

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: February 06, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB17-0170
1409 Lincoln Road "The Gaythering Hotel" – Pool/Spa Amenity

The applicant, Stef USA, Inc., is requesting Design Review Approval for the construction of a spa pool amenity, ~~including one or more waivers~~ and a variance for reduction of the required setback for a pool and pool deck in a side yard facing a street.

RECOMMENDATION:

Approval of the design

Approval of the variances

LEGAL DESCRIPTION:

Lot 1 of Block 42 of the "BelleView Subdivision" according to Plat thereof as recorded in Plat Book 6, Page 114 of the Public Records of Miami-Dade County, Florida.

HISTORY:

The application was originally scheduled for the November 07, 2017 but was continued to the February 06, 2018 DRB meeting at the request of the applicant.

SITE DATA:

Zoning:	RM-2
Future Land Use:	RM-2
Lot Size:	7,500 SF
Existing SF:	14,980 SF (1.99 FAR)
Existing Use:	25 hotel units 60 seat bar
Existing Height:	3-stories

SURROUNDING PROPERTIES:

North: 1970 Eight-story residential building (42 units) 'Lincoln Palace Condo'
South: 1965 Six-story residential building (30 units) 'Lincoln Plaza Condo'
West: 1963 Three-story residential building (48 units) 'Sunshine Bay Condo'
East: 1972 Twelve-story residential building (65 units) 'Bayview Condo'

EXISTING STRUCTURE:

The existing three-story building is an excellent example of a typical midcentury MIMo courtyard building, built in 1958 by Albert Anis.

THE PROJECT:

The applicant has submitted revised plans entitled "1409 Lincoln Road Hotel Gaythering" as prepared by **Naturalficial Inc.** Landscape Architecture + Design signed sealed and dated 12/08/17.

The applicant is proposing to construct a swimming pool within the small courtyard of an existing three-story courtyard building.

The applicant is requesting the following variance(s):

1. A variance to reduce 11'-4" from the minimum required street side setback of 15'-0" for a pool, deck or platform, in order to construct a pool and deck at 3'-8" from the side property line facing Lincoln Road.

- Variance requested from:

Sec. 142-1133. Swimming pools.

This section applies to swimming pools in all districts, except where specified. Accessory swimming pools, open and enclosed, or covered by a screen enclosure, or screen enclosure not covering a swimming pool, may only occupy a required rear or side yard, provided:

(3)Side yard facing a street. For a side yard facing a street:

b. All other districts. In all other districts a 15'-0" setback from the property line to the swimming pool, deck or platform, the exterior face of an infinity edge pool catch basin, or screen enclosure.

As proposed, the 17'-0" x 6'-0" spa pool will be constructed in the existing courtyard of the three-story building. The uncovered outdoor courtyard facing Lincoln Road is the only available area on site that would be possible to install the outdoor pool amenity without demolishing portions of the building since the 1953 Post War Modern building was constructed with zero (0') foot setbacks in all directions. Although not historically designated, or part of an historic district, the subject building would be considered architecturally significant and does contribute to the overall character of the neighborhood. Pools and the accompanying facilities are a standard amenity for hotels and without the granting of the variance the property would not be able to have one at the ground level under the current conditions. Staff finds that the location of the existing building with its non-conforming setbacks creates the practical difficulties warranting the requested variances.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures,

or buildings in the same zoning district;

- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

CONSISTENCY WITH COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **hotel use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the applicable sections of the City Code, in addition to the requested variance(s). The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied; although the proposed project requires a variance, the proposed design is sensitive to and compatible with the existing building, and the surrounding neighborhood.

3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Satisfied; although the proposed project requires a variance, the proposed design is sensitive to and compatible with the existing building, and the surrounding neighborhood.

4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.

Satisfied

5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.

Satisfied; although the proposed project requires a variance, the proposed design is sensitive to and compatible with the existing building, and the surrounding neighborhood.

6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.

Satisfied; although the proposed project requires a variance, the proposed design is sensitive to and compatible with the existing building, and the surrounding neighborhood.

7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.

Satisfied

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

Satisfied

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Applicable
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Applicable
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable

18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
Not Applicable
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
Not Applicable
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

- (10) Where feasible and appropriate, water retention systems shall be provided.

Not Applicable

STAFF ANALYSIS:

DESIGN REVIEW

The subject property consists of a corner lot with three street frontages at the western end of Lincoln Road. The property has a three-story courtyard building with the main entrance on Lincoln Road, but for zoning purposes the “front” of the property is identified along Lincoln Court and Bay Road. With the exception of the 23’ x 46’-6” open air courtyard, the 7,500 SF lot is nearly totally developed with the existing MiMo structure that occupies a footprint of 91% lot coverage due to the multiple non-conforming setbacks of zero (0’) feet from the front, rear and both side street setbacks.

VARIANCE ANALYSIS

Operating since 2014, the 25-room boutique hotel is seeking to improve the property with an 17’-0” x 6’-0” outdoor spa pool amenity for hotel guests. The uncovered outdoor courtyard that faces Lincoln Road is the only available unimproved area on the site where it would be possible to install the pool amenity without demolishing portions of the building, or through immense structural and economical challenges with a rooftop feature. Therefore, the variance requested is the minimum necessary in order to preserve the contributing structure, while allowing the construction of a pool and satisfying the Design Review Criteria.

The limited open space available on site is not the result of the actions of the applicant and the strict compliance with the Code would impose an undue hardship on the applicant as the guests would not be able to enjoy this amenity without affecting the existing structure. Staff would also note that the swale adjacent to the property on Lincoln Road is unusually large, with the building set back approximately twenty (20’) feet from the curb line. Although the pool and deck are setback 3’-8” from the property line, they are setback 12’-2” from the sidewalk, which is 8’-0” in width. Additionally, revised plans show a 7’-0” high coral stone clad wall proposed along the southern edge of the spa to further block sound. This additional landscaped setback from the sidewalk helps to mitigate any perceived impact from Lincoln Road.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the design and **approval** of the variance request subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria and Practical Difficulty and Hardship criteria.

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: February 06, 2018

FILE NO: DRB17-0170

PROPERTY: **1409 Lincoln Road: The Gaythering Hotel**

APPLICANT: Stef USA, Inc

LEGAL: Lot 1 of Block 42 of the "BelleView Subdivision" according to Plat thereof as recorded in Plat Book 6, Page 114 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a spa pool amenity and a variance for reduction of the required setback for a pool and pool deck in a side yard facing a street.

ORDER

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, and 6 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is not applicable with Sea Level Rise Criteria in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 - 1. Revised elevation, site plan and floor plan drawings for the proposed spa/pool and deck at 1409 Lincoln Road shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. The final design and details and color selection of the coral stone finished cladding proposed along the exterior wall of the new spa feature shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Sound attenuating design elements shall be installed within the wall.
 - b. Final details of all fencing shall be required, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. Any new exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff.
 - d. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
 - e. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. The existing podocarpus hedge in the public right-of-way shall be removed prior to the issuance of any building permit for work approved herein.
 - b. The final landscape selection, which shall include increasing the overall installed size for portions of the landscaping, location, quantity, and specifications of all existing and proposed new landscaping shall be required, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
 - d. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

- e. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. The Applicant agrees to the following operational conditions for the outdoor spa/pool deck area in the courtyard space, along with southern façade of the property, adjacent to Lincoln Road, and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational requirements and/or limitations.

a. SPA/POOL OPERATIONAL CONDITIONS

- i. The hours of operation for the outdoor spa/pool shall be limited to the following:

Spa/Pool Hours: All Days | 7:00 AM - 9:00 PM

- ii. Once the pool has closed, the gate surrounding the space will remain locked until opening hours the next morning. Any outdoor furniture in the space will be secured in such a fashion that they are not usable by passers-by.
- iii. No food or beverage service will be available to guests in the pool deck area.
- iv. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises, except on private property.
- v. The owner/operator shall be responsible for maintaining the areas adjacent to the facility, including the sidewalk, and all areas around the perimeter of the property. These areas shall be kept free of trash, debris and odor, and shall be swept and hosed down at the end of each business day.
- vi. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
- vii. Special Events shall not be issued for the outdoor areas. Special Events may occur on the interior of the building, subject to City ordinances, rules or regulations existing at the time, and may exceed the hours of operation and occupancy loads specified herein, if permitted by the Fire Marshal, subject to the review and approval of staff.

b. NOISE CONDITIONS

- i. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph
- ii. Applicant agrees that the placement or use in the outdoor pool area of exterior loudspeakers, fixed or portable shall be prohibited.
- iii. No speakers shall be affixed to the exterior of the Property.
- iv. All DJ and/or live entertainment shall only occur within the interior of the property.
- v. Sound attenuating design elements shall be installed wherever possible surrounding the pool deck in order to minimize any spillover of sound to residential properties located across Lincoln Road, in a manner consistent with the limits and requirements of the City Code.

c. APPLICABILITY

- i. The conditions of approval for variance are binding on the applicant/operators, and all successors in interest and assigns. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein

In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

I. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance to reduce 11'-4" from the minimum required street side setback of 15'-0" for a pool, deck or platform, in order to construct a pool and deck at 3'-8" from the side property line facing Lincoln Road.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of the variances if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, as it relates to the variances as noted above:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

C. The Board hereby **Approves** the Variance request(s), and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval' and 'II. Variances' noted above.

- A. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.

- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- D. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1409 Lincoln Road Hotel Gaythering" as prepared by **Naturalficial Inc. Landscape Architecture + Design** signed sealed and dated 12/08/17, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not

