

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **March 30, 2022 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

09th Meeting of the Year

CPA/09/22

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)

Mr. Joshua Bernard

Mr. Gillard McLaughlin

Mr. Charles Russell Jr.

Mr. Windel Scott

Mr. Peter Campbell

Mr. Kenneth Ebanks

Ms. Danette McLaughlin

Ms. Shakina Bush

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft

Mr. Ashton Bodden

Mr. Haroon Pandohie (Executive Secretary)

Mr. Ron Sanderson (Deputy Director of Planning – Current Planning)

- 1. Confirmation of Minutes & Declarations of Conflicts/Interests**
- 2. Applications**
- 3. Development Plan Matters**
- 4. Planning Appeal Matters**
- 5. Matters from the Director of Planning**
- 6. CPA Members Information/Discussions**

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APPLICANTS ATTENDING THE AUTHORITY'S MEETING

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Coe Group	10:30	2.1	5
Karen & Dean Watson	11:00	2.1	11
Carlos Sedano	11:30	2.2	13
Samuel Thevasaeyan	1:00	2.3	16
K&B Ltd	1:30	2.4	18
St. James Point Holdings	2:30	2.5 & 2.6	24 & 28

1. 1 Confirmation of Minutes of CPA/07/22 held on March 09, 2022

Confirmation of Minutes of CPA/08/22 held on March 16, 2022

1. 2 Declarations of Conflicts/Interests

ITEM	MEMBER

2.0 APPLICATIONS

APPEARANCES (Items 2.1 to 2.7)

2.1 COE GROUP LTD Block 1D Parcel 136 (P21-1125) (\$6,250,000) (BES)

Application for 39 apartments, swimming pool LPG tank, and 6' chain link fence

Appearance at 10:30

FACTS

<i>Location</i>	Ebanks Road off Watercourse Road, West Bay.
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	2.75 ac. (119,790 sq. ft.)
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed building size</i>	31,250 sq. ft.
<i>Total building site coverage</i>	29.1%
<i>Allowable units</i>	41
<i>Proposed units</i>	39
<i>Allowable bedrooms</i>	66
<i>Proposed bedrooms</i>	39
<i>Required parking</i>	59
<i>Proposed parking</i>	65

BACKGROUND

March 1, 2022 (**CPA/06/22; Item 2.9**) - It was resolved to adjourn the application for the following reasons:

- 1) The applicant must provide a copy of the submission made to the Lands and Survey Department to obtain 30' vehicular easements in favour of the subjects lands over Block 1D Parcel 671 and Block 2C Parcels 23 & 169.
- 2) The applicant shall submit revised plans showing:
 - a) the driveway aisles with a minimum width of 22'; and
 - b) primary access to the site through Maliwinas Way.
- 3) The applicant must re-notify the owners along Maliwinas Way that the primary access to the proposed development will be through Maliwinas Way. For the avoidance of doubt the owners of the following parcels must be notified: Block 2C Parcels 19,136, 137, 138, 139, 140, 166, 167, 168, 169 and 192.

Recommendation: The applicant requested to attend the CPA meeting to discuss the above conditions.

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environment, Department of Environmental Health and Fire Service are noted below.

Water Authority

Please be advised that the Water Authority's requirements for the proposed development are as follows:

Wastewater Treatment and Disposal

The developer, or their agent, is required to submit an Onsite Wastewater Treatment Proposal, per the attached Form, which meets the following requirements. Water Authority review and approval of the proposed system is a condition for obtaining a Building Permit.

- *The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 5,876 US gallons per day (gpd), based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Building A	5 x 1-Bed Units	150gpd/1-Bed	750gpd	750gpd
Building B	8 x 1-Bed Units		1,200gpd	1,200gpd
Building C	6 x 1-Bed Units		900gpd	900gpd
Building D	8 x 1-Bed Units		1,200gpd	1,200gpd
Building E	6 x 1-Bed Units		900gpd	900gpd
Building F	6 x 1-Bed Units		900gpd	900gpd
Office	175 sq. ft.	175 x 0.15 (retail factor)	26gpd	26gpd
Gym	616 sq. ft.	0	0	0
Storage	265 sq. ft.	0	0	0
TOTAL				5,876 GDP

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'6" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

Water Supply:

Please be advised that the proposed development site is located within the Cayman Water Company's (CWC) piped water supply area.

- *The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.*
- *The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.*

National Roads Authority

As per your memo dated October 22nd 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

The boundary definition of Ebank Road is varied and it has various widths over its entire length – the north half of the road (Block 1D Parcel 612) is 30 feet in width – an intention to take over the road (Boundary Plan 607 pursuant to Section 3 of the Roads Law) and declare that section a public road (PCM 323) was prepared and signed off by the NRA back in late 2017 – these two gazette scheme have been with the Ministry responsible for Roads since and have not presented to Cabinet for gazettal.

South of 1D612, an intention to acquire land to open a road through parcels 1D435, 1D371, 2C, 2C23, 2C24 and 2C23 was gazetted pursuant to Section 3 of the Roads Law (2005 Revision) and published as Boundary Plan 538 and published in May 2013. The gazette scheme would allow for a road width of about 24 feet through these parcels mentioned. Instructions to declare that section of the road "public" pursuant to Section 5 of the Roads Law were forwarded by the NRA back in late 2017 but these have not been actioned.

Finally, the section of Ebanks Road from Florried Dell Road to its intersection with Watercourse Road (a public road) eventually narrows down only 17 feet in the vicinity of land parcels 2C28 and 1D270. There is no plans to widen this section of road at this point by the NRA.

Based on above points, the NRA would strongly caution the CPA in approving the proposed development given the described physical constraints of Ebanks Road at Watercourse Road, without making the suggested "emergency access" via Block 2C Parcel 138 to Maliwinas Way the primary access to the subject lands. Alternatively, the NRA would recommend to the CPA it considers separating the entry and exit to/from the subject lands utilizing both the Ebanks Road and Maliwinas Way as one-way controlled access.

Futhermore, it is noted that one of the proposed driveway is located on an un-built section of road (Block 1D Parcel 609) . The applicant will need to construct the road to meet minimal NRA specification for subdivision roads (including drainage conveyance requirement), up to the subject parcel.

The traffic demand to be generated by a residential development of thirty-nine (39) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM

peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Ebanks Road is as follows:

Expected	AM Peak	AM Peak	AM Peak	PM Peak	PM Peak	PM Peak
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Daily Trip	Hour Total Traffic	20% In	80% out	Hour Total Traffic	65% in	35% out
259	20	4	16	24	16	8

Based on these estimates, the impact of the proposed development onto Ebanks Road is considered to be moderate based on the road geometry of Ebanks Road.

Access and Traffic Management Issues

One-way driveway aisles with perpendicular parking shall be a minimum of twenty-two (22) ft. wide. Please have applicant indicate the one-way system on site through signage and road markings.

Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.

A six (6) foot sidewalk shall be constructed on Ebanks Road within the property boundary, to NRA standards.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.

Stormwater Management Issues

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worse than pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Ebanks Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any*

Building Permits.

- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

“any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;”

Failure in meeting these requirements will require immediate remedial measures from the applicant.

Department of Environment

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The application site is predominately man-modified with regrowth. We encourage the applicant to only clear the development footprint and to retain as much mature native vegetation as possible. We also recommend the applicant plants and incorporates native vegetation in the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site and requires less maintenance (i.e. minimizes the demand for potable water for irrigation) which makes it a very cost-effective choice.

Retaining vegetation, (even in a man-modified area) can still provide benefits to the property owner and the surrounding area. For example, retaining vegetation can:

- *Affect soil development over time generally contributing to a more productive soil;*
- *Provide habitat and food for wildlife;*
- *Provide sound and privacy buffers from the road and neighbouring properties/developments;*
- *Provide mature vegetation which can enhance landscaping and immediately offer shade;*
- *Assist with the management of run-off and drainage;*
- *Reduce the amount of greenhouse gas emissions by avoiding the unnecessary clearing of land which releases carbon dioxide into the atmosphere.*

Department of Environmental Health

This development will require (1) 8 cubic yard container serviced twice weekly and an enclosure built to the department's requirements.

Solid Waste Facility:

Table 1: Specifications for Onsite Solid Waste Enclosures

Container size (yd3)	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
8	10	10	5.5	0.5	Water (hose bib), drain, Effluent Disposal well; guard rails

NOTE: The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications. Contact development.control@waterauthority.ky for deep well details.

Swimming Pool:

A swimming pool application must be submitted to DEH for review and approval prior to constructing the pool.

Fire Department

Please depict Proposed Fire Hydrant and Fire well.

The Department reminded the applicant to liaise with Fire Service regarding a revised site plan for their review.

PLANNING DEPARTMENT ANALYSIS

General

The application is for thirty-nine (39) apartments with thirty-nine (39) bedrooms, swimming pool, LPG, and 6' chain link fence at the above-captioned property. The site is located on Ebanks Road off Watercourse Road, West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

According to Regulation 9(8) of the Development and Planning Regulations (2021 Revision), apartments are permissible in suitable locations.

The surrounding land uses in the area are apartments, dwelling houses and vacant properties. In regard to existing apartments:

1D 611 - min 3 units

- 1D 434 - 4 units
- 2C 139 - 3 units
- 2C 140 - appears to be 3 units

Another factor that should be taken into account other than the character of the area when determining site suitability is the existence of necessary infrastructure to support the proposed apartments. In this instance, the NRA has raised a concern with the width of portions of Ebanks Rd being as narrow as 17’ and the Authority needs to consider this when determining if the location is suitable for apartments.

2) Access

The subject parcel has the following access arrangements over Ebanks Rd:

- 1D 609 - subject parcel benefits from a 30’ easement
- 1D 612 - subject parcel benefits from a 30’ easement
- 1D 671 - land register notes there is a gazetted Boundary Plan
- 2C 23 - land register notes there is a gazetted Boundary Plan

The subject parcel has the following access arrangements over Maliwinas Way

- 2C 138 - subject parcel benefits from a 30’ easement
- 2C 169 - subject parcel benefits from a 20’ easement

The Authority needs to determine if the gazetted BP is sufficient for access over 1D 671 and 2C 23 and if the 20’ easement is sufficient for access over 2C 169.

3) Driveway width

The site has been designed with a one-way driveway that is 20’ wide and circles the property. It would appear likely that persons residing in the apartments may wish to drive against the one-way flow for the sake of convenience for leaving the site. Should this occur then the 20’ driveway width falls short of the minimum width of 22’ which better accommodates two-way traffic flow.

4) 6’ Chain-Link Fence vs. 4’ Fence

Paragraph 4.3.1 of the Wall and Fence Guidelines states no part of a solid wall or fence should exceed 48 inches in height. The application seeks planning permission for the installation of a 6’ high chain-link fence along the boundaries. The fence note on the site plan indicates the fence on the boundary of the access road (1D609), whereas the fence should be setback behind the 6’ wide sidewalk.

SUPPLEMENTAL ANALYSIS

No changes have been made to the plans.

2.2 DEAN & KAREN WATSON (Johnson Design & Architecture) Block 15B Parcel 116 (P21-0773) (\$200,000) (MW)

Application for a house addition.

Appearance at 11:00

FACTS

<i>Location</i>	Windermere St., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2700 ac. (11,761.2 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing Residence w/ Pool
<i>Proposed building size</i>	1,215 sq. ft.
<i>Total building site coverage</i>	33.65%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

BACKGROUND

September 29, 2021 (CPA/20/21; item 2.17) – the current application was adjourn to invite in the applicant to discuss concern regarding the site coverage and setbacks

Recommendation: Discuss the application, **for the following reasons:**

- 1) Front (Road) Setback (16'-0" vs. 20'-0")
- 2) Side Setback (7'-0" vs 15'-0")
- 3) Site Coverage (33.65% vs. 30%)

APPLICANT'S LETTER

Kindly accept this letter requesting a side setback and a roadside setback variance for a proposed house Addition. Located in a Low Density Residential Zone, the proposed one story house addition is 7' from the side property boundary (10' setback) and 16' from the property boundary (20' setback).

Please consider the following sections of the Development and Planning Law:

- *Section 8(13)(b)(i) states an exception allowing for a breach of a setback if 'the characteristics of the proposed development are consistent with the character of the surrounding area'. Given that the setback variances are minimal, we ask that CPA consider the house addition.*
- *Also note that this application is not 'materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare' as stated in section 8(13)(b)(iii), and*
- *As per Section 8(13)(d), notification letters have been sent out to adjoining property owners regarding this setback variance and no objections have been made.*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a House Addition; 1,215 sq. ft. with a Front (Road) & Side Setback Variance to be located on Windermere St., George Town.

Zoning

The property is zoned Low Density Residential and the Department would offer the following comments regarding the specific issue noted below.

Specific Issues

1) Front (Road) Setback

Regulation 9(8)(i) states “*the minimum front and rear setbacks are 20’-0”*”. The proposed addition will encroach the fronting road boundary at 16’-0” a difference of 4’-0”.

2) Side Setback

Regulation 9(8)(j) states “*the minimum side setback is 15 feet for a building of more than one storey*”, the proposed addition would encroach the side boundary at 7’-0” a difference of 8’-0”.

3) Site Coverage

Regulation 9(8)(h) states “*the maximum site coverage for detached and semi-detached houses, duplexes, guest houses and apartments is 30%*”. The proposed development will increase the site coverage to 33.7% a difference of 3.7% over the maximum required.

SUPPLEMENTARY ANALYSIS

No changes have been made to the plans.

2.3 CARLOS SEDANO (HK Global Inc. Ltd.) Block 24E Parcel 454 (P20-0955) (\$350,000) (EJ)

Application for a house.

Appearance at 11:30

FACTS

<i>Location</i>	Windswept Drive
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	16,705 sq. ft.
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	House, Pool, Outdoor Kitchen & Pergola’s
<i>Proposed Use</i>	An additional house
<i>Proposed building size</i>	2,057 sq. ft.

<i>Total building site coverage</i>	31.87%
<i>Allowable units</i>	1
<i>Proposed units</i>	2

BACKGROUND

1996 - the Department granted permission for a three (3) bedroom house.

May 07, 1999 - the Department granted permission for a three (3) bedroom house.

December 15, 2021 (**CPA/26/21; Item 2.7**) - the current application was adjourned to invite the applicant to appear before the Authority

Recommendation: Discuss the application, **for the following reasons:**

- 1) Lot Size Variance (16,705 sq. ft. vs 20,000 sq. ft.),
- 2) Side Setback Variance (10' vs 15')
- 3) Canal Setback Variance (10' vs 20'),
- 4) Site Coverage Variance (31.87% vs 30%).

AGENCY COMMENTS

Comments from the Department of Environment are provided below.

Department of Environment

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comment for your consideration.

All construction materials should be stockpiled away from the canal to prevent runoff and debris from entering the marine environment.

APPLICANT'S LETTER

I come before you, seeking for a setback's variances on the property of Carlos Sedano, as the lot size, over site coverage and side and canal setback

- 1. Lot Size Variance (16,705 sq. ft. vs 20,000 sq. ft.),*
- 2. Side & Canal Setback Variance (10' & 10' vs 15' & 20'),*
- 3. Over Site Coverage (31.87% vs 30%).*

are required for the SEDANO FAMILY APARTMENT (P20-0955) B&P: 24E454 Date: 14-Nov-2020 The circumstances and reason envisioned to this, is that Mr. Carlos Sedano intends to hand over the existing house to his medical daughter for her and her family, and for him and his wife Milagros to move to the proposed apartment that will be attached to the existing house.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Windswept Drive in Prospect and contains an existing dwelling.

The application is to add a second detached dwelling to the property.

The applicant has notified the adjacent parcels and the Department is not in receipt of any objections.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size Variance

The proposed house does not share a common wall with the existing house and is therefore considered a second detached dwelling.

Each dwelling requires a minimum 10,000 square feet of area (Regulation 9(8)(d)) resulting in a total required lot area of 20,000 square feet.

The property has 16,705 square feet

The proposed does not meet the required lot size and the applicant is seeking a lot size variance (16,705 sq. ft. vs 20,000 sq. ft.), a difference of 3,295 sq. ft.

2) Canal Setback Variance

The applicant is seeking a canal setback variance, proposed at 10' whereas 20 feet is required by Regulation 8(d).

3) Side Setback Variances

The applicant is also seeking a side setback variance for the proposed two storey house.

The applicant proposes 10' where a minimum 15' is required (Regulation 10(8)(j)) for a two-storey house.

In addition, the applicant is requesting a 6.11' proposed setback for an LPG tank where 10 feet is required.

There is also a variance request for a side yard of 7.6' to the proposed steps where a minimum 10 feet is required.

4) Site Coverage Variance

Regulation 10(8)(h) permits a maximum site coverage of 30 percent.

The proposed site coverage with the second house is 31.87%, a difference of 1.87% over the allowable coverage.

SUPPLEMENTARY ANALYSIS

No changes have been made to the plans.

2.4 SAMUEL THEVASAEYAN (National Builders Ltd.) Block 15B Parcel 135 (P21-1047) (BES)

Application for a two (2) lot subdivision.

Appearance at 1:00

FACTS

<i>Location</i>	Hinds Way, South Sound
<i>Zoning</i>	LDR
<i>Notification result</i>	Objectors
<i>Parcel Size proposed</i>	0.2993 acre or (13,037.5 sq ft)

<i>Parcel Size required</i>	0.22 ac or (10,000 sq ft)
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Subdivision (2-lots)

BACKGROUND

No previous CPA history.

Recommendation: Discuss the application, **for the following reasons:**

- 1) Lot size (6771.97 and 6,459.15 sq ft vs. 10,000 sq ft)
- 2) Lot width (50' vs 80')
- 3) Concerns of the objector

AGENCY COMMENTS

Comments from the Department of Environment, National Roads Authority, and Water Authority are noted below.

Department of Environment

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The DoE confirms that we have no comments at this time as the application site is man-modified and of limited ecological value.

National Roads Authority

As per your memo dated October 20th 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns regarding the above proposed subdivision.

Water Authority

Please be advised that the Water Authority's requirements for this development are as follows:

Water Supply:

The proposed development site is located within the Water Authority's piped water supply area.

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*

- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.

Wastewater Treatment:

- *The developer is advised that wastewater treatment and disposal requirements for built development are subject to review and approval by the Water Authority.*

OBJECTOR

We would like to voice our objection to the application for the subdivision of lot 15B-135 on the grounds of the requested size variance being well under the planning regulation size for minimum sqft of LDR parcels and well under the required road frontage.

We are the owners of block and parcel 15B 411. We thank you the opportunity to object.

APPLICANT'S LETTER

National Builders Ltd. is requesting a lot size and width variance on Block 15B Parcel 135. We are proposing

a lot size variance from 10,000 SF to 6,459.15SF and lot width from 80' to 50'. We are aware that the allowed

lot size is 10,000 SF and width 80'.

We request permission for the subject matter per the drawings provided and humbly give the following

reasons:

1. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.

2. Per section 8(13)(d) of the Planning Regulations, the adjoining property owners within 450' radius have been notified of the proposed unit and bedroom number associated with the application and they have not objected.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to subdivide the above-captioned property into two (2) lots subdivision located on Hinds Way, South Sound.

The resultant acreage of the lots after the subdivision would be lot "A" (6771.97 sq ft) and lot "B"

(6,459.15 sq ft), respectively.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Per regulation 9(8)(d), the minimum lot size for each detached house is 10,000 sq ft. of the Development and Planning Regulations (2021 Regulations). In contrast, the proposed lot “A” (6771.97 sq ft) and lot “B” (6,459.15 sq ft) are less than the minimum required.

2) Lot Widths

The proposed lot widths are 50’, whereas the minimum lot width is 80’ per Regulation 9(8)(g) of the Development and Planning Regulations (2021 Regulations).

2.5 K & B Ltd (TAG Ltd) Block 23C Parcel 233 (P21-1232) (\$750,000) (JP)

Application for warehouse, open-sided storage shed, stockpiled material storage, site office, security office, fence and two signs.

Appearance at 1:30

FACTS

<i>Location</i>	Prospect Point Road
<i>Zoning</i>	NC
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.5813 ac. (112,444 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	14704 sq. ft.
<i>Total building site coverage</i>	27.5%
<i>Required parking</i>	22
<i>Proposed parking</i>	22

BACKGROUND

January 5, 2022 (CPA/01/22; item 2.7) – Members adjourned determination in order to invite the applicant to appear before the Board to discuss concerns regarding the zoning and industrial use of the site.

July 12, 2021 (CPA/14/21; item 2.5) – application for a construction compound (P21-0348) was refused Planning Permission for the following reasons:

- 1) The site is zoned Neighbourhood Commercial (NC). Section 3.02 of The Development Plan 1997 states that the NC zone applies to commercial nodes outside of central George Town

and provide for a less intense commercial use. This section states further that the NC zone includes shops and businesses that service the needs of the community and that smaller scale professional buildings as well as grocery stores are typical uses.

In this instance, the applicant is proposing an industrial construction compound and the Authority is of the view that that type of use is not consistent with the anticipated uses in the NC zone as noted above. Further, the applicant did not demonstrate to the Authority that the proposed use would service the needs of the community. To the contrary, the Authority is of the view that the proposed use would only service the needs of the applicant.

- 2) Regulation 13(1)(b) of the Development and Planning Regulations (2021 Revision) states that NC zones are zones in which the primary use is less intense form of development of that permitted in a General Commercial (GC) zone and which cater principally for the needs of persons resident in, or in the vicinity of, the zone.

The Authority is of the view that the proposed industrial construction compound is not a less intense form of development than would be found in a GC zone as there will be heavy equipment and trucks coming and going to the site with construction activity on site in relation to the stockpiling of fill material as well as other construction material and equipment.

Similar to reason 1) above, the applicant did not demonstrate to the Authority that the proposed use would cater principally for the needs of persons resident in, or in the vicinity of, the zone. To the contrary, the Authority is of the view that the proposed use would only cater to the needs of the applicant.

- 3) Regulation 12(4) states that light industrial development may be permitted by the Authority in other areas provided it is not offensive and does not adversely affect the area. The applicant did not address this issue, but the Authority is of the view that an industrial construction compound would be offensive and would adversely affect the area due to the associated activities related to a construction compound as note above in reason 2).

January 30, 2020 (**CE20-0011**) Stop and Enforcement notices issued due to unauthorised land clearing

March 4, 2020 (**CPA/05/20; item 2.8**) application for after-the-fact land clearing, 5' fence and two 32 sq ft signs approved (P19-1318)

Recommendation: Discuss the application, **for the following reason:**

- 1) Zoning

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, Department of Environment and Fire Department are noted below.

Water Authority

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least 1,500 US gallons for the proposed development.*

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'6" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Potential High-Water Use

The plans submitted do not indicate the types of tenants to be included; therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. The developer is advised that if high-water-use tenants; e.g., food service, laundry, etc., are anticipated, provision should be made at this stage by providing details so that the requirements can be adjusted accordingly. Any future change-of-use applications to allow for a high-water-use will require an upgrade of the wastewater treatment system which, depending on the use, may include in-the-ground interceptors for grease or oil-grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit.

Water Supply

The proposed development site is located within the Water Authority's piped water supply area.

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.

National Roads Authority

No comments received.

Department of Environmental Health

Solid Waste Facility:

This development requires (1) 8 cubic yard container with twice per week servicing.

NOTE:

The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications. Contact development.control@waterauthority.ky for deep well details.

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The site was partially man-modified and partially seasonally flooded mangroves. A site visit was undertaken on 24 January 2020 and it was found that the mangroves had been cleared from the interior of the site. Mangroves are a Part 2 Schedule 1 Protected Species with an adopted Mangrove Conservation Plan. The marine environment near the parcel is a Marine Reserve (a Marine Protected Area under the National Conservation Act. With open storage of unconsolidated stockpiled materials, there is the potential for the material to be carried into the Marine Reserve during storm events.



Figure 1. Aerial imagery showing the illegal clearing of the site.



Figure 2. Photo showing the heavy machinery tracks which cleared mangroves.

*The proposed development involves the clearing of mangrove for outdoor stockpiles of materials and parking, with approximately 16% of the site being used for buildings. The mangroves on the site are an extremely important buffer for Hurley Merren Boulevard from the sea. There are ample man-modified sites that could be used for the storage of materials without removing mangroves or other primary habitat. **We recommend that this application is refused.***

Fire Department

No comments received.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the Prospect area of Grand Cayman, bound to the east and west by an existing road network.

The application seeks Planning Permission for a warehouse, shed, office and security office together with a fence and two signs.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Zoning

NC zone applies to commercial nodes outside of central George Town and provide for a less intense commercial use. NC zone includes shops and businesses that service the needs of the community and that smaller scale professional buildings as well as grocery stores are typical uses.

In this instance, the applicant is proposing an industrial compound and Members may consider that type of use is not consistent with the anticipated uses in the NC zone.

Regulation 13(1)(b) places an expectation on the applicant to demonstrate to the Authority that the proposed use would service the needs of the community. The application is not accompanied by any support documents.

Members are also invited to consider the appropriateness of a warehouse and stockpiled materials in the proposed location and whether adverse impacts would occur on the surrounding area.

SUPPLEMENTARY ANALYSIS

No changes have been made to the plans.

2.6 SJP DEVELOPMENT CORPORATION LTD (Andrew Gibb) Block 32D Parcel 122 (P21-1247) (\$171,600) (JP)

Application to enclose a breeze way, internal amendments to residences layout and elevation treatment and lowering of site level.

Appearance at 2:30

FACTS

<i>Location</i>	Beach Bay Road, Lower Valley
<i>Zoning</i>	H/T
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	34 AC/1,481,040 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Hotel/Tourism

BACKGROUND

March 1, 2022 (**CPA/06/22; item 2.1**) – adjourned determination of application to enable rescheduling owing to Objector’s absence.

Sister application P21-1150 for 7 storey residence block (22 apartments)

December 15, 2021 (**Administrative Approval**) – Application for 3 LPG tanks, 5x generators, re-siting of WWTP and inclusion of a fence approved (P21-0933)

December 3, 2019 (**CPA/24/19; item 2.6**) – application for a resort including residences, space and conference centre approved (P19-0468)

December 6, 2017 (**CPA/25/17; item 2.1**) – application for excavation with material to remain on site approved (P17-1053)

Recommendation: Discuss the application, **for the following reason:**

- 1) The objectors to the sister application, item 2.2, refer to this application as well.

AGENCY COMMENTS

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The site currently has planning permission for the resort including residences, spa, conference centre and tennis courts (P19-0486). At the time of application, the Department of Environment (DoE) raised a number of concerns with that application including that the applicant was proposing to build directly on a very active turtle beach for both loggerhead and green turtles. That application was screened for an Environmental Impact Assessment (EIA) with the conclusion that an EIA was not required but that the project would cause significant adverse effects on sea turtles. A lighting plan was submitted, however the plan was not turtle friendly and could not be endorsed by the DoE because of the illumination of the critical turtle nesting beach.

The application site is identified as critical turtle nesting habitat in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (Chelonia mydas), Loggerhead turtles (Caretta caretta), Hawksbill turtles (Eretmochelys imbricata), Leatherback turtles (Dermochelys coriacea) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (Lepidochelys kempii) (issued under Section 17 (7) of the National Conservation Act (2013)).

Unfortunately at the time of the DoE's Planning Application Review, the formal designation of critical turtle nesting habitat had not been made as a draft species conservation plan was with the Cabinet for approval. Had the Interim Directive been in place the DoE under delegated authority from the National Conservation Council would have been able to direct the removal of the hard structures from the critical nesting habitat in order to conserve this crucial nesting area, as provided for by Section 41 (4) of the National Conservation Act.

However, at this time, the modifications which are the subject of this planning application are minor and would result in no additional adverse environmental effects beyond those that have already been approved.

APPLICANT'S LETTER

See Appendix A

OBJECTIONS

As joint owners of block and parcel 32D160, we write to voice our objections to the application to build a residential building and swimming pool in addition to the 10 story building already approved by Planning. We strongly object to this application on the following grounds:

-the main road (Beach Bay road) is not capable of handling the increased volume of traffic for the Hotel and any additional residential building. It is already almost to capacity to support the existing neighbourhood traffic.

-the environmental impact to the wild life and natural habitat for native animals, birds etc after the woodland has been cut down.

-the beach will no longer have adequate space for local walkers, fisherman and/or any leisure activities for the neighbourhood with the increased volume of guests/residents of the Hotel.

-the beach will become void of nesting turtles, and again, a natural habitat that will be destroyed to marine life.

Please inform us of any subsequent meetings regarding this project so that we can be kept informed.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within the Lower Valley area of Grand Cayman. The site is accessed from Beach Bay Road which is directly north. An existing public beach access runs to the west of the application site beyond which a private residence is located. Remaining land to the north and east is vacant and the Caribbean Sea forms the southern boundary.

The application seeks to modify an existing Planning Permission by:

- Increase in sq ft by enclosing a breezeway on an upper floor;
- Internal amendments to residences layout;
- Revisions to elevation treatment;
- Lowering of site level.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) Lowering of site level

The application seeks amend the site levels with the change being more apparent on the western portion of the west wing. The previously approved lower level will be exposed resulting in a change in the height dimension simply due to how the measurement is obtained.

The number of floors remains consistent.

Regulation 8(2)(e) permits a maximum height of 130' or ten storeys, whichever is less, for development in hotel/tourism zone 2. The application site falls within zone 2.

The previously approved application granted Planning Permission for 113' arranged over 10 floors.

The current amendment seeks to modify Planning Permission with 122' above finished grade arranged over 10 floors.

SUPPLEMENTARY ANALYSIS

The objectors have advised that they are unable to attend the meeting and for their objection letter to be considered by the Authority in their absence.

2.7 ST. JAMES POINT HOLDINGS LLC (Andrew Gibb Chartered Architect) Block 38E Parcel 282 (P21-1150) (\$43 million million) (JP)

Application for 22 apartments (7-storeys) and three pools.

Appearance at 2:30

FACTS

<i>Location</i>	Beach Bay Road
<i>Zoning</i>	H/T
<i>Notice result</i>	Objector
<i>Parcel size proposed</i>	34 AC/1,481,040 sq. ft.
<i>Parcel size required</i>	0.5 AC/21,780 sq ft
<i>Current use</i>	Vacant
<i>Proposed building size</i>	107,477 sq. ft.
<i>Total building site coverage</i>	11.23%
<i>Allowable units</i>	850
<i>Proposed units</i>	22 (75 combined)
<i>Allowable bedrooms</i>	2210
<i>Proposed bedrooms</i>	59 (228 combined)
<i>Required parking</i>	33 (combined 275)
<i>Proposed parking</i>	37 (combined 322)

BACKGROUND

March 1, 2022 (**CPA/06/22; item 2.1**) – adjourned determination of application to enable rescheduling owing to Objector’s absence.

Sister application P21-1247 for amendments to previously approved hotel application

December 15, 2021 (**Administrative Approval**) – Application for 3 LPG tanks, 5x generators, re-siting of WWTP and inclusion of a fence approved (P21-0933)

December 3, 2019 (**CPA/24/19; item 2.6**) – application for a resort including residences, space and conference centre approved (P19-0468) decision notice provided as an appendix

December 6, 2017 (**CPA/25/17; item 2.1**) – application for excavation with material to remain on site approved (P17-1053)

Recommendation: Discuss the application, **for the following reasons:**

- 1) Scenic Coastline overlay
- 2) High Water Mark setback
- 3) Concerns of the objectors

AGENCY COMMENTS

Comments from the Department of Environmental Health, Water Authority, National Roads Authority, Department of Environment, Fire Department and Cayman Islands Airports Authority are noted below.

Department of Environmental Health

DEH has no objections to the proposed in principle with the condition that the following be submitted for review:

Solid Waste Facility:

1. A copy of the solid waste management plan.

Swimming Pool:

A swimming pool application must be submitted to DEH for review and approval prior to constructing the pool.

Additional Requirements

In addition to the abovementioned, the following be submitted at the BCU stage for review:

1. The approved BCU hood details.

2. Specifications for the hot water heater.

Water Authority

Wastewater Treatment and Disposal

The developer, or their agent, is required to submit an Onsite Wastewater Treatment Proposal, per the attached Form, which meets the following requirements. Water Authority review and approval of the proposed system is a condition for obtaining a Building Permit.

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 8,643 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Resort Phase 1B	10 x 2-Bed Units	225gpd/2-Bed	2,250
	10 x 3-Bed Units	300gpd/3-Bed	3,000
	2 x 5-Bed Units	450gpd/5-Bed	900
	Kitchen (317sq. ft.)	317 x 1.8	571
	Events Bar (1,068 sq. ft.)	1,068 x 1.8	1922
TOTAL			8,643 GPD

- Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are***

required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

- **To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 5'2" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

Reuse of Treated Effluent

The developer intends to store and reuse treated effluent. **The Water Authority encourages the reuse of treated effluent for irrigation and cooling purposes.** However, in the interest of public safety **pop-up sprayers may not be used, nor may the system be connected to a potable water supply.** Alternatively, the developer may install a drip-fed irrigation system with purple color-coded pipework that irrigate sub-surface or surface via soaker hose or drip emitters at a rate not to exceed the uptake rate of the irrigated area; i.e., **no spray or pooling of effluent.** The developer shall provide specifications to the Water Authority for review and approval. Approval is also required by the Department of Environmental Health and the Planning Department's BCU.

Require Grease Interceptor

A grease interceptor with a minimum capacity of 2,493 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. Where multiple tanks are used to achieve the required capacity, they shall be **installed in series** with the larger tank first. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.

Generator and Fuel Storage Tank(s) Installation

In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to **install monitoring wells for the USTs.** The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s), associated piping, and dispensers. The monitoring wells shall comply with the standard detail of the Water Authority. All wells shall be accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.

Lint Interceptor Required at Commercial, Institutional, Coin-op Laundries.

An approved lint interceptor is required for commercial and institutional laundries. The developer is required to submit specifications for all laundry (washer) equipment to the Water Authority for determination of the required capacity of interceptor. Specifications can be sent via email to developmentcontrol@waterauthority.ky

Elevator Installation

Hydraulic elevators are required to have an approved pump with oil-sensing shut off installed in the elevator sump pit. Specifications shall be sent to the Water Authority at developmentcontrol@waterauthority.ky for review and approval.

Water Supply:

- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system will require an extension. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost **to the owner**. Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.*
- *The **developer is required to notify the Water Authority's Engineering Department** at 949-2387, without delay, to be advised of the timing of the extension and the site-specific requirements for connection.*

The Authority will not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.

National Roads Authority

No comments received.

Department of Environment

See Appendix B

Fire Department

occupancies three (3) or more stories in height shall provide open space of at least twenty (20) feet wide along three side of the building.

Please depict Proposed Fire Hydrant and Fire well.

603.1.3 Fire Hydrants/Well

603.1.3.1 Water supply. Approved fire hydrants shall be provided for all buildings to meet the necessary fire flow requirements as determined by the fire official. Where public water supply is inadequate or not available, an approved alternative water source meeting the fire flow requirements shall be provided. Fire flow performance tests shall be witnessed by the fire official, or representative, prior to final approval.

Covered entrance

As per standard Fire Prevention code 602.6.1

Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft (6.1 m) of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15 ft

As per Building code amendments 310.2 Fire department vehicle access. All R1 and R2

Cayman Islands Airport Authority

Approved subject to current design. Please be aware that extra lighting will be required in relation to the CIG spraying law for MRCU.

AGENT'S LETTER

See Appendix C for application support letter, High Water Mark variance and response to DoE.

OBJECTIONS

As joint owners of block and parcel 32D160, we write to voice our objections to the application to build a residential building and swimming pool in addition to the 10 story building already approved by Planning. We strongly object to this application on the following grounds:

-the main road (Beach Bay road) is not capable of handling the increased volume of traffic for the Hotel and any additional residential building. It is already almost to capacity to support the existing neighbourhood traffic.

-the environmental impact to the wild life and natural habitat for native animals, birds etc after the woodland has been cut down.

-the beach will no longer have adequate space for local walkers, fisherman and/or any leisure activities for the neighbourhood with the increased volume of guests/residents of the Hotel.

-the beach will become void of nesting turtles, and again, a natural habitat that will be destroyed to marine life.

Please inform us of any subsequent meetings regarding this project so that we can be kept informed.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within the Lower Valley area of Grand Cayman. The site is accessed from Beach Bay Road which is directly north. An existing public beach access runs to the west of the application site beyond which a private residence is located. Remaining land to the north and east is vacant and the Caribbean Sea forms the southern boundary.

The application seeks Planning Permission for a seven-storey residence building consisting of 22 apartments with a total of 59 bedrooms, 3 swimming pools

Zoning

The property is zoned Hotel/Tourism.

Specific Issue

1) Procedural

Member's attention is drawn to the decision notice for P19-0468 (see Appendix D), particularly condition 1 which requires combination of parcels. This point is particularly relevant in the matters of parking and beach access.

(i) Parking

The anticipated parking demand across both phases, combined, has formed the basis of parking calculations. The resultant project has adequate parking provision with an excess of 47 spaces.

(ii) Beach access

Section 32 of the Development and Planning Regulations 2021 requires the developer to set aside and dedicate to the public a right of way of not less than six feet in width per every two hundred feet of shoreline. The right of way should be from a public road to the sea.

For the avoidance of doubt, in determining appropriate beach access for the original approval the Planner, CPA and Planning Appeals Tribunal measured the entire shoreline from parcels 122, 5 and 282.

The shoreline measures 2000 ft based on the submitted planning application. This equates to a total width of 60 feet for a public right of way (PROW) being required.

A beach access, outside of the development site, currently exists adjacent to the western perimeter of parcel 32D 122; however, this is not related to the application site.

A 60' has been provided on the application site linking to the existing right of way.

2) Principle of Development

The scheme proposes a residence block and associated facilities located on land within the Hotel/Tourism zone 2 as identified in Schedule 4 of the Development and Planning Regulations (2021 Revision). Regulation 8 stipulates parking standards and Regulation 10(1) permits hotels subject to compliance with criteria a) to g).

To aid CPA's consideration of the application the following can be confirmed:

- Maximum number of apartments permissible for the identified lot is 850. The combination of previously approved and proposed is 75.
- The previously approved and proposed development generates a demand of 275 parking spaces. The application proposes a total of 322 direct parking spaces.
- Minimum lot size is half an acre. The application site is 34 acres.
- Minimum lot width is 100'. The application site measures 181' 11" in width.
- Maximum site coverage of 40%. The application pack provides for 11.23%.
- Minimum side setbacks of 20' are met.
- Minimum rear and road setbacks of 25' are met.

Members are invited to reflect upon the above information to aid their consideration on the acceptability of a hotel in this location.

3) Scenic coastline

The application site is identified as a scenic coastline whereby regulation 20 of the Development and Planning Regulations places a duty on the Authority 'to ensure that the open character of scenic shoreline land is preserved, in particular that of the beaches, and also to safeguard the public's right to use the beaches and to gain access to them through public rights of way'.

Members are invited to reflect upon the previous comments regarding public beach access to assess whether the application satisfies the objectives for preservation of the scenic coastline.

4) High water mark setback variance 120' 5" v 130'

Regulation 8(10)(e) requires a minimum setback of 130' from the high water mark for all structures up to the first 3 storeys.

The application includes a pool and associated deck which would be 120' 5" from the 130' High Water Mark.

Members are invited to consider the content of the variance letter.

SUPPLEMENTARY INFORMATION

Revised plans submitted which now indicate compliance with HWM setbacks.

The objectors have advised that they are unable to attend the meeting and for their objection letter to be considered by the Authority in their absence.

2.0 APPLICATIONS

APPEARANCES (Items 2.8 to 2.23)

2.8 REYNALDO BELICER and YENISE SMITH PUERTO (Tony Lattie) Block 4D Parcel 459 (P21-0693) (\$500,000) (JP)

Application for 4 apartments

FACTS

<i>Location</i>	Erenette Lane, West Bay
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3848 ac. (16,761.89 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,582.78 sq. ft.
<i>Total building site coverage</i>	4.72%
<i>Allowable units</i>	7
<i>Proposed units</i>	4
<i>Allowable bedrooms</i>	11
<i>Proposed bedrooms</i>	4
<i>Required parking</i>	6
<i>Proposed parking</i>	6

BACKGROUND

September 1, 2010 (**Administrative Approval**) – application for a house approved (P10-0696)

Recommendation: Discuss the application, **for the following reasons:**

- 1) Suitability
- 2) Lot size variance (16,761.89 sq ft v 20,000 sq ft)
- 3) Access road width (15')

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, Department of Environment and Fire Department are noted below.

Water Authority

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least **1,250 US gallons** for the proposed apartments.*
- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manholes extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply

Please be advised that the proposed development site is located within the Cayman Water Company's (CWC) piped water supply area.

- *The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.*

- The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.

National Roads Authority

General Concern with Road Access

The NRA **strongly cautions** the CPA in approving multi-family developments on sub-standard roadways that are private and are only about 12 feet in width as both Erenette Lane and the unnamed road from Erenette Lane to Vibe Lane (located on Block 4D Parcel 439) are simply registered private road-of-ways of undisclosed widths.

Road Capacity Issues

The traffic demand to be generated by a residential development of four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Erenette Lane is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
27	2	0	2	3	2	1

Based on these estimates, the impact of the proposed development onto Erenette Lane is considered to be minimal.

Access and Traffic Management Issues

Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.

A six (6) foot sidewalk shall be constructed on Erenette Lane, within the property boundary, to NRA standards.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.

Stormwater Management Issues

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is **no worse than** pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Erenette Lane. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"

Failure in meeting these requirements will require immediate remedial measures from the applicant.

Department of Environmental Health

DEH has no objections to the proposed in principle.

1. This development requires six (4) thirty-three (33) gallon bins and an enclosure built to the department's requirements.

- The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
- The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

Having reviewed historic aerial imagery of the site the Department of Environment (DOE) notes that the habitat landcover is man-modified re-growth and therefore not of significant ecological value. DOE recommends the retention and planting of native species on the site. Native species are best suited for the habitat conditions of the site, requiring less maintenance and making them a very cost-effective choice.

Fire Department

Stamped approved plans.

APPLICANT'S LETTER

We write on behalf of our clients for the above application.

With the growing demand for more accommodation the land owner has invested into the proposed property to meet some of the growing demands of the area and community.

The proposed single storey development includes four (4) one bedroom units, with ample parking, and green spaces.

We are seeking approval from the Central planning Authority for a four unit apartment development, and a lot size variance.

Lot size variance

The proposed development is located in a Medium Density Residential zone; the subject parcel is surrounded by some residential homes and apartment development the proposed development complies with all required setbacks for a MDR zoned development.

We are seeking a lot size variance under regulation 8(13) (b) & (d) of 16,761.89 sqft vs 20,000 sqft, under the following conditions

- 1. The characteristics of the proposed development are consistent with the character of the surrounding area.*
- 2. The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*
- 3. Where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application.*
- 4. No objection has been received from the surrounding property owners affected by the lesser lot size condition during the notification period.*
- 5. The proposed development is located near to other rental accommodations duplexes and apartments with similar or smaller lot size condition,*

Additionally the proposed development will enhance the quality and character of the neighbourhood.

There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.

We are proposing that the proposed development in question is viewed by the CPA members that it meets all required planning requirements except for the lesser lot size to address this, as noted above we have notified the adjacent land owners.

In general the overall development meets or exceeds the required setback conditions, given that this is the only variance being requested of the CPA.

We thank you for your consideration of this matter and look forward to the decision on this application.

Please don't hesitate to contact me with any queries.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within an established residential area of West Bay. Existing residential properties bound the application site which comprises an unusual lot shape and provides access to neighbouring properties.

The application seeks Planning Permission for the construction of 4 apartments.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Suitability

Regulation 9(7) permits apartments in suitable locations.

The immediate area is characterised by single dwelling units and duplexes. There does not appear to be any apartments in the immediate vicinity.

Members are invited to reflect upon the above as part of their deliberations.

2) Lot size variance (16,761.89 sq ft v 20,000 sq ft)

Regulation 9(7)(f) requires a minimum lot size of 20,000 sq ft.

The application site measures 16,761.89 sq ft.

Members are invited to consider the variance letter as part of the consideration process.

3) Access road width

The access road for the proposed apartments is contained within the subject parcel. This road appears to currently serve as access for 4 other properties. The road varies in width with much of it ranging between 15' and 20'. The Authority needs to determine if the existing road is acceptable for the proposed apartments.

2.9 YANIV SEMO (Architextura) Block 20D Parcel 128 (P20-0898) (\$175,000) (JP)

Application for addition and conversion of duplex to 3 apartments and construction of a pool.

FACTS

<i>Location</i>	Crewe Road, George Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3 ac. (13,068 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Residential
<i>Proposed building size</i>	3,739 sq. ft.
<i>Total building site coverage</i>	24.51%
<i>Allowable units</i>	6
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	9
<i>Proposed bedrooms</i>	6
<i>Required parking</i>	5
<i>Proposed parking</i>	4

BACKGROUND

No Planning history

Recommendation: Discuss the application, **for the following reasons:**

- 1) Suitability

- 2) Lot size variance (13,068 sq ft v 20,000 sq ft)
- 3) Parking (4 v 5)
- 4) Pool setback variance (10' 8" v 20')

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, Department of Environment and Fire Department are noted below.

Water Authority

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least **(1,250) US gallons** for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Triplex	3 x 2-Bed Units	225gpd/2-Bed Unit	675gpd	675gpd
TOTAL				675gpd

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards.** Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manholes extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*

5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply

The proposed development site is located within the Water Authority's piped water supply area.

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>*

The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.

National Roads Authority

Road Capacity Issues

The traffic demand to be generated by a residential development of a three (3) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Crewe Road is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
<i>27</i>	<i>2</i>	<i>0</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>1</i>

Based on these estimates, the impact of the proposed development onto Crewe Road is considered to be minimal.

Access and Traffic Management Issues

Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide. Please have applicant revise site plan to show.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft. Please have applicant revise site plan to show.

A six (6) foot sidewalk shall be constructed on Crewe Road, within the property boundary, to NRA standards. Please have applicant revise site plan to show.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.

Stormwater Management Issues

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is **no worse than** pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Crewe Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Law (2005 Revision). For the purpose of this Law, Section 16(g) defines encroachment on a road as

"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"

Failure in meeting these requirements will require immediate remedial measures from the applicant.

Department of Environmental Health

- 1. DEH has no objections to the proposed in principle. This development requires (6) 33 gallon bins.*
- 2. A swimming pool application must be submitted for review and approval prior to constructing the pool.*

Department of Environment

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no comments as the site is man-modified with limited ecological value.

Fire Department

Stamped approved drawings.

APPLICANT'S LETTER

On behalf of the applicant we hereby apply for a variance on the above property for the following reasons:

- 1. Variance to convert an existing duplex to a triplex. The work was started by the previous owner and it appears that no application was submitted, or approval granted as no record was found in the CPA archives. My client now seeks to regularize the situation by seeking the necessary planning approval and permit to complete the work.*
- 2. Variance on the lot size as the existing apartment does not meet the minimum threshold of 20,000 sq.ft. for Medium Density Residential Zoning. We believe that the characteristics of the proposed development are consistent with the character of the surrounding area; and the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and finally, the adjoining property owners will be notified of the application for a variance on the lot size and number of units.*

We respectfully request a variance on the lot size and number of units to complete the after-the-fact apartment conversion, and look forward to your favourable review and kind consideration of our application.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within an established residential area of George Town. Access to the site is from Crewe Road which runs along the frontage to the north. A residential property is to the west with newly constructed apartments sited to the south and east.

The application seeks retrospective Planning Permission for addition/alterations to a duplex to create 3 apartments and construction of a swimming pool.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Suitability

Regulation 9(7) permits apartment buildings in suitable locations.

Members are encouraged to note existing apartments located to the south and east.

2) Lot size variance (13,068 sq ft v 20,000 sq ft)

Regulation 9(7)(f) requires a minimum lot size of 20,000 sq ft.

The application site measures 13,068 sq ft.

Members are invited to review the content of the variance letter as part of their deliberations.

3) Parking (4 v 5)

Regulation 8(1)(vii) requires minimum parking provision of 5 spaces to support 3 apartments.

The application proposes 4 spaces.

Members are invited to consider the variance letter.

4) Pool setback variance (10' 8" v 20')

Regulation 9(7)(i) requires a rear setback of 20'.

The application seeks a variance for 10' 8" from the rear boundary.

Members are invited to consider the content of the variance letter.

2.10 NICHOLAS GARGARO (BDCL) Block 15D Parcel 170 (P21-1356) (\$30,000) (JP)

Application for 4' boundary wall.

FACTS

<i>Location</i>	Old Crewe Road, George Town
<i>Zoning</i>	LDR
<i>Parcel size proposed</i>	2.168 ac. (94,438.08 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

August 4, 2019 (CPA/17/19; item 2.12) – application for a duplex and garage – approved (P19-0535)

January 10, 2018 (CPA/01/18; item 2.13) – application for land clearing – approved (P17-1395)

Recommendation: Discuss the application, **for the following reason:**

- 1) Road side setback (1' vs 4')

AGENCY COMMENTS

National Roads Authority

No comments received.

APPLICANT'S LETTER

I wish to apply for the following variance in relation to this planning application.

Variance:

Encroachment of the proposed wall on the minimum 4' setback from the front boundary.

Justification:

The proposed wall will replace the original wall/fence which was in a poor state of

repair and had to be demolished. See three photos on the following pages.

We believe there is sufficient reason to grant a variance, and exceptional circumstances exist which may include the fact that:

- A. The characteristics of the proposed wall are consistent with the character of the original wall.*
- B. The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.*



Photo 1



Photo 2



Photo 3

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in South Sound with the Caribbean Sea forming the southern boundary. A neighbouring residential property is located to the east and public beach access is sited to the west.

The application seeks Planning Permission for the construction of a 4' high boundary wall to the west and replacement boundary treatment to the north. The wall will be block construction and rendered both sides.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Location on front boundary

The replacement wall across the lot frontage would be sited about 1' from the road side boundary with the wall columns on the boundary. It is noted that the paved road is about 15' away from the wall. The Authority is aware that Regulation 8(18) requires walls adjacent to a road to be a minimum of 4' from the roadside boundary. The Authority should also be aware that Regulation 9(18) is not included in the list of Regulations in 8(13) which means there is no discretion to vary that 4' required setback.

2.11 JEROME NARCISSE (GMJ Home Plans Ltd.) Block 1D Parcel 71 (P20-1147) (\$30,000) (EJ)

Application for a 6' concrete wall.

FACTS

<i>Location</i>	Turtle Cres, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.50 ac. (21,780 sq. ft.)
<i>Current use</i>	House

BACKGROUND

June 28, 2005 – approval granted for a four-bedroom house.

Recommendation: Discuss the application, **for the following reasons:**

- 1) Height of Wall
- 2) Lack of setback from road boundary.

AGENCY COMMENTS

Comments from the National Roads Authority are provided below.

National Roads Authority

As per your memo dated December 23rd, 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns' regarding the above proposed wall.

PLANNING DEPARTMENT ANALYSIS

General

The proposed 6' block wall runs along the entire perimeter of the subject parcel with a two (3') metal gates located on Turtle Cres in West Bay. The wall will replace an existing 6' wooden fence.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Height of Wall

The applicant proposes to replace the existing 6' timber fence with the 6' concrete block wall; therefore, the applicant is seeking a height variance from the usual 4' vs 6' proposed.

2) Lack of Setback

Access to the site is via a 15' vehicular right-of-way over 1D 67 which leads to Turtle Cres. The proposed wall has two 12' wide open entrances, one on the West (side) boundary and one on the northern boundary. The westerly gate is in line with the access right-of-way. The northern boundary of the site abuts an access road, but the proposed wall is on the boundary, not setback 4' as required by Regulation 8(18).

2.12 LEE & MEMORI FOSTER Block 14E Parcel 58 (P22-0121) (\$30,000) (EJ)

Application for a concrete wall, 4.5' to 6.5' in height.

FACTS

Location	Memorial Avenue.
Zoning	Low Density Residential
Notice Requirements	NA
Parcel Size	13,068 sq. ft.
Current Use	House, swimming pool & 5' privacy fence.

BACKGROUND

June 27, 2007 – Planning permission granted for a master bedroom addition.

December 18, 2002 – Planning permission granted for a house addition.

July 17, 2019 (**CPA/15/19; Item 2.12**) – the CPA granted permission for a swimming pool and 5' privacy fence.

Recommendation: Discuss the application, for the following reasons:

- 1) road side setback
- 2) Wall Height

AGENCY COMMENTS

NRA was circulated the plans, but no comments have been received.

LETTER FOR VARIANCE

On behalf of our client Lee and Memori Foster, we are seeking a variance on the front road's boundary setback to the planter and garden wall.

We confirm that our design solution has a planter indicated to address the variance in the road slope and to provide an appealing buffer as opposed to the condition normally experienced along the road's edge when the paving meets the typical garden wall.

We request a variance for the 4 feet setback of the garden walls (a recent planning policy) be granted on the basis that the adjoining properties have walls constructed at the roadside boundary. We further note that there are 4 or 5 existing properties with garden walls constructed at the road / property boundary. Memorial Avenue is a short connection road between South Church Street and Walkers and with limited possibilities of adding additional traffic to the roadway as there are approximately 12 land parcels.

We confirm that we are of the opinion the existing houses along the street, with the majority already having walls in place establishes a well-defined line of walls at the roads edge.

We note that the application conforms with the Development and Planning Regulations (2021 Revisions) Regulation 8 (13) (b) (i) and (iii) which state that (i) the characteristics of the proposed development are consistent with the character of the surrounding area and (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood or to the public welfare.

Given the above, we trust that you will review our requests and decide favorably to grant the variances.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking a setback variance from the Authority for the proposed 4.5 to 6.6' front concrete block & piers wall with planters located on Memorial Avenue.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Roadside setback

The proposed wall meets Regulation 8(18) for the 4' required setback from the front/road boundary. However, the wall includes concrete planter boxes at ground level and these have a 0' setback from the boundary.

2) Wall Height

The proposed wall will vary in height from 4' to 6'6" instead of the usual allowed 4'.

2.13 SANDY MIGHTY Block 59A Parcel 193 (P21-0850) (BES)

Application to clear/fill land.

FACTS

<i>Location</i>	Wrangler Road, off Frank Sound Road
<i>Zoning</i>	LDR
<i>Parcel Size</i>	1.0 ac (45,738 sq ft)

BACKGROUND

No previous planning history of the property.

Recommendation: Discuss the application, **for the following reasons:**

- 1) Clearing of the property without a development proposal
- 2) DOE comments.

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

DOE

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The DoE's habitat layer showed that the application site consisted of a mixture of primary dry shrubland, seasonally flooded mangrove and some man-modified areas with regrowth as shown in Figure 1 below. A review of Lands and Survey imagery indicates that some of the primary dry shrubland habitat has previously been cleared (see Figure 2). The site is low-lying does not appear to be suitable for farming as it would require a substantial amount of fill.

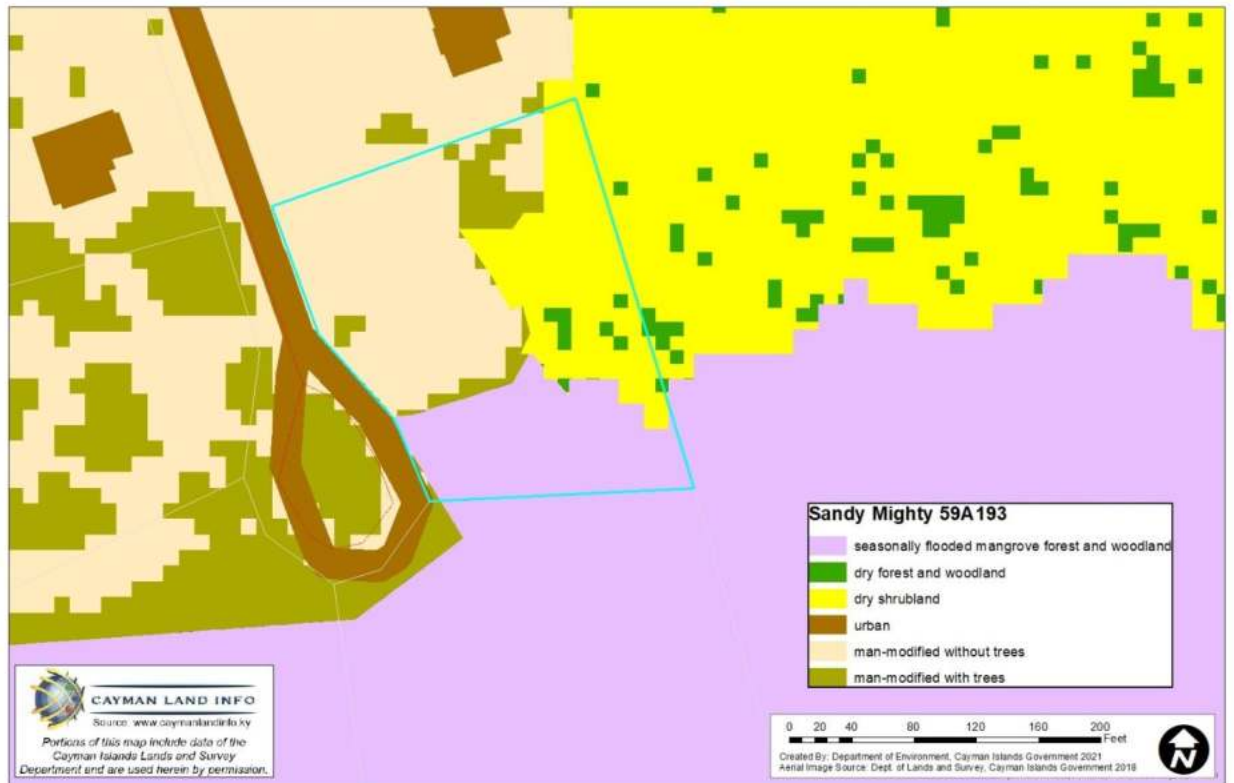


Figure 1: DoE habitat map overlaid on LIS aerial imagery.



Figure 2: LIS 2018 aerial imagery showing the application site outlined in light blue. Previous clearing is evident in the northern section of the parcel.



Figure 3: DoE site visit photo showing the wetland vegetation within the application site (Oct 2021).



Figure 4: DoE site visit photo showing the wetland vegetation within the application site (Oct 2021).

The application submissions do not specify the type of agricultural farming which will take place and it is also unclear whether the applicant intends to clear the entire parcel. It is recommended that more information is sought from the applicant regarding the type of agriculture they intend to pursue as this will likely influence our recommendations e.g. crop farming, greenhouse farming, livestock farming or chicken farming.

Given the low-lying topography, it is assumed that the parcel will be filled. The surrounding area is also low-lying. It will be important to ensure drainage is appropriately assessed to ensure that the displaced water from the application site does not flood neighbouring parcels.

Should the Central Planning Authority or the Planning Department be minded to grant planning permission prior to additional information being received regarding the type of agricultural venture intended for the parcel, the DoE recommends the retention of as much of the wetland vegetation as possible to assist with on-site drainage.

APPLICANT'S LETTER

I hereby request authorization to clear my property at 59a/193 in Frank Sound. It is 1.05 acres intended, for the time being, to be used mainly for subsistence farming of poultry and penned livestock such as goats. My family would also like to do seasonal planting of quick crops.

Thank you for your consideration.

PLANNING DEPARTMENT ANALYSIS

General

The application is for land clearing/filling at the above-captioned property. The site is located on Wrangler Road, off Frank Sound Road, Midland East. As noted above, the property is 1.05 acres and is approximately 3' above mean sea level according to Cayman Land Info Map.

As indicated on the site plan, the applicant proposes to clear the property for poultry farming, seasonal planting of quick crops, and penned livestock such as goats.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Land Clearing

The Authority needs to determine if the proposed clearing of the land is premature until an associated application for agricultural farming has been submitted for such land uses.

2.14 PERIWINKLE (Roland Bodden & Co.) Block 22E Parcels 467, 541 & 542 (P21-0718) (\$35,000) (MW)

Application for a 16 lot subdivision.

FACTS

<i>Location</i>	off Edgewater Way, Grand Harbour
<i>Zoning</i>	MDR/NC
<i>Notification result</i>	no objections
<i>Parcel sizes combined</i>	5.105 ac.

BACKGROUND

February 1, 2017 (CPA/03/17; item 2.3) – approval granted for 81 apartments, 2 pools, docks and a clubhouse

Recommendation: Discuss the application, **for the following reasons:**

- 1) Lot width for lots 5 & 6
- 2) Road width (25' vs 30')
- 3) Lack of LPP

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environment and the Fire Department are noted below.

Water Authority

Please be advised that the Water Authority's requirements for this development are as follows:

Water Supply:

The proposed development site is located within the Water Authority's piped water supply area.

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.

Wastewater Treatment:

- *The developer is advised that wastewater treatment and disposal requirements for built development are subject to review and approval by the Water Authority.*

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky

National Roads Authority

As per your memo dated September 29th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Stormwater Management Issues

A comprehensive drainage plan needs to be provided by the applicant for the entire project.

The applicant shall demonstrate that the Stormwater Management system can be designed to include storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and nearby public roadways are not subject to stormwater runoff from this site.

Infrastructure Issues

The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility. This site will need a stop sign with stop bars at the junction of access roads.

The subdivision's road base shall be constructed to NRA minimum design and construction specifications for subdivision roads - this includes elevations, minimum longitudinal slopes and minimum cross fall of minus 2 percent from the centre line to the shoulder.

The roadway shall be HMA. The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.

All internal roadway curves (horizontal alignment) shall be no less than 46 feet centreline radius. This requirement ensures that the minimum vehicle sweeps for a standard garbage and/or fire truck can be accommodated by the site layout.

Should you have any questions, please do not hesitate to contact the undersigned.

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). The Department of Environment confirms that we have no comments at this time.

Please do not hesitate to contact the Department should you require further assistance.

Fire Department

At this time the fire department has no comments and no objection to the proposed and will save comments for future development. As per standard fire prevention code 1994 6031.3.1

and 603.1.3.2. where public water supply is inadequate or not available and approved water source shall be provided.

Fire hydrant in no case shall distance exceed 1000FT.

As per standard Fire Prevention code 602.6.1 every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft (6.1 m) of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15 ft.

APPLICANT'S LETTER

On behalf of our client, Periwinkle, we are kindly requesting a variation on the minimum lot width requirement for the proposed subdivision, as it relates to Planning Regulation 8(13).

Due to the irregular shape of the parent parcel, lots 5 & 6 were unable to meet the minimum lot width requirement. This irregular shape of the parent parcel cannot create symmetrical lot designs in a practical fashion which culminated in the submitted design. Our client is maintaining their minimum lot density and has met the minimum lot size requirement.

Your approval for the variation would be greatly appreciated. Should you have any questions or require any additional data please call our office.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within the Grand Harbour area of George Town. The application seeks to combine 3 parcels and then subdivide the resultant parcel into 16 lots. The subdivision will replace a large component of the overall apartment complex that was approved in 2017.

Zoning

The property is split zone Medium Density Residential and Neighbourhood Commercial.

Specific Issues

1) Zoning

The subdivision area is split zoned. About $\frac{3}{4}$ of Lot 14, $\frac{1}{2}$ of Lot 15 and $\frac{1}{3}$ of Lot 9 is zoned Neighbourhood Commercial, the remainder of the subdivision is zoned Medium Density Residential. The zoning isn't an issue for the subdivision, but will have to be considered when future development applications are proposed on lots 9, 14 and 15.

2) Road width

The proposed subdivision road is shown with a width of 25' instead of the typical 30'. It should be noted that the controlling access leading to the subdivision is the internal driveway which serves the earlier phase of the apartment development and that width is 22'. The Authority should determine if the 25' road parcel is sufficient in this instance. It should be noted that the NRA has raised no concern with the road width.

3) Lot width

Lots 5 and 6 are somewhat wedge shaped and the widths along the road frontage are less than the required 60' (30' & 58'). The majority of the lots do meet and greatly exceed the 60' width and there is generous building area on each lot. This is not an unusual scenario for these types of subdivision lots.

4) LPP

Regulation 28 allows the Authority to require an applicant to set aside up to 5% of the gross area of the subdivision as LPP (Land for Public Purposes). In this instance, the applicant is not proposing any LPP for the subdivision. The Department considered if LPP have been previously provided for the overall Grand Harbour scheme, but can find no evidence to this end. Finally, Regulation 28 does allow an applicant to request the Authority to accept cash-in-lieu of the LPP dedication. The Authority needs to determine if LPP is required for this subdivision.

2.15 CORAL BEACH (DECCO LTD) Block 12E Parcel 119 (P22-0112) (\$500,000) (JP)

Application for modification of condition – extend temporary use period until June 30, 2024.

FACTS

<i>Location</i>	West Bay Road, George Town
<i>Zoning</i>	H/T
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	8.5 ac. (370,260 sq. ft.)
<i>Current use</i>	Commercial (restaurant/bar)

BACKGROUND

March 5, 2019 (CPA/05/19; item 5.8) (P18-1264) – application for a temporary commercial beach facility, consisting of change of use of existing dwelling to bar, kitchen unit with adjacent gas tanks, toilets, storage unit and 6' high perimeter fence – approved for 3 years, which expired March 5, 2022

Recommendation: Discuss the application, **for the following reason:**

- 1) Continuation of a temporary use until June 30, 2024
- 2) Department of Environment – turtle friendly lighting

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, Department of Environment and Fire Department are noted below.

Water AuthorityWater / Wastewater

The submitted plans do not indicate any additional water source(s) or sanitary fixtures. If this is in fact the case, the Authority has no requirements for this proposal.

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky

National Roads Authority

No comments received

Department of Environmental Health

DEH has no objections with the proposed with the condition that no operational changes are done with put prior approval from DEH.

Department of Environment

See Appendix E

Fire Department

The Cayman Islands Fire Service adheres to the Fire Brigade Law (2006) Revision, the 1997 Fire Code, the 1994 Standard Fire Prevention Code with the (1995) Revision of the Fire Brigade Law and all relevant NFPA Codes.

fire service have no objection only If changes was made to fire access over the close period with out fire approval .

APPLICANT'S LETTERLetter 1

At their March 5, 2019 meeting, the CPA granted planning permission for a temporary commercial beach resort valid for 3 years (CPA/05/19; Item 5.8). Planning permission is set to expire March 5th of this year. Given the onset of the COVID pandemic in early 2020 and its continued impact on tourism over the past two years, the beach facility has not been open for much of the 3-year approval. The pandemic has also put our plans on hold for any long-term plans for this site.

With the country opening its borders for tourism, our tenant (Coral Beach), has requested a 2-year extension to their lease with the intention to recoup some of their losses. In support of their request, we submit the enclosed application requesting the temporary approval be extended for 2 years, expiring in July 2024.

Letter 2

Please accept this as my formal request to seek an extension on our current Coral Beach lease.

Like many others, COVID has negatively impeded our business. Forcing us to close at times; reduced hours; and/or reduced capacity. While we understand the measures were needed to take care of the country at large - the domino effect was severe. Leaving our

doors closed for much of the time. When the doors were open, we had low attendance from local patrons, little to no tourist participation. Events could not be scheduled due to restrictions and a reduction in staff was imminent.

Now that travel measures have been reduced and tourism is expected to be on the rise, we would like to be able to recoup our losses from the almost 2-year COVID disruption. As such, we seek permission to extend our lease through the 30th June 2024.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on West Bay Road with Seven Mile Beach forming the western boundary. Residential units are located to the south and north.

The application seeks to modify an existing temporary Planning Permission enabling use of the restaurant/bar for an additional two years.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) Continuation of Temporary Use

As noted above, the temporary use of the site was approved for 3 years. The current operation includes several trailer like structures and the parking area is not surfaced or demarcated. The Authority should consider whether the temporary use of the site should continue for a further 2 plus years.

2.16 CRICKET SQUARE (Chalmers Gibbs) Block 14CJ Parcel 156 (P21-1190) (\$100,000) (JP)

Application for parking lot and fencing.

FACTS

<i>Location</i>	Elgin Avenue, George Town
<i>Zoning</i>	GC
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.318 ac. (57,412.08 sq. ft.)
<i>Current use</i>	Vacant
<i>Proposed parking</i>	86

BACKGROUND

N/A

- 1) Landscape breaks
- 2) NRA consultation

The NRA and DOE have been circulated the plans. NRA's initial comments are provided below. DOE's comments are pending and should be available prior to the March 30 meeting date.

Proposed Fence (5 feet in height) and New Entry Manual Operation Gate at Driveway

The siting of the fence immediately behind the sidewalk will contribute to significant sightline issues for vehicles exiting the parking lot. The minimum intersection sight distances as measured from a point 15 feet back along the centreline of the minor road and three and one half feet (3 1/2') above the road surface shall be thirty feet (230') for major road speed limits of 30 MPH, as measured along the near edge of the running carriageway.

[illegible]

66

illustrated in the above figure. Additionally, the NRA notes that the fence, west of the bus shelter, will shield from view of a bus driver any passengers awaiting in the bus shelter – the NRA is of the view that the CPA should require an offset of the fence to allow sighting of passengers awaiting in the bus shelter.

Finally, as proposed, the new manual operation chainlink gate is located only 15 feet from the road's pavement edge – that is not even stacking for 1 vehicle. For such entry features, the NRA recommends stacking room for 2 vehicles or 40 feet located behind the 6 six sidewalk. It is recommended that the CPA requires that the gate opening be located behind the sidewalk a distance of 40 feet in order to accommodate stacking of 2 vehicles.

Access and Traffic Management Issues

Two-way driveway aisles shall be a minimum of twenty-two (22) ft wide.

Tire stops (if used) shall be place in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.

Stormwater Management Issues

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff **is no worse than** pre-development runoff. To that effect, the following requirements should be observed:*

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Shedden Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Law (2005 Revision). For the purpose of this Law, Section 16(g) defines encroachment on a road as

"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"

PLANNING DEPARTMENT ANALYSIS

General

The application site forms the rear section of an existing carpark accessed off Elgin Avenue. The existing car park surface comprises loose chippings. Adjoining lots are utilised for parking in association with commercial buildings.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Landscape breaks

Members may wish to consider breaking up the extensive parking by requesting landscape breaks.

2) NRA consultation

NRA provided extensive comments including reference to sight lines.

Revised plans were uploaded to OPS on 21st January revising the fence location to allow the sight lines as requested by NRA, however, the plans were uploaded to OPS incorrectly and the Department was unaware that the plans were in the system. As such, the NRA have only recently reconsulted and up to date comments were not available when the Agenda was finalized.

Members may wish defer consideration of the application until NRA have provided subsequent comments.

2.17 OMARI RANKINE (Tropical Architectural Group Ltd.) Block 27C Parcel 825 (P22-0089) (\$531,840) (MW)

Application for a duplex and generator.

FACTS

<i>Location</i>	Meadowlands Dr., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3440 ac. (14,984.64 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,324 sq. ft.
<i>Total building site coverage</i>	22.2 %
<i>Required parking</i>	2 spaces
<i>Proposed parking</i>	4 spaces

BACKGROUND

N/A

Recommendation: Discuss the application, **for the following reasons:**

- 1) Lot Width (42'-7 3/4" vs 80')
- 2) Side Setback (3' vs 10')
- 3) Parking Layout

APPLICANT'S LETTER

Letter 1

Further to the application submitted in relation to the above referenced Project, we hereby request for a lot width variance which requires a minimum of 80 ft lot width per Planning Regulation 9 (8)(g); and a setback variance which requires a minimum of 10 ft side setback per Planning Regulation 9 (8)(j).

We would appreciate your consideration for this variance request on the following basis: Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area; Regulation 8(13)(b)(ii) unusual terrain characteristics limit the site's development potential; and Regulation 8(13)(b)(iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;

(1) The project site is a corner lot property where in its legal access can be found along Meadowlands Drive. The lot width along this road is only approximately 42'-7" wide. Our client tried negotiating for a legal access along Hirst Road with NRA as well as in Kitty Lane which is a private road but was unsuccessful leaving us no other choice but to access it from the current proposed site entrance.

(2) The current proposed location of the generator being central in the site is the most efficient as it can easily serve both units and close to the CUC pedestal. The proposed generator is still approximately 3 ft away from the adjacent property. The owner of the adjacent property 27C 826 have also shown no objection on the generator being close to their property (see no objection letter on the next page). We hope that the board will find this request to be acceptable.

If you require additional information or further clarification, please don't hesitate to contact us. Thank you and God bless.

Letter 2

Through this letter, we would like to give some further information on the proposed development.

The proposed project is a one-storey duplex located on 27C 825. The roof deck will cater some of the utility equipment and future solar panels. The outdoor stair is intended for an ease of access during maintenance.

If you require additional information or further clarification, please don't hesitate to contact us. Thank you and God bless.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a duplex; 5,070.60 sq. ft. with 4' & 6' fences & generator located on Meadowlands Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Width

Regulation 9(8)(g) of the Development & Planning Regulations (2022 Revision) states "*the minimum lot width for detached houses and duplexes is 80'.*". The proposed parcel would only be approximately 42'-7 3/4" of Meadowlands Dr. a difference of 37'-4 1/4".

2) Side Setback

Regulation 9(8)(j) of the Development & Planning Regulations (2022 Revision) states “*the minimum side setback is 10’ for a building of one storey*”. The proposed generator would only be 3’-0” from the adjoining parcel boundary (27C 826) a difference of 7’-0”. The Authority should be aware that the owner of 27C 826 has provided written consent to the generator setback.

3) Parking layout

The design of the proposed parking area will likely lead to vehicles reversing into the road. Although this is a small residential neighbourhood with minimal traffic, the driveway area is on a curve and from a safety standpoint the Authority should determine if reversing into the road in this location is acceptable.

4) Stair access to Roof

The Department also reached out to the applicant questioning the reason for the stairs leading to the roof. The applicant has submitted a letter stating the outdoor stair is intended for an ease of access during maintenance for the utility equipment and future solar panels. (See applicant letter above).

2.18 ROHAN DENNIS Block 25B Parcel 629 (P21-1374) (\$100,000) (AS)

Application for two pools and two gazebos.

FACTS

<i>Location</i>	Tarpon Circle
<i>Zoning</i>	LDR
<i>Parcel Size</i>	.3124 AC (13,608 sq. ft.)
<i>Current Use:</i>	Residential
<i>Notices</i>	No objections

BACKGROUND

15th October 2018 administrative approval was granted for a 5,380 sq ft duplex with a 294 sq ft rear porch.

7th October 2020 administrative approval was granted for internal modifications and a 393 sq ft addition.

Recommendation: Discuss the application for the following reasons:

- 1) Rear setback variances for the pools (14' vs 20')
- 2) Rear setback variance for the paver deck (8' 4" vs 20')
- 3) Rear setback variances for the gazebos (14' 4" & 16' 9" vs 20')

APPLICANT'S LETTER

"We are seeking Planning approval for a (2 ea.) proposed pool and gazebo as per site plan submitted, on the basis that the proposed structure meets the Development and Planning Regulations (2017 Revisions) Section 8 (11) criteria. We are also seeking a setback variance of: Unit 1 - 14'-4" for gazebo from the rear boundary (vs. 20'), 14' for pool from rear boundary (vs. 20'), AND 8'-4" for deck from rear boundary (vs. 10'). Unit 2 – 14'-10" for pool from rear boundary (vs. 20') and 16'-9" for gazebo from rear boundary (vs. 20').

We feel that having the Department grant the requested setback variance will not be materially detrimental as noted under section 8 (13) in the Development and Planning Regulations:

8. (13) (b) (i) the characteristics of the proposed development are consistent with the character of the surrounding area;

8. (13) (b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.

We thank you for your kind consideration, and please let us know if you require any additional information.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for two pools and two gazebos. The pools, pool deck and gazebos require setback variances.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Rear setbacks

Pursuant to Section 9(8)(i) of the Development and Planning Regulations (2021 Revision) the minimum rear setback is 20 ft. The site plan shows the pools located 14 ft 10 in and 14 ft from the rear boundary. The gazebos are located 16 ft 9 in and 14 ft 4 in from the rear property boundary.

2.19 DENTON MCKOGG Block 25B Parcel 442 (P21-1027) (\$35,000) (AS)

Application to modify planning permission to increase the size of the approved pool.

FACTS

<i>Location</i>	Buttonwood Ave
<i>Zoning</i>	LDR
<i>Parcel Size</i>	.2755 AC (12,000 sq. ft.)
<i>Current Use:</i>	Residential
<i>Notices</i>	No objections

BACKGROUND

5th February 2020 - CPA approved a rear setback variance (20 ft to 15 ft for a terrace) and a minimum lot size variance (12,500 ft to 12,000 ft) for a duplex and pool at the subject parcel.

Recommendation: Discuss the application for the following reasons:

- 1) Side setback (6' vs 10')
- 2) Rear setback (15' vs 20')

APPLICANT'S LETTER

On behalf of the applicant, we hereby apply for a setback variance on the above property for the following reasons:

1. *A side and rear setback variance of the swimming pool setback, to allow a reasonable size residential pool to be built. The client would like to increase the size of the pool sufficiently for swimming and water exercise in the pool. At its current small size it is only sufficient for wading and not swimming.*

We believe that the characteristics of the proposed development are consistent with the character of the surrounding area; and the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and finally, the adjoining property owners will be notified of the application for variance on the swimming pool setback and look forward to your favourable review and kind consideration of our application."

PLANNING DEPARTMENT ANALYSIS

General

The application is to modify the size of the pool.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setback

Pursuant to Section 9(8)(i) of the Development and Planning Regulations (2021 Revision) the minimum rear setback is 20'. The increased size of the pool reduces the rear setback to 15'.

2) Side setback

Pursuant to Section 9(8)(j) of the Development and Planning Regulations (2021 Revision) the minimum side setback is 10'. The increased size of the pool reduces the side setback to 6'.

2.20 RUPERT ANGEL (GMJ HomePlans Ltd.) Block 14D Parcel 344 (P21-0792) (\$682,000) (BES)

Application for 5 apartments and a house.

FACTS

<i>Location</i>	Anthony Drive
<i>Zoning</i>	HDR
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.24 ac. (10,454.4 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential
<i>Building footprint</i>	2,082 sq ft
<i>Building Size proposed</i>	3,788 sq. ft.
<i>Building Site Coverage</i>	19.9%
<i>Allowable units</i>	6
<i>Proposed units</i>	6
<i>Allowable bedrooms</i>	10
<i>Proposed bedrooms</i>	9
<i>Required parking</i>	9

BACKGROUND

January 19, 2022 (CPA/02/22; Item 2.7) - It was resolved to adjourn the application for the following reason:

- 1) The applicant is required to submit revised plans that comply with minimum required setbacks.

Recommendation: Discuss the application for the following reason:

- 1) Parking spaces with 0' setback from boundary

AGENCY COMMENTS

Comments from the National Roads Authority, Water Authority, Department of Environment (NCC), Department of Environmental Health, Fire Department and are noted below.

National Roads Authority

As per your memo dated September 13th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of five (5) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Anthony Drive is as follows:

Expected· Daily· Trips	AM· Peak· Hour· Total· Traffic	AM·Peak· 16%·In	AM·Peak· 84%·Out	PM· Peak· Hour· Total· Traffic	PM·Peak· 67%·In	PM·Peak· 33%·Out
33	3	1	2	3	2	1

Based on these estimates, the impact of the proposed development onto Anthony Drive is considered to be minimal.

Access and Traffic Management Issues

Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.

A six (6) foot sidewalk shall be constructed on Anthony Drive, within the property boundary, to NRA standards.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.

Stormwater Management Issues

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff **is no worse than** pre-development runoff. To that effect, the following requirements should be observed:*

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Anthony Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"

Failure in meeting these requirements will require immediate remedial measures from the applicant.

Water Authority

The developer's agents have submitted a proposal for a 2,000-gallon septic tank and disposal at the above referenced development. The document ID in OPS is d060921-0001.

- *The developer shall provide a **septic tank** with a capacity of at least (2,000) US gallons for the proposed. The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards.** Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank must enter the disposal well at a minimum invert level of 4'8" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

The above proposal meets the Water Authority's specifications.

Department of Environment (NCC)

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The site is man-modified and therefore of limited ecological value. We recommend the planting of native species as a part of the landscaping scheme for the development. Native species are best suited for the habitat conditions of the site, requiring less maintenance and making them a very cost-effective choice.

Fire Service

The CFO approved the site layout

Department of Environmental Health

Solid Waste Facility:

DEH has no objections to the proposed in principle.

1. This development require six (6) thirty three (33) gallon bins and an enclosure built to the department's requirements.

a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.

b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

APPLICANT'S LETTER

We write on behalf of our client, Mr. Rupert Angel, with regards to the following variance:

- A lot width variance - The proposed lot with of 89'10" is less than the required 100'an apartment development in areas zoned High Density Residential.*
- A side setback variance - The proposed left side setback is 10'0" which is less than required 15' for a building more than one storey.*

We request permission for the proposed development per the drawings provided and humbly the following reasons:

- 1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail:*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, the neighborhood, or to the public welfare:*
- 3. The lot width variance was granted for the original application, see PI5-0654.*
- 4. The application complies with all other relevant planning requirements.*

We look forward to your favorable response to this variance request.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is for five apartments and a townhouse at the above-caption property. The site is located on Anthony Drive, Windsor Park Subdivision.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Suitability

Regulation 9(6) will allow for apartment/townhouses in suitable locations. The

surrounding area includes a mixture of institutional, commercial and multi-family residential uses and the site fronts on a public road.

2) Side Setback

The proposed side setback is 10' (building) and 6'10" (a/c pads), whereas the minimum required side setback is 15'-0" per regulation 9(6)(i) of the Development and Planning Regulations (2021 Revision).

3) External staircase

The proposed house is two storeys with a bedroom and bathroom in the second floor. The floor plan design includes an internal spiral staircase leading to the second floor bedroom, but the design also includes a substantial external staircase leading to the bedroom. Should this external staircase result in a change of the bedroom to an additional unit then the proposal will technically be a duplex which would have certain building code implications, but the proposal would remain in compliance with lot size and density requirements.

SUPPLEMENTAL ANALYSIS

The applicant has submitted a revised site plan showing the buildings complying with required setbacks. However, the revised site plan now has the parking spaces right up to the easterly side boundary resulting in no landscape buffer from the adjacent parcel. The Authority needs to determine if the revised site plan is acceptable.

2.21 DREAM BIG HOLDINGS LTD (Design (Cayman) Ltd) Block 1E Parcel 17 (P21-1305) (\$2,000) (JP)

Application for a sign.

FACTS

<i>Location</i>	North West Point Road, West Bay
<i>Zoning</i>	BRR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.83 ac. (36,1543.8 sq. ft.)
<i>Current use</i>	Dive resort

BACKGROUND

April 13, 2016 (CPA/09/16; Item 2.3) – Planning Permission granted for a dive resort

May 8, 2019 (CPA/09/19; item 2.5) –application to modify buildings and relocated was approved (P19-0130)

August 4, 2021 (CPA/16/21; item 2.6) – application for modification to site design to create a pathway over ironshore approved (P21-0340)

Recommendation: Discuss the application, **for the following reason:**

- 1) Size of sign

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in West Bay and served by North West Point Road from the east and bound to the west by the Caribbean Sea. Vacant land is sited to the north and south.

The application seeks Planning Permission for the installation of a sign which measures 80.37 sf.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Suitability

The Sign Guidelines (2014) provide parameters for siting and design of advertisements associated with particular uses and/or zones.

The application site is located in Beach Resort Residential zone, which constitutes a residential use. The proposed sign is associated with a commercial use in a residential area.

Section 5.1 of the Guidelines provides guidance for signs associated with residential uses, in particular:

- Signs not to exceed 3 sq for homes and duplexes or 32 sf for apartments;

Section 5.2 of the Guidelines provides guidance for freestanding signs located in commercial zones, in particular:

- Maximum size of 32 sq ft;
- Maximum height of 12ft.

The guidelines are silent with regards to advertisements proposed in residential zones associated with a commercial use.

The proposed sign measures 80.37 sf, 11' 7" in height and is located 9' 2" from the road.

Members are invited to consider whether the size, height and location of the proposed sign are suitable.

SUPPLEMENTARY ANALYSIS

9th March (CPA/07/22; 2.13) Members adjourned determination of the application to enable submission of revised drawings detailing the sign complying with the Sign Guidelines.

Originally the application sought permission for a sign which measured 11' 2" in height and 80 sq ft cover.

Revised plans have been submitted detailing a sign which is 6' in height with a surface area of 23 sq ft.

Members are invited to consider whether the revisions are acceptable

2.22 DOCTORS HOSPITAL (Arco Ltd.) Block 14E Parcel 249Rem1 (P21-1370) (\$6 Million) (BES)

Application for 2-storey oncology clinic building and generator.

FACTS

<i>Location</i>	Middle Road, George Town
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	3.917 acres (17,624.52 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Hospital
<i>Proposed building size</i>	8,934 sq. ft.
<i>Total building site coverage</i>	22.5%
<i>Required parking</i>	144 spaces
<i>Proposed parking</i>	149 spaces

Recommendation: Grant planning permission

AGENCY COMMENTS

Comments from the Water Authority, Cayman Islands Airports Authority, National Roads Authority, Department of Environmental Health, Cayman Islands Fire Service, and Department of Environment are noted below.

Water Authority

The Water Authority's requirements for the proposed development are as follows:

Wastewater Treatment:

*The existing hospital is served by a **Chromaglass CA-60** onsite aerobic wastewater treatment system with a design treatment capacity of **6,000 gpd**.*

***The existing wastewater treatment system can accommodate the wastewater flows from the proposed Oncology Clinic**. However, following a review of the Water Authority's online maintenance tracking system, it appears the system has not been adequately maintained with service provider reports stating issues of electrical component failure, non-operational pumps and aeration pump blockage due to excess mop strings. As the*

system has been poorly maintained it requires the following to comply with Water Authority regulations:

- *A copy of a **weekly** maintenance contract with a Registered Service Provider shall be provided to the Water Authority.*
- *The system shall be repaired and serviced by a Registered Service Provider per the link of companies employing certified OWTS technicians:
http://www.waterauthority.ky/upimages/pagebox/2018_ListofCompaniesEmployingCertifiedOWTSOMTechs_1533930948.pdf*
- *Registered Service Providers submit **weekly** Service Reports to the client and the Water Authority via our online tracking system. The required maintenance should be scheduled without delay. Receipt of a copy of the maintenance contract, an updated service report and subsequent inspection and sampling of the system by the Water Authority to ensure compliance with regulatory limits are conditions for approval of Certificate of Occupancy.*

Water Supply:

The proposed development site is located within the Water Authority's piped water supply area.

- **The developer shall contact Water Authority's Engineering Services Department at 949-2837 without delay to be advised of the site-specific requirements for connection to the public water supply.**
- The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.
- The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure> .

The Authority will not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.

Cayman Islands Airports Authority

No Objection on current 2 level story design

National Roads Authority

No comments from the agency

Department of Environmental Health

The applicant has provided the required information which meets DEH requirements.

CI Fire Service

The CFO approved the site layout

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The site is man-modified and of low ecological value. We note the use of renewable energy and we are encouraged to see the incorporation of solar panels into this institutional development.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 2-storey oncology clinic building (8,934 sq ft) and generator at the above-captioned property. The site is located at the Doctors Hospital, George Town. The proposal would consist of radiotherapy/offices on the ground floor and a chemotherapy/waiting area on the second floor.

Zoning

The property is zoned Neighbourhood Commercial and there are no concerns with the application.

2.23 MAX AND MARIA OBRIST (Whittaker & Watler) Block 15C Parcel 329 (P21-1201) (\$453,258) (BES)

Application for 3 apartments.

FACTS

<i>Location</i>	Ithmar Circle and Richmond CT off Fairbanks Road
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.9189 ac. (40,027.28 sq. ft.)
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	Apartments
<i>Proposed Use</i>	Same as above
<i>Building footprint</i>	7,540.2 sq ft
<i>Building Size proposed</i>	3,486.5 sq. ft.
<i>Building Site Coverage</i>	18.83%

<i>Allowable units</i>	13
<i>Proposed units</i>	3 + 10 existing
<i>Allowable bedrooms</i>	22
<i>Proposed bedrooms</i>	5 + 13 existing
<i>Required parking</i>	5 + 18 existing
<i>Proposed parking</i>	23

BACKGROUND

May 25, 2016 (**CPA/12/16; Item 2.19**) – CPA granted planning permission for four apartments with 6-bedrooms.

May 4, 2005 (**CPA11/05; Item 2.30**) CPA modified planning permission to increase floor area from 8,210 sq.ft. to 8,560 sq.ft, which consist of increasing the bedroom density from twenty-two (22) to twenty-four (24).

November 10, 2004 (**CPA/25/04; Item 2.3**) – CPA modified planning permission to increase the number of bedrooms from twenty (20) to twenty-two (22).

January 14, 2004 (**CPA/01/04; Item 3.13**) – CPA granted planning permission for 3-apartment buildings containing 13-units and 20-bedrooms, pool, cabana and 2-signs

Recommendation: Grant planning permission

AGENCY COMMENTS

Comments from the National Roads Authority, Water Authority, Department of Environment, Department of Environmental Health, Fire Service and are noted below.

National Roads Authority

As per your memo dated November 29th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of a four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Richmond Court is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour</i>	<i>AM Peak 20% In</i>	<i>AM Peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35% Out</i>

	Total Traffic					
27	2	0	2	3	2	1

Based on these estimates, the impact of the proposed development onto Richmond Court is considered to be minimal.

Access and Traffic Management Issues

Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.

Stormwater Management Issues

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff **is no worse than** pre-development runoff. To that effect, the following requirements should be observed:*

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such

canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"

Failure in meeting these requirements will require immediate remedial measures from the applicant.

Water Authority

The Water Authority's requirements for the proposed development are as follows:

Wastewater Treatment:

*The existing development is currently served by two (2) onsite aerobic wastewater treatment systems with a combined design treatment capacity of **4,500 gpd.***

- *Building A – 3,000GPD*
- *Buildings B and C – 1,500GPD*

The design capacity of the existing 1,500gpd wastewater treatment system can accommodate the wastewater flows from the proposed Building C, given that the treatment system is being operated and maintained as designed to produce an effluent that meets the Authority's discharge limits.

- *The systems current maintenance schedule is inadequate for proper routine maintenance. Registered Service Providers submit Standard Service Reports to the client and the Water Authority via our online tracking system on a minimum 30-day maintenance schedule. Approval for the proposed is subject to the Water Authority receiving confirmation of a 30-day maintenance contract with a licensed service provider.*
- *To assist with routine maintenance. The treatment plant covers shall be replaced with covers in accordance with the Water Authorities regulations; Covers shall be opened and closed by one man with standard tools.*

Water Supply:

The proposed development site is located within the Water Authority's piped water supply area.

- ***The developer shall contact Water Authority's Engineering Services Department at 949-2837 without delay to be advised of the site-specific requirements for connection to the public water supply.***
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure> .*

The Authority will not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The application site is man-modified with limited ecological value. Nonetheless, it is recommended to plant native vegetation where possible and incorporate it into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping.

Department of Environmental Health

This application is recommended for approval based on the following:

- 1. The location of the garbage enclosure does not meet the requirements of DEH in regards to the truck reversing on to the road. However, since this is an existing enclosure and the development is located in a lightly populated area and the truck has been servicing this location for many years, consideration can be given for the applicant to utilize the existing area.*
- 2. This development will require (1) eight cubic yard container with once per week servicing.*

Fire Service

The CFO approved the site layout.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is for three (3) apartments at the above-captioned property. There are existing apartments on site in Building A and Building B (which is under construction. The proposed apartments (Building C) represent the last phase of the overall development of the site. The site is located on Ithmar Circle and Richmond CT, off Fairbanks Road.

Zoning

The property is zoned Low Density Residential and there are concerns with the application.

3.0 DEVELOPMENT PLAN MATTERS

3.1 THE BEACH BAR AND KAIBO YACHT CLUB LTD Block 33M Parcel 49 (RZ21-0001) (RM)

Application for Amendment to Development Plan 1997 from Public Open Space to Low Density Residential.

FACTS

Location:	Kaibo, Water Cay Road, North Side
Parcels:	33M40 & 33M49
Current Zoning:	Public Open Space
Proposed Zoning:	Low Density Residential
Ownership:	Private
Total Parcel Size:	1.47 Acres
Subject Zoning Area:	0.55 Acres

BACKGROUND

January 21, 2015 (RZ14-0003) (CPA/02/15; Item 4.1) - CPA refused application for amendment to Development Plan 1997 from Public Open Space to Low Density Residential. The Authority determined that the subject lands provide continued public benefit and should remain zoned Public Open Space. As such the rezone application was closed.

June 28, 2019 (P19-0203) (CPA/13/19; Item 2.10) – CPA resolved to grant planning permission for After-the-Fact Boardwalk on block and parcel 33M40.

DEPARTMENT OF PLANNING RECOMMENDATION

The Department of Planning recommends that the Central Planning Authority (CPA) discuss the application to consider matters of suitability and whether the subject lands should be considered as providing continued public benefit, with reference to the comments received from the Public Lands Commission.

APPLICANT'S LETTER

The applicant is seeking an amendment to the Development Plan from Public Open Space to Low Density Residential. This concerns the entirety of block and parcel 33M49 (0.42

ac) and a small section of block and parcel 33M40 (0.13 ac). The intent is to amend the zoning for reasons for security and to clarify private ownership. The applicant has no intention to develop the land outside of its present use.

Further information is provided in the applicant's letter, as follows:

"We are writing to request a change of zoning because there is doubt that the current zoning of Public Open Space on private land is needed any more.

Land Block and Parcel description to which this request relates.

Both parcels are used for activities by operating company Kai One Ltd, also known as Kaibo.

Block 33M Parcel 40: *The majority of 1.05 Acres or 45,738 sq. ft. is zoned Low Density Residential, yet a strip of approximately 6,000 sq. ft. is zoned Public Open Space. This parcel is owned by the company The Beach Bar. In terms of linear beach frontage, 33M 40 has frontage of approximately 225 linear feet. It is the strip of approximately 6,000 sq. ft. which is zoned Public Open Space that is requested for change of zone. This parcel is partially used for private parking. There is vehicle access from the road into this parking area, which leads to the beach and the marina via a 4-foot wide decked board walk; it is this boardwalk that is requested for rezone. Parcel 33M 40 has a privately-owned and maintained 26-berth marina which is used by visitors for the property who arrive by boat.*

Block 33M Parcel 49: *Parcel 33M 49 is a vacant land parcel to the west of 33M 40. This 0.42 acres or 18,295 sq.ft. is zoned Public Open Space. This parcel is used for private wedding ceremonies on the beach side, it holds a wedding arch and has a palm-tree planted wedding aisle, and further ornamental flowering plants to block the view to the parking lot. On the road side the land is used for private parking for Kaibo guests, and has a landscaped shrub and tree-lined border with railway sleepers. The parcel is owned by the company Kaibo Yacht Club Ltd, which in turn was acquired by The Beach Bar in 2016 to extend the private parking for Kaibo customers. Between 2017 and 2021 the land has received significant investment to ensure the plants and flowering borders are of high quality. In terms of linear beach frontage, 33M 49 has frontage of approximately 90 linear feet. This wedding beach is the site of regular private wedding ceremonies, which is maintained, landscaped, conserved and operated as part of the Kaibo Group of restaurants business. The site has a small thatched wedding hut from which refreshments, such as fresh coconuts, are served to guests. It also has a second thatched hut which is used by a water sports company who run kayak and other*

water sports operations from the location. Parcel 33M 49 is also the site where the annual Cayman Kitefest is hosted by Kaibo, every Easter Monday, to fund raise for community charities.

Reason for request of the change of zoning

The current zoning of Parcel 33M 49 as Public Open Space is of significant concern to the current owners. They believe the zoning causes complications. Issues have arisen when people have damaged landscaping, left significant amounts of litter, and there has been petty theft of water sports equipment. Members of the public use the private bathrooms of the Kaibo building, (on residential-zoned 33M 40,) mistaking them for a public amenity. The costs that arise because of these aforementioned issues, as well as the costs of weekly landscaping, and sand sifting, and maintaining the beach in its pristine condition, are all being met by the owners. The owners have filed for a change of zoning from Public Open Space to Low Density Residential with the Cayman Islands Government Planning Department, respectfully asking to regain control of use of their land, with the understanding that this parcel will remain undeveloped and continue to be used as a private wedding beach and parking for Kaibo guests.

The owners have been advised that the tenure of the privately-owned land zoned as Public Open Space is freehold - private and absolute:

Absolute Title “one which vests in the registered proprietor an estate in fee simple absolute in possession (which can loosely be described as indefeasible ownership) of that parcel of land together with all rights and privileges belonging or pertinent to the land, which ownership is free from all other interests and claims whatsoever not shown on the Register, save for overriding interests. All mineral rights are, however, vested in the Crown.” (Source: Registered Land Law {1995 Revision}).

History of the Zoning

The transfer of land between the original owner (Cayman Islands Basic Industries) and the previous owner (Kaibo Yacht Club) was completed on August 12th 1998.

The Public Open Space was at one stage connected to the only boat dock in the area that offered the only water access on Water Cay Road, and therefore the local fishermen, kayakers and other members of the public benefitted from access to this dock. However today, in the same bay, the nearby public beach at parcel 33E77 now provides a large boat dock, a boat ramp, along with public bathrooms, a children’s play area, and many colourful cabanas for campers. Parcel 33E77 is maintained by C.I. Government but is under-utilized. Therefore the proximity of the

new public dock makes little case for the need for public access to a second dock at Kaibo, which is privately owned and maintained.

Further along Water Cay Road, a short walk in the other direction, a second public beach access and bathrooms are provided at the popular crown-owned land at Starfish Point, 33M45. (please see map in appendix)

The current owners of Parcel 33M 40 successfully applied for planning in 2014 to replace the old private boat dock at Kaibo, with a premium quality Poralu 26-berth marina, which was completed in 2015, installing utility pedestals with water and electricity for overnight boaters. The marina is no longer used for water access by fishermen, nor the public, who now use the public dock at parcel 33E77.

The previous owners of Parcel 33M 49, brothers Ronnie and Burnley Foster, requested a change of zone in January 2015, which was denied. They had considered building a small residential home on the land for their mother, which would possibly not have been feasible due to the limited linear beach frontage of only 90 feet, and moreover would not have been in keeping with existing larger luxury residential homes in the area. CPA minutes of this meeting are attached with this application. Seeing no further use for this land, the brothers then sold Kaibo Yacht Club and Parcel 33M 49 to the current owners in 2016. For clarity, the current owners are opposed to development of Parcel 33M 49 into a residential home, or any other development, and wish to retain the parcel in its current state, a pristinely maintained wedding beach, and parking. Therefore, and of great significance, this new application bears no resemblance to the 2015 application which was denied.

Proposal by current owners

The current owners propose to:

- *Preserve to the greatest extent the natural features and characteristics of the land.*
- *Make no changes that would be detrimental to the natural character or appearance of the land.*
- *Continue to maintain, pay landscaping fees, pay sand sifting fees, tree trimming fees, litter removal fees, and nurture the lush coconut palm landscaping and ornamental planting to elevate the appearance and preservation of the land.*
- *Display a high standard of design and use of materials consistent with the character and heritage of the islands on the existing structures on the zone.*

- *Continue to offer access to the commercial water sports hut for purposes of environmental kayak tours, watersport, recreation, and the enjoyment or study of nature, with the exception of occasions when a private wedding is in progress.*
- *Continue to use the land on the road side for parking.*
- *Continue to use the land on the beach side private beach weddings which attracts locals and visitors to the area.*
- *Continue to host the annual Cayman Kitefest on the site which fundraises for local charities.*
- *preserve, maintain and conserve the land with a private zoning.*

Comparisons

We note there are very limited comparisons for this scenario. Private ownership of Public Open Space is unusual in The Cayman Islands, and we could not find evidence of another parcel with a similar predicament. The current owners would like to manage and maintain their privately-owned asset, conserve it in its current state, and take back control of their freehold ownership.

Unsuitability for development

Parcel 33M 49 is subject to Restrictive Covenants preventing any multi-unit development taking place. The proactive Cayman Kai Property Owners Association (of which the owners are members) are strict on the subject of upholding Restrictive Covenants in the area. The linear beach front of 90ft is additionally too slim for a luxury property. The highest and best use for this parcel is that it is granted change of zoning from Public Open Space to Low Density Residential, and conserved in appearance, and continue the existing use for private parking, private weddings and low-density watersports. The current owners have no intention to develop the land at Parcel 33M 49 outside of its present uses, but intend to pursue the change of zone.

In closing, we appreciate your time to review and consider this application. It is our solemn mission to preserve, maintain and conserve the land with a private zoning for which we have met the regular maintenance costs for six years of ownership.”

DEPARTMENT OF PLANNING ANALYSIS

Background

In 2015 the Central Planning Authority refused an application to rezone block and parcel 33M49 from Public Open Space to Low Density Residential. It was considered at the time that the subject lands provide continued public benefit and should remain zoned Public Open Space. It should be noted that the 2014/2015 application sought to convert this parcel into a home site to better utilise the property and to be consistent with neighbouring properties. The present application meanwhile states that the current owners have no intention to develop the land at 33M49 outside of its present uses.

The report prepared for the 2014/2015 application recognised that the Cayman Kai subdivision resulted in certain allocations of Public Open Space throughout the area, which can be observed in figures 1 and 2 which are extracts from the 1977 Development Plan.



Figure 1: Extract from 1977 Development Plan



Figure 2: Extract from 1977 Development Plan (magnified to show subject area)

The subject parcel had therefore partially been zoned Public Open Space since as far back as the 1977 Development Plan, and completely zoned Public Open Space since the early 1990's, although the parcel history has mutated over time.

Site details

The application concerns two adjacent parcels; 33M49 and 33M40, which are located to the south of Water Cay Road in the Cayman Kai area.

Block and parcel 33M49 is occupied partially by a parking area for the Kaibo Yacht Club and also has a vacant section with sparse vegetation and sandy beach ground-cover. In terms of land use, the public has frequently accessed the beach via this parcel from Water Cay Road and kayak tour groups typically use this location as a point of embarkation and return. The applicant has also stated that this parcel is commonly used for private wedding events which are operated by the Kaibo Group of restaurants.

Block and Parcel 33M40 meanwhile is only partially zoned Public Open Space, the remainder being Low Density Residential and occupied by Kaibo Yacht Club. The parcel therefore consists of restaurants, a shop, a fuelling station, docking facilities and beach area, which the general public access by land and by sea. The small section of 33M40 which is zoned Public Open Space is currently occupied by car parking and a section of boardwalk which provides access to the dock.

Character and Land Uses of Surrounding Area

Either side of the subject property are a series of condominiums complexes, while further afield the area is occupied by large vacation homes which are typical of the character of

the area. A short distance to the southeast is Kaibo Public Beach which provides a boat dock and ramp, public bathrooms, a children’s play area, and a number of public cabanas.

Figure 3 displays the proposed rezone area and the surrounding land-use context.



Figure 3: Zoning and location map (Source: www.caymanlandinfo.ky)

Consideration of Public Open Space

Public Open Spaces are an important amenity for all residents of the Cayman Islands to enjoy and benefit from. Sufficient provision of Public Open Space across various communities is crucial in supporting positive social health for residents. Access to the coastal water is also an important element of Caymanian culture, and the subject parcels are quite popular among tourists and local residents as a means of accessing the water.

The table below demonstrates the extremely limited proportion of Public Open Space zoning in Grand Cayman, which accounts for just 977 acres (or 2.1% of the total zoning).

The subject property meanwhile accounts for 0.06% of the total Public Open Space in Grand Cayman.

	Acres	Proportion of total
Grand Cayman Zoning total	46,953.5	
Grand Cayman Public Open Space zoning	977.2	2.1%
Subject area for RZ21-0001	0.55	0.06%

Under section 17(1) of the Development and Planning Regulations (2021 Revision):

Public Open Space zones comprise predominantly undeveloped areas of land vested, or intended to be vested, in the Government or over which the public have rights and which is available to members of the public generally (whether subject to fulfilling any lawful condition or not) for purposes of sport, recreation, or the enjoyment or study of nature.

The original intentions of Government in terms of vestment of this property are unclear, but the ongoing public use of the parcel(s) for recreation has been recognised. Section 17(2) of the Development and Planning Regulations (2021) indicate that it is the duty of the Authority to preserve Public Open Space zones. Section 17(3) meanwhile states that development is permissible in Public Open Space zones, provided that it is compatible with the character and function of the zone. The applicant's cover letter states that the intention of the current owners of the property is not to develop 33M49 outside of its present recreation, event and leisure uses.

AGENCY COMMENTS

Department of Environmental Health

*"1. DEH has no objections to the proposed.
2. DEH requirements will be determined when development of this parcel is proposed."*

Cayman Islands Fire Service

"At this time the Fire Department has no comments and no objection to the proposed and will save comments for future development or alterations."

National Roads Authority

Comments requested on 23/06/2021 – None received.

Water Authority

“Please be advised that the Water Authority has no objection to the proposed rezone. Requirements for water and wastewater will be determined when development of the parcel(s) is proposed.”

Department of Tourism

“The Department has no objections on the change of zone located at 33m parcel 40 and parcel 49 from public open space to low density residential.”

Department of Environment

“This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The Department was consulted on a previous application for this proposed rezoning in 2015. To reiterate its comments:

The DOE does not consider the proposal to be a significant concern from an environmental perspective. However we do consider the loss of POS to be an issue of concern considering the loss of the area as a public amenity. The zonation of a privately owned parcel as POS was presumably done in the past with the view to it being vested in Government at some point according to Section 17 (1) of the Development and Planning Regulations (2021 Revision). The DOE would recommend that the original plans and intentions of Government (as to vestment in the parcel) be investigated before the granting of application for rezoning.

We also note that access along the beach is now hindered by the recent installation of a fence along the edge of the Kaibo Restaurant boardwalk. This should be removed in order to allow access along the foreshore in accordance with the Prescription Act (2018 Revision).

Please do not hesitate to contact the Department should you require further assistance.”

**Public Lands Commission
(see Appendix G)**

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 FRANK SCHILLING (Arco Ltd) Block 11D Parcel 105 (P21-0635) (\$30,000) (JP)

Determination of condition of approval

BACKGROUND

October 27, 2021 (**CPA/22/21; item 2.2**) – CPA granted Planning permission for a pergola and outdoor bar subject to the inclusion of a signed lease for a minimum of five years for ten off-site parking spaces (P21-0635)

December 15, 2021 (**CPA/26/21; item 5.1**) – CPA confirmed a license is inadequate to fulfil requirement of condition 1 and that a registered lease is required.

Recommendation: Determine if the lease is acceptable to satisfy condition 1) of CPA/22/21; item 2.2

PLANNING ANALYSIS

The Department of Planning reviewed the latest lease (see Appendix F) and issued the following response to the applicant:

Location of spaces:

- location of spaces on 11D 103 is unacceptable;
- your support letters to CPA regarding P21-0635 specifically refers to 11D 104;
- condition on decision notice P21-0635 identifies spaces to be sited on 11D 104.
- the development 'Grove Too' on 102 and 103 does not provide for the 10 parking spaces.

Lease agreement:

Several clarifications required regarding anomalies in the lease agreement:

- no witness for Frank Schilling;
- Section 1.1 definition of carpark '*designated as such by the landlord from time to time*' is not definitive enough for the purposes of the lease seeking to provide parking spaces;
- due to the passage of time update the lease term;
- needs a clause for transferring in the event the restaurant is sold and/or leased to another party;

- Section 7 warranties for use or condition - the parking spaces must be provided and capable of use by the tenant.

For the avoidance of doubt, the lease registration form and section 1.1 refers to 11D 104, however, a non-paginated site plan inserted at the end of the lease proposes parking spaces on 11D 103.

AGENT RESPONSE

The agent confirmed the site plan inserted at the end of the lease was incorrect and provided a revised version providing spaces on 11D 104. Members attention is drawn to the lack of reference to the site plan as a schedule in the lease.

In response to all other points raised the agent has provided the following response:

“The lease is finalized and agreed between the parties. As requested by Planning it has been submitted for registration and not subject to change at this very late date.

We can’t renegotiate the Landlord’s terms and they were quite specific in what they would agree to and what they would not agree to.

The requests made by Planning are not part of their conditions to pre-approve the lease before negotiated by the parties.”

Members attention is specifically drawn to two review comments which identify no provision in the event the restaurant is sold and/or re-leased and the fact that the lease expressly excludes any requirement to provide spaces which are capable of use.

Members are invited to consider the acceptability of the lease in ensuring adequate parking provision is secured for the duration of the stipulated tenure.

6.0 CPA MEMBERS INFORMATION/DISCUSSION

Appendix A



ANDREW GIBB FCIQB RIBA MAPM LEED AP
CHARTERED ARCHITECT | CHARTERED BUILDER

P O Box 20 Grand Cayman KY1-1701 Cayman Islands
+ (3 4 5) 5 2 6 8 8 8 8 | andrew.gibb@gibbarchitect.com

23 November 2021

The Director of Planning
Department of Planning, CIG
P O Box 113
Grand Cayman KY1-9000

Sir

AMENDED VERSION: FINAL

PARCELS 32D5, 32D122, 32D313, 38E282 LOWER VALLEY BT
MANDARIN ORIENTAL ST JAMES POINT RESORT
APPLICATION TO MODIFY PLANNING CONSENT: MOTIVATION
Additional area to Residence, 10th Floor, West Tower
Amendments to Exterior Elevations (Vertical Louvre & Guardrail Details)

We act for applicant SJP Development Corporation Ltd, as agent.

We hereby make application to the Central Planning Authority to modify planning consent granted under CPA24/19; Item 2.6 with conditions, for these amendments:

A Additional Area to Residence, 10th Floor, West Tower

Applicant wishes to extend the floor area of this apartment (Residence) by an additional sq ft, by including the exterior access corridor into the curtilage of the apartment. The total planning floor area is amended thus:

Previous approved total floor area:	421,223 sq ft
Apartment additional area:	<u>429</u> sq ft
Current total floor area as proposed:	421,652 sq ft

B Amendments to Exterior Elevations

Applicant wishes to modify the vertical louvre shading treatments to the north and west elevations (as facing the new road on BP40 and Beach Bay Road at the Seaspray Drive intersection) in order to rationalise the construction assembly and the final material finish as proposed. In addition, applicant wishes to amend the general detail and specification of the guardrails generally at all levels, from a nautical railing type, to a laminated glass variant with integrated top rail.

C Finished Natural Ground Level Adjustment

In order to reduce the depth and extent of on-site excavation required to accommodate the lowest levels of the Hotel Towers podium, finished natural ground level at average of 5'-0" from the building footprint line as given on the original approved planning consent application, has been raised generally by 11'-0" from +23.0 MSL to +34.0 MSL (East Tower) and from +35.0 MSL to +46.0 MSL (West Tower).

The extent of these amendments are to be found in the included Modified Planning application architectural planset submitted in support of this application.

There is no change to the coverages as set out in our consent motivation letter dated 19 October 2019. There is no additional commercial development area, and therefore no additional parking provision requirement.

We thank you for your kind consideration of this application in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'ANDREW GIBB', with a stylized, scribbled flourish.

ANDREW GIBB

Appendix B

MEMORANDUM

TO: Director of Planning **YOUR REF:** P21-1150
ATTN: Jessica Peacey
FROM: Director of Environment **DATE:** 25 January 2022

SUBJECT: Beach Bay (St James Point)
7 Storey Condo Residence Block
Block: 38E Parcel: 282

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

Part of the site is located adjacent to a Marine Protected Area – a Marine Reserve. The coastal cliffs along the application site boundary are of critical importance for White-tailed Tropicbirds (*Phaethon lepturus*), a Schedule 1 Part 1 protected species under the National Conservation Act and the beach at Beach Bay is designated Critical Habitat for sea turtles, as defined in the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead Turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids. Sea turtles are also a Schedule 1 Part 1 protected species.

Given the type of development (i.e. a residences tower within a hotel and resort development) and that the previous planning application (P19-0486) at the site was screened for an Environmental Impact Assessment (EIA), the subject application has been screened for an EIA as outlined in Schedule 1 of the National Conservation Council's Directive for EIAs issued under section 3(12)(j) and which has effect under section 43(2)(c) of the National Conservation Act. The National Conservation Council issued its decision on 20 January 2022 that an EIA is not required, based on the Screening Opinion prepared by the Department of Environment (DoE) (the Screening Opinion and NCC decision letter are both appended to this review). Notwithstanding this, there are potential environmental impacts associated with the development which are detailed below, together with recommended conditions to help mitigate adverse impacts.

The site currently has planning permission for the resort including residences, spa, conference centre and tennis courts (P19-0486). At the time of the previous application, the DoE raised a number of concerns with that application including that the applicant was proposing to build directly on a very active turtle beach for both loggerhead and green turtles. The development on the beach would cause significant adverse effects on sea turtles. A lighting plan was submitted, however the plan was not turtle friendly and could not be endorsed by the DoE because of the illumination of the critical turtle nesting beach.

The subject application comprises a road and parking lot, paths along the ironshore, several pools, and a seven storey residences tower deemed Phase 1B. The Proposed Development includes 22 units within the 7 storey apartment block and related hospitality accommodations such as residents' lounge, pool and deck and ancillary services and utilities provision. It has a gross construction area of 107,477 sq ft (2.46 acres).

The Proposed Development is located in an area of primary habitat comprising mostly lowland mixed evergreen-deciduous dry forest, grading to coastal shrubland as it approaches the sea. Specifically, the forest community is a *Bursera simaruba* – *Guapira discolour* – *Ficus aurea* forest community, characteristic of Cayman dry forests growing on dolostone karst close to the sea. Development was identified as a key threat to dry forest in the National Biodiversity Action Plan 2009 for Forest and Woodland.¹ Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. As the development progresses eastward, there will be additional losses of primary habitat. Any clearing should be limited to the development footprint and clearing should only progress when development of the additional phases are imminent.

The bluff cliff has been identified by the Department as a habitat of critical importance for the White-tailed Tropicbird (*Phaethon lepturus*). The White-Tailed Tropicbird is a Part 1 Schedule 1 Protected Species (Protected at all times) under the National Conservation Act. The White-tailed Tropicbird nests in the sides of the bluff cliff face. Although the residential block is more than 100 feet from the Mean High Water Mark, there are paths depicted on the plans within the setback from the Mean High Water Mark (and the Bluff face). It is strongly recommended that if the Central Planning Authority is minded to approve this development, that a condition should be included which states:

“1. Within the coastal setback, any clearing or modification shall be confined to the footprint of the approved pathways”.

Beach Bay is an active turtle nesting beach for Loggerhead turtles (*Caretta caretta*) and designated sea turtle critical habitat. Sea turtles are listed in Schedule 1 Part 1 of the NCA as a species that is “protected at all times”. It is an offence under the NCA to “take” a protected species, with the definition of “take” including incidental taking, such as the death, etc., of hatchling turtles or the disruption of adult turtle nesting activity by artificial lights which shine onto nesting habitat. Given the distance of the proposed development from the Critical Habitat it is likely that artificial lighting should not reach the nesting beach. However, it is the policy of the Cayman Islands that turtle friendly lighting is lighting designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the beach, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to “take” turtles.

¹ Cayman Islands National Biodiversity Action Plan 2009 2.T3.4 Terrestrial Habitats Forest and Woodland

If the CPA is minded to grant permission, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE respectfully directs that the following condition be imposed, as part of any agreed proposed action for planning approval:

“2. Lighting for Phase 1B shall be designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the critical habitat of sea turtles, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to “take” turtles”.

This condition is directed to prevent artificial lighting resulting in the “take” of a Schedule 1 Part 1 protected species under the National Conservation Act.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Central Planning Authority/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).

Director of Environment

Notice of National Conservation Council Decision
Ref: Proposed Phase 1B of the Beach Bay Hotel

- 1) The Proposed Development, deemed Phase 1B of the Beach Bay Hotel, comprises a road and parking lot, paths along the ironshore, several pools, and a seven storey residences tower. The Proposed Development includes 22 units within the 7 storey apartment block and related hospitality accommodations such as residents' lounge, pool and deck and ancillary services and utilities provision.
- 2) The proposed action is approval of the Proposed Development by the Central Planning Authority (CPA).
- 3) The Proposed Development is a residence tower within a hotel and resort development and therefore falls within Schedule 1, i.e. a hotel and resort development. As such it falls within Schedule 1 (those proposed activities which need to be screened to determine if an Environmental Impact Assessment is required) of the National Conservation Council's Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the National Conservation Act.
- 4) The Proposed Development was considered by the National Conservation Council at its working group session on 19 January 2021.
- 5) Council noted a variety of factors, including but not limited to
 - a. The Department of Environment Screening Opinion of 12 January 2022 for the Proposed Phase 1B of the Beach Bay Hotel.
 - b. Phase 1A of the hotel resort has an existing planning permission. As Phase 1A has already been approved, it can only be considered with respect to cumulative effects with the Proposed Development (the residences tower).
 - c. The bluff cliff is a habitat of critical importance for the White-tailed Tropicbird (*Phaethon lepturus*). Although the residential block is more than 100 feet from the Mean High Water Mark, there are paths depicted on the plans within the setback from the Mean High Water Mark (and the Bluff face). If the CPA are minded to approve this development it is strongly recommended that a condition should be included that within the coastal setback any clearing or modification shall be confined to the footprint of the approved pathways.
- 6) Under section 41(3) of the National Conservation Act, 2013, the views of the Council shall be taken into account by the CPA when making their decision on the proposed action.
- 7) Council decided that the Proposed Development does not require an EIA.
- 8) And that this decision would need to be ratified at the next suitable General Meeting.
- 9) It should be communicated to the CPA, and by the CPA through their usual and sufficient means of communication to the appropriate parties, that the CPA and a person aggrieved by a decision of the National Conservation Council may, within 21 days of the date on which the decision of the Council is received by them, appeal against the Council decision to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).

John Bothwell

John Bothwell – Manager, Legislation Implementation & Coordination Unit
Secretary, National Conservation Council

Email: John.Bothwell@gov.ky ; Conservation@gov.ky

Please see our website www.Conservation.ky



DEPARTMENT OF
ENVIRONMENT
CAYMAN ISLANDS GOVERNMENT

Screening Opinion for the Proposed Phase 1B of the Beach Bay Hotel
12 January 2022

Executive Summary

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required.

The Proposed Development comprises a road and parking lot, paths along the ironshore, several pools, and a seven storey residences tower deemed Phase 1B. The Proposed Development includes 22 units within the 7 storey apartment block and related hospitality accommodations such as residents' lounge, pool and deck and ancillary services and utilities provision. It has a gross construction area of 107,477 sq ft (2.46 acres).

Phase 1A of the hotel resort has an existing planning permission. As Phase 1A has already been approved, it can only be considered with respect to cumulative effects with the Proposed Development (the residences tower).

The bluff cliff has been identified by the DoE as a habitat of critical importance for the White-tailed Tropicbird (*Phaethon lepturus*). The White-tailed Tropicbird nests in the sides of the bluff cliff face. Although the residential block is more than 100 feet from the Mean High Water Mark, there are paths depicted on the plans within the setback from the Mean High Water Mark (and the Bluff face). It is strongly recommended that if the CPA are minded to approve this development, that a condition should be included which states:

"Within the coastal setback, any clearing or modification shall be confined to the footprint of the approved pathways".

Beach Bay is an active turtle nesting beach for Loggerhead turtles (*Caretta caretta*) and designated sea turtle critical habitat. Sea turtles are listed in Schedule 1 Part 1 of the NCA as a species that is "protected at all times". It is an offence under the NCA to "take" a protected species, with the definition of "take" including incidental taking, such as the death, etc., of hatchling turtles or the disruption of adult turtle nesting activity by artificial lights which shine onto nesting habitat. Given the distance of the proposed development from the Critical Habitat it is likely that artificial lighting should not reach the nesting beach. However, it is the policy of the Cayman Islands that turtle friendly lighting is lighting designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the beach, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to "take" turtles.

If the CPA is minded to grant permission, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE respectfully directs that the following condition be imposed, as part of any agreed proposed action for planning approval:

“Lighting for Phase 1B shall be designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the critical habitat of sea turtles, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to “take” turtles”.

The Proposed Development does not have additional environmental effects beyond those previously reviewed as part of Phase 1A with the exception of terrestrial ecology. The Proposed Development may impact proposed critical habitat for white-tailed tropicbirds and will result in the loss of additional areas of primary habitat. The Proposed Development does not require an EIA.

The Department of Environment is of the opinion that the Proposed Development does not require an EIA.

Introduction

The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is an EIA development (i.e. requires an EIA) is called screening.

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the NCA, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The Proposed Development is a residence tower within a hotel and resort development and therefore falls within Schedule 1, i.e. a hotel and resort development.

The screening criteria include:

- The type and characteristics of a development;
- The location of a development; and
- The characteristics of the potential impact.

These screening criteria have been considered with respect to the Proposed Development in order to determine whether an EIA is required.

The Site

The wider site is located at Block 32D Parcels 313, 122, and 5 and Block 38E Parcel 282, located off Beach Bay Road. The Proposed Development (Phase 1B) is located within Block 38E Parcel 282. The site location is shown on Figure 1. The site has an area of approximately 50 acres including the embayment and is located on the beach with a coral reef-protected lagoon offshore rising up to a cliff/bluff face along the eastern site. The site is located on an active turtle nesting beach, particularly used by Loggerhead turtles (*Caretta caretta*). Sea turtles are protected under Schedule 1 Part 1 of the National Conservation Law, as species which are protected at all times. The area proposed for Phase 1B is located at a higher elevation, on the cliffs and to the east of the beach. The proposed Phase 1A is located in between the sea turtle nesting habitat and the Proposed Development (Phase 1B).

Since the 2019 EIA Screening Opinion was issued, the beach at the site has been designated as sea turtle critical habitat. Based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified as critical turtle nesting habitat in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Law (2013)). This designation of critical habitat means that adverse impacts to the habitat either have to be avoided or able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation Council is now able to direct the inclusion of those conditions in any Planning Permission that may be given.

The wider site is bounded by a public road which leads to the ocean on the west, primary habitat or residential development to the north, and primary habitat to the east. There is a gazetted road running through the site, under Boundary Plan 40.

Proposed Development

Planning History

Phase 1A of the wider Beach Bay Hotel Development included a main hotel, beach front villas, parking, residences, spa and conference centres and tennis courts. The project was screened for an EIA with the determination that the project did not need an EIA however there would be significant adverse effects on sea turtles that should have been taken into consideration by the Central Planning Authority (CPA).

The application was approved on November 20, 2019 (P19-0468) by the CPA. Condition of Approval #2 stated, "The Applicant shall submit a plan for turtle friendly lighting which minimises impacts on sea turtles and is prepared in accordance with the Department of Environment's guidelines and approved by the CPA."

A lighting plan was submitted, however the plan was not turtle friendly. Several meetings and written correspondence occurred between 11 August 2020 and 16 September 2020, and a revised plan was submitted. However, on the basis that the structures permitted in Phase 1A encroached on the critical nesting beach far beyond the typical 130-foot setback prescribed in the Planning & Development Regulations, reducing the important nesting beach area by up to 50% in some areas, the DoE concluded that it will likely be impossible to illuminate the structures and pathways on the beach without causing a sea turtle misorientation.

Unfortunately at the time of the DoE's Planning Application Review for Phase 1A, the formal designation of critical turtle nesting habitat had not been made as a draft species conservation plan was with the Cabinet for approval. Had the subsequently approved Interim Directive been in place the DoE, under delegated authority from the National Conservation Council, would have been able to direct the removal of the hard structures from the critical nesting habitat in order to conserve this crucial nesting area, as provided for by Section 41 (4) of the National Conservation Act.

On 30 October 2020, the Department of Environment wrote to the CPA stating that, **"The DoE, therefore, cannot endorse or approve this turtle friendly lighting submission because any illumination of the critical turtle nesting beach will negatively impact and likely result in the take of this Part 1 protected species."**

On 6 January 2021, the turtle friendly lighting was discussed at a meeting of the CPA (CPA/01/21) with the following recorded in the minutes of the meeting:

*"The Authority was advised that the applicant proposed to proceed with the permitting process in two phases. Phase 1 will include everything except for the beach villas, family pool and beach concierge facilities. Phase 2 will comprise the items exempted from Phase 1. **The Authority determined that the turtle lighting plan submitted by the applicant is acceptable in order to proceed with the permit for Phase 1 only**".*

The status of the beach villas, family pool and beach concierge facilities is therefore unclear. The annotation on the applicant's plans that states "turtle friendly beach walk designed and constructed in conformance with Department of Environment Feedback" is misleading as the current design is not in conformity with feedback provided to-date by the DoE.

Description of the Proposed Development

The Proposed Development (Figure 3) comprises a road and parking lot, paths along the ironshore, several pools, and a seven storey residences tower deemed Phase 1B. The Proposed Development includes 22 units

within the 6 storey apartment block and related hospitality accommodations such as residents' lounge, pool and deck and ancillary services and utilities provision. It has a gross construction area of 107,477 sq ft (2.46 acres).

As Phase 1A has already been approved, it can only be considered with respect to cumulative effects with the Proposed Development (the residences tower).

Characteristics of Potential Impact

The baseline conditions, the potential impact of the Proposed Development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects.

Air Quality

There is no known baseline data for air quality at the site. Although there is no baseline data, it is likely that the air quality in this area is very good.

There does not appear to be any point sources of emissions. There are no generators on the plans, and there also does not appear to be any use of renewable energy, for example, solar photovoltaic technology. However it is noted that a minor planning application was submitted around November 2021 (P21-0933) for five generators and three LPG tanks within Phase 1A. The Department recommended the incorporation of renewable energy.

Although there will be some vehicle movements during the construction, there are not likely to be any significant effects due to the very good baseline conditions. During operation, there will be vehicle movements associated with the Proposed Development, and there will be little opportunity for sustainable transport as the site is somewhat isolated. There will also be internal vehicle movements as a result of the operation of the hotel. It is considered that the Proposed Development would not generate vehicle movements sufficient to degrade air quality at the site and the surrounding area.

Architectural and Archaeological Heritage

There are no known architectural or archaeological features at the site.

Climate Change

Climate change is likely to have severe impacts on the Cayman Islands including the site. The Cayman Islands are inherently vulnerable to climate change because of the small size, remoteness, low-lying areas and other environmental factors, demography and economy¹.

The Proposed Development is likely to both contribute to climate change and be affected by climate change. The Proposed Development is likely to contribute to climate change during construction and operation. There will be vehicle movements and resource consumption associated with construction and operation.

The effects of climate change on the Proposed Development are most likely to be related to storm events and sea level rise. The Cayman Islands will likely experience a sea level rise and more intense but fewer rain events,

¹ National Climate Change Committee. (2011). Achieving a Low Carbon Climate-Resilient Economy: Cayman Islands' Climate Change Policy (draft).

which could affect the Proposed Development². The Proposed Development is situated at a high elevation (>25 feet above Mean Sea Level).

There are not considered to be likely significant effects with respect to climate change.

Ecology

Terrestrial

The southern part of the site adjacent to the beach is man-modified, however the eastern part of the site is dry shrubland and dry forest. There is also an area of dwarf vegetation and vines and sparsely vegetated rock related to the cliff area along the eastern shorefront. The habitat recorded at the site is shown in Figure 2.

The Proposed Development is located in an area of mostly lowland mixed evergreen-deciduous dry forest, grading to coastal shrubland as it approaches the sea. Specifically, the forest community is a *Bursera simaruba* – *Guapira discolor* – *Ficus aurea* forest community, characteristic of Cayman dry forests growing on dolostone karst close to the sea. No Schedule Part 1 protected plant species under the NCA are known from this community type and none were detected during the site visit.

The bluff cliff has been identified by the DoE as a habitat of critical importance for the White-tailed Tropicbird (*Phaethon lepturus*).

In the case of the white-tailed tropicbird, they nest in rock holes in the vertical cliffs of the sea-facing cliffs at Pedro Bluff. This species breeds between December and July and spends the rest of the year at sea. This species does not nest anywhere else in Grand Cayman and only 5 to 15 pairs of birds have been observed to nest.

It is strongly recommended that the CPA are minded to approve this development, that a condition should be included which states:

“1. Within the coastal setback, any clearing or modification shall be confined to the footprint of the approved pathways.”

Marine

As detailed above, Beach Bay is an active turtle nesting beach for Loggerhead turtles (*Caretta caretta*) and designated sea turtle critical habitat. Sea turtles are listed in Schedule 1 Part 1 of the NCA as a species that is “protected at all times”. It is an offence under the NCA to “take” a protected species, with the definition of “take” including incidental taking, such as the death, etc., of hatchling turtles or the disruption of adult turtle nesting activity by artificial lights which shine onto nesting habitat. Given the distance of the proposed development from the Critical Habitat it is likely that artificial lighting should not reach the nesting beach. However, it is the policy of the Cayman Islands that turtle friendly lighting is lighting designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the beach, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to “take” turtles.

² Climate Studies Group. (2014). Climate Profile for the Cayman Islands. The University of the West Indies for Smith Warner International Ltd.

If the CPA is minded to grant permission, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE respectfully directs that the following condition be imposed, as part of any agreed proposed action for planning approval:

“Lighting for Phase 1B shall be designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the critical habitat of sea turtles, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to “take” turtles”.

In addition, part of the site is adjacent to a Marine Reserve, a Marine Protected Area.

The Proposed Development will not have any additional environmental effects on the beach, but the significant adverse effects from the Phase 1A approved development remain.

Flood Risk and Water Quality

The site is relatively high and sits on an area of cliff. There are parts of the site which are 25 feet above Mean Sea Level. The Proposed Development will result in large areas of impermeable surface in comparison to the existing baseline. Given the height of the Proposed Development above sea level, there are not considered to be significant effects with respect to flood risk and water quality.

Ground Conditions

The site does have some made-made historical land uses including the existing condominiums and house, but none within the footprint of the Proposed Development. Therefore, there are no likely significant effects with respect to ground conditions as a result of the Proposed Development.

Noise and Vibration

The surrounding noise environment is relatively quiet and there is likely to be low road traffic noise. However, given the size of the site there are not considered to be significant adverse effects due to noise.

Socio-Economics

The land use in the area surrounding the site is predominately low density residential or in a natural state. The National Tourism Plan (2018-2023)³ supports growing tourism in the Eastern district, particularly providing a less congested, more diverse and more authentic ‘Cayman’ experience. The objectives for the Eastern district include:

- attracting more repeat visitors and younger demographic groups interested in cultural heritage and nature, generate employment and business development opportunities for eastern district residents;
- improving awareness of the East; and
- enhancing the visitor experience [in the East].

Goal 2.5 of the emerging National Tourism Plan is to facilitate and attract development of boutique hotels, vacation homes, and other non-traditional accommodation services in priority sustainable development areas including Bodden Town.

³ Department of Tourism. (2018). Cayman Islands National Tourism Plan (2018-2023).

The Proposed Development may have minor adverse socio-economic effects by changing the community through the construction and operation of a hotel with residences in a typically residential neighbourhood. The Proposed Development may have some minor beneficial socio-economic benefits to the area by providing local employment directly and through additional spending at other businesses in the Bodden Town/Beach Bay area, although the benefits have not been quantified at this time.

Transport

The site is located to the east of Beach Bay Road. There is a gazetted road, BP40, which is proposed to run east to west through the site (to the north of Phase 1B) to connect Pedro Castle Road with Manse Road. There is severe existing traffic congestion along Shamrock Road in the morning and evening peaks.

During construction, there will be an increase in vehicle journeys including cars and Heavy Duty Vehicles (HDVs) such as trucks. There may be some additional cyclist and pedestrian journeys from construction workers arriving at site. During operation, there will be additional vehicles relating to the operation of the hotel as well as the movements of guests.

The (localised) environmental effects associated with transport include severance, pedestrian and cyclist safety and amenity and accidents and hazards. There may be minor pedestrian and cyclist safety effects during construction, as the typically residential road will have a greater number of HDVs. The generation of traffic should be considered by the National Roads Authority and the Central Planning Authority.

Cumulative Effects

Combined with the previously approved development, the Proposed Development will increase the loss of primary habitat. In the future if the development phases progress eastward, up to approximately 40 acres.

Conclusions

The Proposed Development does not have additional environmental effects beyond those previously reviewed as part of Phase 1A with the exception of terrestrial ecology. The Proposed Development may impact proposed critical habitat for white-tailed tropicbirds and will result in the loss of additional areas of primary habitat. The Proposed Development does not require an EIA.

After considering the Screening Opinion detailed above, the NCC is required to issue its decision to the originating entity on the requirement for an EIA, pursuant to Section 43 (1).



Figure 1. Site location plan with the area of the Proposed Development (Phase 1B) in pink and the wider site area in blue.

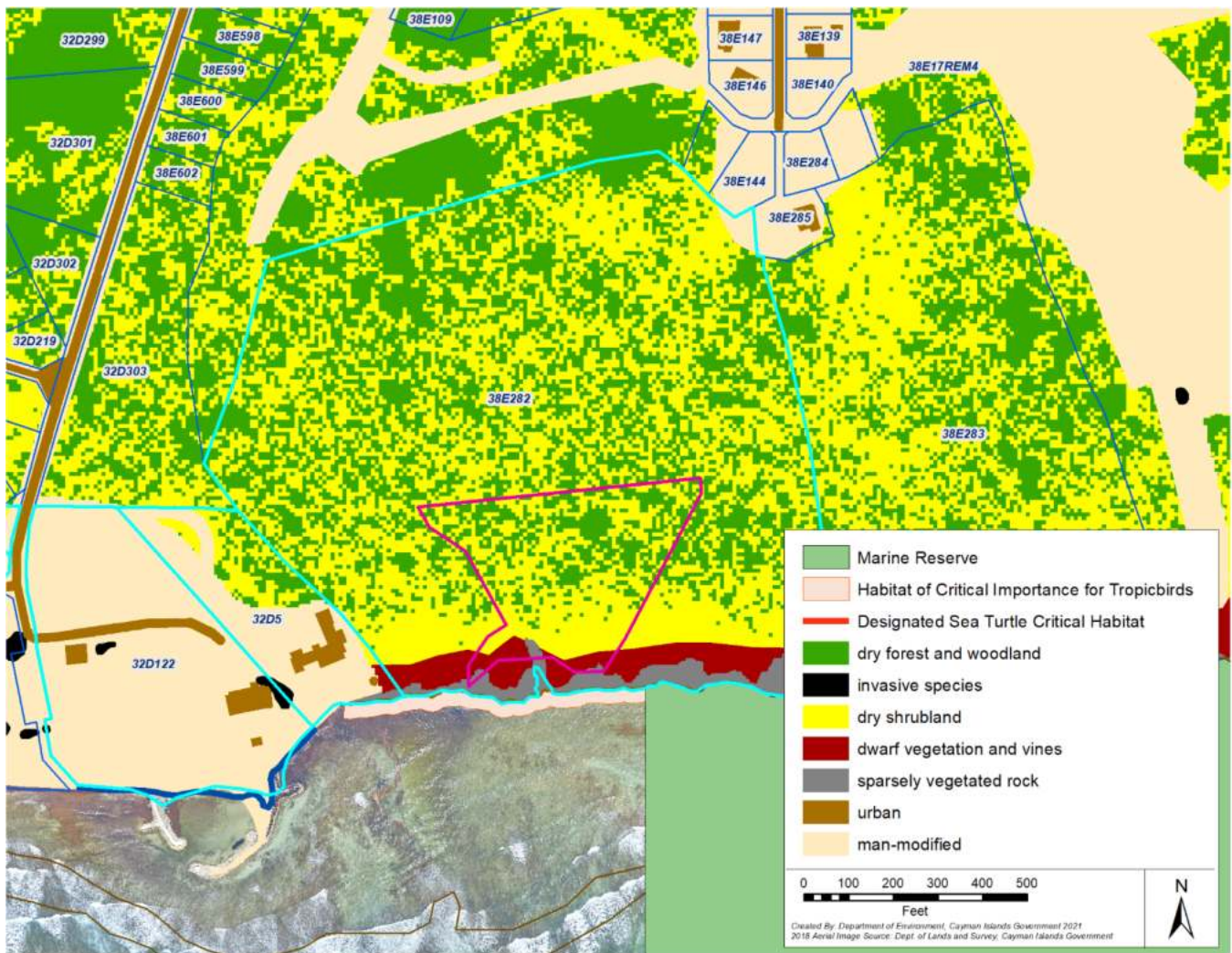


Figure 2. Environmental context plan showing the site in light blue, and the approximate area of the Proposed Development in pink.

Appendix C



ANDREW GIBB FCIQB RIBA MAPM LEED AP
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18 October 2021

The Director of Planning
Planning Department
Government Administration Building
133, Elgin Avenue, George Town
P O Box 113 Grand Cayman KY1-9000

Sir

BLOCK 32D5 PARCELS 5, 122 & 313; BLOCK 38E PARCEL 282
LOWER VALLEY BODDEN TOWN GRAND CAYMAN
RESORT RESIDENCES (PHASE 1B): PLANNING CONSENT APPLICATION
Motivation

We act for Applicant St James Point Holdings LLC as Agent.

We hereby make application to the Central Planning Authority ('CPA') for grant of planning consent for the proposed Phase 1B Resort Residences as a component of the Mandarin Oriental St James Point Resort on parcels 32D5, 32D122, 32D313 and 38E282 Lower Valley District Bodden Town, Grand Cayman (to be combined in due course) which constitutes development Phase 1A.

In summary, Phase 1A of the Resort scope consists of a hotel component comprising 100 guestrooms and suites ('keys'), guest reception /arrival lobby /lounge, 3-meal restaurant, a 'theme' restaurant and bar facilities, Back-of-House (BOH) facilities, 25 apartments ('Residences'), spa and a 'wellness' facility, conference centre with separate BOH facilities and tennis courts. Planning consent was granted in terms of CPA/24/19 Item 2.6, by letter dated 03 December 2019.

The scope of this application, Phase 1B, is a 7 storey apartment block consisting of 22 residences, related hospitality accommodations such as residents' lounge, pool and deck and ancillary services and utilities provision.

3 swimming pools are included in the scope of this planning consent application.

BLOCK 32D5 PARCELS 5, 122 & 313; BLOCK 38E PARCEL 282
 LOWER VALLEY BODDEN TOWN GRAND CAYMAN
 RESORT RESIDENCES (PHASE 1B): PLANNING CONSENT APPLICATION
 Motivation

Planning Constraints:

The parcels on which the Resort is to be developed are zoned Hotel /Tourism (Zone 2). Maximum allowable densities and coverage are as per the table below. Maximum building height is 10 storeys or an overall building height (as defined in Law) of 130'-0" whichever is the more restrictive.

Density & Coverage:

The component parcel density and coverage are summarised as follows:

Parcel	Parcel Area (acres) zoned HT	Max Allowable Guest (Bed)rooms	Max Allowable Apartments	Max Allowable Coverage = 40% (acres)
32D5	2.81	182	10	1.12
32D122	6.46	419	161	2.58
32D313	2.30	149	57	0.92
38E282	30	1,950	750	12
Total	41.57	2,700	978	16.62 (40%)
Actual Phase 1A		100	25	10.02 (24.1%)
Actual Phase 1B		59	22	1.21 (2.9%)
Actual Total		159	47	11.23 (27.0%)

Development coverage (both Phases 1A and 1B) consists of the following components:

Component	Phase 1A (Resort)	Phase 1B (Residences)	TOTAL
Buildings footprint	143,295	18,290	161,585
Roadways & Parking	172,697	28,314	201,011
Sidewalks	14,168	---	14,168
Walkways & Hardscape	106,270	6,200	112,470
Total Coverage (sq ft)	436,430	52,804	489,234
Total Coverage (ac)	10.02	1.21	11.23

BLOCK 32D5 PARCELS 5, 122 & 313; BLOCK 38E PARCEL 282
LOWER VALLEY BODDEN TOWN GRAND CAYMAN
RESORT RESIDENCES (PHASE 1B): PLANNING CONSENT APPLICATION
Motivation

Parking:

S.8(1) of the Development & Planning Regulations (2021) require that parking in the ratios shown hereunder, be provided for the total development (both phases 1A and 1B):

Development Component	Area/Unit	Provision Requirement	Bays Required	
Hotel Guestrooms	100	1 bay per 2 Guestrooms	50	
Residences	47	2 bays per 3 apartments	71	
Commercial /Retail	12,089 sf	1 bay per 300 sf	40	
Additional Restaurant	3,096 sf	1 bay per 200 sf	16	
Conference /Meeting	6,555 sf	1 bay per 60 sf	109	Bays Provided
TOTAL			286 bays	322 bays

Note that the provision of accessible parking bays is to be in compliance with Chapter 11 CIBC and ANSI 117.1-07

Gross Development Areas:

Phase 1A (Hotel & Resort): 421,223 sq ft
Phase 1B (Residences): 107,477 sq ft
Total Gross Construction Area: 528,700 sq ft

We thank you for considering this application for the grant of planning consent as motivated herein.

Yours most sincerely

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.



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17 December 2021

The Director of Planning
Planning Department
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133, Elgin Avenue, George Town
P O Box 113 Grand Cayman KY1-9000

Sir

BLOCK 32D5 PARCELS 5, 122 & 313; BLOCK 38E PARCEL 282
LOWER VALLEY BODDEN TOWN GRAND CAYMAN
RESORT RESIDENCES (PHASE 1B):
PLANNING CONSENT APPLICATION
Application for a Waiver of Shoreline Setback Requirement: Motivation

We act for Applicant St James Point Holdings LLC as Agent.

We confirm having made application to the Central Planning Authority ('CPA') for grant of planning consent for the proposed Phase 1B Resort Residences as a component of the Mandarin Oriental St James Point Resort on parcels 32D5, 32D122, 32D313 and 38E282 Lower Valley District Bodden Town, Grand Cayman as motivated in our letter dated 21 October 2021 in this regard.

We hereby humbly request the Central Planning Authority when hearing this application, to grant Applicant a variance of Regulation 8(10)(e) of the Development & Planning Regulations (2021 Revision) which requires in this case a setback from the surveyed High Water Mark (HWM) of 175 ft for the east wing of the development-

- ◆ 130 ft being the primary setback requirement for the first 3 storeys of the development
- ◆ an additional 15 ft for each storey up to 6th storey for the eastern portion of the development (175 ft), and

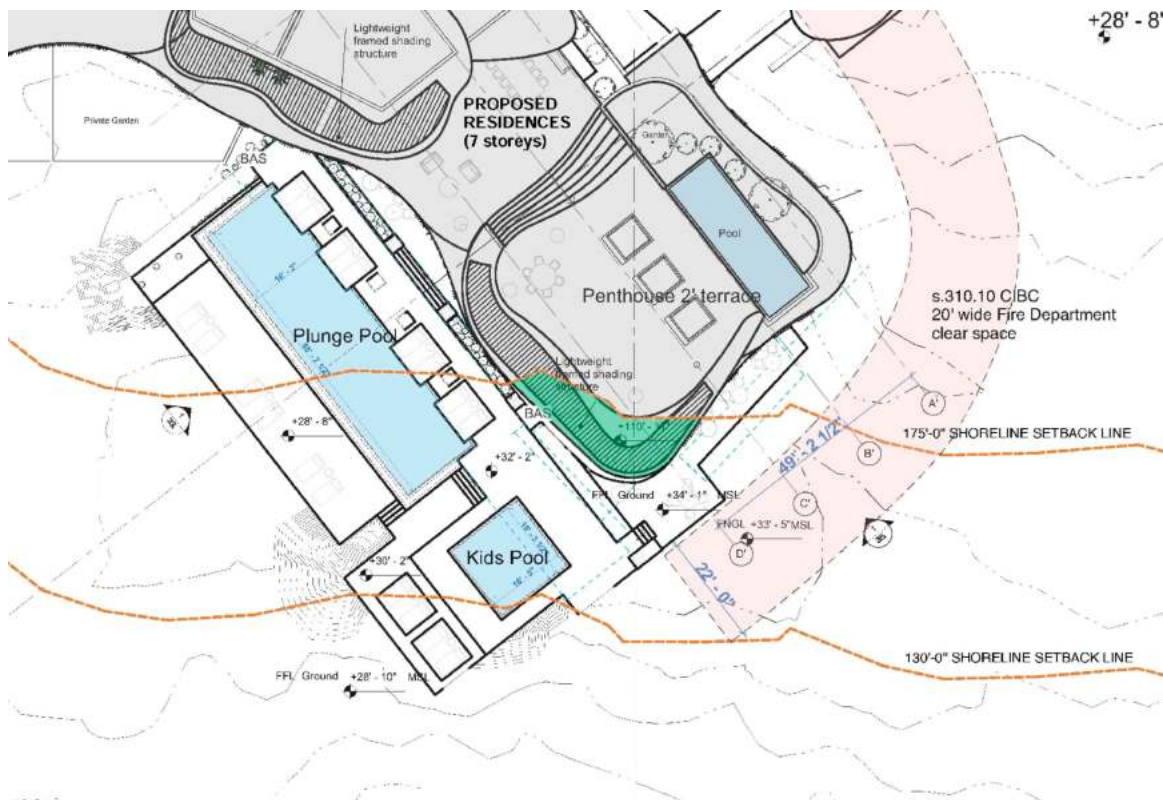
BLOCK 32D5 PARCELS 5, 122 & 313; BLOCK 38E PARCEL 282
LOWER VALLEY BODDEN TOWN GRAND CAYMAN
RESORT RESIDENCES (PHASE 1B): PLANNING CONSENT APPLICATION
Application for a Waiver of Shoreline Setback Requirement: Motivation

- ◆ a further 15 ft for the 7th storey for the western portion of the development (190 ft).

The final location and set-out on site of the subject Residences building was predicated on these factors-

1. Orientation to both winter sunset aspect and prevailing ocean breezes;
2. Proximity to Phase 1A facilities (as approved under a separate consent grant); and
3. Residual site area sufficient for a future Residence or Residences to be developed to the east of the subject Residence.

The consequence of such location means that a small portion of the east apartment on the 6th storey has its deck and overhead permeable trellis intruding approximately 12'-0" into the 175' setback zone as shown as a green hatch zone in this Diagram



Regulation 8(11) of the Development & Planning Regulations (2021 Revision) allows CPA to grant permission for a lesser setback if *inter alia* one or more of

BLOCK 32D5 PARCELS 5, 122 & 313; BLOCK 38E PARCEL 282
LOWER VALLEY BODDEN TOWN GRAND CAYMAN
RESORT RESIDENCES (PHASE 1B): PLANNING CONSENT APPLICATION
Application for a Waiver of Shoreline Setback Requirement: Motivation

conditions 8(11)(a) through 8(11)(e) exist in mitigation for such variance grant. The proposed development is located well above HWM level on an ironshore (non-beach) oceanfront and away from flood and storm conditions, as follows

- ◆ Regulation 8(11)(a) the elevation of the property and its environs- we draw CPA's attention to the final elevation of the Residences building as being no less than approximately +34.0 MSL
- ◆ Regulation 8(11)(b) the geology of the property- the development is set on a site consisting geomorphologically of a stable fractured karst limestone;
- ◆ Regulation 8(11)(c) the storm/beach ridge- the existence of a vestigial storm ridge at approximately +30.0 MSL approximately 60 ft inland of the HWM, provides an excellent initial barrier for rising seas and storm-generated wave action

We thank you for considering granting consent for the reduction of setback distance for the small portion of the subject development as motivated herein.

Yours most sincerely

A handwritten signature in black ink, consisting of a series of loops and horizontal strokes, followed by a small dot.

MEMORANDUM
APPLICANT'S RESPONSE TO NATIONAL CONSERVATION COUNCIL
REVIEW MEMORANDUM (25 JANUARY 2022)
APPLICATION FOR PLANNING CONSENT: P21-1150 Page 1

Date: 10 February 2022

To: Central Planning Authority ("CPA")

Re: National Conservation Council ("NCC") & Department of Environment
("DoE") as agent, Memorandum dated 25 January 2022:

Review: Application for planning consent P21-1150
7 Storey Apartment Block- Parcel 38E283 Lower Valley BT

Summary:

White-Tailed Tropicbird Critical Habitat:

It is applicant's considered opinion that the recommendation by DoE that CPA impose a condition of planning consent (if granted) that no coastal scrub nor other primary bush within the coastal setback zone fronting the apartment building that is the subject of this planning consent application (just over an acre in approximate area) may be cleared except for 'pathways', is an unreasonable recommendation in light of the lack of definitive evidence that the seabird that is the subject of this recommendation, actually nests in this portion of the planning consent application site.

If this recommendation is accepted by CPA, it would result in the imposition of an onerous and unwarranted condition of planning consent.

It is also the applicant's considered opinion that the absence of white-tailed tropicbirds in this part of the bluff coastline on Grand Cayman, is not a sufficiently compelling reason for NCC or their agents DoE to declare it to be a 'habitat of critical importance for tropicbirds'.

Sea Turtle Critical Habitat:

It is applicant's considered opinion that the proposed location of the subject building for which planning consent is being sought, is not adjacent to nor likely to impact a sea turtle critical habitat as defined in the draft Sea Turtle Conservation Plan, and as such, does not warrant the imposition of an interim

MEMORANDUM
APPLICANT'S RESPONSE TO NATIONAL CONSERVATION COUNCIL
REVIEW MEMORANDUM (25 JANUARY 2022)
APPLICATION FOR PLANNING CONSENT: P21-1150 Page 2

directive under NCC that requires CPA to impose a requirement for a turtle friendly lighting plan as defined.

It is also applicant's considered opinion that CPA is not bound to comply with DoE's directive in this regard, as this directive, as issued by the Director of Environment, falls outside of the provisions of section 3(13) NCA and is thus invalid.

Motivation:

The above memorandum from the Department of Environment under authority of the National Conservation Council per section 3 (13) of the National Conservation Act, 2013 ("NCA"), refers.

As applicant, we wish to put to the Authority certain points in response to the DoE comments that we would ask the Authority to consider before conceding their directives and recommendations in this regard.

1. White-tailed Tropicbird- threat to habitat

1.1 We quote from the above Memorandum dated 25 January 2022:

"The bluff cliff [along the application site coastal boundary east of Beach Bay beach] has been identified by the Department as a habitat of critical importance for the White-tailed Tropicbird (Phaethon lepturus). The White-Tailed Tropicbird is a Part 1 Schedule 1 Protected Species (Protected at all times) under the National Conservation Act. The White-tailed Tropicbird nests in the sides of the bluff cliff face. Although the residential block is more than 100 feet from the Mean High Water Mark, there are paths depicted on the plans within the setback from the Mean High Water Mark (and the Bluff face). It is strongly recommended that if the Central Planning Authority is minded to approve this development, that a condition should be included which states:

"1. Within the coastal setback, any clearing or modification [of evergreen /deciduous dry forest or coastal shrubland] shall be confined to the footprint of the approved pathways".

Refer to Appendix A for a diagram extracted from the Memorandum indicating the extent of the purported habitat of critical importance for the white-tailed tropicbird. This diagram has been edited by us to indicate the location of Phase 1A of the Resort development which was granted planning consent on 03 December 2019, and its relationship to the subject application Phase 1B apartment building.

- 1.2 We quote from DoE's 'Screening Opinion for the Proposed Phase 1B of the Beach Bay Hotel' dated 12 January 2022¹):

"In the case of the white-tailed tropicbird, they nest in rock holes in the vertical cliffs of the sea-facing cliffs at Pedro Bluff. [our emphasis]. This species breeds between December and July and spends the rest of the year at sea. This species does not nest anywhere else in Grand Cayman and only 5 to 15 pairs of birds have been observed to nest."

This comment relates to observed nesting habits of the white-tailed tropicbird at Pedro Bluff, not the bluff east of Beach Bay beach, and as such has little or no relevance to DoE's assumption that these birds do in fact nest there.

It is confusing that the critical habitat of the white-winged tropicbird at Pedro St James is now conflated with the purported but unsubstantiated critical habitat on the bluff east of Beach Bay itself.

- 1.2 We are of the opinion that there is no evidence that the low ironshore bluff east of Beach Bay beach is in fact a nesting habitat for the white-tailed tropicbird and that DoE in their Memorandum, has not presented sufficient evidence in support of their recommendation to CPA to impose as a condition of planning consent the effective ban on any selective bush clearing in the setback zone in order to allow views from the apartments to the ocean. This is in our view unreasonable, and constitutes a significant curtailment of applicant's right and desire to develop the site in a responsible and proper way.

¹ Refer p. 10 of the Memorandum of Review dated 25 January 2022

MEMORANDUM

APPLICANT'S RESPONSE TO NATIONAL CONSERVATION COUNCIL REVIEW MEMORANDUM (25 JANUARY 2022)

APPLICATION FOR PLANNING CONSENT: P21-1150

Page 4

- 1.3 We rely for evidence for our reasonable assumption of the non-existence of nesting white-tailed tropic birds in this particular precinct, on two published books on birds in the Cayman Islands, and both of which are accepted 'authorities' on this subject, as well as on anecdotal but expert observations by a member of the Bird Club who was resident in the Beach Bay area for over 6 years:

- 1.3.1 We quote this extract from '*Birds of the Cayman Islands*', Patricia Bradley, 1985:

Range: Worldwide distribution over tropical oceans; recorded far from land.

Cayman Habitat: The north-east Bluff on Cayman Brac and around the coast; occasionally sighted around the coasts of Little Cayman; the bluff between Spotts and Pedro, Grand Cayman. (our emphasis)

Habits: [nesting] ...1 egg is laid in crevices or holes in the cliff face.

Status: Common; breeding and resident in the summer only on the Bluff, Cayman Brac; south coast, Grand Cayman, January to September.

We can infer from this observation that this seabird is common, but only breeds on land in bluff face crevices and holes between Spotts and Pedro, during January to September.

- 1.3.2 We quote this extract from '*A Photographic Guide to the Birds of the Cayman Islands*', Patricia E. Bradley and Yves-Jacques Rey-Millet, 2013

Habitats and behaviour Pelagic, only coming ashore to breed.

... Nest with one egg in crevices and holes in the bluff face from late January; entrance may be hidden behind overhanging vegetation.

Breeding is prolonged, from laying to fledgling is c.18 weeks, between January-July, otherwise pelagic.

MEMORANDUM

APPLICANT'S RESPONSE TO NATIONAL CONSERVATION COUNCIL REVIEW MEMORANDUM (25 JANUARY 2022)

APPLICATION FOR PLANNING CONSENT: P21-1150

Page 5

Range Pantropical... *Breeds...on Cayman Islands, Virgin Islands and Lesser Antilles where it is uncommon.* (our emphasis)

Status Summer breeding migrant. Small colony dispersed along the south coast bluff from Pedro to Beach Bay (our emphasis) Grand Cayman and larger colony around the coastal bluff of Cayman Brac, December-September.

We can infer from this more recent observation that this seabird is found to breed in bluff face crevices and holes between Pedro and Beach Bay, during December to September- we must assume that the author(s) believe the seabird colonies to have moved somewhat eastwards up to Beach Bay itself, but not beyond Beach Bay.

- 1.3.3 We quote this extract from the introduction of 'A *Photographic Guide to the Birds of the Cayman Islands*', Patricia E. Bradley and Yves-Jacques Rey-Millet, 2013

Coastal habitats

These include fringing reefs, the coastline of sandy beaches or Ironshore Formation, and marine bluffs (cliffs).

Species associated with Coastal habitats Fringing reefs, surrounding most of Grand Cayman and ... the southwest of Cayman Brac, are backed by shallow marine sounds providing foraging areas for seabirds, waterbirds and shorebirds ... The marine cliffs support breeding pelagic seabirds: White-tailed Tropicbirds breed from January-August on the southern coast at Pedro St. James, Grand Cayman [our emphasis], and the north and south bluff face on Cayman Brac; [etc]

We can also infer from this observation that this seabird is found to breed in bluff face crevices and holes between Pedro St James during January to August. It is apparent that even within the same authority, there are difference in the presumed presence and habitat extent of the white-tailed tropicbird on Grand Cayman, but that the bird seems not to exist east of the Pedro Bluff by any authoritative account. Refer to Appendix B for a diagram exerpted from 'A *Photographic Guide to the Birds of the Cayman Islands*' that indicates the relative location of the Pedro Bluff

habitat and the subject apartment building under application for planning consent. Note also an excerpt from the book advising those interested in finding white-tailed tropicbirds, to proceed to Pedro Bluff (not the bluffs east of Beach Bay!)²

- 1.4 The observation, study and appreciation of bird life in the Cayman Islands is largely conducted by the Bird Society which consists at its core, a small group of enthusiastic and knowledgeable ornithologists including National Trust Council member Patricia Bradley, the late photographer Yves-Jacques Rey-Millet, National Trust ex-Vice Chair Peter Davey and Trevor Baxter³ amongst others.

Trevor has been a resident at the Beach Bay Condos since 2017 and has been a keen observer of local bird activity and presence in the Beach Bay precinct for that entire time while engaging, as he usually does, in the Bird Club's annual bird count and observation exercise.

When asked as to whether he had observed any white-tailed tropicbirds in the Beach Bay environs, his response was "*No. I haven't seen [any] white-tailed tropicbirds other than at Pedro Bluff, but all they would need is a cliff face...*"

When asked about the sea bird's nesting habits with regard to coastal scrubland, he replied "*I am not aware of tropic birds nesting in scrub- only down from the [bluff edge, as in Pedro Bluff].*"

In the absence of specific evidence given by DoE of this seabird's nesting activity in the low bluff area comprising the subject parcel's coastline, we must rely on anecdotal observations (or lack thereof) of the white-tailed tropicbird by members of the Bird Club in this regard, of which there were apparently none- at least since 2017.

² p.36 'A Photographic Guide to the Birds of the Cayman Islands', Patricia E. Bradley and Yves-Jacques Rey-Millet, 2013

³ Excerpt from p.8 'A Photographic Guide to the Birds of the Cayman Islands'- "*Our thanks to the Bird Club members who have generously shared field notes, and especially Peter Davey and Trevor Baxter*".

- 1.5 We also rely on the National Conservation Council Memorandum dated 05 August 2019 which reviewed and offered comments on a prior application for planning consent P19-0476 for a 10-Storey Resort Hotel with Residences, Spa and Conference Centre and Tennis Court on block 32D parcels 5, 122, 313 and block 38E parcel 282, and which planning consent was granted with conditions⁴.

In that particular Review, DoE strongly recommended that CPA impose an extensive list of conditions to planning consent grant that included relocating the proposed villas and pathways off the beach, and the submission of a turtle friendly lighting plan in accordance with DoE's Turtle Friendly Lighting Technical Advice Note.

Also included were conditions on checking for the presence of turtle nests, approval by DoE that none of these nests be impacted by construction works, and that no construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season without its express consent.

What was not included in DoE's list of recommended conditions, was a condition that any clearing or modification of evergreen and deciduous dry forest or coastal shrub land within the scope of the application scope, should be confined to the footprint of the approved pathways within the coastal setback. We can then assume that DoE were of the opinion that this condition was not necessary, as there was no evidence of white-tailed tropicbirds nesting in the shoreline bluff comprising a part of that application's parcel assembly.

2. Beach Bay beach as a designated sea turtle critical habitat- 'take' threat

- 2.1 We quote from the above Memorandum dated 25 January 2022:

Beach Bay is an active turtle nesting beach for Loggerhead turtles (Caretta caretta) and designated sea turtle critical habitat. Sea turtles are listed in Schedule 1 Part 1 of the NCA as a species that is "protected at all times". It is an offence under the NCA to "take" a protected species,

⁴ Refer to diagram Appendix A for an indication of the scope of this consent grant.

with the definition of “take” including incidental taking, such as the death, etc., of hatchling turtles or the disruption of adult turtle nesting activity by artificial lights which shine onto nesting habitat.

Given the distance of the proposed development from the Critical Habitat it is likely that artificial lighting should not reach the nesting beach. (our emphasis) However, it is the policy of the Cayman Islands that turtle friendly lighting is lighting designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the beach, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to “take” turtles.

If the CPA is minded to grant permission, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE respectfully directs that the following condition be imposed, (our emphasis) as part of any agreed proposed action for planning approval:

“2. Lighting for Phase 1B shall be designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the critical habitat of sea turtles, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to “take” turtles”.”

- 2.2 We are of the opinion that the location of the subject building on parcel 38E282 is more than 500ft away from the easternmost extent of the critical sea turtle habitat so designated under an Interim Directive issued per section 17(7) NCA, probable issue date 31 July 2020⁵, and so is neither adjacent to nor likely to impact a sea turtle critical habitat as contemplated in that Directive and thus is unlikely to require *‘the urgent and immediate protection of that species (our emphasis), including the prohibition of hunting or collecting of specimens and disturbance of its critical habitat’* as quoted from the Directive. DoE even acknowledge the distance of the subject application building from the critical sea turtle habitat in their Memorandum of 25 July 2022 and the *‘unlikelihood of*

⁵ The Directive was not dated when issued- the probable issue date is derived from analysis of the document file metadata

disturbance'. A diagram indicating the distance of the subject application building from the sea turtle critical habitat extent, is attached as Appendix C.

We request the CPA to disregard this Directive to impose as a condition of planning consent for this particular application, a requirement to install turtle-friendly lighting as it is unreasonable and places undue emphasis on their opinion that the location of the subject application building poses an urgent and immediate level of protection for sea turtles, especially given that the National Conservation Plan for Sea Turtles per section 17 NCA and promulgated on 15 November 2019, remains at this time in draft form only, as Cabinet has yet to assent to it.

- 2.3 We are also of the opinion that CPA is not bound to comply with this Directive as it purports to have been issued per section 3(13) NCA. This section allows NCC to delegate any of its functions to the Director DoE, but with the exception of the making of orders and the **issuing of directives** (our emphasis). We believe that a directive specific to and applicable to the subject application for planning consent, falls outside of the delegation powers of NCC as set out under section 3 NCA.

Further and in the alternative, the absence of a Cabinet-ratified Conservation Plan for Sea Turtles, section 17(7) NCA allows NCC on the advice of the Director DoE, to make interim directives as may be required for the urgent and immediate protection of sea turtles, including the prohibition of hunting or collecting of specimens and disturbance of its critical habitat. We are of the opinion that the directive to the CPA to impose a restrictive condition of planning consent grant, would not ordinarily meet the test of urgency and immediacy as contemplated by section 17(7) nor the implied need to prohibit hunting of a sea turtle, the collection of sea turtle specimens nor the disturbance of the sea turtle's critical habitat, and so must be considered to be an unreasonable imposition by DoE in this regard.

MEMORANDUM

APPLICANT'S RESPONSE TO NATIONAL CONSERVATION COUNCIL REVIEW MEMORANDUM (25 JANUARY 2022)

APPLICATION FOR PLANNING CONSENT: P21-1150

Page 10

[extracted from '*Birds of the Cayman Islands*', Patricia Bradley, 1985]



FAMILY PHAETHONTIDAE: TROPIC BIRDS

Only three species occur in the world, with geographical subspecies; one species is breeding and resident for six months: sexes alike.

WHITE-TAILED TROPICBIRD (Boatswain bird)

Phaethon lepturus

Field Characters: 40cm:16in. (16in. tail streamers).

Adult : Shining white tern-like bird. A black patch on outer primaries; *black diagonal band along wing coverts*; black streak through eye ; orange decurved bill: pointed tail with two elongated central tail streamers; black feet.

Immature: Barred blackish and white on back; yellow bill; pointed tail with streamers absent; smaller than adult.

Range: Worldwide distribution over tropical oceans; recorded far from land.

Cayman Habitat: The north-east Bluff on Cayman Brac and around the coast; occasionally sighted around the coasts of Little Cayman; the bluff between Spotts and Pedro, Grand Cayman.

Habits: Often seen singly; in small groups they perform aerobatics , calling to each other, *ke-ke-ke*, as they gracefully swoop and soar displaying beautiful plumage. Like boobies, they dive to catch fish and squid and are frequently chased and robbed by Frigatebirds on their return to land. Nest in colonies, 1 egg is laid in crevices or holes in the cliff face.

Status: Common; breeding and resident in the summer only on the Bluff, Cayman Brac; south coast, Grand Cayman, January to September.

MEMORANDUM

APPLICANT'S RESPONSE TO NATIONAL CONSERVATION COUNCIL REVIEW MEMORANDUM (25 JANUARY 2022)

APPLICATION FOR PLANNING CONSENT: P21-1150

Page 11

[extracted from 'A *Photographic Guide to the Birds of the Cayman Islands*', Patricia E. Bradley and Yves-Jacques Rey-Millet, 2013]



WHITE-TAILED TROPICBIRD (Boatswain bird)

Phaethon lepturus

Local name Boatswain Bird.

Taxonomy Polytypic (5)

Description L 81cm (32in) includes 30-40cm tail streamers. Adult resembles a tern in flight except for diagnostic long central tail streamers; brilliant white plumage, black streak through eye, orange decurved bill, black on outer primaries and band across inner upperwing-coverts. Juvenile has upper parts heavily barred black and white, yellowish bill, and lacks tail streamers from pointed tail. In adult plumage by third year.

Similar species None.

Voice Constant *cri-et cri-et cri-et* and *crit crit crit* heard over long distances, adult screeches and chick screams and hisses in the nest hole when disturbed.

Habitats and behaviour Pelagic, only coming ashore to breed.

Beautiful acrobatic displays, with frequent calling, in inshore waters before flying directly into nest holes. Plunge-dives for squid and flying fish, chased and robbed by frigatebirds and preyed on by wintering Peregrine Falcons. Nest with one egg in crevices and holes in the bluff face from late January; entrance may be hidden behind overhanging vegetation.

Breeding is prolonged, from laying to fledgling is c.18 weeks, between January-July, otherwise pelagic.

Range Pantropical. Western Atlantic subspecies *P.l. catesbyi* breeds in Bermuda, the Bahamas, Turks and Caicos Islands and Greater Antilles: where it is common, and on Cayman Islands, Virgin Islands and Lesser Antilles: where it is uncommon.

Status Summer breeding migrant. Small colony dispersed along the south coast bluff from Pedro to Beach Bay, Grand Cayman and larger colony around the coastal bluff of Cayman Brac, December-September. Numbers have declined sharply on Cayman Brac and declines continue throughout its range due to habitat loss and predation; considered threatened in the region.

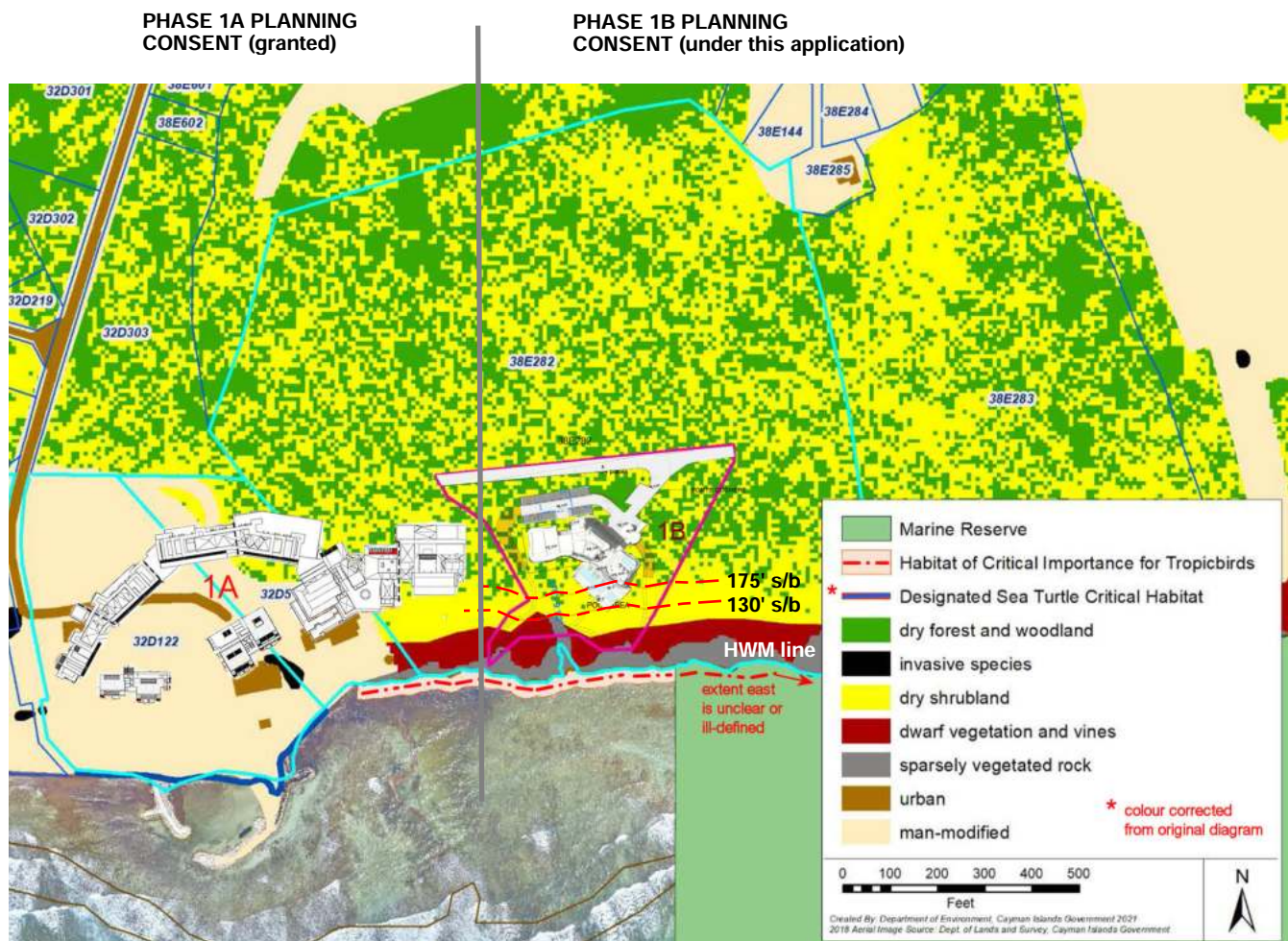
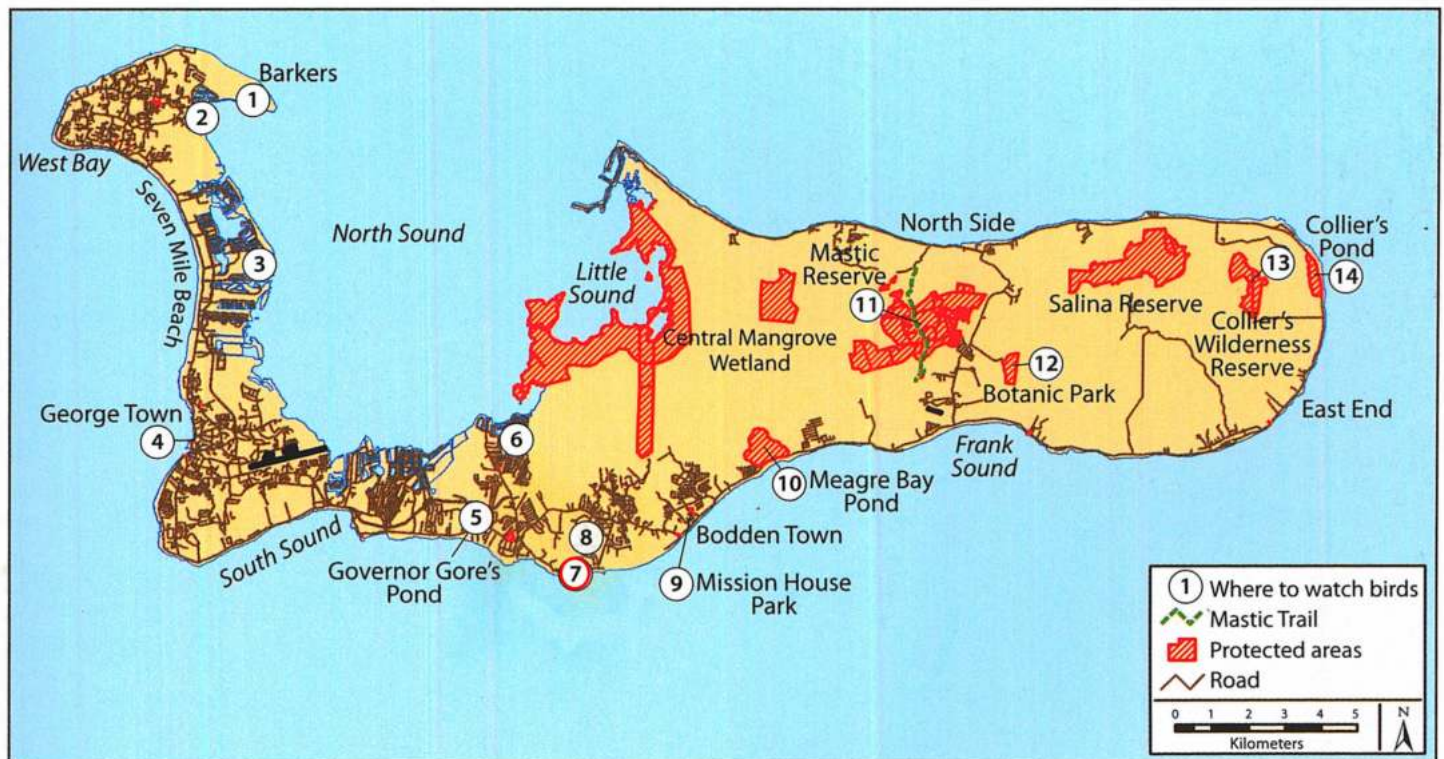


Figure 2. Environmental context plan showing the site in light blue, and the approximate area of the Proposed Development in pink.

*[extracted from 'Screening Opinion for the Proposed Phase 1B of the Beach Bay Hotel' dated 12 January 2022
p. 10 of the Memorandum of Review dated 25 January 2022- modified for clarity and error corrections, by applicant for this Response]*



Grand Cayman showing protected areas and main roads.

- | | | |
|------------------------------|------------------------------------|-------------------------------------|
| 1. Barker's Peninsula | 6. North Sound Estates | 10. Meagre Bay Pond |
| 2. Morgan's Harbour marina | 7. Pedro bluff cliffs | 11. Mastic Trail and Mastic Reserve |
| 3. Golf course at Safe Haven | 8. Agricultural Grounds | 12. Botanic Park |
| 4. George Town Harbour beach | 9. Mission House Pond, Bodden Town | 13. Collier's Wilderness Reserve |
| 5. Governor Gore's Pond | | 14. Collier's Pond |

7. Pedro bluff cliffs

Follow signs to the historic Pedro St James site and walk to the bluff cliffs on the south coast. A small colony of White-tailed Tropicbirds breed in holes in the bluff close to the sea, January–June.

INSET

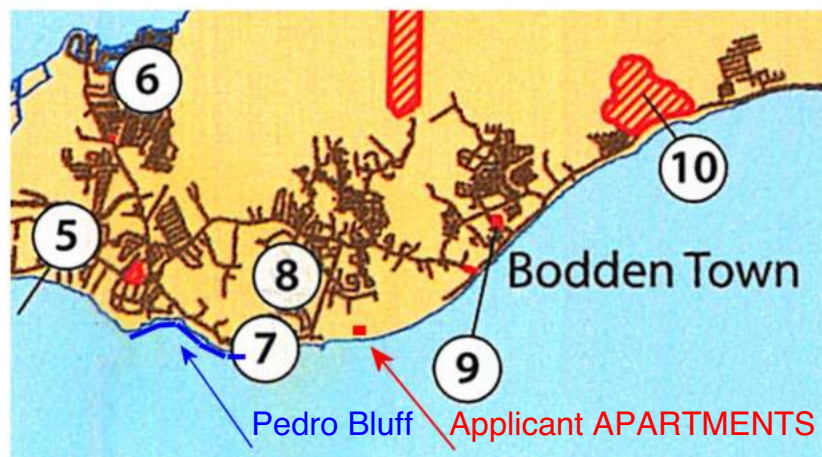


Diagram indicating relationship between Pedro Bluff and location of Applicant's Apartment building east of Beach Bay.

Distance between easternmost sector of Pedro Bluff and Applicant's Apartment building, is approx 1.5 miles.



MEMORANDUM

P21-1150 APPLICATION FOR PLANNING CONSENT:

7-STOREY APARTMENT BUILDING

PARCEL 38E282 LOWER VALLEY BODDEN TOWN GRAND CAYMAN

DEPARTMENT OF ENVIRONMENT /NATIONAL CONSERVATION

COUNCIL REVIEW OF APPLICATION SCOPE: 25 JANUARY 2022

DRONE FLIGHT SURVEY & REVIEW BY LOCAL AMATEUR

ORNITHOLOGIST & MEMBER OF CAYMAN ISLANDS BIRD CLUB,

TREVOR BAXTER: STATEMENT OF FINDINGS

1. The following recommendation was made to Central Planning Authority (CPA) by the above agency in the above referenced Memo dated 25 January 2022:

The bluff cliff [along the application site coastal boundary east of Beach Bay beach] has been identified by the Department as a habitat of critical importance for the White-tailed Tropicbird (Phaethon lepturus). The White-Tailed Tropicbird is a Part 1 Schedule 1 Protected Species (Protected at all times) under the National Conservation Act. The White-tailed Tropicbird nests in the sides of the bluff cliff face. Although the residential block is more than 100 feet from the Mean High Water Mark, there are paths depicted on the plans within the setback from the Mean High Water Mark (and the Bluff face). It is strongly recommended that if the Central Planning Authority is minded to approve this development, that a condition should be included which states:

“1. Within the coastal setback, any clearing or modification [of evergreen /deciduous dry forest or coastal shrubland] shall be confined to the footprint of the approved pathways”.

2. It is the considered opinion of applicant that the bluff cliff referred to above, does not have a colony of white-tailed tropicbirds resident or nesting, and that the claim by the Department of Environment (DoE) as agent on behalf of the National Conservation Council (NCC) that this is a habitat of critical importance for the tropicbird, is not supported by sufficient evidence to warrant CPA imposing such a stringent condition of planning consent if granted.
3. In order to support this contention, applicant commissioned local video production house Sandton Productions Ltd to fly a series of drone flights

MEMORANDUM: DRONE FLIGHT SURVEY & REVIEW BY LOCAL AMATEUR ORNITHOLOGIST AND MEMBER OF CAYMAN ISLANDS BIRD CLUB, TREVOR BAXTER: STATEMENT OF FINDINGS

to film the full extent of the above referenced bluff cliff as a video 'survey' to enable study and review by competent persons in order to form an opinion as to the likelihood of the presence of tropicbirds (nesting or otherwise) that would warrant the imposition of the 'strongly' recommended condition of planning consent. The video was shot at a fidelity and motion capture specification of 4K /30fps that allows image interrogation by slow-motion, freeze-frame, still frame (picture) extraction and image zoom. The drone flight route for the survey filming was approximately 1,200 ft extending from the eastern edge of the Beach Bay beach where the bluff commences, to the eastern boundary of parcel 28E283. The route of the shoot, filmed on 14 February 2022, is as indicated below:



4. The video was reviewed by local amateur ornithologist and respected Cayman Islands bird expert Trevor Baxter¹. He found that there was no evidence of a colony of white-tailed tropicbirds anywhere on the subject bluff cliff, and that this confirmed his opinion that this section of the

¹ Excerpt from p.8 'A Photographic Guide to the Birds of the Cayman Islands'- "*Our thanks to the Bird Club members who have generously shared field notes, and especially Peter Davey and Trevor Baxter*".

MEMORANDUM: DRONE FLIGHT SURVEY & REVIEW BY LOCAL
AMATEUR ORTHINOLOGIST AND MEMBER OF CAYMAN ISLANDS
BIRD CLUB, TREVOR BAXTER: STATEMENT OF FINDINGS

southern coastline of Grand Cayman is devoid of tropicbirds, colony or otherwise. It also confirms his daily observations of both the bluff cliff and the seaward approaches of any returning tropicbird (a pelagic bird species².) His attestation is attached hereto as **Annexure A**.

5. We refer as supplementary commentary, this extract from our “Memorandum- Applicant's Response to National Conservation Council Review’s Memorandum (25 January 2022) Application for Planning Consent: P21-1150” dated 10 February 2022 as submitted to CPA for their consideration:

“The observation, study and appreciation of bird life in the Cayman Islands is largely conducted by the Bird Society which consists at its core, a small group of enthusiastic and knowledgeable ornithologists including National Trust Council member Patricia Bradley, the late photographer Yves-Jacques Rey-Millet, National Trust ex-Vice Chair Peter Davey and Trevor Baxter amongst others.

“Trevor has been a resident at the Beach Bay Condos since 2017 and has been a keen observer of local bird activity and presence in the Beach Bay precinct for that entire time while engaging, as he usually does, in the Bird Club’s annual bird count and observation exercise.

“When asked as to whether he had observed any white-tailed tropicbirds in the Beach Bay environs, his response was “*No. I haven't seen [any] white-tailed tropicbirds other than at Pedro Bluff, but all they would need is a cliff face...*”

“When asked about the sea bird’s nesting habits with regard to coastal scrubland, he replied “*I am not aware of tropic birds nesting in scrub- only down from the [bluff edge, as in Pedro [Bluff]].*”

“In the absence of specific evidence given by DoE of this seabird’s nesting activity in the low bluff area comprising the subject parcel’s coastline, we must rely on anecdotal observations (or lack thereof) of the white-tailed tropicbird by members of the Bird Club in this regard, of which there were apparently none- at least since 2017.”

² A species of bird that spends a significant portion of its life on the open ocean, rarely venturing close to land except to breed.

ANNEXURE A

To whom it may so concern

I confirm that I have viewed the video survey of the Beach Bay bluff extending approximately 1,200 ft east of Beach Bay, as presented to me for viewing by Andrew Gibb, architect of record for an application for planning permission for a proposed seven storey apartment building on parcel 38E282, of which the bluff constitutes its shoreline boundary.

There is in my opinion, no indication of the presence of nesting white-tailed tropicbirds, nor of their nests, in either the bluff face itself or the fringing coastal scrub at the crest of the bluff.

A handwritten signature in black ink, appearing to read 'Trevor Baxter', followed by a small circular mark.

Trevor Baxter

16-2-2022

Date

Appendix D



Govt. Admin. Bldg. Box 113
133 Elgin Ave.
Grand Cayman KY1-9000
CAYMAN ISLANDS

December 3, 2019

CENTRAL PLANNING AUTHORITY

Beach Bay Land Ltd.
C/O P.O. Box 10190
Grand Cayman KY1-1002
CAYMAN ISLANDS

Dear Sir/Madam:

Subject: Application for a 10-Storey Resort Hotel with Residences, Spa and Conference Centre and Tennis Court on Block 32D Parcels 313, 122, 5 and Parcel 38E Parcel 282 (F06-0033) (P19-0468) (JP)

At a meeting of the Central Planning Authority held on November 20, 2019 your application was considered and it was resolved to grant planning permission, **for the following reasons and subject to the following conditions:**

Reasons for the decision

- 1) With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
- 2) In view of Development Plan (1997) Section 3.04, the Authority considered the characteristics of the proposal and is satisfied that the layout, scale and massing of the development is compatible with the ecological, aesthetics, and other physical characteristics of the site and is in keeping with the character of the surrounding area.
- 3) The Authority considered the application and determined the proposal specifically meets the criteria of the Development Plan (1997) Section 3.04, in that:
 - a) The proposal is located within the Hotel/Tourism zone, Zone 2 which is specifically designated to provide for the expansion of tourism development within Lower Valley. The Authority is satisfied, after careful consideration of the technical comments received as a result of consulting with departments and agencies of the Government having duties or having aims or objects related to those of the Authority, that the proposed development raises no technical or practical matters that would deem it to not be in keeping with the aims of Section 3.04 (a).

- b) The Authority is satisfied that the proposal supports the character of the designated tourism product targeted for Lower Valley and Bodden Town and is comparable with newer hotel developments proposed throughout Grand Cayman in terms of massing, scale, aesthetics and on-site services provided. The Authority accepts the Department of Tourism's assessment that the proposed development will serve to enhance the quality and character of the Island's tourism and hospitality offerings.
 - c) The Authority is satisfied that the scale and density of the proposed development is compatible with and sensitive to the physical characteristics of the site in terms of massing, scale, aesthetics and placement.
 - d) The Authority is satisfied that with the planned construction of BP40, the enhanced road network will minimize traffic impact on Beach Bay Road, and accepts the technical assessment of the National Roads Authority in this regard.
 - e) The Authority is satisfied the development will not interfere with natural coastal processes as it will be suitably setback from the high water mark and accepts the technical assessment of the National Conservation Council.
 - f) The Authority is satisfied that adequate public access to the sea will be provided as part of the overall development scheme.
- 4) The proposed pool, fountains and hardscape features along Buildings A & B do not comply with the minimum required high water mark setback for the per Regulation 8(10)(e) of the Development and Planning Regulations (2018 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
- a) the elevation of the property and its environs;
 - b) the geology of the property;
 - c) the storm/beach ridge;
 - d) the existence of a protective reef adjacent to the proposed development;
 - e) the location of adjacent development; and
 - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that:

- The elevation of the property and its environs is high enough to assist in minimizing storm surge thus allowing the proposed ancillary features to be closer to the high water mark. Further, the Authority is of the view that as the shoreline is ironshore with an existing site grade of at least 20' amsl, the hardscape features and pool will not negatively impact the site's geology or pose a threat to any natural coastal processes

- 5) The Authority considered the representations raised by the objectors and determined that sufficient grounds were not raised for refusing permission, namely:
- a) As defined in the Development and Planning Regulations (2018 Revision) “massing” relates to the physical attributes of a development. The Authority is satisfied that the building height of ten (10) storeys or 113 feet, the building design, the incorporation of various architectural features and treatments, and the placement of the buildings in relation to the surrounding zoning and physical developments, is sufficiently compatible with the characteristics of the area.
 - b) The project, as proposed, does not significantly alter the area’s aesthetics or physical characteristics beyond that could reasonably be expected to occur given the zoning and character of the area.
 - c) The Authority accepts National Roads Authority’s technical assessment that the traffic impact from the proposed development will be minimized upon construction of BP40 and is satisfied that the proposed road infrastructure will be adequate to accommodate the proposal.
 - d) The applicant revised the original submissions to mitigate the objectors’ concerns, specifically:
 - Architectural features were added to the northern façade to screen guest views onto nearby properties.
 - Views from guest rooms will be oriented to the shoreline and not adjacent residential properties.
 - Back of house facilities have been relocated to the core buildings which are further setback from existing residential properties.
 - The wastewater treatment plan has been relocated further away from residential properties.

Conditions of approval

Conditions (1-8) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a copy of the submission made to the Registrar of Lands to combine Block 32D Parcels 313, 122, 5 and Parcel 38E Parcel 282.
- 2) The applicant shall submit a plan for turtle friendly lighting which minimizes impacts on sea turtles and is prepared in accordance with the Department of Environment’s guidelines and approved by the Central Planning Authority.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and size of the wastewater treatment system (including the disposal system). The treatment system must be labelled as either a septic tank or an aerobic wastewater treatment system, whichever is applicable.
- 4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.

- 5) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 7) Construction drawings for the proposed wastewater treatment system and disposal system shall be submitted to the Water Authority for review and approval. The Central Planning Authority must receive confirmation of the Water Authority's approval.
- 8) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes. **If the subject site is on the sea, the plan shall include notes indicating that: i) no machinery shall operate seaward of the high water mark; and ii) no construction work, vehicle access, storage of equipment/materials or other operations will take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.**

In addition to Building Permit requirements, condition (8) listed below shall be met before a Building Permit can be issued.

- 9) The construction drawings for the proposed swimming pool shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool is constructed in accordance with the submitted plans it will conform to public health requirements.
- 10) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 11) Prior to the commencement of site works, the applicant shall obtain written approval from the Department of Environment that there are no turtle nests on site that will be negatively impacted by the commencement of site works.
- 12) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, condition (13) shall be complied with before a final Certificate of Occupancy can be issued.

- 13) Block 32D Parcels 313, 122, 5 and Parcel 38E Parcel 282 shall be combined and registered with a new parcel number.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s).**

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least seven feet (7') above mean sea level.

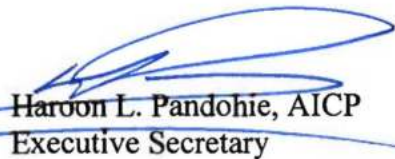
Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority - Cayman**

If you have any questions, please contact the Department of Planning at 244-6501.

Sincerely,



Haroon L. Pandohie, AICP
Executive Secretary

HP/rs

Appendix E

MEMORANDUM

TO: Director of Planning **YOUR REF:** P22-0112
ATTN: Jessica Peacey
FROM: Director of Environment **DATE:** 25 February 2022

<p>SUBJECT: Decco Ltd <i>Modification to CPA Condition</i> BLOCK: 12E PARCEL: 119</p>

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The application site's habitat is predominately man-modified. However, this site is adjacent to a Marine Protected Area, namely, a Marine Reserve and based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is also a **turtle nesting habitat**. All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Act, 2013, as being '*protected at all times*'.

Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles.

This application site currently has conditions for turtle friendly lighting (Conditions 1 & 4 of Planning Decision Letter dated 08 March 2019 (CPA/05/19; Item 5.8) for Decco Ltd.). Although the DoE reviewed and approved a turtle lighting plan for this site in May 2019 and inspected the installation of the retrofitted fixtures in June 2019 (see attached), the applicant/applicant's tenants have not complied with the conditions of the turtle friendly lighting approval.

The addition of non-turtle friendly lighting fixtures resulted in the misorientation of an entire green sea turtle nest on 18 August 2020. The misorientation was reported to the DoE's Turtle Hotline by Coral Beach staff. The DoE was unaware of the existence of the nest due to the frequent raking of the property's beach which covers up the turtle nests and tracks before DoE turtle monitoring teams have been able to account for the turtle nesting activity.

The misorientation of sea turtles is an offence under the National Conservation Act as it constitutes as "*take*" of a Part 1 protected species. "*Take*" is defined in the National Conservation Act as "*to collect, hunt, kill, destroy, damage, injure, disturb, harass, harm, wound, capture, molest or impede a live specimen in any way or to attempt to do so, and includes incidental taking*".

In March 2021 the DoE began discussions with Coral Beach representative Rahul Pereira regarding the turtle friendly lighting condition non-compliance (see correspondence attached). The DoE then met Mr Pereira at the Coral Beach site to walk through the previously approved turtle friendly lighting plan and the current problematic lighting at the site on 22 March 2021. During this meeting, Mr Pereira expressed that due to the restrictions of the Covid-19 pandemic the facility

was not operating as it typically did and was at that time, only being used occasionally for events. We discussed the options of either bringing the facility into compliance with the previously approved turtle friendly lighting plan or the Coral Beach team submitting a new turtle friendly lighting plan for the DoE's review.

In an email dated 23 March 2021, Mr Pereira relayed that he had passed the information the DoE provided onto the Coral Beach Management team and that they would like to be fully compliant with the turtle friendly lighting condition before the 2021 nesting season started.

The DoE highlighted in an email sent on 09 April 2021 to the Coral Beach team that the previous turtle friendly lighting plan was designed by Decco/Dart on the basis that the facility was rarely going to be used at night (see original turtle friendly lighting approval letter). Should Coral Beach be re-opening for more frequent use at night then the team should consider using a different lighting scheme that will account for the needs of the restaurant/bar facility.

In the DoE's last email correspondence with the Coral Beach team in May 2021, Mr Pereira clarified that the Coral Beach team was not intending to open the facility in the coming weeks and that they would work towards turtle friendly lighting. To date, the Department has not received an update nor the submission of a revised or new turtle friendly lighting plan from Dart or their tenant (Coral Beach).

In our discussions with Mr Pereira, it was communicated that the applicant's tenant had originally been unaware that the site had conditions for turtle friendly lighting. Therefore, it is important that in future, the tenants of the site be made aware that they are located on a turtle nesting beach and are made to comply with the conditions of the planning approval in order to operate which includes the maintenance of turtle friendly lighting throughout the nesting season.

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a **proven** solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. The Department **strongly** recommends the use of turtle friendly lighting on turtle nesting beaches. Figures 1-3 show examples of properties in Grand Cayman that have turtle friendly lighting installed and Figures 4-9 show examples of two Westin Resorts' bars and restaurants in the US with turtle friendly lighting.



Figures 1-3: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.



Figures 4-6: Turtle friendly lighting at the Westin Fort Lauderdale Beach Resort, USA



Figures 7-9: Turtle friendly lighting at Salty's Oceanside Bar & Grill, a restaurant at the Westin Jekyll Island in Georgia, USA.

CONDITIONS

Should the Central Planning Authority (CPA) or Planning Department be minded to grant planning permission for the extension of the use of the temporary beach facility, the DoE strongly recommends the following conditions to prevent the further misorientation of this Part 1 protected species.

1. Within 30 days of the decision date, the applicant shall prepare and submit a turtle friendly lighting plan which minimises the impacts of artificial lighting on sea turtles and meets the needs of the tenant. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.
2. Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE within 3 months of the date of the DoE's approval of the lighting plan. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once the installation is complete. Any request for an extension of the 3-month timeframe shall be made in writing to the DoE with a written justification.
3. Lighting shall be maintained in accordance with the turtle friendly lighting plan reviewed and approved by the DoE throughout turtle nesting season (1 May to 30 November yearly) for the duration of the temporary planning permission. Any request for additional exterior lighting which may illuminate the nesting beach shall be the subject of further consultation with the DoE.

Wood, Jerrica

From: Rahul Pereira <rahul.pereira@thegroupltd.com>
Sent: Monday, May 24, 2021 10:42 AM
To: Wood, Jerrica
Cc: Kenny Rankin; Johnston, Wendy; Environmental Management Unit
Subject: RE: Coral Beach Turtle Friendly Lighting
Attachments: image001.png.html

Hi Jerrica,

Thank you for your swift and detailed reply.

Yes, we know about the turtle season starting and as of now we do not intend to open the venue in the coming few weeks. We will work towards getting the lighting sorted before we open.

I have noted all information, will get with my colleagues and the lighting guys and get back to you on this.

Thank you.

Best regards,
Rahul

Sent from [Mail](#) for Windows 10

From: [Wood, Jerrica](#)
Sent: Monday, May 24, 2021 9:04 AM
To: [Rahul Pereira](#)
Cc: [Kenny Rankin](#); [Johnston, Wendy](#); [Environmental Management Unit](#)
Subject: RE: Coral Beach Turtle Friendly Lighting

Hi Rahul,

Thanks for reaching out. It's great that you have begun discussions about turtle friendly lighting. Turtle nesting season officially started on 1 May.

In regards to your questions, no light – regardless of colour or wavelength, should directly illuminate the nesting beach. The aim of turtle friendly lighting is to place light where it is needed for safety and function and for the beach to remain dark for turtle nesting.

Sea turtles are least sensitive to longer wavelengths of light (wavelengths of 560 nanometres or longer). These tend to be the reds, oranges and ambers on the colour spectrum. However, turtles are **not** blind to these longer wavelengths of light so directing them straight at the beach or having too much light so that it creates a cumulative glow or pointing light upwards to create a sky glow can still cause turtles to crawl away from the sea and cause a sea turtle misorientation.

Which company is it that you are working with to design your turtle friendly lighting? It would be helpful to see the quotation. However, will this only show the proposed fixtures you are buying? To ensure the fixtures, fittings and locations you are proposing will indeed be turtle friendly, we ask that you submit a revised turtle friendly lighting plan (which includes a drawing depicting the locations of the proposed fixtures, a completed fixtures table – attached and the cut-sheets for the proposed fixtures) for our review and approval as was previously done with the turtle friendly lighting submission from Dart for the Coral Beach property.

Feel free to reach out if you or your lighting designer have any questions.

Kind regards,
Jerrica

Jerrica Wood – Sustainable Development Officer, Environmental Management Unit

Direct: (345) 244-5983 | **Main:** (345) 949-8469 | **Email:** jerrica.wood@gov.ky



Visit our website: www.doe.ky. Please consider the environment before printing.

From: Rahul Pereira [mailto:rahul.pereira@thegroupltd.com]

Sent: Sunday, May 23, 2021 5:17 PM

To: Wood, Jerrica <Jerrica.Wood@gov.ky>

Cc: Kenny Rankin <kenny.rankin@thegroupltd.com>; Johnston, Wendy <Wendy.Johnston@gov.ky>; Environmental Management Unit <emu.doe@gov.ky>

Subject: RE: Coral Beach Turtle Friendly Lighting

Hi Jerrica,

Thank you for your email. Apologies for the delay in writing to you.

We have started the process of changing the lights and have gotten in touch with one company on island.

From our previous conversation and my discussions with them, I wanted to check with you about the color scheme. The lighting that hurts the turtles the most are the bright white and red lights, correct?

So, would that mean that we could use a different color for the lights? Would that fix the issue along with having the lights not directly pointing out towards the sea?

Also, would it help if I sent the quotation I received from them for you and your team to gauge if we have got the correct lights?

Looking forward to hearing from you.

Thank you.

Best regards,

Rahul

Sent from [Mail](#) for Windows 10

From: [Wood, Jerrica](#)

Sent: Friday, April 9, 2021 4:23 PM

To: [Rahul Pereira](#)

Cc: [Kenny Rankin](#); [Johnston, Wendy](#); [Environmental Management Unit](#)

Subject: RE: Coral Beach Turtle Friendly Lighting

Hi Rahul,

Apologies for the delay in getting back to you.

The previous turtle friendly lighting plan was designed by Decco/Dart on the basis that the facility was rarely going to be used at night. If Coral Beach will be re-opening more frequently to be used at night your team should consider using a different lighting scheme.

On-island Corporate Electric has worked with the DoE on a few properties as a part of the DoE's EPF turtle friendly lighting retrofit project and may be able to assist you in designing a new turtle friendly lighting plan better suited for the intended use of the property with more appropriate fixtures. We believe that that lighting supplier that we use can also assist with designing lighting plans, we haven't used them to design a plan before but it may be worth looking into. The supplier we use is Synergy Lighting our contact at Synergy is CJ Hahn and his details are listed below. As I mentioned when we met, this supplier is based in Florida and very familiar with turtle friendly lighting.

CJ Hahn, Sales Manager at Synergy Lighting, Inc.
Address: 6015 28th Street East, Warehouse A, Bradenton, FL 34203
P: 941-756-4844
F: 941-756-4866
C: 941-726-3219
Toll-Free: 877-220-5483
email: cj@synergylightingsupply.com
Website: www.SynergyLightingUSA.com

Once you have a new turtle friendly lighting plan for Coral Beach please submit the plan to the DoE for review. In the meantime, in preparation for this year's turtle nesting season you could simply turn off the string lights and disconnect the pole lights on the beach as shown in the currently approved turtle friendly lighting plan. Turtle nesting season is from May-November yearly. As a reminder we kindly ask that Coral Beach staff/users do not rake over turtle nests or turtle activity until DoE staff or volunteers have recorded the nest. You can report turtle nesting activity to our turtle team by calling or messaging 938-NEST (6378) at any time. I've included some info and flyers you can share with your staff to help them identify nests and tracks.

Kind regards,
Jerrica

Jerrica Wood – Sustainable Development Officer, Environmental Management Unit
Direct: (345) 244-5983 | **Main:** (345) 949-8469 | **Email:** jerrica.wood@gov.ky



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From: Rahul Pereira [<mailto:rahul.pereira@thegroupltd.com>]
Sent: Tuesday, March 23, 2021 1:09 PM
To: Wood, Jerrica <Jerrica.Wood@gov.ky>
Cc: Kenny Rankin <kenny.rankin@thegroupltd.com>; Johnston, Wendy <Wendy.Johnston@gov.ky>; Environmental Management Unit <emu.doe@gov.ky>
Subject: RE: Coral Beach Turtle Friendly Lighting

Hi Jerrica,

Thank you and Wendy for taking the time out to visit Coral Beach and discuss the lights yesterday evening. I have passed on the information to Management and we would like to be fully compliant with this before the nesting season starts. If you could please pass on the contact information for the company in Miami that could assist with getting the Turtle friendly lighting on island so we can reach out to them. Appreciate your assistance in this matter.

Thank you.
Best regards,
Rahul

Sent from [Mail](#) for Windows 10

From: [Wood, Jerrica](#)
Sent: Thursday, March 4, 2021 4:56 PM
To: [Rahul Pereira](#)
Cc: [Kenny Rankin](#); [Johnston, Wendy](#); [Environmental Management Unit](#)
Subject: RE: Coral Beach Turtle Friendly Lighting

Hi Rahul,

Thanks, we will be sure to let you know if anything changes. See you on 22nd.

Take care,
Jerrica

Jerrica Wood – Sustainable Development Officer, Environmental Management Unit
Direct: (345) 244-5983 | **Main:** (345) 949-8469 | **Email:** jerrica.wood@gov.ky



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From: Rahul Pereira [<mailto:rahul.pereira@thegroupltd.com>]
Sent: Thursday, March 4, 2021 4:41 PM
To: Wood, Jerrica <Jerrica.Wood@gov.ky>
Cc: Kenny Rankin <kenny.rankin@thegroupltd.com>; Johnston, Wendy <Wendy.Johnston@gov.ky>; Environmental Management Unit <emu.doe@gov.ky>
Subject: RE: Coral Beach Turtle Friendly Lighting

Hi Jerrica,

Thank you for your email. Yes, that date and time works for me. We will also have power to be able to turn on all the lights for you to take a look and point out.

I will go thru the attachments in the meantime to gain some knowledge on the same.

Please let me know if the scheduled date and time changes for any reason and we will confirm it a few days out.

Thank you for your assistance.

Best regards,
Rahul

Sent from [Mail](#) for Windows 10

From: [Wood, Jerrica](#)
Sent: Thursday, March 4, 2021 3:09 PM
To: [Rahul Pereira](#)
Cc: [Kenny Rankin](#); [Johnston, Wendy](#); [Environmental Management Unit](#)
Subject: RE: Coral Beach Turtle Friendly Lighting

Hi Rahul,

We are available to meet with you the night of Monday 22 March at 7:30pm. Please let us know if this date works for you. As Coral Beach will no longer be open, can you also kindly confirm that there will still be power to the site at this time? It is easiest for us to show you the problematic lighting during a night visit but we will need all of the current lighting to be switched on so that we can view it from the beach.

In the meantime please do have a look at the previously approved turtle friendly lighting plan that Decco designed, the DoE's Turtle Friendly Lighting Technical Advice note which provides guidance on turtle friendly lighting plans and the turtle friendly lighting information on the DoE website.

Kind regards,
Jerrica

Jerrica Wood – Sustainable Development Officer, Environmental Management Unit
Direct: (345) 244-5983 | **Main:** (345) 949-8469 | **Email:** jerrica.wood@gov.ky



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From: Rahul Pereira [<mailto:rahul.pereira@thegroupltd.com>]
Sent: Wednesday, March 3, 2021 5:26 PM
To: Wood, Jerrica <Jerrica.Wood@gov.ky>
Cc: Environmental Management Unit <emu.doe@gov.ky>; Johnston, Wendy <Wendy.Johnston@gov.ky>; Kenny Rankin <kenny.rankin@thegroupltd.com>
Subject: RE: Coral Beach Turtle Friendly Lighting

Hi Jerrica,

Thank you for your detailed email. The management team will go over the attachments you sent this morning. In the mean time, could you please schedule a meeting at Coral Beach to go into more details and show the specific lights that need to be changed/ modified. That would be much appreciated.
Looking forward to being able to resolve this soon.

Thank you.
Best regards,
Rahul

Sent from [Mail](#) for Windows 10

From: [Wood, Jerrica](#)
Sent: Wednesday, March 3, 2021 10:48 AM
To: [Rahul Pereira](#)
Cc: [Environmental Management Unit](#); [Johnston, Wendy](#)
Subject: Coral Beach Turtle Friendly Lighting

Hi Rahul,

Thanks for reaching out regarding turtle friendly lighting for Coral Beach.

As I mentioned in our call yesterday afternoon, the submission of a turtle friendly lighting plan and the installation of turtle friendly lighting in accordance with the approved turtle friendly lighting plan were both conditions of the temporary planning approval given by the CPA for this site (see CPA decision letter attached).

We worked with Decco on a turtle friendly lighting plan which was approved in May 2019. For background, I have attached a copy of our turtle friendly lighting review which includes a copy of the approved plan.

Unfortunately, lights have not been installed in accordance with this plan and the lighting at Coral Beach is not turtle friendly (see a couple of photos from a site visit in Nov 2019 attached).

You mentioned when we spoke that although the site is not open at the moment it could be used for events or rented out but you are unsure at this time what the frequency of this might be. After discussing this situation with my colleagues, we feel that as the Planning Permission is temporary (3 years from March 2019) and Coral Beach is currently closed, it would be best to have the site comply with the previously approved turtle friendly lighting plan attached. Should any events be scheduled during this time and additional lighting be required, Coral Beach staff should contact the DoE to ensure no known nests will be impacted by the additional lighting. Unfortunately, we cannot predict when a turtle may choose to nest so it is not the best solution for nesting adult female turtles but this will allow us to advise on any nests in or around the parcel to better protect hatchlings.

Once the future use of the site has been decided and you have a better idea of how the site will function (i.e. as a night restaurant/bar/lounge 6 days a week) a new turtle friendly lighting plan should be submitted to the DoE for review and approval. At this time we can organise a visit to the site so that we can provide feedback on the new plan. The new plan should follow the guidance in the DoE's Turtle Friendly Lighting Technical Advice Note (attached).

As a reminder turtle nesting season is from May to November yearly. We kindly ask that Coral Beach staff/users do not rake over turtle nests or turtle activity until DoE staff or volunteers have recorded the nest. You can report turtle nesting activity to our turtle team by calling or messaging 938-NEST (6378).

You can learn more about turtle friendly lighting by visiting the DoE website here: <http://doe.ky/marine/turtles/tfl/>. Our turtle friendly lighting retrofit page (<http://doe.ky/marine/turtles/epfretrofits/>) shows some of the local examples of turtle friendly lighting I mentioned when we spoke.

Hope this information proves helpful. Please feel free to contact me if you have any questions.

Kind regards,

Jerrica

Jerrica Wood – Sustainable Development Officer, Environmental Management Unit

Direct: (345) 244-5983 | **Main:** (345) 949-8469 | **Email:** jerrica.wood@gov.ky



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**DEPARTMENT OF
ENVIRONMENT**
CAYMAN ISLANDS GOVERNMENT

TO: Director of Planning
ATTN: Jessica Peacey
FROM: Director, Department of Environment
DATE: 06 May 2019
YOUR REF: P18-1264

Subject: Turtle Friendly Lighting Plan – Decco Ltd.
Temporary Commercial Beach Resort
BLOCK: 12E PARCEL: 119

On 23 April 2019, the Department of Environment (DOE) received an exterior lighting plan (Schematic A0.31 and Lighting Fixture Schedule A0.31) via email for the above-referenced project in accordance with Condition 1 of Planning Decision Letter dated 08 March 2019 (CPA/05/19; Item 5.8) for Decco Ltd.

Prior to the submission of the plan, the Department met with representatives from Decco on Friday 29 March at the application site (Block 12E Parcel 119) to discuss the lighting modifications required to minimize the impact to nesting and hatchling sea turtles.

The applicant communicated their desire to modify the existing lighting on-site rather than retrofit to new turtle friendly approved fixtures. This is not a typical situation; many of the existing lights (i.e. spotlights) can still be extremely bright even when retrofitted with a lamp of the appropriate wavelength. The Department typically recommends alternative lighting fixtures, however, we note that the proposed beach facility is a temporary use with planning permission being given 3 years. In addition, the applicant has confirmed that this facility will be used predominately during the day with typically only security lights being left on at night therefore we have supported the applicant's request to work with the existing fixtures.

The Department reviewed the initial turtle friendly lighting submission and provided initial feedback to the applicant on 03 May 2019. Later that afternoon, we received a revised turtle friendly lighting plan submission (Lighting Fixture Schedule A0.31 Revision 1).

The Department has reviewed the revised submission and have worked with the applicant to minimise the impacts of the existing lighting to nesting and hatchling sea turtles where possible. Please note that as many of the light fixtures and fittings remaining on the property are not turtle friendly, this property cannot be referenced as a certified turtle friendly lighting property. In summary, in accordance with the Department's *Turtle Friendly Lighting: Technical Advice Note* (2018) and Condition 1 of the above-mentioned Planning Decision, the applicant has:

- 1) Modified the position of existing spotlights to be directed away from the beach and have retrofitted these fixtures with approved turtle friendly lamps of 590+ nanometres;
- 2) Lamped the cabana light with an approved turtle friendly blub of 590+ nanometres;
- 3) Agreed to decommission or remove fixtures that could not be modified or retrofitted as turtle friendly;
- 4) Modified an existing walkway pole light by fitting it with a custom-built shield to direct light downward; and
- 5) Agreed to tint the ocean facing windows on the existing beach cottage with a tint which provides a visible light transmittance of 15%.

On the basis of the above we hereby approve this plan (as a minimisation to the impacts on nesting and hatchling turtles) with the approved lighting depicted on the attached revised schematic and listed in the attached Turtle Friendly Lighting Plan Review Fixtures Table (hereinafter referred to as the Fixtures Table) subject to the following provisos:

1. All permanent exterior turtle friendly lighting shall be installed and maintained as depicted on the lighting schematic and Fixtures table stamped as approved by the Department of Environment and signed and dated 06 May 2019.
2. Any additional exterior lighting which may illuminate the nesting beach shall be the subject of a further consultation with the DoE.
3. If any of the approved installed lights are found to cause the misorientation/disorientation of sea turtles at any time they may be required to be modified to correct the problem.
4. The applicant has indicated that the lighting fixtures (if any) for the temporary buildings (bathrooms, showers & kitchen), are built in or come with the prefabricated structures. As the DoE was unable to review this lighting in the context of this turtle friendly lighting plan, once installed should the lighting on these buildings be perceived by the DoE to be likely to cause the misorientation/disorientation of sea turtles, they may need to be modified to correct the problem.
5. There may be a decrease in the wattage of each approved lamp and a decrease in the total number of each approved fixture by the decision of the applicant without submitting a modified lighting plan for review and approval. However, if a fixture or lamp is changed to a higher wattage, different type, different manufacturer, different catalogue number, or a different location for any reason, a modified lighting plan shall be submitted for review and approval by DoE prior to installation.
6. Once Condition 4 of Planning Decision Letter dated 08 March 2019 has been fulfilled, a post-installation inspection will be conducted to ensure that lighting is installed in accordance with the approved lighting plan and Fixtures table.

Please do not hesitate to contact the Department should you require further assistance.



Gina Ebanks-Petrie

Director, Department of Environment

DoE Turtle Friendly Lighting Plan Review Fixtures Table

Applicant: I Decco Ltd.
Description: Temporary Beach Resort (Coral Caymanian Beach)
BLOCK: 12E PARCEL: 119
Date of review: 06 May 2019

Fixture No.	Symbol/Label	Fixture Type	Manufacturer	Bulb Type	Watts	Wavelength (nm)	Bulb Color	Description	Quantity	Fixture Location	Structure level	Mounting Details	Accessories	Turtle Friendly?	Approved?	Caveats/Notes
TREE LINED WALKWAY																
1	1.A-01	Pole light	Unknown	Unknown	Unknown	N/A	White	Existing pole/area light (see photo of Area Lighting Type A)	1	Tree-lined foot path (see schematic A0.30)	Ground	Pole - 12'	custom-built shield with min 18" deep pressed metal fabricated shade - see SK-001	Lamp not turtle friendly	Yes w/caveats	Amber lamping not available for fixture retrofit. Custom shield SK-001 required. If fixture is considered likely to cause misorientations once shield is installed then fixture may need to be further modified or replaced.
2	1.A-02	Pole light	Unknown	Unknown	Unknown	N/A	White	Existing pole/area light (see photo of Area Lighting Type A)	1	Tree-lined foot path (see schematic A0.30)	Ground	Pole - 12'	N/A	Not turtle friendly	Yes - see notes column	This fixture is not turtle friendly, but is likely set back far enough from the beach not to be an issue and is therefore approved in this plan
3	1.A-03	Pole light	Unknown	Unknown	Unknown	N/A	White	Existing pole/area light (see photo of Area Lighting Type A)	1	Tree-lined foot path (see schematic A0.30)	Ground	Pole - 12'	N/A	Not turtle friendly	Yes - see notes column	This fixture is not turtle friendly, but is likely set back far enough from the beach not to be an issue and is therefore approved in this plan
4	1.A-04	Pole light	Unknown	Unknown	Unknown	N/A	White	Existing pole/area light (see photo of Area Lighting Type A)	1	Tree-lined foot path (see schematic A0.30)	Ground	Pole - 12'	N/A	Not turtle friendly	Yes - see notes column	This fixture is not turtle friendly, but is likely set back far enough from the beach not to be an issue and is therefore approved in this plan
5	1.A-05	Pole light	Unknown	Unknown	Unknown	N/A	White	Existing pole/area light (see photo of Area Lighting Type A)	1	Tree-lined foot path (see schematic A0.30)	Ground	Pole - 12'	N/A	Not turtle friendly	Yes - see notes column	This fixture is not turtle friendly, but is likely set back far enough from the beach not to be an issue and is therefore approved in this plan
BEACH COTTAGE BAR																
6	1.B-01	Wall sconce	Unknown	N/A	N/A	N/A	White	See photo of Wall Mounted Sconce - Type B on Lighting Fixture Schedule	1	Beach cottage building, lighting door (see schematic A0.30)	Ground	Wall -mounted - 7' 6"	N/A	Not turtle friendly	Yes - see notes column	Removal of fixture approved
7	2.C-01	Directional bullet	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Directional spotlight (see Soffit/Tree Mounted Directional - Type C on Lighting Fixture Schedule)	1	Beach cottage building (see schematic A0.30)	Ground	Ceiling/soffit mounted - 8' 7"	N/A	Lamp is turtle friendly	Yes w/caveats	There is a possibility for the point source of light to be visible from the beach therefore fixture is to be oriented downward and directed landward and away from the beach
8	2.C-02	Directional bullet	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Directional spotlight (see Soffit/Tree Mounted Directional - Type C on Lighting Fixture Schedule)	1	Beach cottage building (see schematic A0.30)	Ground	Ceiling/soffit mounted - 8' 7"	N/A	Lamp is turtle friendly	Yes w/caveats	There is a possibility for the point source of light to be visible from the beach therefore fixture is to be oriented downward and directed landward and away from the beach
9	2.C-03	Directional bullet	RAB	N/A	N/A	N/A	White	Directional spotlight (see Soffit/Tree Mounted Directional - Type C on Lighting Fixture Schedule)	1	Beach cottage building (see schematic A0.30)	Ground	Ceiling/soffit mounted - 8' 7"	N/A	Not turtle friendly	Yes - see notes column	Removal of fixture approved
10	2.C-04	Directional bullet	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Directional spotlight (see Soffit/Tree Mounted Directional - Type C on Lighting Fixture Schedule)	1	Beach cottage building (see schematic A0.30)	Ground	Ceiling/soffit mounted - 8' 7"	N/A	Lamp is turtle friendly	Yes w/caveats	There is a possibility for the point source of light to be visible from the beach therefore fixture is to be oriented downward and directed landward and away from the beach

N/A	N/A	Interior Lighting	Unknown	N/A	N/A	N/A	N/A	Non-reflective tint with 15% light transmittance (see cut sheet)	N/A	Exterior beach facing windows	Ground	Exterior beach facing windows to be treated with tinting or film to provide light transmittance of 15%	N/A	Yes	Yes	Exterior beach facing windows to be treated with tinting or film to provide light transmittance of 15%
GAZEBO																
11	1.D-01	Recessed downlight	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Recessed spotlight (see photo of Soffit Mounted Downlight - Type D on Lighting Fixture Schedule)	1	Recessed in center of elevated gazebo (see schematic A0.30)	2-level	Recessed ceiling/soffit mounted - 32'	N/A	Yes	Yes	Approved turtle friendly. Bulb to be swapped for Synergy approved turtle friendly MR16 lamp. Fixture is recessed well enough inside the cabana.
PLANTED/LANDSCAPED AREA																
12	1.A-06	Pole light	unknown	N/A	N/A	N/A	White	Existing pole/area light (see photo of Area Lighting Type A on Lighting Fixture Schedule)	1	Fence line adjacent to storage units (see schematic A0.30)	Ground	Pole - 12'	N/A	Not turtle friendly	Yes - see notes column	Decommissioning of fixture approved
13	1.A-07	Pole light	unknown	N/A	N/A	N/A	White	Existing pole/area light (see photo of Area Lighting Type A on Lighting Fixture Schedule)	1	Fence line adjacent to toliets (see schematic A0.30)	Ground	Pole - 12'	N/A	Not turtle friendly	Yes - see notes column	Decommissioning of fixture approved
14	1.D-02	Pole-mounted directional spotlight	RAB	N/A	N/A	N/A	White	Pole-mounted directional spotlight (see photo of Pole Mounted Directional Type D on Lighting Fixture Schedule)	1	Open area between toliet and admission units (see schematic A0.30)	Ground	N/A	N/A	Not turtle friendly	Yes - see notes column	Removal of fixture approved
15	2.C-05	Tree-mounted directional spotlight	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Low-level directional spotlight (see photo of Tree Mounted Directional Type C on Lighting Fixture Schedule)	1	Open area west of beach store/shower (see schematic A0.30)	Ground	tree-mounted 3' max	N/A	Lamp is turtle friendly	Yes w/caveats	There is a possibility for the point source of light to be visible from the beach therefore fixture is to be oriented downward and directed landward and away from the beach
16	2.C-06	Tree-mounted directional spotlight	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Low-level directional spotlight (see photo of Tree Mounted Directional Type C on Lighting Fixture Schedule)	1	Open area northwest of beach store/shower (see schematic A0.30)	Ground	tree-mounted 3' max	N/A	Lamp is turtle friendly	Yes w/caveats	There is a possibility for the point source of light to be visible from the beach therefore fixture is to be oriented downward and directed landward and away from the beach
17	2.C-07	Tree-mounted directional spotlight	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Low-level directional spotlight (see photo of Tree Mounted Directional Type C on Lighting Fixture Schedule)	1	Open area southwest of gazebo (see schematic A0.30)	Ground	tree-mounted 3' max	N/A	Lamp is turtle friendly	Yes w/caveats	There is a possibility for the point source of light to be visible from the beach therefore fixture is to be oriented downward and directed landward and away from the beach
18	3.C-01	Tree-mounted directional spotlight	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Low-level directional spotlight (see photo of Tree Mounted Directional Type C on Lighting Fixture Schedule)	1	Open area northeast of bar (see schematic A0.30)	Ground	tree-mounted 3' max	N/A	Lamp is turtle friendly	Yes w/caveats	There is a possibility for the point source of light to be visible from the beach therefore fixture is to be oriented downward and directed landward and away from the beach
19	3.C-02	Tree-mounted directional spotlight	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Low-level directional spotlight (see photo of Tree Mounted Directional Type C on Lighting Fixture Schedule)	1	Open area northeast of beach store/shower (see schematic A0.30)	Ground	tree-mounted 3' max	N/A	Lamp is turtle friendly	Yes w/caveats	There is a possibility for the point source of light to be visible from the beach therefore fixture is to be oriented downward and directed landward and away from the beach

20	3.C-03	Tree-mounted directional spotlight	RAB	N/A	N/A	N/A	White	Low-level directional spotlight (see photo of Tree Mounted Directional - Type C on Lighting Fixture Schedule)	1	Open area at central beach front (see schematic A0.30)	Ground	N/A	N/A	Not turtle friendly	Yes - see notes column	Removal of fixture approved
21	3.C-04	Tree-mounted directional spotlight	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Low-level directional spotlight (see photo of Tree Mounted Directional - Type C on Lighting Fixture Schedule)	1	Open area northwest of beach store/shower (see schematic A0.30)	Ground	tree-mounted 3' max	N/A	Lamp is turtle friendly	Yes w/caveats	There is a possibility for the point source of light to be visible from the beach therefore fixture is to be oriented downward and directed landward and away from the beach
22	3.C-05	Tree-mounted directional spotlight	RAB - Fixture, Synergy - Blub	Synergy LED 160 lumens at 7W, MR16 12V (see Synergy cut-sheet)	7W	590+ nm	Amber	Low-level directional spotlight (see photo of Tree Mounted Directional - Type C on Lighting Fixture Schedule)	1	Open area southwest of gazebo (see schematic A0.30)	Ground	tree-mounted 3' max	N/A	Lamp is turtle friendly	Yes w/caveats	There is a possibility for the point source of light to be visible from the beach therefore fixture is to be oriented downward and directed landward and away from the beach
23	3.C-06	Tree-mounted directional spotlight	RAB	N/A	N/A	N/A	White	Low-level directional spotlight (see photo of Tree Mounted Directional - Type C on Lighting Fixture Schedule)	1	Open area southwest of gazebo (see schematic A0.30)	Ground	N/A	N/A	Not turtle friendly	Yes - see notes column	Removal of fixture approved
24	3.C-07	Tree-mounted directional spotlight	RAB	N/A	N/A	N/A	White	Low-level directional spotlight (see photo of Tree Mounted Directional - Type C on Lighting Fixture Schedule)	1	Open area southwest of gazebo (see schematic A0.30)	Ground	N/A	N/A	Not turtle friendly	Yes - see notes column	Removal of fixture approved
25	3.D-01	Pole-mounted directional spotlight	RAB	N/A	N/A	N/A	White	Directional spotlight (see photo of Pole Mounted Directional - Type D on Lighting Fixture Schedule)	1	Open area north of beach store/shower (see schematic A0.30)	Ground	N/A	N/A	Not turtle friendly	Yes - see notes column	Removal of fixture approved



1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395</
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ARCHITECT
Dacco Ltd
89 Tenius Way, Cannons Bay
Grand Cayman, KY1-8005
T 345 640 3600
F 345 640 9020

CIVIL ENGINEER

STRUCTURAL ENGINEER

MEP ENGINEER

PROJECT STATUS	PL
PLANNING	
PERMISSION	

decco
a tutti i colori della luce

**TEMPORARY BEACH FACILITY
CORAL CAYMANIAN
SEVEN MILE BEACH
WEST BAY ROAD
Block: 12E Parcel: 119**

Date of birth: 01-02-02
 Date of death: 01-02-02
 Date of death: 01-02-02

CIFR:
CAYMAN SHORES
DEVELOPMENT LTD.

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33475 2	

SCALE	1/10"-10"
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2018 2560 2019

SHEET TITLE:

Proposed
Turtle Friendly
Lighting Plan- 1

CONTRACT NO.	DATE
A0.30	

- 1.A-01 - SINGLE LAMP
- 2.A-01 - TWIN LAMP CLUSTER (DIRECTIONAL)
- 3.A-01 - TRIPLE LAMP CLUSTER (DIRECTIONAL)

LIGHTING FIXTURE SCHEDULE											
FIXTURE LABEL	FIXTURE TYPE	MANUFACTURER & CATALOGUE No.	FIXTURE QUANTITY	LAMP TYPE, COLOUR & WATTAGE	WAVELENGTH IN NANOMETERS (nm)	MOUNTING TYPE & HEIGHT	FIXTURE ACCESSORIES	LOCATION OF FIXTURE	STRUCTURE LEVEL (AKSL)	FIXTURE HAS BEEN INSTALLED-Y/N	COMMENTS
TREE LINED WALKWAY											
1.A-01	Area/Pole light	Unknown	1	Existing	N/A	Pole-12'	Custom wooden box SK-001 below	Tree lined footpath	Ground	Existing	Existing fixture to be removed with min 18" deep pressed metal footpath shade box SK-001. Fixture to be considered edge of site for removal.
1.A-02	Area/Pole light	Unknown	1	Existing	N/A	Pole-12'	N/A	Tree lined footpath	Ground	Existing	Existing fixture to be retained
1.A-03	Area/Pole light	Unknown	1	Existing	N/A	Pole-12'	N/A	Tree lined footpath	Ground	Existing	Existing fixture to be retained
1.A-04	Area/Pole light	Unknown	1	Existing	N/A	Pole-12'	N/A	Tree lined footpath	Ground	Existing	Existing fixture to be retained
1.A-05	Area/Pole light	Unknown	1	Existing	N/A	Pole-12'	N/A	Tree lined footpath	Ground	Existing	Existing fixture to be retained
BEACH COTTAGE BAR											
1.B-01	Wall mounted sconce	Unknown	1	N/A	N/A	Wall-7'6"	N/A	Beach cottage bar	Ground	Existing	Fixture to be removed
2.C-01	Soft mounted twin directional bulb	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Soft-8'6"	N/A	Beach cottage bar	Ground	Existing	Fixture to be oriented landward and downward facing
2.C-02	Soft mounted twin directional bulb	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Soft-8'6"	N/A	Beach cottage bar	Ground	Existing	Fixture to be oriented landward and downward facing
2.C-03	Soft mounted twin directional bulb	RAB	1	N/A	N/A	Soft-8'6"	N/A	Beach cottage bar	Ground	Existing	Fixture to be removed
2.C-04	Soft mounted twin directional bulb	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Soft-8'6"	N/A	Beach cottage bar	Ground	Existing	Fixture to be oriented landward and downward facing Exterior beach facing windows to be located with string of film to provide maximum 100% light transmittance
GAZEBO											
1.D-01	Recessed soft mounted bulb downlight	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Soft-12'	N/A	Gazebo	Level 2	Existing	Existing fixture to be replaced with Synergy Lighting Amber Sea Turtle compatible LED fixture.
PLANTED/LANDSCAPED AREA											
1.A-06	Area/Pole light	Unknown	1	N/A	N/A	Pole-12'	N/A	Fence line adjacent to inlet units	Ground	Existing	Existing fixture to be decommissioned
1.A-07	Area/Pole light	Unknown	1	N/A	N/A	Pole-12'	N/A	Fence line adjacent to storage units	Ground	Existing	Existing fixture to be decommissioned
1.D-02	Pole mounted directional bulb light	RAB	1	N/A	N/A	N/A	N/A	Open area between inlet and administration units	Ground	Existing	Existing fixture to be removed
2.C-05	Tree mounted directional bulb light	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Tree-3' max	N/A	Open area west of beach stone shower	Ground	Existing	Existing fixture to be located below 2' above ground level and fixture directed landward and downward
2.C-06	Tree mounted directional bulb light	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Tree-3' max	N/A	Open area northwest of beach stone shower	Ground	Existing	Existing fixture to be located below 2' above ground level and fixture directed landward and downward
2.C-07	Tree mounted directional bulb light	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Tree-3' max	N/A	Open area southwest of gazebo	Ground	Existing	Existing fixture to be located below 2' above ground level and fixture directed landward and downward
3.C-01	Tree mounted directional bulb light	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Tree-3' max	N/A	Open area northwest of bar	Ground	Existing	Existing fixture to be located below 2' above ground level and fixture directed landward and downward
3.C-02	Tree mounted directional bulb light	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Tree-3' max	N/A	Open area northeast of beach stone shower	Ground	Existing	Existing fixture to be located below 2' above ground level and fixture directed landward and downward
3.C-03	Tree mounted directional bulb light	RAB	1	N/A	N/A	N/A	N/A	Open area at central beach foot	Ground	Existing	Existing fixture to be removed
3.C-04	Tree mounted directional bulb light	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Tree-3' max	N/A	Open area northwest of beach stone shower	Ground	Existing	Existing fixture to be located below 2' above ground level and fixture directed landward and downward
3.C-05	Tree mounted directional bulb light	RAB SYNERGY LIGHTING	1	SYN LED 7W 160L MR16 12V AMB 30 deg	590 nm	Tree-3' max	N/A	Open area southwest of gazebo	Ground	Existing	Existing fixture to be located below 2' above ground level and fixture directed landward and downward
3.C-06	Tree mounted directional bulb light	RAB	1	N/A	N/A	N/A	N/A	Open area southwest of gazebo	Ground	Existing	Existing fixture to be removed
3.C-07	Tree mounted directional bulb light	RAB	1	N/A	N/A	N/A	N/A	Open area southwest of gazebo	Ground	Existing	Existing fixture to be removed
3.D-01	Pole mounted directional bulb light	RAB	1	N/A	N/A	N/A	N/A	Open area north of beach stone shower	Ground	Existing	Existing fixture to be removed



- AREA LIGHTING- TYPE A- (1.A-06)
Light fixture located at tree-lined walkway to entrance, north of pick up drop off area, and fence line running north/south of inlet and storage units



- WALL MOUNTED SCONCE- TYPE B (1.B-01)
Wall mounted sconce at north entrance door to beach bar



- SOFT MOUNTED DOWNLIGHT- TYPE D (1.D-01)
Existing lamp to have bulb replaced to provide minimum 630nm wavelength light.
Lamp is recessed deep in roof pitch to add in lighting light dispersion



- SOFT MOUNTED DIRECTIONAL- TYPE C- (2.C-05)
Existing lamp to have bulb replaced to provide minimum 630nm wavelength light.
Lamps to be directed landward and downward.



- TREE MOUNTED DIRECTIONAL- TYPE C- (2.C-06)
Existing tree mounted lighting to have bulb replaced with LEDs to provide minimum 630nm wavelength light.
All light fixtures to be directed landward.

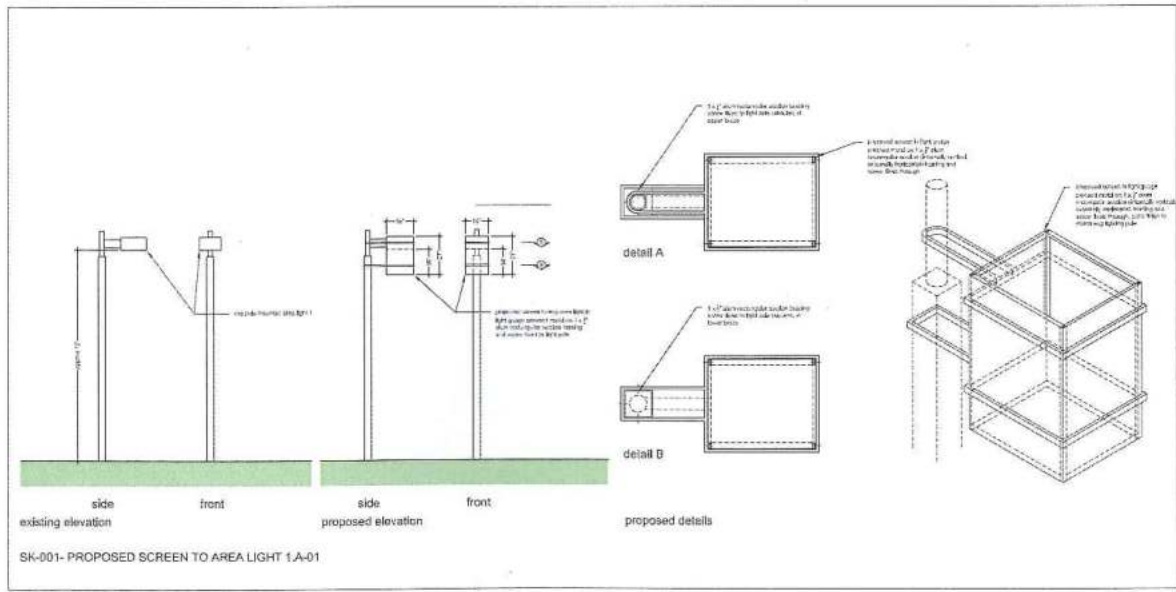


- POLE MOUNTED DIRECTIONAL- TYPE D (1.D-02 & 3.D-01)
Existing lamp to have bulb replaced to provide minimum 630nm wavelength light.
All light fixtures to be directed away from the beach, facing landward and downward.

1.A-01 - SINGLE LAMP

2.A-01 - TWIN LAMP CLUSTER (DIRECTIONAL)

3.A-01 - TRIPLE LAMP CLUSTER (DIRECTIONAL)



NOTES:



1 Dept of Environment comments 03/05/2019

1.01 1.02 1.03 1.04 1.05 1.06 1.07 1.08 1.09 1.10 1.11 1.12 1.13 1.14 1.15 1.16 1.17 1.18 1.19 1.20 1.21 1.22 1.23 1.24 1.25 1.26 1.27 1.28 1.29 1.30 1.31 1.32 1.33 1.34 1.35 1.36 1.37 1.38 1.39 1.40 1.41 1.42 1.43 1.44 1.45 1.46 1.47 1.48 1.49 1.50 1.51 1.52 1.53 1.54 1.55 1.56 1.57 1.58 1.59 1.60 1.61 1.62 1.63 1.64 1.65 1.66 1.67 1.68 1.69 1.70 1.71 1.72 1.73 1.74 1.75 1.76 1.77 1.78 1.79 1.80 1.81 1.82 1.83 1.84 1.85 1.86 1.87 1.88 1.89 1.90 1.91 1.92 1.93 1.94 1.95 1.96 1.97 1.98 1.99 2.00 2.01 2.02 2.03 2.04 2.05 2.06 2.07 2.08 2.09 2.10 2.11 2.12 2.13 2.14 2.15 2.16 2.17 2.18 2.19 2.20 2.21 2.22 2.23 2.24 2.25 2.26 2.27 2.28 2.29 2.30 2.31 2.32 2.33 2.34 2.35 2.36 2.37 2.38 2.39 2.40 2.41 2.42 2.43 2.44 2.45 2.46 2.47 2.48 2.49 2.50 2.51 2.52 2.53 2.54 2.55 2.56 2.57 2.58 2.59 2.60 2.61 2.62 2.63 2.64 2.65 2.66 2.67 2.68 2.69 2.70 2.71 2.72 2.73 2.74 2.75 2.76 2.77 2.78 2.79 2.80 2.81 2.82 2.83 2.84 2.85 2.86 2.87 2.88 2.89 2.90 2.91 2.92 2.93 2.94 2.95 2.96 2.97 2.98 2.99 3.00 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SYNERGY LIGHTING USA

LEADING THE WAY IN LED LIGHTING

LED MR16

Certification #: [insert here]

AMBER SEA TURTLE LED LAMP



Job Name
Catalog Number
Specified By
Notes

The Amber MR16 LED Sea Turtle Light Bulb from Synergy Lighting is FWC Certified to be friendly for use on exterior lighting applications along beachside and protected areas affecting Sea Turtles. Installation into existing fixtures where light sources remain shielded from the beach provides excellent illumination, energy savings and long life.

FEATURES

- Aluminum heats sinks with integrated LED
- Advanced optical lens for precise beam control
- 590nm+ wavelength amber illumination
- Crisp, clean amber emitting light color
- Acrylic lens holds up in harsh salt air environments
- 40 Degree flood
- 160 Lumens at 7 Watts
- 50,000 Hour Life
- 12V dimmable integrated driver
- 5 Year warranty



ORDERING INFORMATION

Example SYN						
SERIES	TYPE	WATTAGE	SHAPE	VOLTAGE	VOLTAGE	OPTIONS
SYN	LED - (Standard)	7W- 160L	MR16- Reflector	12V - 12 volts	AMB - Amber	Dim - Dimmable

DIMMING: Works with magnetic transformers. Some electronic transformers may result in dimming conflict.

LISTINGS AND CERTIFICATIONS



Their survival depends on the efforts of all of us!



Synergy Lighting 6015 28th Street East Bradenton, FL 34203 P: 941-756-4844 F: 941-756-4866 www.SynergyLightingUSA.com



SOLAR GARD® AUTOMOTIVE WINDOW FILMS

NR Supreme 15

Performance Results

3 mm glass

Visible Light

TR (%)	Transmittance	15
TR (%) at 550 nm	Transmittance at 550 nm	12
Re (%)	Reflectance Exterior	5
Ri (%)	Reflectance Interior	5
GR (%)	Glare Reduction	83

Solar Energy

TSER (%)	Total Solar Energy Rejected	38
SHGR (%)	Solar Heat Gain Reduction	29
IR (%)	IR Rejection 780 to 2500nm	26
UV (%)	Ultraviolet light blocked @300 to 380 nm	>99
Tdw (%)	Fade Control UV Tdw-ISO @300 to 700 nm	(*)
FR (%)	Fade Reduction Factor	(*)

Physical Properties

Tnom / T(μm)	Thickness Nominal / Overall	25/50
ABR (%)	Abrasion Resistance (change after 100 cycles)	<5
TS - kg/cm ²	Tensile strength	2100
PUNC - kg	Puncture Strength	20

*Upon request

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HP Supreme 16

3 mm glass

Visible Light		
TR (%)	Transmittance	17
TR (%) at 550 nm	Transmittance at 550 nm	15
Re (%)	Reflectance Exterior	5
Ri (%)	Reflectance Interior	8
GR (%)	Glare Reduction	83
Solar Energy		
TSER (%)	Total Solar Energy Rejected	49
SHGR (%)	Solar Heat Gain Reduction	41
IR (%)	IR Rejection 780 to 2500nm	59
UV (%)	Ultraviolet light blocked @300 to 380 nm	>99
Tdw (%)	Fade Control UV Tdw-ISO @300 to 700 nm	(*)
FR (%)	Fade Reduction Factor	(*)

Tnom / T(μm)	Thickness Nominal / Overall	50/75
ABR (%)	Abrasion Resistance (change after 100 cycles)	<5
TS - kg/cm ²	Tensile strength	2100
PUNC - kg	Puncture Strength	20

*Upon request



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Appendix F

GAYMAN ISLANDS

Registered Land Act (2018 Revision)
Registered Land Rules (2018 Revision)

THIRD SCHEDULE

LEASE

REGISTRATION SECTION

BLOCK

PARCEL

West Bay Beach North

110

104

WE CALMA HOLDINGS LIMITED

HEREBY LEASE TO FRANK SCHILLING

of PO BOX 30040, Grand Cayman, KY1-1102, Cayman Islands

a portion of the land comprised in the above mentioned title (as described in the attached Schedule) for a term of five (5) years from 5 December 2021 at the rent of US\$1.00 per annum payable yearly in advance, subject to sections 59 and 68 of the above law which may be amended, modified or added to in the future by legislation.

Dated this

day of

2022

Signed by the Lessor

CALMA HOLDINGS LIMITED

Director, Oliver Collins

In the presence of

FRANK SCHILLING

Signed by the Lessee

Frank Schilling

In the presence of

*Data if not applicable

10/20/2022

FOR OFFICIAL USE ONLY

I, the Registrar of Lands in the Cayman Islands hereby certify that this document was received by me for registration on the day of 20..... and that stamp duty assessed/adjusted by me/another at \$14..... and Land Registry fees of \$14..... relating thereto have been paid

REGISTERED IN

day of

20

REGISTRAR OF LANDS

CAYMAN ISLANDS

CERTIFICATE OF IDENTIFICATION
Oliver Collins, Director CALMA HOLDINGS LIMITED

Name: _____

I HEREBY CERTIFY that the above named _____ person appeared before me on the 11 day of February 2022 and being identified by as DRIVER'S LICENSE (or being known to me) acknowledged the above signature or mark to be his/her/their and that he/she/they had freely and voluntarily executed this instrument and understood its contents.



Signature and designation of the person certifying

CERTIFICATE OF IDENTIFICATION
Aislinn Russell, Director CALMA HOLDINGS LIMITED

Name: _____

I HEREBY CERTIFY that the above named _____ person appeared before me on the 14 day of February 2022 and being identified by _____ (or being known to me) acknowledged the above signature or mark to be his/her/their and that he/she/they had freely and voluntarily executed this instrument and understood its contents.



Signature and designation of the person certifying

T. Stephen Cowan

Notary Public, Cayman Islands

Commission Expires: 31 January 2023

CERTIFICATE OF IDENTIFICATION

Name: _____ Frank Schilling _____

I HEREBY CERTIFY that the above named _____ person appeared before me on the 21st day of February 2022 and being identified by _____ (or being known to me) acknowledged the above signature or mark to be his/her/their and that he/she/they had freely and voluntarily executed this instrument and understood its contents.



Signature and designation of the person certifying

Lily W. Lee
Notary Public
Cayman Islands

THIS LEASE is dated the 2nd day of February 2022

BEFORE:

(1) Calma Holdings Limited, a company incorporated under the laws of the Cayman Islands of PO Box 10008, Grand Cayman, KY1-1001, Cayman Islands (the "Landlord"); OF THE ONE PART;

AND:

(2) Frank Schilling, of PO Box 30309, Grand Cayman, KY1-1202, Cayman Islands (the "Tenant"); OF THE OTHER PART.

NOW THIS DEED WITNESSETH as follows:

Definition and Interpretation

1.1 In this Lease, the following expressions shall have the following meanings:

Building: the building known as The Grove located Registration Section West Bay Beach North Block 11D Parcel 105 in Grand Cayman;

Car Park: the car parking area designated as such by the Landlord from time to time on the Land;

Land: the land legally described as Registration Section West Bay Beach North Block 11D Parcel 104;

Parking Spaces: maximum (10) car parking spaces in the Car Park on the Land as specified by the Landlord from time to time and in accordance with clause 2.2

Permitted Use: parking only.

Rent: the amount of US\$1.00 per annum.

Term: the period from and including 2nd day of December 2021 until 8 December 2023.

1.2 Clause headings shall not affect the interpretation of this Lease.

1.3 A reference to a company shall include any company, corporation or other body corporate, wherever and however, incorporated or established.

1.4 Unless the context otherwise requires, words in the singular shall include the plural and in the plural include the singular.

1.5 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

1.6 Any obligation in this Lease on a person not to do something includes an obligation not to agree or allow that thing to be done and to prevent such act or thing being done by a third party.

1.7 References to clauses are to the clauses of this lease.

1.8 Any phrase introduced by the terms including, include, in particular or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.

2. Grant

2.1 The Landlord lets the Parking Spaces to the Tenant for the Term.

2.2 Notwithstanding the terms and nature of this lease, the Landlord shall be entitled on giving reasonable prior notice to the Tenant to relocate the Parking Spaces to some such other place and on position whether on the Land or upon neighbouring land owned by the Landlord or its Affiliates.

2.3 Sections 52, 53, 54 and 55 of the Registered Land Act (revoked) are hereby excluded from this lease to the fullest extent permitted by law.

3. Rights Reserved to Landlord

3.1 The following rights are excepted and reserved from this lease to the Landlord (the Reservations):

- (a) rights of light, air, support and protection to the extent those rights are capable of being enjoyed at any time during the Term;
- (b) the right to:
 - (i) use and connect into any Service Media at, on, in or under the Parking Spaces and which are in existence at the date of this lease or which are installed or constructed during the Term;
 - (ii) install and construct Service Media at the Parking Spaces to serve any part of the Building, Land or neighbouring property of the Landlord; and
 - (iii) re-route any Service Media mentioned in this clause (b);
- (c) the right to enter onto the Parking Spaces for any purpose mentioned in this lease or connected with it or with the Landlord's interest in the Building or any other property or to carry out any works to any other part of the Building, at any reasonable time and, except in the case of an emergency, after having given reasonable notice (which need not be in writing) to the Tenant;

3.2 The rights in this clause may be exercised by the Landlord and by anyone else who is or becomes entitled to exercise them and by anyone authorised by the Landlord.

3.9 The Landlord shall not be liable for any loss or inconvenience to the Tenant by reason of the exercise of any of the rights set out in this clause (other than any loss or inconvenience in respect of which the law prevents the Landlord excluding liability).

4. Tenant's Covenants

The Tenant covenants with the Landlord:

4.1 to pay to the Landlord without any deduction the Rent on the 1st day of January in each year of the Term;

4.2 not to use the Parking Spaces other than for the Permitted Use;

4.3 to make good any damage to the Parking Spaces upon yielding up;

4.4 to keep the Parking Spaces in good repair and condition, clean and dry and free of obstructions and not to make any alteration or addition whatsoever to the Parking Spaces without the consent of the Landlord and not to cause any damage or disrepair;

4.5 not to display any advertisement, signboards, nameplate, inscription, flag, banner, placard, poster, signs or notices on the Parking Spaces or elsewhere in the Building, on the Land and/or in the Car Park without the prior written consent of the Landlord;

4.6 not to do or permit to be done on the Parking Spaces, the Building, the Land and/or the Car Park which is illegal or which may become a nuisance, together actionable or not, damage, annoyance, inconvenience or disturbance to the Landlord or to tenants, visitors to or occupants of the Building, the Land and/or the Car Park;

4.7 not to do anything that will or might constitute a breach of any local laws or regulations or which will or might vitiate in whole or in part any insurance effected by the Landlord in respect of the Building, the Land and/or the Car Park from time to time;

4.8 to observe any rules, regulations and instructions of the Landlord from time to time governing the Tenant's use of the Building, the Land and/or the Car Park;

4.9 not to take into, keep or permit on or in the Car Park any motor fuel or lubrication oil except that inside the fuel tank and/or engine of any car;

4.10 not to or permit to maintain, repair (except mechanical repair in cases of breakdown or other emergency) or clean any cars or refill the petrol tank of any cars on or in the Car Park;

4.11 to remove any cars and any other property from the Car Park at the end of the Term.

4.12 to not assign, underlet, charge, part with or share possession or occupation of this lease or the whole or part of the Premises or hold this lease on trust for any person;

4.13 to indemnify the Landlord and keep the Landlord indemnified against all losses, claims, demands, actions, proceedings, damages, costs, expenses or other liability in any way arising from:

- (a) this lease;
- (b) any breach of the Tenant's covenants contained in clause 4, and/or

reference in this sub-clause to Landlord includes all the Landlord's holding and subsidiary companies together with their officers, directors, employees, contractors and agents.

5. Termination

5.1 If any of the following events occur, and subject to sections 55(1) - (3), 56 and 57 of the Registered Land Act (2012 Revision):

- (a) the Tenant fails to pay any of the Rents within 21 days of the due date (whether or not formally demanded); or
- (b) the Tenant breaches any of its obligations in this lease; or
- (c) the Tenant being an individual, becomes subject to a bankruptcy order or has an interim receiver appointed to his/ her property; or
- (d) the Tenant enters into any arrangement or composition for the benefit of its creditors; or
- (e) the Tenant has any distress, sequestration or execution levied on its goods;

5.2 then the Landlord may re-enter the Parking Spaces and forfeit this lease and the Term created by this lease shall immediately end, but without prejudice to the rights of either party against the other in respect of any breach of the obligations contained in this lease.

6. Notices

6.1 Any notice, claim or demand (each a "Notice") required or permitted to be delivered under or in connection with this lease shall be:

- (a) in writing and signed or sent by a person on behalf of the sending party;
- (b) delivered by hand (including by reputable courier), email, or prepaid registered post to the recipient at its address or email address specified below; and
- (c) deemed to have been received:

- (i) if delivered by hand, at the time of delivery;
 - (ii) if sent by email, upon acknowledgement of receipt. A message received to the effect that delivery was unsuccessful or that the recipient is out of office shall not be deemed to be an acknowledgement of receipt; or,
 - (iii) if sent by prepaid registered post, 5 business days from the time of posting for local delivery and 10 business days for international delivery.
- 8.2 The address details of the parties for the purposes of sub-clause 8.1 are noted hereinabove or such other person, address or email address as may be notified in writing from time to time by the relevant party to the other Party.
- 8.3 For the purpose of clause 8.1 in calculating deemed receipt:
 - (a) all references to time are to local time in the place of deemed receipt; and
 - (b) if deemed receipt would occur in the place of deemed receipt on a Saturday or Sunday or a public holiday when banks are not open for business, deemed receipt is deemed to take place at 9.00 am on the day when business next starts in the place of receipt.
- 8.4 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.
- 9. No warranties for use in condition
- 9.1 The Landlord gives no warranty that the Parking Spaces are physically fit for the purposes specified in clause 2 and the Tenant acknowledges that the Landlord shall be under no obligation to improve, fill or undertake any other works to the current state of the Land and the Car Park to accommodate the Tenant for the Permitted Use.
- 10. Confidentiality
- 10.1 The Tenant and Landlord shall keep the terms of this lease private at all times and shall not make any disclosure or announcement whatsoever without the prior consent of the other party (except by way of disclosure to its professional advisers in the course of a bona fide transaction relating to the Land).
- 11. Limitation of Landlord's liability
- 11.1 The Landlord is not liable for:
 - (a) the death of, or injury to the Tenant, its employees, customers or invitees to the Building, the Land or the Car Park; or

- (b) damage to any property of the Tenant or that of the Tenant's employees, customers or other invitees to the Building, the Land or the Car Park, or
- (c) any losses, claims, demands, actions, proceedings, damages, costs or expenses or other liability incurred by Tenant or the Tenant's employees, customers or other invitees to the Building, the Land or the Car Park in the exercise or purported exercise of the rights granted by clause 2.

10. Entire agreement

- 10.1 This Lease constitutes the whole agreement between the parties and supercedes all previous agreements between the parties relating to its subject matter.

- 10.2 Each party acknowledges that, in entering into this Lease, it has not relied on, and shall have no right or remedy in respect of, any statement, representation, assurance or warranty (whether made negligently or innocently) other than as expressly set out in this Lease.

11. Stamp Duty

- 11.1 The Tenant shall be responsible for the payment of all stamp duty arising in connection with the execution and completion of this Lease.

12. Third parties

A person who is not party to this Lease shall not have any rights under this Contract (Rights of Third Parties Law (as revised)) to enforce any term of this Lease.

13. Counterparts

This Lease may be executed in counterparts and by different persons in separate counterparts, each of which so executed shall be deemed to be the original and all of which taken together shall constitute one and the same Lease.

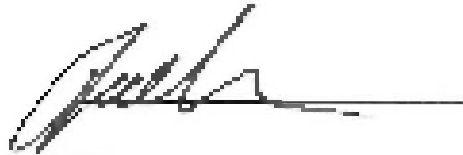
14. Governing law and jurisdiction

- 14.1 This Lease and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of the Cayman Islands.

- 14.2 The parties irrevocably agree that the courts of the Cayman Islands shall have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Lease or its subject matter or formation (including non-contractual disputes or claims).


In witness whereof the parties hereto have entered into this Lease as a Deed on the day and year first above written.

Signed for and on behalf of
CALMA HOLDINGS LIMITED
and in the presence of:-



Witness

CALMA HOLDINGS LIMITED


Director
Director

Signed for by
FRANK SCHILLING
and in the presence of:-

Witness


Frank Schilling



Appendix G

29 September 2021

MATTER: Application for Change of Zone, for Privately owned Registration
Section: Rum Point Block 33M Parcel 40 and Parcel 49, from Public
Open Space to Low Density Residential.

APPLICANT(S): The Beach Bar for Parcel 33M 40 and Kaibo Yacht Club Ltd. for 33M 49

APPLICATION DATE: 28 May 2021

DATE RECEIVED BY CPI: 29 September 2021 via email

RESPONSE AUTHOR: Woodward DaCosta – Chair of Public Lands Commission (hereinafter
referred to “PLC”) and Member Representing Bodden Town

MATERIALS USED IN DECISION:

1. ***The Public Lands Law, 2017 (hereinafter referred to as the “Act”) in particular***
 - i) Interpretation “public land”
 - ii) Section 5.
 - iii) Section 15.
 - iv) Section 26.
 - v) Section 27.
2. ***Provision 3.07 of The Development Plan 1997 and Requisite Map – Titled PUBLIC OPEN SPACES ZONE***
3. **Central Planning Authority’s (“CPA”) Decision dated 21 January 2015**
4. **Advice of PLC Members, David Fawcitt, Senior Policy Advisor to Ministry and Jon Hall, Director at Lands and Survey Department received 29 September 2021**
5. **Applicant’s Submission**

DECISION: The PLC holds the same determination as the CPA derived at in their 2015 Decision, insofar the subject Lands provide continued benefit to the Public especially with the ever increasing population of The Cayman Islands. Therefore, the subject Lands must remain Zoned as Public Open Space. Accordingly, the Rezoning Application is denied and the Matter closed.

REASONING 1. I submit having considered and utilised all of the above Materials; I feel that it is absolutely pertinent to establish here that Pursuant to the Act and its Regulations. The PLC has the Mandate to **Regulate** the Use of Public Land in the **Public Interest**, and in particular - (a) to Regulate the Use and Enjoyment of Public Land by Members of the Public; (b) to Protect the Right of Access To and Use of Public Land by Members of the Public, including the Enforcement of Public Rights of Way over Private Land.

Consequently, with all due respect the CPA has NO AUTHORITY to make decisions such as the Rezoning of any Lands that have been deemed Public Open Space and or meets the definitions outlined in the Act and or its Regulations sans the PLC. To that end, the PLC's Final Decision regarding such Matters shall be the basis of any Final Decision the CPA may render to an Applicant.

2. The PLC cannot help that the current Landowner failed to perform its proper Due Diligence prior to acquiring Parcel 33M, 49. As Section 5. of the Penal Code (2017 Revision) highlights "*Ignorance of the law does not afford any excuse for any act*". Having expressed that, it should be noted that The Development Plan 1997 and its Requisite Map was underfoot some ten (10) years prior to the acquisition of the Subject Property. In addition, so was the Documentation regarding the Rezoning as unambiguously expressed in the CPA's 2015 Denial Decision.

3. The CPA's 2015 Decision was well Researched and Documented. It clearly outlined especially in its Background Segment, that a compromise has already been afforded regarding Properties in this immediate area. Thus unfortunately reducing Public Open Spaces for the Use and Enjoyment of the Public.

Therefore, to grant an Approval for this instant Application will be of NO Benefit whatsoever to the Public. Moreover to that end, if the PLC would indeed consider such an Approval, such a decision would be a complete and utter failure of the PLC in upholding its Mandate contained in Section 5 (b) of the Act in particular.

4. Considering the Applicant expresses that there is confusion about the Zoning Use of this Property by the Public. I submit that in an effort to mitigate such confusion and or concern. The CPI will take into serious consideration pursuant to Section 5 (a) of the Act to better Regulate this Parcel by Placing signage prominently, if not already, stating that it is a Public Open Space for the Use and Enjoyment of the Public as with other such Lands.

5. Having expressed the above, if the Applicant(s) are aggrieved by this affirming of the CPA's Decision of 2015. The Development Plan 1997 Provision 3.07 affords the solution of acquisition by the Government. In doing so, the subject Parcels should undergo a resurvey to determine correct boundaries. If determined, all in good order, then Parcel 40 should be resurveyed and the boundary adjusted or decreased in size they are complaining about, which is approximately 6,000 sq.ft. and included in Parcel 49 to afford less confusion etc.