

2.0 APPLICATIONS
APPEARANCES (Item 2. 1 TO 2. 3)

**2. 1 WATERMARK DEVELOPMENT Block 11B Parcels 67 and 68 (F18-0221)
(P18-0534) (\$177.5 million) (JP)**

Application for fifty four (54) apartments, twelve (12) swimming pools, generator, signage and one 3-storey building containing a restaurant, spa, fitness centre, owners storage, manager's apartment and nineteen (19) guest suites with a connecting pedestrian bridge between the two proposed buildings over West Bay Road

Appearance at 10:30

FACTS

<i>Location</i>	West Bay Road
<i>Zoning</i>	H/T and NC
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	8.88 AC/386,812.8 sq ft
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential and Commercial

Decision: It was resolved to grant planning permission, **subject to the following conditions:**

Conditions (1-7) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit revised plans showing:
 - a) The pedestrian bridge with 18' clearance between the underside of the bridge and the centre line of West Bay Road.
 - b) The basement parking level with 22' drive aisles to accommodate all areas of two-way traffic or redesigned as a one-way system only.
 - c) On the east side of West Bay Road, a curbed 6' grass verge on the road side of the property boundary and a 6' sidewalk within the property boundary.
 - d) The LPG tank in a location supported by the Petroleum Inspectorate.
- 2) The applicant shall provide a copy of the submission made to the Registrar of Lands to combine Block 11B Parcels 67 and 68.
- 3) The applicant shall submit a plan for turtle friendly lighting which minimizes impacts on sea turtles and is prepared and in accordance with the Department of Environment's guidelines and approved by the Authority.

- 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) 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.
- 8) 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.
- 9) 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, conditions (10-15) shall be complied with before a final Certificate of Occupancy can be issued.

- 10) The public easement to the sea as shown on the site plan shall be registered.
- 11) Block 11B Parcels 67 and 68 shall be combined and registered with a new Block and Parcel number.
- 12) The development shall be connected to the West Bay Beach Sewerage System (WBBSS). The applicant is directed to liaise with the Water Authority to ensure compliance with their requirements.
- 13) The construction drawings for the proposed swimming pools 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.
- 14) The applicant shall provide a copy of a signed contract with a private solid waste collection company.
- 15) Any sand excavated for the purposes of constructing the building foundation shall be returned to the beach system on site. Should there be excess sand, the

applicant shall contact the Department of Planning and Department of Environment to a determine a plan for redistributing the excess sand elsewhere along Seven Mile Beach.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

Any sand excavated for the purposes of constructing the building foundation shall be stockpiled on site and cannot be removed from site.

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.**

Reasons for the decision:

1. With the exception of the number of parking spaces, the building height in certain locations and the rear setback, which are addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
2. The proposed application does not comply with the minimum required number of parking spaces, the maximum allowable building height in certain locations and the minimum required rear setback per Regulations 8(1), 8(2)(e) and 10(1)(g) of the Development and Planning Regulations (2018 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser number of parking spaces, additional building height and lesser rear setback as follows:
 - a) The commercial aspect of the development caters principally to the needs of the residential apartments and not the general public and the parking demand will not be a great as with a typical stand-alone commercial development.
 - b) The deficient building height is quite minimal (approximately 6') and only occurs on the beach side building elevation and a few isolated locations along the road side elevation, both due to the design of the building in relation to finished site grade.

- c) The balconies facing the road do not comply with the required rear setback, but given the height at which the balconies are situated, the Authority is satisfied that the lesser setback will not be noticeable or cause any undue hardship to adjacent land owners or passers-by.
- d) The Authority is satisfied that the development satisfies the provisions of Regulation 13(10)(b) of the Development and Planning Regulations in terms of allowing the manager's apartment on the ground floor of the building.
- e) The characteristics of the proposed development are consistent with the character of the surrounding area.
- f) 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.

AGENCY COMMENTS

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

Chief Environmental Health Officer

"The following must be submitted for review and approval:

- *Applications including drawings for all 12 pools.*
- *Specifications for the generator.*
- *Details for the water cistern:*
 - *What is it used for?*
 - *How is it disinfected?*
- *Layouts for each commercial kitchen.*
 - *Specifications for the equipment, including the commercial hoods.*
- *Layout for the spa(s).*

Water Authority

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

Wastewater Treatment:

The development shall be connected to the West Bay Beach Sewerage System (WBBSS).

The developer shall notify the Water Authority's Engineering Services at 949-2387 ext. 3000 as soon as possible to ensure that:

- *the site-specific connection requirements are relayed to the developer,*

- any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and
- the Authority can make arrangements necessary for connection such as ordering materials, scheduling, pipe installation, etc.

The Authority will not be responsible for delays due to insufficient notice from the developer.

- The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications.
- shall submit plans for the infrastructure to the Authority for approval.
- The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.
- A grease interceptor with a minimum capacity of 3,000 US gallons (2 X 1,500 gallons in series) 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. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the WBBSS.

ELEVATOR INSTALLATION

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

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.

WATER SUPPLY

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

- The developer is required to notify the CWC 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 June 12th, 2018 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations.

Proposed Connecting Bridge over West Bay Road

*The connecting bridge over West Bay Road needs to be a minimum of 18’ in height clearance for large/oversize vehicles to pass underneath. **Please have applicant comply.***

Site Line Issues

The applicant proposes landscaping at the exit of the above site. The NRA recommended minimum intersection sight distance requirements are as follows,

The minimum intersection sight distances as measured from a point 15 feet back along the centreline of the minor road and two and one half feet (2 1/2’) above the road surface shall be one-hundred and fifty feet (150’) and, two-hundred and thirty feet (230’) for major road speed limits of 25 MPH and 30 MPH respectively, as measured along the near edge of the running carriageway. Vertical stopping sight visibility shall be a minimum of 200’, with an observer height of 3.5’ and an object height of 6”, for design speeds of 25mph and 30mph.

Please have the applicant comply with the above NRA site line specifications.

Road Capacity Issues

The traffic demand to be generated by a residential development of 54 multi-family units can easily be determined. Assuming a worst case traffic generation scenario, the proposed development is being reviewed as an apartment complex project in accordance to 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 West Bay 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>
359	28	6	22	34	22	12

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

Access and Traffic Management Issues

*A six (6) foot sidewalk shall be constructed on West Bay Road, within the property boundary, to NRA standards. **Please have applicant comply by moving the sidewalk within their property boundary.***

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 sixteen (16) ft for one-way and twenty-four (24)ft for two way. **Please have applicant comply.***

Tire stops (if used) shall be place in parking spaces such that the length of the parking space is not reduced below the twenty-two (22) ft minimum width.

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 worst 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. **The plan indicates underground parking, please include spot levels at this location.***
- *Construct a gentle ‘hump’ at the entrance (along the entire width of all driveways) in order to prevent stormwater runoff from and onto West Bay Road.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or unto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins in or near the parking lot. If 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.*

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 (Amendment) Law, 2004 (Law 11 of 2004). 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."

Chief Fire Officer

"Please indicate the height of the sidewalk and what type of vegetation will be planted along the fire vehicle access on the beach side. Currently there is not enough information provided on the site plan to determine the fire apparatus required clearance and the future growth of the vegetation/shrubby impeding on the fire vehicle access way.

Also, denote the location of the needed fire well along with the proposed fire hydrant, in order to meet the required flow rate and secondary what supply, as per the local fire code."

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 comments for your consideration.

We have reviewed the applicant's submissions and have outlined in the sections below the Department's headline concerns together with recommendations on ways in which adverse impacts can be mitigated to reduce the environmental impact of the proposal.

Location of the buildings

Upon review of application submissions, the rationale for the proposed layout, siting, massing, etc. was unclear. The Department reached out to the applicant's architect Michael Meghoo for clarification. Mr. Meghoo confirmed that the zoning of each parcel of land presents development limitations under the Development and Planning Regulations. In regards to the proposed development, the seaside parcel is zoned for Hotel/Tourism which allows a maximum of 10 storeys. However the inland parcel across the road is zoned for Neighborhood Commercial, limiting the building height to three storeys and only allowing residential use on the upper floors. Mr. Meghoo confirmed that this was one of the reasons the residential component was placed on the seaside.

However, the Department's reviews are based on assessing the environmental impacts of proposed developments and how these impacts can best be mitigated. By owning both parcels on either side of the road, the applicant has a rather unique opportunity to design a development that works with the characteristics of the Seven Mile Beach and the immediate surroundings, which are characterised by low-rise buildings up to three-storey heights. Not limited by space, swapping the parcel locations of commercial and residential buildings has a number of benefits.

Excavation of sand

The removal of the beach ridge is a major concern. Seven Mile Beach is an extremely active beach system and the seaside parcel consists of massive sand reserves (see figure 1 below). These reserves are important to the resilience of the Seven Mile Beach system and are naturally used to replenish the beach after storms. The amount of sand that will result from the excavation for the pools, foundations and underground parking will likely be too great a quantity to be placed back on-site and into the beach system. Once excavated and removed from the beach system, these sand reserves can never be recovered, making the beach system increasingly more vulnerable to erosion. The solution to this is to increase the setback and leave the ridge intact.

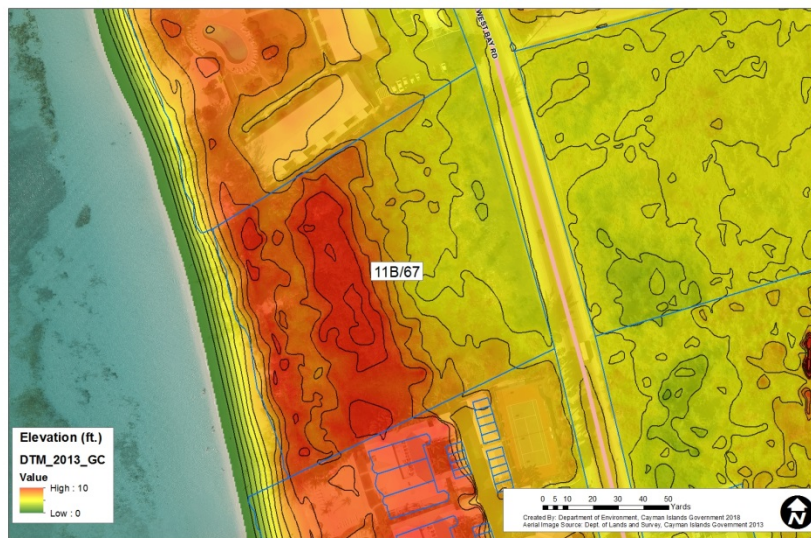


Figure 1 – Beach ridge of block 11B parcel 67

Location of the Generator and Fuel

The proposed location of the generator and fuel tank is positioned very close to the sea. As a Marine Protected Area and core tourism area is located directly offshore, we recommend that these are repositioned away from the sea to limit the potential for fuel spillage into the marine environment.

Turtle Nesting

Lastly, the proposed development is located on a very active turtle nesting beach. All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Law, 2013, as being ‘protected at all times’. Artificial lighting is a major threat to our nesting turtle populations here in the Cayman Islands. Bright lights can disorient nesting female turtles or deter them from laying their eggs. Once a nest is laid, artificial lighting also impacts baby turtles or hatchlings, as they follow the brightest light they can see which can lead them away from the sea and towards land where they die from dehydration, exhaustion or being crushed by vehicles.

We therefore strongly recommend that a condition for turtle friendly lighting is included in any grant of approval. Turtle friendly lighting has been a legal requirement in Florida for over 20 years and is field tested not to compromise security or safety. It is lighting that is designed to meet the needs of beachfront property owners and guests without causing misorientations of sea turtles and has many benefits.

The recommendation for turtle friendly lighting was communicated to the applicant's architect Mr. Meghoo, who confirmed that the developer is happy to embrace the recommendations as set out in the Department's Turtle Friendly Lighting Technical Advice Note. In addition to turtle friendly lighting having the lower profile buildings on the seaside parcel would also lessen the light impact on the sea turtles.

Conclusion and Recommended Conditions

Notwithstanding the above mentioned impacts, we understand that there are some limiting factors which have led to the applicant's chosen layout. If the CPA is minded to grant approval for this development we recommend that the following conditions are attached regarding sand excavation and to minimise impacts to nesting adult turtles and future hatchling turtles:

- *To reduce the effects of artificial lighting on sea turtles, a plan for turtle friendly lighting should be submitted for review and approval by the DoE prior to installation of any lighting for landscaping or buildings.*
 - *The turtle friendly plan should be designed in accordance with the DoE's Turtle Friendly Lighting Technical Advice Note, available for download from the DoE website: <http://doe.ky/resources/brochures/>.*
 - *The DoE will inspect all beach lighting for compliance with the turtle friendly lighting plan once construction and installation are complete.*
- *No construction work, vehicle access, storage of equipment/materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- *Prior to commencement of construction, the applicant shall contact the DoE to ensure no turtle nests are on site. Written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- *Any sand that is to be excavated during construction should be retained on site and beach quality sand should be put back along the active beach profile of the property. If there is an excessive quantity of sand that cannot be accommodated on the site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the NCC.*

Cayman Islands Airports Authority

“After reviewing the attached application, the Airport Operations Department finds the proposed structure to be in compliance with the airport Obstacle Limitation Surface, which restricts obstacles to a maximum height of 169 feet above mean sea level at the proposed location. Provided that the building plans

remain at the proposed height as depicted on the surveyors report, the CIAA have no objections provided the adherence to the caveat below:

During the construction phase of the proposed complex, when/if a crane will be necessary, a request shall be made to the CIAA prior to any operation, containing the maximum height of the crane along with an estimated duration of the crane operation.”

Department of Tourism

1. “Project at a Glance

The Department of Tourism (DOT) has been asked to provide feedback on the above-named permit application for the proposed residential complex.

2. Tourism Recommendations

CIDOT has reviewed the attached documents regarding the request for input on the above-named application.

It is noted in the application that a large-scale residential complex along West Bay Road. The Department of Tourism confirmed with the applicant that this proposed development is not a tourism development project.

Consultation with the Department of Environment, the National Roads Authority and any other government entity should be done with regards to this large scale project. At the completion of the project, if any of the proposed units enter the tourism rental pool, consultation and the licensing and inspection process for tourism accommodations should be followed as per Tourism Law.

The Department of Tourism is supportive of sustainable tourism product development and prudent decision making in the best interest of the Cayman Islands.”

Petroleum Inspectorate

“LPG tank will not be safely fillable based on its location and is not approved. Please also specify if the tank is above or below ground.

For generator fuel tanks inside generator rooms over 660 US gals, fire detection, suppression and containment are required and the plans provided do not provide enough information to determine if this is the case. Please provide this information.”

AGENT’S LETTER

“An application for Planning permission has been submitted to the Planning Department at the above referenced location on Seven Mile Beach / West Bay Road. The proposed development will utilize block 11B parcel 67, a 2.88 acre seaside parcel with Hotel / Tourism zoning and part of block 11B parcel 68, a 6.01 acre parcel with Neighbourhood Tourism zoning.

The proposed development will consist of following:

- *A 346,465.9 square foot, 54-unit, 10-storey apartment building with basement parking, beach cabanas and trellises*

- 12 swimming pools and poolside cabanas
- Two emergency backup generators
- A 72,689.1 square foot, 3-storey commercial building on the landside parcel with Restaurant, Spa & Fitness Centre, manager's apartment, 19 Guest suites, owner's storage and housekeeping facilities
- Pedestrian bridge connecting the seaside building to the landside building
- Signage

The buildings on both parcels have been designed to comply with the building setback, density and building heights provisions as set out the Development and Planning Regulations. All parking provisions for the seaside are located on the basement level of the building where there are 114 parking spaces, including 4 handicap accessible spaces for use of the owners of the 54 apartments. There are 72 car parking spaces allocated for users of the commercial building which will be open to the public.

The site design provides Fire Department vehicle access on all sides of the both buildings as required. Both buildings will be sprinklered, have emergency backup generators and fire command centre as required by code.

A pedestrian bridge will connect the residential building to the commercial building at the first level of residential building. The bridge will have a minimum clearance of 17'-6" from the crown of West Bay Road as recommended by the National Roads Authority. The bridge will allow residents to safely access the amenities in the commercial building without the need to cross West Bay Road on the road level.

Prior to submission, the development team have met with representatives of strata plan properties on the either side of the development site to present the project and to address any questions or concerns raised and to establish open channels of communications between parties so that any issues arising during the construction process are effectively managed. The development team has also met with Cabinet and relevant Statutory Authorities to representatives over the past six-month to present the project and to receive to receive feedback and direction.

We look forward to the opportunity to present the project to Central Planning Authority on August 8th, 2018."

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on West Bay Road forming part of the Seven Mile Beach. Existing apartments are located to the north and south with West Bay Road running through the application site.

The application proposes a fifty four (54) unit apartment building with garage parking, twelve (12) swimming pools, generator and signage and one three storey commercial building containing a restaurant, spa, fitness centre, manager's apartments and nineteen (19) guest suites, owner's storage and generator, with connecting pedestrian bridge over West Bay Road.

Zoning

The property is zoned Hotel/Tourism and Neighbourhood Commercial.

Specific Issue

a) Principle of Development

a. Hotel/Tourism zone 11B 67

The development proposes apartments to be used as private residences. Regulation 10 permits the development of apartments and development unrelated to tourism, while providing a set of criteria which the development is expected to comply with. The principle of developing the land with apartments is therefore in compliant with the regulations.

b. Neighbourhood/Commercial use 11B 68

The easterly portion of the parcel is sited within a Neighbourhood/Commercial zone whereby regulation 13(9) constitutes a significant material consideration in assessing the principle of development. The inclusion of residential development within Neighbourhood/Commercial zone is acceptable providing such use is not located on the ground floor.

The ground floor consists of a restaurant, back of house facilities, forty (40) storage rooms and a manager's apartment. The second floor proposes a full spa and gym. Finally, the third floor consists of nineteen (19) studios.

The inclusion of a manager's apartment on the ground floor results in the scheme being non-compliant with Regulation 13(9). However, Regulation 13(10) does state that residential development can be on any or all floors if the development forms part of a mixed-use development situated on one parcel of land and the planned development includes a mixture of commercial and residential uses proposed for close interaction. The Authority must determine if the proposed development satisfies the requirements of Regulation 13(10).

b) 11B 67 Fifty Four (54) Residences and Associated Works

a. Scale and massing of development

The proposed development complies with the setbacks set out in regulation 8(10)(e) having regard to the high water mark. The regulations provide for a staggered effect of proposed structures along the high water mark in proportion to the proposed height. Through the use of extensive landscaping and associated works such as swimming pools and cabanas the proposed scheme has been sited deep within the lot and effectively designed to avoid the need for such a staggered approach. However, this does result in a tower-like design whereby the scale and mass of the development is significant when viewed from Seven Mile Beach or West Bay Road.

The Authority should consider the appropriateness of the mass and scale of the proposed development which occupies a key prominent location on Seven Mile Beach.

b. Height of development 136' 4" v 130'

Regulation 8(2)(e) enables the development of buildings in hotel/tourism zone 1 up to 130' or 10-stories, whichever is the less.

Building height is defined as *“the vertical distance measured from the highest point on a proposed or existing building to the proposed finished grade directly below that point and, for the purposes of definition, “finished grade” means the highest grade within 5' of the building and includes natural grade when no terrain alteration is proposed”*.

The existing site grade ranges from 1' (at shoreline) - 9' 2" (centre site) – 4' 7" (West Bay Road). The applicant intends to considerably backfill the site, as detailed on the side elevations to create a proposed finished grade of 25'.

Members are invited to discuss:

- Provision of cabanas, emergency exit, beach bathrooms and garage parking provided at finished site level of approximately 10' AMSL.
- The proposed use of the roof terrace for recreational purposes and whether the area should be considered as an additional floor.

If measured from the finished site grade of the beach elevation the proposed development would measure 136' 4", which exceeds the maximum allowable of 130'. Additionally, since the basement level is fully exposed on the beach side of the building, the Authority must consider if the basement is below grade and therefore not considered a storey for the purpose of building height. Should the basement not be considered below grade then it would count as an 11th storey which could not be permitted.

The same scenario with regards to overall building height occurs on the roadside elevation. This elevation provides pedestrian and vehicular access to the building.

The Authority should be aware, having regard to the backfilled finished grade on the side elevations the building height complies with the height regulation.

Members are invited to consider the suitability of the building's height in light of the regulations and having regard to the site's surrounding context.

c. Rear setback 25 v 18'

Regulation 10(1)(g) requires a rear setback of 25' whereas the development achieves a setback of 18' as regulation 8(5) establishes setbacks to be measured to balconies of buildings. The submitted plans appear to omit this detail and measure to the exterior of the built form, not

the balconies. No variance request letter has been submitted, therefore, no justification has been provided for this aspect of the design.

d. Pedestrian Bridge

The Authority should note the National Road Authority' requirement for a minimum of 18' clearance for the connecting bridge not 17' 6" as proposed. The building elevations do show portions of the bridge, but it is difficult to grasp a clear understanding of the visual appearance of this portion of the development.

The Authority will be aware of the existing pedestrian bridge at the former Hyatt hotel and at the Ritz Carlton hotel. It is also brought to the Authority's attention a proposal for a similar pedestrian bridge at the Caribbean Club developments. In September, 2009, the Authority refused permission for a pedestrian bridge crossing West Bay Road for the following reason:

"Until such time as the commercial plaza on the east side of West Bay Road has been constructed and operational and the pedestrian traffic volumes and movements can be assessed, the pedestrian bridge is premature and would be contrary to the goals of section 1.3 a) and b) of The Development Plan 1997."

e. Sidewalk

The NRA has also commented that the proposed sidewalk should be within the boundaries of the subject parcel and not situated within the public road reserve thereby resulting in the narrowing of the road. The Authority has typically supported this concept.

f. Lack of drop-off/pick-up area

The proposal is designed close to the road frontage without the provision of a drop-off/pick up area. The ground floor plan includes a front entrance for the 54 residence building which leads to elevators servicing the floors. Consequently there is a risk that vehicles will stop on the public road causing a hazard to other road users and potential traffic flow interruptions instead of using the intended bridge entrance.

g. Parking

Members are invited to note the aisle width proposed on the basement which varies between 18'-8" and 22'-8" for two way traffic, an accepted width is 22' to enable adequate traffic flow within parking areas.

The proposed development requires 81 parking spaces to support the fifty four (54) residences. The application proposes 114 parking spaces in the basement of the residence block. This provides an excess of 33 spaces, however, members are invited to note that some spaces have a potential conflict due to the support rooms sited adjacent to parking spaces. Access to some parking spaces could be restricted if maintenance works or general use of storage areas take place.

h. Generator and fuel tanks

Members are invited to reflect upon the consultation comments from the Petroleum Inspectorate and Department of the Environment with regards to the siting and design of the generator and fuel tanks. Consideration could be given to scheme revisions in order to overcome the concerns expressed by statutory consultees.

i. Beach access

Regulation 32 relates to development on land with a shoreline within the hotel/tourism zone. Where the shoreline is two hundred feet or more the development must provide a public right of way of not less than six feet in width per every two hundred feet.

The subject site has shoreline frontage over 300' which equates to a public right of way of 12'. The proposed development includes a beach access which measures 10' wide. Members are invited to consider the adequacy of the beach access width in light of the regulations.

c) Commercial/Residences Building 11B 68

a. Parking

The proposed commercial/residence building requires 118 spaces to support the development. This is calculated as follows:

Restaurant/kitchen/dining terrace:	6403 sq ft
	1/200
	= 32 spaces
Spa/gym:	16,837 sq ft
	1/300
	= 56 spaces
19 suites and 1 manager's apartment:	1.5 per unit
	= 30 spaces
Total parking requirement:	118

Currently 72 spaces are identified. This results in a shortfall of 46 spaces to support the commercial/residential element of the proposal.

At 10:30am, Fraser Wellen, J. Samuel Jackson, Selina Tibbetts and Michael Meghoo appeared on behalf of the applicant. There was discussion regarding the application and summary notes are provided as follows:

- Mr. Jackson raised a concern with a reference in the Agenda to the building being 11 storeys as their position is that it is not.
- Mr. Meghoo provided a presentation explaining the application:
 - the location
 - they have met with the external agencies and neighbours
 - the design and floor plan layouts

- the balconies on the road side do need a setback variance, but they start 38' above the ground
 - the NRA first said they need 17' 6" clearance under the bridge, but now they want 18' and they can accommodate that the 19 guest suites are for the use of the condo owners only
 - many of the owners won't have vehicles and staff will park in the basement
 - the proposal satisfies the Neighbourhood Commercial provisions regarding mixed use development
- The Authority expressed a concern with the lack of a garbage dumpster on the sea side of the development. Mr. Meghoo explained that there are garbage chutes and the garbage is collected in the basement and staff will use mobile dumpsters to haul the garbage to the dumpster across the road. The Authority expressed concern with this concept and noted that a better alternative would be to use a private solid waste contractor to haul the trash directly from the basement to the landfill.
 - The Authority noted that the Petroleum Inspectorate does not support the location of the LPG tank and Mr. Meghoo explained that they can address that issue with that agency.
 - The Authority noted that it appeared that a wider beach access was required and Mr. Jackson explained that there had been an incorrect interpretation of that Regulation and that they do comply.
 - There was lengthy discussion regarding the building height in terms of the basement being below grade and how height is measured. The applicant was unclear as to whether they thought a variance was needed because of the design of the road and beach elevations and the Authority noted that variances were required.
 - There was lengthy discussion regarding the location of sidewalks and there was consensus that the sidewalk on the westerly side of West Bay Road can remain where it is and on the east side there must be a 6' curbed, grass verge inside the road reserve and then a 6' sidewalk within the property boundary.