

TYPE II VARIANCE REQUESTS

Date: 09/06/2022

The Type II Design Review application includes this request for the following three variances.

- 1. 15.220.070 G.1 Windows.** On commercial building facades facing a public street, windows shall comprise a minimum of 40 percent of the ground floor facade.

Required: 40% glazing
Requested: 36% glazing

The building will house expanded medical, dental and pharmacy facilities. The clinic will remain operational during construction to continue to serve the community. The south façade, which faces E. Hancock Street, is the only public street-facing façade. The southwest portion of the façade includes medical exam rooms, a medical procedure room, private talk rooms and the pharmacy. The exam and procedure rooms require privacy and extensive solid wall space for wall-mounted equipment. The pharmacy also requires extensive solid wall space for pharmacy casework and shelving, and it has high security needs due to the risk of narcotics theft.

Additionally, the southwest wall is existing with no structural design documentation on file at the City. Onsite observations by the structural engineer indicate limited lateral capacity in the existing wall. Openings larger than what is currently designed would require extensive footing upgrades. This would create a hardship for maintaining clinic operations during construction. The construction phasing plan includes room-by-room exam room upgrades to minimize the number of unavailable exam rooms at any one time. Upgrading the footings along the entire southwest wall would preclude this phasing strategy.

To mitigate the limited glazing on the southwest wall, the areas of glazing along the remaining façade have been maximized in order to get as close as possible to the required 40%. The main building entry consists of full height aluminum storefront. The entry to the Wellness Center also includes full height aluminum storefront except where casework abuts the south wall. The existing storefront entry into the WIC tenant space is not part of the scope of work and will be retained as-is.

Additionally, the east, north and west facades provide more than 20% glazing area, which helps to mitigate the slightly reduced glazing area on the south facade. Further building articulation strategies have been employed such as colored box grid pilasters along the south arcade and pedestrian-friendly massing along the entire south façade.

Variance Criteria

- (A) Strict interpretation of this regulation would result in significant difficulty for the Owner, which is a non-profit primarily serving clients with financial hardship and other barriers to healthcare
 - a. Providing the full 40% glazing would result in exam rooms and pharmacy laid out in an inefficient manner in order to accommodate the extra glazing as well as the required wall-mounted equipment. This inefficiency would result in larger than

- necessary rooms with fewer exam rooms overall. This in turn reduces the number of patients the clinic can serve.
- b. Providing the full 40% glazing would result in reduced privacy for patients and providers. It would increase the security risk to the pharmacy due to potential narcotics theft.
 - c. Providing the full 40% glazing would result in extensive footing upgrades, which precludes the ability to keep the clinic open during construction. The outcome would be a lengthy lapse in healthcare options for the community that the clinic serves.
- (B) This project includes upgrades to an existing building with no drawings on file at the City. Structural engineering observations indicate that providing the required 40% glazing in the existing southwest wall will result in significant footing upgrades. This circumstance is unique to this particular building. It would not apply to new construction in the C-2 zone and would not necessarily apply to other existing buildings in the C-2 zone.
- (C) Literal enforcement of this regulation would result in inefficiencies in design due to technical requirements of the building's use as a clinic with exam rooms and other rooms that require solid walls to function properly. Other properties in the C-2 zone may have different programmatic needs and fewer conflicts with the glazing requirement and therefore would not be forced into inefficient room layouts with less-than-optimal functionality.
- (D) Granting this variance will not constitute a grant of special privilege. Medical and dental uses are allowed by right in the C-2 zone, and the slightly reduced glazing percentage is only needed because of these uses. The request is for a 4% reduction in required glazing in order to provide functional and secure medical and pharmacy spaces, not for special privileges.
- (E) Granting this variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
- a. Granting this variance will improve public health, safety and welfare by allowing the expanded clinic services to come to fruition, and by allowing the clinic to remain operational during construction.
 - b. Granting this variance will not be materially injurious to neighboring properties. The average person will not see the difference in a 4% reduction in glazing. Additionally, the building was built under earlier codes, and the combined proposed improvements will bring the building and the site into compliance with current codes. The overall project includes reduction in impervious surface, the addition of buffer landscaping, improved on-site lighting, and the improvement of the existing west driveway. The site will have an accessible path, required bike parking and additional non-required amenities like a community garden. The building will be voluntarily sprinklered to improve life safety. The slight 4% reduction in the percentage of glazing is more than offset by the cumulative benefits of the overall project to the surrounding area.

2. 15.440.080 A Off-street loading. Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

1. The following standards shall be used in establishing the minimum number of berths required:

Gross Floor Area of the Building in Square Feet	No. of Berths
Up to 10,000	1
10,000 and over	2

Required: 2 berths
Requested: 1 berth

The building will house expanded medical, dental and pharmacy facilities. The majority of the clinic's deliveries occur a few times per month, with a few that occur weekly and two that happen daily. The vehicles making deliveries are primarily the box-type trucks used by FedEx, UPS, etc., as well as passenger vans and cars. No big rigs or other large trucks are anticipated.

The breakdown of deliveries is as follows:

- Biohazards/Sharps containers: Once a week for 15-20 minutes.
- Lab coats: Once a week for 10-20 minutes
- Liquid nitrogen: Every 3 weeks for approximately 30 minutes
- Immunizations: Once a month for 5-10 minutes
- McKesson lab/room supplies: 2-3 times a month for 10-20 minutes
- Office Depot: once a month for 10-20 minutes
- VGMHC courier: 2 times a day for 10-15 minutes
- Lab specimens: Labcorp – at end of day (6-7pm) for 5-10 minutes

Additionally, the clinic has control of the number of daily deliveries and the times that they occur.

Variance Criteria

- (A) Strict interpretation of this regulation would result in unnecessary expense for the Owner, which is a non-profit primarily serving clients with financial hardship and other barriers to healthcare. Given that most of the deliveries for this facility occur on a weekly or longer basis and large trucks are not expected, the two-berth requirement is not necessary for this facility's operations. The money saved by not developing a second, unneeded loading berth will be put to better use if spent on the clinic building and services.
- (B) This project lies in the C-2 Neighborhood Commercial zone. This zone encompasses a wide variety of uses and not all uses have identical needs for loading. The conditions applicable for this specific site do not necessitate two loading berths.
- (C) Literal enforcement of this regulation would result in unnecessary expenditure for the Owner for the development of a loading facility that is not needed for the building to operate. Other properties in the C-2 zone may have different needs for loading and therefore the expenditure for loading facilities would not be considered an undue hardship.
- (D) Granting the variance will not constitute a grant of special privilege since it is based on the actual use and needs of the building. The request is to avoid a requirement to construct a facility that is inappropriate for the building's use, not to gain special privilege.
- (E) Granting the variance will be beneficial to public health, safety and welfare because the funds will instead be used for the clinic. Additionally, reducing the number of loading berths reduces the amount of impervious surface. This allows for more landscaped area, which has a larger environmental benefit beyond this specific site. Granting the variance will not be materially injurious to neighboring properties since the requested single loading berth is sufficient for the number of deliveries the building expects and no disruptions to adjacent properties will occur as a result of the reduced number of loading berths.