requirements when preserving a historic district. A 6 story building is absolutely a different scale than a 4 story building and much more than a 3 story building.

The façade setbacks proposed do not help the building fit in, but rather create a significant divergence from the main street qualities which exist. 3rd Street's historic building masses have one cornice each, and facades that are set flush with the property line, especially the upper floors. Façade setbacks are prohibited in the design code:

PROPOSED MASSING

The proposed building is much larger than the neighboring 3-story KAOS building, which is the tallest building on the block.



The proposed building massing is much larger than the Odd Fellows Hall, one of the taller historic buildings in the district, and the KAOS building, its 3-story neighbor



Odd Fellows Hall

Proposed replacement building

KAOS Building

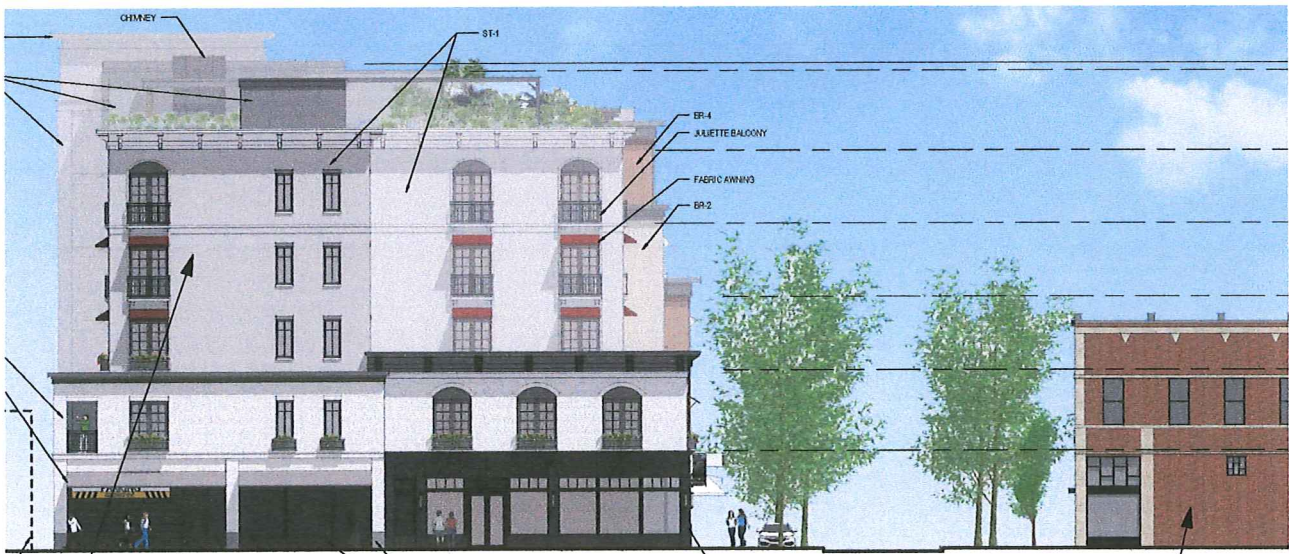
The proposed building (especially massing / width / height / density) is not similar to historic downtown buildings

PROPOSED MASSING

The proposed building is much larger than the surrounding historic buildings



surrounding historic buildings appear tiny compared to proposed building



The proposed building massing is much larger than the Jameson Hardware building, one of the taller historic buildings in the district,