

# 599 East Main Street

CITY OF  
ASHLAND

## Planning Commission Hearing April 13, 2021



# 599 East Main Street

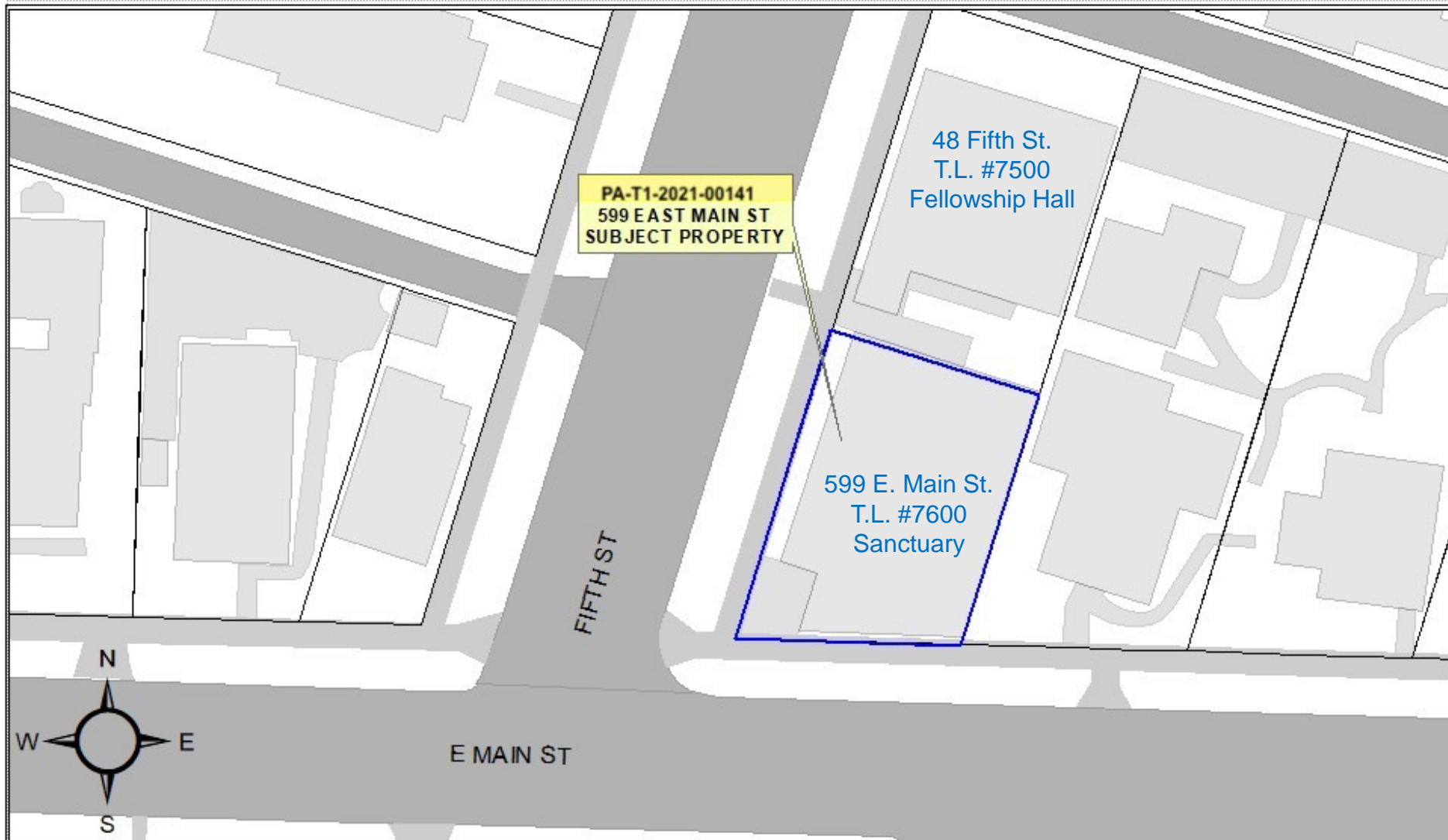
## Request

The application requests:

- ☐ **Site Design Review** approval to modify the existing building at 599 East Main Street, including adding a new corner entry.
- ☐ **Conditional Use Permit** approval for the alteration of an existing non-conforming development where no off-street parking is available. Alterations proposed involve separating two properties making up the church campus and changing the use from a church to office and assembly space.
- ☐ **Street Tree Removal Permit** approval to remove and replace two *Callery Pear* street trees (10.2-inch & 12.7-inch DBH) in the park row planting strip along East Main Street.

# 599 East Main Street

## Vicinity Map



# 599 East Main Street

## Site & Proposal

The subject property is 3,484 square feet in area and is located at the northeast corner of East Main and Fifth Streets, within the C-1 'Commercial' zoning district and the Ashland Railroad Addition Historic District, Detail Site Review and Wildfire Lands overlay zones. The existing 4,628 square foot building previously contained the sanctuary and church offices for the Christian Life Fellowship Foursquare Church.

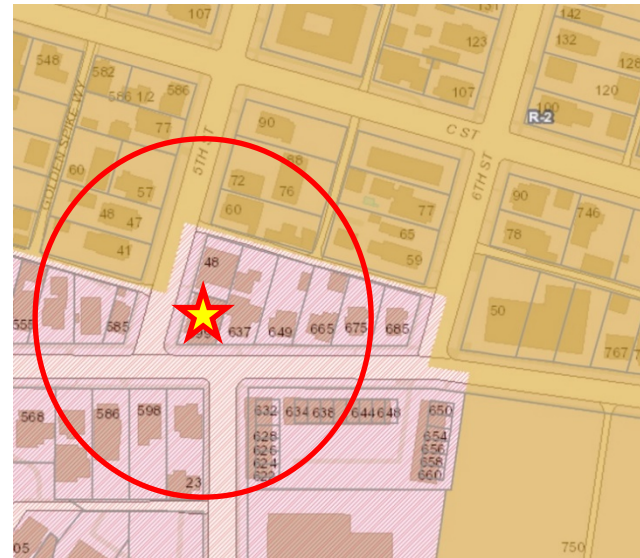
The church campus included two tax lots: the subject **Tax Lot #7600** at 599 East Main Street fronting on East Main Street and containing the sanctuary with no off-street parking, and **Tax Lot #7500** behind it at 48 Fifth Street containing the fellowship hall, which was added in 1993-94, along with three to four\* off-street parking spaces. The campus is considered a 'non-conforming development' because it lacks the full amount of required off-street parking to serve the church use, which was established before there were parking requirements.

The current application looks at Tax Lot #7600 with the sanctuary building independently of Tax Lot #7500, and seeks to remodel the building and add a new corner entry to convert it to a modern office building which could also be used by office tenants to host trade shows, conferences and meetings.



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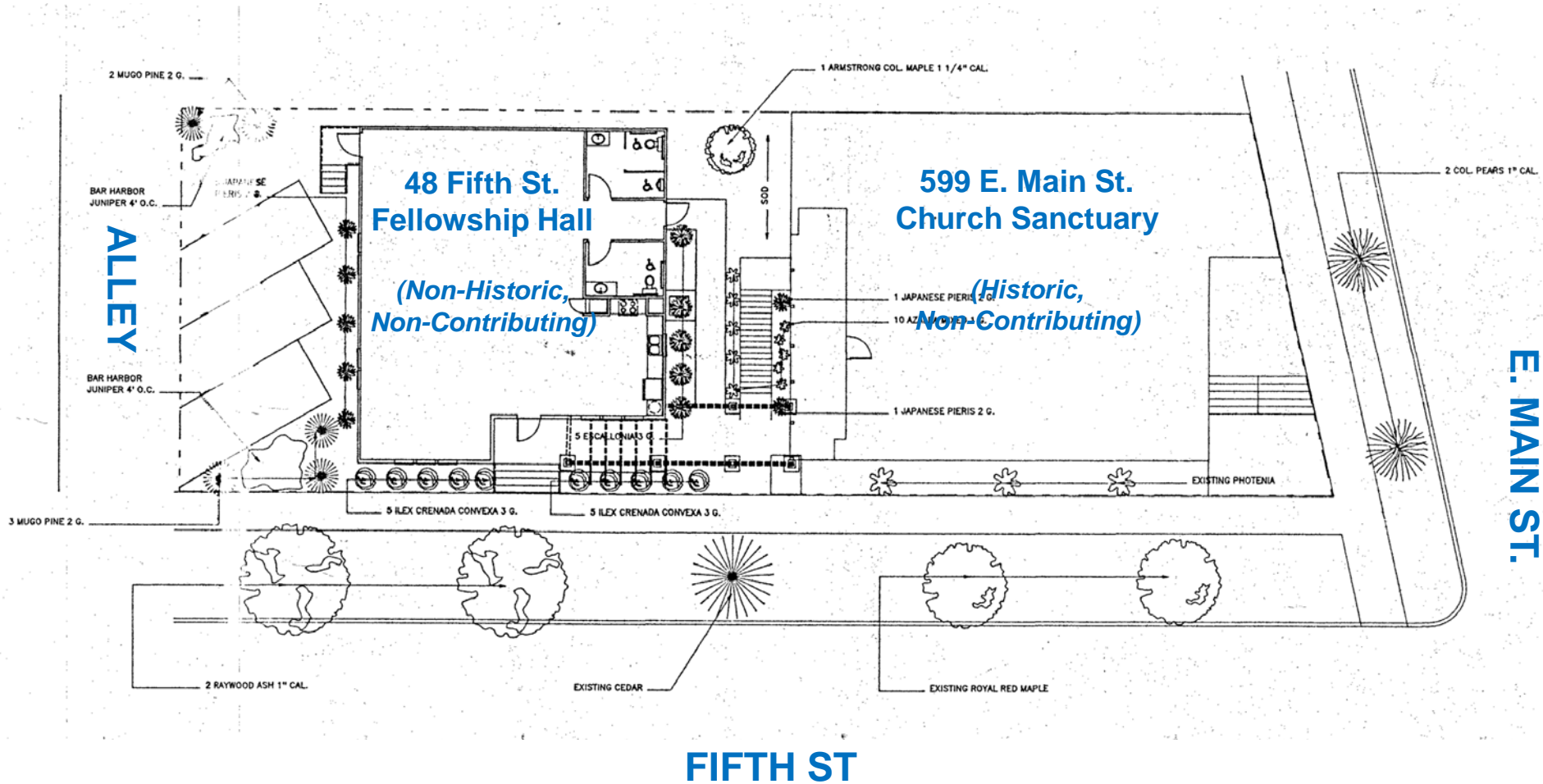
## Impact Area



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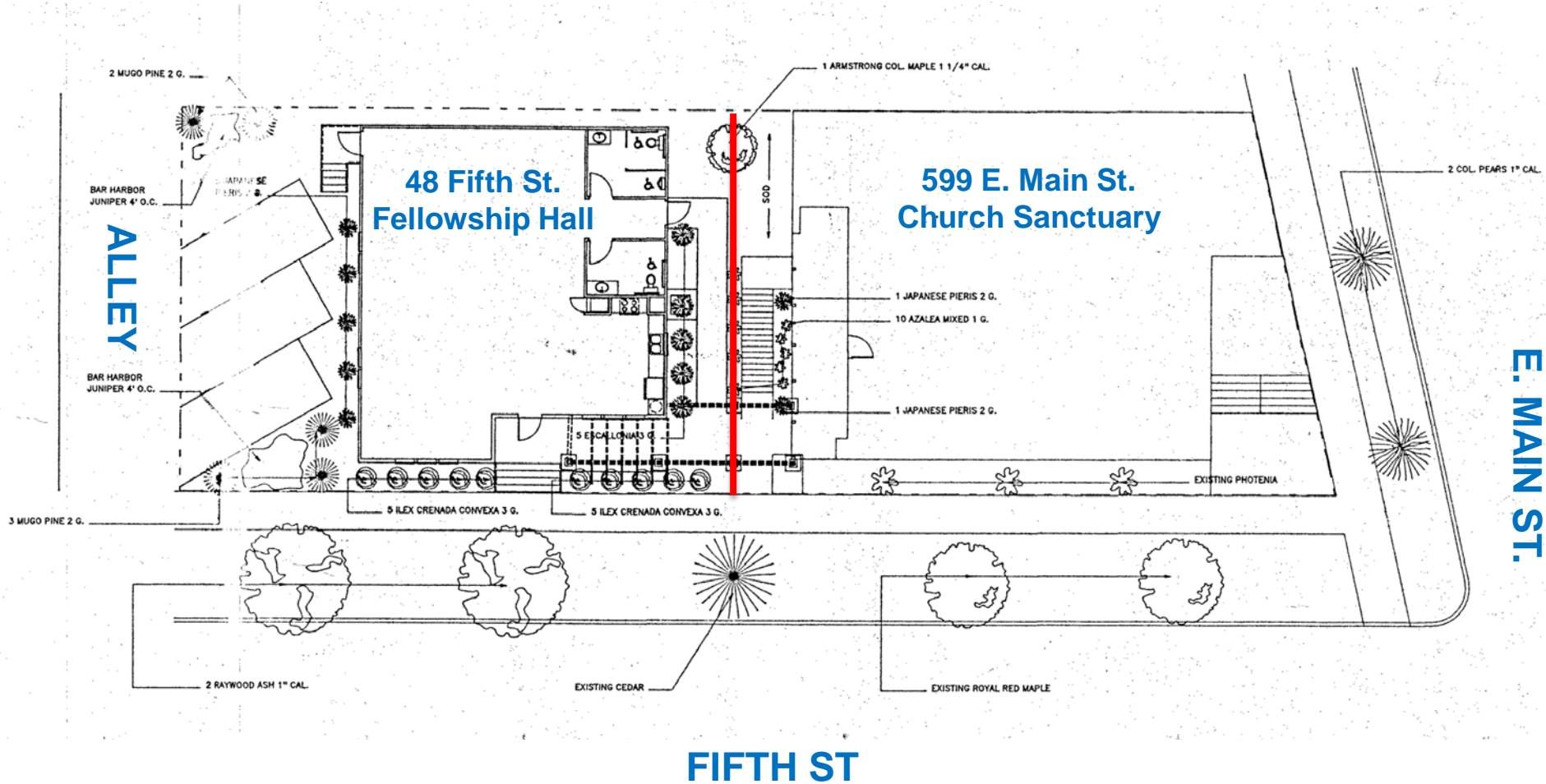
Site Plan from PA #93-123 (*Added Fellowship Hall*)



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Site Plan from PA #93-123 (*Added Fellowship Hall*)



E. MAIN ST.

FIFTH ST





# 599 East Main Street

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Existing Entry at the Corner of East Main & Fifth Streets





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Looking down East Main Street from Corner





# 599 East Main Street

Looking down Fifth Street from corner

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# 599 East Main Street

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Rear of the Sanctuary Building (*Demo to create courtyard*)



# 599 East Main Street

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Rear of the Sanctuary Building (*Demo to create courtyard*)





# 599 East Main Street

Existing rear courtyard area

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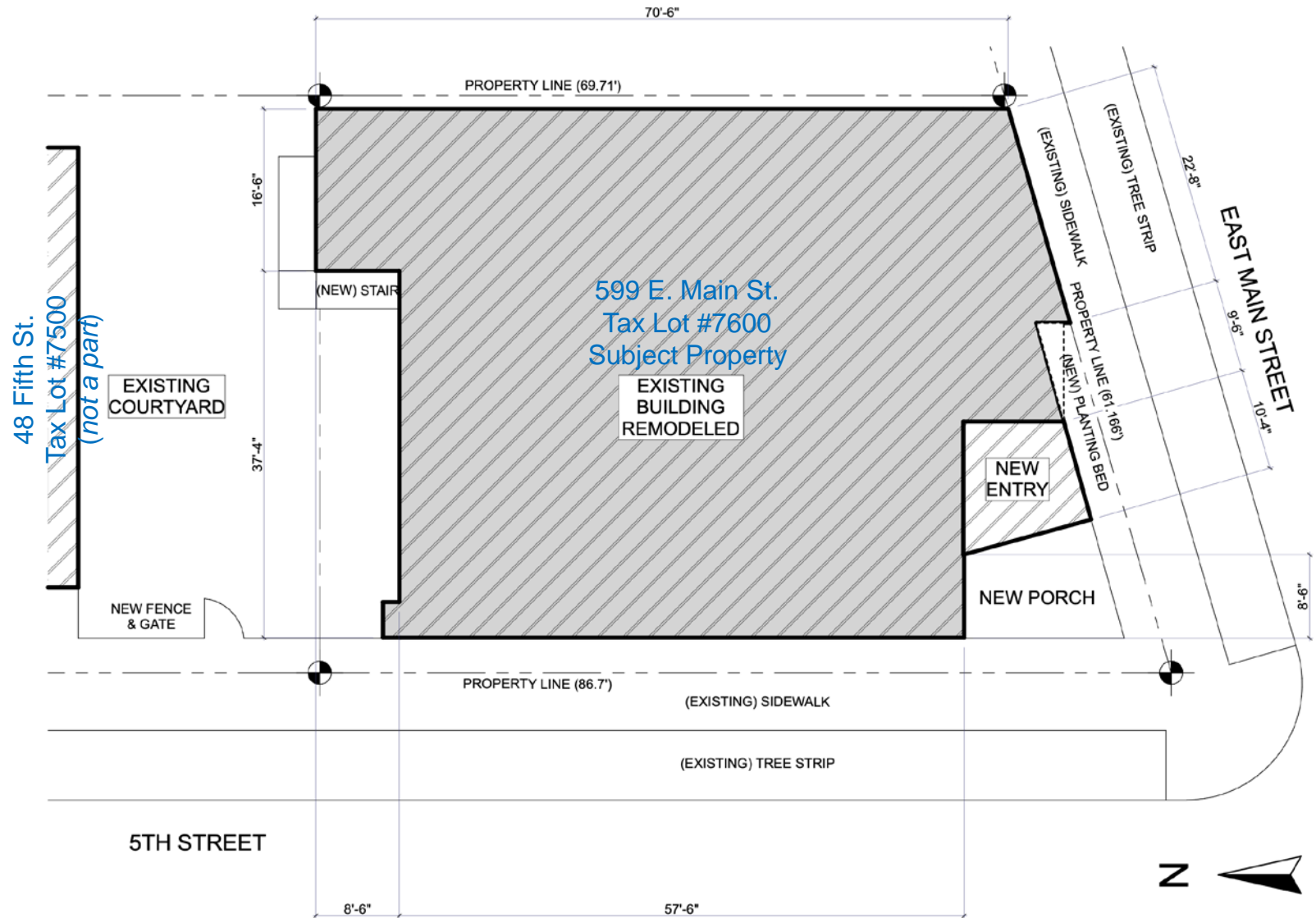
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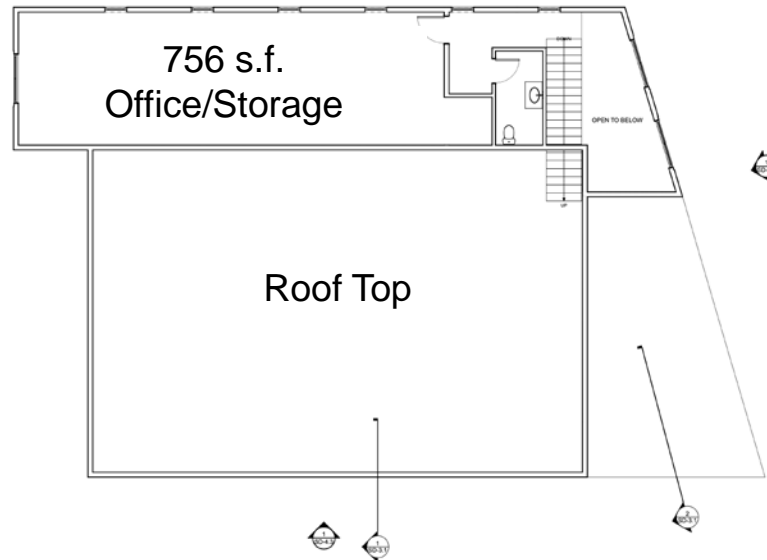
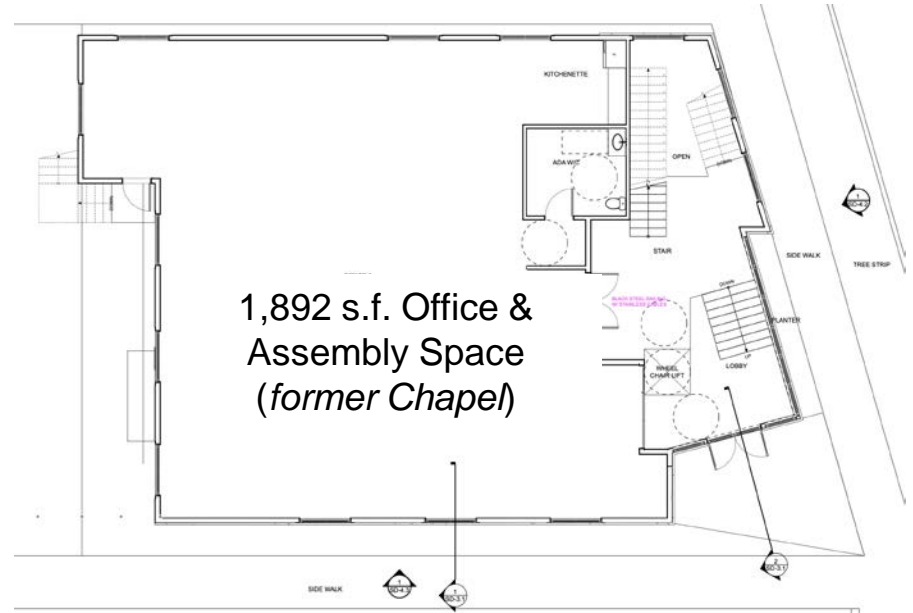
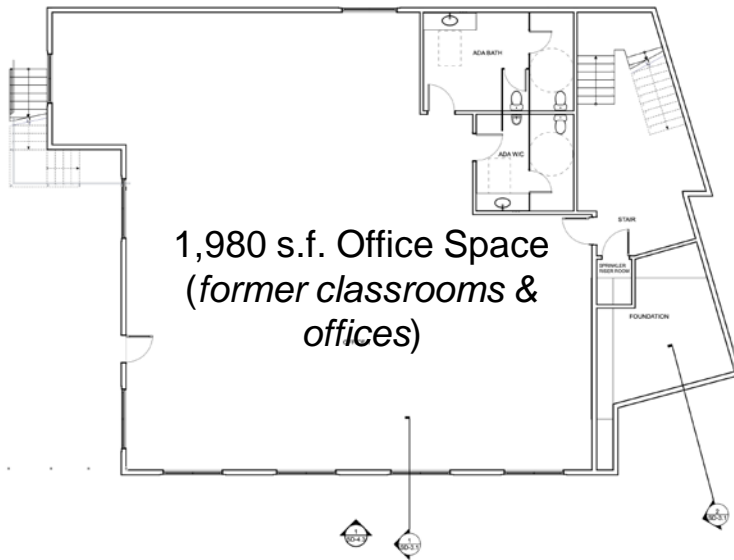
Existing Parking behind 48 Fifth St (Fellowship Hall)



# Site Plan



# Floor Plans





# Elevation Drawings



Front Elevation (facing East Main Street)



Rear Elevation (facing courtyard)

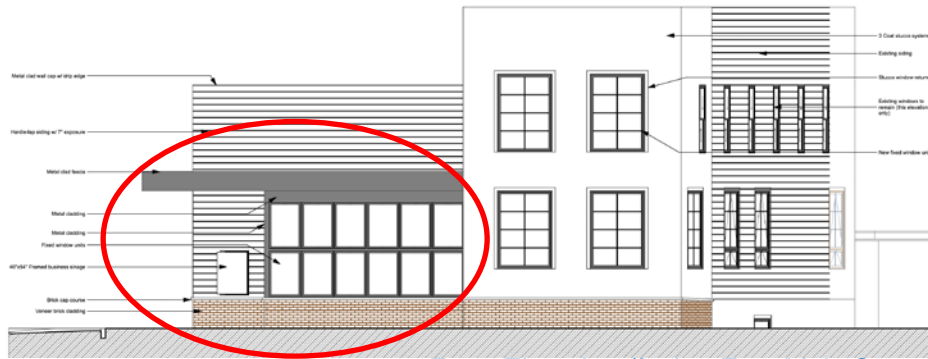


Side Elevation (facing Fifth Street)



Side Elevation (facing neighbors)

# Elevation Drawings



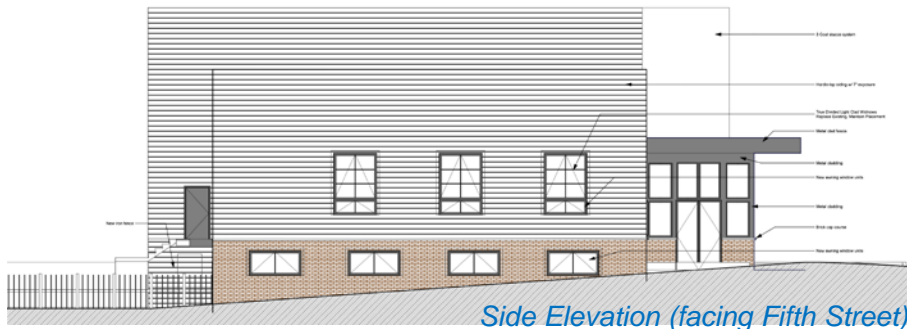
Front Elevation (facing East Main Street)

New Entry  
Addition



Rear Elevation (facing courtyard)

Demo Prior Addition,  
Replace Stairs,  
Create Add'l Courtyard

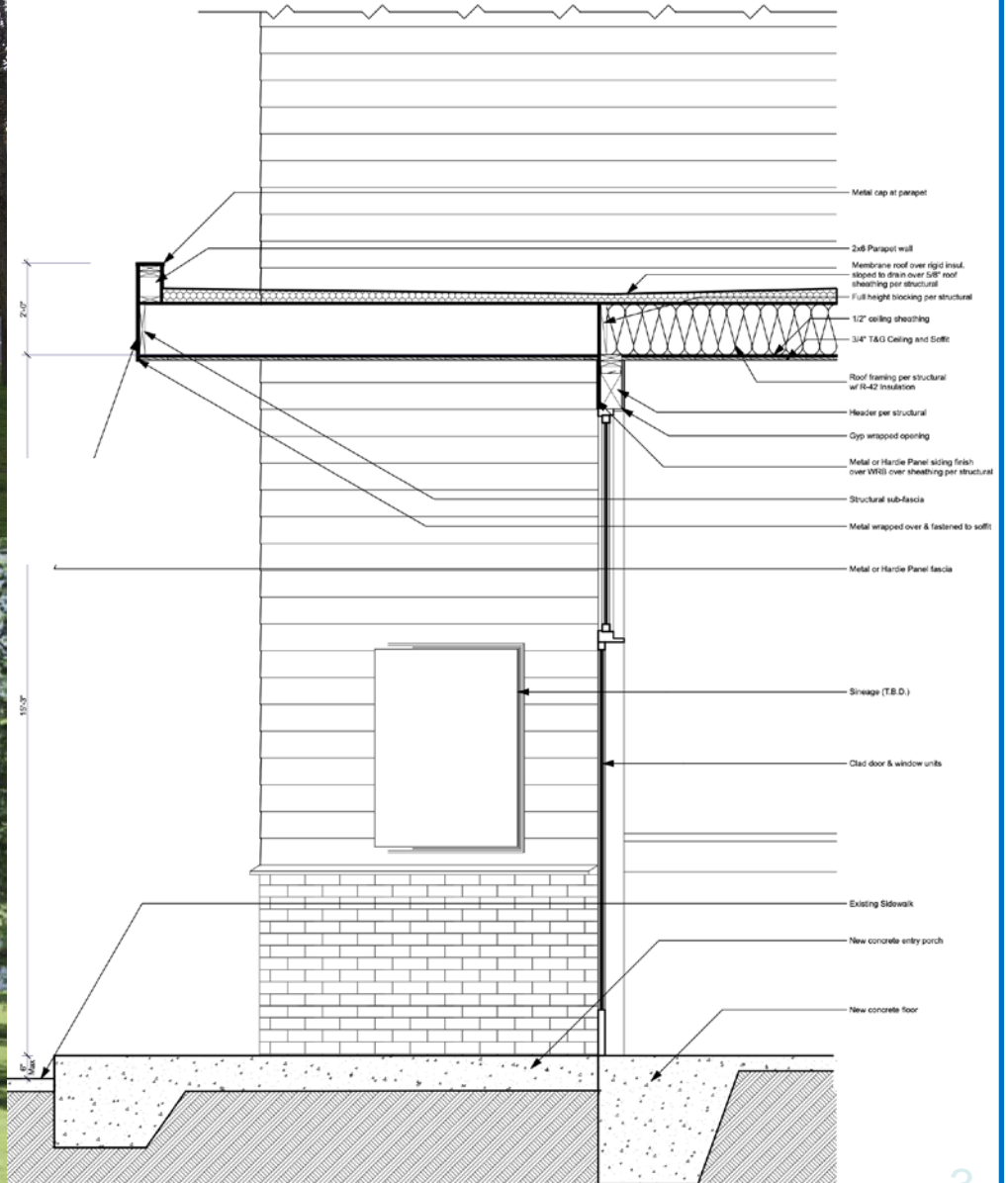


Side Elevation (facing Fifth Street)



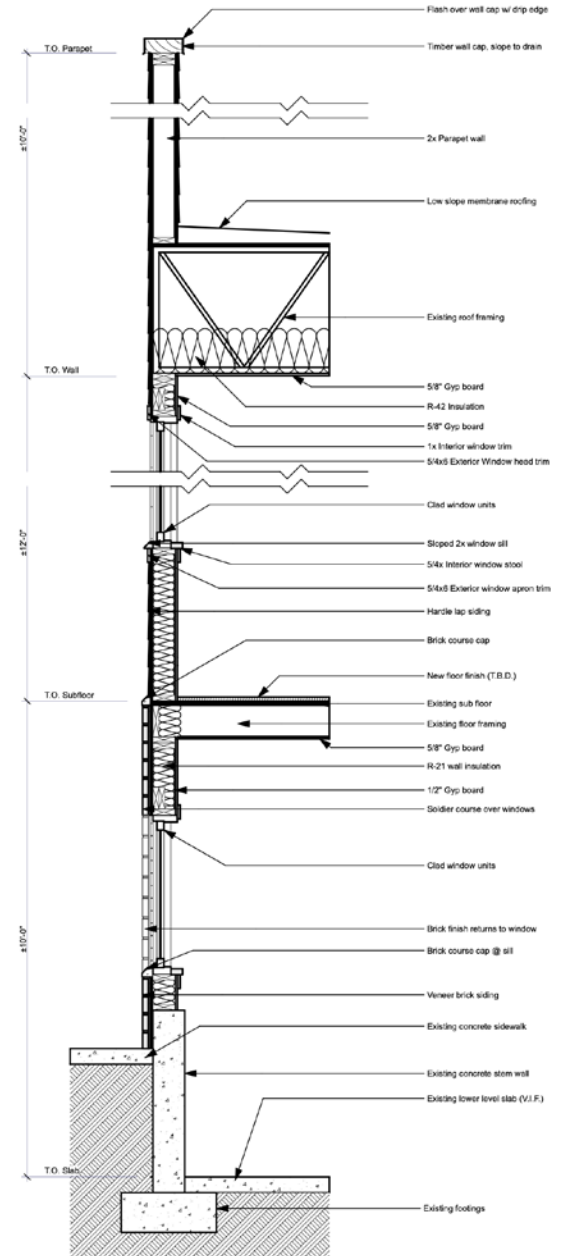
Side Elevation (facing neighbors)

# Wall Section at Entry





# Wall Section/Exterior Wall





## Color Renderings



*Renderings from Corner*



*Rear Courtyard (from Fifth Street)*



*Rendering from East Main Street*



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Even in periods of peak demand in the downtown, the subject property and surrounding area seem to be just distant enough that on-street parking remained available.



# 599 East Main Street

## Historic Commission April 2021 Recommendations

The Historic Commission commended the applicant on the design and effort to remodel and repurpose a historic structure that has been significantly modified over time. The Commission expressed their appreciation for the added stucco element on the east side of the building to add definition to the “tower” element as discussed at the March 3, 2021 Historic Commission meeting. The Historic Commission recommends the following items be addressed as conditions of approval:

**For the base of the building, the Historic Commission recommended one of following three options:**

- Provide detail showing “veneer brick cladding” shown on the revised elevations SD-4.1, SD-4.2 and SD-4.3 will fit properly around the window and door openings. The “brick cap course” needs to be more substantial and a heavier weight than shown in the submittals. Extend the brick base around the back corner of the building on the Fifth Street side (NW corner) for at least a column width.
- Rather than extending veneer brick cladding on the Fifth Street side of the building, use it to accent the front entry and end brick at the north side of the main entrance facing the intersection of E. Main and 5th St. Brick should be on east side of tower as shown in the revised elevation SD-4.1. The “brick cap course” needs to be more substantial and a heavier weight than shown in the submittals.
- Retain stucco as the base material rather than adding the veneer brick cladding.

**Replace all windows with True Divided Light Clad Windows shown on revised elevations including the east side of the building (SD- 4.1) unless prohibited by building code (e.g. due to proximity to property line).**

**Replace all siding as shown on revised elevations (Hardie® lap siding with 7” exposure) including the east side of the building (SD- 4.1) unless prohibited by building code (e.g. proximity to property line).**



# 599 East Main Street

## Tree Commission March 2021 Recommendations

Street Tree Removal Permits are *ministerial* permits subject to review under section 13.06.030 rather than the Land Use Ordinance, and typically don't come to the Planning Commission. They are included here to consolidate application proposals as allowed in the code.

The application proposes to remove two Callery Pear street trees in the planting strip along East Main Street. The application explains that the trees have been in place for more than 30 years and haven't shown substantial growth, and describes pears as a poor landscape choice in a valley with a commercial pear industry where poorly maintained pear trees could be a vector for pests or disease. The Tree Commission recommended approval of the request if the removals were mitigated with new irrigated trees at least two-inch caliper at planting and selected to achieve a large stature at maturity. Tree Commissioners specifically recommended "*Autumn Blaze*" or "*Red Flame*" maples as good mitigation choices.





# 599 East Main Street

## Site Design Review

The application involves a new addition in the C-1 zone in the form of the proposed new entry oriented to the corner, and as such requires Site Design Review approval as detailed in AMC 18.5.2.020.A.1. . The building and site improvements are existing, and as such the requested Site Design Review is limited to consideration of the proposed changes (exterior treatment, changes to the rear of the building to create additional courtyard space and add new stairs, and the addition of a new corner entry element) as they relate to the applicable criteria and standards including the Building Placement, Orientation & Design Standards for Non-Residential Development and the Historic District Development Standards.

The Historic Commission was appreciative of the applicant's efforts and supportive of the request, subject to three recommendations, and staff believe that the changes proposed significantly improve the building's orientation and relationship to the street.

# 599 East Main Street

## Non-Conforming Situations (Purpose & Applicability)

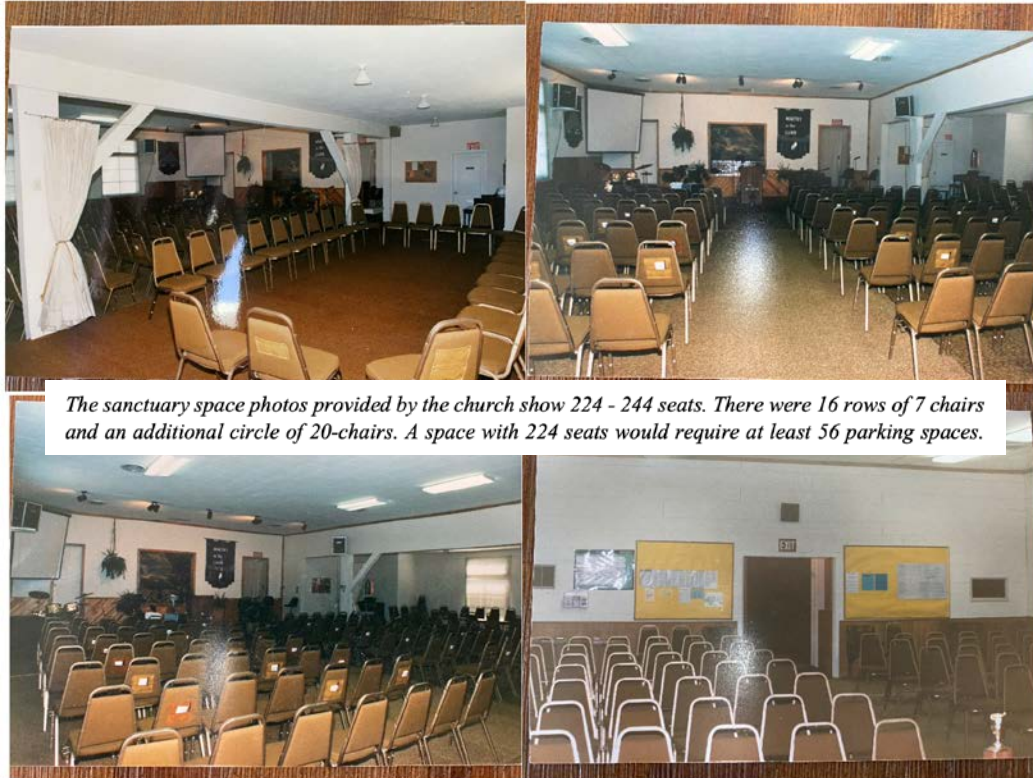
### AMC 18.1.4.010

Chapter [18.1.4](#) contains standards and procedures for the continuation of uses, structures, developments and lots that are lawfully established but do not comply with current ordinance standards (“*nonconforming situations*”). The chapter is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. Nonconforming situations are not necessarily considered a negative influence on a neighborhood; rather the benefits of continuing a nonconformity should be weighed against impacts to the neighborhood. The chapter contains four sections as follows:

- A. **Nonconforming uses** (*e.g., commercial use in a residential zone*) are subject to section [18.1.4.020](#); [Church use in C-1 is a CUP.]
- B. **Nonconforming structures\*** (*e.g., structure does not meet setback standards*) are subject to section [18.1.4.030](#); [Solar access - not changing; Orientation.]
- C. **Nonconforming developments\*** (*e.g., site does not meet landscaping standards*) are subject to section [18.1.4.040](#); [Landscaping, **Parking**]
- D. **Nonconforming lots** (*e.g., lot smaller than minimum area standard*) are subject to section [18.1.4.050](#). [No minimum lot size in C-1.]

# 599 East Main Street

## Non-Conforming Development - Parking



*The sanctuary space photos provided by the church show 224 - 244 seats. There were 16 rows of 7 chairs and an additional circle of 20-chairs. A space with 224 seats would require at least 56 parking spaces.*

**Applicant:** 56-61  
spaces based on  
church use

### **Staff Parking Calculation Based on Photos & Applicant's Narrative**

**16 rows X 7 chairs = 112 seats/4 seats per parking space = 28 off-street spaces**

**Circle of chairs appears to have 27 seats/4 seats per parking space = 7 off-street spaces**

**This would equate to 35 off-street parking spaces.**

**Three to four spaces are available on campus, off of the alley behind the old Fellowship Hall, but this lot is not being treated as part of the current request.**



# 599 East Main Street

## Non-Conforming Developments (AMC 18.1.4.040)

**A. Exempt Alterations.** *Repair and maintenance of a nonconforming development (e.g., paved area, parking area, landscaping) are allowed subject to approval of required building permits if the development is not enlarged or altered in a way that brings the nonconforming site less in conformity with this ordinance.*

**B. Planning Approval Required.** *A nonconforming development may be enlarged or altered subject to approval of a Conditional Use Permit under chapter [18.5.4](#) and approval of required building permits, except that a planning action is not required for exempt alterations described in subsection [18.1.4.040.A](#), above, and for non-residential development subject to subsection [18.4.2.040.B.6](#) (i.e. where non-conformities relative to design standards are proportionally address through Site Design Review.)*

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## Conditional Use Permit

The enlargement or alteration of a non-conforming development requires a Conditional Use Permit which considers the negative impacts of the proposal on the surrounding neighborhood in comparison to the “**target use**” of the property intended by its zoning. Within the Commercial zone and Detail Site Review overlay, the “**target use**” of the property is 1,742 square feet of retail space. In considering a Conditional Use Permit request here, the Planning Commission needs to consider the generation of traffic and effects on surrounding streets for a 4,628 square foot building with office space and the ability to host trade shows, conferences and meetings on a property with no off-street parking in comparison with the target 1,742 square foot retail use which would include five required off-street parking spaces on the property.

\* \* \*

**AMC 18.5.4.050.A.3** *“That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone... b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*



# 599 East Main Street

## Alteration of a Non-Conforming Development?

### Is a Conditional Use Permit (CUP) Necessary Here?

- Required if non-conforming development is “*altered or enlarged*”.
- “**Altered**” or “**Enlarged**” are not specifically defined relative to this section.
- Alterations here are:
  - Separating the two lots that previously made up the church campus – one of which contained the 3-4 off-street parking spaces available. (**NOTE:** *The applicant asserts two lots were historically separate to begin with, and when combined, parking was not required for the Fellowship Hall although it was installed and has been in place and available since 1994 (i.e. almost 30 years).*)
  - Changing the use from the previous church use to the proposed office/assembly space.
- Here the combination of two changes – separating the two lots to remove what little parking was installed on church campus from consideration, and changing the use – seemed to staff to constitute alteration of the non-conforming development.

For staff, we were unable to make a definitive determination of whether the proposed alteration rendered the development less conforming with parking requirements because:

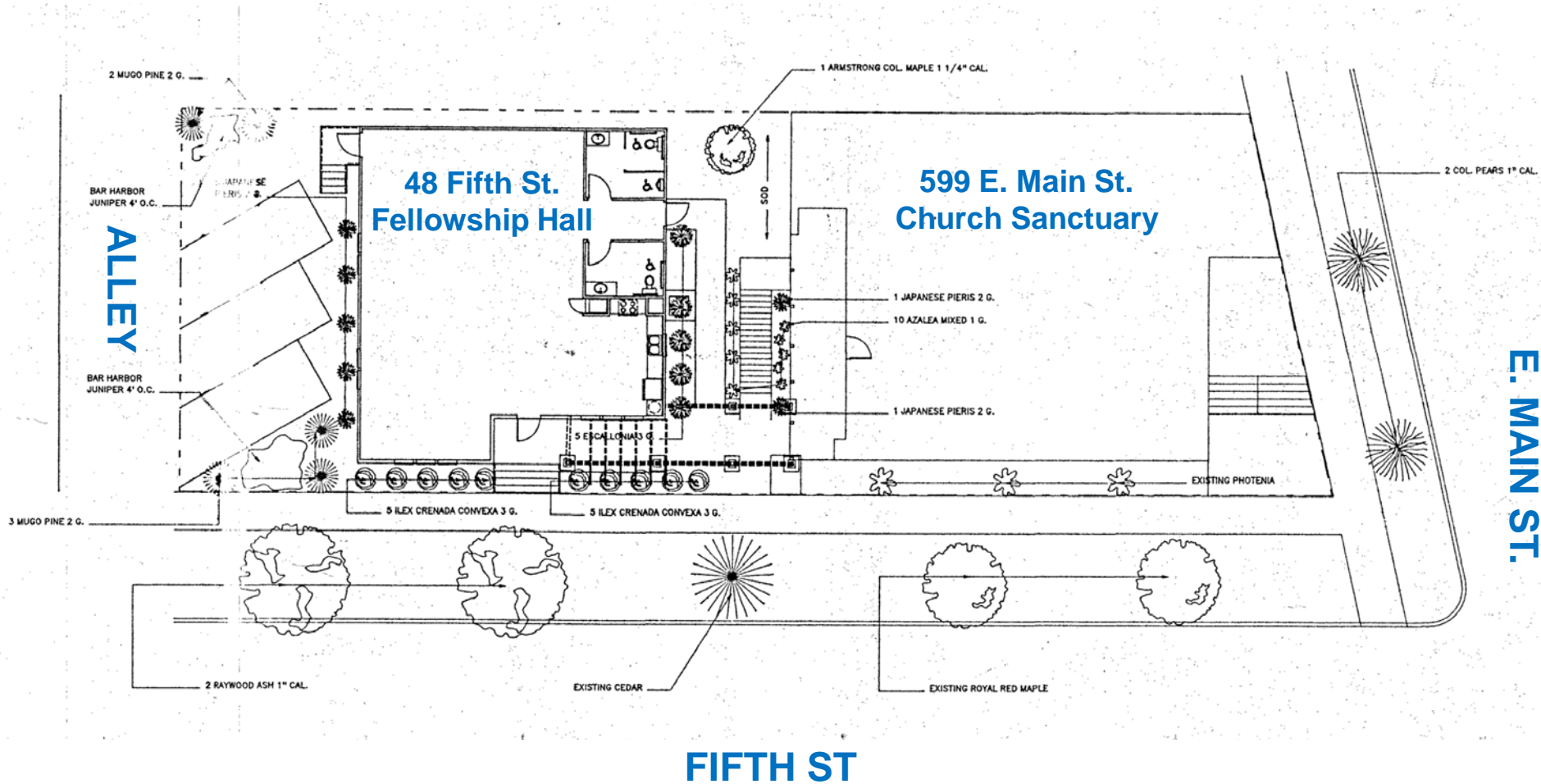
- 1) The application lacks sufficient detail about the parameters of the proposed assembly use (*frequency, duration, number of attendees, etc.*), and
- 2) The application lacks sufficient analysis of the traffic and parking generation of the proposed uses, and absent that analysis staff did not feel the burden of proof was clearly satisfied to say the proposal did not require a CUP. Similarly, staff could not adequately assess the adverse material impacts of the proposal without more detailed information and analysis.

With more detailed information and analysis, it may well be possible to determine that the proposal does not intensify the non-conformity and thus does not require a conditional use permit, or that while a CUP is needed, the adverse material impacts would not exceed those expected with the target retail use.

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Site Plan from PA #93-123 (Adding Fellowship Hall)





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## Staff Recommendation

The application's approach is essentially that the proposal is not an intensification but a decrease in occupancy as any future assembly use will be limited by building code occupancy allowances to a lesser parking demand than the peak demand for church assembly uses, and speaks to the Conditional Use Permit criteria on that basis.

For staff, the change in use combined with separating the two church properties that have been part of the campus together since 1994 - and specifically removing the 3-4 parking spaces provided on campus in the years since - represented an alteration, and for staff the issue of whether the non-conformity is increased through that alteration is more nuanced and needs to consider the separation of the two properties and loss of the few existing parking spaces, the actual parking demand for the prior church use, and whether the peak parking and trip generation of the combined office and assembly uses will have more impact than the church use and whether they compare favorably to the target retail use to merit Conditional Use Permit approval.

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## Staff Recommendation (cont'd)

Staff recognizes that allowing the modification of non-conforming developments is vitally important in maintaining viable options for the adaptive re-use of properties that developed prior to current standards like the property here – particularly in the historic districts – and we further believe that the exterior modifications proposed represent substantial improvements to the existing building. We're strongly supportive of finding an option for re-use of this property that is beneficial to the applicant, the surrounding historic district and the broader community.

Ultimately however, staff did not believe there was sufficient detail provided with regard to parking and trip generation to meet the burden of proof in determining whether the proposal amounts to an intensification, and if so, to demonstrate that there would be no greater adverse material impact to the surrounding neighborhood than the target retail use, and as such staff cannot support the application with the level of detail currently presented.



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