

CONDADO

SPECIAL ZONING REGULATION

Commonwealth of Puerto Rico  
Office of the Governor

PUERTO RICO PLANNING BOARD

Santurce, Puerto Rico

May 1986

Effective Date: June 7, 1986

(Translation from the Original Spanish Text)



Estado Libre Asociado de Puerto Rico  
OFICINA DEL GOBERNADOR  
Junta de Planificación

No. 3319  
Date: November 13, 1986 9:30 AM

Approved: Héctor Luis Acevedo  
Secretary of State

COMMONWEALTH OF PUERTO RICO  
Office of the Governor  
PUERTO RICO PLANNING BOARD  
Santurce, Puerto Rico

By: Lander L. Llerena  
Assistant Secretary of State

Resolution No. RP-19-0-86

ADOPTING THE SPECIAL ZONING REGULATION AND THE  
SPECIAL ZONING MAP FOR THE CONDADO

The Condado Sector is the principal touristic center of the island, with more than 3,000 hotel rooms, representing 46 per cent of all the hotel rooms in Puerto Rico. Therefore, it constitutes a trascendental socio-economic sector for the San Juan Metropolitan Area and all of Puerto Rico. It is a convergent point for a resident population of 10,500 persons, an average daily floating population of 6,000 tourists during the tourist season and a working force of 5,600 persons. It constitutes one of the few sectors of the Metropolitan Area with a pedestrian attraction due to its privileged location between the sea and the lagoon and its attractive hotels, stores, restaurants and residences. In spite of these attributes, The Condado Sector faces the problems resulting from an accelerated economic growth and the development process. Non-appropriate to the sector, signs and advertisements, bars and cafes which in addition generates parking demands, obstruction of the view and access to the sea and lagoon, are some of the problems which affect the area residents. The sector has been loosing the balance maintained by its residential, commercial and touristic zones.

In accordance with the provisions of the Organic Act, June 24, 1975, No. 75, amended, the Puerto Rico Planning Board prepared a draft of the Special Zoning Regulation for The Condado to establish norms and criterias to regulate the use and development of the area, to insure and promote the health, security, law and order, prosperity and the general welfare of all residents, tourists, business men and other users of the sector. During the process of preparing this regulation several meetings with sector residents were held. Their opinions and attitudes on problems and recommendations to their solution were received. Meetings were held to present findings and development alternatives analyzed during the preparation of the study that served to formulate the new regulation.

The Puerto Rico Planning Board held a public hearing on May 9, 1986 to consider opinions, facts and recommendations from the general public, in respect to adopting the Special Zoning Regulation and Special Zoning Map of The Condado.

Base on the needs described, considering the different expressions, commentaries and recommendations presented at the public hearing held in accordance with Art. 11, Act June 24, 1975, No. 75, amended, this Planning Board ADOPTS the Special Zoning Regulation for The Condado and the Special Zoning Map of The Condado.



Estado Libre Asociado de Puerto Rico  
OFICINA DEL GOBERNADOR  
Junta de Planificación

Continuation: Resolution RP-19-0-86

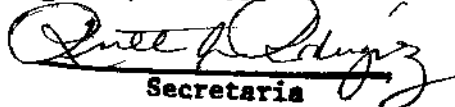
The provisions of this regulation will prevail over, and are complemented by the provisions of any other current regulation of general nature, adopted by the Planning Board and of concurrent applicability, provided they are compatible with the purposes of this regulation.

I CERTIFY: That the above is a faithful and exact copy of the Resolution adopted by the Puerto Rico Planning Board, in its meeting held on May 21, 1986, and for its notification and general use I issue and notify the parties, this copy under my signature and the official seal of the Board at San Juan, Puerto Rico, today June 7, 1986.

RUTH A. RODRIGUEZ  
Secretary

Certifico que esta  
es copia fiel y exacta  
del documento original  
y para que así conste,  
firma la presente en  
San Juan, Puerto Rico

a NOV. 10 1986

  
Secretaria



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OFICINA DEL GOBERNADOR  
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COMMONWEALTH OF PUERTO RICO  
OFFICE OF THE GOVERNOR  
LA FORTALEZA  
SAN JUAN, PUERTO RICO

Administrative Bulletin  
No. 4690

EXECUTIVE ORDER  
OF THE GOVERNOR OF THE COMMONWEALTH  
OF PUERTO RICO

APPROVING THE SPECIAL ZONING REGULATION  
AND THE SPECIAL ZONING MAP FOR THE CONDADO

- WHEREAS: The Condado Sector is the island principal touristic center, with more than 3,000 hotel rooms, representing 46 per cent of all hotel rooms in Puerto Rico.
- WHEREAS: During recent years The Condado has been facing problems resulting from the accelerated economic growth and development process, such as signs and advertisement non-appropriate to the sector, bars and cafes which are non-appropriate and generate conflicts, temporary structures, lack of parking and obstruction of the view and access to the sea and lagoon. The Condado is loosing the balance it had between the residential, commercial and touristic zones.
- WHEREAS: In response to the lost of the balance as well as to the problems which the sector faces, and to the petitions from associations of area residents, the Puerto Rico Planning Board, in accordance with Act May 14, 1949, No. 374 and the Puerto Rico Planning Board Organic Act, Act June 24, 1975, No. 75, as amended, prepared a Special Zoning Regulation for The Condado. During the regulation preparation process, several meetings were held with The Condado community to receive their input.
- WHEREAS: The purpose of this regulation is to establish norms and criterias to regulate the uses and development of this Sector, to insure and promote health, security, law and order, prosperity and general welfare of the Sector residents, tourists, merchants and users.
- WHEREAS: The Puerto Rico Planning Board held public hearings on May 9, 1986 to consider the recommendations and arguments from the general public in respect to adopting the Special Zoning Regulation and the Special Zoning Map of The Condado.
- WHEREAS: The Puerto Rico Planning Board, after considering the recommendations from the area residents and other participants in the public hearing, adopted the Special Zoning Regulation and the Special Zoning Map of The Condado.

THEREFORE: I, Rafael Hernández Colón, Governor of Puerto Rico, by virtue of the Puerto Rico Planning Board Organic Act; Act June 24, 1975, No. 75, so approve the Special Zoning Regulation and the Special Zoning Map of the Condado, which shall become effective 15 days from this approval.

The Puerto Rico Planning Board shall comply with the provisions of Article 28 of Act June 24, 1975, No. 75, as amended, regarding the publication of a summary or general description of this regulation, approved herein, as it interest or affect the public, in one or more general publication newspapers in the Island of Puerto Rico.

IN WITNESS THEREOF, I sign  
this executive order and affix  
thereto the Great Seal of the  
Commonwealth of Puerto Rico,  
in the City of San Juan, today  
May 22, 1986.

(Signed)  
RAFAEL HERNANDEZ COLON  
Governor

Promulgated in accordance with the Law, today May 22, 1986.

(Signed)  
HECTOR LUIS ACEVEDO  
Secretary of State

## SPECIAL ZONING REGULATION OF THE CONDADO

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Section 1.00 GENERAL PROVISIONS

1.01 Title:

This Regulation establishes guidelines for the use and development of the land and buildings in the Condado area, San Juan, Puerto Rico. It will be known and cited as "Special Zoning Regulation for the Condado".

1.02 Purpose:

The Condado is a very important urban area in San Juan. It is one of the few areas within the Metropolitan Zone, with a pedestrian attraction, due to its privilege location within the ocean and the lagoon and its attractive hotels, stores, restaurants and residences. It is, at the same time, the center for all tourist activities in Puerto Rico. In spite of these attractions, the area faces serious problems such as, lack of adequate parking, a proliferation of businesses unfit for the area, and construction of temporary structures. This Special Zoning Regulation resulted from a study conducted and titled "Condado: Inventory, Diagnosis and Recommendations", which evaluated in detail the problems and virtues of the area. Based on the recommendations in the study, this Regulation is prepared to organize and guide the development of the area to ensure and promote the health, security, law and order, prosperity, economic stability and general welfare of the area residents and users. This Regulation addresses six (6) specific areas: general dispositions, buildings, uses and special conditions for development, corrective action to existing developments and variations.

The Use Dispositions are directed toward harmonizing the uses permitted with the characteristics that must prevail in a tourist-residential area. Adequate procedures are provided to achieve an accomodation of conflicting uses and promote the positioning of analogous uses in the different areas. For this purpose the Condado has been divided in six (6) zones, outlining in each of them the uses authorized.

The Building Dispositions are oriented toward organizing the urban environment, to insure a secure pedestrian environment, more green areas and increase the harmony between residential and commercial areas. The purpose of separating these norms from those related to uses is to achieve certain stability in the physical evolution of the tourist-residential area, preserving the desired variety.

The Section on Uses and Special Conditions, is to condition the development of certain lots based on the needs and existing opportunities in the area. Criterias for parking needs are incorporated; for new pedestrian and vehicular access; buildings to be preserved; areas that must be develop and green and recreational areas.



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The Section on Prioritize Corrective Action to Existing Buildings contain the elements of maximum negative impact to the pedestrian environment of the area which must be harmonize with the new regulation as establish in the section.

Finally, the section on Variances (Concessions) establish the reasoning and procedures to be followed when granting variances to this Regulation.

1.03 Authority:

This Regulation is adopted in harmony with the provisions of Public Laws No. 374 of May 14, 1949 and No. 75 of June 24, 1975, as amended.

1.04 Applicability:

The provisions contained in this regulation apply and pertain to the Condado area as outlined in the Special Zoning Maps for the El Condado-San Juan.

1.05 Effective date:

This Regulation and the amendments there to shall become effective once the provisions established by Law No. 75 of June 24, 1975, as amended, are complied with.

1.06 Terms used:

When justified by its use in this Regulation, it will be understood that all words used in the singular also includes the plural and viceversa, and that the masculine also includes the feminine and viceversa.

1.07 Provisions of other Regulation:

The provisions of this Regulation will prevail over and will be complemented by the provisions of any other regulation in force, adopted by the Planning Board, applicable to the specific zone in which the property is located, as long as they are not incompatible with the specific matter covered by this Regulation.

1.08 Penalty:

Any violation to the provisions of this Regulation will be penalized according to Law No. 374 of May 14, 1949; Law No. 75 of June 24, 1975 and Law 76 of June 24, 1975, as amended.

1.09 Saving clause:

If any word, sentence, clause, subsection, section, topic or part of the present Regulation is, for any reason, questioned in a court of law and is adjudged unconstitutional or void of effect, such judgement shall



not affect, impair or invalidate the remaining provisions and parts of this Regulation, but rather, its effects will be confined to the specific word, sentence, clause, subsection, section, topic or part adjudged unconstitutional or void of effect, and the nullity or invalidity of any word, sentence, clause, subsection, section, topic or part in each specific case, will in no manner, affect or prejudice its applicability or validity in any other case.

1.10 Non-conforming uses:

One of the principal reason for re-evaluating the Regulation has been the negative experience on tourism and residential areas, of uses and structures which are not compatible with the prevailing order of things. The following provisions are establish to assure the prompt implementation of this new Regulation.

1.10.1 Legal non-conforming uses:

The interested party in the use of a property whose existing or present use is legal non-conforming, will request in writing the issuance of a non-conforming permit, within the period of one (1) year after the effective date of this Regulation. The presentation of a permanent, conforming use permit in effect on the effective date of this Regulation, is required for obtaining a legal non-conforming use permit.

The non-conforming use permit will clearly state the nature and extend of the legal non-conformity in respect to which, a use does not conform with this Regulation. Other uses which are permitted by this Regulation in the zone in which the property is located, will be listed and described.

Resulting legal non-conforming uses for which non-conforming permits are obtained, will be operated for a period of two (2) years from the effective date of this Regulation. Those which do not obtain the permit will cease operations within one (1) year of this Regulation effective date.

A legal non-conforming use can not be substituted for another non-conforming use, due to the fact that the intention is to organize and regulate the development, to prevent, as soon as possible, conflicts with the tourist-residential activities.

When the interested party understand, that this period of time is unreasonable, an extension of time to eliminate the non-conforming use can be requested, during the year subsequent to the adoption of this Regulation. The following information will be submitted along with the request:

- Graphical and written description of the structure(s) utilize.



- Nature of the use of the structure, such as hours of operations, clientele, number of clients at different hours and others.
- Location of the property and existing uses in the neighborhood.
- Separate value of the land, structures and improvements.
- Estimated value of surrounding uses.
- Identify the closest location where the use could be permitted.
- Relocation costs.
- Compliance of the structure with the provisions of this Regulation.
- Cost of conforming the use to the new regulation in the place where located.
- Benefits and/or damages to the interested party in case the operation is relocated.
- Length of time that the business has been operating.
- Pertinent information from other agencies such as Police, Fire and Health Departments.
- Any other pertinent information such as income tax forms and others.

The Planning Board will evaluate the request, considering the public interest and personal damages and will issue a resolution announcing its decision. Public hearings are mandatory.

Repairs and improvements to structures housing legal non-conforming uses will be permitted provided that:

- there is an acceptance of a termination date, or
- the condition of the structure prior to repairs is graphically documented by photographs and blue prints, and an acceptance to the fact that the repairs and/or improvements will not be valid reasons to support any request for an extension of time.



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1.10.2 Non-conforming structures:

Some of the existing structures in the Condado do not conform to the new provisions for construction (Section 3.00). Others are in violation of other existing regulations. Some of these buildings are of high priority to conform them with new and old regulations and have been identified in the Prioritize Corrective Action of Existing Buildings Map (Illustration 10) Section 5.00 of this Regulation. The interested party in the use of a property identified in this Map, will request the issuance of a non-conforming permit within one (1) year from the effective date of this Regulation.

The non-conforming permit will clearly state the nature and the extension of the legal non-conformity as related to the non-compliance of the property with this Regulation. The non-conforming properties identified in Section 5, have five (5) years to conform. If, during this period of time, a construction permit is requested for improvements, the compliance with this Regulation will be included as parts of the works.



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Section 2.00 PROVISIONS ON USES

2.01 Introduction

The definition of proposed zones is based on actual predominant use and/or its potential use. The Special Zoning Map for the Condado-San Juan (Annex), describes the limits of each zone; the Table of Uses (Table #1) describes the uses permitted in each zone.

2.02 Definition of Zones:

The Condado area has been divided in five (5) zones, according to the existing activity or to be permitted.

- Commercial Touristic Zone (CT)

The Commercial Touristic Zone is establish to classify those uses of a touristic nature and those uses in close proximity that support, complement and/or do not undermine the touristic activity. The activities in this zone will not offer an opportunity for conflicts to surface or hinder the touristic activity. This zone is closely related to pedestrians flow of traffic.

- Commercial Regional Zone (CRE)

The Commercial Regional Zone is establish to classify commercial areas whose market extend significantly beyond its immediate neighborhood. This zone is intimately related to high flow of vehicular traffic.

- Residential Zone (R)

The Residential Zone is establish to classify areas which are dedicated, exclusively, to residential use.

- Institutional Zone (INS)

The Institutional Zone is establish to classify the churches, hospitals, elementary and superior high schools actually located in the zone.

- Public Zone (P)

The Public and/or Recreational Zone is made up, off land belonging to the government, the bulk of which are dedicated to recreational uses. This designation is the same as in the Planning Regulation No. 4 (Zoning Regulation) and the same requirements apply.

2.03 Limits of the Zones:

The Special Zoning Map for the Condado-San Juan (Annex) graphically establishes the limits of the different use zones in the Condado area.



2.04 Uses permitted:

The Table of Uses Permitted (Table #1) establishes the categories of uses per zones. Some uses, whose definition could be dubious or its application in the area is limited to certain conditions, are categorized in Section 2.05, at the end of this section. All uses permitted, if listed under this section, must comply with the characteristics established in the same.

The following categories have not been included in Table #1 as they do not apply to the Condado: Agricultural Services, Fish, Wildlife and Forestry; Minery; Heavy Industry; Transportation; and Wholesale Commerce. Of the Light Industry categories compatible with some Condado areas, have been included,

In addition to the uses established in this section, the Regulations and Permits Administration can consider additional uses in districts "CT", "CRE" and "INS" when it has been demonstrated that the propose use harmonizes with the objectives of this special regulation and accepted by the Planning Board, issuing a Resolution.



TABLE #1

TABLE OF USES  
PERMITTED

	<u>DESIGNATED ZONES</u>			
	CT	CRE	R	INS
<b>LIGHT INDUSTRY (less than 10 employees)</b>				
-sewing shop and embroidery	x	x		
-jewelry repair and manufacturing	x	x		
-printing shop and editorial house		x		
*handicrafts	x	x		
-draperies and tapestries		x		
*bakery and confectionery shops	x	x		
<b>RETAIL COMMERCE</b>				
<b>Construction Materials, Hardware and Gardening</b>				
-lumber and other construction materials				
-paints, glass and wall paper		x		
-hardware (no construction materials)		x		
-gardening equipment and materials		x		
-ornamental plants		x		
<b>General Merchandise</b>				
*department stores		x		
*variety stores		x		
*general merchandise store	L	x		
<b>Food Stores</b>				
-neighborhood market	x	x		
*markets	L	x		
-supermarket		x		
-cash and carry		x		
-meat and fish market		x		
-fruits and vegetables	x	x		
-candy, nuts and confectionery	x	x		
-milk products and/or delicatessen	x	x		
-health food	x	x		



(Cont.)

DESIGNATED ZONES

CT CRE R INS

Automobile Agencies and Gasoline Stations

-new and used automobiles				
-automobile parts and accessories		x		
-gasoline stations		L		
-other motor vehicles (boats, motorcycles, etc.)			x	

Clothing and Accessories

-boys and men clothing and articles	x	x		
-boutiques and ladies wear	x	x		
-ladies special accessories and articles	x	x		
-babies and infant clothing	x	x		
-family clothing	x	x		
-shoes	x	x		
-specialized clothing and accessories	x	x		

Home, Furniture, Equipment and Goods

-furniture store		x		
-floor covers		x		
-drapery and tapestry		x		
-house goods	x	x		
-home electric appliances		x		
-radio, television, components, computers		x		
-musical records and articles	x	x		

Foods and Drinks Places

*discotheques				
*bars	L	L		
*night clubs	L	L		
*restaurant	x	x		
*restaurant/open air cafes	L	L		
*fast food/cafeteria	L	L		L
*"come y vete" (free stand)				
-ice cream shop	x	x		

Miscellaneous Commerce

*liquor store				
-pharmacy	x	x		x
-used merchandise		x		
-sporting goods and bicycles	x	x		
-book stores and writing materials	x	x		



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(Cont.)

DESIGNATED ZONES

	CT	CRE	R	INS
-jewelry	x	x		
-toys, games and entertainments	x	x		
-cameras and photographic equipment	x	x		
-gift, novelties and souvenirs	x	x		
-suitcases and leather goods	x	x		
-fabrics and sewing articles	x	x		
-ice		x		
-flower shop	x	x		
-art gallery	x	x		
-handicrafts	x	x		
-cigar and cigarette shops	x	x		
-newspaper and magazines	x	x		x
-antiques	x	x		
-pet shop	x	x		

INSURANCE, FINANCES AND REAL ESTATES

-banks	x	x		
-credit agencies	x	x		
-brokers-real estates	x	x		
-mortgage houses	x	x		

SERVICES

Hospice Services

-hotels	x	x		
*guest houses	L	L	L	

Personal Services

-laundry	x	x		
-photographic studios	x	x		
-beauty shops	x	x		
-barber shops	x	x		
-hair stylist	x	x		
-shoe repair shops	x	x		
-funeral homes				
-travel agencies	x	x		
-tailor/repair/alterations	x	x		

Commercial Services

-publicity agency	x	x		
-publicity, excepting agencies	x	x		
-credit information	x	x		



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(Cont.)

DESIGNATED ZONES

	CT	CRE	R	INS
-photocopy and blueprints		x		
-commercial photography, arts and graphs	x	x		
-stenographic and reproduction		x		
-fumigation and extermination		x		
-cleaning and maintenance		x		
-news syndicate services				
-employment agencies (white collar)	x	x		
-computer and data processing	x	x		
-public relations and administration	x	x		
-detectives and security services	x	x		
-equipment leasing and rental				

Automobile Services

-automobile rental	x	x		
*automobile parking	x	x	x	x
*automobile repairs				
*washing and lubrication				

Miscellaneous Repairs

-radio and television		x		
-refrigerators and air conditioners				
-electrical and electronic equipment		x		
-jewelry and watch repairs	x	x		
-furniture and upholstery		x		
-welding				

Recreation and Entertainment

-motion picture distribution		x		
-cinema (movie houses)	x	x		
-dance academy, studio, saloon	x	x		
-theater, bands and artists producer	x	x		
-bowling alleys				
-clubs and sports promoters	x	x		
-lottery agency		x		
-horses, off-track betting agency		x		
-cock fighting arena				
-video and mechanical games				
-pool halls				
-rental of video movies	x	x		



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(Cont.)

**DESIGNATED ZONES**

	CT	CRE	R	INS
<b>Health and Medical Services</b>				
-surgeons and doctors office	x	x		
-dental offices	x	x		
-medical and dental laboratories	x	x		
<b>Professional Services</b>				
-lawyers	x	x		
-architects, engineers and surveyors	x	x		
-accountant, auditors	x	x		
<b>Non-Profit Organizations</b>				
-commercial organizations	x	x		
-professional organizations	x	x		
-civic, social and religious organizations	x	x		
-charitable organizations	x	x		
<b>HOUSING</b>				
-private ownership or rental	x	x	x	
<b>INSTITUTIONS</b>				
-hospitals				x
-colleges and universities		x		
-home care centers		x	x	x
-elementary and/or superior schools				x
-churches, synagogue, temples				

**LEGEND:**

- \* - categories and definition of selected uses included in Section 2.05
- - prohibited uses
- x - unlimited uses
- L - limited uses



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2.05 Special characteristics for selected uses:

Some uses are included in alphabetical order, whose characteristics are necessary to qualify and quantify to insure the preservation of order security and public welfare.

- 2.05.1 Handicraft (light industry): Establishments where manual handicraft are produced. During the production process no smoke, dust, gases, noise vibrations or other conditions harmful to the environment, can be generated.
- 2.05.2 Bars: Enclosed establishment dedicated, primarily, to the retail sale of alcoholic beverages for consumption inside the business. In the Condado area drinks will be served in crystal glasses and separate sanitary services for men and women, minimum distances between new bars and other establishments of the same type, or off schools will be two hundred and fifty (250) lineal meters or one hundred and fifty (150) radial meters, whichever is less. Bars inside hotels are exempt from this requirement. The lot where the bar is authorized, cannot be laterally contiguous to a residential district.
- 2.05.3 Guest Houses: Lodging facility consisting of a maximum of twenty five rooms, and complying with the Tourism Company Norms. Bars and restaurants will be permitted in "CT" and "CRE" zones provided they are located inside and oriented to be used by the guests and invited guests; the number of chairs in the bar or restaurant will not exceed one half (1/2) of total number of rooms and will not be advertised on the exterior structure or lot. In "R" zones, guest houses with bars and restaurants will not be permitted; they will be limited to providing beds and breakfasts.
- 2.05.4 Night Clubs: An enclosed establishment dedicated, primarily, to the retail sale of alcoholic beverages and providing a live show to the clientele. Between live shows, recorded music can be provided. In the zone of the Condado, the minimum distance between new night clubs and other establishments of the same type will be two hundred and fifty (250) lineal meters or one hundred and fifty (150) radial meters, whichever is less. Night Clubs inside the hotels are exempt from this requirement. The lot where this use is approved can not be laterally contiguous to a residential district.
- 2.05.5 Markets: An establishment selling an extensive variety of fresh and processed products. In the "CT" zone they will be limited to an enclosed air conditioned space that will not exceed fifteen hundred (1,500) square feet.
- 2.05.6 Free Stand (come y vete): An open establishment usually located in a single story, temporary structure, selling beverages and food prepared in the premises, dispensed over a counter to be consumed on the same counter or on tables which complement the counter. This establishment will not be permitted in any of the Condado zones.



- 2.05.7 **Fast Food Cafeteria:** A private or franchise establishment, enclosed and air conditioned, selling beverages and light food prepared in the premises and distributed over the counter to be consumed in the premises. No services to the automobiles nor to the sidewalk will be permitted. In the Condado zones, new establishment of this type will provide adequate chairs to accomodate all the clients; no foods or beverages will be serve to be consumed standing up. No services to the automobiles nor to the sidewalks will be permitted. New franchises establishments will not be permitted to construct structures which symbolically represents the franchise; all new buildings will be special and unique and will conform with general architecture of the area. The lot in which this use is authorize will not be laterally contiguous to a residential districts.
- 2.05.8 **Discotheque:** Establishment dedicated to the retail sale of alcoholic beverages, providing a dancing space and recorded music. This type of establishment is only permitted in the hotels.
- 2.05.9 **Automobiles Parking Areas:** Establishment dedicated primarily to parking of automobiles on a temporary basis, open air, within a structure or combination of both. In the Condado this establishment will be fenced and have patios as required.
- 2.05.10 **Gasoline Stations:** Establishments selling gasoline and oil products as the principal activity and will repair and wash automobiles as a secondary activity. Gasoline stations will be limited to those presently existing. New gasoline stations will not be establish in the study area.
- 2.05.11 **Washing and Greasing:** Establishment dedicated primarily to mechanized car wash, manually by an employee or manually by a client. This type of service is excluded from the Condado area.
- 2.05.12 **Liquor Stores:** An establishment selling, primarily, un open, alcoholic beverages such as beer, wine and rum, to be consume outside the premises. This type of establishment will not be permitted in any of the Condado zones.
- 2.05.13 **Bakery and Confectionery Shops:** Establishment were bread and confectionary are elaborated using electric or fluid gas ovens and the retail sale of the product is accomplish in the premises. During production no smoke, dust, gases, noise, heat, vibrations or other conditions affecting the environment will be generated.
- 2.05.14 **Automobile Repairs:** Establishments dedicated primarily to the mechanical and electrical repairs of automobiles. This type of establishment will not be permitted in any of the Condado uses.
- 2.05.15 **Restaurants:** A closed, air conditioned establishment dedicated to the sale of food and beverages prepared for consumption within the premises. These establishments will operate using waitress serving customers at the tables. Beverages will be dispense in crystal glasses. Lots were this use is authorize will not be laterally contiguous to any residential district.



- 2.05.16 Restaurant/Open Air Cafeteria: An open air establishment dedicated to sales of beverages and food prepared for consumption within the premises. This establishment will have tables with table cloth served by uniformed waitress. Beverages will be serve in crystal glasses. The lot in which the use is authorize will not be laterally contiguous to a residential district.
- 2.05.17 General Merchandise Store: An establishment dedicate to the sale of different merchandise such as clothing and accessories, house effects, hardware, food, magazines and newspapers. In the Commercial Touristic Zone (CT) this activity is limited to a maximum of twenty (20) employees.
- 2.05.18 Variety Store: An establishment dedicated to the sale of a variety of merchandise at low, popular, prices. Generally this type of store do not carry and extensive line of merchandise nor is organize by departments. This store generally hire more than twenty employees.
- 2.05.19 Department Store: An establishment organize by departments, selling a variety of merchandise. Its principal lines include furniture, houseware, appliances, radio and television, general line of family clothes, bed and table cloth. They generally employ more than twenty (20) employees.



Section 3.00 CONSTRUCTION PROVISIONS

3.01 Introduction:

The construction provisions are oriented toward organizing the urban environment, to guarantee a more secure pedestrian environment, more green areas and more harmony between residential and commercial areas. These provisions encourages the siting of activities which promote pedestrian traffic along the sidewalks and promotes a more consistent and harmonious urban arrangement.

3.02 Lot size:

All lots formed after the effective date of this Regulation will cover an area of, not less than four hundred and fifty (450) square meters, with not less than fifteen (15) meters in width. Lots to be develop for row houses are exempted from this requirement, lots for this type of houses can cover a minimum area of one hundred and fifty (150) square meters.

3.03 Population density:

- 3.03.1 The area population density is as recommended in the Land-Use Plan: San Juan Metropolitan Region, adopted by the Planning Board on October 30, 1981 and approved by the Governor of Puerto Rico on March 31, 1982. This plan defines the Condado as an area adjacent to the Central Area and recommends a maximum population density of forty families per (cuerda). This is equal to one unit of basic housing (u.b.h.) for each one hundred (100) square meters. To calculate this density, one half (1/2) of the corresponding street area is added to the lot area (see illustration 1). The total, added area is the basis for determining the density. For corner lots, only the smallest street is used.
- 3.03.2 Housing units conversion: The unit of basic housing (u.b.h.) for apartment houses project is consonant to a three (3) bedrooms unit. A variation in the number of rooms increases or decreases the number of units of basic housing in accordance with the following table:

Table 2

Conversion from apartments to units of basic housing (u.b.h.).

Number of bedrooms per apartment	Equivalent in terms of units of basic housing (u.b.h.)
0 (studio)	0.4
1	0.6
2	0.8
3	1.0
4	1.2
5	1.4



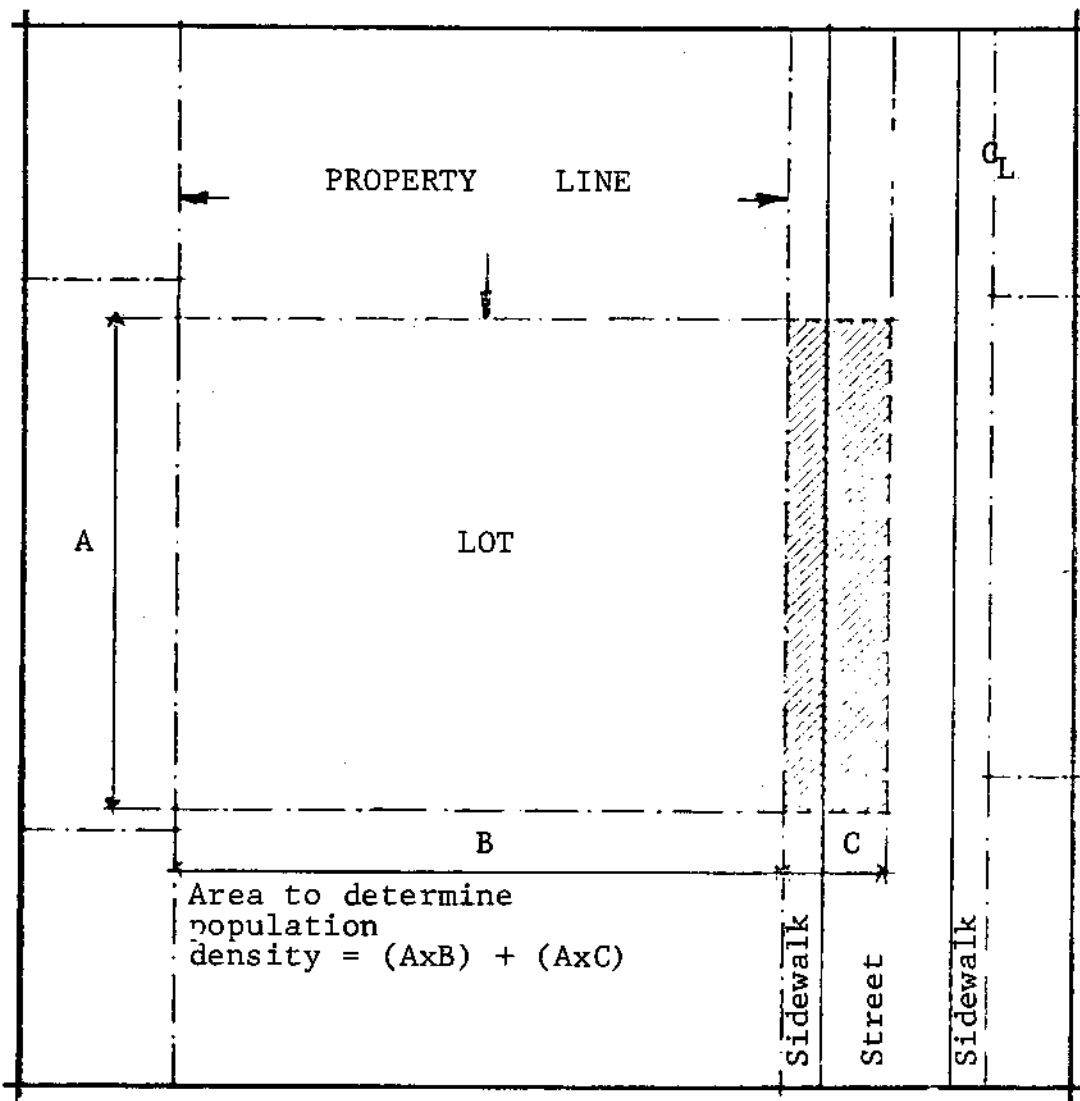


ILLUSTRATION 1

AREA TO DETERMINE POPULATION DENSITY



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3.04 Occupation area:

The occupation area of a lot is directly related to the type of activity that will be conducted. The following provisions apply to the different zones outlined in the Special Zoning Map for the Condado-San Juan (refer to the enclosed map). Under no circumstances, the gross floor area of any area above the first floor, will exceed the allowable occupation area.

3.04.1 Occupation area in districts "CT", "INS" and "CRE".

The occupation area in these zones will not exceed seventy five per cent (75%) in interior lots, nor eighty five per cent (85%) in corner lots, except those lots indicated in Section 4.02.

3.04.2 Occupation area in district "R".

Occupation area in residential zones will not exceed fifty per cent (50%) of the lot.

3.05 Gross floor area:

The gross floor area permitted depends on the proposed use. The space used to provide parking areas required for the use to be developed or by Section 4.02 of this Regulation will not be considered as part of the gross floor area.

3.05.1 Gross floor area in districts "R" and "INS".

The gross floor area permitted will not exceed three hundred per cent (300%) of the lot area. For apartment houses projects, the gross floor area can be increased to a maximum of three hundred and fifty per cent (350%) of the lot area, if the population density allows for it.

3.05.2 Gross floor area in districts "CRE" and "CT".

The gross floor area permitted will not exceed four hundred fifty per cent (450%) of the lot area for interior lots; nor exceed five hundred ten per cent (510%) of the lot area for corner lots.

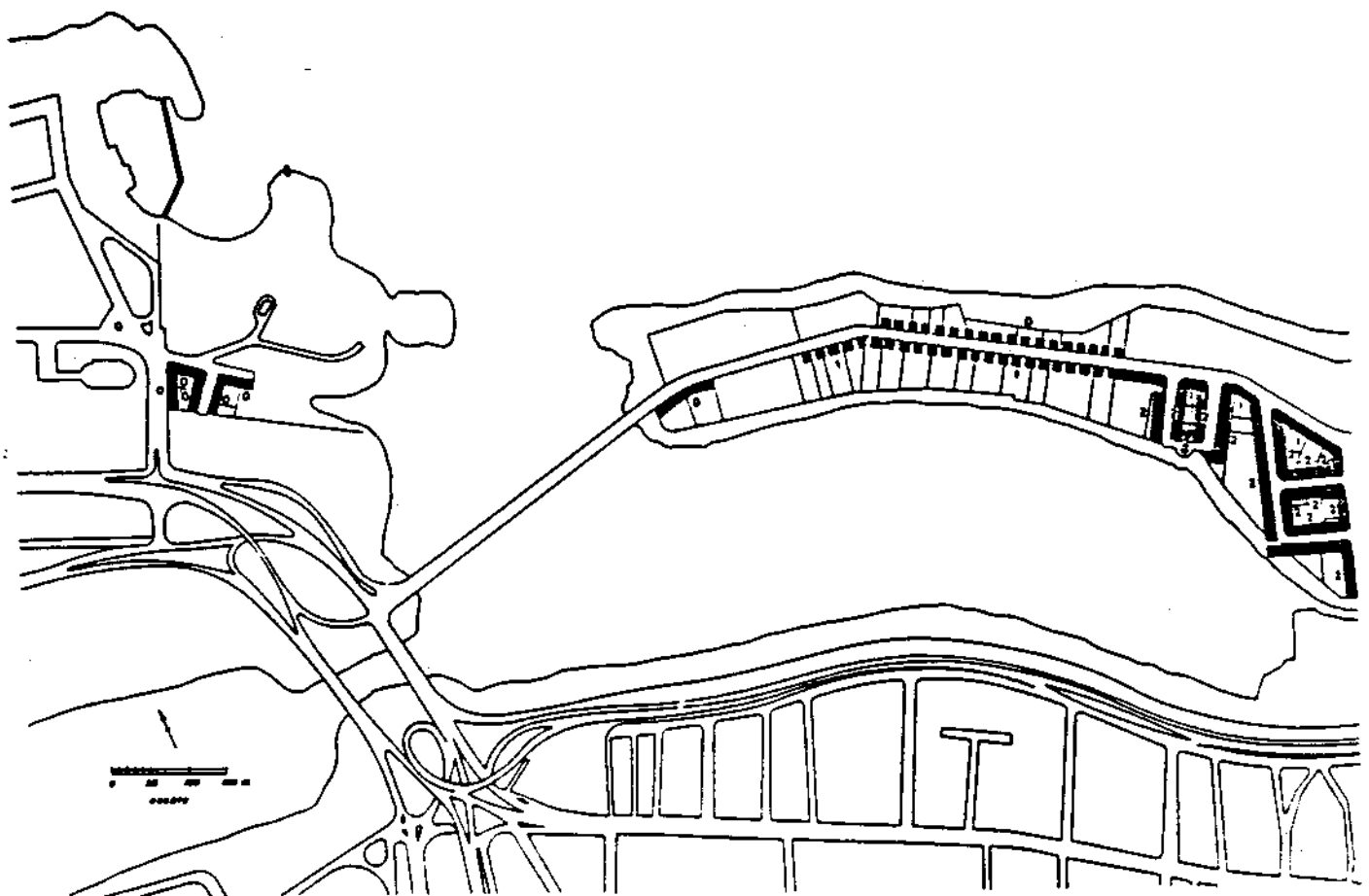
3.06 Building Fronts: Front yards and fences, lateral yards and building heights and lateral and back fences.

The different streets fronts in the Condado have been divided in six (6) types: "A-1", "A-2", "B-1", "B-2", "C-1" and "C-2" (see illustrations 3, 4 and 5). The "A", "B" and "C" classification is based on the type of front yard. The "1" and "2" classification refers to lateral yards.





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Front A-1    Front A-2    Front B-1    Front B-2    Front C-1  
The norms for the dominant front applies for corner lots with two different types of fronts in the same lot.  
The order of hierarchy, beginning with the most dominant, is: A-2, A-1, B-2, B-1, C-2 and C-1.

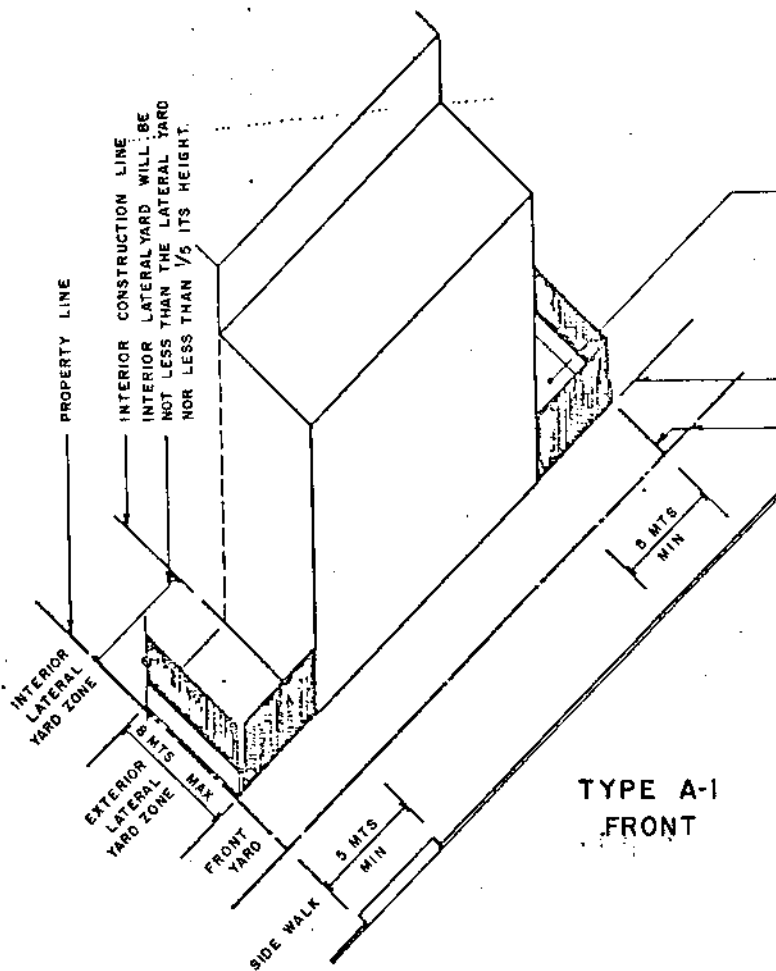


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— Front C-2    □ Width of front yard in mts.

BUILDING FRONTS MAP  
ILLUSTRATION 2



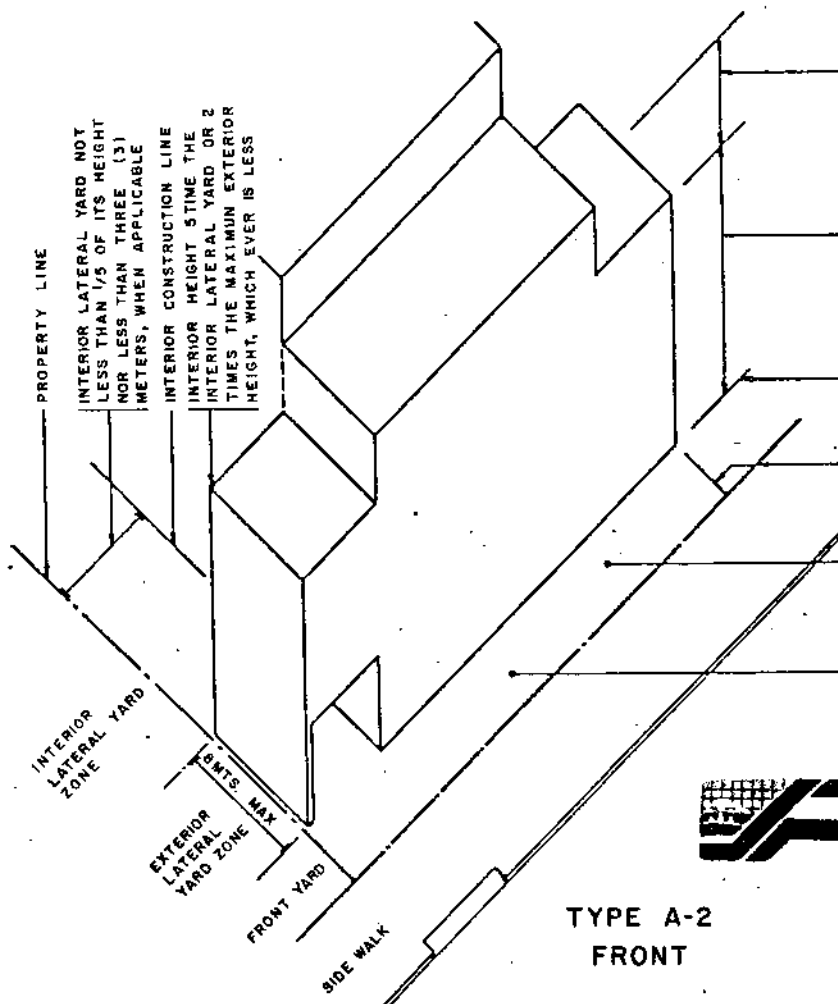
TYPE A-1  
FRONT

REQUIREMENTS FOR HEIGHT AND  
FRONT YARDS ARE THE SAME AS FOR  
FRONTS TYPE A-2

LATERAL YARDS OF NOT LESS THAN THREE (3)  
METERS EACH AND ITS SUM NOT IN EXCESS  
OF FORTY PER CENT (40%) THE LOT FRONT,  
ARE REQUIRED.

FRONT CONSTRUCTION LINE (INDICATED  
IN BUILDING FRONTS MAP)

PROPERTY LINE



TYPE A-2  
FRONT

EXTERIOR HEIGHT OUTSIDE LATERAL  
PROPERTY LINE: MAXIMUM - ONE AND  
A QUARTER (1.25) THE HORIZONTAL  
DISTANCE BETWEEN THE CONSTRUCTION LINE  
AND THAT OF THE FRONT LOT.

EXTERIOR HEIGHT IN LATERAL  
PROPERTY LINE: MINIMUM - TEN (10)  
METERS OR TOTAL HEIGHT OF THE  
STRUCTURE (IF LESS)  
MAXIMUM - FOURTEEN (14) METERS.

FRONT CONSTRUCTION LINE (INDICATED  
IN BUILDING FRONTS MAP)

PROPERTY LINE

PAVEMENT SIMILAR TO THE  
CONTIGUOUS SIDE WALK

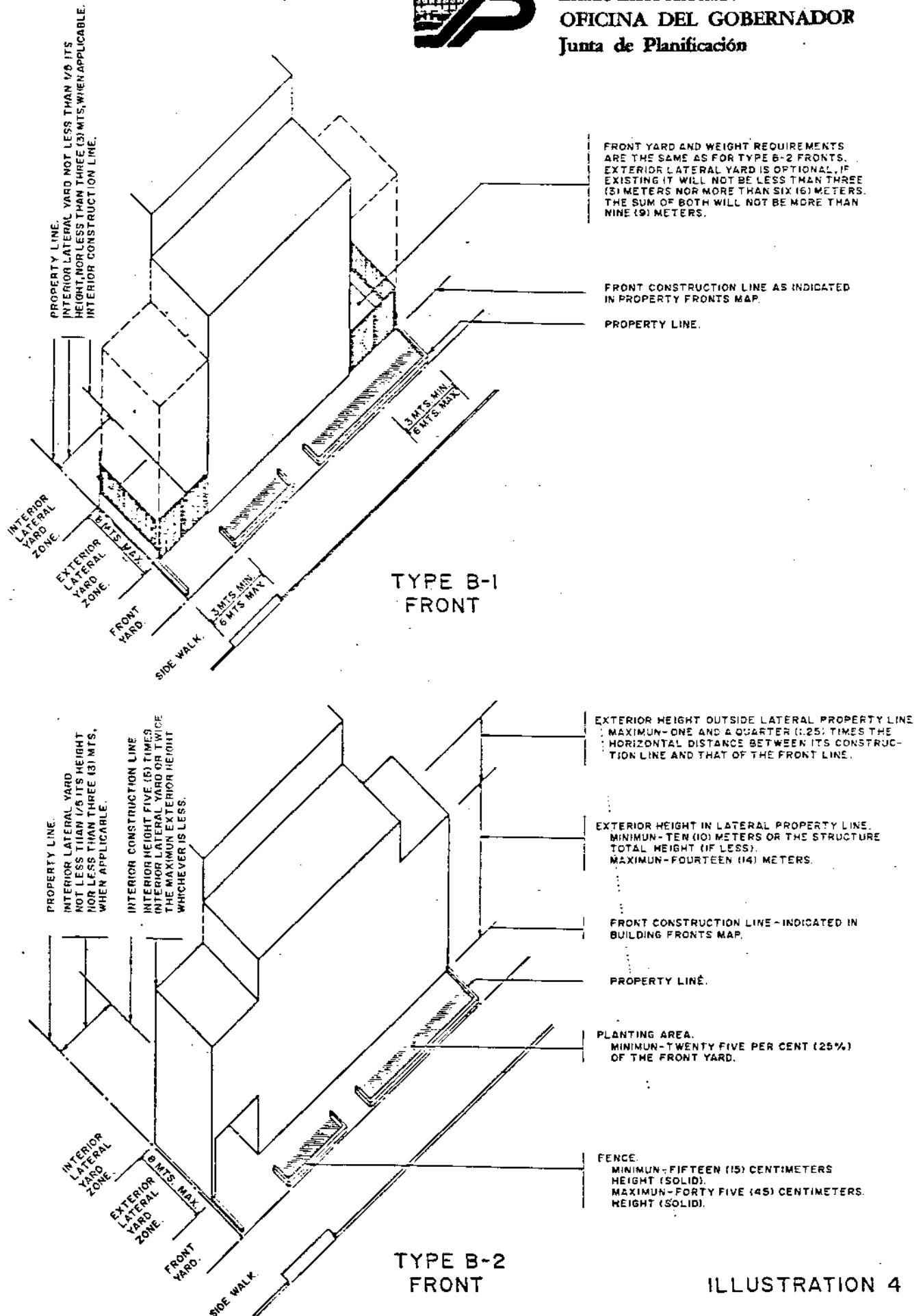
FENCE PROHIBITED ANY WHERE  
IN THE FRONT YARD



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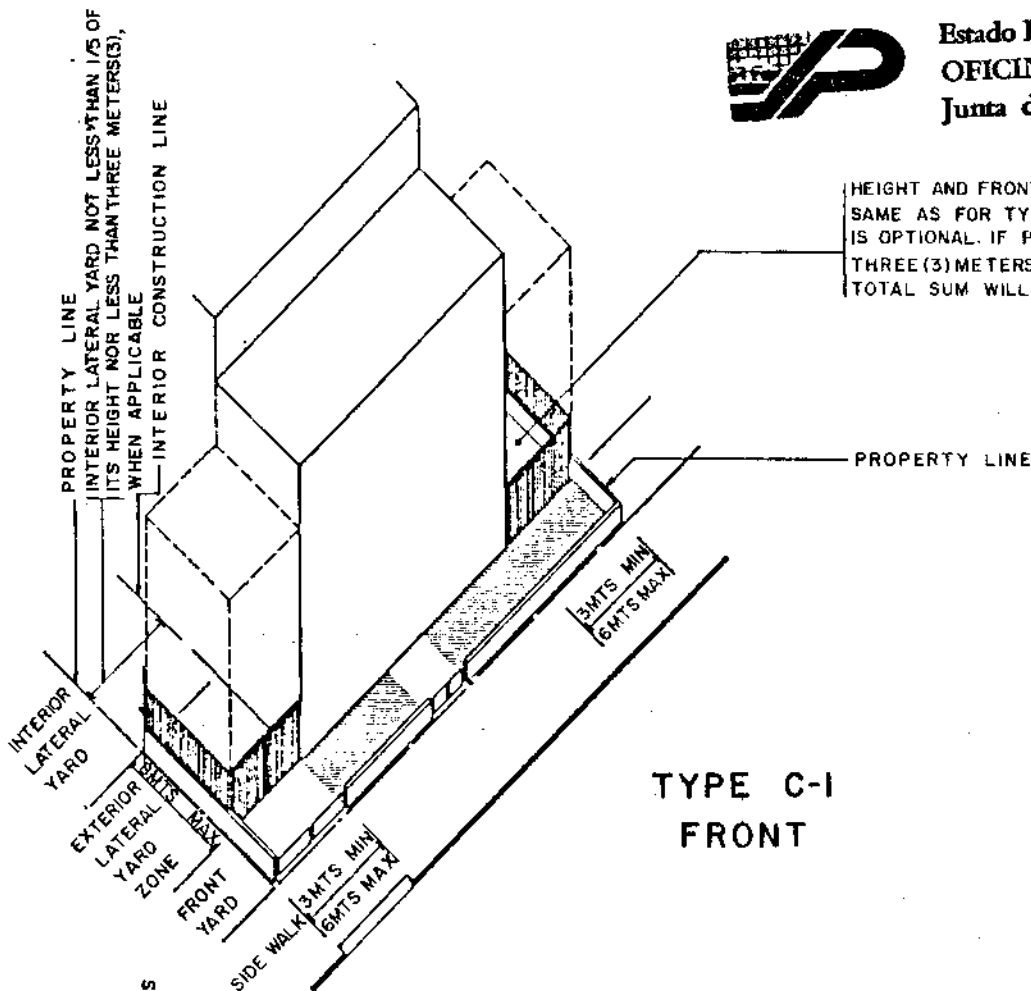


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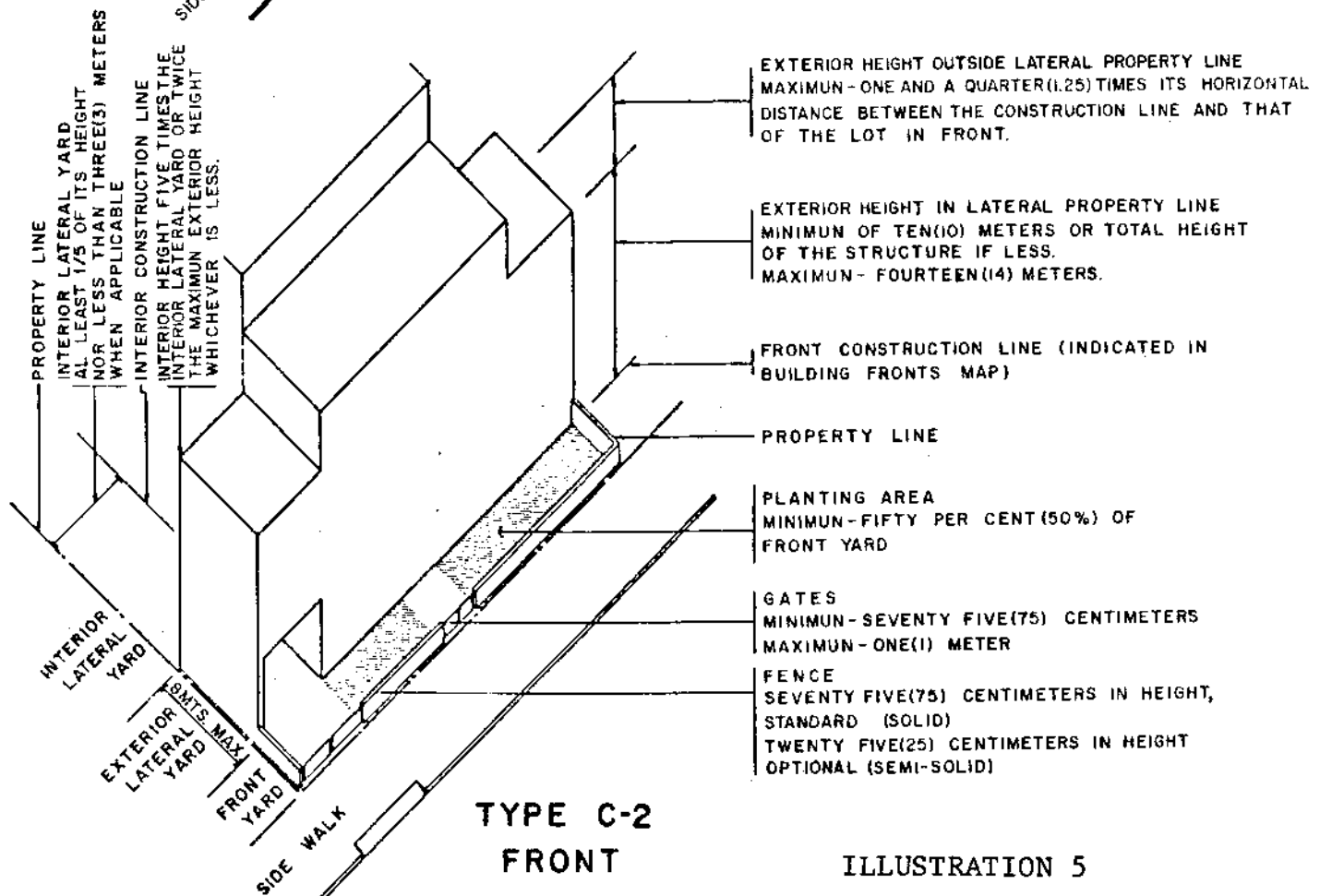




HEIGHT AND FRONT YARD REQUIREMENTS ARE THE SAME AS FOR TYPE C-2 FRONT. EXTERIOR LATERAL YARD IS OPTIONAL. IF PRESENT, IT WILL NOT BE LESS THAN THREE(3) METERS NOR GREATER THAN SIX(6) METERS, ITS TOTAL SUM WILL NOT BE OVER NINE(9) METERS.



TYPE C-1  
FRONT



TYPE C-2  
FRONT

The Building Fronts Map (illustration 2) indicates the location and application of each one of the six (6) types of building fronts. The map also clarifies the depth of the front yard, specifying the building line location.

Existing buildings can maintain its present yards; future constructions will observe the new requirements if the principal facade is substantially modified or reconstructed.

In areas where Building Front Maps do not indicate the six (6) types of fronts; the yards will be at the discretion of the Regulations and Permits Administration, taking into consideration the architectonic features, location in relation to other structures in the area and the purposes of this section. The maximum height permitted will be equal to the allowed on Ashford Avenue on its width and average construction line.

### 3.06.1 Front yards and fences

Three (3) types of front yards will be required in the Condado area classified "A", "B" and "C". In conjunction with the classification of lateral yards "1" and "2", the six (6) types of building fronts are formed; A-1, A-2, B-1, B-2, C-1 and C-2 (see illustrations 2, 3, 4 and 5). The requirements for front yards are described here in. Parking will not be authorized in any of them.

#### Front yards in A-1 and A-2 type fronts:

##### Floor construction:

The yard will be totally paved using materials similar to those used in the contiguous sidewalks, so that it becomes an extension of the sidewalk. Fences or other structures will not be permitted in the front yard.

Nonetheless, when an existing building has been set back more than two and a half (2 1/2) meters from the boundary line, a fence will be installed along the construction line determined in the Building Fronts Map. This fence will comply with requirements for "C-1" and "C-2" type fronts. The area between the fence and the existing construction line, will be fifty per cent (50%) planted.

#### Front yards in "B-1" and "B-2" type fronts:

##### Floor construction:

The yard will be seventy five per cent (75%) paved, the remainder will be planted.



Fences:

A small solid fence, minimum of fifteen (15) maximum of forty five (45) centimeters high, on the front yard boundary line, will be required (see illustration 4). An additional fence section will be permitted of fifteen (15) centimeters, whose solid part do not exceed one fourth (1/4) of its area.

Front yards in "C-1" and "C-2" type fronts:

Floor construction:

Fifty per cent (50%) of the yard will be paved, the remainder will be planted.

Fences:

A fence will be required on the front yard boundary line of seventy five (75) centimeters height (see illustration 5). Three quarters (3/4) parts of the fence will be solid. An additional fence section will be permitted, of twenty (20) centimeters whose solid part do not exceed one quarter (1/4) of the area.

In all of the fronts thus far described the fences located along the construction line, will be two (2) meters high and can be solid or fifty per cent (50%) transparent.

As an exception to the front yard fences described in this section, a solid or semi-solid fence, two (2) meters high will be permitted on the front boundary line of educational institutions to provide the students with additional protection and security.

For all types of fronts described, the depth and exact location of the construction line is determine in the Buildings Fronts Map (see illustration 2). These front yards depth will be exactly as detrmine in this map and variations will not be permitted. No overhangs or carports will be permitted in this area, except eaves which do not extend over one half (1/2) meter. Nonetheless, an awning or a protecting roof over the door will be permitted, which is not longer than seventy five per cent (75%) of the depth of the front yard and not over three (3) meters wide; will be kept open al all times.

3.06.2 Lateral yards:

They have two (2) sections: exterior lateral yards (first eight (8) meters of lateral yard from the construction line) and the interior lateral yards (begining from the first eight meters from the construction line and ending at the rear most part of the lot). These two sections of the lateral yard (exterior and interior) are





classified as "1" and "2". The "1" classification refers to the (optional or required) presence of the exterior lateral yard. The "2" classification refers to the required construction in the exterior lateral yard. Combined with the classification of the front yards ("A", "B" and "C"); these lateral yards classification, "1" and "2", form the six (6) types of building fronts "A-1", "A-2", "B-1", "B-2", "C-1" and "C-2" (see illustrations 2, 3, 4 and 5). The requirements for the lateral patios are hereby described.

Lateral patios in fronts type "A-1", "B-1" and "C-1":

Exterior lateral yard:

In the front type "A-1" exterior lateral yards required of at least three (3) meters each, the sum of them will total no more than forty per cent (40%) of the lot front.

Exterior lateral yards are optional for fronts types "B-1" and "C-1". If exterior lateral yards are present they will not be less than three (3) meters, nor over six (6) meters, the sum will not exceed nine (9) meters (see illustration 4 and 5).

Interior lateral yard:

For fronts type "A-1", "B-1" and "C-1", the interior lateral yard will not be less than the exterior lateral yard, nor less than three (3) meters, nor less than one fifth (1/5) of the height of the building (see illustration 3, 4 and 5).

Never the less, front types "B-1" and "C-1" of districts "CT" and "CRE" will be permitted that the first, three (3) stories do not observe interior lateral yards except when contiguous to, and on the side which is contiguous to a district "R", "INS" or "P".

Lateral yards in fronts type "A-2", "B-2" and "C-2":

Exterior lateral yard:

Exterior lateral yards will not be permitted in fronts type "A-2", "B-2" and "C-2". The building for its first eight (8) meters in depth, will be constructed to its lateral property line (see illustration 3, 4 and 5).

Interior lateral yard:

For fronts type "A-2", "B-2" and "C-2", the interior lateral yard will not be less than three (3) meters nor less than one fifth (1/5) the height of the building. Nevertheless, it can be permitted that the first, three stories in a district "CT" and "CRE" do not observe interior lateral yards when contiguous to a district "R", "INS" or "P" (see illustrations 3, 4 and 5).



The Building Fronts Map (see illustration 2) indicates the location and application of the six (6) types of building fronts.

3.06.3 Buildings height:

The height of the buildings is regulated in a different manner in the lot exterior and interior and based on its exterior lateral yard contiguous location (see illustrations 3, 4, 5, 6 and 7).



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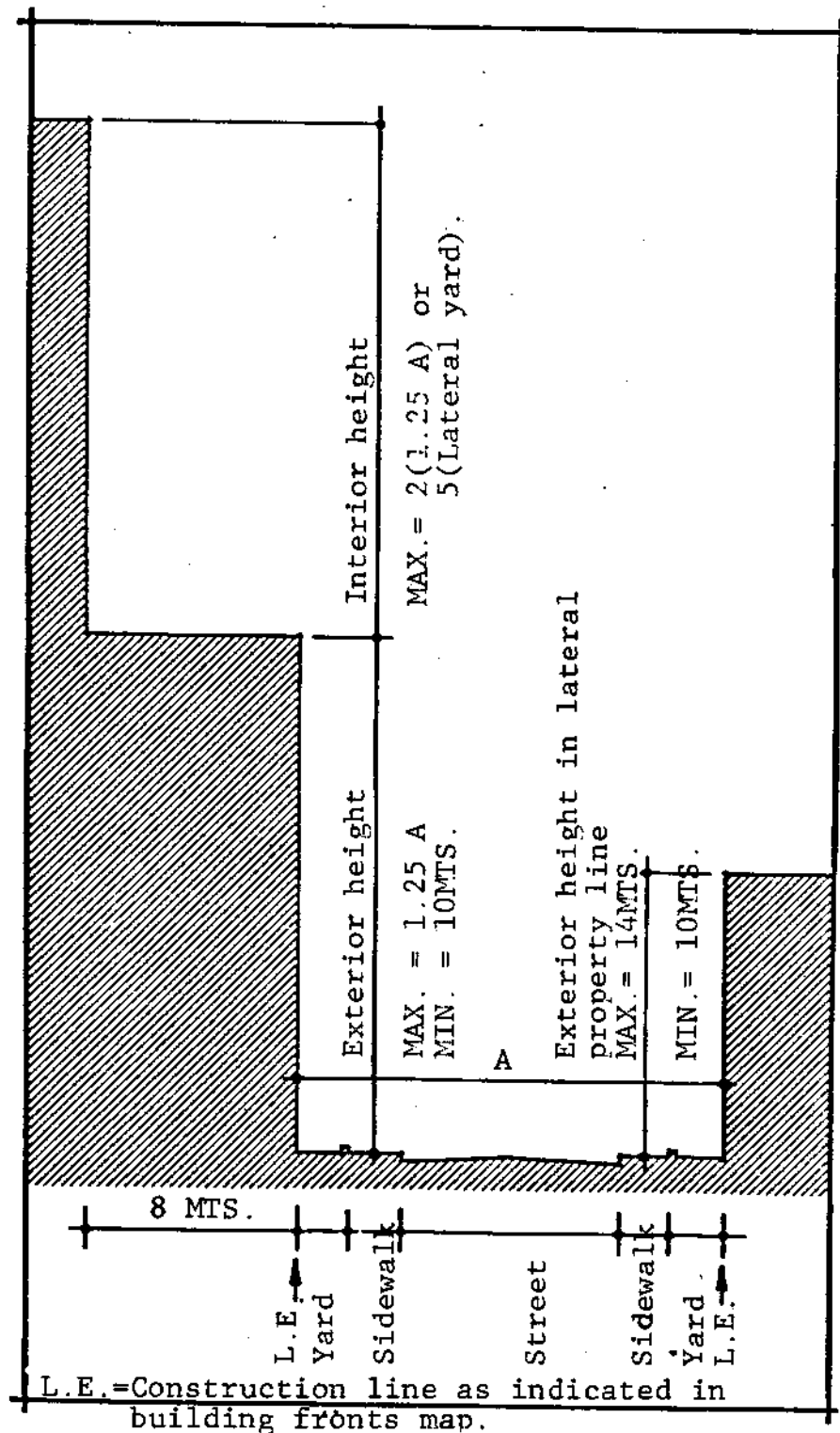


ILLUSTRATION 6  
MAXIMUM HEIGHTS

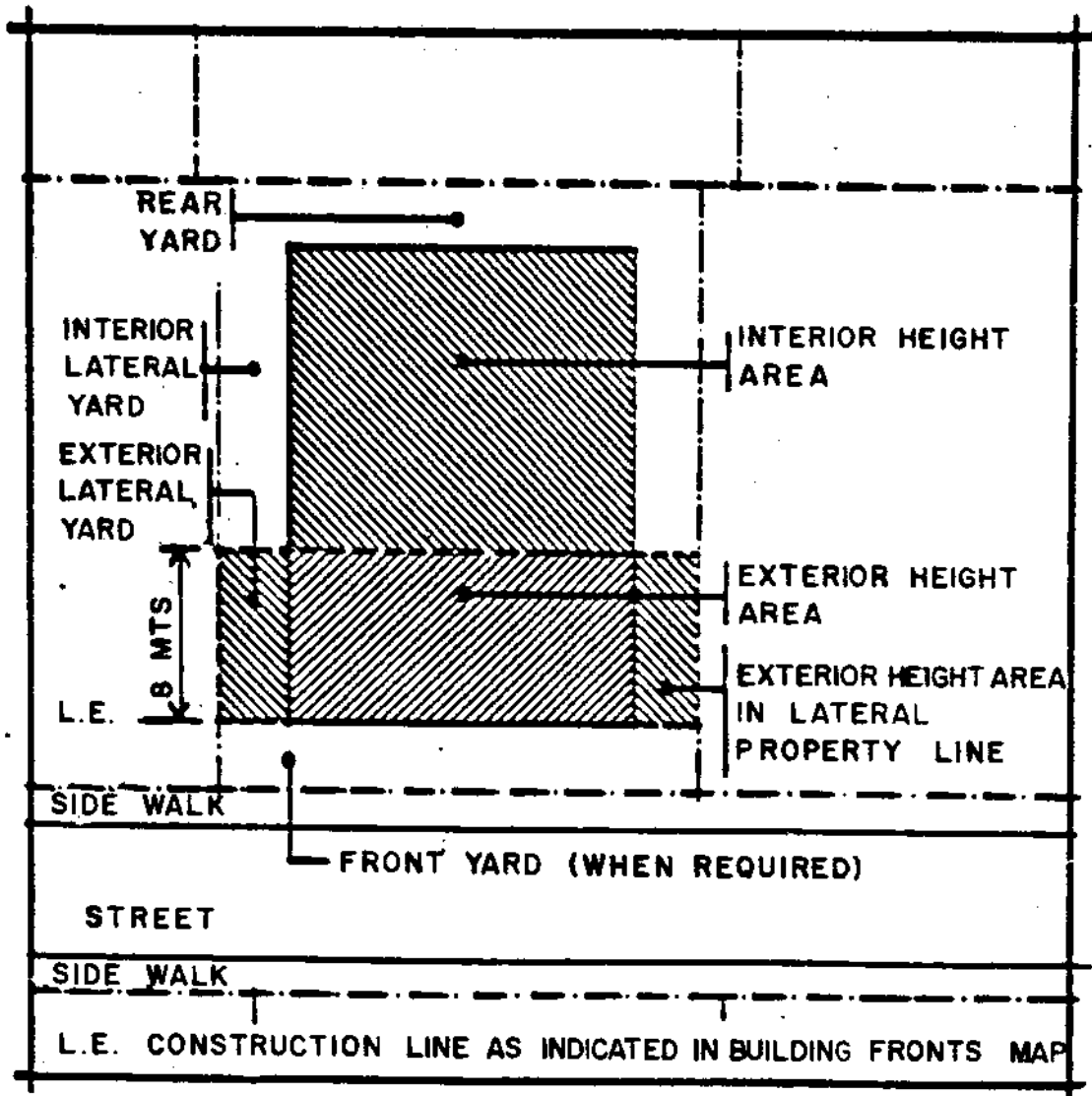


ILLUSTRATION 7  
LIMITS OF HEIGHT AREAS

Exterior height outside the lateral property line:

The maximum height in the first eight (8) meters of the lot from the construction line, will not exceed one and a quarter ( $1 \frac{1}{4}$ ) times, the horizontal distance between the construction line and that of the front lot, on the other side of the street. The construction lines are defined in the Buildings Front Map (see illustration 2). This height will not be less than ten (10) meters or the total height of the building when it is less than ten (10) meters.



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Exterior height in lateral property line:

The exterior height in property lines will not be less than ten (10) meters or the total height of the building when less than ten (10) meters. It will not exceed fourteen (14) meters.

Interior height:

The interior height of the lot, from the first eight (8) meters from the construction line, will not exceed five (5) times the width of the lateral or rear yard, nor twice (2) the allowable exterior height.

Properties contiguous to the north coast will limit its heights to those establish in Section 3.08. Properties contiguous to the public lands of the Lagoon, will limit its heights as required in Section 3.09.

3.06.4 Lateral and rear fences

Lateral and rear fences are those located behind the front construction line. Lateral fences in front of this construction line are considered front yards fences and described in Section 3.06.1.

Fences constructed on lateral and rear yards will not exceed two (2) meters. It could be a solid fence or fifty per cent (50%) transparent. Automobiles will not be visible from the first floor of contiguous lots nor sidewalks.

3.07 Rear yards:

A rear yard is required with a minimun of three (3) meters wide and minimun of one fifth (1/5) building height.

3.08 Buildings front toward the north coast:

All new structures or improvements, to be constructed at least two hundred (200) meters from the ocean tide flow and ebb line, will be regulated by this section.

3.08.1 Heigth and setback

On the beach area; between the Condado Beach Hotel and Cervantes Street, no new construction, which cast additional shadows on the sand, will be permitted. All new construction in this area will observe a setback from the most immediate contiguous beach line, which, when measured from its most immediate base or wall, contiguous to the beach, do not exceed one and a quarter (1 1/4) times, its height measured from the terrain level at the base or the wall.

Outside of this area, a building setback from the most immediate north coast contiguous line, will be required of not less than one third (1/3) of the height of the building.



3.08.2 Fences

Fences to be constructed on the north coast property line will not exceed two (2) meters. The first seventy five (75) centimeters will be solid construction. The remaining one hundred and twenty five (125) centimeters will have a solid area that do not exceed twenty five (25%) per cent. This latter fence section is optional, but if constructed it will have solid concrete or masonry columns, minimum separation of three (3) meters. Oxidizable materials will not be utilized.

3.09 Fronts of buildings facing the lagoon:

The north marginal of the Condado Lagoon will have a pedestrian walk. The following provisions are establish to harmonize the development of the area with this new amenity.

3.09.1 Height and setback

All new constructions or improvements which are not directed to the promotion of the pedestrian walk (ej. parkings, services, etc.) will observe a setback of at least four (4) meters, from the contiguous line with the public land of the Lagoon. Seventy five per cent (75%) of the patio will be planted; parking on the patio will not be permitted. Nevertheless, construction up to the property line with the Lagoon will be permitted, of buildings for commercial or residential uses. This contiguous structures will provide a direct access toward the pedestrian walk.

There are no height restrictions due to the Lagoon. The maximun height permitted contiguous to the Lagoon is the same permitted along Ashford Avenue, conforming to its width and average construction line.

3.09.2 Fences

The fences to be constructed along the property line will be two (2) meters high. The first seventy five (75) centimeters will be solid; the remaining one hundred twenty five (125) centimeters, will consist of a solid area that does not exceed twenty five per cent (25%). This latter section of fence will have solid, concrete or masonry, columns, spaced every three (3) meters in width.

3.10 Construction and uses in the first floor:

The use and type of construction of the first floor, within the Condado zone will promote and/or harmonize with the pedestrian activity. This can be achieved by restricting, as far as possible the visibility of automobiles inside the lot, moving the buildings main body closer to the sidewalk and promoting and/or developing activities for the first floor.



3.10.1 Uses of the first floor

Along Ashford, Condado and De Diego Avenues; on Barranquitas, Mayaguez, Aguadilla, Joffre, Clemenceau, Marseilles, Delcasse, Luisa, Magdalena, Terraza del Parque Streets, and on Caribe and Cervantes Streets north of Magdalena Street; the first floor of new construction will be developed with uses which promote activities of the street and offers maximum security to the pedestrian. In commercial areas the use will be primarily commercial; in residential areas the use will be related to residential activities (eg. meeting or game room in condominiums, housing unit, etc.). This use will occupy a space of at least four and a half (4 1/2) meters in depth. The width of the space will not be less than sixty per cent (60%) of the front width of the structure.

3.10.2 Construction on the first floor

Constructions on the first floors will have sixty per cent (60%) of its front close. Parking areas will not be permitted under buildings visible from the streets through the front of the building.

3.11 Parking:

Parking requirements are establish in the Zoning Regulation (Planning Regulation No. 4, second edition), amended. The following additional requirements are hereby establish:

All apartment houses will provide one (1) visitor parking for each five (5) basic housing units or fraction thereof.

Parkings on the front yard will not be permitted. All parkings will be confined to an area behind the construction line, as establish in the Buildings Fronts Map (see illustration 2). The same will not be visible from the side walk.

The non-existence of parking within a constructed property will not be consider as basis for granting variances.

Any parking arrangement outside the property limits will be formalized by a mortgage or right of way on the property that provides the parking, inscribe in the Property Register, or by means of a preferential mortgage on the property which generates the demand for parking, a bond or letter of credit that establishes the terms of the permit and guarantee payment for the rental of the parking spaces.



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3.12 Overhanging structures:

The cornices, eaves, tile roofs and other architectonic features can be extended toward the required yards, to a distance of not more than one half (1/2) meter, provided that a separation of one and a half (1 1/2) meters from any property line is observed. The extension of open over hanging balconies or other structures that could be prepared or used as interior spaces will not be permitted within the required yards. Excluded from this section are awnings or protecting roofs over the doors indicated on Section 3.06.

3.13 Planting areas:

All new constructions will plant the contiguous sidewalk when the width of the same is equal to or greater than two (2) meters. A tree will be planted for each four (4) meters or fraction thereof. At the time of planting the tree will be, at least three and a half (3 1/2) meters high and at least three (3) inches in diameter at the trunk.

3.13.1 Types of Plants

The type of tree to be planted is specified for Ashford, De Diego and Condado Avenues and for Luisa, Magdalena, Terraza del Parque, San Jorge and McLeary Streets, in the Planting Map (see illustration 8). Along other ways, the type of tree to be planted is not specified, however it should be of a variety appropriate to the micro climate of the area. The maintenance of the trees will be the responsibility of owner of the lot contiguous to the sidewalk.

3.13.2 Recommended plants

It is recommended that ornamental plants, trees and grass be planted on the front yards of all lots in the Condado Area. The property owner is responsible for the maintenance of what is planted within the property.

3.14 Materials and design:

The material to be use will be compatible with the following criterias, according to its location:

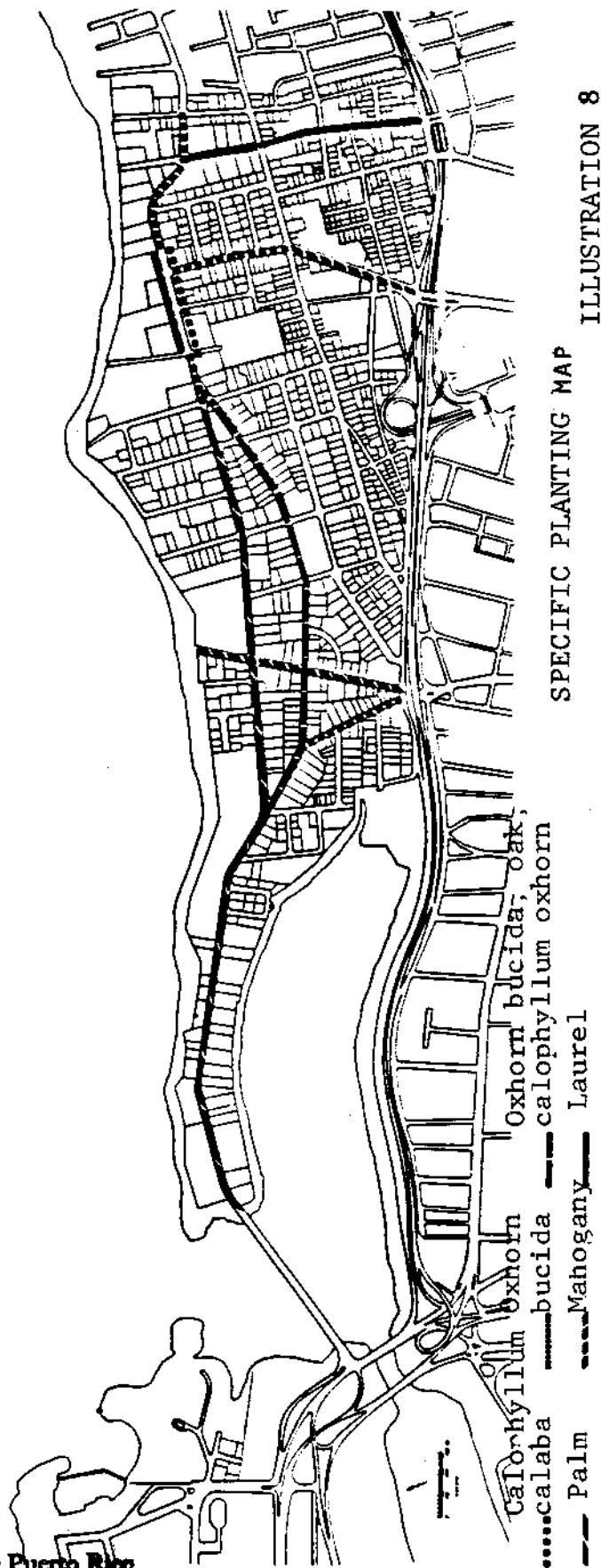
Building exteriors will be primarily constructed of masonry and concrete.

Materials use in exterior architectonic details will be of a permanent nature that will retain its original characteristics with normal and regular maintenance. Environmental factors such as saltwater, termite, moth, vandalism, etc., will be considered. Materials which best stand agaisnt such elements are, clay, cristal, concrete, cement, masonry, anodize aluminum, galvanized steel and treated lumber or of a hardy variety.





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SPECIFIC PLANTING MAP

Temporary construction of aluminum, steel, lumber and/or similar materials are prohibited.

Mechanical, electrical or other type of equipment will be so located that it is not visible nor audible from the public spaces - first and second floors.

Materials used on side walks and streets, such as for the pavement, posts, fences and planters, will be of such quality and design that will be resistant against vandalism.

Fencing materials used contiguous to the beach will be rust proof. Chain link fences and/or similar type of wire fencing, will not be permitted.

Fencing materials for fences exposed to sidewalks and streets, can be concrete, cement, ornamental steel, cast iron or other materials which complies with the criterias of durability and good design. The use of materials and designs, traditional to the Condado zone, is encourage. Chain link wire and/or other type of wire fencing will not be permitted.

3.15 Signs:

All signs will conform to the requirements established in the Zoning Regulation (Planning Regulation No. 4) and the Touristic Interest Zones Regulation (Planning Regulation No. 16) dated March 30, 1979.

Generally the signs which are in compliance with the stated requirements, will also be designed with good taste and in harmony with the zone and the building. Signs material will comply with section 3.14 of this Regulation. Temporary or unstable materials are prohibited.

3.16 Accessory buildings:

Accessory buildings in zone "R" will adjust to the provisions of paragraphs 36.02, 36.05, 36.06, 36.07 and 36.08, Section 36.00, Topic 10 of the Zoning Regulation, (Planning Regulation No. 4, second revision). They are considered as being located in a district R-5.

3.17 Loudspeakers and bugle horns:

Loudspeakers and bugle horns emitting sounds toward the sidewalks and streets, will not be permitted in the study area. All sound producing equipment belonging to residences or businesses will be limited to the interior of the property.



3.18 Garbage and solid waste disposal:

Solid wastes generated by businesses, residences and others, will be placed in close plastic bags and moved to the sidewalk by the service recipient, and placed in such a manner that both pedestrian and/or vehicular traffic is not obstructed. Solid waste will be placed on the sidewalk only, thirty (30) minutes prior to the solid waste collecting schedule establish by the Municipality of San Juan.

During the period prior to the establish pick-up time, solid wastes will be stored in an area behind the existing or new buildings construction line; they can not be on the front yard nor visible from any point on the sidewalk. Solid waste will be maintain inside a close plastic bag to prevent bad odors. Solid waste storage area will be maintain clean and odorless at all times.



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Section 4.00 USES AND SPECIAL CONDITIONS ON SPECIFIC LOTS

4.01 Introduction:

Due to its key location within the Condado, unoccupied actual condition, traditional architecture, and/or its possession; uses and special conditions are establish for some lots, which must be taken into consideration for future development and which are supplemental to the general provisions which apply to the area. These uses and conditions have been recommend for these properties in the best public interest of achieving a secure and orderly development of the area. The particular lots are identified in the Uses and Special Conditions Map (see illustration 9).

4.02 Parking

There are lots that, in its future development will maintain parking spaces for public use. Presently, these lot are used as formal or informal parking and satisfy a present parking deficit that will become worst in the future if the lots are developed. The number of spaces required within each lot will be in addition to those required for any future development. These lots can be developed based on the special zoning district in which they are located, provided the additional parking spaces requirement, indicated in the following table is satisfied.

Lot indicated in illustration #9	Special restriction of Number of parking spaces dedicated to public use
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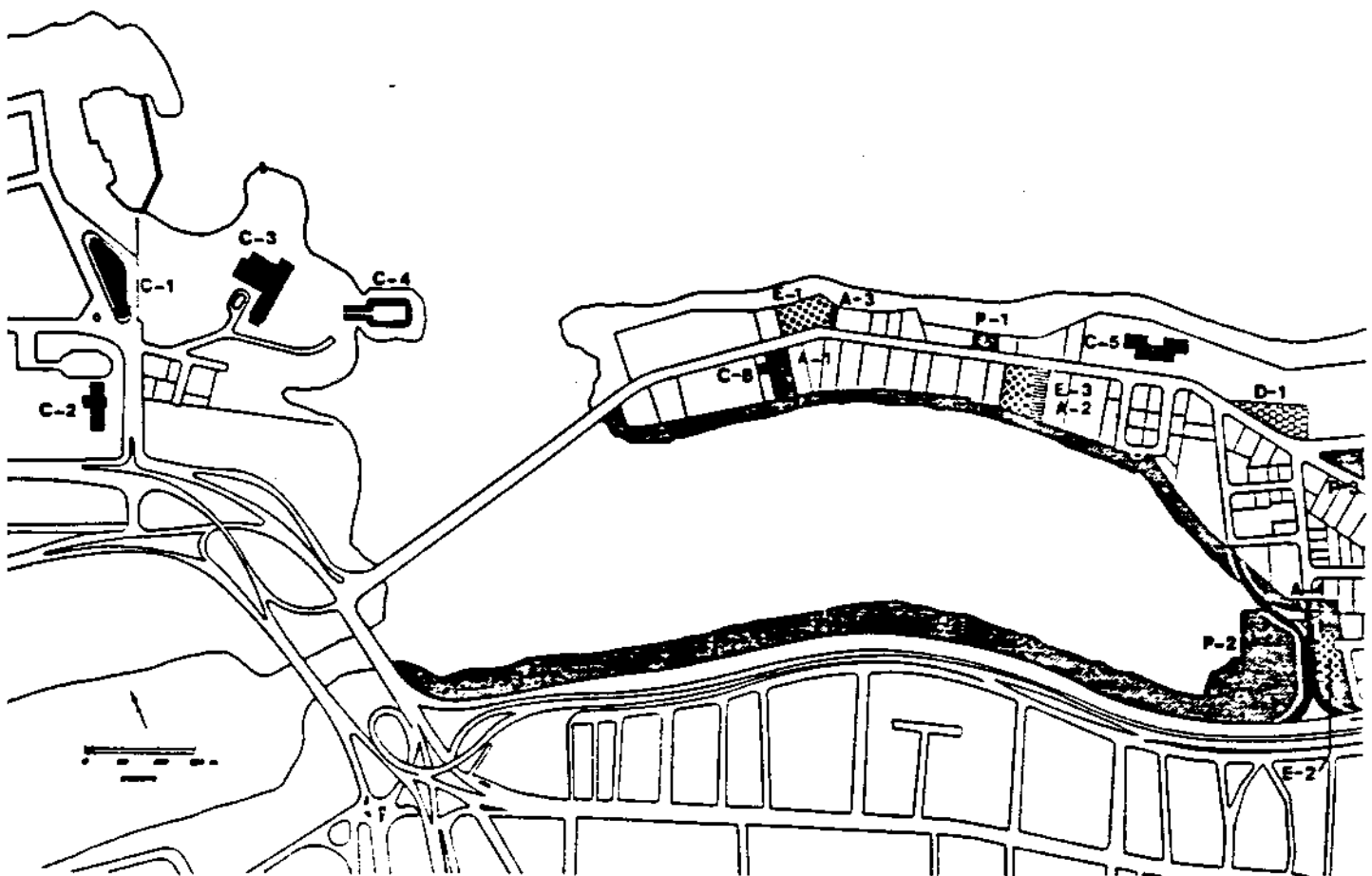
E - 1	90
E - 2	200
E - 3	75
E - 4	20
E - 5	20
E - 6	65
E - 7	50
E - 8	45
E - 9	50
E - 10	50
E - 11	50
E - 12	30
E - 13	50


The development of these spaces in "CT" and "CRE" zones, the first two floors will be permitted to reach the maximum lot occupation provide the front yards are observed as required by this Regulation; the posterior yards will not be observed as required, in the first two stories.







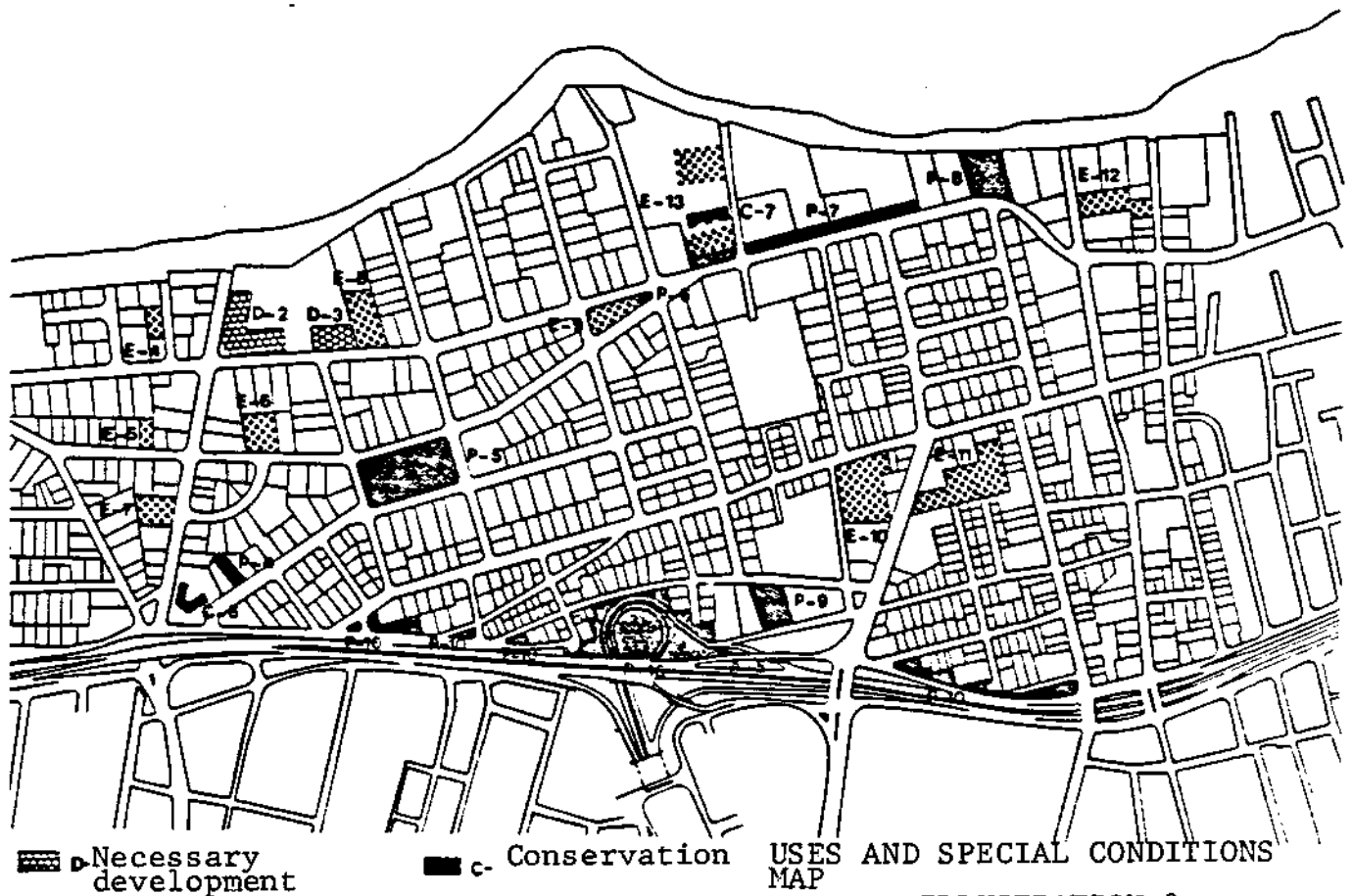
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 P- Green or recreational area

 E-Parking

 A-New access



The Planning Board can certify the public utilization of the property for purposes of Law 60 of 1958.

4.03 Conservation and restoration:

In the areas contiguous to the Caribe Hilton Hotel and the Condado, structures exist that should be preserved due to its architectonic designs, its unique style representative of an era and/or its traditional scale. With one exception, all of these structures were constructed during this century and should be preserved for future generations. The destruction of any of these structures is not permitted and its original design and historical context should be respected when improvements are plan. The buildings recommended for conservation (see illustration 9) are:

- C-1 - Hotel Normandie
- C-2 - Supreme Court
- C-3 - Original Building,  
Caribe Hilton Hotel
- C-4 - Fort San Gerónimo
- C-5 - Original Building  
Condado Vanderbilt Hotel  
(Today Condado Beach Hotel)
- C-6 - Luchetti School
- C-7 - Original Building  
Presbiterean Hospital
- C-8 - Miami Building

4.04 Necessary Development

There are spaces which are underdeveloped and not funtional in regard to the street pedestrian activity. These "open" spaces should be developed with an intense pedestrian activity. The lots are indicated in illustration 9 and described here in:

- D-1 - Convention Center Plaza
- D-2, D-3 - The area of the Dupont Plaza Hotel  
in front of Ashford Avenue and Condado Street.



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Section 4.05 New access

4.05.1 Pedestrian access:

The area of the Condado peninsula lacks public access from Ashford Avenue to the sea and the Condado Lagoon. Historically the properties in this sector were subdivided in an uninterrupted line toward the water. The present interest to develop along the lagoon and the sea shore lines, requires better access. The following lots indicated in illustration 9, will have public pedestrian access with a minimum width of four (4) meters, that can be utilize to maximize commercial potential of the lot.

A-1 - Parking area east of the Miami Building

A-2 - Parking area west of the Astor Building

A-3 - Parking area east of the Regency Hotel

4.05.2 Vehicular access:

The Condado area have only four principal access leading into the center of the area. When planning for the future, new access that improve traffic flow must be considered. The following lots indicated in illustration 9, with vehicular access of, at least, fifteen (15) meters wide.

A-4 - Extention to Joffre and Delcasse Streets

A-5 - Connection of the Expressway Baldorioty de Castro Marginal Street to the Minillas Tunnel

4.06 Public green areas:

The existing open areas in the Condado must be maintained and/or developed as public green areas. This areas are indicated in illustration 9 and describe herein:

P- 1 - Existing Ancla Park

P- 2 - New Park around the Lagoon

P- 3 - New Las Nereidas Park

P- 4 - Public lot on Luchetti Street to be developed for parking, planted with trees, controlled by the neighborhood

P- 5 - Existing La Placita Park

P- 6 - Existing La Libertad Park



P- 7 - New green strip of six (6) meters planted with trees, to define the street area in front of setback buildings

P- 8 - Existing Taino Park

P- 9 - New active recreation area in the Department of Education property

P-10 - Planting area in land remanent from the construction of the Baldorioty de Castro Expressway and the Minillas Tunnel



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Section 5.00 PRIORITIZE CORRECTIONS TO EXISTING DEVELOPMENTS

The new building provisions will prevent new elements of conflicts in the urban area. Parallel to these new provisions, it is necessary to correct the non-conforming conditions which are adversely affecting the pedestrian environment along the principal streets. The Map of Prioritize Corrections to Existing Buildings (see illustration 10) indicates those areas that must be urgently corrected because of buildings and fences with non-conforming materials and/or heights and illegal parking on front yards. The interested parties identified in the Map must follow procedures establish in Section 1.10.2 on Non-Conforming Structures.

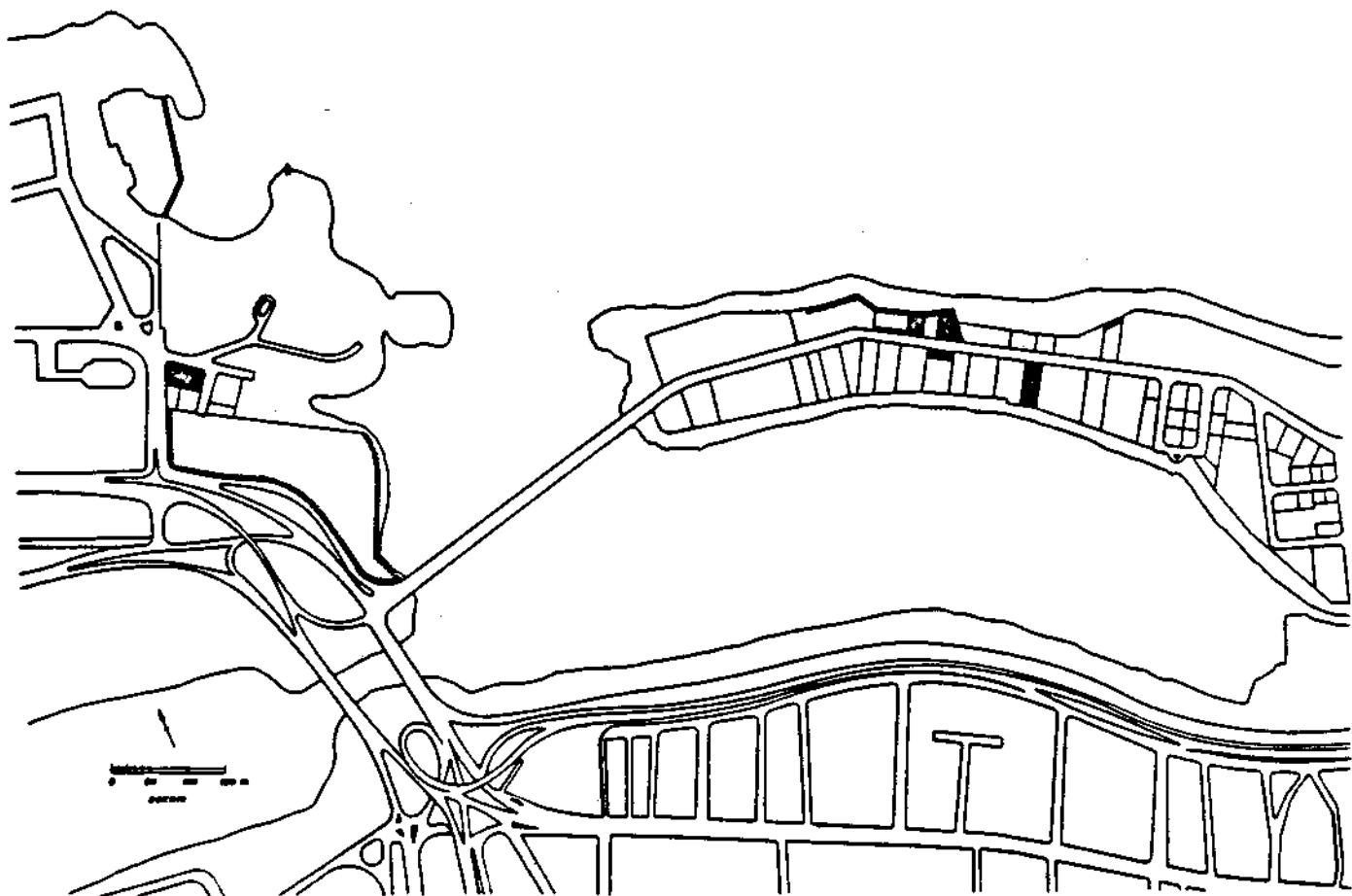
- Fences with non-conforming materials and/or heights - refers to lots with fences which do not conform with the new provisions of sections 3.14 and 3.06 and/or existing regulation which prohibits solid fences over one (1) meter.
- Illegal parking - refers to those lots whose fences and planting areas have been removed or ignored to establish parking in the front yard, using the public way to drive backward in violation of section 31.00, topic 8 of the Zoning Regulation (Planning Regulation No. 4, second revision).
- Buildings with non-conforming materials - refers to those buildings that do not comply with the provisions of section 3.14.



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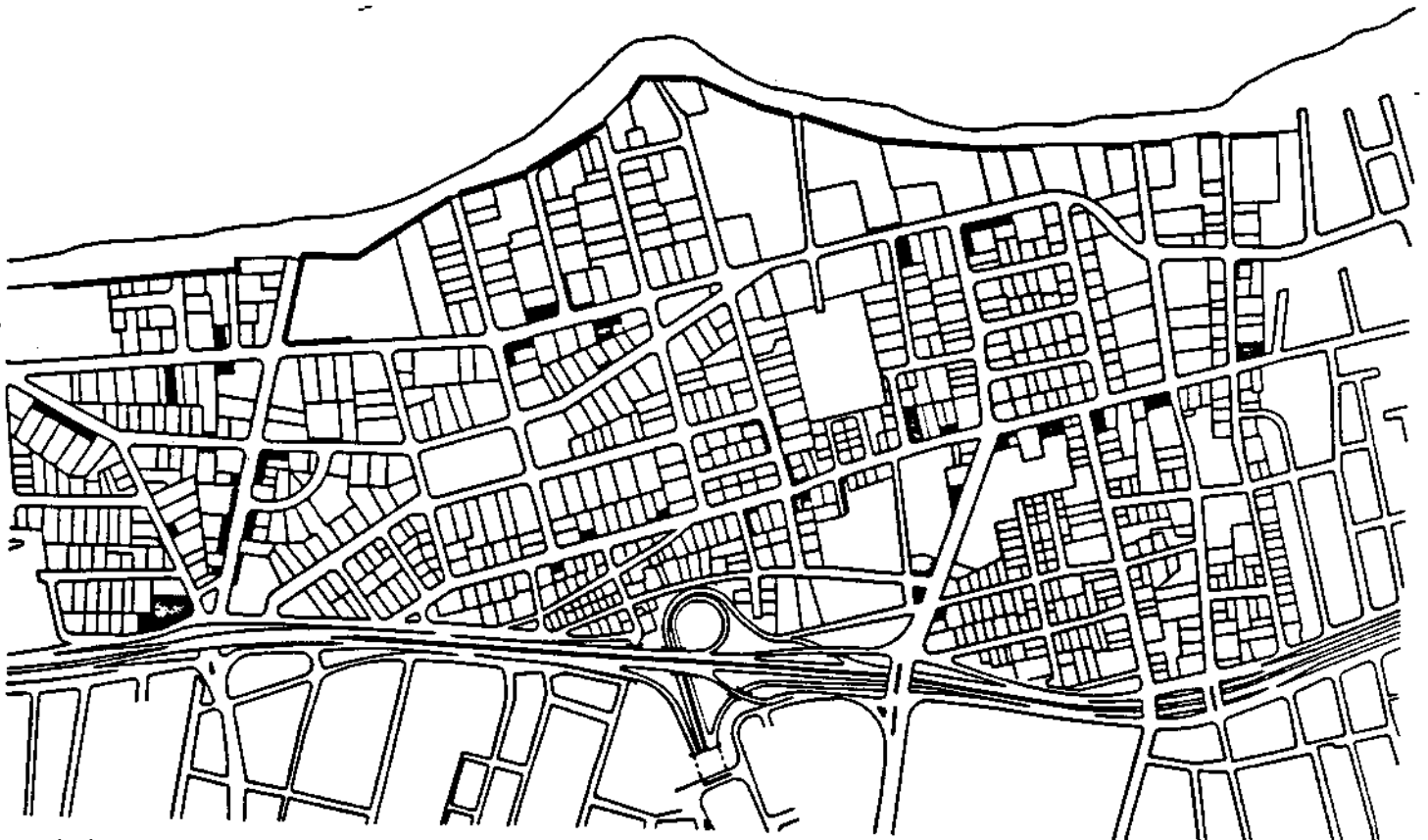
— Fence with non-conforming materials and/or height.

— Illegal parking

■ Structures



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with non-conforming materials.

PRIORITAIIZE CORRECTIONS TO EXISTING  
BUILDINGS MAP

ILLUSTRATION 10

Section 6.00 VARIATIONS (CONCESSIONS)

6.01 General provisions:

The Planning Board or the Regulations and Permits Administration can authorize, accordingly, variations (concessions) to the requirements of this Regulation in cases where, due to exceptional or extraordinary circumstances a literal application of it results in an irrational prohibition or restriction of the enjoyment of a property or belonging and where it has been satisfactorily demonstrated that the variation (concession), will alleviate a clearly demonstrated prejudice or that the same will be in the best interests of the community and the sector. The variations (concessions) granted based on this section will not constitute amendments to the Special Zoning Map or to this regulation.

6.02 Initiative:

All variations (concessions) will be requested by the property owner or his duly authorized representative, using the forms designated for such purposes. Variations (concessions) in excess of what is requested will not be granted nor considered.

6.03 Public hearings:

The Planning Board or the Regulations and Permits Administration can conduct public hearings for these cases, so that interested parties have the opportunity to express their points of view and, for the Planning Board and the Regulations and Permits Administration to make the determinations of facts and conclusions of law based on the facts and issues presented during the hearings.

6.04 Criteria for granting variations (concessions):

Total or partial variations (concessions) will not be granted unless sufficient data is available to establish:

Extraordinary or exceptional circumstances, such as irregular shape of the lot or others that hinders the utilization or enjoyment of the property.

Due to extraordinary or exceptional circumstances the strict application of these Regulation can result in difficult practice or in an unreasonable prohibition or restriction which is not caused or created by the property owner.

The variation (concession) is necessary for the preservation and enjoyment of property rights and it is demonstrated that the variation (concession) will alleviate a clearly demonstrated hardship, and that such right is possessed and enjoyed by other properties in the same district, not affecting the public welfare.



- That, if in the variation (concession) the authorization of a not permitted use for the zoning district is requested, the use requested is compatible with essential character of the district.
- The variation (concession) will benefit the community, municipality or the people of Puerto Rico.
- That granting the variation (concession) will not adversely affect the enjoyment a property value of contiguous properties in its present or future permitted use.
- That authorizing the variation (concession) will not increase the value nor adversely affect the suitability, the security and the convenient operation of existing or planned public facilities, including roads, schools, waste collection and other essential services.
- That the variation (concession) requested is harmonious with the general purposes of this regulation and with any Land Use Plan adopted for the area.
- That the variation (concession) granted is consistent with the Objectives and Public Policies of the Land Use Plan, Integral Development Plan for Puerto Rico, Four Years Investment Plan and with the conservation and preservation of the natural and historic resources.
- That the petitioner is willing to accept the additional conditions and requirements, over those in the regulation, that the Board or the Administration imposes for the benefit and protection of the public interest.

6.05 Conditions when granting variations (concessions):

When granting variations (concessions) the Board or the Administration will specify the nature and extend of the same and prescribe the conditions deem necessary to secure compliance with the criterias establish in this section for granting the variations (concessions).

The variations (concessions) granted, will be subject to compliance with the conditions establish and provisions of this or any other applicable regulation. Non-compliance with any of the conditions will contitute a violation of this violation and constitutes sufficient base for revocating the variation (concession) in all its parts.



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