



Memorandum

To: City of McMinnville Historic Landmarks Committee
From: Li Alligood, AICP; Casey McKenna, AIA; Gary Reddick
Copies: HD McMinnville LLC; File
Date: November 4, 2022
Subject: The Gwendolyn Hotel (DR 2-22) – Response to requests for additional information
Project No.: 19914.000

This memorandum provides additional information for the Design Review application to replace the buildings at 609, 611, and 619 NE 3rd Street with The Gwendolyn Hotel, as requested by staff within the Historic Landmarks Committee (HLC) staff report, and requests from the HLC at the September 29, 2022 public hearing for the application.

Since the HLC hearing, the applicant team has prepared additional information to respond to staff requests for additional information. Additional responses are provided below.

Additional Information Requested by Staff

The referenced code provision is followed by staff's finding and the applicant's response.

1. *CP GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.*

FINDING: NOT SATISFIED. NOT ENOUGH INFORMATION PROVIDED. *A Contaminated Media Management Plan (CMMP) was prepared for Oregon Lithoprint, Inc. on July 20, 2022, to address residual petroleum contamination that may be encountered in soil and groundwater in the vicinity of the Oregon Lithoprint site located at 609 NE Third Street due to a former Leaking Underground Storage Tank (LUST). The Lithoprint LUST site involves underground gasoline storage tanks that were removed in the mid-1980s. The tanks were located beneath the sidewalk on the east side of NE Ford Street, just north of NE Third Street. Some gasoline-contaminated soil was excavated during the tank removal, but further investigation indicated that soil contamination extended beneath the O'Dell Building, which is owned by Lithoprint and is adjacent on the east of the former tanks. Groundwater contamination originating at the former tanks' location extends to the southwest beneath NE Ford Street, the Oddfellows Building across NE Ford Street on the west, and into NE Third Street. Soil and groundwater conditions associated with the LUST site have been monitored for the past 30+ years and contamination persists in both soil and groundwater at concentrations exceeding Oregon's cleanup requirements. Lithoprint's consultant produced a Supplemental Site Investigation Summary Report in June 2022 that does not contemplate redevelopment of the O'Dell Building and states: "Based on the current Site use, the primary potential risk exposure that was identified as being of potential concern is limited to construction worker exposure beneath the southwest corner of the O'Dell Building and in the vicinity of MW-4. This exposure would only present a potential risk if*

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construction or excavation activities were undertaken without appropriate precautions. The potential for unacceptable risk to construction workers beneath the O'Dell Building is further limited by the fact that the building would need to be razed or excavation activities would need to be conducted within the existing building footprint for potential exposures to occur." This implies that if the building is razed and excavation occurs, there is a potential exposure that should be considered. The Supplemental Site Investigation Summary Report does not recommend whether additional remedial activities should occur if the O'Dell Building is demolished and allows access to contaminated soil. The Supplemental Site Investigation Summary Report should be expanded to consider the demolition of the O'Dell building.

APPLICANT RESPONSE: A draft Contaminated Media Management Plan (CMMP) that addresses all three properties has been included as Attachment 1. The CMMP is a requirement of the Prospective Purchaser Agreement between the Applicant and Oregon Department of Environmental Quality ("DEQ"). As a practical matter, former automotive shops and fuel stations are routinely redeveloped and there is nothing about these buildings that presents a unique risk. The draft CMMP requires removal and safe disposal of any contaminated media (i.e. soil or ground water), and recommends only standard protective measures to mitigate the limited identified risk of petroleum contamination.

This is sufficient to satisfy Goal II of the City's Comprehensive Plan, which implements Statewide Planning Goal 6. Goal 6 requires that the local government establish that there is a reasonable expectation that the use for which land use approval is requested will also be able to comply with the state and federal environmental quality standards that it must satisfy to be built. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014). The City's comprehensive plan does not address spoil contamination, and with respect to water, Policy 10.00 of the Comprehensive Plan provides that "The City of McMinnville shall cooperate with the Oregon Department of Environmental Quality, the Mid-Willamette Valley Council of Governments, and other appropriate agencies and interests to maintain water quality and to implement agreed upon programs for management of the water resources within the planning area." The Applicant's ongoing work with DEQ through the PPA process is evidence not only that DEQ will provide sufficient oversight to ensure the safety of workers and the public, but also demonstrates that the Application will be able to comply with DEQ's standards.

2. 17.59.040 Review Criteria

[...]

3. If applicable (waiver request), that all of the following circumstances are found to exist:

a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;

FINDING: NOT SATISFIED. MORE INFORMATION IS NEEDED. The City does not concur with the applicant's findings relative to financial hardship, as the application does not provide enough information to serve as a basis for that finding. A financial pro forma analysis and evaluation or something similar would be required for the financial hardship finding.

The City also does not concur with the applicant's findings that the context of other corner buildings of similar height is an "unique or unusual aspect of the site, an existing structure, or proposed use of the site."

APPLICANT RESPONSE: As described below, the building design has been revised to meet the height provisions of 17.59.050.B.1. Therefore, the requested waiver is no longer required.

3. *17.59.050 Building and Site Design*

[...]

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.

FINDING: NOT SATISFIED. *The applicant requested a waiver from this section of the code based on the premise that the two-story limitation was based on appearance and not literal and provided a height study to demonstrate that the applicant's proposed height at the street corner of Ford Street and Third Street appeared to be the same height as buildings around it at that intersection based on height and not number of floors. However, the applicant failed to provide enough information to create a finding for Section 17.59.040(3)(a), which means that the waiver is not available.*

This code criteria has two components though – 1) “buildings should have the same massing and configuration similar to adjacent or nearby historic buildings on the same block”; and 2) buildings situated at street corners or intersections should be, or appear to be, two-story in height. The applicant did not request a waiver for the first component of this code criteria, and has not shown how the proposed project with a 180 foot length and 98 foot depth, six stories tall, is similar massing and configuration to adjacent or nearby historic buildings on the same block.

APPLICANT RESPONSE: Though described as a design standard, given the use of the word “should,” this criterion can be applied as a guideline that can be met in more than one way.

In response to the first component of this criterion, the 3rd Street façades have been refined to appear as three separate buildings. The westernmost section of the building is clad in white brick; the center portion of the building is clad in buff brick; and the eastern portion of the building is clad in red brick. In addition to the differences in material and color, each of the three building expressions have distinct massing and varied window detailing, cornice elements, and Juliet balconies. The westernmost section has a 2-story base and 3 levels above that step back 10 feet on both 3rd Street and Ford Street. The center portion has a 2-story base with a 3-foot setback on levels three and four, and the fifth level stepping back an additional 8 feet. The eastern portion has a 3-story base and two levels above that setback 5 feet.

The overall building height and ground-floor dimensions of the proposed building are unchanged, but has been broken into three distinct expressions. As viewed from the corner of 3rd and Ford streets, the apparent height of the building is two stories. As a viewer moves to the north and the east, the height of the building becomes more apparent, but the full six-story height is visible only from the north. See Sheet A7.03.

In Chapter 17.33, C-3, General Commercial, the language reads in section 17.33.040, building height, that “Buildings shall not exceed a height of eighty feet.” The City’s staff report and findings stated that

the building satisfies this finding. The need for a requested waiver for a 3-story expression at the corner is no longer necessary, as the building façade at the corner has been reduced to 2 stories.

But this isn't the whole story as it relates to "height" within the zoning code. There is code criteria that states buildings should have the same massing and configuration (interpreted by staff to include height) similar to adjacent or nearby historic buildings on the same block. The applicant team has submitted considerable information on the nature of 3rd Street at its easterly end, showing that the remaining historical buildings were built as one- and two-story structures, and therefore if future development were to match the bulk and height of these buildings, most likely no new development would occur. And, therefore, the potential for these properties to contribute to the growth and density potential of downtown McMinnville would not be realized.

By definition, "adjacent" means "Contiguous to a property boundary at a property line or property corner. Two properties separated by street or right-of-way are considered adjacent." In applying this approval criterion, perhaps "adjacent" can be thought of more broadly, in a cohesive way, to include all of downtown McMinnville. In that case, doesn't that mean in a way that all buildings downtown are adjacent? Adjacent to each other and adjacent to the whole?

The proposed building is a bit taller than other buildings in downtown McMinnville, but not in any exaggerated way. The Gwendolyn Hotel is two stories taller than the 4-story Atticus hotel, though the sixth floor consists largely of a roof top amenity, and one floor taller than the Hotel Oregon, including the hotel's rooftop amenity. And again, the building is below the allowable height of 80'.

Regarding the second component of the criterion, as noted previously, the building design has been revised to meet the height provisions of this section and is now two stories in height at the street corner/intersection as shown on Sheets A3.01, A6.01, and A6.04. The ground floor is a generous 15' in height to allow for a variety of commercial uses, including restaurants and retail.

2. Where buildings will exceed the historical sixty feet in width, the façade should be 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 facade.

FINDING: NOT SATISFIED. *The criteria requires buildings that exceed sixty feet in width to be visually subdivided into proportional bays, similar in scale to other adjacent historic buildings. This can be done with varying roof heights, applying vertical divisions, materials and detailing to the front façade. The proposed project does not show a variation in roof designs or vertical divisions that creates three subdivisions on the façade. And three bays of 82 feet, 36 feet and 60 feet are not proportional. Nor does the applicant show how that scale represents the adjacent historic buildings. The intent of this code criteria is scalability with the built environment around the project.*

APPLICANT RESPONSE: Though described as a design standard, given the use of the word "should," this criterion can be applied as a guideline that can be met in more than one way.

The proposed building exceeds sixty feet in width (it measures approximately 180 ft. along the 3rd Street frontage and approximately 98 ft. along the Ford Street frontage) and this provision is applicable.

As indicated on the Town of McMinnville and Rowland's Addition plats, traditional north/south lot dimensions in downtown McMinnville are 100 ft., and the proposed building reflects traditional depths. As described in this approval criterion, the traditional east/west lot dimensions in downtown McMinnville are 60 ft., and the building exceeds that width. In order to construct the proposed building, the underlying lots will need to be combined and will be 180 ft. in length.

Though the historic lots in downtown McMinnville were 60 ft. wide, there have been a number of adjustments and revisions over the years, as indicated on Yamhill County Assessor Map 4 4 21 BC. The lots directly to the south have been revised to widths of 90 ft., 30 ft., 40 ft., and 80 ft. The lot directly to the north is 120 ft. in width. The lots between Evans and Ford Streets range from 29.5 ft. to 100 ft. in width. See Sheet A0.01 for illustration. As a result, the current lotting pattern is more organic than rigid and the traditional 60-ft. lot width has become more eclectic.

The building façade is divided into three distinct areas by the use of vertical divisions, materials, detailing, and stepbacks. As shown on Sheet A3.01, the façade bay widths are 90 ft., 30 ft., and 60 ft., and reference several existing historic structures:

- The three buildings directly to the south (TL 10400, 10401, and 10300, the Tributary Hotel and two adjacent buildings on 3rd Street) have similarly-scaled bays at 90 ft., 30 ft., and 40 ft. respectively.
- The site directly east of Galloway Street is 120 ft. wide and presents as a single building with multiple retail entrances.

Given that the proposed façade modulation and widths reflect existing historic context, the Committee can find that the design meets the intent of this criterion.

Additional Information Requested by Engineering Staff

City Engineering staff noted that the Traffic Impact Analysis (TIA) required additional information to complete their analysis. See Attachment 2 for a TIA Addendum.

Additional Information Requested by the HLC

Questions related to the proposed building were about the water table, and how it would be addressed given the proposal for a below-grade garage. As noted during the hearing, this is a “means and methods” question and will be determined by the contractor during construction.

Attachments

1. Contaminated Media Management Plan dated October 13, 2022, prepared by EVREN Northwest, Inc.
2. Traffic Impact Analysis Addendum dated November 1, 2022, prepared by Otak, Inc.