

#### **GWENDOLYN HOTEL PUBLIC HEARING**



Planning Commission, 03.02.23



611

619

## **GWENDOLYN HOTEL PUBLIC HEARING**

Consideration of Certificates of Approval for Demolition for:

609 NE Third Street , HL 6-22 (Property Owner, Oregon Lithoprint Inc., represented by Jon Bladine)

611 NE Third Street , HL 7-22 (Property Owner, Bladine Family Limited Partnership, represented by Jon Bladine)

619 NE Third Street, HL 8-22 (Property Owner, Wild Haven LLC, represented by Phillip Frischmuth)

Applicant: HD McMinnville LLC





611

619

### **GWENDOLYN HOTEL PUBLIC HEARING**

Consideration of Certificates of Approval for Demolition for:

Historic Landmarks Committee denied all three land-use 609 NE T applications and the applicant has appealed their decision to (Propert the Planning Commission.

611 NE Third Street , HL 7-22 (Property Owner, Bladine Family Limited Partnership, represented by Son-

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Applicant: HD McMinnville LLC



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611

619

### **GWENDOLYN HOTEL PUBLIC HEARING**

Consideration of Certificate of Approval for New Construction, Downtown Design Review with a Waiver (DDR 2-22)

Applicant: HD McMinnville LLC





611

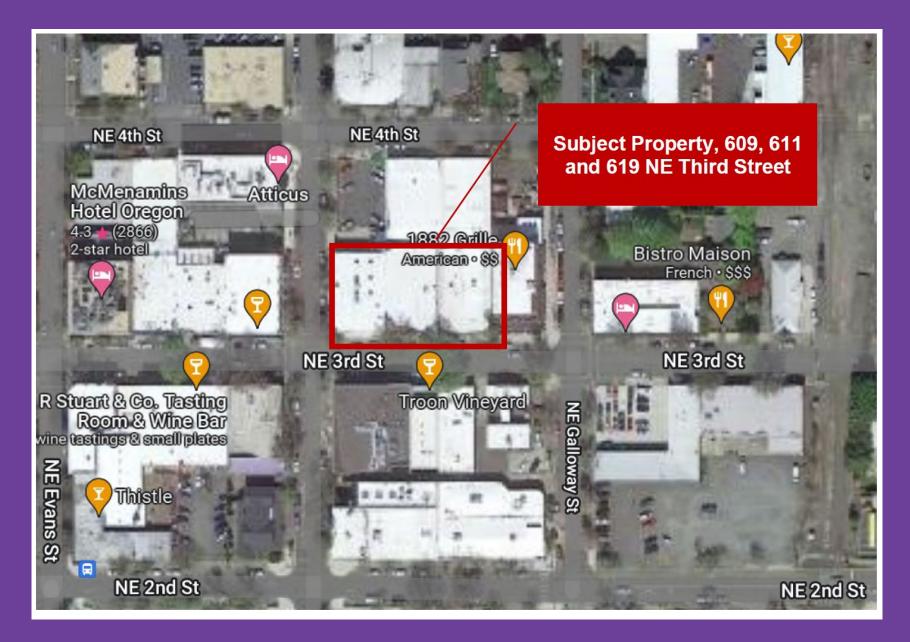
#### 619

### **GWENDOLYN HOTEL PUBLIC HEARING**

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Downtov Historic Landmarks Committee denied this land-use application and the applicant has appealed their decision to the Planning



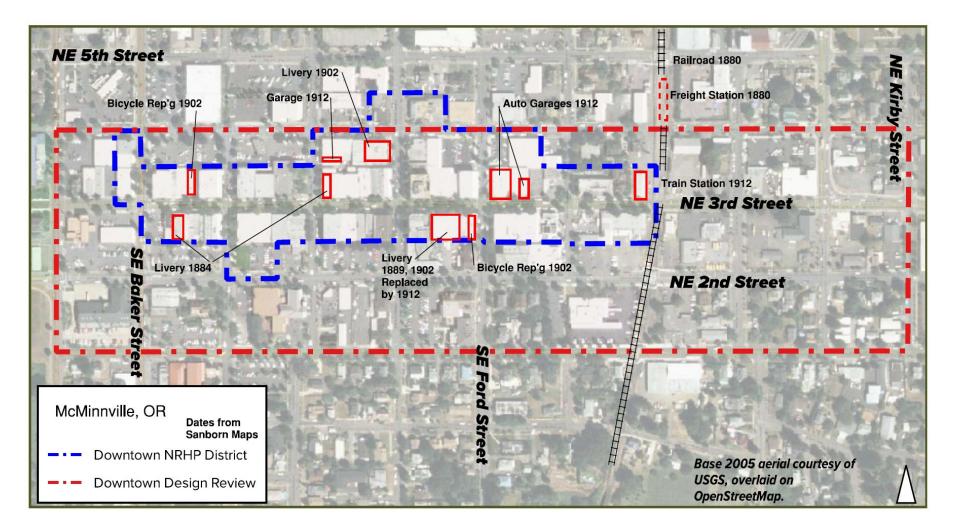




### THIRD STREET CONTEXT

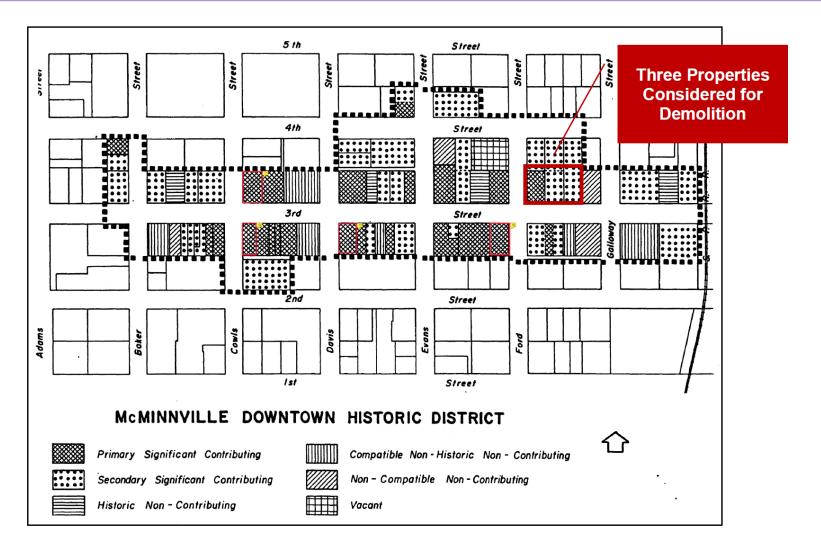


#### City of McMinnville



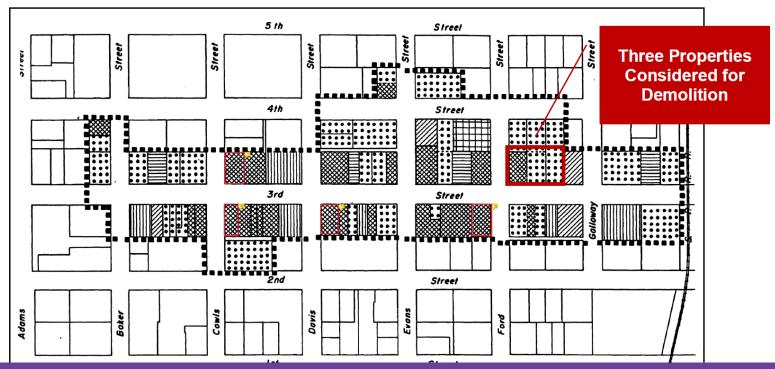


#### MCMINNVILLE DOWNTOWN HISTORIC DISTRICT





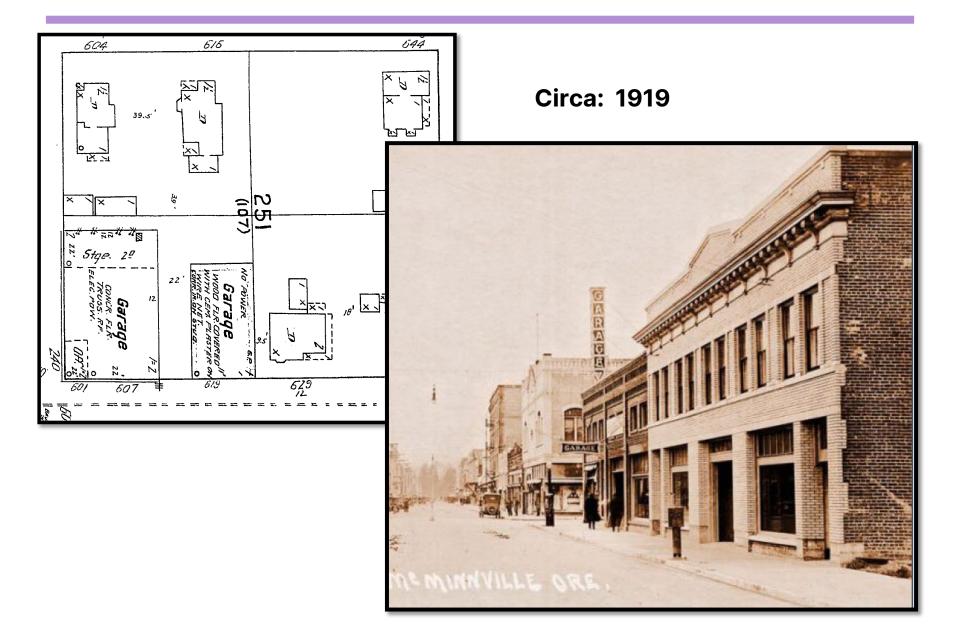
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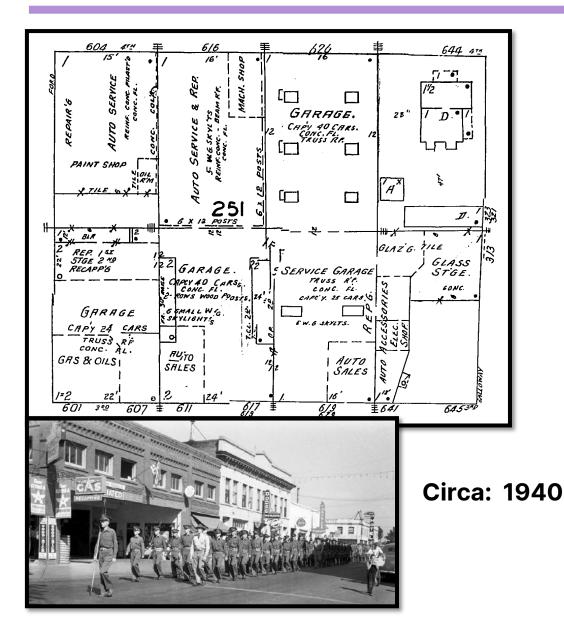
Primary Significant Contributing: Structures are classified as Primary Significant if they were built on or before 1912, or reflect the building styles, traditions, or patterns of structures typically constructed before this date. These buildings represent the primary period of construction and development in downtown McMinnville from initial settlement in <u>1881 to 1912</u>, when city improvements and use of the Oregon Electric and Southern Pacific Railroad service prompted new construction in the downtown area.

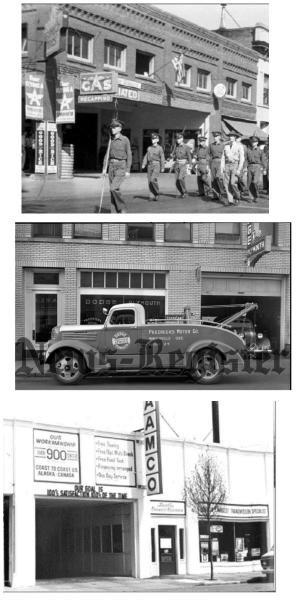
Secondary Significant Contributing: Structures are classified as Secondary Significant if they were built in or between <u>1913 and 1937</u>. These buildings represent the secondary period of construction and development from the increase of city improvements and auto traffic.

#### HISTORIC SIGNFICANCE – 1881–1912



#### HISTORIC SIGNFICANCE – 1913 – 1937





#### MCMINNVILLE HISTORIC RESOURCES INVENTORY

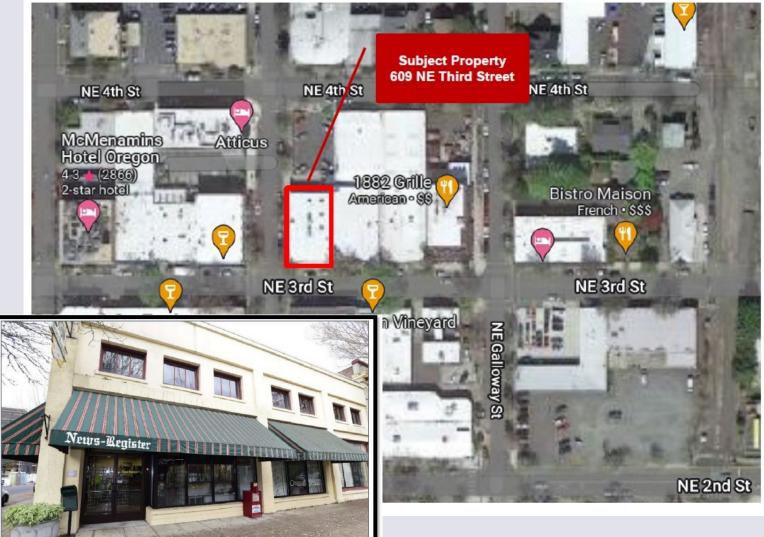
- **Distinctive (A):** Resources outstanding for architectural or historic reasons and potentially worthy of nomination to the National Register of Historic Places;
- **Significant (B):** Resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality;
- **Contributory (C):** Resources not in themselves of major significance, but which enhance the overall historic character of the neighborhood or City. Removal or alteration would have a deleterious effect on the quality of historic continuity experienced in the community; or
- **Environmental (D):** This category includes all resources surveyed that were not classified as distinctive, significant, or contributory. The resources comprise a historic context within the community.



#### Structures Requested to Be Demolished

Historic Resource	Type of Designation in the McMinnville Downtown Historic District (NRHP)	Type of local designation on the McMinnville Historic Resources Inventory
609 NE Third Street	Primary Significant	B = Significant
(ca. 1904)	Contributing	(B865)
611 NE Third Street	Secondary Significant	B = Significant
(ca. 1912 – 1928)	Contributing	(B872)
619 NE Third Street	Secondary Significant	D = Environmental
(ca. 1923)	Contributing	(D876)







Circa 1904, A historic photo provided by the Yamhill County Historical Society shows the 1940 Photo of 609 NE Third Street showing modified corner storefront for the gas pumps. original brick building with storefronts on the ground floor. (Yamhill County News Register)





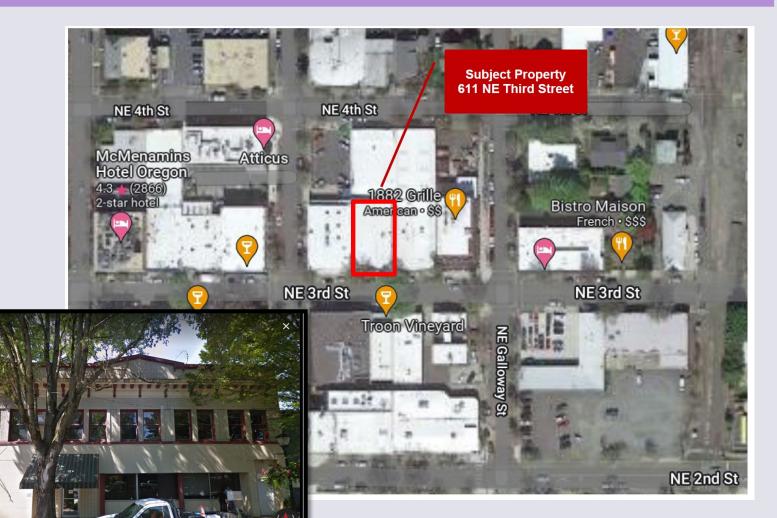
1983 photo of the property shows the modified corner storefront for the gas pumps, the removal of the brick corbeling on the second floor and the stucco veneer that was applied all over., (Historic Resources Survey, City of McMinnville, Yamhill County, Oregon)



2018, Photo of 609 NE Third Street, shows the modified corner storefront filled in with a street facing storefront.







611 NE 3rd St

Google



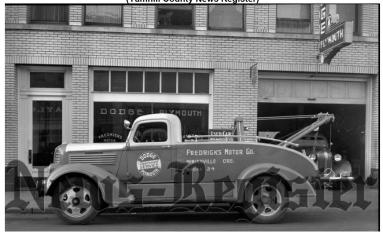
#### Circa 1919 Photo of 611 NE Third Street depicting two-story brick construction with a decorative parapet and extensive brick corbeling.



1983 photo of the property shows the modified ground floor storefronts, but with the retention of the original brickwork, parapet and second floor fenestration pattern, (Historic Resources Survey, City of McMinnville, Yamhill County, Oregon)

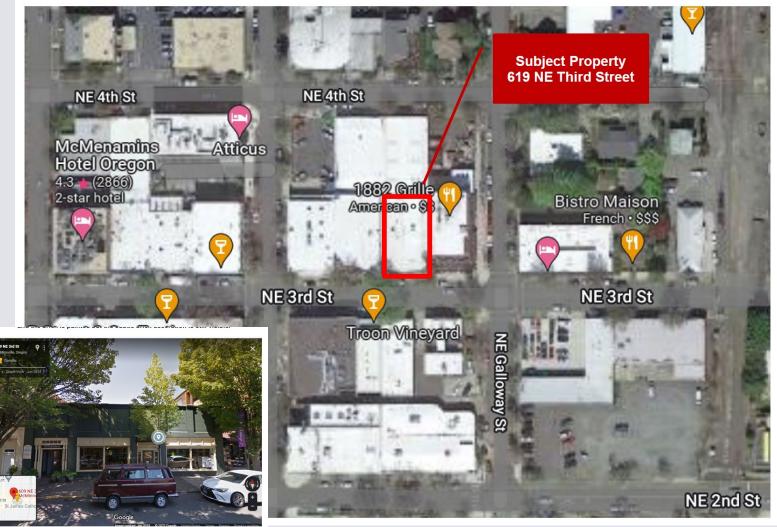


1948 Photo of 611 NE Third Street depicting the ground floor storefront with the original brick veneel (Yamhill County News Register)



2018, Photo of 611 NE Third Street, shows the modified storefront, but the retention of the original brick, parapet and second floor fenestration pattern.









1983 photo of the property shows the modified automobile bays and decorative brick work. (Historic Resources Survey, City of McMinnville, Yamhill County, Oregon)



1969 Photo of 619 NE Third Street depicting the automobile bays. (Yamhill County News Register)



2018, Photo of 619 NE Third Street, the automobile bays have been modified into storefronts, and the brick is painted but the subtle brick decoration is still visible.



### **1927 PHOTO OF ALL THREE BUILDINGS**



1927 photograph showing 609, 611, and 619 NE 3rd Street, looking northwest (News-Register Publishing Co).

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1927 photograph showing 609, 611, and 619 NE 3rd Street, looking northwest (News-Register Publishing Co).

## QUASI-JUDICIAL LAND-USE DECISIONS - APPEALS



### **QUASI-JUDICIAL DECISION-MAKING**

LAND-USE DECISIONS MUST BE MADE BASED ON STATE AND LOCAL REGULATIONS (Approve, Approve with Conditions, Deny)

Certificates of Approval for Demolition (HL 6-22, L 7-22, HL 8-22):

- Oregon Land Use Goal 5 Cultural Resources
- Oregon Administrative Rule (OAR 660-023-0200)
- McMinnville Comprehensive Plan Policies
- Chapter 17.65, Historic Preservation of the McMinnville Municipal Code

#### New Construction (DDR 2-22):

- McMinnville Comprehensive Plan Policies
- Chapter 17.33, C3 General Commercial Zone
- Chapter 17.57, Landscaping
- Chapter 17.59, Downtown Design Guidelines
- Chapter 17.60, Off-Street Parking



### QUASI-JUDICIAL DECISION-MAKING

#### QUASI-JUDICIAL PROCESS:

LAND-USE DECISIONS MUST BE MADE BASED ON STATE AND LOCAL REGULATIONS (Approve, Approve with Conditions, Deny)

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We must have legal findings that provide the basis for why the PC feels that the application does or does not meet these regulations. And these findings need to hold up under a legal challenge.

THIS IS THE EVIDENCE



# **CITY PROCESS**

*Review application materials for compliance with state regulations, comprehensive plan policies, and local codes.* 

Draft decision document for consideration and to provide a baseline for discussion and deliberation.

- Identifies Criteria for Review
- Draft findings matching evidence to decision of compliance with criteria
  - o Procedural
  - o Facts
  - *Regulatory*

When we do not have the subject matter expertise within the staff team, we will engage consultants to review materials and provide their recommendations.

- Traffic Impact Analysis David Evans and Associates, Transportation Planning and Engineering
- Environmental Review (CMMP) both legal and environmental technical experts.

Review public testimony for evidence that can be used as basis for findings.



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Review public testimony for evidence that can be used as basis for findings.

With an eye towards defending a decision legally if appealed.



#### SUPPLEMENTAL MATERIALS

At the September 28, 2022, the HLC determined that they needed more information to weigh out the different factors and considerations when making a decision on the land-use applications so they continued the hearing to provide the time for the applicant to provide the following information:

- Additional Findings
- *Historic Resources Assessment for 609, 611, and 619 NE Third Street by Architectural Resource Group*, dated November 2022.
- Contaminated Media Management Plan for 609, 611 and 619 NE Third Street, by EVREN Northwest, dated October 13, 2022
- *McMinnville Lease Rates* by Pacific Crest Real Estate Advisors, dated November 2, 2022
- Property Tax Statements (609, 611 and 619 NE Third Street)
- *Contractor Assessment, Existing Buildings*, by Hugh Construction, dated October 11, 2022
- Overview of Historic Preservation Incentives for 609, 611 and 619 NE Third Street, by OTAK, dated October 31, 2022.
- Economic Value of Structures in Downtown McMinnville, Oregon, by Johnson Economics, dated November 2, 2022
  Construction City of City

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## DEMOLITION DECISIONS: Historic Landmarks Committee voted 3 – 2 to deny all three applications



#### **BASIS OF APPEAL**

The committee denied HL 6-22, HL 7-22 and HL 8-22 based on the following criteria:

- □ OAR 660-203-0200(8)(a)
- □ 17.65.010(D)
- □ 17.65.050(B) (1 4, 6 8)
- Comprehensive Plan, Vol. II, Goal III (2)

The committee:

- Unreasonably or incorrectly interpreted and applied the code
- Failed to issue adequate findings
- Failed to reasonably weigh the evidence in the record such that its decision is not substantially supported by the evidence in the record.

### **DEMOLITION CRITERIA:**

OAR 660-023-0200 and Chapter 17.65.050 of the McMinnville Municipal Code



## **Demolition: STATE COMPLIANCE**

#### OAR 660-203-0200

(8) National Register Resources are significant historic resources. For these resources, local governments are not required to follow the process described in OAR 660-023-0030 through 660-023-0050 or sections (4) through (6). Instead, a local government:

- (a) Must protect National Register Resources, regardless of whether the resources are designated in the local plan or land use regulations, by review of demolition or relocation that includes, at minimum, a public hearing process that results in approval, approval with conditions, or denial and considers the following factors: condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan. Local jurisdictions may exclude accessory structures and non-contributing resources within a National Register nomination;
  - 1. Condition
  - 2. Historic Integrity
  - 3. Age
  - 4. Historic Significance
  - 5. Value to the Community
  - 6. Economic Consequences
  - 7. Design or Construction Rarity
  - 8. Consistency with Local Policy Objectives in the Comprehensive Plan



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  - 7. Design or Construction Rarity
  - 8. Consistency with Local Policy Objectives in the Comprehensive Plan

There are no clear and objective directions in the OAR that states how to use the factors to make a decision (how many, etc.)



### **Demolition: LOCAL COMPLIANCE**

Chapter 17.65.050(B): The PC should base their decision on the following criteria:

- **1. Comprehensive Plan Policies**
- 2. Economics:
- 3. Historic Significance
- 4. Physical Condition
- 5. Public Safety Hazard
- 6. Deterrent to an improvement program
- 7. Retention is a Financial Hardship to the Owner
- 8. Retention is in the best interests of a majority of the citizens.



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It is a discretionary decision.



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State OAR 660-023-0200	MMC, 17.65.050	HLC Decision	Applicant
Condition	Physical Condition of the Historic Resource Whether the resource is a public hazard.	Condition does not warrant demolition. Currently in use and conditions similar to other buildings of this construction type and age. (Maintenance issue and not a public hazard).	Fair to Poor Provided a structural report indicating structural issues associated with unreinforced masonry and that the condition of the building coupled with the necessary investment to rehab the building plus the amount of income-generating space would not generate any future investment leaving the building to deteriorate further.



State OAR 660-023- 0200	MMC, 17.65.050	HLC Decision	Applicant
Historic Integrity		NR classification merits historic integrity. Original elements still intact on second floor. Warrants preservation.	NR classifications were based on age of building and not architectural integrity. The buildings have been modified significantly since original construction and do not represent their original architecture or their association with the emerging automobile industry.



State OAR 660-023-0200	MMC, 17.65.050	HLC Decision	Applicant
Age		Demolishing all three properties removes all properties of this age group from the face of this Third Street block. (NRHP District)	Age alone is not a factor for preservation. Demolition of three properties is not relevant to age criteria.
Historic Significance	Value and Significance of the Historic Resource	Retains historic significance specific to the auto boom period – which is both in the NRHP period of significance and the Historic Preservation Plan.	Significance is related primarily to the date of construction, and not actual architectural significance or association with a local event or person.



State OAR 660-023-0200	MMC, 17.65.050	HLC Decision	Applicant
Value to the Community	Whether preservation is a deterrent to an improvement program that would serve the public interest more. Whether retention would be in the best interest of the community or the resource could be documented in another way.	Value to the community demonstrated by public testimony in opposition. Reflects the automobile age of local history. Retains the historic district sense of place on Third Street.	The proposed development will provide the same value to the community in terms of architectural design, but added value in terms of furthering the local goal of tourism, tax base, jobs development, annual transient lodging tax and a consumer base for the downtown businesses.



State OAR 660-023-0200	MMC, 17.65.050	HLC Decision	Applicant
Economic Consequences	Economic Use of the Historic Resource Financial Hardship to the Owner not outweighed by the preservation for the public.	The sense of place of the historic district is more valuable than the hotel project would be. Property owner did not invest in the second story as needed. Choice to not invest in maintenance is not a financial hardship outweighed by preservation for the public. Opportunity to explore less expensive rehab of existing buildings.	The hotel project will generate more tax base, jobs and annual transient lodging tax than the existing structures. The hotel advances the City's economic development strategy and goals relative to tourism. The hotel will attract customers for local businesses.

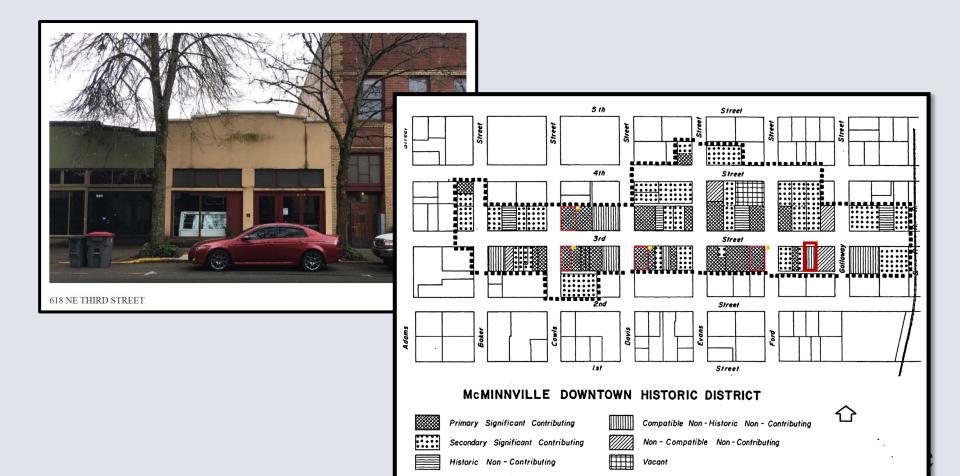


State OAR 660-023-0200	MMC, 17.65.050	HLC Decision	Applicant
Design or Construction Rarity		There is no design or construction rarity.	There is no design or construction rarity.
Comprehensive Plan Policies	Comprehensive Plan Policies	Demolition does not meet the City's historic preservation policies.	The proposed project meets most of the City's comprehensive plan policies and the subject site does not meet many of the City's policies for land-use efficiencies and economic development.



# PRECEDENCE

National Register Historic Resource Demolition - 618 NE Third Street (2019) Primary Significant Contributing within the historic district. "C' resource on the local McMinnville Historic Landmarks Inventory.



## PRECEDENCE

"B" Resource Demolition, Mac Hall, Linfield College (2021),





#### NEW DESIGN – (DDR 2-22):

#### Chapter 17.59, Downtown Design Standards and Guidelines



#### **NOTICE OF APPEAL**

The committee denied DDR 2-22 based on the following criteria:

- □ 17.59.040(A)(3):
- □ 17.59.030(D):
- □ 17.59.050(B)(1) (2):

The committee:

- Unreasonably or incorrectly interpreted and applied the code
- Failed to issue adequate findings
- Failed to reasonably weigh the evidence in the record such that its decision is not substantially supported by the evidence in the record.



# **GWENDOLYN HOTEL**



Approximately 20,000 sf. Six stories. Underground parking garage with 67 parking stalls. Ground floor commercial. Four floors of hotel rooms for approximately 90 guest rooms. A rooftop deck with a pool, spa, and dining.

The rooftop deck is 61' 6". The roof structure on the rooftop deck is 73' 10". Tallest point is the elevator tower in the back which is 81 feet tall. Elevator towers are exempt from height measurements.



#### CRITERIA = UNDERLYING C3 ZONE

*The first layer of review is for compliance with the underlying zone, which are clear and objective standards.* 

*17.33, C3, General Commercial Zone 17.60, Off-Street Parking and Loading* 

Hotel is an allowed outright permitted use downtown and on Third Street and does not need a land-use decision for the use.

Parking is not required in the downtown for any commercial establishment. This project is providing 67 parking spaces voluntarily.

Maximum height is 80' in the C3 zone.



#### **CRITERIA = DOWNTOWN DESIGN**

*The second layer of review is for compliance with exterior design standards for the downtown overlay district. Those standards are comprised of shall and should criteria.* 

#### 17.59, Downtown Design Standards and Guidelines

These are for the most part clear and objective standards with "shall" language, but there are also guidelines with "should" language.



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#### 17.59, Downtown Design Standards and Guidelines

These are for the most part clear and objective standards with "shall" language, but there are also guidelines with "should" language.

17.59.030(D) – Waiver Process, "A <u>guideline or standard</u> contained in this ordinance may be waived as part of the design review process when it can be demonstrated that the proposed design satisfies or exceeds the downtown design goals and objectives of this ordinance. If a waiver is requested, the applicant must explain in their application how the proposed design satisfies or exceeds these goals and objectives. <u>A request for a waiver to the standards</u> of this ordinance shall be reviewed by the McMinnville Historic Landmarks Committee, as described in Section 17.59.030(C)(2)."



#### **APPLICATION MATERIALS**

Original Application:

- Narrative
- Project Site Plan and Concept Drawings
- Project Traffic Impact Analysis
- Memorandum of Compliance with Criteria
- Neighborhood Meeting Materials

Supplemental Materials:

- The Gwendolyn Hotel, Response for Additional Information Memorandum, by OTAK, dated November 4, 2022
- Attachment 1: Contaminated Media Management Plan for 609, 611 and 619 NE Third Street, by EVREN Northwest, dated October 13, 2022
- Attachment 2: *Transportation Impact Analysis Addendum, Gwendolyn Hotel*, by OTAK, November 4, 2022



#### FINDINGS

At the September 28, 2022 public hearing, staff determined that the project was not compliant with 17.59.050(B)(1):

Building Design: Buildings <u>should</u> have massing and configuration similar to adjacent or nearby historic buildings on the same block. Buildings situated at street corners or intersections <u>should be</u>, or appear to be, two-story in height.

**Applicant's Response:** 

- Criteria language is "should" and not "shall" ie a guideline.
- Changed design so that the building steps back after the second floor and not the third floor.
- Argument that the height is one story taller than McMenamins and two-stories taller than the Atticus, and within the maximum height limit of the underlying zone.

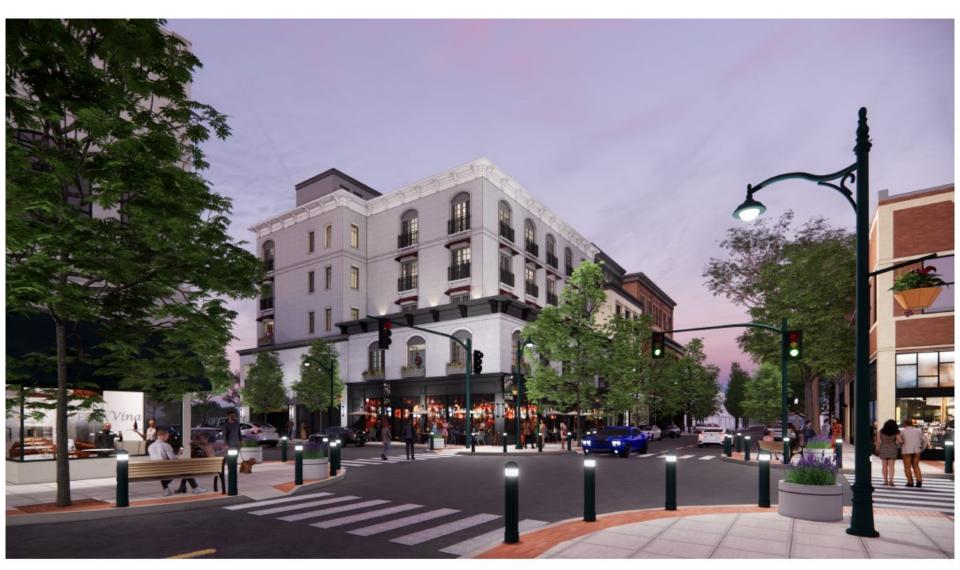


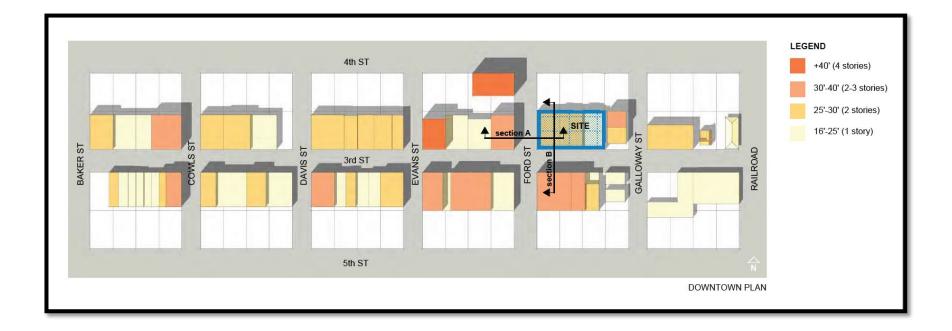


### **EXTERIOR FAÇADE CHANGES**

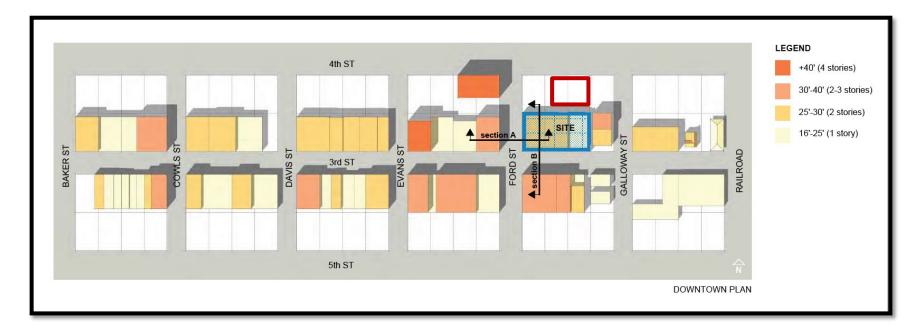


# **HEIGHT PERSPECTIVE**

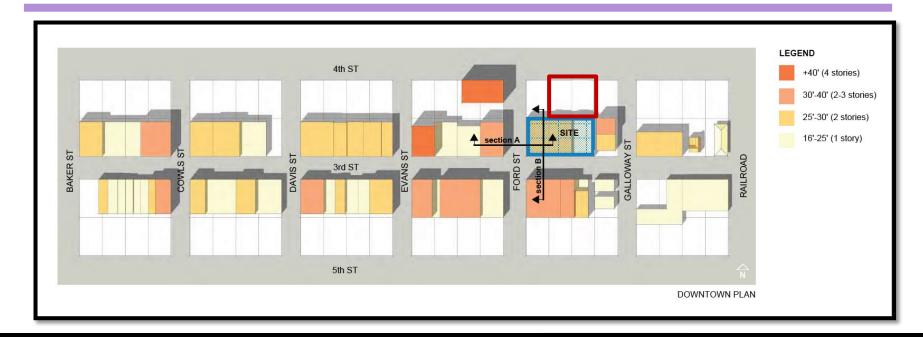




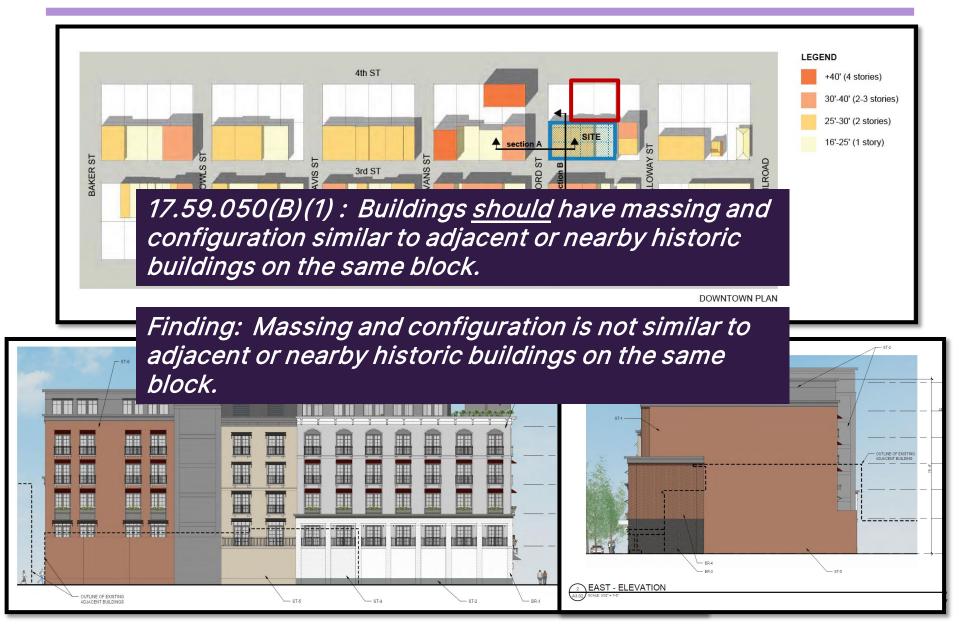












# **CORNER PERSPECTIVE**



*17.59.050(B)(1) : Buildings situated at street corners or intersections <u>should be</u>, or appear to be, two-story in height.* 



## PRECEDENCE

*Atticus Hotel (2017) First Federal Bank (2019)* 





## PRECEDENCE



# **CORNER PERSPECTIVE**

17.59.050(B)(1) : Buildings situated at street corners or intersections <u>should be</u>, or appear to be, two-story in height.

3RD AND FORD

Finding: Appearance of two stories varies based on the surrounding built context.



# **Criteria Not Met**

*McMinnville Municipal Code, 17.59, Downtown Design Guidelines (New Construction):* 

**Section 17.59.050(B)(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.



#### 180' length.

Bays = 82', 36' and 60' (not proportional)





### Proportionality is the same.



#### FINDINGS

**Section 17.59.050(B)(2)** Where buildings will exceed the historical sixty feet in width, the façade <u>should</u> 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.

#### **Applicant's Response:**

- Criteria language is "should" and not "shall".
- Changed the design for the appearance of three distinctive buildings.
- Provided a study of tax lot widths and similar proportionality of buildings across the street.



90, 30, 60 (82, 36, 60)





### PRECEDENCE

*Atticus Hotel (2017) First Federal Bank (2019)* 

116 Feet



#### 90, 30, 60 (90, 30, 40)

17.59.050(B)(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.

Finding: The committee found that the building was not broken into proportional bays similar to adjacent historic buildings.

MčMinnville

# WAIVERS

17.59.030(D) – Waiver Process, "A <u>guideline or standard</u> contained in this ordinance may be waived as part of the design review process when it can be demonstrated that the proposed design satisfies or exceeds the downtown design goals and objectives of this ordinance. If a waiver is requested, the applicant must explain in their application how the proposed design satisfies or exceeds these goals and objectives. <u>A request for a waiver to the standards</u> of this ordinance shall be reviewed by the McMinnville Historic Landmarks Committee, as described in Section 17.59.030(C)(2)."

*Finding: Waivers are required for both guidelines and standards. Precedence does not matter.* 



### HLC PUBLIC TESTIMONY

Victoria Anderson Kira Barsotti JP and Ames Bierly **Jeb Bladine Phyllice Bradner Beth Caster** Nathan Cooprider (x3) **Courtney Cunningham Carol Dinger** Shanna Dixon Peter and Linda Enticknap **Elizabeth Goings** Sharon Julin Meg and Zach Hixson **Practice Hospitality Katherine Huit** 

Daniel Kiser (x2) Marilyn Kosel (x2) Michael Kofford Sylla McClellan **Marianne Mills** Megan McCrossin Ernie Munch (x3) **Abigail Neilan** Carol Paddock (x2) llsa Perse **Kellie Peterson** Jordan Robinson **Karen Saxberg Scott Family** Mandee Tatum Patti Webb



# PC PUBLIC TESTIMONY

**Oregon Restaurant and Lodging Association Phyllice Bradner Ernie Munch, MAP Architecture Nathan Cooprider Marilyn Kosel Daniel Kiser Alex Sokol Blosser** Janice Weiser **Katherine Huit Beth Caster Karen Milton Marie Fruga Carol Paddock Margaret Cross Restore Oregon Peter Kircher** 



#### **Planning Commission Questions**

- 1) What triggers a seismic upgrade
- 2) Why is the criteria focused on the exterior of the buildings?
- 3) Is the stucco application over the exterior brick permanent?



# YOUR DECISION

Basically, it is the same as any other time that you are making a quasi-judicial decision. Does the evidence in the record support an approval or denial of the land-use applications per the applicable criteria used to review them?

- If you agree with the HLC findings, you vote to deny based on the HLC findings, or vote to deny amending the HLC findings.
- If you agree with the appellant you vote to approve and identify the findings for the approval (staff provided a decision document of approval with recommended conditions of approval at the January 5, 2023 HLC meeting.)





#### **GWENDOLYN HOTEL PUBLIC HEARING**

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