Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **3 January 2024 at 10:00am** in Conference Room 1038, 1st Floor, Government Administration Building, 133 Elgin Avenue

1st Meeting of the Year CPA/01/24

Mr. Ian Pairaudeau (Chair)
Mr. Handel Whittaker (Deputy Chair)
Mr. Joshua Bernard
Mr. Gillard McLaughlin
Mr. Charles Russell Jr.
Mr. Peterkin Berry
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

List of Applications Presented at CPA/01/24

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

Applicant Name	Time	Item	Page
RD Land Ltd.	11:00	2.2	5
Martin & Sabine Hirt	11:30	2.3	11
CI Museum	1:00	2.4	22
Morritts	2:00	2.5	32
Anthony M. Chambers	2:30	2.6	46

1. 1 Confirmation of Minutes CPA/29/23 held on 6th December 23
Confirmation of Minute CPA/30/23 held on 13th December 23

1. 2 Declarations of Conflicts/Interests

Item	Member

2.0 APPLICATIONS APPEARANCES (Items 2.1 to Item 2.5)

2.1 RD LAND LTD. (Eric Cronier) Block 38D Parcel 117 (P23-0540) ($1,500,000) (EJ)

Application for a 59 lot subdivision (54 residential lots, 2 road lots, 2 LPP lots and 1 Rem lot).

Appearance at 11:00

FACTS

Location	Off Manse Road, Bodden Town
Zoning	**LDR**
Notification result	No objectors
Parcel size proposed	18.0 ac. (784,080 sq. ft.)
Parcel size required	10,000 sq. ft.
Current use	Vacant

BACKGROUND

September 13, 2023 (**CPA/21/23; Item 2.7**) - The Authority adjourned the application in order to invite the applicant to appear to address 41(3) potential adverse impacts.

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

1) Lot widths
2) Road access.
3) Agency comments

AGENCY COMMENTS

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

Water Authority Cayman

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

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.*

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.

National Roads Authority

General Issues

The proposed subdivision is located on a proposed long-term Section 26 road corridor under the Roads Law (2005) Revision. The future road corridor is not budgeted and anticipated to be completed in the near future, therefore the NRA would request that the CPA advise the applicant that the proposed subdivision is premature. However, since the applicant also owns 38D118 which obtained Planning approval for a subdivision (CPA/11/23 item 2.18), access to the current parcel could be secured through that subdivision. However, note that if applicant is seeking road access through Mimosa Lane, the NRA would not endorse such access because of the road alignment and width constraints.

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.

It has also been noted that the current condition of Manse Rd. after house # 153 has only been paved with chip and spray, which has the pavement Condition Index (PCI) of 35. The PCI is a rating from 0 to 100 of the severity and extent of distress observed on a pavement surface. Example of typical Pavement surface distress are spalling. tutting, scaling and cracking. In general, a PCI rating of 0-50 indicates that future reconstruction or reclamation will be necessary, A rating of 51-70 typically requires rehabilitation in the form of patching or a mill and overlay project. A PCI rating of 71-100 usually means that only pavement preservation treatments such as crack sealing or seal coating are needed. Long-term street improves budget can then estimate using average cost for those construction and maintenance activities

This portion of road requires paving; a project of this scope is outside of NRA's annual budgetary road work, and therefore will not be completed for this calendar year. Considering this, the applicant is able to gain access to their subdivision by utilizing their heavy equipment vehicles through the unpaved section of road. At the inspection stage NRA will complete chip and spray to meet road standards.

A thirty (30) ft. wide road parcel needs to be provided in order to have adequate access as the NRA does not endorse the use of vehicular ROWs.

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 center 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 centerline 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.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 center line to the shoulder.

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 consists of approximately 50% **primary** dry shrubland with small pockets of dry forest, and approximately 50% man-modified habitat (refer to Figure 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. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.*

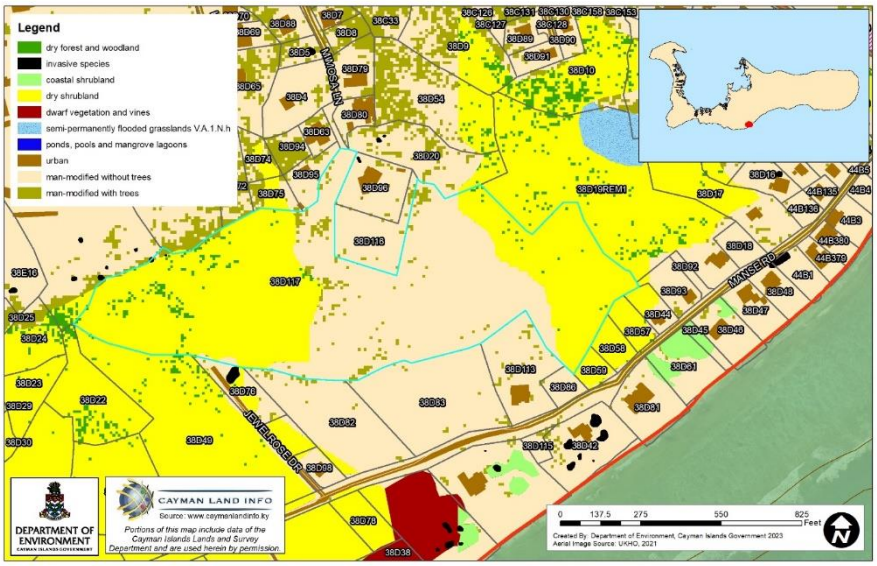


Figure 1: Land cover map of the application site (outlined in blue) (Landcover Source: DoE, 2013)

*We note that the application is for a subdivision (refer to Figure 2), we would **not** support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot. In addition to this, we note that the subdivision layout includes both a Remainder parcel and two LPP parcels. The Remainder parcel is located in primary habitat, while the two LPP parcels are currently located in man-modified habitat (refer to Figure 3). The LPP parcels could be retained, without wholescale clearing, in order to continue providing valuable ecosystem services such as providing a nature-based amenity for the community. We recommend that the applicant reconsiders the layout of the subdivision such that the LPP parcels can be placed in such a way as to aid the retention of primary habitat.*

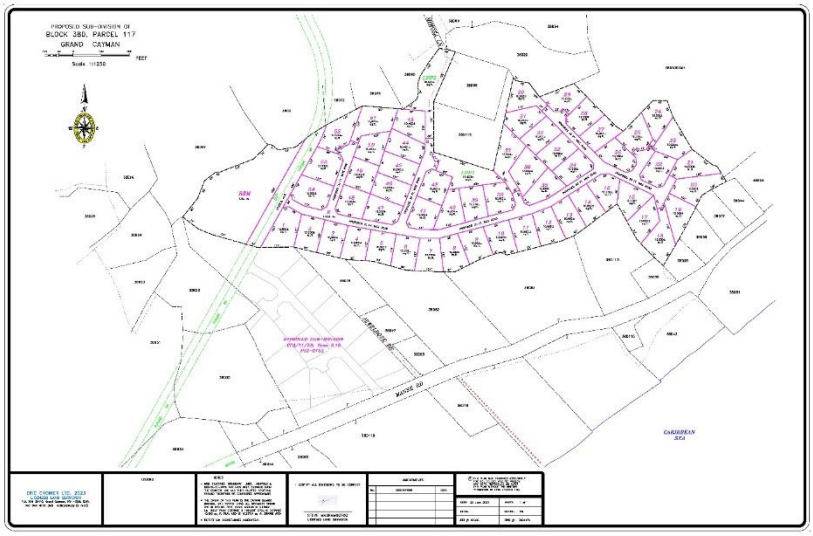


Figure 2: Proposed subdivision layout (Source: Planning Submission Set, 2023)

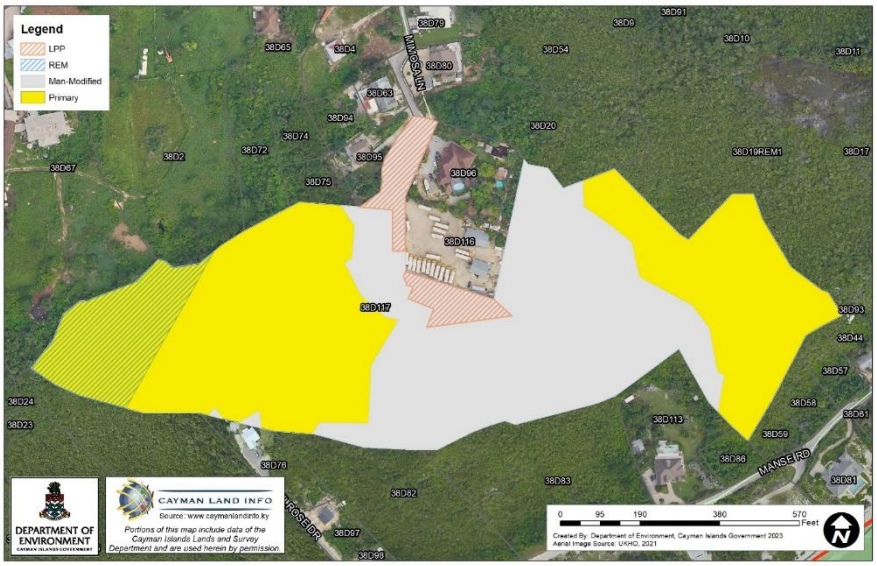


Figure 3: Location of the REM and LPP parcels in relation to the primary and man-modified areas of the site (Source: DoE Landcover, 2013)

Primary habitat and native vegetation can be retained and used in a variety of ways on a property:

- *It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can assist with drainage, directly through breaking the momentum of rain, anchoring soil, and taking up of water and indirectly through keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

If the Central Planning Authority, or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following condition in any planning permission to minimise impacts to the primary habitat:

1. There shall be no land clearing, excavation, filling or development of the resultant residential lots, remainder parcel and LPP parcels without planning permission for such works being granted.

APPLICANT'S LETTER

On behalf of our client, we hereby apply for a variance to allow the proposed sub-division to be approved as submitted.

Although some areas of the lots are less than 80 feet wide, the average lot widths for all residential lots exceed the minimum 80 feet as required.

This sub-division is a continuation of a phased sub-division development. The first phase being the approved sub-division on 38D118 & 22 (P23-0152).

There are provisions for access along the proposed BP road parcels to the north and south west of both sub-division designs on 38D117 & 38D118 as well as access to Manse Road.

Additionally there is an emergency access to Mimosa Lane, however a road parcel was not created to Mimosa Lane due to the road width not being the minimum 30 feet wide. If a road is to be created it will encourage this road to be used as a through road which is undesirable.

In past sub-divisions we have observed that when these connecting road links are created they eventually lead to issues. As evidence of this please see attached a picture showing the recent petition to have a connecting link closed off with Jersey barriers as it was being used as a through road.

Owners to the south and east of the sub-division were approached by the client to gain increased accessibility but they all refused, adding connecting road links would be against their wishes.

We therefore kindly request your approval as it relates to Section 8 (13) of the Development and Planning Regulations (2018 Revision), the application can be considered for approval, since subsection (b) (iii) states that "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.".

PLANNING DEPARTMENT ANALYSIS

General

The proposed 54 lots, 2 road lots, 2 LPP lots and 1 Rem lot is located off Manse Road in Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum lot width

The proposed lots meet the regulations for minimum lots size for houses and duplexes; however, the subject lots also meet regulations 9 (8)(g) for 80' lot width, except for 9 parcels which are proposed at 30' and 2 parcels are at 15' (lot 23+24) due to the shape of the lot.

2) Road access

The proposed subdivision will gain access from the "future BP" and connecting to the subdivision approved at CPA/11/23; Item 2.18 May 10, 2023 (P23-0152). The Authority is asked to consider the potential impact if the future BP road fails to materialize.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.2 MARTIN & SABINE HIRT (John Doak) Block 33B Parcel 59 (P23-0576) ($3,500,000) (EJ)

Application for a house, 2 detached garage/storage buildings and a pool.

Appearance at 11:30

FACTS

Location	Sandpoint Road, North Side
Zoning	**LDR**
Notification result	No objectors
Parcel size proposed	0.44 ac. (19,166 sq. ft.)
Parcel size required	10,000 sq. ft.
Current use	House
Proposed building size	7,718 sq. ft.
Total building site coverage	24.56%
Required parking	1
Proposed parking	1

BACKGROUND

1990 – The Department granted permission for a house.

September 13, 2023 (**CPA/21/23; Item 2.8**) - The Authority adjourned the application in order to invite the applicant to appear to address 41(3) potential adverse impacts.

November 15, 2023 **(CPA/27/23; item 2.6)** – The application was adjourned for consultation with the NCC per Section 41(3) of the NCA

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

1) High Water Mark setback variance (58'.9" vs 75' Pool) and (71'.4" vs 75' House)
2) NCC comments per Section 41(3) of the NCA

AGENCY COMMENTS

The Authority received comments from the Department of Environment per consultation under Section 7 of the Development and Planning Act as follows:

Department of Environment (August 29, 2023)

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).

Site Overview

Figure 1. Existing development on site with the parcel boundary highlighted in red and location in reference to a Marine Protected Area (Aerial Imagery Source: UKHO, 2021).

Although the application site is man-modified and of limited ecological value, it is adjacent to a Marine Protected Area, namely a Marine Reserve (a Protected Area under the National Conservation Act (NCA)).

Importance of Coastal Vegetation

We recommend that native coastal vegetation is incorporated into the landscaping scheme. Native coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilizing the shoreline and reducing erosion. They are climate-appropriate incorporating a variety of salt and wind tolerant flora. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Climate Change

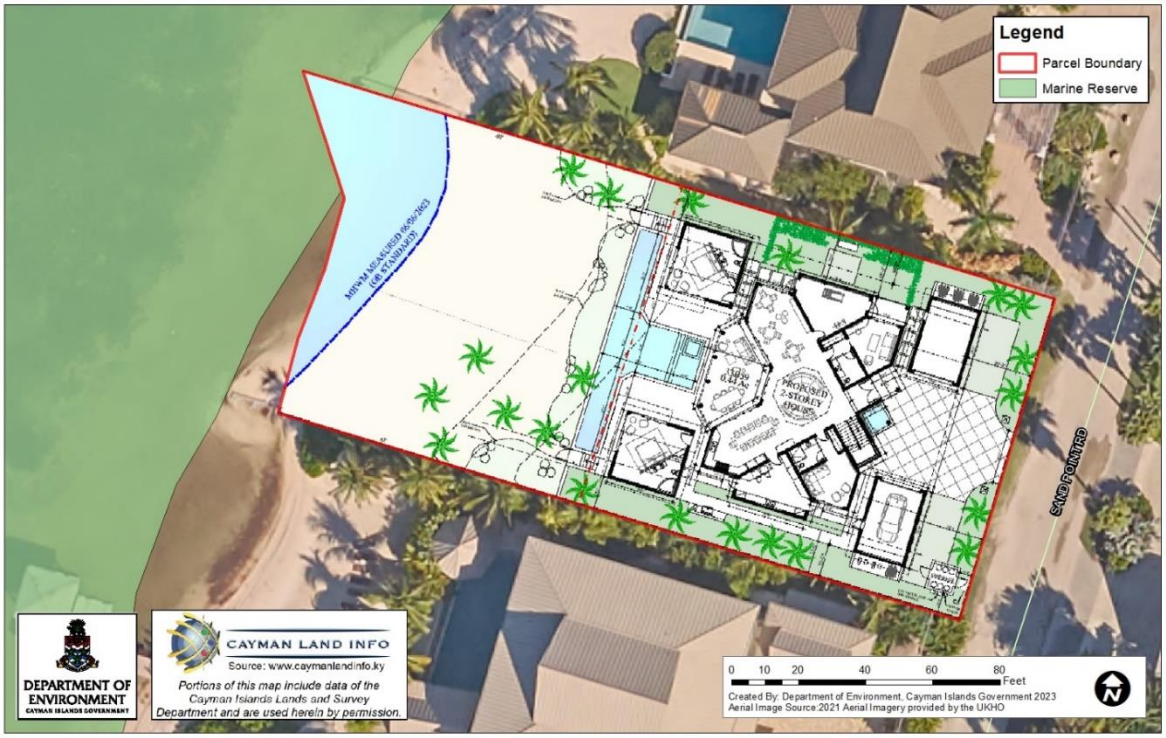


Figure 2. Proposed development plans on site with the parcel boundary highlighted in red and location in reference to a Marine Protected Area (Aerial Imagery Source: UKHO, 2021).

As shown in Figure 2, we note that the setback of the proposed development falls short of the minimum required setbacks from the registered Mean High Water Mark (MHWM) under section 8(10)(b) of the Development and Planning Regulations (2022 Revision). We note that the proposed pool and pool deck are as close as approximately 50 feet from the MHWM and the proposed house is as close as approximately 65 feet from the MHWM. Neither of these structures meet the minimum 75-foot coastal setback for beaches required in the Development & Planning Regulations. The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the "active" part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion.

The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the MHWM) reduces a beach's potential to recover after major events. We do note that this coastline is a man-made coastline and not subject to natural replenishment cycles and coastal processes, which reinforces the need for adherence to the minimum setbacks for coastal development.

The DoE is of the opinion that rebuilds, additions and modifications of developments should seek to build in a more sustainable and climate-resilient manner. For this reason, the Department does ***not*** *support a coastal setback variance. The DoE recommends that the property is redesigned to ensure it meets the coastal setbacks. To reiterate, increasing the coastal setback increases the*

resilience of properties against the inevitable effects of climate change such as coastal flooding, storm surge and erosion by ensuring that hard structures are located in a way that reduces their susceptibility to these hazards.

Construction Impacts on the Environment

The application site is adjacent to a Marine Protected Area, namely a Marine Reserve (a Protected Area under the National Conservation Act (NCA)). Construction-related debris must not enter the marine environment. Poor construction management practices can degrade the environment by:

- *Washing stockpiled aggregates, loose material or bulk material into the marine environment, causing turbidity and impacting water quality; and*
- *Polluting the marine environment with wind-borne debris. Practices such as sanding down ('keying') polystyrene, Styrofoam or insulating concrete forms (ICFs) which are used as part of wall finishing and window moulding can result in polystyrene waste materials getting blown into the sea in significant quantities.*

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down (Figures 3-5).

Figures 3-5: DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Neighbours complained to the DoE about the pollution. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.

DIRECTED CONDITIONS

The site is adjacent to a Marine Protected Area under the NCA. Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that protected area through the run-off and escape of materials and debris. Storms, high waves, high tides, rainy weather, or construction practices can result in the material entering the Marine Protected Area.

Without appropriate environmental management practices during construction, there would or would be likely to be an adverse effect on the Marine Protected Area, namely:

- *Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area.*

On the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE, therefore, ***respectfully directs that the following conditions be imposed by the Central Planning Authority or Department of Planning,*** *as part of any agreed proposed action for planning approval:*

1) *All construction materials shall be stockpiled at a minimum of 75 feet from the Mean High Water Mark (MHWM) to reduce the possibility of run-off washing material and debris into a Marine Protected Area causing turbidity and impacting important marine resources.*
2) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*
3) *Any beach quality sand excavated during construction shall be retained on-site and placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move sand off-site, it should be the subject of a separate consultation with the Planning Department and National Conservation Council.*

These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

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). We trust that this information will be relayed to the applicant in the Department of Planning's decision letter.

The Authority received comments from the National Conservation Council per consultation under Section 41(3) of the National Conservation Act as follows:

National Conservation Council (via memorandum from the Director of the Department of Environment dated December 18, 2023)

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).

PREAMBLE

This Section 41(3) Consultation has been reconfigured to reflect the outcome of the Court of Appeal's Judgement. The application site is directly adjacent to a Marine Protected Area (a Protected Area under the National Conservation Act (NCA)). As outlined below, there would or would be likely to be adverse effects on that protected area. If the CPA is minded to approve the proposed development, the CPA is now required to seek approval under Section 41(4) of the National Conservation Act or provide the NCC with clear and cogent reasons as to why they do not believe there would or would be likely to be an adverse effect on the Marine Protected Area.

Site Overview

Figure 1. Existing development on site with the parcel boundary highlighted in red and location in reference to a Marine Protected Area (Aerial Imagery Source: UKHO, 2021).

Although the application site is man-modified and of limited ecological value, it is adjacent to a Marine Protected Area, namely a Marine Reserve (a Protected Area under the National Conservation Act (NCA)).

Importance of Coastal Vegetation

We recommend that native coastal vegetation is incorporated into the landscaping scheme. Native coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilizing the shoreline and reducing erosion. They are climate-appropriate incorporating a variety of salt and wind tolerant flora. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Climate Change

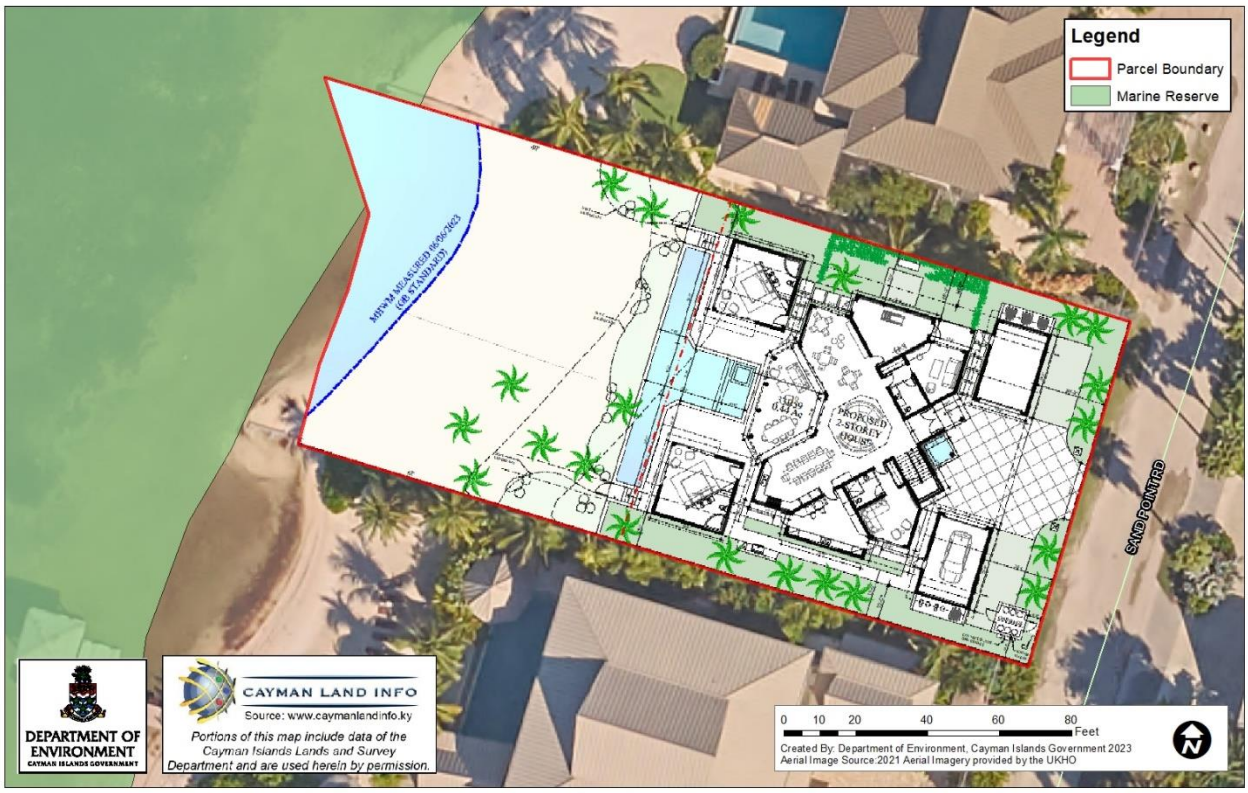


Figure 2. Proposed development plans on site with the parcel boundary highlighted in red and location in reference to a Marine Protected Area (Aerial Imagery Source: UKHO, 2021).

As shown in Figure 2, we note that the setback of the proposed development falls short of the minimum required setbacks from the registered Mean High Water Mark (MHWM) under section 8(10)(b) of the Development and Planning Regulations (2022 Revision). We note that the proposed pool and pool deck are as close as approximately 50 feet from the MHWM and the proposed house is as close as approximately 65 feet from the MHWM. Neither of these structures meet the minimum 75-foot coastal setback for beaches required in the Development & Planning Regulations. The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the "active" part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion.

The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the MHWM) reduces a beach's potential to recover after major events. We do note that this coastline is a man-made coastline and not subject to natural replenishment cycles and coastal

processes, which reinforces the need for adherence to the minimum setbacks for coastal development.

The DoE is of the opinion that rebuilds, additions and modifications of developments should seek to build in a more sustainable and climate-resilient manner. For this reason, the Department does ***not*** *support a coastal setback variance. The DoE recommends that the property is redesigned to ensure it meets the coastal setbacks. To reiterate, increasing the coastal setback increases the resilience of properties against the inevitable effects of climate change such as coastal flooding, storm surge and erosion by ensuring that hard structures are located in a way that reduces their susceptibility to these hazards.*

Construction Impacts on the Environment

The application site is adjacent to a Marine Protected Area, namely a Marine Reserve (a Protected Area under the National Conservation Act (NCA)). Construction-related debris must not enter the marine environment. Poor construction management practices can degrade the environment by:

- *Washing stockpiled aggregates, loose material or bulk material into the marine environment, causing turbidity and impacting water quality; and*
- *Polluting the marine environment with wind-borne debris. Practices such as sanding down ('keying') polystyrene, Styrofoam or insulating concrete forms (ICFs) which are used as part of wall finishing and window moulding can result in polystyrene waste materials getting blown into the sea in significant quantities.*

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down (Figures 3-5).



Figures 3-5: DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Neighbours complained to the DoE about the pollution. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.

Section 41(4) Considerations

The site is adjacent to a Marine Protected Area under the NCA. Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that protected area through the run-off and escape of materials and debris. Storms, high waves, high

tides, rainy weather, or construction practices can result in the material entering the Marine Protected Area.

Without appropriate environmental management practices during construction, there would or would be likely to be an adverse effect on the Marine Protected Area, namely:

- *Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area.*

On the basis of the above information and in accordance with the recent Court of Appeal judgement, in the exercise of powers that have been conferred through express delegation by the National Conservation Council pursuant to section 3(13) of the National Conservation Act (2013), the Director of DoE considers it necessary for ***the Central Planning Authority to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

Should the CPA wish to propose conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response within one week.

APPLICANT'S LETTER

With reference to our client's application for planning permission for a two storey residence, swimming pool and associated works, we request the Central Planning Authority's approval to vary the HWM setbacks as shown in the attached plans and as described below.

VARIANCE REQUEST

The building fully complies with setbacks to the property boundaries except for the waterside setback, noting as follows:

- *The applicant is the owner of the subject parcel 33B59*
- *The applicant proposes to demolish the house that currently exists on the 33B59*
- *With reference to the HWM setbacks of the building frontages proposed for this project we seek the CPA's permission to vary the 75ft setback to allow 72ft for a small part of the north cabana building in consideration of past projects approved by the CPA for several other homes along this part of Sand Point Road, notably including:*
    - *33B60 – (P07-1206) – permission 28th Nov 2007*
    - *33B23 – (P07-0757) – permission 11th July 2007*
    - *33B26 – (P17-0592) – permission 11th October 2017*
    - *33B27 - (P11-0123) – permission 2nd March 2011*
- *The proposed house would not be closer to the water's edge than the existing house*

that is proposed to be demolished on the subject property.

- *The attached site plans show the proposed house and swim pool respect the existing building frontage alignment on this section of Sand Point Road, as shown by red dotted line on the site*

plan

- *Kindly also note the calculation for the site coverage totals 24.6 % of the property so the house is well short of the 30% maximum footprint*

In accordance with the Development and Planning Regulations and Clause 8(11) we note as follows:

(a) The elevation of the property

(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

(f) Any other material consideration which the Authority considers will affect the proposal

The above items (a)-(f) are not relevant to the subject application. Or

8(13)(b) there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that-

(i) The characteristics of the proposed development are consistent with the character of the surrounding area – the proposed development is for a single family beach residence which is consistent with the character of the surrounding area and the proposed house would be located to align with existing building frontages on this section of Sand Point Road, including the existing house on the subject property and the two adjacent residential properties

(ii) Unusual terrain characteristics limit the site's development potential- the building's encroachment into the setbacks is consistent with all other residences on this section of Sand Point Road. The proposed configuration does not hinder access along the beach and waters edge. The terrain of the property is not detrimental to the subject application

(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 – the proposed encroachment into the HWM setback will not negatively impact persons residing or working in the vicinity and will therefore not be materially detrimental in any respect.

Our client requests the Central Planning Authority's approval for the building and associated works, and respectfully requests the CPA's favourable review of the above noted variance.

Above redline indicates building frontage alignment on Water Cay Road.

Rainbow's End is the subject property which is to be demolished and replaced by this proposed residence.

PLANNING DEPARTMENT ANALYSIS

General

The proposed 6-bedoom house with detached garage, detached garage/storage, swimming pool and spa is located on Sand Point Road.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) High Water Mark setbacks

Bedroom #6 is setback at 71'.4" vs 75' from the high water mark and the swimming pool is proposed at 58'.7" vs 75' from the HWM, therefore that applicant is seeking a setback variance from the Authority since the proposed does not meet regulations 8 (10)(b).

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.3 NATIONAL MUSEUM (Reed Consulting Engineers) Block 14BH Parcel 62 (P23-0670) ($1.0 million)(NP)

Application for a fire pump room, cistern and generator.

Appearance at 1:00

FACTS

Location	CI National Museum
Zoning	**General Commercial**
Notification	Objection
Parcel Area	6,865.1 sq ft

BACKGROUND

Existing museum

Recommendation: Discuss Planning Permission for the following reasons:

1) Front setback (6'2" vs 20')
2) Side setback (2'1" vs 6')
3) Concerns of the Objector.

AGENCY COMMENTS

Comments from the following Agencies have been received to date.

Department of Environmental Health

DEH has no objections to the proposed in principle.

Generator: The specifications for the generator which provides information on the noise levels generated is required. The minimum information required is the overall sound pressure level (dBA), the distance from the equipment this measurement was taken, and the octave band analysis of the sound level.

Fire Department

The Fire Department has stamped approved the drawings.

Water Authority Cayman

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

Wastewater Treatment and Disposal

Existing Wastewater Treatment System – Maintenance Contract Required
The CI National Museum is served by an existing aerobic wastewater treatment system with a total design capacity of 1,500 gpd. The existing system can accommodate the proposed development. However, following a review of the Water Authorities online maintenance tracking system, it appears the system has not been adequately maintained nor has a service report been

submitted since March 2014. As the system has been poorly maintained it requires the following to comply with Water Authority regulations:

- *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 monthly 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.*

The Water Authority's requires that our inspectors shall be present during the inspection of the existing treatment plant.

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 Department of Environment confirms that we have no comments at this time.

National Roads Authority

The NRA has no objections or concerns regarding the proposed fire pump room or generator.

Department of Tourism

CIDOT has reviewed the related documents regarding the request for input on the above-named application in the context of the above-mentioned.

The Cayman Islands Department of Tourism has no objections to the installation of fire protection measures, including a pump room and generator at the Cayman Islands National Museum. This is necessary to protect the displays highlighting the important cultural heritage and history of the Cayman Islands as well as the staff of and visitors to the museum. The Cayman

Islands Fire Service will be able to advise as to exactly what measures are necessary to do so. We look forward to the completion of this important facility safety upgrade.

APPLICANT'S LETTER

The purpose of this letter is to seek a variance request and address the concerns expressed by Mr Gerry Kirkconnell, an interested party and objector of the immediately adjacent property on 14BH 166.

Variance request

Having regard to Regulation 8(13) of the Development and Planning Regulations (revision 2022) and with respect to the submission for the installation of a cistern, fire pump room, and generator, we hereby request variances on the front and rear to allow:

(i) Front setback for cistern: Requesting 6' 3" vs 20'
(ii) Rear setback for fire pump room and generator: Requesting 2' 1" vs 6'

The following image identifies the extent of setback encroachment:

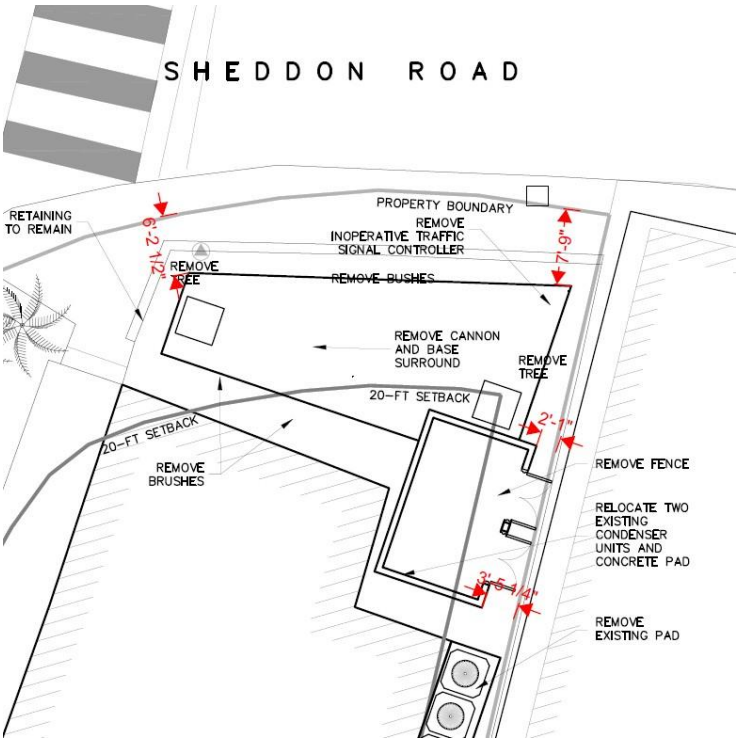


Image 1: *Extract of proposed site plan*

Source: Submitted application drawings

The proposed infrastructure is a vital component of a comprehensive plan to preserve and protect the national historic asset, The Cayman Islands National Museum. Consideration should be given to strategy 1.3(i) of the 1997 Development Plan which encourages 'the preservation and enhancement of … structures of architectural and historical importance'.

Positioned prominently on Seafarers Way, the site faces constraints due to the existing museum footprint. Although an alternative location in the southwest corner was considered, it would compromise the streetscape's visual harmony.

Image 2 illustrates this alternative location.

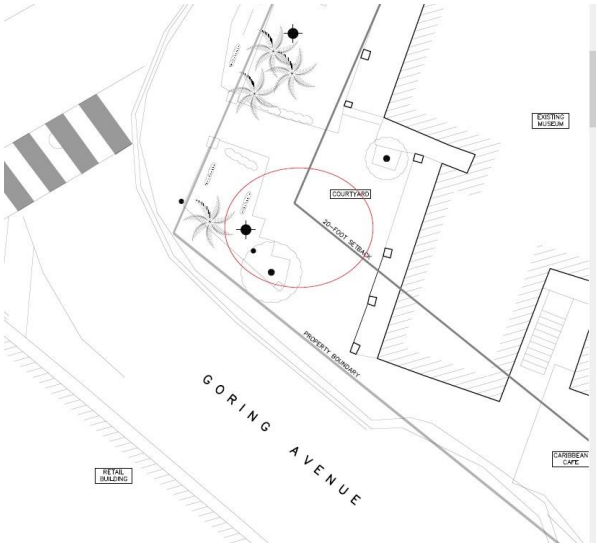


Image 2: *Considered alternative location*
Source: Submitted application drawings

The proposed location ensures the project does not pass the front building line facing Seafarers Way, partially integrates within an enclave, and maintains the museum as the backdrop, minimising structural prominence.

The features are not considered to be materially detrimental to the occupants of the neighbouring property, the neighbourhood or to the wider public.

Response to objection

We wish members of the Central Planning Authority to consider the following responses to matters raised by the objector:

(i) Noise
The generator is designed for activation primarily during testing, as a backup power source in rare power outages, or in fire emergencies. It will be equipped with an industrial exhaust silencer and housed in a level 2 sound attenuation enclosure, constructed with high-performance sound-absorbing materials. The sound

pressure level from the enclosure is expected to range between 63 to 78 d(B)A. For comparison, normal conversation typically ranges from 60 to 70 d(B)A, while city traffic can vary from 70 to 85 d(B)A depending on location and time. Given its infrequent use and the effectiveness of the sound attenuation measures, the generator is anticipated to have minimal to negligible disturbance or impact on the surrounding properties' amenities.

(ii) Trees

The objector is correct that two significant trees will be removed from the site to facilitate the proposed works. Such removal is regrettable and not taken lightly as the trees offer green infrastructure within their urban setting. However, they do not benefit from a Tree Preservation Order and as part of the development assessment for the museum the protection and preservation of this national historic asset is deemed of greater importance.

(iii) Pedestrian access

A pedestrian access between the museum and the building on 14BH 66 has been referenced, however, we have been unable to find evidence of such a route on the application site. A dedicated public right of way is

located nearby, however, that is located on Mr Kirkconnell's land and the adjacent carpark to the east as detailed on image 2 below.

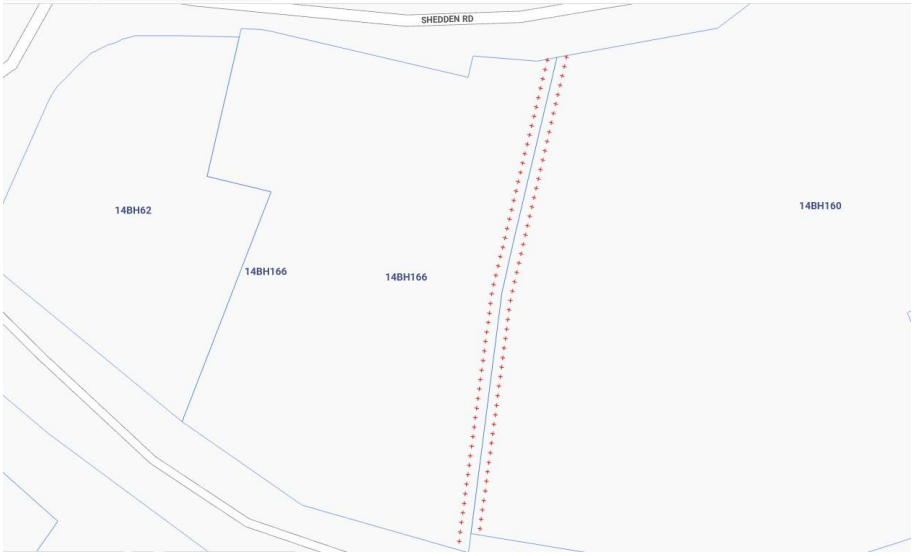


Image 3: Public right of way on 14BH 166 and 14BH 160

Source: Caymaps (2023)

The museum is setback from the rear boundary and this provides the opportunity to access the rear for maintenance of the building, and the applicant does not object to Mr Kirkconnell occasionally entering the museum land in order to maintain his property. However, the rear of the museum does not provide the opportunity for pedestrians to traverse between Shedden Road and Goring Avenue. Furthermore, a chain link fence and, on Mr Kirkconnell's land, a dumpster prevents such movement as detailed in the following images:


F8-657

Images 5 and 6: Demonstrating no pedestrian access
Source: Author's own

Consequently, there is no pedestrian route impacted by service doors being open. In any case, service doors are used rarely and the applicant is happy to advise Mr Kirkconnell when the generator is being serviced in the event that coincides with Mr Kirkconnell's maintenance plans for his building.

(iv) Fire impacting generator

Reference is made to electric supply failing in the event of a fire and consequently the fuel for the generator poses a risk. It is clear that confusion exists regarding the purpose of a generator. Failure of electrical supply during a fire is precisely one of the reasons why a generator is being proposed. The generator will provide power to the fire suppression system to prevent fire damage to this national treasure. We are happy to provide Mr Kirkconnell literature regarding the purpose and role of the generator in the event of a fire in an effort to address his concerns.

(v) Fire appliances

Reference is made to proximity of fire appliances, however, it is unclear the concern regarding this. Members are invited to note a fire department connection point is detailed on the plans located 12' 5" from the proposed cistern.

In conclusion, we respectfully request the Central Planning Authority's consideration of the variance. As part of member's consideration of the application it is acknowledged an exercise of balancing material considerations is required. In this instance, we hope members agree the national importance of conserving and protecting the museum outweighs the minimal harm on the streetscene while significantly contributing to the preservation of Cayman's cultural heritage.

OBJECTION LETTER

I am writing on behalf of EE Holdings Ltd ("EEH") to record our objection to an application for a fire protection system to include installation of a generator and fire pump room between EEH's property and the National Museum ('the Proposed Works").

The Proposed Works significantly breach the setback provisions of the Development and Planning legislation.

We note there is to be a generator installed in connection with the Proposed Works This will be mere feet away front our building and the noise it makes will be a serious nuisance especially as it is effectively caught between the Museum and our building.

The Proposed Works will also adversely affect a pedestrian access that runs between the Museum. When the doors to the pump room are open, access along this route will be impossible.

We note the plans call for removal of two trees on the corner of Sheddon Road and Seafarers Way. In our view, this alone would be regrettable. The view across the southern aspect of the harbour, framed by the old buildings to the north of Shedden Road and the Museum, its trees and cannon to the south are one of the exceptionally few Caymanian aspects of George Town.

We question the realistic efficacy of the Proposed Works. They are described as part of a fire prevention system. They are obviously NOT to detect fire but to suppress it, should it break out. Whilst the area around the Museum is attractive and interesting as it reflects our heritage, it is also an elevated fire risk given the proximity of the buildings, their age and that they are all wooden. One of the first casualties of a fire in the area would be the electric supply. That could well

affect the generator rendering the whole facility useless. Not only would it be useless, the generator installed under the Proposed Works will also have a significant fuel cell which will merely be an additional and substantial accelerant and a fire-risk in itself when it is being re-fuelled or possibly vandalized by people attempting to steal fuel from it.

All of the buildings at that end of Sheddon Road are old and of wood. It is highly unlikely that fire appliances will be stationed so close to any fire that they themselves will be at risk, which would be the case if any appliances were positioned at the junction of Seafarers and Sheddon. An appliance would have to be positioned close to the cistern if the plan is to be able to use the stored water to fight a fire. It seems an appliance could also be more sensibly and safer positioned nearer to the Viking Gallery building and draw water from the harbour (or a fire hydrant installed at a safer distance from the old wooden buildings).

In conclusion we are of the view that little is to gained from the Proposed Works which will certainly contravene the setbacks; seriously affect the amenity of our building and its tenants when the generator is running; diminish the amenity of the access along our building and between the Museum and, on occasion, prevent access totally while the doors are open. On a national scale, we lose one of the very last remaining views of Cayman's heritage and George Town's seafronts last natural areas, all for a facility which will be a noisy nuisance to all in the vicinity when the generator is running and the primary purpose of the facility is unlikely to be utilized as it will either be the cause of the fire or one of the first facilities rendered inoperable by a fire.

We would like to be given notice of, and an opportunity to be heard at, any meetings relevant to this matter.

PLANNING DEPARTMENT ANALYSIS

General

The proposal is for a fire pump room, cistern, and generator at the National Museum.

Abutting landowners were notified by Registered Mail and one objection has been received.

Zoning

The property is zoned General Commercial.

Specific Issues

1) **Front setback (6'2" vs 20')**

   Regulation 8(8)(b) states that the minimum road setback in a Commercial zone shall be 20 feet.

   The proposed setback is 6'2" from the road to the cistern edge.

   The applicant has submitted a variance letter and the Authority should consider whether a variance would be warranted in this instance.

2) **Side Setback (2'1" vs 6')**

   Regulation 8(8)(b) states that the minimum rear setback in a Commercial zone shall be 6 feet.

   The proposed setback is 2'1" from the rear boundary to the fire pump room.

The applicant has submitted a variance letter and the Authority should consider whether a variance would be warranted in this instance.

2.4 MORRITT PROPERTIES CAYMAN LTD. (Rob Towell) Block 73A Parcel 110 (P23-0305) ($18.0 million) (NP)

Application for a hotel building with rooftop pool.

Appearance at 2:00

FACTS

Location	Queens Highway in East End
Zoning	**Hotel /Tourism**
Notification Result	No objectors
Parcel size	10.9 acres
Parcel size required	0.5 acres
Current use	hotel and dive shop
Proposed use	hotel building
Proposed building footprint	5,445
Proposed building size	29,295 sq. ft.
Total building site coverage	4.0%
Number of bedrooms allowed	708
Number of bedrooms proposed	32
Parking required	16
Parking proposed	19

BACKGROUND

September 13, 2023 **(CPA/21/23; item 2.6)** – current application adjourned to invite in the applicant to address the Authority regarding possible adverse effects of the proposal

November 15, 2023 **(CPA/27/23; Item 2.1) –** current application adjourned to refer it to the NCC pursuant to Section 41(3) of the NCA as there may be potential adverse effects.

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

1) HWM setback (75' vs 160')
2) NCC comments

AGENCY COMMENTS

Comments from the various agencies are noted below.

NCC via DOE (18 December 2023)

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).

PREAMBLE

This Section 41(3) Consultation has been reconfigured to reflect the outcome of the Court of Appeal's Judgement. The application site is directly adjacent to a Marine Protected Area (a Protected Area under the National Conservation Act (NCA)). As outlined below, there would or would be likely to be adverse effects on that protected area. If the CPA is minded to approve the proposed development, the CPA is now required to seek approval under Section 41(4) of the National Conservation Act or provide the NCC with clear and cogent reasons as to why they do not believe there would or would be likely to be an adverse effect on the Marine Protected Area.

Site Overview

The application site is man-modified and consists of an existing hotel complex (refer to Figure 1). Based on over 20 years of DoE monitoring data, the beach of the subject parcel has been identified as a turtle nesting beach. In addition, the site is adjacent to a Marine Protected Area, namely a Line Fishing Zone.

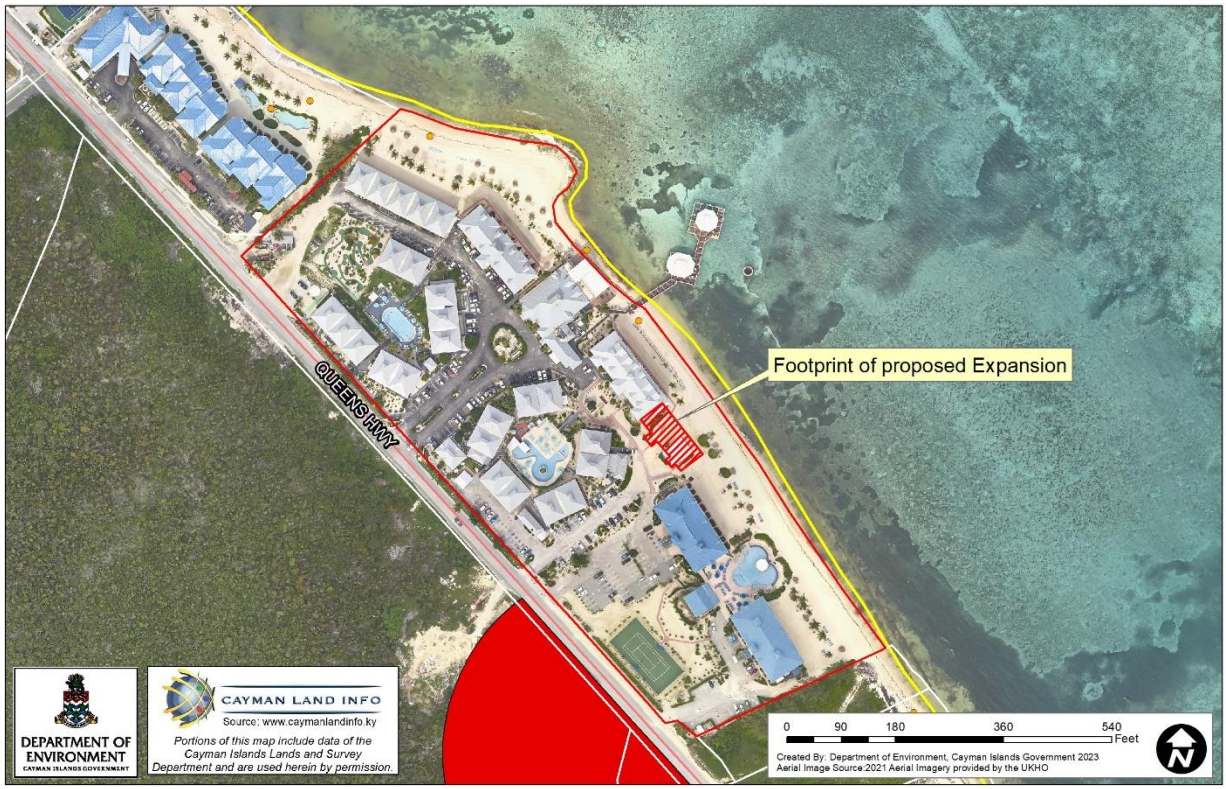


Figure 1: Overview of the site and location of the proposed expansion to the existing Londoner Building (Aerial Imagery Source: UKHO, 2021)

Best management practices must be implemented to avoid, minimise and mitigate impacts on the Marine Protected Area offshore. In particular, construction-related debris must not enter the marine environment. Poor construction management practices can degrade the environment by:

- *Washing stockpiled aggregates, loose material, or bulk material into the marine environment, causing turbidity and impacting water quality; and*
- *Polluting the marine environment with wind-borne debris. Practices such as sanding down ('keying') polystyrene, Styrofoam, or insulating concrete forms (ICFs) which are used as part of wall finishing and window moulding can result in polystyrene waste materials getting blown into the sea in significant quantities.*

The DoE has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island. EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings and panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. These beads are very difficult to remove once they enter the water and they do not naturally break down.

The site is located on a turtle nesting beach. Over 20 years of DoE monitoring data show that the property is an active nesting area for sea turtles. All marine turtle species are listed in Part 1 of Schedule 1 of the NCA as being 'protected at all times' in the Cayman Islands.

Construction Impacts – Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests. The excavation of the foundations will likely result in the excavation of a large quantity of sand. The sand is a key component of what makes the application site good for sea turtles. We recommend that any excavated sand is retained on-site and placed upon the active beach profile.

Artificial Lighting Impacts – 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.

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 2-4 show examples of properties in Grand Cayman that have turtle friendly lighting installed.

Figures 2-4: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

We note that the proposed plans show a fire access lane on the beach profile (refer to Figure 5), seaward of the 75' MHWM setback provided by the location of the existing building on site. We recommend the necessary fire access lanes are accommodated without placing them on the active beach profile or seaward of the minimum setback, however, we note that this is a continuation of an existing firelane from a previous phase of the development.

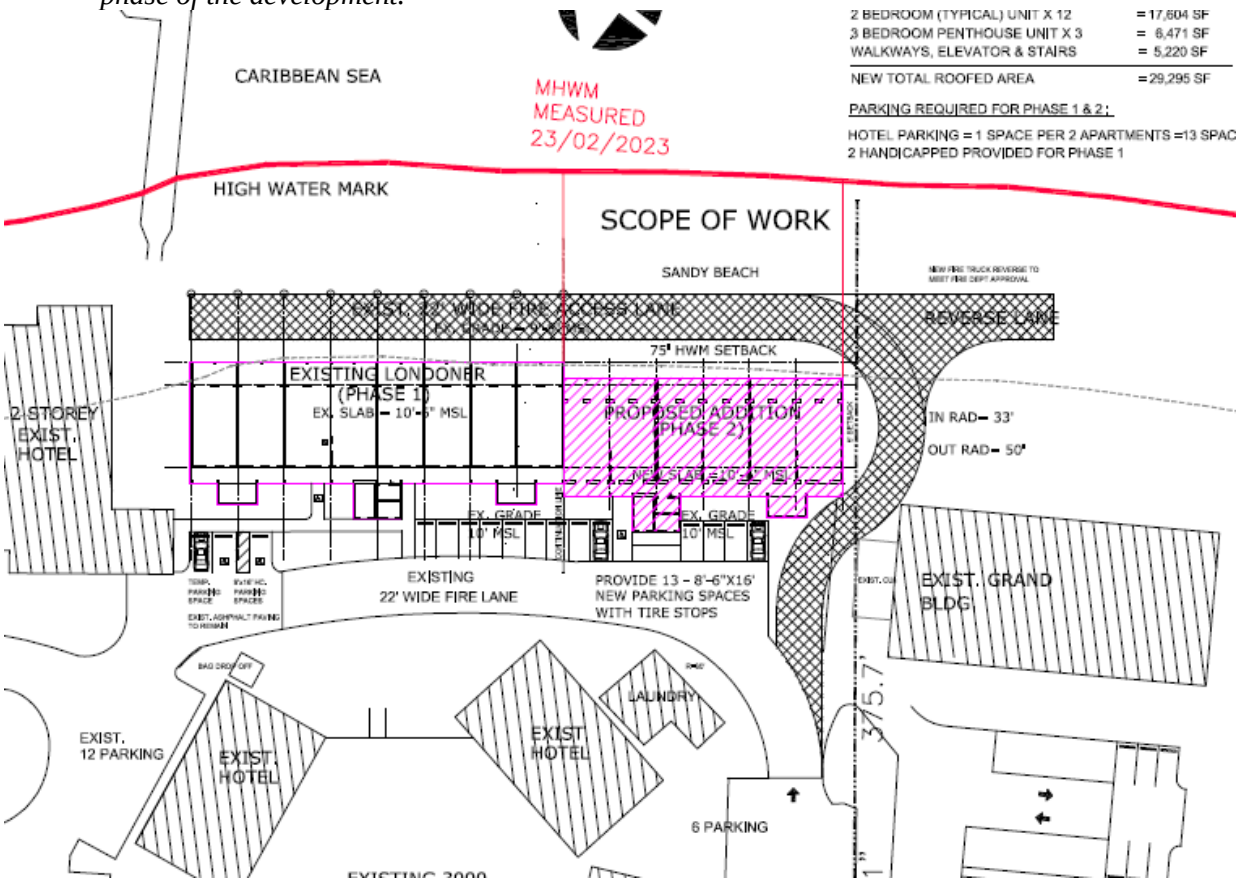


Figure 5: Extract from the submitted plans showing the fire lane to be seaward of the proposed building expansion. We recommend the opportunity is taken to move this fire lane from the active beach profile. (Source: Submitted Plans DRG G-1)

Section 41(4) Considerations

The site is adjacent to a Marine Protected Area under the NCA. Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that

protected area through the run-off and escape of materials and debris. Storms, high waves, high tides, rainy weather, or construction practices can result in the material entering the Marine Protected Area.

Without appropriate environmental management practices during construction, there would or would be likely to be an adverse effect on the Marine Protected Area, namely:

- *Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials, or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area.*

On the basis of the above information and in accordance with the recent Court of Appeal judgement, in the exercise of powers that have been conferred through express delegation by the National Conservation Council pursuant to section 3(13) of the National Conservation Act (2013), the Director of DoE considers it necessary for ***the Central Planning Authority to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

Should the CPA wish to propose conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response within one week.

Section 41(3) Recommended Conditions

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed works, we recommend the inclusion of the following conditions in the approval:

1. *Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available at https://doe.ky/marine/turtles/tfl/. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*

2. *Any sand that is to be excavated during construction should be retained on-site and beach-quality sand should be placed along the active beach profile. Sand shall only be placed along the beach during turtle nesting season with the express consent of the DoE, to ensure that turtle nests are not adversely impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.*

3. *Prior to the issuance of a Certificate of Occupancy/Completion, lighting and/or specifications for visible light transmittance shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.*

Turtle friendly lighting is a proven solution where lighting is designed to safely and continuously meet the illumination needs of beachfront residents and guests without adversely impacting turtles. If the applicant wishes to discuss turtle friendly lighting, they are encouraged to reach out to the DoE (emu.doe@gov.ky) for additional information.

Appendix 1: DRAFT Section 41(5) Conditions

In the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE, therefore, ***respectfully directs that the following conditions be imposed by the Central Planning Authority or Department of Planning,*** *as part of any agreed proposed action for planning approval:*

1. *All construction materials and debris shall be stockpiled at least 75 feet from the Mean High Water Mark to prevent material from entering the Marine Protected Area. If beachside construction fencing is required or will be installed, all construction materials, fill, sand, equipment and/or debris shall be stockpiled landward of the beachside construction fencing.*

2. *Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.*

These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

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). We trust that this information will be relayed to the applicant in the Department of Planning's decision letter.

Department of Environment (dated 8 June 2023)

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 man-modified and consists of an existing hotel complex (refer to Figure 1). Based on over 20 years of DoE monitoring data, the beach of the subject parcel has been identified as a turtle nesting beach. In addition, the site is adjacent to a Marine Protected Area, namely a Line Fishing Zone.

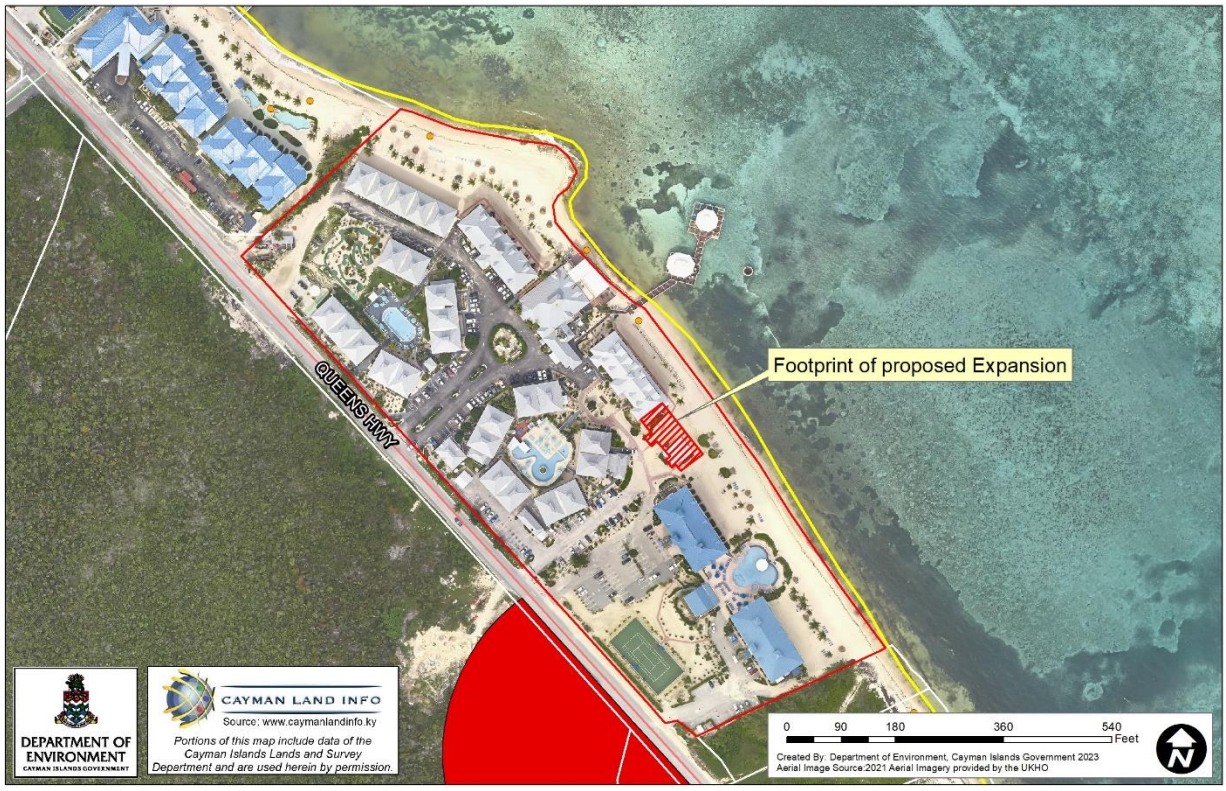


Figure 1: Overview of the site and location of the proposed expansion to the existing Londoner Building (Aerial Imagery Source: UKHO, 2021)

Best management practices must be implemented to avoid, minimise and mitigate impacts on the Marine Protected Area offshore. In particular, construction-related debris must not enter the marine environment. Poor construction management practices can degrade the environment by:

- *Washing stockpiled aggregates, loose material, or bulk material into the marine environment, causing turbidity and impacting water quality; and*
- *Polluting the marine environment with wind-borne debris. Practices such as sanding down ('keying') polystyrene, Styrofoam, or insulating concrete forms (ICFs) which are used as part of wall finishing and window moulding can result in polystyrene waste materials getting blown into the sea in significant quantities.*

The DoE has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island. EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings and panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. These beads are very difficult to remove once they enter the water and they do not naturally break down.

The site is located on a turtle nesting beach. Over 20 years of DoE monitoring data show that the property is an active nesting area for sea turtles. All marine turtle species are listed in Part 1 of Schedule 1 of the NCA as being 'protected at all times' in the Cayman Islands.

Construction Impacts – Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests. The excavation of the foundations will likely result in the excavation of a large quantity of sand. The sand is a key component of what makes the application site good for sea turtles. We recommend that any excavated sand is retained on-site and placed upon the active beach profile.

Artificial Lighting Impacts – 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.

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 2-4 show examples of properties in Grand Cayman that have turtle friendly lighting installed.

Figures 2-4: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

We note that the proposed plans show a fire access lane on the beach profile (refer to Figure 5), seaward of the 75' MHWM setback provided by the location of the existing building on site. We recommend the necessary fire access lanes are accommodated without placing them on the active beach profile or seaward of the minimum setback, however, we note that this is a continuation of an existing firelane from a previous phase of the development.

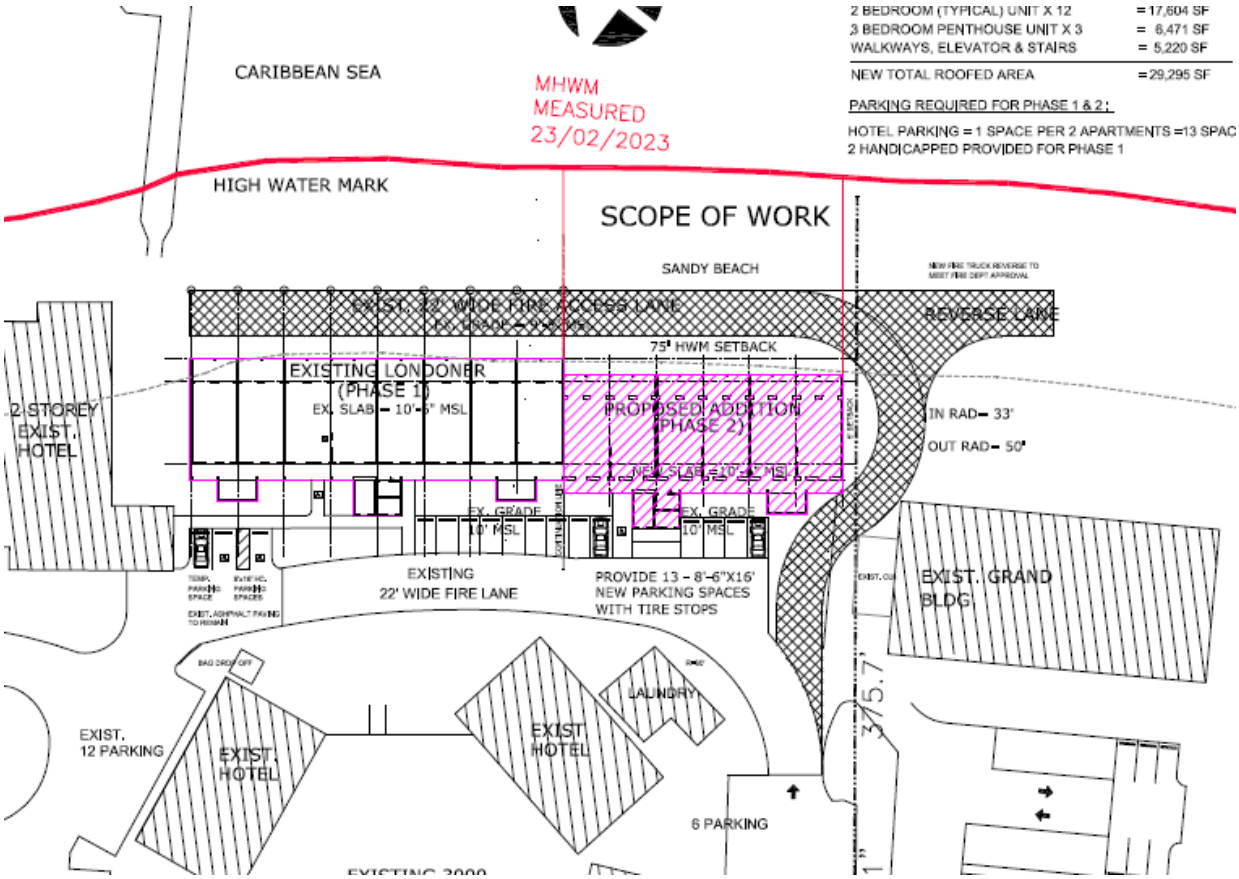


Figure 5: Extract from the submitted plans showing the fire lane to be seaward of the proposed building expansion. We recommend the opportunity is taken to move this fire lane from the active beach profile. (Source: Submitted Plans DRG G-1)

DIRECTED CONDITIONS

The site is adjacent to a Marine Protected Area under the NCA. Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that protected area through the run-off and escape of materials and debris. Storms, high waves, high tides, rainy weather, or construction practices can result in the material entering the Marine Protected Area.

Without appropriate environmental management practices during construction, there would or would be likely to be an adverse effect on the Marine Protected Area, namely:

- *Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials, or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area.*

*On the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE, therefore, **respectfully directs that the***

following conditions be imposed by the Central Planning Authority or Department of Planning, *as part of any agreed proposed action for planning approval:*

4. *All construction materials and debris shall be stockpiled at least 75 feet from the Mean High Water Mark to prevent material from entering the Marine Protected Area. If beachside construction fencing is required or will be installed, all construction materials, fill, sand, equipment and/or debris shall be stockpiled landward of the beachside construction fencing.*

5. *Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.*

These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

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). We trust that this information will be relayed to the applicant in the Department of Planning's decision letter.

Recommended Conditions

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed works, we recommend the inclusion of the following conditions in the approval:

6. *Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available at https://doe.ky/marine/turtles/tfl/. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*

7. *Any sand that is to be excavated during construction should be retained on-site and beach-quality sand should be placed along the active beach profile. Sand shall only be placed along the beach during turtle nesting season with the express consent of the DoE, to ensure that turtle nests are not adversely impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.*

8. *Prior to the issuance of a Certificate of Occupancy/Completion, lighting and/or specifications for visible light transmittance shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of*

Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.

Turtle friendly lighting is a proven solution where lighting is designed to safely and continuously meet the illumination needs of beachfront residents and guests without adversely impacting turtles. If the applicant wishes to discuss turtle friendly lighting, they are encouraged to reach out to the DoE (emu.doe@gov.ky) for additional information.

Department of Environmental Health

DEH has no objections to the proposal.

Water Authority Cayman

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

Wastewater Treatment:

The existing development is served by 3 x Gemco onsite aerobic wastewater treatment systems with a design treatment capacity of 90,000 gpd.

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

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.

Public Lands Commission

No comments received by the report deadline.

Department of Tourism

No comments received by the report deadline.

Fire Department

The Fire Department has stamp approved the drawings.

National Roads Authority

As per your email dated May 22nd, 2023, 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 fifteen (15) dwelling units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the 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 to Queens Highway is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
100	8	2	6	9	6	3

Based on these estimates, the impact of the proposed development on Queens Highway is considered to be minimal.

Access and Traffic Management Issues
Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be between twenty-two (22) and twenty-four (24) feet wide.

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) feet wide. Two-way driveway aisles shall be a minimum of twenty-two (22) feet wide.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen-foot (16') 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 Queens Highway. 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 details need to be provided as per NRA specifications.*

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 by the applicant.

APPLICANTS LETTER

We are writing to the Central Planning Authority to request a high-water setback variance of 75'-0" for the Londoner (Phase 2) which originally received Planning approval permission on February 17, 2012.

The 5-storey building was initially staged to facilitate project financing. A subsequent Planning application was submitted for Londoner (Phase 2) on August 30, 2020, but due to the Covid pandemic was not pursued at the time.

Our client, Morritt's Properties, is now prepared to construct Londoner (Phase 2) with secured building financing. We formally are requesting a 75'-0" setback based on the outlined history and

current Planning Regulations 2020. Please refer to our site plan G-1 & G-2 which indicates the required 130'-0" high water setback line.

Planning regulations 8(2)(e ii) the maximum permitted height of a hotel building in Hotel/Tourism (zone 3) is 91'-0" or seven storeys. Our current application has been reduced to 65'-0" to match the existing surrounding buildings on both sides.

Planning regulations 8(11) the Authority may grant permission for a setback to be located at a lesser distance than that prescribed, 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.

Planning regulations 13(b) the Authority may grant planning permission to carry out development that does not comply with all or any of those provisions, except for the number of permitted storeys if the Authority is satisfied that there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that:

(i) the characteristics of the proposed development are consistent with the character of the surrounding area;

(ii) unusual terrain characteristics limit the site's development potential; or

(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.

Our application has received no objections, would create construction employment for those living in East End and would complete the final phase of the Londoner development.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is the site of an existing resort with various uses on the property.

The proposal is to add an identical five-storey building to the property where the dive shop is currently situated. The proposal also includes a rooftop pool.

Zoning

The property is zoned Hotel Tourism.

Specific Issues

1) HWM setback (75' vs 160')

The proposed building is five storeys in height and requires a minimum setback from the high water mark of 160 feet (Regulation 8(10)(e)).

The proposal is for a 75 foot setback from the high water mark.

The applicant has submitted a variance letter and the Authority should discuss whether a variance is warranted in this instance.

It is noted that similar seaside setbacks exist for other buildings on the Morritts property.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.5 ATHONY M. CHAMBERS (GMJ Home Plans Ltd.) Block 72C Parcel 342 (P23-0466) ($90,000) (EJ)

Application for an after-the-fact house and storage shed & proposed addition to the atf house.

Appearance at 2:30

FACTS

Location	John McLean Drive, East End
Zoning	**MDR**
Notification result	No objectors
Parcel size proposed	0.4309 ac. (18,770 sq. ft.)
Parcel size required	7,500 sq. ft.
Current use	ATF House & Shed
Proposed building size	637 sq. ft. (425 atf, 127 proposed, 85 shed)
Total building site coverage	3.39%
Required parking	1
Proposed parking	1

BACKGROUND

February 18, 2022 (**CE22-0018**) - The Department issued an enforcement notice

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

1) Side setback variance (2'-9" vs 10')
2) aesthetics

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment (September 12, 2023)

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 predominantly man-modified with primary habitat along the eastern edge of the parcel. 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. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

We note that the application appears to be partially after-the-fact and partially in response to enforcement action (CE22-0018). Provided that no further land clearing is undertaken, we have minimal environmental concerns with the approval of the application.

We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Best management practices should also be adhered to during construction to reduce impacts on the environment, including impacts to water quality. Control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed additions, we recommend the inclusion of the following conditions in the approval:

1) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas.*

APPLICANT'S LETTER

We write on behalf of the applicant, Mr. Anthony Chambers, who is asking the Authority to allow variance in order to retain the location of subject house:

- *A side setback variance - of 8ft 0in. as the subject addition exists at 2ft 0in. from the side property line instead of the required I0ft for a single storey dwelling.*

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

1) *Per section 8(l3)(d) of the Planning Regulations, the owners of the adjacent properties notified by register mail. There have been no objections to date.*
2) *Per section 8(l3)(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.*
3) *The construction consists of a timber-framed floor anchored to reinforced block and concrete piers, a timber siding over framed walls and zinc roofing on timber-framing. Aerial imagery reveals that the house has existed from year 2012. Mr. Chamber has informed that he occupied the property throughout the period since 2010 and to relocate the structure would costly exercise for him.*
4) *The application complies with all other relevant planning*

PLANNING DEPARTMENT ANALYSIS

General

The After-the-fact one-bedroom house and storage shed & proposed addition to house is located on John McLean Drive in East End. The applicant is seeking permission for additions to the south (front) portion of the house creating bedroom #2 and a shower to the existing bedroom #1.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) **Minimum side setbacks**

   The applicant is seeking permission for the after-the-fact addition to the house which exist at 2' vs 10' from the right-side boundary, therefore, not meeting regulations 9(7)(j)

2) **Aesthetics**

   The Authority is asked to also consider the aesthetics and to satisfy itself that the design of the development is consistent with the historic architectural traditions of the Islands under regulations 9(1).

PHOTOS COURTESY OF CE22-0018

2.0 APPLICATIONS (Items 2.6 to 2.35)

2.6 GH GROUP LTD. (PPDS) Block 22E Parcel 446 (P23-0916) ($16.0 million) (NP)

Application for commercial & residential building.

FACTS

Location	Unnamed private road, Grand Harbour
Zoning	**Neighbourhood Commercial**
Notification Results	No Objections
Parcel size	0.9185 acres
Parcel size required	20,000 sq ft
Current use	Vacant
Proposed use	Residential & Commercial Complex
Proposed Building Footprint	28,232 sq. ft.
Proposed Building Area	57,069 sq. ft.
Maximum Site Coverage	75%
Proposed Site Coverage	77.7 %
Number of Proposed Apartments	28
Number of Permitted Apartments	CPA Discretion
Number of Proposed Bedrooms	30
Number of Permitted Bedrooms	CPA Discretion
Parking Required	152 (calculation provided below)
Parking Proposed	119

BACKGROUND

Site has been used for informal parking and storage of shipping containers

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

1) Parking
2) Site Coverage (77.7 % vs 75%)
3) Landscaping adjacent to road versus sidewalk

AGENCY COMMENTS

Comments from agencies that have responded to the circulation of the plans are provided below.

Water Authority Cayman

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

Wastewater Treatment and Disposal

The developer, or their agent, shall 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 26,061 US gallons per day (gpd), based on the following calculations.*

BUILDING	UNITS	GPD/UNIT	GPD/BLDG	GPD
Ground floor (F&B Unit)	667 SF	1.8	1.8 x 667	240.12
Second floor (F&B Units)	11,572 SF	1.8	1.8 x 11,572	20,829.6
Second floor (Office Unit)	4,273 SF	0.15	0.15 x 4,273	640.95
Third floor (1 Bedroom Units)	26 (1-Bed Units)	150	150 x 26	3,900
Third floor (2 Bedroom Units)	2 (2-Bed Units)	225	225 x 2	450
			TOTAL	26,060.67

- *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. The minimum well casing diameter for this development shall be 8''. 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 4'5" 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.*

Underground ATUs

The drawings indicate that the wastewater treatment plant is proposed to be buried and/or is located within a traffic area. The Water Authority will not approve buried ATUs with the exception of those proposed under approved handicapped parking OR within non-traffic, landscaped areas of the property.*

Queries regarding the burial of ATUs and additional requirements can be forwarded to development.control@waterauthority.ky.

** All components of the ATU must be located within the handicapped parking spaces.*

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. Should high-water-use tenants; e.g., food service, laundry, etc., be anticipated at this stage, details should be provided to the Water Authority thereby allowing requirements to be adjusted accordingly. Any future change-of-use applications which indicate an increase in water use will require an upgrade of wastewater treatment infrastructure which may include in-the-ground interceptors (for grease or oil-grit or lint) and/or an upgrade to an Aerobic Treatment Unit.

The developer is advised to contact development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.

Grease Interceptor Required
A grease interceptor with a minimum capacity of 6,000 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. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU / septic tank / WBBSS. Where two tanks are used to achieve the required capacity, they shall be installed in series with the larger tank first (600 US gallon minimum). Note: All developments proposing to utilize a commercial dish washer will have to install a drain tempering valve (DTV) before the grease interceptor.

Elevator Installation
Hydraulic elevators are required to have an approved pump with oil-sensing shut off installed in the sump pit. Specifications of the proposed pump shall be sent to the Water Authority at development.control@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) and associated piping. The monitoring wells shall comply with the standard detail of the Water Authority linked below. All monitoring 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.
https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf

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.

Fire Department

The Fire Department has stamp approved the drawings.

Department of Environmental Health

Solid Waste Facility: This development will require (3) 8 yd3 containers with 4 times per week servicing.

This application is not recommended for approval due to the location of the garbage enclosure.

Location of enclosure

The location of all mechanically serviced containers shall be approved by the Department of Environmental Health. The applicant shall submit plans showing the proposed location of the enclosure. The enclosure shall be placed such that access to the enclosure can be kept clear at all times. The enclosure shall be centrally located, and so placed, as to allow easy access for servicing by the Department's vehicles. The enclosure shall be located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position. The enclosure shall be located such that the vehicle will not impede normal vehicular flow or create potentially dangerous traffic situations while the container is being serviced.

Minimum vertical clearance

A minimum vertical clearance of 32 feet above the enclosure itself or where the bin will be serviced is required.

Access to enclosure

The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any maneuver and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.

Angle of approach

Generally the service shall be able to approach the container directly. Where an enclosure is located at the side of an access way the angle of approach made with the access way shall not exceed 22.5 degrees.

Turning radius

The turning radius required for access to the enclosure must be adequate a 3-axil truck. The over overall length of the truck is 36 feet and the overall width is 8 feet. A minimum outside turning radius of 46 feet is required. The minimum inside radius shall be 33 feet.

Swimming pool

A swimming pool application must be submitted for review and approval prior to construction.

Food and Beverage Areas:

In addition to the above, the following must be submitted at the BCU stage for review for all (food and beverage areas:

1. The approved BCU hood details.

2. Specifications for the hot water heater.

3. Equipment schedule.

4. Specifications for all kitchen equipment.

National Roads Authority

As per your email dated October 13th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

The garbage truck would not be able to access the garbage enclosure in its proposed location. Should the containers be moved into the driveway so that the truck would not have to turn to face the enclosure, the driver still would not be able to empty the containers into truck as the lifting mechanism has working height of approximately 22 feet which exceeds the proposed 13'-10' distance between the finished grade and the bottom of the second storey slab.

Road Capacity Issues

The traffic demand to be generated by the proposed mixed-use development has been assessed in accordance with ITE Codes: 820 – Shopping Centre, 710 – General Office, and 220 –Apartment. Thus, the assumed average trip rates are as follows:

1. *Shopping Centre (12,238 sq. ft.): per thousand square feet of retail space provided by the ITE for estimating the daily, AM and PM peak hour trips are 42.70, 0.96 and 3.71 respectively;*
2. *General Office (4,273 sq. ft.): per thousand square feet of office space provided by the ITE for estimating the daily, AM and PM peak hour trips are 11.03, 1.56 and 1.49 respectively; and*
3. *Apartments (28 Units): per dwelling unit provided by the 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 to the road connecting to Edgewater Way is as follows:

SHOPPING CENTRE (12,238 SQ. FT.)	**Expected Daily Trips**	**AM Peak Hour Total Traffic**	**AM Peak 62% In**	**AM Peak 38% Out**	**PM Peak Hour Total Traffic**	**PM Peak 48% In**	**PM Peak 52% Out**
	523	**12**	**5**	**3**	**45**	**14**	**16**
OFFICE (4,273 SQ. FT.)	**Expected Daily Trips**	**AM Peak Hour Total Traffic**	**AM Peak 88% In**	**AM Peak 12% Out**	**PM Peak Hour Total Traffic**	**PM Peak 17% In**	**PM Peak 83% Out**
	47	**7**	**6**	**1**	**6**	**1**	**5**

APARTMENTS (28 DU)	Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
	186	14	3	11	17	11	6
MAX TOTAL	756	33	14	15	68	26	27

It is to be noted that on August 18th, 2020, Cabinet approved the gazettal of Boundary Plan 637 pursuant to Section 3 of the Roads Act (2005 revision) – that boundary plan will connect Edgewater Way to Crewe Road in the vicinity of Kings Sports Centre by the intersection of Crewe Road and the Linford Pierson Highway. The gazette scheme was published in Extraordinary Gazette No 70/2020 on August 26th, 2020. A copy of Boundary Plan is attached to this memorandum for the Planning Authority's perusal. BP637 will provide an additional means of access to the Grand Harbour Development project.

Additionally, there are planned improvements along Crewe Road call for the introduction of a third travel lane in each direction along Crewe Road, a new and improved roundabout intersection at Linford Pierson Highway, Crewe Road and new Edgewater Way and the addition of a third lane in each direction along Pierson Highway. These planned roadway improvements are tentatively scheduled to be completed by the end of 2025.

The traffic estimates of the proposed development will therefore be spread over two separate intersections in the arterial roadway network: one on Crewe Road (BP637), and one on the existing intersection with Shamrock Road. With the planned roadway improvement mentioned above, the impact of the proposed development on Edgewater Way will easily be mitigated bythe additional physical capacity of the road network.

Access and Traffic Management Issues

Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be twenty- four (24) feet wide.

A six (6) foot sidewalk shall be constructed on the road connecting to Edgewater Way within the property boundary, to NRA specifications (available on our website at: https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20).

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is ***not reduced below the sixteen-foot (16') 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 the road connecting to Edgewater Way. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not recommended.*
- *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 (Per NRA specifications (available at: https://www.caymanroads.com/upload/files/4/628e6599be2c9.pdf) 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 details need to be provided per NRA specifications (available on our website at:https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details. pdf%20).*

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;"*

Department of Environment (26 October 2023)

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 site is man-modified and of limited ecological value. Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

The DoE recommends that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed works, we recommend the inclusion of the following condition in the approval:

1) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

APPLICANT'S LETTER

Please see Appendix A.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in Grand Harbour, in close proximity to the skateboard park, on an unnamed private road that leads to Edgewater Way.

The proposal is for a three storey building with a small amount of retail and a courtyard on the ground floor, retail and restaurants on the second floor, and residential on the third floor.

There are dedicated motorcycle and bicycle parking spaces in the scheme.

Zoning

The property is zoned Neighbourhood Commercial

Specific Issues

1) Parking

Based on the floor areas provided, 61 parking spaces are required for the food and beverage areas and 49 spaces are required for the retail areas. There are 28 apartments, therefore 42 parking spaces are required for those units. The total required number of spacers is 152 and the applicant is proposing 119.

In reviewing the applicant's analysis, they did not include the circulation corridors on the second floor in their parking calculation which doesn't comply with the Development and Planning Regulations.

The Authority also needs to be aware that of the 119 proposed parking spaces 108 are double stacked mechanical spaces. The Authority needs to determine if this type of parking is suitable for the proposed development.

2) **Site Coverage (77.7 % vs 75%)**

Regulation 13 (11) states that site coverage shall not exceed 75% in a Neighbourhood Commercial zone.

The proposed development would have a site coverage of 77.7 %.

The applicant has submitted a variance letter and the Authority should consider whether a variance is warranted in this instance.

3) **Landscaping adjacent to road versus sidewalk**

The proposed site plan indicates that there will be landscaping adjacent to the access road and then a sidewalk.

The proposed arrangement is contrary to having a sidewalk adjacent to the roadway.

The Authority should discuss the proposed sidewalk location.

2.7 CIRCLESQUARE LTD. (AD Architecture) Block 27B Parcel 132 Lot 1 (P23-0734) ($2.6 million) (NP)

Application for 12 townhouses.

FACTS

Location	Imperial Way, Spotts
Zoning	**Low Density Residential**
Notification Results	No objections
Parcel size	28,314 sq ft
Parcel size required	25,000 sq ft
Current use	Vacant
Proposed use	12 Townhouses
Building Footprint	7,896 sq ft
Building Area	10,352 sq ft
Units Permitted	9
Units Proposed	12
Bedrooms Permitted	15
Bedrooms Proposed	16
Parking Required	18
Parking Proposed	20

BACKGROUND

September 16, 2020 (CPA/15/20; item 2.1) – 42 lot subdivision approved

Recommendation: Discuss planning permission for the following reasons:

1) Suitability
2) Number of Units (12 vs 9)
3) Number of Bedrooms (16 vs 15)
4) Front Setback (17'4" vs 20')
5) Rear Setback (15' vs 20')

AGENCY COMMENTS

The following comments have been received to date:

Department of Environment (September 21 2023)

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 consists of a mixture of primary tidally flooded mangrove forests and seasonally flooded mangrove forests to the north and man-modified areas to the south. The DoE notes that the area of the proposed apartments is man-modified and located in the south of the parcel.

The applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting and implementation of planning permission or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf.

Mangrove forests are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from areas of hardstanding and buildings. Trees, root mats, and other wetland vegetation also slow the speed and distribution of stormwater. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

Mangroves provide natural infrastructure protection by preventing erosion and absorbing storm surge impacts during extreme weather events such as hurricanes. They are also an important natural asset for the Cayman Islands and form part of Cayman's Natural Capital Accounts. Mangrove wetlands are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large-scale removal of significant tracts of mangrove habitat reduces the Island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of mangrove sites releases captured carbon into the atmosphere. The removal of mangrove habitats reduces the extent and value of this natural asset and removes the ecological services the habitat currently provides.

With the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. We recommend that stormwater is managed on-site to avoid run-off and prevent the flooding of adjacent properties and that wetland vegetation is retained where possible to assist with on-site drainage.

In addition, the applicant should consider incorporating Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to mitigate against the inundation of the surrounding area. SuDS are drainage solutions that provide an alternative to the direct channelling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.

The DoE also recommends that native vegetation be used where possible. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

Lastly, we recommend that, wherever possible, sustainable design and energy efficiency features be included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval:

1. *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

Water Authority Cayman

Please be advised that the Water Authority's requirements for this development are based on the successful subdivision of this Block/Parcel.

Wastewater Treatment & Disposal (Building-1)

- The developer shall provide a septic tank(s) with a capacity of at least (2,000) US gallons for the proposed, based on the following calculations:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Building-1 (Lot-1)	4 x 1-Bed Units	150gpd/1-Bed Units	600
	2 x 2-Bed Units	225gpd/2-Bed Units	450
		TOTAL	1,050

- *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. The minimum well casing diameter for this development shall be 4''. 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
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.*

Wastewater Treatment & Disposal (Building-2)

- The developer shall provide a septic tank(s) with a capacity of at least (2,000) US gallons for the proposed, based on the following calculations:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Building-2 (Lot-2)	4 x 1-Bed Units	150gpd/1-Bed Units	600
	2 x 2-Bed Units	225gpd/2-Bed Units	450

		TOTAL	1,050

- *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. The minimum well casing diameter for this development shall be 4''. 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
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.*

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

- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system will require an extension.*
- *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 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.

Department of Environmental Health

Solid Waste Facility: This development requires (1) 8 cubic yard container with once 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.

National Roads Authority

As per your email dated September 17th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues
Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is

not reduced below the sixteen-foot (16') minimum.

Road Capacity Issues
The traffic demand to be generated by a residential development of twelve (12) dwelling units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the 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 to the proposed access road is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
80	6	1	5	7	5	2

Based on these estimates, the impact of the proposed development on the proposed access road is considered to be minimal.

Access and Traffic Management Issues
Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be twenty- four (24) feet wide.

A six (6) foot sidewalk shall be constructed on the proposed access road within the property boundary, to NRA specifications (available on our website at: https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20).

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

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 the proposed access 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 (Per NRA specifications (available at: https://www.caymanroads.com/upload/files/4/628e6599be2c9.pdf) 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 details need to be provided per NRA specifications (available on our website at:https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20).*

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 by the applicant.

Fire Department

The Fire Department has approved the proposal.

APPLICANT'S LETTER

I trust this letter finds you in good health and high spirits. I am writing to formally request a variance for our apartment building located at Block 27B Parcel 132.

Our proposal aims to construct a building with twelve units, whereas the current zoning allows for only nine units. We understand that the variances are typically granted in exceptional circumstances, and we firmly believe that our situation merits consideration.

Firstly, it's crucial to note that the area in question is not densely clustered or fully developed. The proposed in the number of units as well as the number of bedrooms will not lead to overcrowding or adversely impact the surrounding community. Furthermore, we recognize a pressing need for housing in the Cayman Islands. As responsible developers, we aim to contribute towards fulfilling this need by maximizing the land available to us. Requesting a modest variance to accommodate twelve units and 16 bedrooms will provide additional housing options for the Cayman people, addressing the demand for comfortable and affordable living spaces.

The location of the land is quite distant from many important amenities and facilities. This underscores the necessity to utilize the available space optimally, ensuring individuals have access to housing options within a reasonable distance from their workplace, schools and other essential services.

Additionally, we wish to highlight that the proposed development takes into account various factors in compliance with the structure:

1. *The site development is in compliance with the requirements and satisfaction of the other government agencies.*
2. *Ample space for vegetation/landscape has been incorporated.*
3. *Adequate parking has been provided for the number of units.*

In response to local considerations, we have provided a rear setback of 15' instead of the required 20'. However, it is important to note that the factors influencing this decision have been thoroughly addressed and considered in providing other requirements in compliance to relevant government agencies.

We understand that the Planning Department must carefully evaluate variance requests to maintain the integrity and balance of development in the area. However, we wish to emphasize that our request is neither extravagant nor unreasonable. We are seeking a modest variance that will enable us to meet the pressing demand for housing.

We kindly request that the Planning Department reviews our proposal in the light of the unique circumstances outlined above. We firmly believe that granting this variance will not only benefit the community but also align with the government's vision of addressing the housing needs of the Cayman people.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Imperial Way in Spotts.

The proposal is for 12 townhouses with 16 bedrooms and 20 parking spaces.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability for Apartments

There do not appear to be any existing apartments in the vicinity according to Cayman Land Information.

2) Number of Units (12 vs 9)

Regulation 9(8)(c) allows a maximum of 15 units per acre or 9 units for this property.

The applicant is proposing a total of 12 units.

The CPA should discuss whether a variance is warranted in this instance.

3) Number of Bedrooms (16 vs 15)

Regulation 9(8)(c) allows a maximum of 24 bedrooms per acre or 15 bedrooms for this property.

The applicant is proposing a total of 16 bedrooms.

The CPA should discuss whether a variance is warranted in this instance.

4) Front Setback (17'4" vs 20')

Regulation 9(8)(i) requires a minimum 20 foot front setback.

The proposed front setback is 17'4" to the stair landing. The building itself complies.

The CPA should discuss whether a variance is warranted in this instance.

5) Rear Setback (15' vs 20')

Regulation 9(8)(i) requires a minimum rear setback of 20 feet.

The proposed rear setback is 15 feet.

The CPA should discuss whether a variance is warranted in this instance.

2.8 EDMUNDO WOODS (Declan O'Brien) Block 25B Parcel 152 (P23-0168) ($8,000) (NP)

Application for after the fact house additions.

FACTS

Location	Mahogany Way in Red Bay
Zoning	**Low Density Residential**
Parcel size required	10,000 sq. ft.
Parcel size proposed	8,712 sq. ft.
Current use	House or 3 Apartments

BACKGROUND

The existing buildings appears on the 1994 aerials, but there is no historic record

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

1) The after the fact nature of the application
2) Rear Setback (0' vs 20')
3) Side Setback (3'2" vs 10')
4) Site coverage (38% vs 30%)
5) House or 3 Apartments ?

APPLICANT'S LETTER

We would like to request an ATF planning permission for a carport with side setback variance of 3'-2'' in lieu of 10'. We would like to note that this carport is open with 4 columns and a roof over.

We have been advised by the owner that the extensions noted in your enforcement letter have been in place for +/- 20 years. I refer to 8(13) of the planning regulations.

The adjoining neighbor on Block 25B-333 where the ATF carport is located is providing a letter to state they have no issue with this ATF Carport or its location. Letter to be submitted in the next week to the Planning Department.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Mahogany Way in Red Bay.

The property contains a house or apartments with two after the fact additions; a car port (284 square feet) and a rear covered area (222 square feet).

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) After the fact nature of the application

The two after the fact additions to the property have existed for less than five years

2) Rear Setback (0' vs 20')

There is an after the fact covered area that has been added to the structure consisting of 222 square feet. The structure has a 0 foot setback whereas the Regulations require 20 feet (Regulation 9(8)(i)).

The applicant has submitted a variance letter and the Authority should consider whether a variance is warranted in this instance.

3) Side Setback (3'2" vs 10')

Regulation 9(8)(j) requires a minimum 10 foot side setback for a one storey structure.

There is a 284 square foot carport that has been added to the side of the property with a 3'2" setback.

The applicant has submitted a variance letter and the Authority should consider whether a variance is warranted in this instance.

4) Site Coverage (38% vs 30%)

Regulation 9(8)(h) states that the maximum site coverage in an LDR zone is 30 percent.

The property has a 38 percent site coverage with the after the fact additions included.

The applicant has submitted a variance letter and the Authority should consider whether a variance is warranted in this instance.

2.9 TIM MROCHUK (EKT Architecture) Block 27C Parcel 727 (P23-0698) ($1,000,000) (MW)

Application for a house with pool & spa.

FACTS

Location	Teal Island Dr., Bodden Town
Zoning	**Low Density Residential**
Notification result	No Objectors
Parcel size proposed	0.3642 ac. (15,864.552 sq. ft.)
Parcel size required	20,000 sq. ft.
Current use	Existing garage with nanny flat & existing gym
Proposed building size	4,275.14 sq. ft.
Total building site coverage	29.4%
Required parking	2
Proposed parking	3

BACKGROUND

October 25, 2017 – One bedroom apartment, garage & gym (CPA/22/17;Item 2.15) – the application was considered and it was resolved to grant planning permission.

October 22, 2018 – 250 gallon lpg tank – the application was considered and it was resolved to grant planning permission.

March 03, 2021 – Timber deck at second floor level (CPA/05/21; Item 2.21) – the application was considered and it was resolved to grant planning permission.

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

1) Lot size (15,864.552 sq. ft. vs. 20,000 sq. ft.)
2) Canal setback (12'-3" vs. 20'-0")

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment (November 17, 2023)

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 man-modified and of limited ecological value.

We note that the proposed development does not meet the minimum setbacks from the canal under the Development and Planning Regulations (2022). Adhering to these minimum setbacks is a proactive measure that enhances the resilience of coastal or canal side structures by providing a natural and regulatory based defense against the impacts of storm surges, flooding, erosion and

other environmental challenges. It can help to promote sustainable development and helps to ensure the long-term viability of structures in what would otherwise be vulnerable areas.

We would also recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Lastly, it is recommended that best management practices should also be adhered to during construction to reduce impacts on the environment and the canal, including impacts to water quality. Materials should be stockpiled away from the canal's edge to avoid run-off into the canal. Control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval:

1) *All construction materials shall be stockpiled at a minimum of 20 feet from the canal edge to reduce the possibility of run-off washing material and debris into the canal causing turbidity and impacting water quality.*
2) *If the construction uses insulating concrete* forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.

APPLICANT'S LETTER

Please be advised that I am applying on behalf of my client (Tim Mrochuk.) for planning approval to construct a 4-bedroom house and swimming pool which requires a request for a variance.

I am requesting that the board approve a variance request for encroachment on the rear setback (12'-3" VS 20'). It is important to note that only 128 sq. ft. of the 3,136 sq. ft. footprint would be encroaching on the rear 20' setback. Additionally, there is an existing gym that is approved which sits 10' from rear boundary line. My client is also requesting a variance for the lot size to accommodate the existing efficiency unit over the garage and the proposed residence. Please note that the applicant is not proposing to use two separate electrical meters to operate as a rental property, but to use it as a helpers or guest quarters. It is the applicants unofficial understanding that the adjacent property owners have no issue/ objection to what is being proposed. Obviously, the notification and objection period will also contradict or confirm this point.

I trust that this letter satisfies and/ or allay any concerns the board may have and that the application meets with your approval. Should the board require any clarification or additional information, both my client and I will make ourselves available at the board convenience.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a house; 4,275.14 sq. ft. with pool & spa located on Teal Island Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size

Regulation 9(8)(d) of the Development & Planning Regulations (2022 Revision) states *" the minimum lot size for each detached house is 10,000 sq. ft."* The proposed lot is currently 0.3642 ac. (15,864.552 sq. ft.) and as there is an existing nanny flat on the site the minimum lot size requirement of 20,000 sq. ft. would be required as such there is currently a difference of 4,135.448 sq. ft.

2) Canal setback

Regulation 8(10)(ea) of the Development & Planning Regulations (2022 Revision) states "*in areas where the shoreline is a canal, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of 20' from the physical edge of the canal."* The proposed residence and deck would be approximately 12'-3" from the physical edge of the canal, a difference of 7'-9".

2.10 JAMES MILLER (TSC Architecture & Design) Block 38B Parcel 169 (P23-0909) ($763,750) (NP)

Application for 4 townhouses.

FACTS

Location	Firefly Close, Bodden Town
Zoning	**Low Density Residential**
Notification Results	No objections
Parcel size	43,560 sq ft
Parcel size required	25,000 sq ft
Current use	Vacant
Proposed use	4 Townhouses
Building Footprint	3,055 sq ft
Building Area	3,055 sq ft
Units Permitted	15
Units Proposed	4
Bedrooms Permitted	24
Bedrooms Proposed	5
Parking Required	6
Parking Proposed	7

BACKGROUND

NA

Recommendation: Discuss the application, for the following reason:

1) Suitability

AGENCY COMMENTS

The following comments have been received to date:

Department of Environment (October 26, 2023)

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 site is man-modified with regrowth. Retaining native vegetation even in a predominantly man-modified area can still provide benefits to the property owner and the surrounding area. For example, retaining vegetation can:

- *Provide habitat and food for wildlife such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*
- *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 carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmospherethe amount of greenhouse gas emissions.*

Therefore, we recommend that the applicant only clears and fill the development footprint. For the avoidance of doubt and in line with the Building Research Establishment (BRE) Group definition of development footprint, this contains the development, landscaped area and amenity spaces. The area in the north of the site, marked for future development, could remain vegetated until development comes forward there.

We also recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

We recommend that the applicant incorporates Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site. SuDs are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity, and reducing the transport of pollution to the water environment. Measures could include permeable and sustainable materials within the parking area. The applicant may also wish to consider leaving some areas of landscaping at the existing grade and using porous or permeable surfaces in areas of hardstanding to allow for rainwater infiltration and assist with stormwater management.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

Lastly, we recommend that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, the DoE recommends the inclusion of the following condition in any planning permission:

1) *If the construction uses insulating concrete forms (ICF) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris are completely captured on-site and does not enter the nearby water bodies or impact the surrounding areas.*

Water Authority Cayman

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

Wastewater Treatment & Disposal

- *The developer shall provide a septic tank(s) with a capacity of at least 1,500 US gallons for the proposed, based on the following calculations:*

BUILDING	*UNITS/BLDG*	*GPD/UNIT*	*GPD*
Townhouse	*3 x 1-Bed Units*	*150gpd/1-Bed Unit*	*450*
	1 x 2-Bed Unit	*225gpd/2-Bed Unit*	*225*
		TOTAL	*675*

- *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. The minimum well casing diameter for this development shall be 4". 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 5'4" 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.

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.*

Stormwater Management

- *This development is located over the Lower Valley fresh water lens or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a maximum depth of 60ft. instead of the standard depth of 100ft as required by the NRA.*

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.

Department of Environmental Health

Solid Waste Facility: 1. This development require 4 (33) gallon bins and an enclosure built to the department's requirements.

This application is recommended for approval with the following conditions: 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.

National Roads Authority

Comments have yet to be received.

Fire Department

The Fire Department has stamp approved the drawings.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Firefly Close in Bodden Town.

The proposal is for four townhouses with five bedrooms and 7 parking spaces.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 9(8) states that apartments and townhouses are permitted in suitable locations.

Cayman Land Info indicates that there are four duplexes located across Firefly Close on a similar sized property.

The CPA should discuss whether 4 townhouses are suitable in this instance.

2.11 JENNETT POWELL (Craftsman Touch) Block 71A Parcel 142 (P21-0334) ($10,000) (NP)

Application for a temporary house.

FACTS

Location	Colin Christian Drive in East End
Zoning	**Medium Density Residential**
Building Area	533.5 square feet
Current use	Footings in place for approved house

BACKGROUND

October 16, 2017 - Planning permission granted for a house. A building permit has been issued and was re-issued as recently as March 17, 2023 (B19-0045). Inspections to date have been limited to the footing/foundation.

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

1) Temporary nature of the application

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Colin Christian Drive in East End.

The property contains footings for the approved house.

The applicant is seeking planning permission for a temporary house with 533.5 square feet of area.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Temporary nature of the application

The Authority has typically discouraged temporary houses as it can become difficult to have them removed. The Authority will recall another application for a temporary house considered on November 8, 2023 (CPA/26/23; item 2.5) where discussion were had with the applicant regarding applying the cost of constructing the temporary house to the previously approved duplex.

2.12 CHRISTIAN BOURKE & JOEL WEBSTER (Tony Lattie) Block 13D Parcel 220 (P23-0884) ($100,000) (MW)

Application to modify planning permission to add external stairs, decrease the floor area, revise the floor plan layout & revise the elevations.

FACTS

Location	Greenwood Dr., George Town
Zoning	**High Density Residential**
Notification result	No Objectors
Parcel size proposed	0.15 ac. (6,534 sq. ft.)
Parcel size required	5,000 sq. ft.
Current use	Vacant
Proposed building size	2,248.42 sq. ft.
Total building site coverage	17.21%
Allowable units	3.75
Proposed units	6 (CPA Appvd)
Allowable bedrooms	6.3
Proposed bedrooms	6
Required parking	9
Proposed parking	9

BACKGROUND

August 27, 1997 – Proposed Two Bedroom Duplex -the application was considered and it was resolved to grant planning permission.

April 13, 2021 – (4) Unit Apartment Complex with Attached Laundry Room – the application was considered and it was resolved to grant planning permission. (CPA/08/21; Item 2.3)

March 15, 2023 – (6) unit apartments (CPA/06/23; Item 2.17) – the application was considered and it was resolved to grant planning permission.

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

1) Side setback (10'- ¾" & 10'-4" vs. 15'-0")

AGENCY COMMENTS

Comments from the Department of Environment and Fire Department are noted below.

Department of Environment (November 23, 2023)

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).

Site Overview

The site is man-modified and of limited ecological value.

Advice to the Applicant

We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Advice to the Central Planning Authority

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed works, we recommend the inclusion of the following condition in the approval:

1) If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.

Fire Department

Approved for Planning Permit Only 28 Nov 23

APPLICANT'S LETTER

We obtained planning approval on April 3, 2023 for 6 units (see sample "A"). We are seeking modification to the approved drawings.

After long discussions with the BCU department we would need to modify the drawings to meet BCU Sprinkler Exemption Policy and egress requirements; this would require The 2nd Floor to require (2) remotely located exits.

Without the above noted modification to the approved drawings, we will not be able to obtain permit approval for the development.

With that in mind we have maintained the following elements from the previous approval Approved number of "units 6" – see sample "B"

Exterior elevation look – see sample "B"

Site layout

Modification

- *The development area has been reduced from 2,415.16 sqft to 2,248.42 sqft*
- *Reconfiguration of unit's layout*
- *Adding (2) exterior stairs with a connecting balcony*
- *Side setbacks variance request for the right and left side of the development*

Variance request for side setbacks

We are requesting side setback variances 12'9" vs 15'0" and 14'8" vs 15'0" to allow for (2) remotely exit stairs

There are similar apartment developments along this roadway with reduce setback conduits.

We would also like to members to note the following below;

- *The design and site layout is keeping in respect with the surrounding high density developments houses, duplexes, and apartments within this area.*

- *There are several apartment developments in the surrounding area and the proposed apartment development is consistent and compatible with the established building character of the surrounding area.*

- *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.*

- *In pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the proposed apartment development as follows:*

a) The characteristics of the proposed development are consistent with the character of the surrounding area;

b) 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

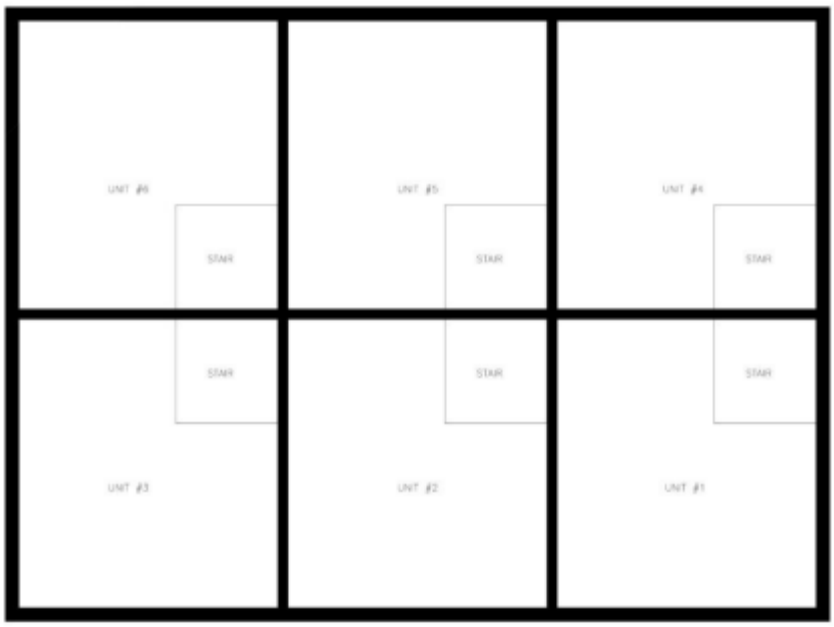
c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

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

The surrounding landowners within 250' notification radius were notified by a letter outlining the proposed project and variance requests ***no objections were received****.*

Sample "A"

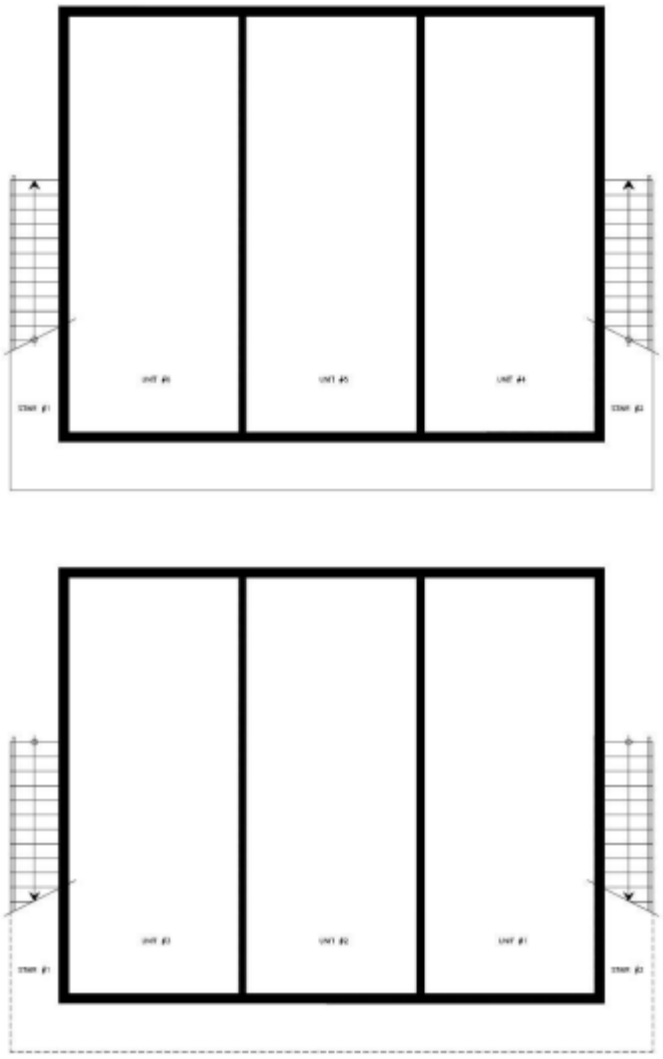
Previous approved elevation



Previous approved unit layout

Sample “B”

Proposed elevation



Proposed unit layout

PLANNING DEPARTMENT ANALYSIS

General

The application is for a modification to approved apartments; add external stairs, decrease floor area, revise floor layout & revise elevations to be located on Greenwood Dr., George Town.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Side setbacks

Regulation 9(6)(i) of the Development and Planning Regulations (2022 Revision) state *"the minimum side setback for a building of more than one storey shall be 15'-0".* The proposed development would have a side setback encroachment of 10'-3/4" (stairs) / 12'-9" (building)

along the western boundary of the property and 10'-4" (stairs) / 13'-6" (building) along the eastern boundary. All would have a difference of 4'-11 ¼" (stairs) / 2'-3" (building) along the western boundary and 4'-8" (stairs) & 1'-6" (building) along the eastern boundary respectively.

The Authority should access under Section 8(13) if there are exceptional circumstances and sufficient reasons to grant the side setback variances and if the proposed modifications are acceptable.

2.13 NOEL DESLANDES (AD Architecture Ltd.) Block 15C Parcel 100 (P23-1018) ($200,800) (MW)

Application for an addition to a house to create a duplex.

FACTS

Location	Lantana Way, George Town
Zoning	**Low Density Residential**
Notification result	No Objectors
Parcel size proposed	0.31 ac. (13,503.6 sq. ft.)
Parcel size required	12,500 sq. ft.
Current use	Existing Residence
Proposed building size	893 sq. ft.
Total building site coverage	27.17%
Required parking	2
Proposed parking	3

BACKGROUND

February 13, 1997 – House – the application was considered and it was resolved to grant planning permission.

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

1) Duplex definition

PLANNING DEPARTMENT ANALYSIS

General

The application is for an addition to create a duplex; 893 sq. ft. located on Lantana Way, George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Duplex definition

The Development and Planning Regulations (2022 Revision) definition states a "Duplex" means two dwelling units one above the other or side by side having a common wall." The applicant has proposed an addition containing a one - bedroom one bath unit added to the existing residence which will be joined by a storage room and covered patio.

The Authority should determine if the proposed can be considered a duplex by definition.

2.14 CHISTOPHER & ELIZABETH STRINGER (Johnson Design) Block 57A Parcel 28 (P23-0561 + P23-0122) ($950,150) (EJ)

Application for a house addition, pool, 6' wood fence and gates and after-the-fact post and rope fence.

FACTS

Location	Old Robin Road, North Side
Zoning	**BRR**
Notification result	No objectors
Parcel size proposed	1.29 ac. (56,192 sq. ft.)
Parcel size required	10,000 sq. ft.
Current use	House
Proposed building size	1,737 sq. ft.
Total building site coverage	6.99%

BACKGROUND

House has existed since at least 1971, but there are no historic records

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

1) HWM setback variances
2) Side setback variance

AGENCY COMMENTS

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

Department of Environment (April 11, 2023) (Fence)

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 man–modified. It is noted from the plans submitted and from a site visit undertaken on 11 April 2023 that the fence has already been constructed, giving limited opportunity for relevant agencies to provide useful feedback to the applicants. Since the fence has already been constructed and ties into an existing seawall, we have no comments at this time.

Department of Environment (December 8, 2023) (House, Pool & 6' Fence)

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).

Site Overview

The site is man-modified. It is located on a turtle nesting beach. The site is also adjacent to a No Dive Zone, a Marine Protected Area under the National Conservation Act (2013).

Advice to the Applicant

Coastal habitat incorporates a variety of salt and wind-tolerant flora. Native coastal vegetation is becoming rarer as development on the coast increases. Coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilising the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach to ensure there is an appropriate nesting habitat for sea turtles in this proposed critical location. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and their ability to find the sea.

The excavation of the pool will likely result in a large quantity of sand. The sand is a key component of what makes the application site good for sea turtles. We recommend that any excavated sand is retained on-site. We strongly urge the applicant to retain as much mature native vegetation as possible, particularly along the coastal frontage of the site. We also encourage the applicant to plant and incorporate native species in their landscaping scheme.

Advice to the Central Planning Authority

The existing house is positioned very close to the Mean High Water Mark. It appears to have been located close to the sea since it was constructed. After reviewing maps over time, it does not appear that there was significant erosion event.

The proposed pool has been positioned on the seaside of a building that is already very close to the sea and vulnerable to damage during storms and weather events. However, the site is very large and there appears to be ample space to place the pool and pavilion on the landward side of the building, while still maintaining privacy and a good setback from the road. Setting the pool on the landward side of the existing house would avoid harming the beach ridge.

The DoE does not support the granting of coastal variances. Adhering to the minimum setbacks from the coast is the most straightforward way to incorporate resilience into a coastal structure by providing a natural and regulatory-based defense against the impacts of storm surges, flooding,

erosion and other environmental challenges. It can help to promote sustainable development and helps to ensure the long-term viability of structures in what would otherwise be vulnerable areas.

We strongly recommend that the Central Planning Authority does not grant the coastal variance, and requires the applicant to redesign their project to meet the minimum setbacks.

If the Central Planning Authority is minded to approve the proposed additions, the site is adjacent to a turtle nesting beach and the marine environment.

The main threats to sea turtles from development on turtle nesting beaches are:

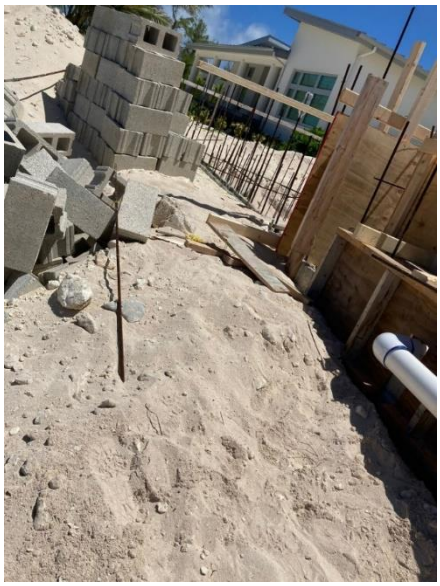
- *Construction on the beach directly or indirectly impacting mature and hatchling sea turtles,*
- *Development on the beach directly removing nesting areas from the critical habitat and indirectly impacting the critical habitat through modification and degradation of the natural beach,*
- *Artificial lighting causing mature females to be deterred from nesting and hatchling turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles, and*
- *Loss of coastal vegetation.*

Construction Impacts

Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests.

Nesting sea turtles often use vegetation as a cue for nesting, and will crawl landwards up the beach until they reach the vegetation, or on a modified beach, a hard structure. When the vegetation is removed for construction, sea turtles can enter construction sites and be harmed. Figures 1 and 2 below show sea turtle tracks directly up to construction sites. The DoE has also been called to respond numerous times to sea turtles who have become trapped in construction sites. Figures 3 and 4 show potential injuries from materials being stored on the beach, and Figure 5 shows a sea turtle hatchling which was killed due to heavy equipment being operated on the beach.

Figures 1-2: Sea turtle tracks showing that the sea turtle has crawled up the beach until it reached a construction site (Source: DoE and Tammy Kelderman, 2021). The fence in Figure 1 is dangerous to sea turtles as it is sharp, rusty and not secure.



Figures 3 & 4: DoE photos showing turtle tracks within a construction site on a turtle nesting beach. This site did not have temporary beachside construction fencing to prevent turtles from entering the site. The turtle could have or may have been injured by construction materials and debris on-site (Source: DoE, 2023).

Figure 5: A dead sea turtle hatchling, which was killed by heavy equipment operating on the beach (Source: DoE, 2022).

*For these reasons, construction fencing suitable for excluding turtles must be installed prior to the commencement of demolition and/or site works. Mesh fencing, Heras fencing, and chain-link fencing are all **unacceptable** as they can be dangerous to turtles and do not exclude them from the site. Mature green sea turtles weigh around 300 to 400 lbs and are capable and strong diggers.*

Temporary beachside construction fencing must be:

- *Located as far landward as possible to leave room/habitat for the turtles to nest during the work;*
- *Made from a sturdy/solid material like plywood with no gaps (i.e. not chain-link fencing or the orange plastic fencing with holes as hatchlings can crawl through these and adults can knock it down or become tangled);*
- *Embedded at least 2 feet into the sand so that turtles cannot dig it out or crawl under;*
- *Installed in a manner that any nailing of the wood will be done so that the sharp ends are located on the landside of the fencing to prevent injury to turtles; and*
- *Inspected by the DoE after installation and written approval shall be obtained from the DoE that the installed fence is suitable for the exclusion of turtles.*
- *Suitable to contain all excavated material, construction materials and demolition waste landward of the fencing.*

Figure 6: An example of suitable construction fencing to protect turtles (Source: DoE, 2022).

Artificial Lighting

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.

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 7-9 show examples of properties in Grand Cayman that have turtle friendly lighting installed.

Figures 7-9: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman (Source: DoE, various).

Best management practices should be adhered to during construction to reduce impacts on the environment, including impacts to water quality. Materials should be stockpiled away from the ironshore to avoid runoff into the ocean. Control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.
If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval:

2) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*

Prior to Any Site Works

3) Prior to the commencement of any site works such as clearing, filling, grading and road construction, the property owner shall contact the Department of Environment to check for the presence of turtle nests; written approval shall be obtained from the Department of Environment that no nests will be impacted by the commencement of works.

Prior to the Issuance of a Building Permit

4) *Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from https://doe.ky/marine/turtles/tfl/. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*

5) *Prior to the installation of the beachside construction fencing and the commencement of construction works, the property owner shall contact the Department of Environment to check for the presence of turtle nests and to ensure that no nests will be impacted by the installation of the embedded fencing or the commencement of construction works. The Department of Environment's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*

6) *Prior to the issuance of a Building Permit, beachside construction fencing associated with the works shall be installed and be positioned a minimum of 75 ft from the Mean High Water Mark. The fencing shall be erected so that it fully encloses the beach-facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles from entering the construction site or digging under the fencing. The applicant shall liaise directly with the Department of Environment for requirements guidance regarding this fencing. The Department of Environment will inspect the fencing and confirmation of the Department of Environment's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*

During Construction

7) *All construction materials including excavated materials and/or debris shall be stockpiled on the landward side of the construction fencing.*

8) *Any sand that is to be excavated during construction shall be retained on-site and beach-quality sand shall be placed along the active beach profile. Placement of the sand on the beach during turtle nesting season will require the written consent of the Department of Environment, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject of a separate consultation with the National Conservation Council.*

Prior to the Issuance of a Certificate of Occupancy

9) *Lighting and/or specifications for visible light transmittance shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.*

APPLICANT'S LETTER

Kindly accept this letter requesting a side setback variance for a proposed pavilion (16'vs.20') and a High Water Mark setback variance for a pool (44'vs.75').

Proposed Pavilion Side Setback Variance

Located in a Beach Resort / Residential zone, the applicant proposes that the side setbacks be the same as those in a residential zone considering the project is a single-family residence. The proposed pavilion is one story and setback 16' instead of 20' from the side property boundary, within typical residential setbacks. Please consider Section 8(13)(b) of the Development and Planning Law and note (i) that this is consistent with other parcels with the same zoning where residential projects are being proposed and (ii) that this is not 'materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare'.

Proposed Pool HWM Setback Variance

When designing the house addition and pavilion it was important to not disrupt the existing Seagrape Trees on site, given their natural wealth. Working with a surveyor, the client and Architect were able to map and position the proposed structures on site to minimize tree removal.

The proposed pool location (setback 44' from the High Water Mark) was determined in a similar manner and sits in front of a large grove of Seagrape trees so they can be retained. Please also consider that the pools are not habitable and given that the elevation is 11'ASL, only in a large storm surge equivalent to Hurricane Ivan, would the pool be compromised. As per Section 8(13)(b) of the Development and Planning Law please note (i) that this is consistent with other parcels within the vicinity who also have pools within the HWM setback and (ii) that this is not 'materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare'.

PLANNING DEPARTMENT ANALYSIS

General

The proposed addition to house, swimming pool, six (6') wood fence and gates and after-the-post and rope fence is located on Old Robin Road, North Side.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) High Water Mark setbacks

The applicant is seeking a setback variance from the CPA for the proposed swimming pool (34'.6" vs 75') and (56'.9" vs 75') from the pavilion which goes against Regulation 8(2)(f). Additionally, the applicant is seeking after-the-fact permission for a wood-post and rope fence with a 0' HWM setback vs the required 75'.

2) Side setback

In addition to the HWM setback variances, the applicant is also seeking a right-side (East) setback variance, proposed at (15'.11" vs 20') from the pavilion and goes against Regulations 15(4)(b)(i).

2.15 GRESSEL DIAZ (Platinum Crew General Maintenance & Repair) Block 27E Parcel 210 (P23-1102) ($125,000) (JS)

Application for an extension to an existing duplex.

FACTS

Location	Colby Drive in Savannah
Zoning	**Low Density Residential**
Parcel size required	10,000 sq. ft.
Parcel size proposed	13,516 sq. ft.
Site coverage allowed	30 %
Proposed site coverage	23.52 %
Current use	duplex
Proposed use	1 Bedroom, 2 Bathroom addition

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

1) Building design

APPLICANTS LETTER

I received the email and concerning about our room extension and (have to be the CPA reviews this application and makes a determination on if permission should be granted.

It appears as though this extension could possibly be an additional unit with the potential for a kitchen to be installed).

The reason for our extension is we have 3 children and they are growing ,we have two Teenager that need their privacy soon, and we have a almost 3 yrs old baby and her nanny that staying with us.

We hope you consider our reason to expand our home to be more comfortable for our needs that is will be appreciated.

We are hoping we received a bright side.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Colby Drive in Savannah

The application is for an addition to an existing duplex.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Proposed addition

The proposed addition is accessed via the existing master bedroom on the western end of the duplex. It also has its own separate entrance and exit with two additional bathrooms and one bedroom. Concern is being raised relating to the fact that the proposed play room could potentially be converted into a kitchen in future, the access from the master bedroom be closed off and the proposed entrance be used to access an additional unit.

2.16 REMY AZAVEDO (GMJ Home Plans) Block 14BH Parcel 158 (P23-0950) ($60,000) (NP)

Application for a food truck and drink stand.

FACTS

Location	Seafarers Way, George Town
Zoning	**General Commercial**
Notification Results	No objections
Parcel size	0.13 acre
Parcel size required	CPA Discretion
Current use	Retail Building
Proposed use	Food truck & drink Stand
Building Footprint	172 square feet
Parking Required	1 space
Parking Provided	0 spaces

Recommendation: Discuss planning permission for the following reasons:

1. Lack of Parking
2. Road Setback (11'5" vs 20')
3. Side Setback (3' vs 6')
4. HWM Setback (11'8" vs 50')

AGENCY COMMENTS

The following comments have been received to date:

National Roads Authority

As per your email dated October 31st, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

Given its location, the majority of patrons will be cruise ship passengers and will arrive on foot between 7:00AM and 3:00PM. It should nonetheless be noted that no parking is proposed for the site, and that driving patrons will have access to a total of fourteen (14) public on-street parking stalls; nine (9) within five-hundred (500) feet to the west, and five (5) within six-hundred feet (600) feet at Hog Sty Bay Terminal public parking. Ample parking is available within seven- hundred and fifty (750') at the Bayshore Shopping Centre but this is paid parking and thus unlikely that it will be used by patrons for this food trailer.

Road Capacity Issues

The traffic demand to be generated by a restaurant of 101sq. ft. has been assessed in accordance with ITE Code 935 – Fast Food Drive Thru Only. Thus, the assumed average trip rates per one thousand square feet by the ITE for estimating the daily, AM and PM peak hour trips are N/A,

24.43 and 44.99 respectively. The anticipated traffic to be added to Seafarers Way is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 47% In	AM Peak 53% Out	PM Peak Hour Total Traffic	PM Peak 51% In	PM Peak 49% Out
N/A	2	0	0	5	0	0

Based on these estimates, the impact of the proposed development on Seafarers Way will be

minimal especially considering that all patrons will have to walk to the site

Department of Environment (November 20, 2023)

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 man-modified but is still ecologically sensitive as the site is adjacent to a Marine Protected Area under the National Conservation Act, namely a Marine Reserve, and is situated on ironshore, as shown in Figure 1. The DoE notes that there has been an existing development on the site since at least the 1994.

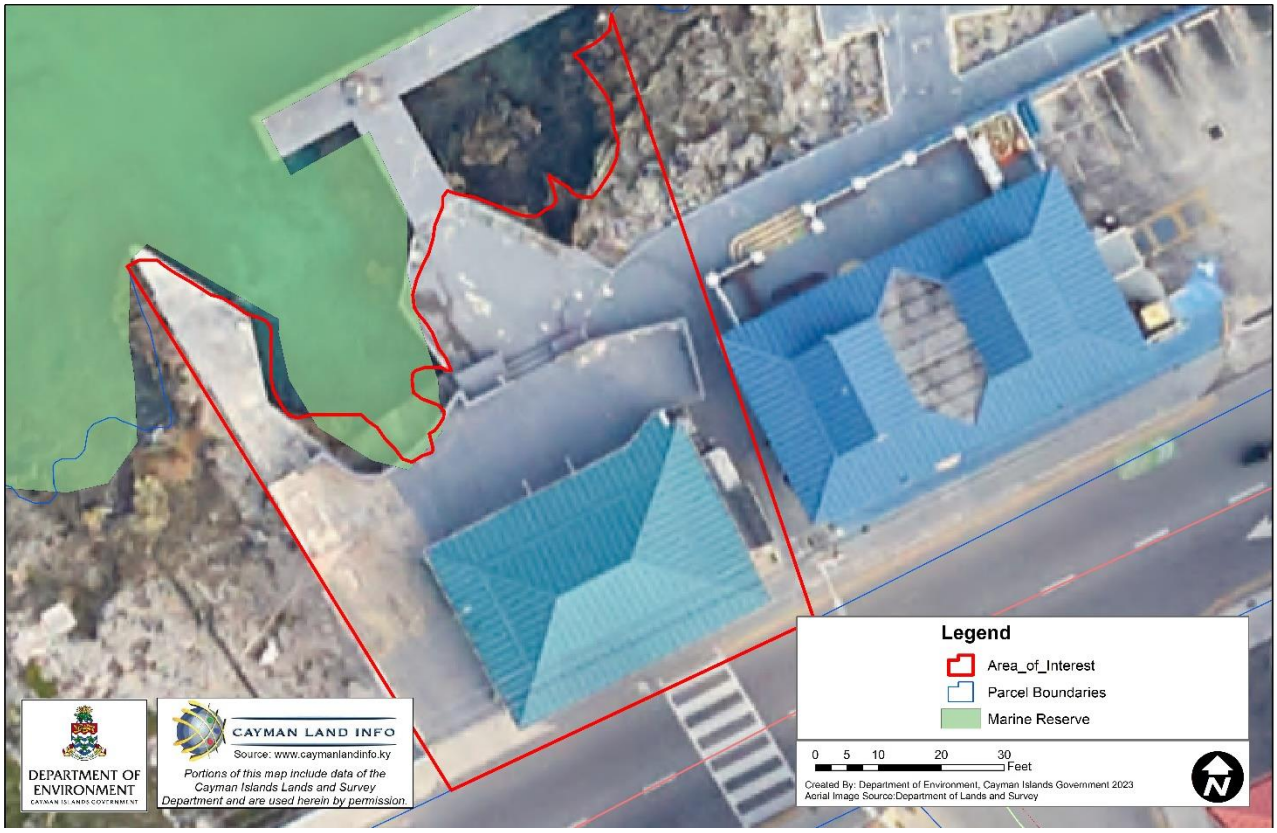


Figure 1: The application site (outlined in red) is adjacent to a Marine Protected Area (green) (Source: UKHO, 2021).

Construction Impacts on the Environment

The site is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act (NCA)). As such, best management practices must be implemented to avoid, minimise and mitigate impacts on the Marine Reserve. In particular, construction-related debris must not enter the marine environment. Poor construction management practices can degrade the environment by:

- *Washing stockpiled aggregates, loose material or bulk material into the marine environment, causing turbidity and impacting water quality; and*

- *Polluting the marine environment with wind-borne debris. Practices such as sanding down ('keying') polystyrene, Styrofoam or insulating concrete forms (ICFs) which are used as part of wall finishing and window moulding can result in polystyrene waste materials getting blown into the sea in significant quantities.*

Best management practices should be adhered to during construction to reduce impacts on the environment. These adverse impacts to a Marine Protected Area have been identified based on repeated observed incidents where conditions were not included to prevent/mitigate the effects. Both the DoE and the Department of Planning have received numerous complaints from members of the public who have been adversely affected directly or who have noted the adverse effects on the marine environment from poor construction management practices.

<u>Polystyrene Impacts on the Protected Area</u>
Polystyrene-based products are commonly used in a variety of applications on construction sites and without appropriate best management practices, impact the surrounding area including the marine environment. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down (Figures 2-4).



Figures 2-4: DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.

<u>Inappropriate Location of Stockpiles</u>
Storage of materials too close to the water's edge can result in pollution of the marine environment. The DoE has responded to numerous incidents where poor construction management practices such as the storing of aggregates or loose materials at the water's edge has resulted in that material entering the marine environment, causing turbidity and impacting water quality. Sedimentation and pollutant-laden runoff also can affect marine species such as seagrass and corals as they rely on good water quality to survive. Depending on the amount of turbidity that occurs and the length of time that it is present, it could adversely and irreversibly affect the marine organisms that have been exposed. The location of stockpiles needs to take into account storms such as hurricanes and nor'westers, and even 'temporary' stockpiles can still be impacted.

Therefore, it is important that construction materials and debris are stored as far away from the water's edge as possible or at least at the minimum coastal setback which is outlined in the

Development and Planning Regulations. Not only does this mitigate impacts to the environment, but it also can be considered a public health and safety measure and a cost-saving measure. It would prevent the loss of materials to the marine environment, reduce the likelihood of prosecution for marine offences and/or prevent the cost of cleaning up and restoring the marine environment.


Figures 5 and 6. The DoE responded to a complaint from the public that this stockpiled material was causing considerable turbidity and siltation of the marine environment.


Figures 7 and 8, Loose materials and construction debris being stored on the canal side of a development, and that material entering into the marine environment.

Figure 9. Stockpiling and on-land activities impacting the marine environment through turbidity and deposition of waste

Figures 10 and 11. Material stockpiled on the edge of the water interacting with moderate wave activity and entering the marine environment

Figure 12. The same site as Figures 10 and 11, showing the interaction of stockpiled materials entering the marine environment during moderate wave activity.

Figure 13. Material stockpiled too close to the water's edge which would or would be likely to enter the marine environment during a storm.

It is a straightforward measure and good-practice to avoid stockpiling materials too close to the marine environment, however this practice still occurs, causing adverse effect on the marine environment. Therefore, this management practice must be secured by condition to prevent adverse effects on the Marine Protected Area. In this case, stockpiling materials behind the existing seawall would be adequate to prevent them from washing into the sea.

Coastal Setbacks

It is also noted that the proposed drink stand does not meet the minimum coastal setbacks as outlined in the Development and Planning Regulations (2022) and that this area is known to be impacted regularly by inclement weather including Nor'westers. Therefore, we recommend that the applicant develops a storm contingency plan to ensure that debris and other materials from their operation do not enter the Marine Protected Area. This would have impacts on the Marine Protected Area but also on their inventory and business.

Section 41(4) Considerations

The site is adjacent to a Marine Reserve, a protected area under the NCA. It is important to ensure that the construction will not have any unacceptable adverse effects on the Marine Protected Area as it contains sensitive marine resources.

Without appropriate controls on the use of polystyrene conditions and the location of stockpiles, there would or would likely be an adverse effect on the designated protected area, namely:

- *Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area.*

On the basis of the above information and in accordance with the recent Court of Appeal judgement, in the exercise of powers which have been conferred through express delegation by the National Conservation Council pursuant to section 3(13) of the National Conservation Act (2013), the Director of DoE considers it necessary for ***the Central Planning Authority to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

Should the CPA wish to propose conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response in line within one week.

Water Authority Cayman

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

Mobile food service providers shall provide details on the following:

1. Potable Water:

a. Source:

b. Storage tank: type, volume and location within mobile unit.

2. Wastewater generated during preparation and clean-up of food:

a. Plumbing fixtures: list number and type, include dimensions of sinks.

b. Storage tank: type, volume and location within mobile unit.

c. Discharge: describe method and location of where contents are transferred for treatment and disposal.

3. Wastewater generated from sanitary fixtures:

a. Restroom facilities: list number and type of facilities provided.

b. Storage tank or treatment system: type, volume and location within or outside mobile unit.

c. Discharge: describe method and location for treatment and disposal.

4. Type of food service:

a. Sells only pre-packaged items or items prepared at a permanent site (indicate location of permanent site of preparation kitchen).

Fire Department

The Fire Department has approved the drawings.

Department of Environmental Health

This application is not recommended for approval for the following reasons:

1. The water source must be stated. a. If utilizing a portable potable water tank, the following applies: i. The size of the tank shall be determined by the number of meal expected to be prepared per day. A potable water tank of sufficient capacity to furnish an adequate quantity of potable water for food preparation, warewashing, and handwashing purposes shall be provided. ii. At least five gallons of water shall be provided exclusively for handwashing for each non-permanent food facility. iii. Any water need for other purposes shall be in addition to the five gallons for handwashing. iv. At least 25 gallons of water shall be provided for food preparation and warewashing. v. The water delivery system shall deliver at least one gallon per minute to each sink basin.

2. Detail for gray water disposal must be submitted. a. Gray water holding tanks shall be sized 15% larger in capacity than the water supply tank. Wastewater tanks shall be emptied at an approved commissary to prevent a public health hazard or nuisance.

3. The sink shall be equipped with an adequate supply of hot and cold running water through a mixing valve. a. Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet. b. Specifications for the hot water heater must be submitted. c. A water heater with a minimum capacity of three gallons shall be provided for mobile food facilities. d. A minimum water heater capacity of one-half gallon shall be provided for mobile food facilities approved for limited food preparation.

4. Specifications for the commercial kitchen hood are required.

APPLICANT'S LETTER

We are hereby requesting variances on behalf of our client, Mr. Remy Azavedo, with regards to the following;

a) *A front setback variance— where the front of the portable trailer is proposed at 11'5" from the road which is 8'7" less than the required 20ft for areas zoned General Commercial.*

b) *A side setback variance — where the left side of the portable trailer is proposed with a setback of 3' which is less than the required 6'.*

c) *A seaside setback variance — where the drink stand is proposed with a 11"8" setback which is 38'4" less than the required 50'.*

We seek relief of the required variances, for reasons detailed below;

1) *Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by registered mail, and there have been no objections to date.*

2) *Per section 8(13)(b)(i) of the Planning Regulation, the characteristics of the proposed development are consistent with the character of the surrounding area;*

3) *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.*

4) *The left side setback results from the limited space between the existing shop and the boundary wall. This setback dimension shown for the portable food trailer reflects an ideal spot that could vary when transported to the subject location. The trailer will be taken to the subject location primarily*

during cruise ship arrivals and cater only to foot traffic.

5) *The roadside setback for the existing shop is less than for the proposed portable food trailer.*

6) *The seaside set brick for the portable drink stand may seem grossly reduced because of an existing ironshore inlet seizing boat docks that extend a further 60' seaward of the inlet. There is also an existing seawall closer to the seaside edge than the proposed one.*

7) *The application complies with all other relevant planning requirements.*

Thank you for your consideration.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Seafarers Way in downtown George Town, across from Bayshore Mall.

The proposal is for a food truck and drink stand.

Adjacent landowners were notified by Registered Mail and two ads were placed in a local newspaper. No objections have been received.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Lack of Parking

The proposed food truck and drink stand consist of 172 square feet. As such, Regulation 8(1)(iii) would require the provision of one parking space.

No parking is proposed and there is no parking on the property.

The Authority should discuss whether the nature of the business will generate a demand for parking.

2) Road setback (11'5" vs 20')

Regulation 8(8) states that the minimum road setback in a commercial zone shall be 20 feet.

In this instance the proposed food truck would be setback 11'5" from the edge of Seafarers Way.

The applicant has submitted a variance request and the Authority should discuss whether a variance is warranted in this instance.

3) Side setback (3' vs 6')

Regulation 8(8) states that the minimum side setback in a commercial zone shall be 6 feet.

In this instance the proposed food truck would be setback 3 feet from the side boundary.

The applicant has submitted a variance request and the Authority should discuss whether a variance is warranted in this instance.

4) HWM setback (11'8" vs 50')

Regulation 8(10)(a) states that the minimum waterfront setback shall be 75 feet in the George Town Central area.

In this instance the proposed drink stand would be setback 11'8" and the food truck would be setback 29' 6".

The applicant has submitted a variance request and the Authority should discuss whether a variance is warranted in this instance.

2.17 NATIONAL HOUSING DEVELOPMENT TRUST (Whittaker & Watler) Block 72B Parcel 195 (P23-0819) ($126,000) (EJ)

Application for a house.

FACTS

Location	Marvelle McLaughlin Drive, East End
Zoning	MDR
Notification result	No objections
Parcel size proposed	0.1343 ac. (5,850 sq. ft.)
Parcel size required	5,000 sq. ft.
Current use	Vacant
Proposed building size	1,050 sq. ft.
Total building site coverage	17.95%
Required parking	1
Proposed parking	1

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

1) Side setback variance (6'3" vs 10')

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment (October 13, 2023)

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).

As seen in Figures 1 and 2, the site is man-modified but the western half of the parcel contains primary habitat, namely dry shrubland and dry woodland. 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. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

Figure 1. The application site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

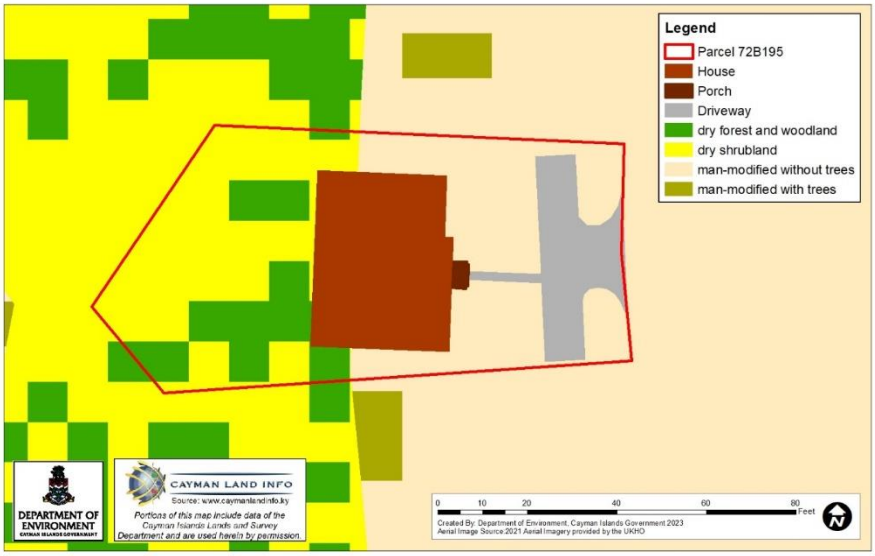


Figure 2. The application site with the parcel boundary highlighted in red and the different types of vegetation found on the site (Aerial Imagery Source: UKHO, 2021 & Vegetation Data Source: DoE, 2013).

As seen in Figure 2, the applicant should retain as much native vegetation as possible and incorporate it into the landscaping scheme, particularly in the backyard area of the proposed house as it contains primary habitat. Primary habitat and native vegetation can be retained and used in a variety of ways on a property:

- *It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *Shade provided by retaining mature vegetation can also help to lower cooling demand and utility costs.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can assist with drainage, directly through breaking the momentum of rain, anchoring soil, and taking up of water and indirectly through keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

The DoE notes that the applicant intends to use concrete for the proposed driveway and parking. We encourage the applicant to use a more permeable material to help with on-site drainage and reduce the likelihood of surface water flooding.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following condition in the approval:

If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.

APPLICANT'S LETTER

On behalf of my client, I would like to request a side setback variance. The house will be over the left setback line by 3'-9". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

PLANNING DEPARTMENT ANALYSIS

General

The proposed two-bedroom house is located on Marvelle McLaughlin Drive in East End.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Side setback

The proposed is 6'3" vs 10' from the left side boundary; therefore, the applicant is seeking a setback variance from the Authority. The proposal meets all other planning regulations and the applicant has notified the adjacent parcel owners and no objections have been received.

2.18 NHDT (Whittaker & Watler) Block 72B Parcel 184 (P23-0808) ($144,000) (NP)

Application for a house.

FACTS

Location	Marvelle McLaughlin Drive in East End
Zoning	**Medium Density Residential**
Notification result	No Objectors
Parcel size proposed	5349.1 square feet
Parcel size required	7,500 sq. ft.
Current use	Vacant

BACKGROUND

NA

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

1) Side setback (8'7" vs 10')

APPLICANT'S LETTER

On behalf of my client, I would like to request a side setback variance. The house will be over the left setback line by 1'-5". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Marvelle McLaughlin Drive in East End

The property is vacant and the applicant is proposing a house on the property.

Zoning

The property is zoned Medium Density Residential.

Specific Issue

1) **Proposed side setback (8'7" vs 10')**

   Regulation 9(7)(j) requires a minimum side setback of 10 feet for a one storey building.

   The proposed side setback is 8'7".

   The Authority should consider whether a variance is warranted in this situation.

2.19 NHDT (Whittaker & Watler) Block 72B Parcel 197 (P23-0813) ($141,720) (NP)

Application for a house.

FACTS

Location	Marvelle McLaughlin Drive in East End
Zoning	**Medium Density Residential**
Notification result	No Objectors
Parcel size proposed	5,140 square feet
Parcel size required	7,500 sq. ft.
Current use	Vacant

BACKGROUND

NA

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

1) Rear setback (14'7" vs 20')

APPLICANT'S LETTER

On behalf of my client, I would like to request for setback encroachment of the septic tank and house rear setback variance. The house will be over the setback line by 5'-5". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Marvelle McLaughlin Drive in East End

The property is vacant and the applicant is proposing a house on the property.

Zoning

The property is zoned Medium Density Residential.

Specific Issue

1) **Proposed rear setback (14'7" vs 20')**

   Regulation 9(7)(i) requires a minimum rear setback of 20 feet for a one storey building.

   The proposed rear setback is 14'7".

   The Authority should consider whether a variance is warranted in this situation.

2.20 NHDT (Whittaker & Watler) Block 72B Parcel 190 (P23-0818) ($141,720) (NP)

Application for a house.

FACTS

Location	Marvelle McLaughlin Drive in East End
Zoning	**Medium Density Residential**
Notification result	No Objectors
Parcel size proposed	4,822.1 square feet
Parcel size required	7,500 sq. ft.
Current use	Vacant

BACKGROUND

NA

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

1) Rear setback (18' vs 20')
2) Side setback (6'6" vs 10')

APPLICANT'S LETTER

On behalf of my client, I would like to request variance for setback encroachment of the septic tank and house rear setback variance. The house will be over the rear setback line by 2'-0". There is sufficient reason to grant a variance and an exceptional circumstance

exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Marvelle McLaughlin Drive in East End

The property is vacant and the applicant is proposing a house on the property.

Zoning

The property is zoned Medium Density Residential.

Specific Issue

1) **Proposed rear setback (18' vs 20')**

   Regulation 9(7)(i) requires a minimum rear setback of 20 feet for a one storey building.

   The proposed rear setback is 18'.

   The Authority should consider whether a variance is warranted in this situation.

2) **Proposed side setback (6'6" vs 10')**

   Regulation 9(7)(j) requires a minimum side setback of 10 feet for a one storey building.

   The proposed side setback is 6'6".

   The Authority should consider whether a variance is warranted in this situation.

2.21 NATIONAL HOUSING DEVELOPMENT TRUST (Whittaker & Watler) Block 72B Parcel 208 (P23-0803) ($144,000) (EJ)

Application for a house.

FACTS

Location	Will Jackson Drive, East End
Zoning	MDR
Notification result	No Objectors
Parcel size proposed	0.1152 ac. (5,018 sq. ft.)
Parcel size required	5,000 sq. ft.
Current use	Vacant
Proposed building size	1,200 sq. ft.
Total building site coverage	23.91%
Required parking	1
Proposed parking	1

Recommendation: Discuss the application, for the following reason:

1) Side setback variance (8'7" vs 10')

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment (October 13, 2023)

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).

As seen in Figure 1, the application site is man-modified. It appears that the site was cleared between 2018 and 2021 because the site was shown as vegetated in the 2018 aerial imagery (see Figure 2 below).

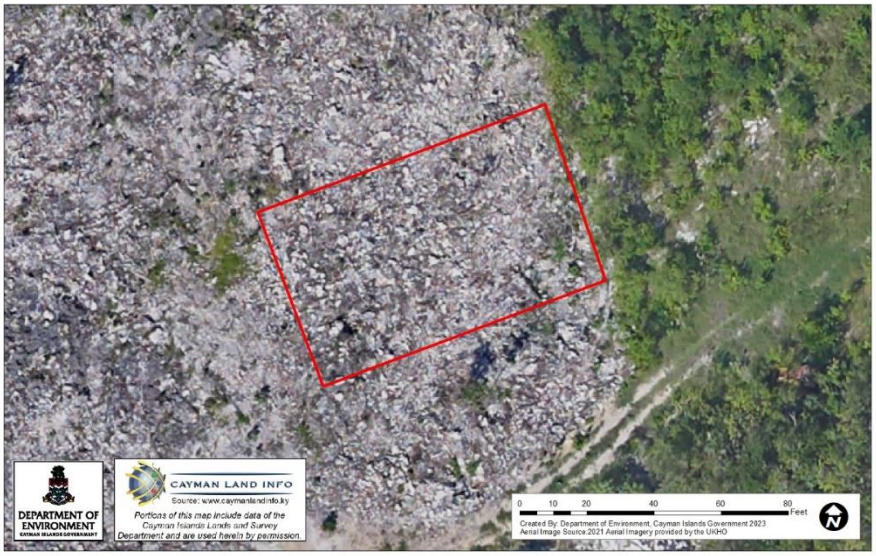


Figure 1. The application site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

Figure 2. The application site in 2018 with the parcel boundary highlighted in red (Aerial Imagery Source: Cayman Land Info, 2018).

We do not have records for planning permission for the clearing, and the DoE does not support speculative clearing. We recommend that applications for land clearing are presented along with the development proposal so that appropriate mitigation measures can be recommended, as there may be varying recommendations depending on the form and nature of the development being proposed. Clearing the site prematurely takes away the opportunity for the DoE to make meaningful comments. It also removes the choice to retain native vegetation for use within the future development.

In this case, there is now no opportunity for the future residents of the proposed house to retain native vegetation. Retaining native vegetation is especially important for affordable housing developments as native vegetation is free, low-maintenance landscaping already provided by the environment. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

The DoE notes that the applicant intends to use concrete for the proposed driveway and parking. We encourage the applicant to use a more permeable material to help with on-site drainage and reduce the likelihood of surface water flooding.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following condition in the approval:

1) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

APPLICANT'S LETTER

On behalf of my client, I would like to request a side setback variance. The house will be over the left setback line by 1'-5". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

PLANNING DEPARTMENT ANALYSIS

General

The proposed three-bedroom house is located on Will Jackson Drive in East End.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Side setback

The proposed is 8'7" vs 10' from the left side (North) boundary; therefore, the applicant is seeking a setback variance from the Authority. The proposal meets all other planning regulations and the applicant has notified the adjacent parcel owners and no objections have been received.

2.22 NHDT (Whittaker & Watler) Block 72B Parcel 194 (P23-0821) ($126,000) (MW)

Application for a house.

FACTS

Location	Marvelle McLaughlin Dr, East End
Zoning	**Medium Density Residential**
Notification result	No Objectors
Parcel size proposed	0.1160 ac. (5,052.96 sq. ft.)
Parcel size required	4,000 sq. ft. (Gov. Sub.)
Current use	Vacant
Proposed building size	1,050 sq. ft.
Total building site coverage	20.78%
Required parking	1
Proposed parking	2

BACKGROUND

N/A

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

1) Side setback (6'-5" vs. 10'-0")

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment (October 13, 2023)

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).

As seen in Figure 1, the application site is man-modified. It appears that the site was cleared between 2018 and 2021 because the site was shown as vegetated in the 2018 aerial imagery (see Figure 2 below).

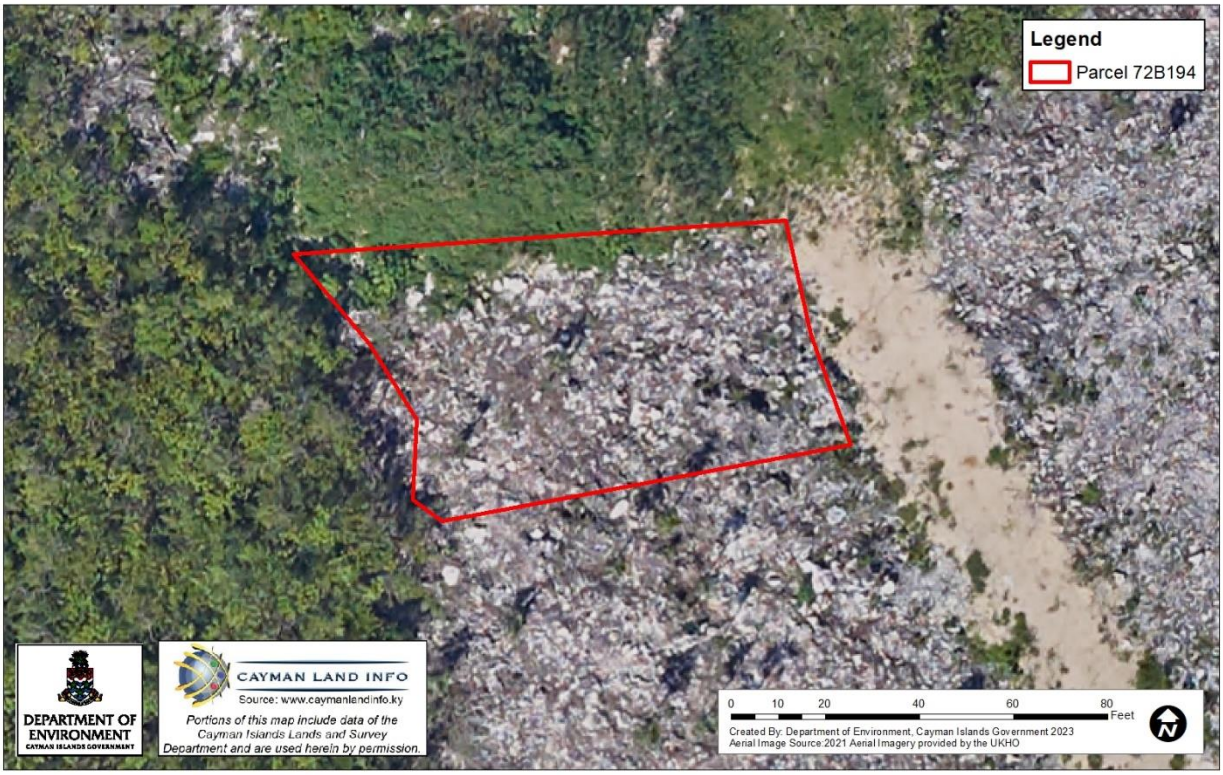


Figure 1. The application site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

Figure 2. The application site in 2018 with the parcel boundary highlighted in red (Aerial Imagery Source: Cayman Land Info, 2018).

We do not have records for planning permission for the clearing, and the DoE does not support speculative clearing. We recommend that applications for land clearing are presented along with the development proposal so that appropriate mitigation measures can be recommended, as there may be varying recommendations depending on the form and nature of the development being proposed. Clearing the site prematurely takes away the opportunity for the DoE to make meaningful comments. It also removes the choice to retain native vegetation for use within the future development.

In this case, there is now no opportunity for the future residents of the proposed house to retain native vegetation. Retaining native vegetation is especially important for affordable housing developments as native vegetation is free, low-maintenance landscaping already provided by the environment. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

The DoE notes that the applicant intends to use concrete for the proposed driveway and parking. We encourage the applicant to use a more permeable material to help with on-site drainage and reduce the likelihood of surface water flooding.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following condition in the approval:

1) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

APPLICANT'S LETTER

On behalf of my client, I would like to request a side setback variance. The house will be over the left setback line by 3'-7". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a two bedroom house; 1,050 sq. ft. located on Marvelle McLaughlin Dr., East End.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Side setback

Regulation 9(7)(j) of the Development & Planning Regulations (2022 Revision) states *"the minimum side setbacks is 10 feet for a building of one storey".* The proposed residence will be 6'-5" from the side boundary a difference of 3'-7".

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting the proposed side setback variance.

2.23 NHDT (Whittaker & Watler) Block 72B Parcel 206 (P23-0805) ($141,720) (MW)

Application for a house.

FACTS

Location	Will Jackson Dr, East End
Zoning	**Medium Density Residential**
Notification result	No Objectors
Parcel size proposed	0.1166 ac. (5,079.096 sq. ft.)
Parcel size required	4,000 sq. ft. (Gov. Sub.)
Current use	Vacant
Proposed building size	1,200 sq. ft.
Total building site coverage	23.63%
Required parking	1
Proposed parking	2

BACKGROUND

N/A

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

1) Side setback (8'-7" vs. 10'-0")

APPLICANT'S LETTER

On behalf of my client, I would like to request a side setback variance adjacent to the road. The house will be over the left setback line by 1'-5". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a three bedroom house; 1,200 sq. ft. located on Will Jackson Dr., East End.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Side setback

Regulation 9(7)(j) of the Development & Planning Regulations (2022 Revision) states *"the minimum side setbacks is 10 feet for a building of one storey".* The proposed residence will

be 8'-7" from the side boundary a difference of 1'-5".

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting the proposed side setback variance.

2.24 NHDT (Whittaker & Watler) Block 72B Parcel 193 (P23-0815) ($141,720) (MW)

Application for a house.

FACTS

Location	Marvelle McLaughlin Dr, East End
Zoning	**Medium Density Residential**
Notification result	No Objectors
Parcel size proposed	0.111 ac. (4,839.516 sq. ft.)
Parcel size required	4,000 sq. ft. (Gov. Sub.)
Current use	Vacant
Proposed building size	1,181 sq. ft.
Total building site coverage	24.40%
Required parking	1
Proposed parking	2

BACKGROUND

N/A

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

1) Rear setback (16'-5" vs. 20'-0")
2) Side setback (9'-8" vs. 10'-0")

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment (October 13, 2023)

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).

As seen in Figure 1, the application site is man-modified. It appears that the site was cleared between 2018 and 2021 because the site was shown as vegetated in the 2018 aerial imagery (see Figure 2 below).

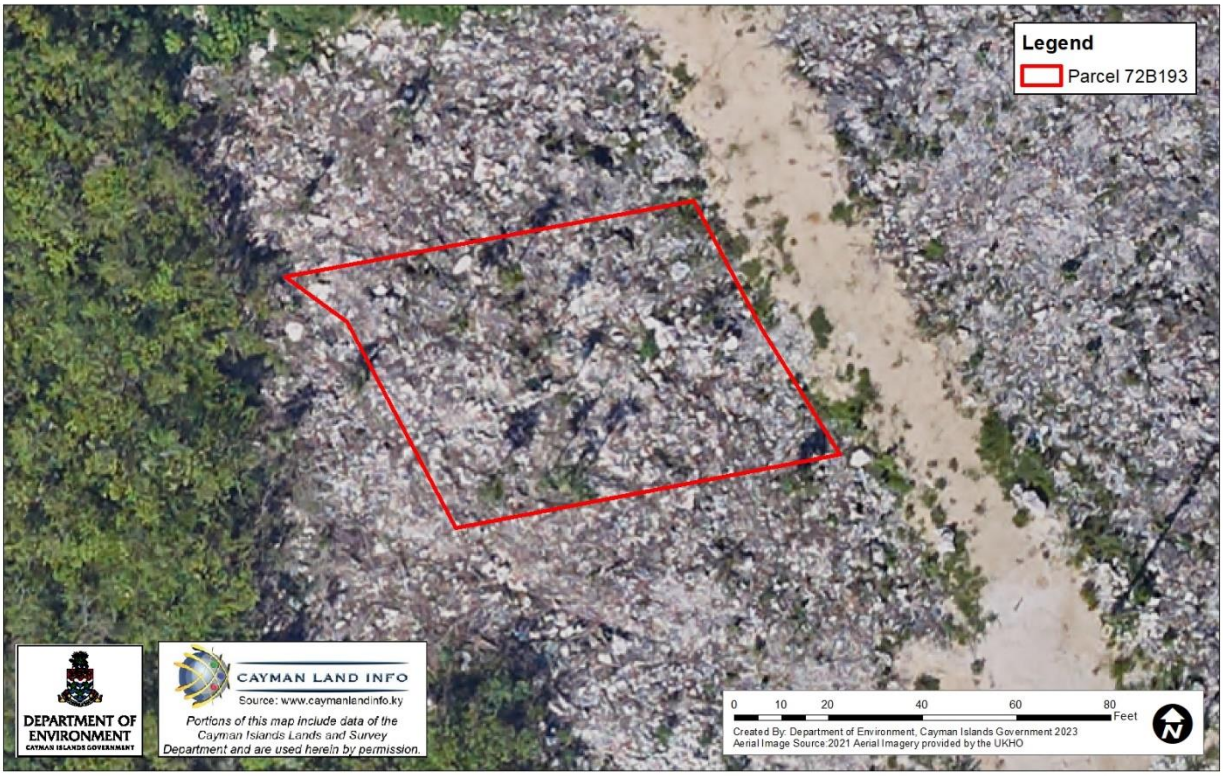


Figure 1. The application site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

Figure 2. The application site in 2018 with the parcel boundary highlighted in red (Aerial Imagery Source: Cayman Land Info, 2018).

We do not have records for planning permission for the clearing, and the DoE does not support speculative clearing. We recommend that applications for land clearing are presented along with the development proposal so that appropriate mitigation measures can be recommended, as there may be varying recommendations depending on the form and nature of the development being proposed. Clearing the site prematurely takes away the opportunity for the DoE to make meaningful comments. It also removes the choice to retain native vegetation for use within the future development.

In this case, there is now no opportunity for the future residents of the proposed house to retain native vegetation. Retaining native vegetation is especially important for affordable housing developments as native vegetation is free, low-maintenance landscaping already provided by the environment. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

The DoE notes that the applicant intends to use concrete for the proposed driveway and parking. We encourage the applicant to use a more permeable material to help with on-site drainage and reduce the likelihood of surface water flooding.
Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Development Control Board or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following condition in the approval:

1) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

APPLICANT'S LETTER

On behalf of my client, I would like to request variance for setback encroachment of the septic tank and house side & rear setback variances. The house will be over the left setback line by 4" and 3'-7" over the rear setback. There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request. Thank you in advance in this matter.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a three bedroom house; 1,181 sq. ft. located on Marvelle McLaughlin Dr., East End.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear Setback

Regulation 9(7)(i) of the Development & Planning Regulations (2022 Revision) states *"the minimum front and rear setbacks are 20'-0".* The proposed residence will be 16'-5" from the rear boundary a difference of 3'-7".

2) Side Setback

Regulation 9(7)(j) of the Development & Planning Regulations (2022 Revision) states *"the minimum side setbacks is 10 feet for a building of one storey".* The proposed residence will be 9'-8" from the side boundary a difference of 4".

2.25 NHDT (Whittaker & Watler) Block 72B Parcel 207 (P23-0804) ($144,000) (MW)

Application for a house.

FACTS

Location	Will Jackson Dr, East End
Zoning	**Medium Density Residential**
Notification result	No Objectors
Parcel size proposed	0.1168 ac. (5,087.808 sq. ft.)
Parcel size required	4,000 sq. ft. (Gov. Sub.)
Current use	Vacant
Proposed building size	1,200 sq. ft.
Total building site coverage	23.6%
Required parking	1
Proposed parking	2

BACKGROUND

N/A

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

1) Side setback (8'-7" vs. 10'-0")

APPLICANT'S LETTER

On behalf of my client, I would like to request a side setback variance adjacent to the road. The house will be over the left setback line by 1'-5". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a three bedroom house; 1,200 sq. ft. located on Will Jackson Dr., East End.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Side Setback

Regulation 9(7)(j) of the Development & Planning Regulations (2022 Revision) states *"the*

minimum side setbacks is 10 feet for a building of one storey". The proposed residence will be 8'-7" from the side boundary a difference of 1'-5".

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting the proposed side setback variance.

2.26 BARRINGTON LAMIE (Barrington Lamie) Block 43E Parcel 80 (P23-0284) ($200,800) (MW)

Application for an addition to house to create a duplex.

FACTS

Location	Frost St., Bodden Town
Zoning	**Low Density Residential**
Notification result	No Objectors
Parcel size proposed	0.27 ac. (11,761.2 sq. ft.)
Parcel size required	12,500 sq. ft.
Current use	Existing Residence
Proposed building size	1,004 sq. ft.
Total building site coverage	15.5%
Required parking	2
Proposed parking	4

BACKGROUND

July 13, 2005 – House – (CPA/16/05; Item 2.20) the application was considered and it was resolved to grant planning permission.

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

1) Lot size (11,761.2 sq. ft. vs. 12,500 sq. ft.)

APPLICANT'S LETTER

I wanted to add to the extension a residential unit for renting on my property Block 43E Parcel 80. The size of the lot is 0.27 acre (11761.2 SF). I believe the location is Medium Density Residential Zone.

Please consider my circumstances for the reason for my extension. When I purchased the property it was very swampy. I worked very hard to fill it and to make a difference with it. In 2013 I made a shed on it to store my personal belongings and after all this. I was still renting because I have a family to take care of and a mortgage to pay. I was under financial pressure, and could hardly pay my rent. I have been given notices on several occasions In my humble and honest determination I was able to build a three-bedroom house on the property. Later on I added a kitchen and a bathroom to make it more liveable for me, my wife and my two daughters. As you can see the plan is already finished.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an addition to create a duplex; 1,004 sq. ft. located on Frost St., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size

Regulation 9(8)(e) of the Development & Planning Regulations (2022 Revision) states *"the minimum lot size for each duplex is 12,500 sq. ft."*. The proposed lot is currently 0.27 ac. (11,761.2 sq. ft.) a difference of 738.8 sq. ft.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting the proposed lot size variance.

2.27 ALLYSON WHITTAKER (Whittaker & Watler) Block 53A Parcel 222 (formerly 43) (P23-0660) ($1,678,800) (EJ)

Application for 8 apartments and a swimming pool.

FACTS

Location	North Side Road, North Side
Zoning	**LDR**
Notification result	No objectors
Parcel size proposed	0.60 ac. (26,136 sq. ft.)
Parcel size required	25,000 sq. ft.
Current use	Vacant
Proposed building size	10,992 sq. ft.
Total building site coverage	22.18 (41.55% with parking).
Allowable units	9
Proposed units	8
Allowable bedrooms	14
Proposed bedrooms	16
Required parking	12
Proposed parking	17

BACKGROUND

January 20, 2021 (**CPA/02/21; Item 2.14**) - The CPA granted permission for six (6) 2-bedroom apartments and a swimming pool on the sea side of what was then 53A 43. That

portion of the parcel is 0.75ac and could accommodate 11 units and 18 bedrooms. 6 units with 12 bedrooms were approved.

September 15, 2021 (**CPA/19/21; Item 2.17**) - The CPA modified permission to relocated the septic tank.

September 15, 2021 (**CPA/19/21; Item 5.4**) - The CPA modified permission to order to allow balconies to certain units.

November 25, 2022 - approval granted for a two-lot subdivision to separate the sea side of the parcel from the land side

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

1) Number of bedrooms (16 vs 14)

AGENCY COMMENTS

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

Water Authority

Please be advised that the Water Authority's requirements for this development is based on the previously proposed 2 Lot Sub-division (Plan Ref.: i110122-090502-63, P22-0838): The following requirements are based on the approved subdivision.

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least **2,500 US gallons** for the proposed, based on the following calculations:*

BUILDING	***UNITS/BLDG***	***GPD/UNIT***	***GPD***
1	*4 x 2-Bed Units*	*225gpd/2-Bed Units*	*900*
2	*4 x 2-Bed Units*	*225gpd/2-Bed Units*	*900*
TOTAL			***1,800***

- *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. The minimum well casing diameter for this development shall be 4''.** 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
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.*

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

As per your email dated September 11th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

- *Entrances shall be twenty-four (24) feet wide.*
- *Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is* ***not reduced below the sixteen-foot (16') minimum****.*

The NRA requests that the CPA have the applicant increase the width of the entrance to 24 feet and increase the length of the parking spaces so that they are 16 feet minimum excluding the space behind the parking block.

Road Capacity Issues

The traffic demand to be generated by a residential development of eight (8) dwelling units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the 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 to North Side Road is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
53	4	1	3	5	3	2

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

Access and Traffic Management Issues

Entrance and exit curves shall be no less than fifteen (15) feet in radius.

A six (6) foot sidewalk shall be constructed on North Side Road within the property boundary, to NRA specifications (available on our website at: https://www.caymanroads.com/upload

/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20).

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

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 North Side 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 (Per NRA specifications (available at: https://www.caymanroads.com/upload/files/4/628e6599be2c9.pdf) 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 details need to be provided per NRA specifications (available on our website at:https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details. pdf%20).*

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 by the applicant.

Department of Environmental Health

Solid Waste Facility:

1. *This development require 8 (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 must be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

Table 1: Minimum Enclosure Dimensions

Number of Containers	*Minimum Dimensions (feet)*		
	Width	*Length*	*Height*
8	*5.00*	*10.00*	*2.50*

Swimming Pool:

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

Department of Environment (September 26, 2023)

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 consists of primary dry forest and shrubland as well as seasonally flooded mangrove forest and woodland (refer to Figure 1), although some clearing took place as a result of the implementation of planning permission for apartments north of the road by the applicant.

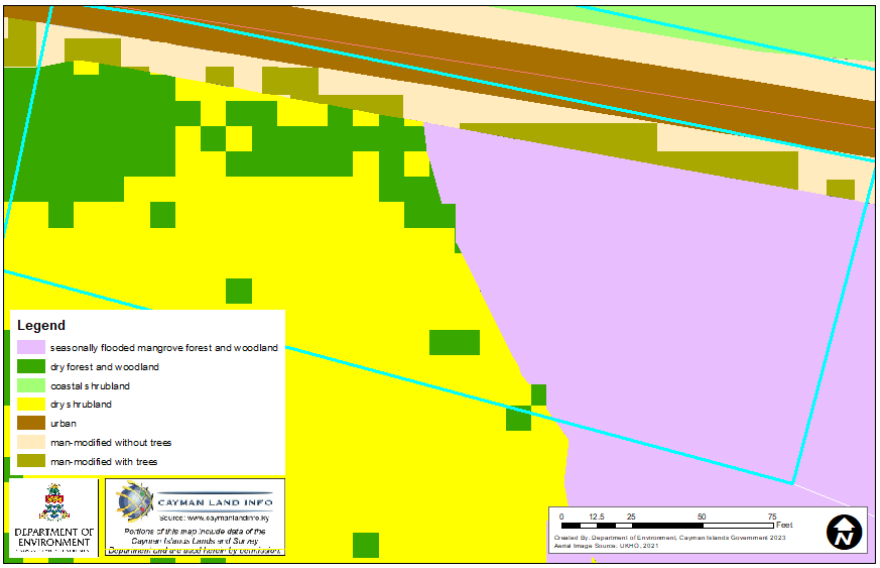


Figure 1: Land cover map overlaid on proposed site plan, note the majority of the site is covered by tidally flooded mangrove forest and woodland (Source: DoE, 2023)

The proposed site plan will convert some of the seasonally flooded mangrove to hard standing. As such, drainage is likely to be a concern. The proposed site plan also features a large amount of hardscaping. We recommend that the applicant considers the use of porous or permeable paved surfaces in areas of hard standing such as the driveways and

parking areas. The existing vegetation within the side and rear setbacks should be left uncleared and unfilled to assist with drainage.

We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and the amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services. Stormwater management, flooding and drainage could all be greatly improved by retaining as much of the original wetland vegetation as possible.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, the DoE recommends the inclusion of the following condition in any planning permission:

2) *If the construction uses insulating concrete forms (ICF) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris are completely captured on-site and does not impact the surrounding area.*

Fire Department

Stamped approved drawings.

APPLICANT'S LETTER

On behalf of my client, I would like to request a variance for the proposed project parking lot. There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that 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.

Although the coast is 80% Iron Shore and loose rocks (Please see photos), all structures are at least 51 ft.

measured from the HWM to the balconies based on Regulation 8(5).

There are existing structures in the vicinity with such setbacks.

As for the scenic coast line, there are lots of development along Northern coast line and I think that if a person has a billable property they should be able to build it.

PLANNING DEPARTMENT ANALYSIS

General

The proposed seeks permission for two-building consisting of four (4) 2-bedroom apartments in each building and a swimming pool located on North Side Road

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Suitability

The proposed apartment meets all planning regulations and whilst regulation 9(8) permits apartments in suitable locations; the Authority should be reminded that on January 20, 2021 (**CPA/02/21; Item 2.14**) - the CPA granted permission for six (6) 2-bedroom apartments and a swimming pool on the subject parcel (formerly parcel 43) which is on the northern (sea side).

2) Bedroom density

The subject parcel can accommodate 14 bedrooms, but the applicant is seeking permission for a total of 16 bedrooms. The Authority is asked to consider if the applicant has demonstrated there is sufficient reason and exceptional circumstance to allow the two additional bedrooms.

2.28 RANDY & KERRY SOTO (CS Design) Block 40A Parcel 45 (P23-0929) ($630,000) (EJ)

Application for a house.

FACTS

Location	Rum Point Drive, North Side
Zoning	**LDR**
Notification result	No objections
Parcel size proposed	0.29 ac. (12,632 sq. ft.)
Parcel size required	10,000 sq. ft.
Current use	Vacant
Proposed building size	1,865 sq. ft.
Total building site coverage	14.76%
Required parking	1
Proposed parking	1

BACKGROUND

March 4, 2020 **(CPA/05/20; item 2.16)** – A previous application was adjourned to invite in regarding the HWM setback

June 10, 2020 (**CPA/09/20; item 2.8**) – The previous application was adjourned to re-invite the applicant to attend the CPA meeting

June 24, 2020 **(CPA/10/20; item 2.5)** – The previous application was adjourned and the applicant was required to submit revised plans showing the proposed house designed to better fit within required setbacks. The applicant at that time was proposing a HWM setback of 40' 7" vs the required 75'.

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

1) HWM setback variance (66'10" vs 75')

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment (December 7, 2023)

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).

Site Overview

The application site is man-modified and of limited ecological value, with aerial imagery showing that the site was cleared in 2020. The site is bordered by a Marine Protected Area (No Diving Zone overlay), however the area offshore is not a Marine Reserve.

Advice for the Applicant

We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

We note that the location of the proposed house falls high of the minimum coastal setback as per the Development and Planning Regulations (2022). It is imperative that minimum coastal setbacks are met for all structures, including pools and pool decks. This is particularly important to increase resiliency, given climate change predictions for the region and the increasing prevalence of coastal erosion associated with inappropriately sited development. We recommend that the applicant submits a revised plan, where the development meets the minimum required coastal setbacks and takes into account potential impacts related to climate change. This could include features to increase resiliency such as wash through ground floors.

Section 41(3) Advice for the Central Planning Authority / Planning Department

Best management practices should also be adhered to during construction to reduce impacts on the environment and the marine environment, including impacts to water quality. Materials should be stockpiled away from the water's edge to avoid run-off into the canal. Control measures should be put in place to address pollution from expanded

polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

It is likely that the construction of the foundations will require excavation of sand from the beach. Beaches naturally undergo processes of erosion and accretion. By removing sand from the beach and harming the beach ridge, the natural balance is disrupted and erosion is likely to occur more rapidly. Returning excavated sand to the active beach profile helps prevent premature erosion of the beach through maintaining natural coastal processes.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed house, we recommend the inclusion of the following conditions in the approval:

1) *All construction materials shall be stockpiled at a minimum of 75 feet from the Mean High Water Mark to reduce the possibility of run-off washing material and debris into the marine environment causing turbidity and impacting water quality.*
2) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*
3) *Any sand that is to be excavated during construction shall be retained on-site and beach-quality sand shall be placed along the active beach profile. Placement of the sand on the beach during turtle nesting season will require the written consent of the Department of Environment, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject of a separate consultation with the National Conservation Council.*

APPLICANT'S LETTER

With reference to the subject above, we hereby request for the following variance:

- High Water Mark setback = 60'-7" main building; 66'-10 porch slab (uncovered)

- Front setback = 16'-6" concrete steps (uncovered)

The owners wish to build a small cottage for their family to use occasionally. The proposed development has a total of 1,800.00 square feet which is only about 15% of site coverage. Despite this, it was difficult to follow the required setback regulations due to the shape and depth of the lot. In an effort to minimize setback encroachments, we've integrated the back porch within the building's footprint.

It should be emphasized that the proposed development` maintains a significantly greater distance from the HWM line compared to the surrounding properties.

Enclosed is an aerial map showing existing structures that are in proximity with the proposed cottage. The existing HWM line setbacks ranges from 16 to 61 feet.

The information stated above are in line with the relevant sections outlined in the Planning regulations in granting Planning permission:

As per Regulation 8(13)(b)(i) the characteristics of the proposed development are consistent with the character of the surrounding area; (ii) unusual terrain characteristics limit the site's development potential; or; (iii) he 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.

Furthermore, the lot is <u>not</u> a designated Turtle Nesting area as confirmed by DOE.

We have notified adjoining property owners via registered mail, and we are currently not aware of any objections to the setback, or any other matters related to the proposed cottage.

Given the above, we ask that you consider our request. Should you need further information, please do not hesitate to contact us.

PLANNING DEPARTMENT ANALYSIS

General

The proposed three-bedroom house is located on Rum Point Drive in North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) HWM setback

The proposed house does not meet regulations 8(10)(b), proposed at 66'10" vs 75' from the high-water-mark, therefore, the applicant is seeking a variance from the Authority. The applicant references Regulation 8(13)(b) in their letter to support the lesser HWM setback, but they should have referenced Regulation 8(11) and assessed the setback per the provisions of that Regulation.

2.29 JOHN VAN RYSWYK (Steve Scott Smith) Block 22D Parcel 404 (P23-1089)($800,000) (JS)

Application for a house and swimming pool.

FACTS

Location	Spinnaker Road, Prospect
Zoning	**Low Density residential**
Notification result	No objections
Parcel size proposed	0.3141 ac. (13,682 sq ft)
Parcel size required	10,000 sq. ft.
Current use	Proposed 2 storey house
Proposed building size	3650 sq. ft
Total building site coverage	17.68%
Required parking	1
Proposed parking	2

BACKGROUND

September 16, 2020 (CPA/15/20; item 2.24) – The Authority granted approval for a house and pool which included a canal setback of 8'8" for the pool. The owner at that time, not the current owner, chose not to purse that project.

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

1) Rear setback (18'1" vs 20')

APPLICANT'S LETTER

Request for minimum setback variance for Planning application for pool from the canal on Block 22D Parcel 404.

With reference to the comments from the planning reviewer, kindly requesting variance for the setback to the pool from the canal. Due to the design layout, the pool encroaches the set back by 2' 11''. The caused to decrease the minimum rear set back required.

As per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the request for pool setback variation, with no objections.

AGENCY COMMENTS

The Authority received comments from the Department of Environment.

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).

Site Overview

The application site is man-modified and of limited ecological value as shown in Figure 1.

Figure 1. The application site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

Advice for the Applicant

We recommend that native plants be incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

As seen in Figure 2 below, the DoE notes that the initial site plan has been modified to increase the proposed development's distance from the canal. However, the proposed pool and spa still do not meet the minimum canal setback and we encourage the applicant to redesign the development plans so that the canal setback is met.

Figure 2. The application site with the parcel boundary highlighted in red and an overlay of the site plans (Architectural Plans Source: JMP Construction, 2023).

Advice for the Central Planning Authority/Planning Department

Best management practices should be adhered to during construction to reduce impacts on the environment and the canal, including impacts on water quality. Materials should be stockpiled away from the canal's edge to avoid run-off into the canal. Control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

Section 41(3) Recommendations

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval:

1) *All construction materials shall be stockpiled at a minimum of 20 feet from the canal edge to reduce the possibility of run-off washing material and debris into the canal causing turbidity and impacting water quality.*
2) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris*

is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on Spinnaker Road in Prospect.

The application is for the construction of a (2) storey house with pool deck, spa and swimming pool.

Zoning

The property is zoned Low Density residential

Specific Issues

1) Canal setback (17'1" vs 20')

Regulation 8(10)(ea) requires a minimum canal setback of 20ft. The proposed pool as a setback of 17'1" and the Authority must determine if the applicant has provided sufficient reasons for the lesser setback per Regulation 8(11).

2.30 S & M WRIGHT (Andrew Gibb Chartered Architect) Block 12C Parcel 96 (P23-1090) ($250,000) (JS)

Application for an extension to an existing residence and new septic tank.

FACTS

Location	Jennifer Drive in George Town
Zoning	**Low Density Residential**
Notification Result	No Objections
Parcel size required	10,000 sq. ft.
Parcel size proposed	12,096 sq. ft.
Site coverage allowed	30 %
Proposed site coverage	29.6 %
Current use	House
Proposed use	Pool room extension & septic tank

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

1) Septic tank setback (11'6" vs 20')

APPLICANTS LETTER

We act for applicant /owner of strata lot 12C96H3 who has consent granted to them by the proprietors of Strata Plan No. 809 to make such application on its behalf.

We hereby make application to the Central Planning Authority for planning permission for

1. *a new single storey extension to the existing strata lot premises for use as a Pool Room (recreational use and ablutions for visiting friends and family)*

2. *relocation and rebuilding of an existing pool pump room on parcel 2CE96 George Town*

Central (#304 Unit B) Jennifer Drive Snug Harbour SMB).

Essential planning data:

Parcel 12C96 area: 0.2777ac (12,096 sq ft)

Zoning: Low Density Residential

Density: Maximum apartments /ac: 15 apartments

Maximum this parcel: 4 apartments

Existing provision: 2 apartments

Maximum bedrooms /ac: 24 bedrooms

Maximum this parcel: 6 bedrooms

Existing provision: 6 bedrooms

Maximum coverage: 3,628 sq ft (30%)

Existing Coverage: 2,959 sq ft (24.5%)

New Coverage: 625 sq ft TOTAL Coverage: 3,584 sq ft (29.6%)

We respectfully request the Central Planning Authority to consider and grant if deemed acceptable, a variance to allow for the re-installation of the existing septic tank to a location within the 20'-0" road setback zone, as the existing location is under the proposed location of the Pool Room and would need to be moved. The removed septic tank is to be fully recessed into existing substrate as it was in its existing state and will not be visible to observers once installed and the grounds and landscaping made good.

We believe this variation to be within the discretion of the Central Planning Authority to grant applicant per Regulations 8(13)(i) and 8(13)(iii) in that the characteristics of the variation under application are consistent with the residential character of the surrounding area and that it 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, respectively.

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

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Jennifer Drive in George Town.

The application is for an extension for a pool room and new septic tank.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Variance required for encroaching septic tank (11'6" vs 20')

The septic tank is 11'6" from the northern boundary and does not meet the required 20' setback per Regulation 9(8)(i).

The Authority should consider discuss the request for a variance.

2.31 ZOAN MARIN (Brewster McCoy) Block 27D Parcel 239 (P23-0680) ($170,000) (EJ)

Application for additions to a duplex.

FACTS

Location	Trevor Close, Newlands.
Zoning	**LDR**
Notification result	No objectors
Parcel size proposed	0.3206 ac. (13,965 sq. ft.)
Parcel size required	10,000 sq. ft.
Current use	Duplex
Proposed building size	680 sq. ft.
Total building site coverage	17.39%

BACKGROUND

May 8, 2006 permission granted for a duplex.

November 19, 2009 permission granted for one-bedroom addition to duplex.

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

1) Rear setback variance (19'6" vs 20')

APPLICANT'S LETTER

We write on be-half of our client, Ms. Zoan Edmund-Marin, we are asking for a variance for a 12' x 16' existing dog house that was built without planning approval and has been there for 10 years. The structure is a wooden building and is built outside the planning setbacks. The set backs are 3ft from the rear boundary, which is a lot less than the planning requirements and proposed screened back porch that infringes 6" over the 20' rear setback line.

We kindly ask for permission to keep the building as is and have spoken to neighbors and served notices by registered mail to the adjoining land owners. We thank you for your kind considerations in this matter.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission for additions to existing duplex which is located on Trevor Close in Newlands

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setback

The proposed calls for a left side porch, a one-bedroom, bath and porch to the right side and a porch addition to the rear which does not meet the required setback, proposed at 19'6" vs 20', therefore, the applicant is seeking a setback variance from the Authority.

The applicant has notified the adjacent parcel owners and no objections have been received.

2.32 DON EBANKS (BDCL Architects) Block 25B Parcel 597 (P23-0912) ($150,000) (MW)

Application for a 6' timber fence with 2 gates.

FACTS

Location	Spotts Haven Cir., George Town
Zoning	**Low Density Residential**
Notification result	No objections
Parcel size proposed	0.2889 ac. (12,584.484 sq. ft.)
Current use	Existing Residence

BACKGROUND

November 25, 2016 – Three Bedroom House – the application was considered and it was resolved to grant planning permission.

February 28, 2017 – LPG Storage Tank 100 Gallons – the application was considered and it was resolved to grant planning permission.

October 12, 2022 – Pool & deck (CPA/24/22; Item 2.18) – the application was considered and it was resolved to grant planning permission.

February 9, 2023 – Modification to enclose existing garage – the application was considered and it was resolved to grant planning permission.

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

1) Fence height (6'-0" vs. 4'-0")

APPLICANT'S LETTER

We write to request a variance to the Development and Planning Regulations as follows:

Variance

1. *A 6' high timber fence.*

Justification:

Due to the recent alarming increase in crime, my client is concerned for the privacy, safety and security of his family. A 6' high fence will serve as a visual barrier shielding the property from unwanted attention and will act as a deterrent to potential intruders, making unauthorized access more difficult.

The proposed timber fence as shown in the image below is visually appealing and will act as a backdrop for planting which will eventually conceal it making it consistent in appearance with the 6' high hedges planted along the boundaries of the adjacent properties.

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

A. The characteristics of the proposed development are consistent with the character of the surrounding area.

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.

We now look forward to your approval of our request for this variance. If you require additional information, please contact this office.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 6' x 210' timber fence with 2 gates to be located on Spotts Haven Cir., George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Fence height

The CPA fence guideline 4.3.1 stipulates that *"In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height"*- The proposed timber boundary fence & gates would be 6' in height a difference in height of 2'-0". The fence would be situated along one side boundary and along a portion of the rear boundary.

The Authority should assess if the fence height is acceptable in this instance.

2.33 SILVER REEF (Robert Towell Architect) Block 57A Parcel 112 (P23-0978) (NP)

Application to modify planning permission to relocate the solid waste enclosure.

FACTS

Location	North Side
Zoning	**Beach Resort Residential**
Notification Results	No Objections
Parcel size	1.24 acres.
Parcel size required	0.5 acres
Current use	4 duplexes, 2 houses, pool, gym & wall under construction

BACKGROUND

February 16, 2022 (CPA/5/22: Item 2.9) – The Authority resolved to modify planning permission in the following manner:

-replace duplexes 3 & 4 with single detached dwellings

-increase the height of the gym to two storeys

-include a 4 foot high wall and sign along the road

May 27, 2020 (CPA/08/20; Item 2.1) – Planning permission was granted for a 6 Duplexes, a Gym, Pool, and after the fact Land Clearing

Recommendation: Modify Planning Permission

AGENCY COMMENTS

Comments from the Department of Environmental Health are noted below:

Department of Environmental Health

The DEH has stamp approved the drawings.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in North Side on Old Robin Road, east of Rosebud Drive.

The proposed modification would relocate the solid waste enclosure from the west side of the property to the east side of the property. Applicable setbacks would be satisfied.

Zoning

The property is zoned Beach Resort Residential.

2.34 ACTIVE CHIROPRACTIC & WELLNESS CENTRE (MJM Architecture) Block 12C Parcel 350 (P23-1003) ($300,000) (NP)

Application for a change of use from retail to a medical office.

FACTS

Location	The Strand, off West Bay Road
Zoning	**Neighbourhood Commercial**
Office size	1,960 sq. ft.
Current use	Retail Store
Proposed use	Medical Office – Chiropractic & Wellness

BACKGROUND

Existing retail

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General

The subject application is for a change of use at the Strand, on Canal Point Road.

The present use of the premises is as a retail store.

The proposed use of the space is as a medical office for a chiropractic clinic and wellness centre.

Zoning

The property is zoned Neighbourhood Commercial.

2.35 GOLD WATER LTD. (AD Architecture) OPY Parcel 177 (P22-1007) ($938,400) (NP)

Application for a commercial building.

FACTS

Location	Mary Street in George Town
Zoning	**General Commercial**
Notification Results	No Objections
Parcel size	10,532.8 sq. ft.
Parcel size required	CPA Discretion
Current use	Vacant
Building Footprint	2,017 sq. ft.
Building Area	3,438 sq. ft.
Site Coverage	66.4 % (parking & buildings)
Parking Required	11
Parking Provided	12

BACKGROUND

NA

Recommendation: Grant planning permission

AGENCY COMMENTS

Comments received to date are noted below.

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

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

Wastewater Treatment & Disposal

- *The developer shall provide a septic tank(s) with a capacity of at least 1,500 US gallons for the proposed, based on the following calculations:*

BUILDING	*UNITS/BLDG*	*GPD/UNIT*	*GPD*
Proposed Commercial Building	*Ground Floor 3,246 sq. ft.*	*3,246 x 0.15 (retail factor)*	*486.9*
	Loft 1,446 sq. ft.	*1,446 x 0.15 (retail factor)*	*216.9*
		TOTAL	*703.8*

- *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. The minimum well casing diameter for this development shall be 4". 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
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. Should high-water-use tenants; e.g., food service, laundry, etc., be anticipated at this stage, details should be provided to the Water Authority thereby allowing requirements to be adjusted accordingly. Any future change-of-use applications which indicate an increase in water use will require an upgrade of wastewater treatment infrastructure which may include in-the-ground interceptors (for grease or oil-grit or lint) and/or an upgrade to an Aerobic Treatment Unit.

- *The developer is advised to contact development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.*

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.

Department of Environment (February 14, 2023)

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 man-modified, with some regrowth. We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.

The Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island. EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings and panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. These beads are very difficult to remove once they enter the water and they do not naturally break down.

In addition, we recommend that, wherever possible, sustainable design features such as renewable energy installations are included, especially given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). For example, photovoltaic solar panels could be installed on suitable roof space or over the proposed parking spaces and rainwater collection could be used for irrigation.

If the Central Planning Authority or Planning Department is minded to grant planning permission, the DoE recommends the inclusion of the following condition to minimise impacts to the environment.

1. *Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

Department of Environmental Health

The revised solid waste location meets DEH requirements.

Solid Waste Facility:

This development requires (1) 4 cubic yard container with once per week servicing.

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.

National Roads Authority

As per your email dated June 1st, 2023, 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 the above proposed development of 4,692 sq. ft. has been assessed in accordance with ITE Code 710 – General Office. The anticipated traffic to be added onto Mary Street is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In 88%	AM Peak Out 12%	PM Peak Hour Total Traffic	PM Peak In 17%	PM Peak Out 83%
52	7	6	1	7	1	6

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

Access and Traffic Management Issues

Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be twenty- four (24) feet wide.

A six (6) foot sidewalk shall be constructed on Mary Street within the property boundary, to NRA Specifications accessible at: https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen-foot (16') 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 Mary Street. 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 details need to be provided as per NRA Specifications accessible at: 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 by the applicant.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town on Mary Street.

The proposal is for a 3,438 square foot commercial building (2 storey). There would be 12 parking spaces.

Zoning

The property is zoned General Commercial. The proposal complies with all applicable Regulations.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION

Appendix A

PROFESSIONAL PLANNING
& DEVELOPMENT SERVICES
CAYMAN LTD.

jess@ppdscayman.com
1.345.925.3870

Via OPS

20th December 2023

Dear Board Members,

We are seeking Planning approval for a proposed mixed-use commercial and residential development on Block and Parcel No. 22E446, zoned Neighborhood Commercial (NC). The proposed development consists of nine (9) commercial units and twenty-eight (28) residential units.

It is our contention the proposed development provides commercial premises which 'cater principally for the needs of persons resident in, or in the vicinity' as intended in Regulation 13(1)(b).

FACTS

Block 22E Parcel 446 spans 0.9185 acres in the Grand Harbour commercial area. To the South-East is Hurley's roundabout. On the East, the proposed development neighbours Harbour Walk. On the South side, opposite of the road, are the Harbour Shoppes. The proposed development is also adjacent to the Skatepark on the West and Periwinkle to the North.

The ground floor consists mainly of parking, save for the front façade that boasts a grand staircase and one (1) commercial unit. The second storey has commercial units exclusively, and the third floor consists of residential units, therefore, the proposal is in accordance with Regulation 13(9).

13 (9) In a Neighbourhood Commercial zone or a Marine Commercial zone, residential development is permissible if the development is not on the ground floor of the building.

Ground Floor		
	One (1) commercial unit, food & beverage	667 sq. ft.
Second Floor		
	Eight (8) commercial units, mix of office, retail and/or food & beverage	11,572 sq. ft.
Third Floor		
	28 residential units – total of 30 bedrooms Residence amenities	xx sq. ft. 2713 sq. ft.
Roof		
	Leisure/recreational facilities include raised pool deck and pool, private residential rooftop terraces, landscaping, and services.	

HEIGHT OF DEVELOPMENT

The proposed development consists of three (3) storeys with the roof deck finished floor slab reaching the forty (40) feet threshold in accordance with Regulation 13(7)(a).

While the raised pool deck and pool as well as the rooftop safety railings reach up to 48', these items would be exempt from the 40-feet height restriction, failing which this minor variance should be granted in accordance with Regulation 8(13)(b).

The rooftop is proposed as a focal area for outdoor leisure activities for residents only. A swimming pool with deck is included which requires a pool equipment room. Moreover, the pool serves as a water cistern for the development. Other similar ancillary mechanical appurtenances are also installed on the rooftop, which are exempt from the height restrictions as per Regulation 8(4).

> *8 (4) Subregulation (2) does not apply to any chimney, storey below grade, church spire, dome, cupola, stage tower, water cooling tower, elevated water storage tank, elevator tower, radio or television antenna tower, smokestack, parapet wall or structure of a like nature, non-habitable ancillary spaces, and any necessary mechanical appurtenances thereof*

Furthermore, we note that the adjacent development, Harbour Walk, was permitted a building height reaching up to approximately 48' for top of pool equipment room and 52'7" above grade for demountable shade structures (CPA/12/19/2.2). In offering a similar rooftop environment and elevated pool, the proposed development's character is consistent with the character of the surrounding area. Yet, the proposed development remains below the overall height of the neighbouring Harbour Walk development.

The glass safety railings for the private rooftop terraces of the residential units should be exempt too as they ought to be deemed a "*parapet wall or structure of a like nature*" as per Regulation 8(4).

Considering the above, we are of the opinion that the proposed development meets the height requirements of NC zoning in accordance with Regulation 13(7)(a).

SITE COVERAGE

We seek a variance for the site coverage. The proposed development has a site coverage of 77.69% as opposed to the maximum site coverage of 75% permissible under Regulation 13(11). However, the grant of this variance aligns with the principles of Regulation 8(13)(b) insofar that:

i. the characteristics of the proposed development are consistent with the character of the surrounding area;
ii. unusual terrain characteristics limit the site's development potential;
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; and

The development potential of the proposed site is challenging given, among other factors, the existing 30-foot easement that runs through the parcel from North to South. Since the site coverage calculation in NC zones includes parking areas, driveways and service areas, the presence of the 30-foot right of way increases the site coverage of the proposed development.

We also note that the neighbouring Harbour Walk development was granted a variance on the site coverage (CPA/12/19/2.2). While Harbour Walk's site coverage was almost 92%, the proposed development has a site coverage of 77.69%. As with Harbour Walk, the proposed development seeks to address the imbalance with stronger landscaping in the interior of the building. Large scale palm trees on the interior of the building, planters on the grand staircase, landscaped green walls, the creation of internal courtyards, patios and terraces filled with green, and landscaped rooftop gardens all propose innovative solutions to the imbalance and correct the site coverage ratio when evaluated holistically.

RESIDENTIAL DENSITY

The permitted residential density in a NC zone is as per CPA discretion and we understand the surrounding area is considered to inform density thresholds for new development. The proposed development aims to achieve twenty-six (26) one-bedroom units and two (2) two-bedroom units, for a total of 30 bedrooms. Medium density (MDR) zoning allows for 30 bedrooms per acre. With an area close to one (1) acre, the proposed development seeks approval for thirty (30) bedrooms. We are of the view the proposed development density aligns with the surrounding areas.

The developments in the immediate vicinity include Harbour Walk, Arvia and Periwinkle. Harbour Walk was granted approval for 92 bedrooms, which meets the MDR regulations. Arvia was granted approval for 224 bedrooms over 7.28 acres, equating to slightly above the MDR zoning (CPA/17/18/2.1). More surprising however is that despite the NC zoning, this development was permitted to build residential components exclusively, with no commercial component in any capacity. Similar concessions were also granted to Periwinkle in allowing a multi-family residential development in a NC zone (CPA/03/17/2.3) while allowing a MDR density.

PARKING CALCULATIONS

The proposed development aims to provide a state-of-the-art parking system, incorporating the latest technologies and the highest standards. To that end, the proposed development incorporates two-level mechanical parking on the ground floor and features on-site 24/7 valet service to all patrons. The proposed development offers 119 vehicular parking stalls and 6 motorcycle/scooter parking stalls. It also incorporates 25 bicycle parking spaces in furtherance of its commitment to sustainable development. The parking ratios also meet the required accessible parking and E.V. parking requirements for the development.

We understand from past applications before the CPA there is an openness and willingness to incorporate innovative solutions within developments. Specifically, the CPA has approved mechanical parking / lift parking (CPA/03/23/2.1). In incorporating mechanical parking and on-site 24/7 valet service, the proposed development is consistent with Section 1.3 of The Development Plan 1997 in that the proposed mechanical parking will ensure there is adequate parking for the commercial and residential uses of the site which will eliminate the potential for overflow parking onto adjacent roads and nearby properties thus improving this commercial area in Grand Harbour. Moreover, the proposed screening of the parking areas on the north and east sides of the site will provide a standard of design, construction and landscaping that is reflective of the local architectural heritage of this area. To aid member's consideration of this feature Appendix 1 contains additional information relating to the specifications, operability, and maintenance.

While the commercial mix of the proposed development is yet to be determined, and to the extent that the commercial use of the different units impacts the parking requirement for a given development, identified below are two (2) possible scenarios.

Scenario 1			**Scenario 2**		
Residential Parking			***Residential Parking***		
Number of Units		Req. Parking	Number of Units		Req. Parking
28		42 (28 x 1.5)	28		42 (28 x 1.5)
Commercial Parking			***Commercial Parking***		
Ground Floor	Sq. Ft.	Req. Parking	*Ground Floor*	Sq. Ft.	Req. Parking
F&B Unit 0-01	667	3.3	F&B Unit 0-01	667	3.3
Second Floor	Sq. Ft.	Req. Parking	*Second Floor*	Sq. Ft.	Req. Parking
F&B Unit 1-01	1937	9.7	F&B Unit 1-01	1937	9.7
F&B Unit 1-02	1248	6.2	F&B Unit 1-02	1248	6.2
F&B Unit 1-03	2228	11.1	F&B Unit 1-03	2228	11.1
F&B Unit 1-04	1184	5.9	F&B Unit 1-04	1184	5.9
F&B Unit 1-05	484	2.4	F&B Unit 1-05	484	2.4
F&B Unit 1-06	1055	5.3	Retail Unit 1-06	1055	3.5
F&B Unit 1-07	3433	17.2	Office Unit 1-07	3433	11.4
Office Unit 1-08	4273	14.2	Office Unit 1-08	4273	14.2
Total Commercial Parking Req.		75.3	Total Commercial Parking Req.		67.7
Total Residential Parking Req.		42	Total Residential Parking Req.		42

Grand Total Parking Required	117.3	Grand Total Parking Required	109.7
Parking Proposed	119 Regular 6 Motorcycle 25 Bicycle	Parking Proposed	119 Regular 6 Motorcycle 25 Bicycle

Despite the absence of detail on prospective commercial tenants, it is safe to conclude the proposed development meets the parking requirements based on the potential or anticipated commercial uses of the tenantable units.

Nevertheless, the proposed development presents opportunities for shared parking scenarios, which ease the need for higher parking ratios. A shared parking strategy will leverage the office spaces during off-peak hours, aligning with restaurant and bar usage patterns. Accordingly, we estimate that anywhere from 14 to 30 parking stalls can be utilized as part of the shared parking strategy from the office spaces.

Similarly, it is worth noting the proposed development encompasses 26 one-bedroom units of the total 28 units. While a parking ratio of 1.5 stalls per unit has been respected, it is unlikely that a typical one-bedroom unit will occupy such space. Moreover, the proposed development's inclusion of 25 cycle parking promotes sustainable transport, especially for the condo residents who will be seamlessly integrated with shopping, dining, entertainment and natural features within the proposed development and surrounding community. The proposed development's modelling therefore suggests that an additional 13 parking stalls would be made available as shared parking spaces from the residential allocation, for a total of 27 to 43 parking spaces that can be leveraged as part of the shared parking strategy.

DEH & WASTE REMOVAL

The proposed development seeks an exemption from the DEH for its waste collection services. Unfortunately, due to the challenging nature of the site, the proposed development cannot meet the DEH site requirements for the solid waste facility. Therefore, it is proposed to instead opt for third-party private services to ensure timely and responsible waste collection at the site.

Island Waste Carriers (IWC) has reviewed the proposed development and the site plan. Following its analysis, IWC is committed to service the proposed development for all waste collection needs. A proposed waste disposal plan from IWC is included in Appendix 2.

NATIONAL ROADS AUTHORITY (NRA)

NRA found the anticipated volume of traffic to be generated by the proposed development on 'Edgewater Way will easily be mitigated by the additional physical capacity of the road network' which is gazetted with planned improvements set for completion in 2025.

Despite the acceptability of the development upon the road network, NRA surprisingly disapproved the plans citing DEH considerations, which have been discussed above. In an effort to engage in dialogue with the NRA to understand their specific concerns have been made, but, unfortunately, the attempt has been overlooked and consequently no update can be provided.

Members are invited to note Square One is accessed off a private road parcel, not a public road. Therefore, the relevance of the NRA's review regarding refuse vehicle access to the site's garbage enclosure is debatable. As members are aware NRA's primary responsibility is to assess the impact of proposed developments on the public road network. Furthermore, typically, DEH is responsible for evaluating aspects such as manoeuvrability, height clearances, and angle of approaches for garbage enclosures. Therefore, for the purposes of considering anticipated traffic generation and the impact on the public road network members are invited to note no objection has been raised by NRA.

FIRE ACCESS

The proposed development has adequate road access from at least three (3) sides of the building. On the West side, there is a 24' driveway extending the full length of the proposed development. Similarly, the front-facing road on the South side provides clear access. And finally, a 23' driveway on the East side of the lot also provides emergency access to the proposed development. While this roadway sits within the neighbouring parcel, at Harbour Walk, there is no fence or other obstruction that would impede on the fire access requirements. The Fire Department stamped approved the site plan.

WATER AUTHORITY (WAC)

The existing wastewater infrastructure below the proposed site is intended to be relocated. The necessary procedures have already been undertaken and the WAC has provided its consent and approval for such relocation. As such, the proposed development does not interfere with any underground infrastructure, and access to all wastewater infrastructure is maintained. The Water Authority approved the submitted plans.

CLOSING REMARKS

The proposed mixed-use commercial and residential development brings value to the Grand Harbour area. Despite the challenges of the site, the proposed development aligns with the Regulations and the ethos of Neighbourhood Commercial developments with only minor variances sought. In granting planning permission to this application, the Board will not only enhance the value of the Grand Harbour commercial area, but also allow for an iconic building and new landmark on the island which serves as a novel hub of living, shopping, working and playing for the community at large.

Sincerely,

Best regards

Jess Peacey MRTPI AssocRICS

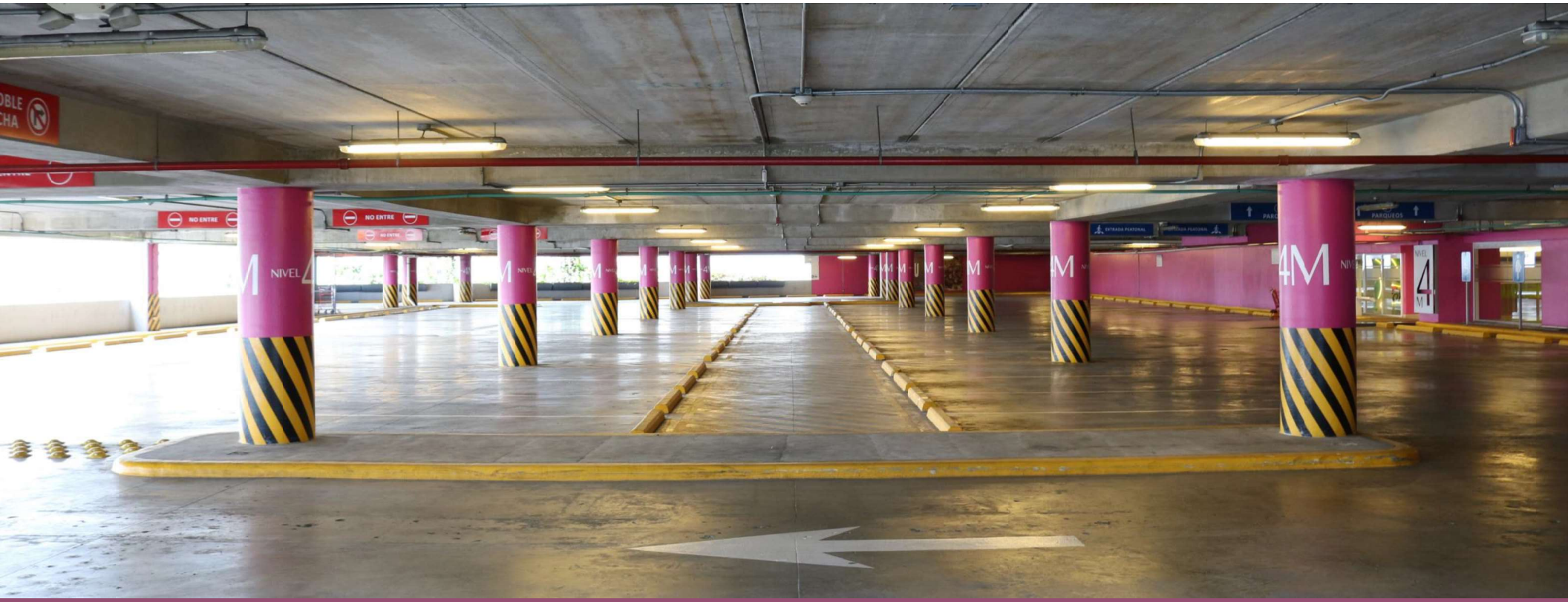
Principal Planner

Professional Planning & Development Services (PPDS) Cayman Ltd

Appendix 1

Appendix 2

Appendix 1



Parking Management System

SQUARE ONE, GRAND CAYMAN

Table of Contents

What is a Parking Management System (PMS)?

1

A Parking Management System (PMS) is a comprehensive solution that employs a combination of components to efficiently manage and monitor parking areas.

SQUARE ONE's Parking Management System (PMS)

Innovative, yet practical.

Square One's parking management system (PMS) optimizes parking spaces, manages the influx of cars, and ensures the safety of both cars and people.

Its 24/7 valet service further elevates the user experience for residents, commercial tenants and its employees, as well as visitors and customers.

Benefits of a Parking Management System

2

Benefits of a PMS

Implementing a parking management solution offers numerous advantages for both parking operators and users. Some key benefits include:

Enhanced Efficiency

Better User Experience

Increased Security

Reduced Environmental Impact

Enhanced Efficiency

BENEFITS OF A PMS

Speeding up traffic flow

Quickly finding vacant spots

Minimizing search time and congestion

Facilitating smooth traffic flow

Better User Experience

BENEFITS OF A PMS

- Makes finding parking effortless
- Reduces frustration
- Improves overall satisfaction
- Quicker access to the destination

Increased Security

BENEFITS OF A PMS

- Enhanced security for employees
- Deterrence against criminal activities
- Monitoring of vehicles entering and exiting the premises
- Greater sense of security fosters a more engaged customer-base

Main Components of a PMS

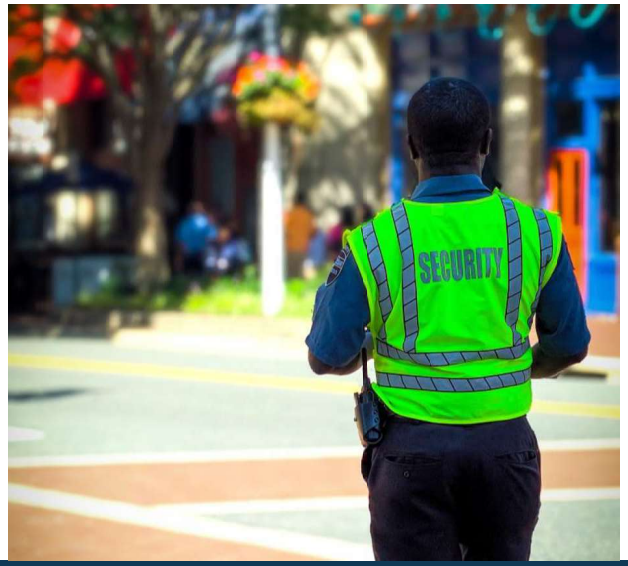
Valet Service

User Assistance

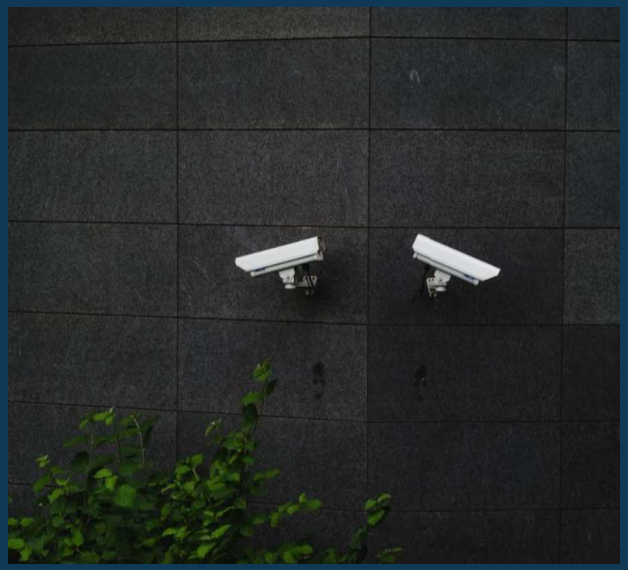
Having a valet on-site can provide assistance to users who may be unfamiliar with the system, ensuring a smoother and more comfortable experience, particularly for first-time users.

Parking Optimization

An experienced valet can optimize the use of the available space within the system, ensuring that vehicles are parked efficiently and maximizing the system's capacity.



Security & Surveillance



Security and surveillance include surveillance cameras, intercom systems, and access control devices to ensure the security of the parking area and deter any potential criminal activities.

Moreover, an attendant can enhance security by monitoring the parking area and ensuring that only authorized users access the system. They can also respond to emergencies or incidents promptly.

Mechanical Parking Systems

Mechanical parking systems offer several benefits for mixed-use developments. They can be designed to fit various layouts, accommodating the specific needs of the development. As technology advances, these systems can be upgraded or adapted more easily than traditional parking structures. These systems typically require less space than traditional parking structures, allowing developments to dedicate more space for other, more purposeful uses that enhance the very mixed-use developments they serve.

Mechanical parking systems offer a great convenience to users as well. Users often find mechanical parking systems more convenient as they eliminate the need to search for parking spaces manually, leading to quicker access to their destinations.

Common Mechanical Parking Systems

4

Mechanical Parking Systems

1. Independently Stacked
2. Puzzle Parking System
3. Carousel Parking System
4. Shuttle Parking System
5. Tower Parking System

Independently Stacked

Common Mechanical Parking Systems

An independent stacked system, also known as a two-post mechanical parking system, is a type of automated parking system designed to maximize the efficient use of vertical space in parking facilities. This system is characterized by two vertical posts or columns that lift and lower individual vehicles independently to park them on multiple levels.

It utilizes vertical space efficiently, and allows for users to retrieve their cars relatively quickly since each vehicle is accessible independently.

It is the simplest mechanical parking system and one in which requires minimal maintenance as two-post systems generally have fewer moving parts.

Puzzle Parking System

Common Mechanical Parking Systems

Puzzle parking systems are automated horizontal or vertical systems that move cars to a parking space automatically, similar to a puzzle. They often involve multiple rows of cars that can shuffle around multiple platforms that act as individual parking spots for vehicles. The retrieval of a vehicle is dependent on the rotation of other cars within the puzzle parking configuration.

Puzzle parking systems can accommodate a large number of cars in a compact space and make use of odd-shaped spaces or tight corners effectively. They provide fully automated access to parking spaces, reducing the need for human intervention.

Carousel Parking

Common Mechanical Parking Systems

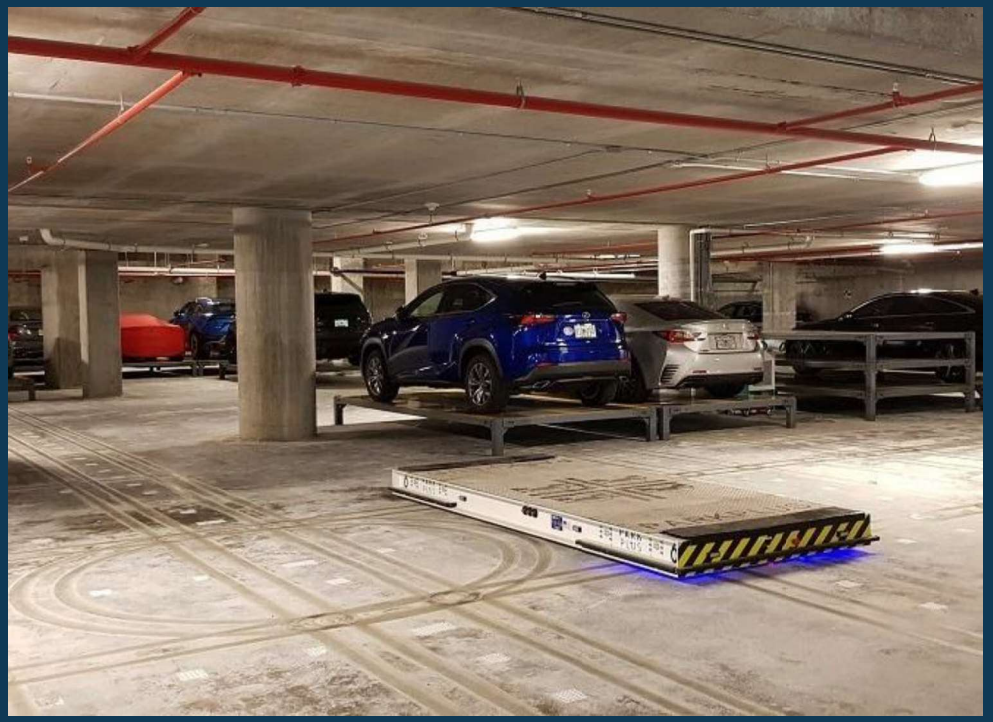
A carousel parking system, also known as a rotary system, are circular structures with multiple levels that rotate to bring cars to a designated exit point. Although most commonly seen vertically, these systems can also be incorporated in a horizontal manner.

Shuttle Parking

Common Mechanical Parking Systems

Shuttle systems use robotic shuttles to transport cars to and from parking spaces. The shuttles move horizontally and vertically within a structure to position the cars. This system proposes a fully-automated intelligent parking that can handle a large number of cars and adapts to various building shapes and sizes.

The shuttle parking, also known as intelligent or smart parking, is a fully-automated system that operates much like robotic valet parking. The driver drives the car into a transfer area. When driver and passengers have exited the car and left the transfer area, the mechanical system lifts the car and transports it to a pre-determined parking space in the system. More sophisticated systems will obtain the dimensions of cars on entry in order to place them in the smallest available parking space.

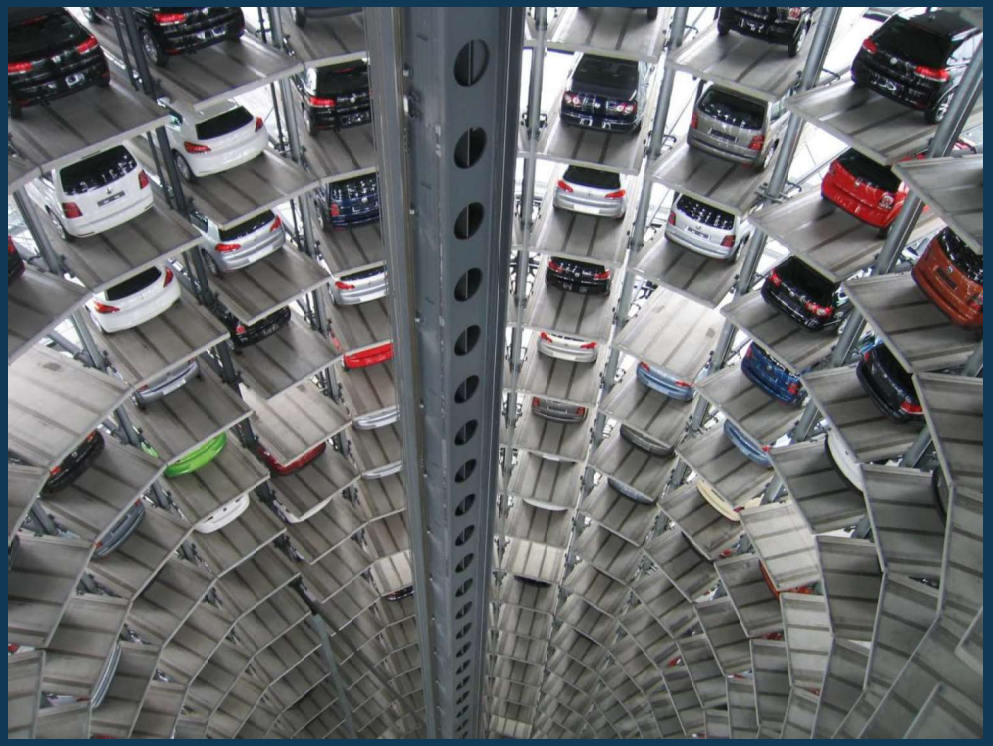


Tower Parking System

Common Mechanical Parking Systems

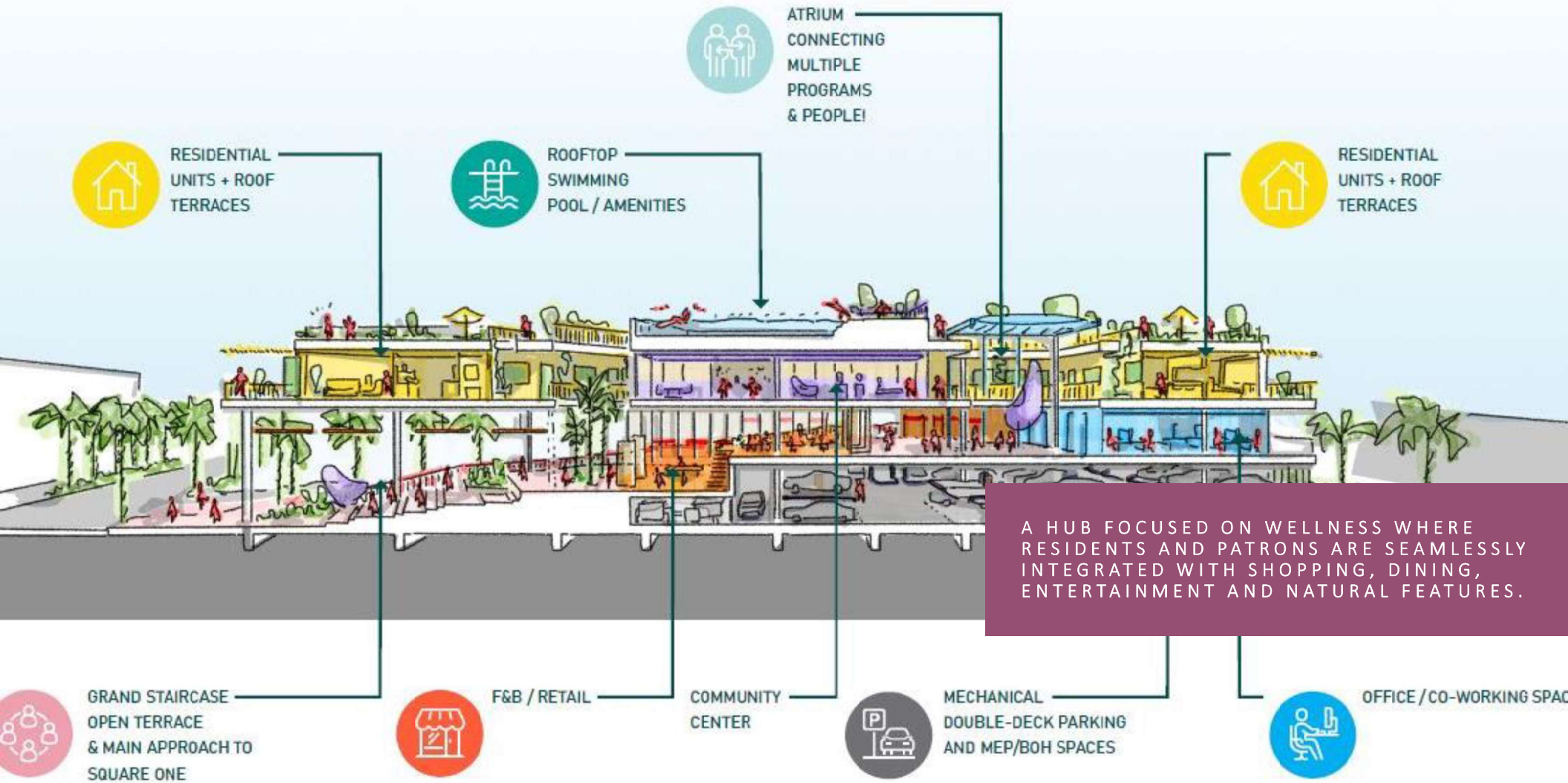
Tower parking systems are vertical structures with rotating platforms that store and retrieve cars. They can be cylindrical or rectangular. They utilize vertical space efficiently and are suitable for constrained sites.

The automated tower lifter performs the operation of lifting & stacking cars systematically in available slots. Once the driver carefully parks the vehicle on the lifter, the system lifts and parks it in an empty slot or a pallet at the click of a button. The retrieval process for the vehicles is in reverse sequence of the above.



Square One's Parking Area and PMS

5



A HUB FOCUSED ON WELLNESS WHERE RESIDENTS AND PATRONS ARE SEAMLESSLY INTEGRATED WITH SHOPPING, DINING, ENTERTAINMENT AND NATURAL FEATURES.

Square One aims to redefine the user experience in multi-use developments in Cayman. The hidden parking accessible from the East side of the development accentuates the impressive architecture that creates a bridge between the commercial world and the natural world.

The implementation of the parking management system at Square One utilizes all of the key components. An independently stacked mechanical parking system, a 24/7 valet service, and onsite security and surveillance ensure a positive experience for all stakeholders.

Tuck-Under Parking – Independent Stacked System

Parking Area

- 119 Vehicle Parking Spaces
- 6 Motorcycle / Scooter Parking Spaces
- 25 Bicycle Parking Spaces
- 2 E.V. Parking Spaces
- 5 Accessible/Disable Parking Spaces
- Double-deck Independently Stacked Mechanical Parking System
- 65 Ground-level Vehicle Parking Spaces
- 54 Double-deck Mechanical Parking Spaces
- 24 Feet Wide Driveway as per NRA Standards
- 22 Feet Wide Circulation Roadways as per NRA

Double-deck Independently Stacked Mechanical Parking System Design Inspiration

Independent Stacked System

Each parking space is essentially a separate platform that can be independently raised and lowered. This means that vehicles on different levels can be parked or retrieved simultaneously.

The operation of a two-post mechanical parking system is relatively straightforward. Users drive their cars onto a platform, and the attendant may lift the platform and the car to the second level.

Two-post systems typically have fewer moving parts compared to more complex mechanical parking systems, which can lead to lower maintenance requirements and reduced downtime.

Users can access their vehicles independently, eliminating the need to move other cars to retrieve a parked vehicle. This can lead to faster and more convenient access to parked cars.

These systems typically incorporate safety features such as sensors, barriers, and emergency stop buttons to ensure the safety of users and their vehicles during operation.

Q&A on the Mechanical Parking

- Can the mechanical parking system be used for SUV or large vehicles?

Yes, the system accommodates all types and sizes of vehicles on either level. Two SUVs can be parked one above the other.

- Can the system function in the event of a power failure?

Yes, the site is equipped with a generator to ensure continuous service of its parking system.

- How long does it take to lift or lower a vehicle?

Raising a car takes 49 to 57 seconds, and 42 to 48 seconds to come down.

- Is the operation of the system quiet?

Yes, the system is quiet, producing fewer decibels than a typical elevator.

- Is the system adaptive to the Cayman environment?

Yes, the system is designed to operate between +40^{o}F to +122^{o}F and the structure is designed with anti-corrosion properties for 140+ years when exposed to elements.

24/7 Valet Service

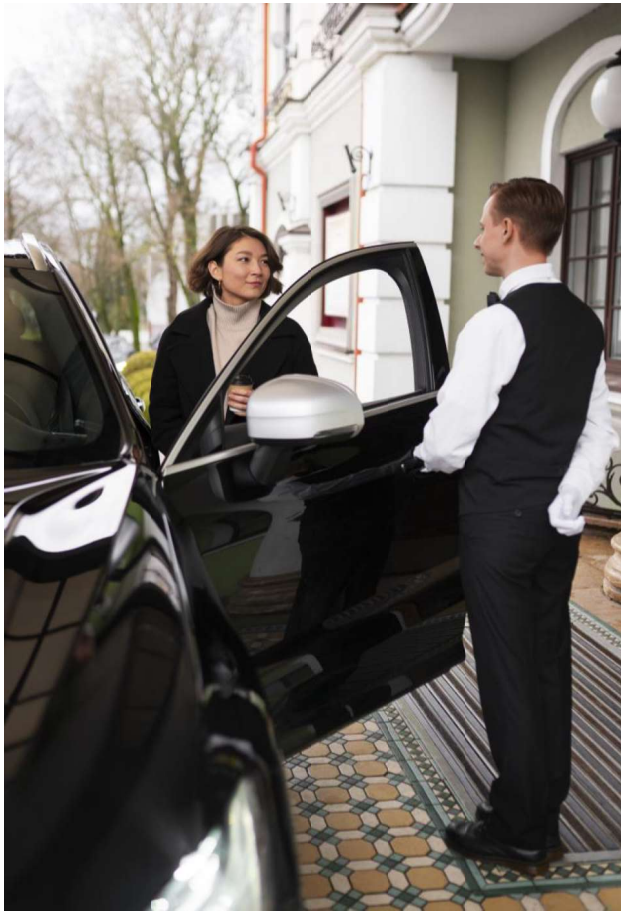
Having a valet on-site can provide assistance to users who may be unfamiliar with the system, ensuring a smoother and more comfortable experience, particularly for first-time users.

A valet can provide a high level of customer service, including helping users with luggage, groceries, or other items they are transporting to and from their vehicles.

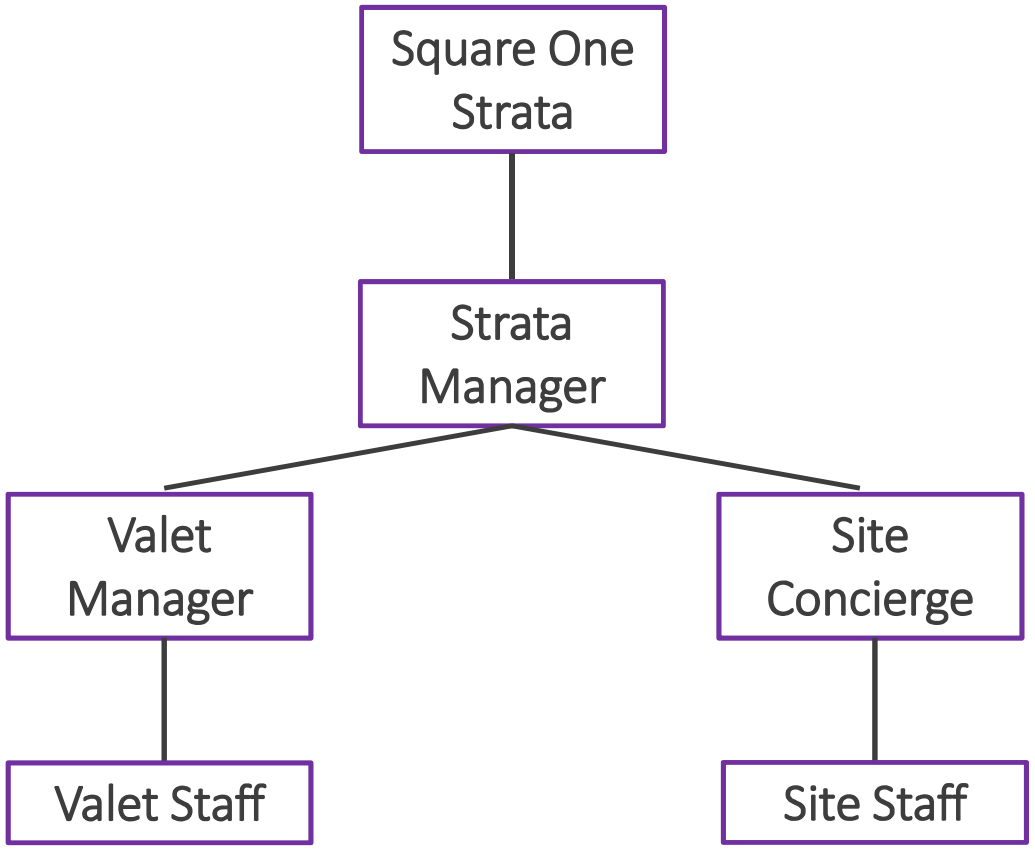
An attendant can enhance security by monitoring the parking area and ensuring that only authorized users access the system. They can also respond to emergencies or incidents promptly.

A valet can help identify and report any issues with the system, ensuring that maintenance and repairs are carried out promptly to minimize downtime.

A valet can optimize the use of the available space within the system, ensuring that vehicles are parked efficiently and maximizing the system's capacity.



Operational Structure



See you there!

MORE PARKING IN LESS SPACE

DOUBLE STACKER

A simple solution to immediately double your parking capacity.

Our **Double Stacker** is designed for fast and easy installation. This model is capable of parking SUVs on the ground and upper platform, and can handle up to 7,000lbs. Operation is done manually by an individual hydraulic power unit, or a master power unit supply, capable of operating up to 25 lifts at one time.

We Listen. We Respond. We Deliver.

Parkmatic designs, manufactures, services, and installs automated and mechanical parking systems. This technology is designed to combat the growing problem of efficiently managing automobiles in areas where congestion, zoning, and crime are problems, and land is scarce and expensive.

FEATURES AND BENEFITS

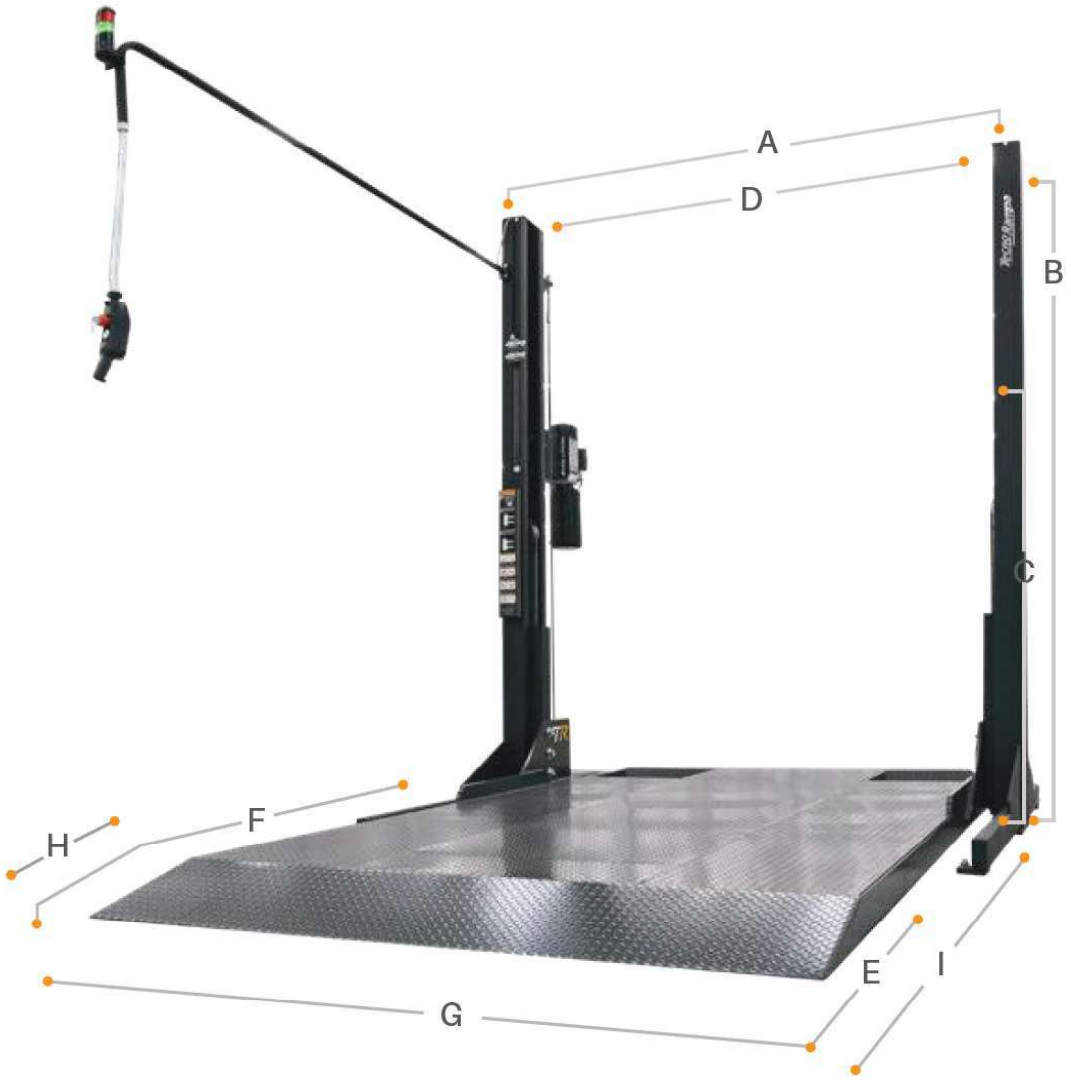
ENVIRONMENTALLY FRIENDLY
Less pollution, no exhaust fumes driving up and down aisles and ramps looking for a spot.

LOWER CONSTRUCTION COSTS
Less excavation costs and reduced floor slabs.

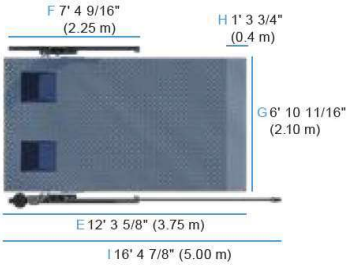
LAND SAVINGS
Automated parking systems use 30-70% less land than needed versus a conventional garage.

LOW MAINTENANCE
Operation costs are low and requires less energy to run, usually ~1kw per cycle time.

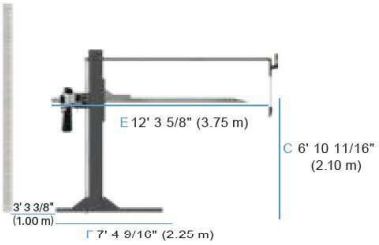
INCREASED RENTABLE AREAS
Gain back real estate for rentable areas or other amenities by only using half the space.



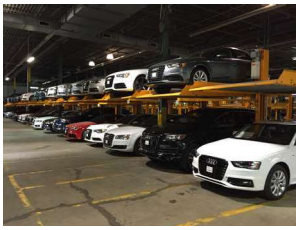
FRONT VIEW



TOP VIEW



SIDE VIEW



Car Storage Facility | New Jersey Port

422 Double Stackers

As new cars are brought in from overseas, they are stored here at a New Jersey port until they are delivered to the dealerships. Parkmatic provided 422 Double Stackers, giving them 844 parking spaces.

Appendix 2

Square One – Solid Waste Disposal Plan

Provided by: **Island Waste Carriers Ltd**.

December 16, 2023

This document contains confidential information. It is disclosed to you for informational purposes only. Its content shall remain the property of Island Waste Carriers Ltd. (IWC) and shall be returned to Island Waste Carriers Ltd. when requested.

Recommendation and Overview

The Development is going to be sought after property and must have a top-quality personalized waste disposal service to ensure that the property aesthetics are maintained. The client will need flexible service times so as not to disrupt residence and business activities.

Island Waste Carriers Ltd (IWC) have reviewed the client's site plan and looked at access and egress to the property along with efficiency for service. We recommend our (Mini Raer load Garbage Truck) with 3 – 2 Cubic yard plastic bins on wheels to service their waste enclosure on site plan. We are confident that we can service this site safely and efficiently from the proposed drawings. Please see images and information below.

IWC Miniature Garbage Truck with Bin Lift system:

Operating Equipment

Service Plan

IWC will use a light duty garbage truck accompanied by 3- 2 cubic yard plastic specialized containers with locking lids. This will allow easy access and maneuvering capabilities on the property. All Containers will be equipped with drainage ports for washing and sanitation purposes. Operationally, the driver will pull up at a safe distance from the waste enclosure entrance for loading. The driver will wheel each container out to the truck where he has room and will lift and dispose of the contents of the bin into the truck. The space on the drawing attached allows for truck maneuvering and sufficient bin storage. The drawing also illustrates ease of access for our miniature truck considering height restrictions and room to safely wheel bins in and out. Please also see below a service location example (Mini warehouse 2) where we service an enclosure below a covered area. **(See appendix 1)** We recommend the property be serviced on a 3 day a week basis which will eliminate any odor or rodent problems. In addition to this we recommend our 3-step mobile wash and sanitization on your enclosures see below wash and sanitization plan.

Personnel Plan

Island Waste Carriers Ltd. is fully staffed with well trained and experienced team of Administrators, Drivers, and Maintenance crew. Our team that handles overseeing the operation will ensure top-quality service.

Our Team are all OSHA safety trained and certified and will be properly uniformed in branded shirts, pants, caps, steel toe boots with reflective/safety gear.

General Information:

1. Hours of Operation are 5 am to 4 pm Monday to Saturday. Emergency call out on Sundays as necessary.
2. Public Liability Insurance to protect our clients.
3. Workmen's Compensation and Medical Insurance for all staff.
4. Comprehensive insurance coverage on all Trucks and equipment which exist already.
5. Daily washing of truck/trucks used at service location.
6. Uniformed Men equipped with reflective/safety gear.

Wash and Sanitization Plan

Our sanitation team will follow behind the service truck in (our mobile wash unit) on scheduled days to wash and sanitize containers in Trash enclosure daily/weekly or on demand. We use a three-step process with all biodegradables environmentally friendly products that cleans, disinfects, deodorizes and prevents insect infestation. Pricing includes labor, chemicals, gas to run mobile wash unit. The price does **not** include water. We have priced this service to use water from the Trash enclosures.

Contingency Plan

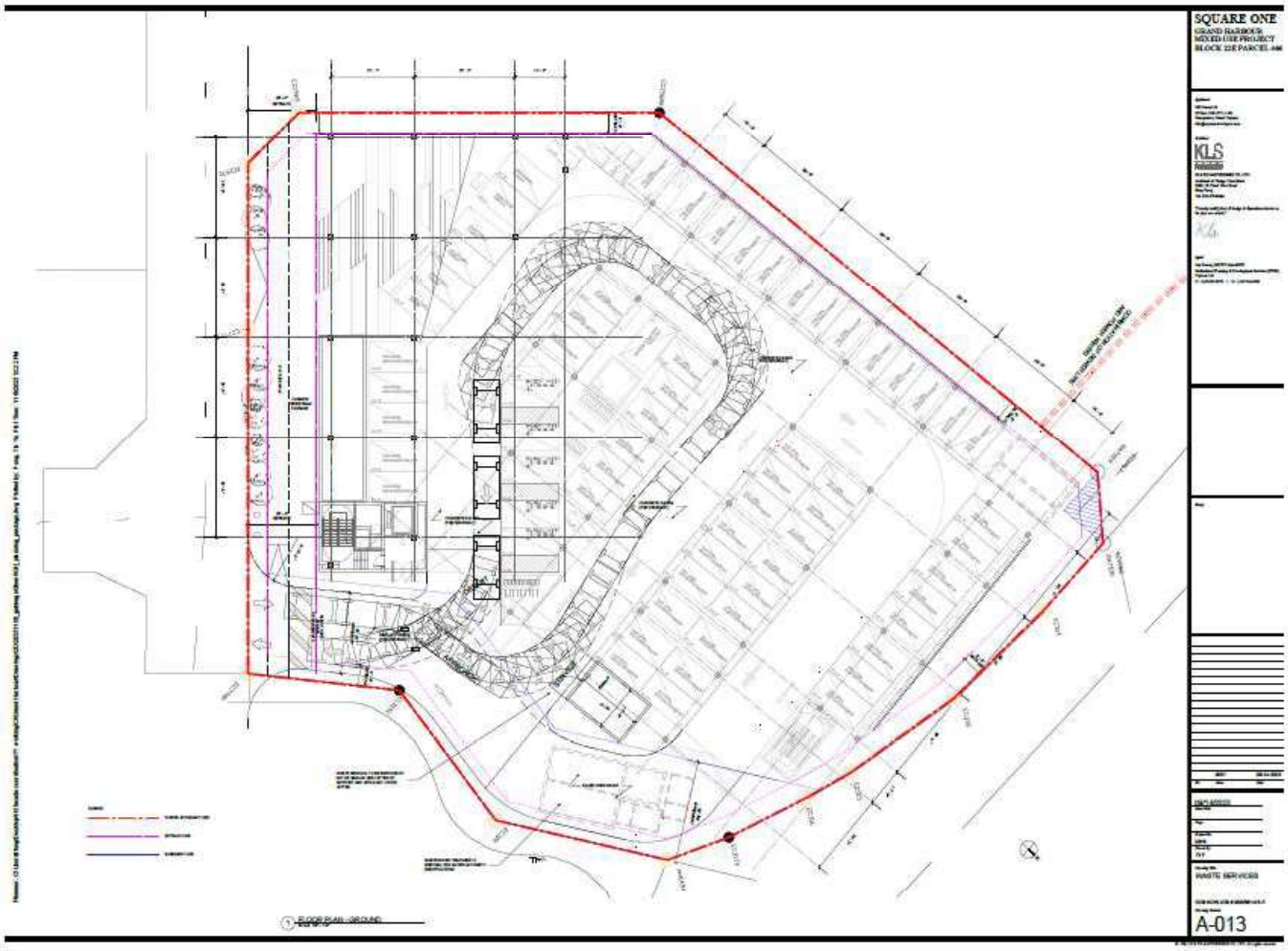
IWC can offer an emergency call out service within operating hours so if additional pickups are needed daily, we can accommodate. Additionally, we can come out on holidays and Sundays to collect waste as needed.

SUMMARY

Our proposal is to provide a constant reliable garbage collection service using the most up-to-date equipment and services. Based on the drawing submitted by the clients we confirm that we can safely and efficiently service this location. IWC can also confidently provide flexible service times needed by the client.

Jason M Brown
Director IWC

Appendix 1: Square One Site Trash Plan and example site



Example Location Mini Warhouse 2