



Plaza Carolina Permitting Tips

Plaza Carolina

Average Duration for Retail and Food & Beverage Permitting Approval Process

= 4-6 weeks

This bulletin is to make you aware of current requirements for Construction permitting and suggests Tenant's architect and engineer pursue further as it relates to Tenant's contract documents. It also includes new laws enforced in Puerto Rico.

- Information for navigating through the permitting process can be found on these websites:
<https://ogpe.pr.gov/freedom/appHome/permitInfo>

Note: An English translation of current website information is available on pages 2-7, of this document as a reference. However tenant is responsible to have their expeditor confirm that the documents posted online are up to date.

<http://www.bgfpr.com/documents/AGuidetoDoingBusinessinPR-ll.pdf>

(Refer to pages 111 and 112)

- Landlord requires using an expeditor.**
(Contact property Operations Director for recommended expeditors. 787-768-0514)
- Typical permit review time is 4 – 6 weeks.
- All forms are in Spanish and must be filled out in Spanish.

New Law Requiring Retailers to provide copy of Merchant Registry Cert. & Certification of Compliance with the Fiscal Terminal

“Section 1063.15.- Information Statement on Electronic Transactions.-

<http://www.oslpr.org/download/en/2018/A-257-2018.pdf>

Effective January 1, 2019 Puerto Rico passed a law that requires all tenants to provide a copy of their Merchant Registry Certificate (essentially a business license) AND a Certification of Compliance with the Fiscal Terminal (basically a certification that their POS system is registered with the government). Failure to do so will require the landlord to bill the tenant sales tax of 11.5% on all rents billed to retailers that lease space. On the island, only certain credit cards and POS systems can be used so that the Government can track that all the retailers are paying appropriate taxes on their sales. There are, however, retailers that are using POS systems that are not approved with the intent to avoid paying taxes on their sales. With that said, PR is now requiring the landlord to either charge the 11.5% tax on all rents billed to the tenant AND then remit those taxes it to the PR government OR obtain the following two documents from all retailers which prove the retailer is in compliance.

- *Municipal License (essentially a business license)*
- *Certification of compliance with the fiscal terminal (this is certification that their POS system is registered with the government)*
<http://www.oslpr.org>

PCO- Puerto Rico Construction Permit Information

SRQ - Request for filing of complaints

Description

Any person or entity may file a complaint before the Office General of permissions (BEPGs) which impute violations of law and/or regulations. Part of the responsibility of the BEPGs is to ensure that the laws and regulations related to the construction and the sustainable development of the country are met, for the sake and safety of citizens. For guidelines, is needed keeping processes free of any violation and/or perceived corruption.

Details

Requirements

1. Any complaint shall indicate the full name of the complainant and the respondent, as well as postal and residential address, email and phone number (s) (last two optional).
- 2 it should also contain a clear and concise exposition of the reason for the complaint and the facts on which it is based. The physical address of the facts will be required to complete the process of filing of complaint.

Required documents:

Photos of the facts (optional).

Cost:

The filing of complaints is free of charge.

Deadline for submission of application:

Once filed the complaint, the BEPGs will start an investigation on the matter and notify the results within a period of 15 working days.

CCO - Consult construction

Description

Consultation on construction for a resolution issued by the Executive Director of the BEPGs which approves the preparation of the final plans for the construction of the (s) structure (s) proposal (s) and in accordance with the recommendations and requirements set out in the resolution on a draft ministerial character, but that involves changes to the parameters of the construction of the district where located.

Details

Requirements

1. Environmental document or a certificate of exclusion categorical, as provided in the regulation of environmental documents of the environmental quality Board.
2. Digital drawing with polygon of the territorial extension of the project geo-referenced to the flat state coordinate system that illustrates the location of the premises where the action is proposed.
3. information about the condition of the soil, structures to be assessed, the amount of construction units proposed by type of project, description of the existing and proposed facilities, variations in construction and other details, according to apply.

Required documents:

- 1 fill in form of application, including the name of the owners of the adjoining land. *
- 2 evidence of ownership, (PDF). *
3. Authorization of the owner of the plot to carry out the proposed action, if it is not the proponent (PDF).
4. Certification of the Planner (PDF).
5. Explanatory memorial, detailing the proposed work, as well as request and justify the proposed and/or existing variations according to the current regulations (PDF). *

6. Schematic drawings with the digital signature and the paragraph of certification laid down in rule 5.3.6 of the regulation the proposed action (PDF, DWFX). *
7. Comparative table of parameters of construction proposed vs. allowed (PDF). *
8. Table of parameters of green building, in the case of green projects (PDF).
- 9 map, indicating dimensions, geometric shape and configuration both the solar and the projected work, in addition to any structure, element and existing servitude, including the surveying and topography with elevations present layers and proposals from the field, including the magnetic north and the existing water bodies (PDF). *
10. Evidence of installation of label in the place of the project, after completing the filing (JPEG, PDF).
- 11 evidence, by sworn declaration according to the law 161 on December 1, 2009, as amended, article 9.9, which the same was installed as this article, and submit such evidence within the next three (3) days have been installed the label.
12. Notification of the adjoining listing. In the case that the adjoining is a means of access or a body of water, you will need to include properties on the other side of the route or the body of water. They will be part of the adjacent to identify themselves on the plane or cadastral map. *
- 13 evidence of notification to all adjacent neighbors, by certified mail.
14. certification of flood risk, indicating that the project is located in area susceptible to flooding or drawings to show flooding levels base and levels of elevation of the structure, including copy of the map (PDF). If required, you shall submit evidence of study hydrologic hydraulic (h-h) when you locate in flood-prone areas.
- 15 plane leveling proposed preliminary in nature, showing the slopes of streets and the formation of slopes and walls, in projects of urbanization (PDF).
16. Plans of recreational facilities proposed in the premises to engage in Park areas, indicating their capacities and corresponding delimitations, in projects of urbanization (PDF).
17. Photograph of the property (JPEG, PDF). *
- 18 certification (CRIM), indicating the number of the property registry. *
19. Evidence that the draughtsman is a day in dues to the CIAPR or CAAPPR (photocopy of active membership card).
20. Evidence of the resolutions previously adopted.
- 21 letter of authorization for project of social housing of the Department of housing, where it is a project of this nature, with the cost of sale maximum (PDF). *
22. Evidence for processing of environmental compliance. *

Cost:

A consultation of construction minimum filing base price will be \$150. The final price will depend on the following parameters:

1. Type of project
- 2 area where the project (rural or urban) would be built

Deadline for submission of application:

The service request will remain open for a maximum of thirty (30) days term to enable the applicant to complete it. Elapsed that term without complete the application or loaded all required documents, the applicant will need to start the application process again.

CSA - Environmental health certification

Description

This certification is issued as part of the process for the evaluation in the granting of a permit for use, by the unit of health and safety of the Office of management, professional or an authorized Inspector, to the owner, operator, or Manager of an establishment public which assesses the compliance of the establishment with the requirements, regulations and applicable laws related to environmental health.

Details

Requirements:

This application requires information about health systems and distribution of water on the property.

Required documents:

Explanatory Memorial
Photos
Sketch

Cost:

The price of filing of the application for certification of environmental health will be \$35.

Deadline for submission of application:

The service request will remain open for a maximum of thirty (30) days term to enable the applicant to complete it. Elapsed that term without complete the application or loaded all required documents, the applicant will need to start the application process again.

CPI - Certification for fire prevention

Description

This certification is issued as part of the process for the evaluation in the granting of a permit for use, by the unit of health and safety of the Office of management, professional or an authorized Inspector, to the owner, operator, or Manager of an establishment public which assesses the compliance of the establishment with the requirements, regulations and applicable laws related to the prevention of fire.

Details

Requirements:

This application requires information about prevention of fires and methods of output on the property.

Required documents:

Explanatory Memorial
Photos
Sketch

Cost:

The price for filing the request for the certification of fire prevention may vary between \$50 and \$100, depending on the amount of square feet of building area.

Deadline for submission of application:

The service request will remain open for a maximum of thirty (30) days term to enable the applicant to complete it. Elapsed that term without complete the application or loaded all required documents, the applicant will need to start the application process again.

PUS - Use Permit

Description

Written authorization issued by the BEPGs, which grants a waiver to new activities to be established and certain activities operating without permission of use, in order to generate new jobs.

Details

Requirements:

It is required to have the recommendation of infrastructure units, health and safety or the authorized Professional or authorized Inspector certifications.

Before making a final determination on a use permit for a work in which a previous building permit has been issued, an inspection by an authorized Inspector of works contracted by the owner of the project until issue permission from us is required or such inspection work must certify the conformity of the use permit applied for with the requirements of the construction permit previously issued and shall settle to the BEPGs by own inspector.

Additional requirements

1. Environmental document or a certificate of exclusion categorical, as provided in the regulation of environmental documents of the environmental quality Board.
2. Digital drawing with polygon of the territorial extension of the project geo-referenced to the flat state coordinate system, which illustrates the location of the premises where the action is proposed.
- 3 irrefutable evidence that the proponent is owner, elector, or lessee duly authorized by the owner of the property, whether through any of the following: public deed, lease, contract of purchase, certification registration, Declaration of heirs or other valid as provided by the regulation set active legitimization.
4. certification of licensed professionals who are involved in the proposed action, demonstrating that they are duly licensed or registered in Puerto Rico, as applicable.

5. List the names and postal addresses of all owners of properties that border the property subject of the application, preferably including email-certified.
6. Information on the ground or structures and the use of each of its components.
7. The recommendation of health and safety and infrastructure managers or certifications of the authorized Professional or authorized Inspector, in addition any and all that apply of concerned agencies in building, infrastructure, health and Safety, environment, use, archaeology and historic preservation, as needed.
- 8 flat or cadastral map, clearly indicating the properties adjacent to the property of the request object and the uses to which they are dedicated.

Additional requirements

- 1- Corresponding environmental document or a categorical exclusion certification, as provided for in the Environmental Documents Regulations of the Environmental Quality Board.
- 2- Digital plan with polygon of the territorial extension of the geo-referenced project to the State Flat Coordinate System, illustrating the geographical location of the property where the action is proposed.
- 3- Reliable evidence that the proponent is the owner, opter or tenant duly authorized by the owner of the property, either through any of the following: public deed, lease, purchase option contract, certification registration, declaration of heirs or other valid standing as provided for by the Joint Regulations.
- 4- Certification of licensed professionals participating in the proposed action, proving that they are duly licensed and/or collegiate in Puerto Rico, as applicable.
- 5- List certified with the names and postal addresses of all property owners that adjoin the property subject of the application, preferably including email.
- 6- Information on the ground and/or structures and the use of each of its components.
- 7- The Recommendation of health and safety and infrastructure managers or the certifications of the Authorized Professional or Authorized Inspector, in addition to any and all those that apply of the agencies concerned in Building, Infrastructure, Health and Safety, Environment, Use, Archaeology and Historical Conservation, as needed.
- 8- Plane or cadastral map, clearly indicating the properties adjacent to the property object of the request and the uses to which they are dedicated.

Required Documents:

- Evidence of ownership, if you are creating a project or activity profile (PDF)
- Authorization of the owner of the site to carry out the proposed action, if not the proponent (PDF)
- Municipal Recommendation, if access to the work is through a municipal road (PDF)
- Explanatory Memorial (MS Word, PDF) *
- Fire Prevention Certification, issued by the Fire Corps, in case of owner changes (PDF)
- Environmental Health Certification, issued by the Department of Health, in case of ownership changes (PDF)

Cost:

The minimum price per application is filed will be \$25 on residential usage permits. The minimum price per establishment for a commercial use permit will be \$100. This price will vary depending on the parameters of your project. You should consult an OGPe Service Representative for exact pricing based on the usage you wish to obtain.

Application deadline:

The service request will remain open for a maximum term of thirty (30) days for the applicant to complete the request. After that term without the application being completed and/or all required documents being uploaded, the applicant will have to start the application process again.

DEC - Categorical Exclusion Determination

Description

Written determination submitted by the applicant for a Final Determination or permit to the Office of Permit Management or to an Authorized Professional, certifying that the proposed action is one that, in the normal course of its execution, will not have an impact /or that it has been expressly excluded from the environmental planning process by means of a Law or Regulation. For purposes, categorical exclusions are predictable or routine actions that in the normal course of their execution will not have a significant environmental impact. In addition, actions determined by the Environmental Quality Board by regulation or resolution for this purpose shall be considered categorical exclusion.

Details

Requirements

1. Reliable evidence that the proponent is the owner, or tenant duly authorized by the owner of the property.
2. Names, contact information and certification of licensed professionals participating in the proposed action, proving that they are duly licensed and/or collegiate in Puerto Rico, if any.
3. Names and contact information of all property owners that adjoin the property subject to the request, preferably including email.
4. Certification of compliance that the proposed activities for the use or light construction of new structures are not located or developed in:
 - a. Areas susceptible to floods, landslides or storm surges;
 - b. Areas where the JCA has determined that there is a degree of pollution that is beyond that permitted by existing regulations;
 - c. Ecologically sensitive or protected areas.
 - d. Areas where there are infrastructure problems or deficiencies in drinking water supply services systems, sanitary water disposal, electric power supply or road capacity for the proper management of traffic in vehicles
 - e. Areas that constitute mineral deposits, known or potential;
 - f. Areas where archaeological or cultural deposits exist.
 - g. Areas of steep topography, in watersheds where sources of drinking water supply may be affected;
 - h. Contaminants must not be discharged into bodies of water; nor generate hazardous waste or air emissions exceeding two (2) tons per year of criterion air pollutants, or five (5) tons of any combination of pollutant criteria; or emit hazardous or toxic pollutants or objectionable odors to air.

Required Documents:

- Evidence of ownership, if you are creating a project or activity profile (PDF)
- Authorization of the owner of the site to carry out the proposed action, if not the proponent (PDF)
- Certification of the designer, in case the designer who certifies the work, if any, is not filing the application (PDF)
- Specialist certification, in case a specialist certifies a component of the application (PDF)
- Municipal Recommendation, if access to the work is through a municipal road (PDF)
- Explanatory Memorial (MS Word, PDF) *

Cost:

There will be a \$75 application filing fee.

Application deadline:

The service request will remain open for a maximum term of thirty (30) days for the applicant to complete the request. After that term without the application being completed and/or all required documents being uploaded, the applicant will have to start the application process again.