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# **PLAYA GRANDE ESTATES**

## **Residential**

### **COVENANTS, CONDITIONS AND RESTRICTIONS**

### **ARCHITECTURAL GUIDELINES & REVIEW PROCEDURES**

October 2005

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## SUMMARY OF THE COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R'S)

### ***I. INTRODUCTION***

Playa Grande Estates is a unique development in Costa Rica. In order to preserve and maintain the developments standards, a set of Covenants, Conditions and Restrictions has been implemented. Each project in Playa Grande Estates will be developed under the home owners association regulations. These regulations provide for:

- a) Home Owner Regulations that create a series of covenants, conditions and restrictions;
- b) Administration Regulations that establish rules for the relationships amongst home owners, between them and (i) the company in charge of the administration of the home owners association , and (ii) the Construction Committee, which is in charge of the interpretation and applications of the Construction Regulations and, in general, of all matters related to architectural and construction aspects of the homes.
- c) Construction Regulations that provide an architectural and construction review and inspections process for the buildings on each lot.

Additionally, the property will be subject to certain architectural and design restrictions and the payment of dues. Thus, any piece of property sold shall be subject to the burden of compliance with the obligations established regardless of who its present or future owners are or will be. The home owners association will be entitled to collect the fees and to request at all times and through all legal means the enforcement of the obligations under the covenants, conditions and restrictions.

### ***II. GENERAL REGULATIONS OF THE DEVELOPMENT:***

- a) **Regulations:**  
Buyers will buy individual private lots. Other areas may be purchased or leased for communal benefit and common areas. Buyers will be the exclusive owners of the lots that they buy and co-users of common areas, when applicable. Buyers shall pay a maintenance fee to pay for the expenses of the home owners association and to create a fund to cover unforeseen administrative or common areas maintenance expenses. Buyers are subject to a series of covenants, conditions and restrictions which are spelled out in Home Owner Association Rules. The Administration of the homeowners association is in charge of hiring companies to provide maintenance services to the roads and the common area properties.
- b) **Administrative Regulations:**  
They provide for:
  - i) A Home Owners Assembly. The Home Owners assembly is the supreme governing body of the development which shall solve all issues of common interest submitted for its knowledge. The Home Owners Rules spell out the governance rules for the Home Owners Assembly.

- ii) An Administrator.
- iii) A Construction Committee, composed by three persons appointed by the Administrator, in charge of the interpretation and application of;
- iv) the Construction Regulations and, in general, of all matters related to architectural and constructions aspects of the homes.

**c) Construction Regulations:**

The properties are exclusively intended for residential purposes. To design, construct, expand, add to or alter, the Home Owner must strictly observe any easements and restrictions imposed upon the property, and abide by the Regulations and its amendments, and previous written approval from the Construction Committee and follow all steps and procedures outlined in The Constructions Regulations. Home Owners must accept and abide by the pertinent plans that were approved by the Construction Committee in order to start constructions work.

The Construction Regulations, provide for specific rules that must be complied with. Please see the construction regulations for further detail. All construction requires authorization from the Committee. In case of violations of the Construction Regulations, fines may be imposed by the Committee.

## ***I. GENERAL DISPOSITONS***

- A.** Field of Application. The present Regulations regulate the relations between Home owners. Its application shall be mandatory to each Home owner, co-owner, owner of real rights, resident, guest, invitee or visitor and, in general, to any occupant of the development.
- B.** Definitions. For the applications and interpretation of these Regulations, the following words and terms shall have the following meaning:
  - 1. “Home owners register” shall mean the record book of the Owners of the development.
  - 2. “Maintenance fee” shall mean the mandatory amount to be paid regularly by each Home owner to the Administration to cover proportional common expenses. The maintenance fee may vary annually and shall be approved by the Home Owners assembly where the budget for administration and maintenance expense is defined and approved. The maintenance fee may include the payment of the reserve fund fee, and the payment for the fees corresponding to services. Per request of the Construction Committee, the administrator may charge in the Maintenance Fee to the corresponding Owner, any other amount established in the Construction Regulations. The Administrator may also charge in the Maintenance Fee any other amount established in the Regulations, be it to all Owners or only one of them accordingly. The Maintenance Fee shall be paid in advance, either annually (per calendar year) or monthly. The Maintenance Fee shall only be payable once the lots have been sold by the developer.

3. "Reserve fund fee" is the amount that shall be paid in advance annually to the Administration for the Reserve Fund. This amount shall be charged by the administrator with the Maintenance Fee.
4. "Common expenses" are all expenses required for the administration and maintenance of the development to which all Home owners mandatorily contribute to the common expenses according to the provisions of these Regulations.

## **II. DEVELOPMENT REGULATIONS**

- A. Home owners.** The Home owners are all the purchasers of the lots in the development. Each Home owner is the exclusive owner of the lot and has access to the goods of common use (i.e. possible beach club). Each Home owner shall evidence said ownership by means of the corresponding purchase public deed. The Home owners may use, encumber and transfer the individual owned property in compliance with the restrictions and prohibitions stipulated in the Laws and these Regulations. Home owners must notify the Administrator in case of sale, assignment or any other type of transfer of a lot or interest in the corresponding holding entity, or part of it within fifteen days, in order to register the transfer in the Home Owners Register. The Home owner must give the purchaser, who, in turn, must request it, a certification issued by the Administrator showing payment of all the obligations with the Home Owners Association. The new Home owner shall be responsible before the Home Owners Association for the payment of any amounts unpaid by the former owner. The new Home owner shall state in the purchase deed acknowledgment and full acceptance of the Regulations without any exception and in any case the new Home Owner may not allege non-use/disuse or ignorance of these Regulations. It is the new Home owner's responsibility to evidence his ownership before the Administrator. The Administrator shall acknowledge as the Home owner the Home owner that is registered in the Record Book of Home Owners.
- B. Maintenance of common areas.** Each Home owner must contribute to the payment of common expenses that are necessary for the good operation of the Home Owners Assembly. The maintenance fee shall be collected by the Administrator. If an Owner does not pay the maintenance fee, the Administrator is entitled to proceed in accordance with these Regulations, the Law and common legislation. The maintenance fee includes the payment of the reserve fund fee. The maintenance fee may vary annually. Per request of the Construction Committee, the Administrator may charge in the maintenance fee any other fee established in the Construction Regulations. The Administrator may also charge in the Maintenance Fee any other amount established in the Regulations, be it to all Owners or only one of them accordingly. The Administrator may also charge each Owner, along the maintenance fee, the amounts corresponding to services of the properties accordingly. The Maintenance Fee shall be paid in advance, either annually (per calendar year) or monthly. In case that an Owner does not pay the maintenance fee or the reserve fund fee indicated below, the Administrator has the right to request payment in written form, indicating that if the Home owner does not pay within five business days, an additional charge of twenty percent of the maintenance fee or reserve fund, when applicable, shall be charged as a penalty and the Administrator may enforce this payment by means of a judicial proceeding. This penalty fee shall be charged for each

noncompliance of the payment of the maintenance fee or reserve fund. If an Owner does not comply with the payment of the maintenance fee more than once within one calendar year, the Administrator may apply against this owner fines indicated below.

**C. Common expenses.** They include, but are not limited to, the following:

1. If and when applicable, national or municipal taxes and fees that affect the property in its character as common property, as well as any other mandatory charges.
2. Cost of insurance against fire, lightning, natural disasters, occupational risks and civil liabilities for common areas.
3. Expenses due to administration and maintenance of the common areas.
4. Costs of renovations, repairs and/or improvements made in the common areas that were approved by the Home Owners Assembly and the Construction Committee, as well as any other work demanded by competent public authorities.
5. Expenses of the Administrator upon execution of his/her duties. Common expenses shall be paid on a monthly basis at the Administration Office, in dollars, currency of legal tender of the United States of America, or in colones according to the current exchange rate on the date of payment and Home owners are authorized to make an annual payment, in advance.

**D. Reserve fund.** In addition to the monthly maintenance fee, each Home owner shall pay an additional annual fee, which shall be paid in advance for each calendar year, for a reserve fund to be used to cover unforeseen administrative or common areas maintenance expenses. The reserve fund fee shall be paid with the monthly payment of the month of January; those owners that buy a property sold for the first time, shall pay the annual reserve fund fee with the next monthly payment of the maintenance fee, the proportional amount for the calendar year of the reserve fund. The reserve fund shall be charged by the Administrator in the monthly fee of January or in the case of the purchase of a property for the first time, in the next monthly payment. The amount of the fee as well as a profitable administration procedure of the fund shall be defined by the Home Owners Assembly. Said Assembly shall also define whether the reserve fund shall be limited to a maximum amount and, if so, it shall define said corresponding amount. The Home Owners shall contribute to the reserve fund in the same proportion as to the common expense. If a Home owner does not pay the reserve fund fee, the Administrator shall proceed according to the provisions set forth for the lack of payment of the maintenance fee indicated above.

**E. Insurance.** Common buildings shall be insured for the amounts defined by the Home Owners Assembly. The Administrator shall be responsible of purchasing said insurance. If necessary, the Administrator may purchase other insurance policies to adequately cover and protect the goods and employees of the Home owners association.

**F. Obligations of the Home owners.**

The Home owners shall have the following obligations:

1. Respect and abide by these Regulations, abide by the provisions of the Administrator and the Committee, pay the maintenance fee that may include each and all the amounts established in the Regulations, the payment of services. They shall also pay the reserve fund fee that shall be included in the maintenance fee. If the Home owner does not pay the Construction Committee the amounts established by the Construction Regulations, the owner, per request of the Administrator, shall pay these amounts in the maintenance fee in which they are included. The lack of payment of the maintenance fee and other amounts included in the same gives the Administrator the right to judicially request its payment in accordance with the Law.
2. The Home owner shall comply with all the obligations set forth under Costa Rican law, and the Regulations and the provisions set forth by the Administrator and the Construction Committee. In case of violation or noncompliance of said provisions, the Administrator may require compliance, as well as payment of the amounts, deposits or penalty fees owed, either administratively or judicially by means of the remedies provided by the Regulations, the Law and common legislation.

The Home Owners shall not be allowed:

1. To use their lot or common areas for uses or purposes against the law, or against the provisions stipulated in the Regulations. The Home Owner shall use the property for residential and dwelling purposes only. Therefore, any professional activity requiring the entry or exit of clients or visitors to and from the Home as well as the use of the dwelling unit for offices, hotel, lodging, bed and breakfast services or commercial outlets of any type, even if they were family businesses, are prohibited. The Home owner will be authorized to lease his property in his absence, if the standards set forth by these Regulations are maintained.
2. To store, keep and/or deposit in the Home any type of explosive, flammable and/or suffocating material that is either dangerous or produces annoying fumes (except reasonable quantities normally used in residential use).
3. To place materials, merchandise, furniture and/or objects in the property and in common areas, jeopardizing the appearance, cleanliness and/or decoration of the property or causing damage or disturbance to the other users, or to obstruct or interfere with the use of said areas.
4. To place logos, signs, publicity, advertising banners, awnings, plaques, furniture, plant pots or any other object in the common areas or the property that might impair the aesthetic appearance of the property or the neighbors comfort.
5. To produce or allow disturbances and/or noise that jeopardizes the development's peaceful environment.

6. To block access roads, sidewalks and parking spaces thus affecting the way, of access of persons or vehicles.
7. To throw liquids and objects outside the property.
8. To hang clothes, carpets or similar objects out the windows and to put clotheslines in the gardens and patios of the properties and common areas.
9. To discard garbage or waste in ways other than stipulated.
10. Parties in common areas are not allowed in the places, dates and hours indicated by the Administrator.
11. To request personal services from the Administration employees without the Administrator's authorization.
12. To disregard the provisions of the "Law on Transit over Public Ways" that shall be mandatory, for the owners and any residents of the Home.
13. To park vehicles in spaces not destined for such purpose. In addition, to park commercial vehicles (to be understood as all vehicles over four wheels, vehicles on which commercial equipment is mounted as well as any vehicle bearing signs referring to any commercial activity), equipment, boats, trailers or any kind of recreational vehicle in any place in common or private area of the development except in places where the vehicle shall not be visible.
14. To produce any noise that might affect or bother other owners.
15. To keep, deposit, plant or allow plants, seeds or any similar material that produce and/or cause infections or diseases in other plants or harbor noxious insects.
16. To temporarily or permanently live in or keep motor homes, tents, awnings or any other structure other than those used during construction of a Home. Such structures shall not be placed in the lot until construction has begun and its location shall be authorized and indicated by the Construction Committee. Removal of such structures shall be required upon completion of the construction.
17. To establish, implement or grant a contract of any type of timesharing or similar program whereby the right to exclusive use of the dwelling is temporarily transferred or rotated. Therefore, the Home owner shall not grant, transfer, constitute or assign, any personal or real right of lease, sublease, dwelling, possession, use, usufruct, living unit, surface area or enjoyment, in any rotating form or similar to time-sharing. The owner may lease its property in case of absence, as long as he and the tenant comply with the Regulations and the Law.



18. To use firearms or weapons in violation of the applicable legislation.
19. To keep any debris caused by fire, hurricanes, storms or by any natural disaster, *force majeure*, or act of God for more than six months, unless the nature of such debris requires immediate removal to avoid subsequent hazard or damage.
20. Abandon or leave construction unfinished for a period longer than sixty days.
21. Disregard the provisions set forth by the Administrator.
22. The Home owner must keep their lot clear and presentable, even if it is un-built. If the lot is not kept clear and presentable, the Administrator may have it cleared, and charge the Home owner for the service.

### **G. Pets**

1. Home owners or authorized dwellers are allowed to have domestic pets, such as dogs, and cats, in their homes as long as these are not raised or bred for commercial purposes and are not considered a nuisance or danger to the rest of the dwellers (including but not limited to pitbull-terrier, rottweiler, or any other that the Administrator may indicate from time to time).
2. Other animals that behave as wild animals or are noxious or threatening to humans are not permitted in any areas.
3. Home owners must keep their pets inside their properties. Pets must never be allowed to run loose outside the boundaries of the lot unless they walk with their owners who must always keep them under control.
4. Every Home owner or authorized dweller is responsible and has the obligation to clean and collect any droppings left by his, his guest's or others' pets in any area of the development.
5. Any noisy pet that annoys, disturbs or is a nuisance to the rest of the Home owners or authorized dwellers is considered noxious.
6. Breaches to any of these provisions authorize the Administrator to ask the Home owner or authorized dweller to remove the pet from the development.

### **H. Gardens and green areas**

1. The design and modification of the external garden of the lots shall be approved by the Construction Committee, which shall take into account the harmony between the landscaping in the lot and the natural surroundings. Gardens shall be designed to cover or soften the following works and structures: foundations, air conditioning and ventilating equipment, service areas, guest parking spaces. For the approval of the

design and modification of the landscaping, the Home owner shall abide by the procedure outlined by the Construction Regulations.

2. Any maintenance and/or modification of the landscaping in the common areas shall be the sole responsibility of the Administrator.
3. Home owners are allowed to have plants of any type in their interior gardens as long as the plant height poses no unreasonable interference of view to other buildings nor unreasonably invade or soil neighboring properties.
4. Home owners are allowed to plant fruit or ornamental trees on their property preventing, as much as possible, its foliage from invading neighboring properties.
5. Home owners must equal or exceed maintenance standards generally prevailing throughout the development.
6. Should the Administration consider that any Home owner fails to keep the property in adequate condition; the Administration shall give written notice of the non-compliance to the Home owner and will provide a term of ten working days to correct the deficiencies pointed out by the Administration. If after the term of ten days, the Home owner has not complied with the Administration's indications, the Administration shall provide the necessary maintenance and charge the Home owner for the costs plus twenty percent. By accepting these Regulations the Home owners permanently authorize the Administrator to come upon the property for this purpose. The expenses generated will be charged with the next monthly Home maintenance fee, in case that the maintenance fee is paid annually in advance, the expenses shall be charged the month after the works are performed.
7. It is prohibited to use concrete animals, statuary or fountains without the approval of the Construction Committee.

**I. Waste collection.**

1. Trash cans must always be within the property limits, in places not visible from any common areas or neighboring property.
2. Trash must always be discarded into adequately healthy bins or containers.
3. The trash cans must be placed on the main road in front of the property the night before the waste collection truck picks them up. Once the trash has been collected, each Home owner must remove the containers or trash cans immediately.

**J. Dispute resolution.** In case of controversy between two Home owners, they shall recur in first place to the Administration, which after receiving the facts and arguments of both parties, shall resolve the controversy in a term not greater than five business days. The measures and dispositions established by the Administration shall be binding for all owners or tenants, unless

the Home Owners Assembly modifies or revokes them. If there is a dispute between an owner or tenant and the Administration, this can be resolved by the Home Owners Assembly. The Home Owners Assembly's decision binds all owners, tenants and the Administration. In the event, the preceding options fail to produce a satisfactory results, namely, solve any dispute between the parties hereto, both parties agree to submit their dispute to an Arbitration Tribunal composed of three (3) arbitrators, two (2) of which will be appointed by each of the parties from a list provided by the Alternate Dispute Resolution Center of the Costa Rican Chamber of Commerce. The third Arbitrator will be mutually appointed by the first two Arbitrators. The Arbitration will be conducted in the Alternate Dispute Resolution Center of the Costa Rican Chamber of Commerce under the rules of the Law for Alternate Dispute Resolution and Promotion of Social Peace of the Republic of Costa Rica and the judgment issued by such Arbitration Tribunal will be final and of mandatory compliance for all parties hereto.

### **III. ADMINISTRATION REGULATIONS**

**A. Body of the Development.** The governing and administration body of the development is integrated by;

- (i) the Home Owners Assembly,
- (ii) the Administration,
- (iii) the Construction Committee.

**B. The Home Owner's Assembly.** The Home Owners Assembly is the supreme governing body of the development and shall solve all issues of common interest submitted for its knowledge. The Assembly may hold either ordinary or extraordinary meetings.

**C. Ordinary and extraordinary meetings.** Ordinary meetings of the Home Owners Assembly shall be held once a year within the first three months after the close of the fiscal year. Extraordinary meetings shall be held whenever requested by the Administrator, the Construction Committee or the Home Owners. Meeting requests shall be addressed to the Administrator who shall issue the notice of the meetings within ten working days after said request. Meetings shall be held at the place indicated by the Administrator.

**C. Notice of meetings.** The meetings shall be convened by the Administrator. The notice shall specify the time and place as well as the agenda of the meetings. The notice shall be a written memorandum sent to each Home Owner at the address registered with the Administration within no less than fifteen natural days before the time set for the ordinary or extraordinary meeting, not counting the day of delivery nor the day of the meeting.

**D. Quorum.** The quorum of a meeting of the Home Owners Assembly shall be constituted by the votes of any number of Owners. Quorum can be obtained taking into account the Home Owners present at the meeting and those represented by an empowered person, including those that are granted special powers. Should all the Home Owners meet and agree to hold a meeting of the Owners Assembly and to waive the notice of the meeting, notices in advance shall not be necessary and shall be so stated in the minutes of the meeting. Should none of the Home owners

attend the second adjourned meeting, the Administrator shall state it so in the Minute Book, recording the agenda of the meeting therein; and the budget of common expenses shall be considered approved. Only Home owners up to date with the payments of fees are allowed to vote.

- E. Powers of the ordinary meetings of the owners' assembly.** The ordinary meetings of the Home Owners Assembly shall have the power: a) To acknowledge the annual report of the due yearly period submitted by the Administrator, approving or disapproving it. b) To approve or disapprove the budget of common expenses for the following year, submitted by the Administrator, and the corresponding fees for each property, c) To re-elect, appoint or revoke, whenever necessary, the position of the member appointed by the Assembly to the Construction Committee. d) To authorize repairs or improvements of common elements in the development, including maintenance of the roads. e) Resolve the conflicts between owners and/or tenants, and the owners or their tenants with the Administration. f) Any other powers stipulated in the Regulations.
- F. Conduct of meetings.** The Home owners shall appoint a President ad-hoc and a Secretary ad-hoc in each meeting to preside over it. The Secretary shall record the minutes of the meeting in the Minute Book of the Home Owners Assembly that shall be signed by the President, Secretary and any Home owner wishing to do so. Home owners may vote by proxy as long as they file a legally valid proxy. Proxies sent via facsimile shall be deemed valid if the original proxy is delivered by fax to the Secretary of the assembly before the meeting. In case of co-ownership of any of the properties, the co-owners must appoint one single representative.
- G. Voting.** The value of the vote of each Home owner shall be equal.

Required voting:

1. The votes of eighty five percent of the total value of the development are required to appoint or remove the Administrator.
2. Simple majority of votes of the totality of the value of the development shall be required for the following:
  - a. To make useful and necessary improvements;
  - b. Resolve any other aspect included in the agenda.

Once approved, the resolutions of the Assembly are final, valid, mandatory and firm, for absent or dissident Owners as well. The Administrator shall deliver, in writing, all agreements to any absent owners.

- H. The Administrator.** Appointment of the Administrator requires a majority of the vote. The initial Administrator shall have a term of twenty years. Subsequently, the Administrator shall be elected for a term of five years and shall be re-elected automatically unless a majority of the home owners decide not to extend the appointment and to appoint another Administrator instead.

The Administrator may be a physical person, an entity, owner or not of one or several properties of the development. The Administrator may be removed from his post by a two thirds majority vote of the Home owners, in case of unjustified breaches of his obligations.

**I. Compensation of the administrator.** The Administrator shall receive a yearly compensation for acting as such. The amount shall be defined by the Home Owners Assembly and shall be revised at least once a year during the ordinary meeting of the Owners Assembly.

**J. Powers of the administrator.**

1. The Administrator acts as the legal representative of the Home Owner's association and has powers to represent it in all judicial and/or administrative matters that may arise in relation to the development and shall have general powers of attorney. The Administrator may exercise administrative and judicial actions against the owners or occupants of the development in case of violations of law, the Regulations, its own provisions and/or decisions of the Construction Committee; and demand payment of the maintenance fee, payment of the reserve fund fee and the amounts indicated by the Regulations. Amounts that are not paid to the Construction Committee may be included by the Administrator in the maintenance fee per request of the Committee in the next maintenance fee to be charged by the Administrator to the Owner. The Home Owner's failure to pay the maintenance fee and the amounts included in it shall entitle the Administrator to judicially demand their payment in accordance with the Law.
2. The Administrator shall have full powers of attorney without limit of amount to represent each Home Owner, when such power is granted, only with regards to voting in Home Owners Meetings and matters of the development. However, the Administrator requires the approval from the Owners Assembly to sell, donate, encumber, transfer, rent, or use in any way any of the properties or fixed assets of the development as well as to borrow money on behalf of the home owners association. In addition, the Administrator may have the power, when so granted, to represent each of the Home owners, in their absence, in each and all of the ordinary and extraordinary meetings of the Home Owners Assembly to vote on agreements requiring voting.

**K. Duties of the administrator.** The duties of the Administrator are:

1. To abide by and enforce the Regulations, to verify any violations and to act upon the violator according to the granted powers.
2. To implement the resolutions of the Home Owners Assembly and the Construction Committee.
3. To convene the meetings of the Home Owners Assembly.

4. To deliver the annual report of the year past, the budget of common expenses for the coming year and the corresponding calculated proportional Maintenance Fees to every Home owner at least five natural days prior to the date of the annual Home Owners Assembly.
5. To attend to any owner's complaint and resolve disputes among owners or tenants.
6. To solve any discrepancy among Home owners or dwellers of the properties whenever possible.
7. To collect the Maintenance Fees agreed upon by the Home Owners Assembly to cover common expenses and the reserve fund for the payment of the services corresponding to each Home owner and the payment to the owner of the dominant estate of the amount corresponding to the maintenance fee of the ecological and view easements that will be constituted in this public deed.
8. To certify any due payments of a Home owner and to certify the amount of the maintenance fee.
9. To pay the common expenses of the development from the corresponding funds as well as any special expenses required to provide adequate maintenance to the development, keeping it in good conditions of safety, comfort, cleanliness and decoration.
10. To hire and pay for any special repair carried out in common and service areas, previously authorized by the Construction Committee.
11. To inspect the properties whenever required for the execution of work that benefits the development.
12. To keep the development in adequate conservation, cleanliness and hygiene conditions and to assure good working conditions of the Home Owner's associations machinery and equipment.
13. To place the corresponding signs in internal roads in the development, in accordance of the Construction Committee.
14. To hire and dismiss, at his/her discretion, the necessary employees to attend the Home Owner's association.
15. To command, direct and supervise the work of the employees of the Home Owner's Association and to enforce compliance to their duties.
16. To keep and have custody of the three legal books of the Home Owner's association, namely: a Cash Book used to enter daily common expenses and income derived from the Home owner's contributions or from other sources. A Minute Book to record the minutes and resolutions of the Home Owners Assemblies. A Home Owners Record Book used to keep an

updated record of the names, last names and addresses of all the Home owners. The Administrator must keep updated information in all the books.

17. To keep custody of title deeds and any other documents related to the development as a whole.

18. To represent the Home Owner's association, either directly or by means of a proxy, before any public administrative, fiscal, police, municipal and/or foreign authority, in any claim, action or matter of interest of the Home owners or to the development.

19. To select and hire, to his/her discretion, the companies that shall provide services to the Home Owner's association.

20. Any other duty appointed by the Home Owners Assembly or the Construction Committee.

**L. The Construction Committee.** The Construction Committee shall acknowledge and resolve all aspects related to the interpretation and application of the Construction Regulations and, in general, all matters related to architectural and construction aspects of the development. The Construction Committee may execute or mandatorily enforce its approval and disapproval decisions by the legal means allowed in the legislation, the Regulations and property rights imposed upon the development. The construction of any structure that is carried out and violates the Regulations and common legislation does not generate liability of the Committee or its members.

**M. Composition of the committee.** The Home Owners Assembly is authorized to appoint the members of the Committee once at the moment of constitution of the development. The Construction Committee shall consist of three members, Home owners or not, who are elected for a term of five years after which they may be re-elected. Subsequently, the Administrator shall appoint the members for the Construction Committee. The Committee shall consist of a least one certified architect or engineer who must be registered in the Colegio Fedreado de Ingenieros y de Arquitectos de Costa Rica. The Administrator may remove or replace at its sole discretion one or more members of the Committee. The Administrator shall appoint the substitute of one or more of the members of the Committee in case of absence. The Administrator shall define the system and amount of compensation for the members of the Committee. The Committee shall meet every month if they have business to attend and shall have extraordinary meetings whenever called by any of its members by means of a written memorandum delivered at least five working days in advance. The Committee shall keep a book to enter the minutes of the meetings, stating the place and date of the meetings, the names of the participants, detailed agreements and number of votes. Any of its members may ask to record his/her dissident vote and the reasons for it. For a meeting to be validly held, in an addition to the corresponding notice of the meeting, its quorum must be at least two members, one of which should be an architect or an engineer.

**N. Duties.** Among others, the Committee will have the duties and obligations stipulated in the Construction Regulations, as follows:

1. To review that the plans, design and the constructions, gardens and any other structure erected on the properties fully abide by the regulations.
2. To denounce and to have the Administrator take legal administrative and judicial actions against any Home owner who fails to abide by said dispositions.
3. To review and approve all construction plans prior to any construction process.
4. To propose improvements and constructions in common areas for the benefit of all Home owners.
5. Any other duty appointed by the Home Owners Assembly.

## ***O. CONSTRUCTION REGULATIONS***

**Regulations.** The properties as individual units shall abide by the dispositions and restrictions contained in the permits of the National Housing and Urban Planning Institute, the present Construction Regulations, and the construction plans approved by the Construction Committee. Construction works may be carried out, if previously and duly approved by the Committee, every day of the year during daylight hours.

### **A. Type of Home.**

To assure that the property be used for residential purposes, the only allowed construction shall be dwelling units whose plans, construction works and additions and alterations work are necessarily approved, without exception by the Construction Committee.

The principal goal of these guidelines is to establish, nurture and protect an architectural character for Playa Grande Estates that is both sensitive to its coastal setting and faithful to the rich cultural heritage of Guanacaste, the Province in which the community is located. Playa Grande Estates will consciously seek architectural designs that are naturally at home in the rural setting Guanacaste provides.

### **B. Construction areas**

1. At least ten percent of the area must be planted with species of trees and plants that are appropriate for the region.
2. Any type of construction shall be located within the lot's approved setbacks.

### **C. Setback lines.**

Construction setbacks must comply with local building ordinances.



**D. Location of constructions.**

1. To assure the protection of views and special topographic conditions of the neighboring properties, the Construction Committee must approve the exact location of each building.
2. Upon the approval of the plans, the Committee may restrict, at its sole discretion, the use of certain architectural elements that affect the privacy or view of neighboring constructions

**E. Façade and exterior design.**

1. The exterior colors on the buildings must be white-wash, or “earth tones”. The use of other colors requires the consent of the Construction Committee. The Committee has the right to deny the approval of the color of a façade if it fails to blend in with the development and its natural surroundings, at its sole discretion.
2. All structures located apart from the main building, such as but not limited to, saunas, Bar-B-Q’s gazebos, greenhouses, spas, Jacuzzis and others require approval from the committee. They must be within property lines and must be compatible with the main building in terms of style, color and materials. All structures must be reasonably concealed from view from adjacent lots.
3. A landscape plan is required for all constructions.
4. Any kind of recreational equipment such as, but not limited to, swing sets, slides and see-saws, and its installation require approval form the Committee prior to its installation. Additionally, the construction of playhouses requires approval from the Committee. Recreational equipment must be reasonably screened from the line of sight of neighboring lots. The construction of tree houses is prohibited.
5. Advertising signs of goods and services, garage sales or any other type of sale, subcontractor and maintenance signs, or signs located in common areas are prohibited; signs identifying the construction company in charge of work in progress are allowed only during said construction process. However, only one sign may be located per dwelling unit and it shall not be placed on trees, buildings and other permanent open space. Signs shall only have a single face of wood or metal, mounted on wood or metal support fixed directly to the ground. Maximum area for signs is two point five square meters and a maximum height of one meter and eighty centimeters above the ground. Signs may not be constructed of plastic, paper, cardboard or fabric, be illuminated or have any movement in whole or in part.

**F. Roads and driveways.**

Only concrete, asphalt and pavers/brick driveways are permitted.

**G. Roofing.**

1. Samples of the proposed color and material to be used for the roof of the building erected on each property must be submitted with the plan application to be approved by the Committee.
2. Visible bare sheets of aluminum, regardless of the color, are not permitted.
3. Aluminum, zinc or metal materials are not permitted on roof even if they simulate tile roofs.
4. All roof penetrations, including, but not limited to, plumbing vents, exhaust vents, pipes and flues except chimneys, must be located on the least visible side of the roof to the extent reasonably possible.

**H. Antennae and satellite dishes.**

1. Installation and location of all antennae or satellite dishes must be approved by the Committee.
2. The maximum satellite dish allowed is one and a half meters in diameter.

**I. Service areas.** Each home must provide an area to accommodate air conditioner compressors, trash storage containers, or other service activity. Service areas must be reasonably enclosed from view on all sides. The color of said enclosures must blend in with the color of the main building. Utility meters and/or associated piping may be located outside of an enclosed service area but must be painted the same color as the service area.

**J. Dividing walls and fences.**

1. Walls, fences or divisions to enclose, define or mark property lines of private lots, or walls, fences or divisions that may be used to enclose service areas, patios, backyards, swimming pools or other areas requiring privacy or the protection of flora and fauna; require the prior approval from the Committee.
2. Walls made of untrimmed exposed concrete blocks, barbed wire, chain link, razor wire or any type of similar material are expressly prohibited.

**K. Lighting and electric cabling.**

Lighting in the properties must not produce excessive resplendence or glare on neighboring properties, including common areas. Lighting of adjacent property is prohibited. In addition to these regulations, some special lighting and shades regulations might be applicable in the future in beachfront areas, in order to not interfere with turtle nesting.

**L. Septic systems.** All homes must have adequate septic systems installed.

**M. Drainages.** Prior to approval from the Committee, drainage systems must be certified by a competent engineer to prevent drainage and evacuation of rainfall, sewage and any other water from affecting the owner's property and other properties or common areas.

**N. Alterations and additions.**

1. Home owners are not allowed to change or modify previously approved exterior areas, facades, accesses or circulation areas, or decorate the exterior of any construction of the property without prior authorization of the Construction Committee.
2. Home owners must repair or change, at their own account, any and all things that in any way damages or disturbs other Home owners or violate these Regulations. The Construction Committee shall determine the term in which Home owners shall proceed with such works. Failure to do so in said term shall give the right to the Administrator, by means of the Construction Committee or the Administration, to make the work and charge the Home owner for the corresponding costs plus twenty percent. This amount may be charged by the Administrator to the Owner in the next monthly maintenance fee in which detail must be provided.
3. Every alteration and addition affecting over twenty percent of the square meters of a structure will be governed by the same requirements as new construction. In any case, alterations and additions must comply with these Regulations and must be approved by the Construction Committee.
4. All alterations and additions must be completed within a term of six months. The Home owner may request an extension of this term to the Committee, who shall give its approval in writing.

**O. Permits.**

1. For any new construction, alteration and addition that is carried out in the development, every Home owner must previously present to the Committee:
  - a. The Architectural Review Application duly completed, the owner must request the application form to the Committee;
  - b. Two sets of construction plans to standard scale that must comply with the requirements of article seventeen of the Construction Regulations;
  - c. Samples of the proposed construction materials and colors to be used;
  - d. The corresponding review fee that is indicated in the Construction Regulations. The Committee will not examine incomplete architectural review applications. The Committee shall have the right to accept, modify and/or reject the architectural review application if it fails to abide by the dispositions of the present Regulations.

2. The plans must be approved by the Construction Committee prior to applying for the construction permits from any corresponding governmental entity. However, the Construction Committee shall not be held liable for the Owner's non-compliance of the construction and urbanism regulations and it shall not be its duty to verify compliance with these regulations.
3. No construction or repair work may commence without the corresponding approval and permits from the governmental entities involved. Said approvals and permits shall be submitted through the Administrator to the Committee for approval of construction or repair work commencement.
4. In addition, no construction work may commence unless:
  - a. The committee has approved the corresponding applications and plans; and
  - b. The governmental, environmental and administrative authorities have granted the corresponding permits.
5. Once the construction has been approved, the Home Owner shall initiate the works within twelve months; otherwise, the approval procedure must be re-initiated before the Committee.
6. The maximum duration of the construction work shall not exceed eighteen months.

**P. Architectural review process.** All Home owners who want to carry out new construction or alterations and additions must comply with the procedure indicated in these Regulations and request all the necessary forms to this end.

1. **Conceptual review application.** Every Home Owner may present a conceptual review application regarding the proposed architectural design, the location of the building in the lot and the request for authorization to not apply, as an exception, some of the rules of these Construction Regulations. In addition, this application shall comply with the same requirements as an Architectural Review Application. The purpose of this optional application is to determine the viability of a construction before the owner incurs further expenses.
2. **Preliminary application.** Every Home Owner may present a preliminary application before the Committee to determine if the proposed architectural style and design for the dwelling unit are consistent with the approved architectural style in the development. This application is optional. The Home Owner must: request the form to present the application from the Committee; pay the review fee; provide samples of the proposed materials and colors and two sets of plans. The plans shall contain the following information:
  - i) description of all existing trees on the lot with a trunk diameter of fifteen centimeters as measured at a point one meter and twenty-five centimeters above ground level and trees to be removed shall be

marked with an “X” and the reason to remove them shall also be indicated;

- ii) Location of the proposed structures, including driveways, parking areas, service areas, patios, fences, setbacks, location of structures in adjacent properties indicating the nature of said adjacent properties, the contour elevations and location and elevation of the street, curb, nearest storm drains, ditches, lagoons or marsh edges. This plan shall be designed in order to be superimposed over the plan indicated in section i) above;
- iii) Construction plans drawn to scale with indication of each space;
- iv) Indication of wall sections drawn to scale

3. **Final architectural review application.** Every Home owner must file a final review application before the Committee. The Committee must approve all aspects of the architectural design (including gardens, pools and other accessory buildings) and grant an authorization for the construction. The Home Owner must request the form to present the application to the Committee; the owner shall pay the corresponding amount for review fee that shall be established by the Committee and may be varied in time; shall provide samples of the proposed materials and colors, and two sets of plans. Modifications to the review fee do not have to be registered before the Public Register as a variation to these Regulations; the Committee’s communication of a variation in the fee to the Owner at the time of requesting authorization to build will suffice. The plans shall contain the following information:

- i) Description of all existing trees on the lot with a trunk diameter of fifteen centimeters as measured at a point one meter and twenty-five centimeters above ground level and trees to be removed shall be marked with an “X” and the reason to remove them shall also be indicated;
- ii) Location of the proposed structures, including driveways, parking areas, service areas, patios, fences, setbacks, location of structures in adjacent properties indicating the nature of said adjacent properties, the contour elevations and location and elevation of the street, curb, nearest storm drains, ditches, lagoons or marsh edges. This plan shall be designed in order to be superimposed over the plan indicated in section i) above. Additionally, the proposed grading plan, including finish and existing grades at each corner of proposed structures, and at each corner of the lot must be indicated;
- iii) Drainage flow from all sources; this plan shall be designed to be superimposed over plan indicated in section ii) above;
- iv) Landscape and lighting plan that includes the location of the existing trees, shrubs and plants, and the proposed plantings in relation to the existing structures. Likewise, the number and wattage of the exterior lighting systems shall be indicated,
- v) Indication to scale of all rooms and spaces;
- vi) Indication of elevations drawn to scale, exterior openings and roof pitch;

vii) Indication of wall sections drawn to scale and the height of the building.

4. **Additions and alterations architectural review application.** In case of additions or alterations, every Home Owner shall present an architectural review application for additions and alterations. Furthermore, the Home Owner must present samples of the proposed building materials and colors, shall pay the corresponding review fee and two sets of plans with clear indication of what is being requested, the existing structures, the proposed structure, the setbacks, the elevations, and the floor plans.
5. **Samples of building materials.** Along with the architectural review application for a new construction, addition or alterations, samples of building materials must be submitted to the Construction Committee.
6. **Review by the Committee.** In order to approve the design and construction of new buildings, additions or alterations to existing structures; the Committee must take into account the following aspects:
  - a. Relationship of the scale and structure of the proposed construction to surrounding structures and the overall visual impact;
  - b. Relationship of proposed windows, doors and openings to solid areas (such as walls) and other;
  - c. Relationship between roof shapes and the overall design; and
  - d. The overall design quality at the discretion of the Committee.
  - e. Likewise, the Committee must approve the overall design of the landscape and the installation of lawn accessories, such as flag poles, statues, fountains, fences and others. The Committee may approve the final architectural review application when it complies with all the requirements of these Regulations or request any additional document or information related to the construction of the building. The Committee shall also approve the application subject to the compliance with requirements indicated by the Committee. Once the Home Owner fulfills said requirements and submits them to the Committee, the Committee may grant the approval for construction. Furthermore, the Committee may reject applications that do not comply with the requirements of these Regulations or if at the discretion of the Committee the design falls short of the architectural and aesthetic standards of the development. In addition, the Committee may reject any application for any reason. The Committee may not reject applications because of its interior elements, except in cases where those features adversely affect the dwelling unit's exterior appearance. The Committee shall have a term of thirty calendar days to decide on the architectural review application submitted. In case the Committee does not decide within this term, the application shall be deemed approved.

**Q. Review fee.** The review fees, for new construction and additions or alterations, shall be determined by the Committee at its discretion and may vary with time. Their modification does not have to be registered before the Public Register as a variation to these Regulations; the Committee's communication to the Owner of a variation in the fee at the time of requesting authorization to build will suffice. Currently a fee of one thousand dollars, currency of legal tender of the United States of America, shall be paid for the review of an application for final review. The Construction Committee shall determine, at its sole discretion, the amounts to be charged for conceptual, preliminary and alterations and reparations applications review. The review fees shall be paid without exception by all Home Owners that file an architectural review application. In case that by the Committee's decision a Home Owner has to modify an architectural review application and the corresponding plans, it is not necessary for the Home Owner to pay the review fee for the revised application. In case the construction permit has expired due to delay in construction of approved buildings beyond twelve months from the date of issuance, the Home Owner must repeat the architectural review process and pay the fee determined by the Committee. Approved plans that are revised and resubmitted to the Committee within one year of such approval, are subject to payment of a review fee to be determined by the Committee.

**R. Construction process.**

1. Once the architectural review application has been approved and before any construction can commence, the Home Owner must comply with the following:
  - a. The Home Owner must notify the construction company in charge of the work of its responsibility to keep public areas free from any construction materials, including concrete mix, and its obligation to repair any damage caused to said areas during construction.
  - b. Prior to any construction or repair work, the following documents shall be submitted to the Construction Committee: copy of construction permit; b); statement from the construction company acknowledging and accepting each of the dispositions included in the Construction Regulations of the development.
2. Duties of construction companies.
  - a. Construction materials and debris must be stored within the corresponding property limits; invasion of neighboring properties or common areas is prohibited.
  - b. Leftover construction materials must be removed on a regular basis. Its accumulation in any property during the construction process is not permitted.
  - c. The workmen will not generate noises from radios, sound equipment or other activities not related to construction.

**S. Architectural inspection review process.**

1. Final Inspection: In this inspection, the Committee must verify that the construction process has been completed and that the finished dwelling unit, other buildings and the gardens have been built in accordance with the approved plans and the authorized changes to those plans. The Committee must also verify that any damage to curbs, vegetation and adjacent properties has been corrected, verify that all signs have been removed from the property. If it is not in compliance, the Committee shall order its modification or shall use the legal means to demand compliance with the provisions of these Regulations and of the Construction Committee.
2. It is the responsibility of the Owner to coordinate with the Committee to schedule these inspections for new and additional constructions and for alterations at the appropriate time. Failure to comply with this obligation may result in a stop work order and/or forfeiture of the construction deposit and/or application of fines. During the construction and inspection processes, the Committee may render reports in which it can order changes to be made to constructions, other buildings or gardens that do not comply with the authorization issued or that contravene the provisions of these Regulations and the Committee. After the final inspection is carried out, the Committee shall render a final report, in which it shall indicate conformity of the construction to the authorization granted and with the Regulations, or in which it shall indicate the variations made to the approved plan or the violations to these Construction Regulations, and consequently the modification that shall be carried out by the owner to the constructions, buildings and/or gardens. When changes are necessary, a date will be provided by which time the owner must comply with the provisions of the Committee. If the Home owner does not comply with the indication of the Committee, he will forfeit the construction deposit and will be subject to the legal actions undertaken by the Committee and the Administration, including the payment of fines that will be determined according to the provisions below.

**P. Violations to the regulations.** Any violation to the dispositions of the Regulations, except violations to the Construction Regulations carried out during the construction process which shall be governed by the procedure outlined above, shall be subject to the following procedure:

1. When the Administrator or the Construction committee determine that there is a violation to these Regulations, they shall give written notice of the violation to the Home Owner, as well as the corrective measures that he shall carry out, the penalty or fine applicable in case of non-compliance, and will be given a term of ten working days, counted from the working day after service of notice, to refer to the facts and provide the evidence he deems appropriate.
2. Once the Owner's plea is received, date and time shall be set for a hearing to review the evidence, and the pertinent corrective measures and term in which they shall be carried out will be established. In case there is no response from the owner, a decision will be reached.



3. Once the term established in the hearing has expired and if the corrective measures have not been complied with, the Administrator and the Construction Committee shall resolve and impose a fine, if applicable, and take the pertinent corrective measures. The Home Owner will be charged for the expense incurred. The Administrator or the Construction Committee shall determine the amount of the fine in accordance with the importance of the violation. The Committee shall request payment of the fine that must be paid by the Owner within five business days of the request by the Committee.
4. Per request of the Committee, the Administrator shall charge the fine imposed to the Owner in the following monthly maintenance fee in which detail shall be provided. Any fine to be imposed by the Administrator or the Construction Committee, shall be determined at their sole discretion, according to the following table taking into account the value of the construction, to this effect the value shall be the higher value from the value determined by the Colegio Federado de Ingenieros y Arquitectos and the one established in the construction agreement with the construction company:
  - a. For the first violation, between zero and one percent of the value;
  - b. For the second violation, between one and five percent of the value; and
  - c. For the third violation or more, between five and ten percent of the value.

**V. Payment.** The committee may request the Owner make payment of the amounts indicated in the Construction Regulations, which shall be paid within five working days following the request. If the amounts owed are not paid, the Committee may request the Administrator to include these amounts in the following monthly maintenance fee. In case that the Owner does not pay the amounts owed with the maintenance fee, the Administrator may institute judicial proceedings.

**APPENDIX**  
**CONSTRUCTION REGULATIONS.**

ARCHITECTURAL REVIEW APPLICATION

LOT #:

DATE:

Please respond to all questions that apply.

**PART I**

Application For:	New Construction	Exterior Alteration/Pool/Other	
Type of Application: Final	Conceptual	Preliminary	
Is this a resubmission?	Yes	No	
Lot Address:	Lot Number		
Lot Type:	Patio	Single Family	
Construction Type: Alteration/Pool/Other	Custom Home	Spec. Home	Exterior

If this is an application for an exterior alteration/pool/other, please provide a short description of the work to be done and the square footage being added:

---

Owner Name

Address

City/State/Zip

Phone:

Home:

Work:

Architect/Designer

Address

City/State/Zip

Phone:

Work:

Mobil:

City/State/Zip

Builder

Address

City/State/Zip

Phone:

Work:

Mobil:

City/State/Zip

PART II

ARCHITECTURAL REVIEW APPLICATION  
MATERIALS & COLOR SELECTIONS

Attach ALL material samples on the next page

Area	Material	Manufacturer	Color
Roof			
Siding			
Trim/Facia			
Soffits			
Windows			
Shutters			
Garage Doors			
Foundation			
Driveway			

PART III

TO BE USED ONLY FOR NEW CONSTRUCTION

HVAC Area In Square Feet:      1<sup>st</sup> Floor: \_\_\_\_\_ 2<sup>nd</sup> Floor: \_\_\_\_\_  
Bonus Room \_\_\_\_\_

Total HVAC Conditioned Area In  
Square Feet: \_\_\_\_\_

Total Square Footage of Area Covered by Structures Including Out-  
Buildings: \_\_\_\_\_

Total Square Footage of Lot: \_\_\_\_\_

% Lot Covered by Structures: \_\_\_\_\_

I hereby certify that all statistics and measurements contained in this application are complete and accurate.

Architect/Designer: \_\_\_\_\_ Date \_\_\_\_\_

PART IV

Prior to implementation, the owner agrees to submit to the Architectural Review Committee, any construction changes to the plans approved under this application. Failure to do so may result in a variety of enforcement actions.

Owner/Agent's Signature \_\_\_\_\_

Date \_\_\_\_\_

ARCHITECTURAL REVIEW APPLICATION  
Material and Color Selections – Samples

Shingles:

Siding:

Trim:

Shutters:

Garage/Cart Door:

Other:

PLAYA GRANDE ESTATES  
BUILDING CONSTRUCTION AGREEMENT – NEW CONSTRUCTION

LOT NO.	ADDRESS
OWNER	
BUILDER	

Approval is hereby granted, as authorized by the General Declaration of Covenants and Restrictions of Playa Grande Estates, to construct a residence on the above-described Lot, subject to the following terms

The Owner or Builder shall immediately inform the Architectural Review Committee of any transfer of interest in lot ownership or any change in the Builder of said project.



## REQUIREMENTS DURING CONSTRUCTION

It is the owner's responsibility to ensure that changes in drainage caused by development will be carried away from the dwelling and from adjoining properties by an acceptable and legally permissible drainage system.

Landscape plans for all homes must be submitted in a timely manner as detailed in the Architectural Guidelines. Failure to submit an acceptable Landscape plan may result in a Stop Work Order.

Prior to implementation, the Architectural Review Committee must approve any revision to the approved construction or landscape plans. This includes, but is not limited to, alterations or changes to trim, siding, shingles, shutters, doors windows, colors, driveway and/or walkway locations and landscaping. Upon discovery of a violation of any provision of this approval, the ARC may issue a Stop Work Order and at its sole discretion. The Builder agrees to cease construction until any noted violations have been corrected. It is expressly understood by all parties that Playa Grande Estates and/or the ARC shall not be deemed liable for any expenses incurred by the Owner or the Builder attributable to work cessations or corrections required to bring construction into compliance with approved plans

## BUILDING CONSTRUCTION AGREEMENT - NEW CONSTRUCTION

All Sections of the Playa Grande Estates Architectural Guidelines and Review Procedures apply during construction. The owner or his designee shall schedule all required ARC inspections. Failure to schedule any inspection may result in a Stop Work Order, and other remedies as deemed necessary and appropriate by the ARC.

The Architectural Review Committee, its agents and assigns, shall have the right to enter and inspect the premises from time to time at its sole discretion and without prior notice in order to verify that work is proceeding in accordance with the approved plans and the conditions of this Agreement.

The Owner, the Builder and their employees and sub-contractors shall comply and cooperate with the inspections and procedures provided in the Architectural Guidelines of Playa Grande Estates.

The Builder agrees to save from harm all adjoining rights of way, streets, curbs, property monuments, sidewalks, and other private or communal properties. If such property is damaged as a result of an act of the Builder or his sub-contractor, the Builder agrees to restore all damaged property to its original state, subject to approval of Playa Grande Estates, within seven (7) days from the date of the written notification of such damage.

The Builder agrees to maintain the work site in a clean and orderly condition during construction and shall not cause trash and/or debris to accumulate anywhere within Playa Grande Estates. If notified by the ARC that these conditions have not been maintained, the Builder shall perform

the required clean-up activities within twenty-four (24) hours of such notification or a Stop Work Order will be issued.

#### CONSTRUCTION COMPLETION

The owner and builder agree to complete all work *within eighteen months* of construction commencement in accordance with the documents approved by the Architectural Review Committee. Failure to complete construction, including the approved final grading plan, approved drainage plan, and the approved landscape plan, within the time limit may result in other actions deemed appropriate by the ARC. *Extensions of this period will be at the sole discretion of the ARC.*

When the construction process is complete, the owner/builder must call the ARC to schedule a Final Inspection. All discrepancies noted on the Final Inspection Report must be corrected.

*Failure to comply with this provision may result in the pursuit of legal remedies as provided in the Playa Grande Estates General Declaration of Covenants and Restrictions.*

*No approval of plans or house location, and no publication of development standards or these Guidelines shall ever be construed as representing or implying that such plans, location, specifications, development standards or Guidelines will, if followed, result in a properly designed residence. Such approvals and Guidelines shall in no event be construed as representing or guaranteeing that any residence or improvement thereto will be built in a good workmanlike manner. Neither Playa Grande Estates nor the Architectural Review Committee shall be responsible or liable for any defects in any plans or specifications submitted, revised or approved under these Guidelines nor for defects in construction pursuant to such plans and specifications. The property owner shall have sole responsibility for compliance with the approved plans and does hereby hold the Architectural Review Committee and Playa Grande Estates harmless from any failure thereof caused by the property owner's architect or builder. Playa Grande Estates reserves all rights that it may have in the event it is determined that the property owner's builder and/or general contractor has failed to comply with the approved plans and specifications.*

PLAYA GRANDE ESTATES

BUILDING CONSTRUCTION AGREEMENT – ADDITIONS/ALTERATIONS

LOT NO.	ADDRESS
OWNER	
BUILDER	

Approval is hereby granted, as authorized by the General Declaration of Covenants and Restrictions of Playa Grande Estates, to revise an existing residence on the above-described Lot, subject to the following terms:

**REQUIREMENTS DURING CONSTRUCTION**

It is the owner’s responsibility to ensure that changes in drainage caused by these additions/alterations will be carried away from the dwelling and from adjoining properties by an acceptable and legally permissible drainage system.

*Prior to implementation*, the Architectural Review Committee must approve any revisions to the approved plans. This includes, but is not limited to, alterations or changes in trim, siding, shingles, shutters, doors, windows, colors, driveway, and/or walkway locations and landscaping. Upon discovery of a violation of any provision of this approval, the ARC may issue a Stop Work Order and initiate at its sole discretion any or all legal remedies at its disposal. The Builder agrees to cease construction until any noted violations have been corrected. It is expressly understood by all parties that Playa Grande Estates and/or the ARC shall not be deemed liable for any expenses incurred by the Owner or the Builder attributable to work cessations or corrections required to bring construction into compliance with approved plans.

All Sections of the Playa Grande Estates Architectural Guidelines and Review Procedures apply during construction.

The Builder shall schedule the required Playa Grande Estates Inspection. Failure to schedule this inspection at the appropriate time may result in a Stop Work Order and/or other legal remedies as deemed appropriate.

The Architectural Review Committee, its agents and assigns, shall have the right to enter and inspect the premises from time to time at its sole discretion and without prior notice if the home is unoccupied or upon twenty-four (24) hour notice if the home is occupied in order to verify that work is proceeding in accordance with the approved plans and the conditions of this Agreement.

The Owner, the Builder and their employees and sub-contractors shall comply and cooperate with the inspections and procedures provided in the Architectural Guidelines of Playa Grande Estates.

The Builder agrees to save from harm all adjoining rights-of-way, streets, curbs, property monuments, sidewalks, golf cart or bicycle paths, and other private or communal properties. If such property is damaged as a result of an act of the Builder or his sub-contractor, the Builder agrees to restore all damaged property to its original state, subject to approval of the ARC within seven (7) days from the date of the written notification of such damage.

The Builder agrees to maintain the work site in a clean and orderly condition during construction and shall not cause trash and/or debris to accumulate anywhere within Playa Grande Estates. If notified by the ARC that these conditions have not been maintained, the Builder shall perform the required clean-up activities within twenty-four (24) hours of such notification or a Stop Work Order will be issued.

#### CONSTRUCTION COMPLETION

The owner and builder agree to complete all work within eighteen months of construction commencement in accordance with the documents approved by the Architectural Review Committee. Failure to complete construction, within the time limit may result in actions by the ARC. Extension of this period will be at the sole discretion of the Architectural Review Committee.

When the construction process is complete, the owner/builder must call the Architectural Review Committee to schedule a Final Inspection. All discrepancies noted on the Final Inspection Report must be satisfactorily corrected. *Failure to comply with this provision may result in pursuit of legal remedies as provided in the Playa Grande Estates General Declaration of Covenants and Restrictions*

IN WITNESS WHEREOF, the parties hereto do hereby accept and approve, without reservation, these terms and conditions.

OWNER'S  
SIGNATURE \_\_\_\_\_

Date \_\_\_\_\_

BUILDER'S  
SIGNATURE \_\_\_\_\_

Date \_\_\_\_\_

No approval of plans or house location, and no publication of development standards or these Guidelines shall ever be construed as representing or implying that such plans, location, specifications, development standards or Guidelines will, if followed, result in a properly designed residence. Such approvals and guidelines shall in no event be construed as representing or guaranteeing that any residence or improvement thereto will be built in a good workmanlike manner. Neither Playa Grande Estates nor the Architectural Review Committee shall be responsible or liable for any defects in any plans or specifications submitted, revised or approved under these Guidelines nor for defects in construction pursuant to such plans and specifications. The property owner shall have sole responsibility for compliance with the approved plans and does hereby hold the Architectural Review Committee and Playa Grande Estates harmless from any failure thereof caused by the property owner's architect or builder. Playa Grande Estates reserves all rights that it may have in the event it is determined that the property owner's building and/or general contractor has failed to comply with the approved plans and specifications.

PLAYA GRANDE ESTATES  
HOME UNDER CONSTRUCTION – REVISION APPLICATION

Property Address \_\_\_\_\_

LOT #:  
DATE:

Type of Revision            Change In Materials            Color Change            Design/Size Change\*  
\*Changes in basic design or size require resubmission of Architectural Review Application.

**Owner Name** \_\_\_\_\_

Address \_\_\_\_\_

City/State Zip \_\_\_\_\_

Phone:            Home: \_\_\_\_\_            Work: \_\_\_\_\_

**Builder** \_\_\_\_\_

Address \_\_\_\_\_

City/State Zip \_\_\_\_\_

Phone:            Work: \_\_\_\_\_            Mobile: \_\_\_\_\_

\_\_\_\_\_

FILL IN ALL APPLICABLE INFORMATION

Area
Roof
Siding
Trim/Facia
Soffits
Windows
Shutters
Garage Doors
Foundation
Driveway

**PLANS AS CURRENTLY APPROVED**

Material	Manufacturer	Color

**PROPOSED CHANGES**

Material	Manufacturer	Color

OWNER'S SIGNATURE \_\_\_\_\_

Date \_\_\_\_\_

**TO BE COMPLETED BY ARCHITECTURAL REVIEW COMMITTEE**

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDITIONAL COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOT APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

REASON NOT APPROVED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## INTERPRETATION SETENA JUNE 2010

### PLAYA GRANDE

Delimitation-We propose two strips of each amplitude 250m

1. First strip (internal) from the outer limit PNMLB, reaching an amplitude of 250 m
2. Second strip (external) from the outer limit of the first strip, or from 250 m to reach an amplitude of 500 m. Within this sector, and specifically from the street coming from school in Playa Grande and passing in front of the offices of the administration of PNMLB to finish on the beach, HACLA the southeast direction at the entrance of Tamarindo estuary, only apply for the same as for internal strip.

Using ground-

1. The coastal zone must be maintained as a National Park with restricted use as it exists to this day
2. illegible
3. Housing or housing unfamliares recreational tourist with a maximum of six units per acre
4. Shops and restaurants, low impact, soft drinks, hotels with a maximum of 20 rooms per hectare, eco tourist developments

Mitigation Area "should be observed:

1. Area of retreat from adjacent with respect to limits of PNMLB lose, according to the Legislation in force, where no duty to develop any kind of construction.
2. Retreat given with respect to water bodies and other aspects covered by national legislation.

Maximum Area Construction

1. First strip; development units or lots will have a minimization of 1500 m2, and may develop only 40% of the total area (include bearing zones, gardens, fences, pools and roof area)
2. second band: SE will allow development units or lots of 1500m2 or more and are able to develop only 40% of the total area (I include all the works of infrastucture requeridas\_

Reserve parkland

In the two strips

1. Minimum 60% dedicated to green areas
2. In the case of the first strip, preferably be the location of green areas on the border with area PNMLB

Potable Water

In the two strips is Required:

1. Strict measures in the consumption of water resources in the area
2. Devices using low consumption of water
3. Devices using low-water consuming
4. Use pressure regulators in the mains

Commercial Zones

The construction of hotels and associated commercial infrastructure will be allowed only in the zone that corresponds to the second strip

Height of buildings

1. First band: they allow buildings with heights up to 6m
2. Second strip: building heights are allowed up to 9m

Pools

In both bands (first and second) pools:

1. Must be built with superstitious tondo on the ground, in order not to cause removal of soil, so that does not affect the existing water table

2. They must possess a water purification system ionizing type, not dropping down the utilization of chemicals for water purification

#### Sonic Contamination

1. First strip-not legible
2. Second strip-during the day, the noise level 65db Dobe quo cor Monor  
During the night 55 DB

#### Lighting

Pair the two strips (first and second)

1. Lighting is prohibited direct sea and beach
2. In areas close to the limit of PNMLB of artificial lighting required, this will be amber to ensure the arrival of the turtles, having restricted height and angle of the lights as a function of specific studies
3. Lamps should be used in low pressure sodium, both in private bodies such as public lighting
4. Blankets should be used for lights or reflectors exteriorores focused on the floor covered
5. Should be used in screens for those windows that give the ocean
6. Tecnologia LED should be used in the wave langitud to avoid causing light pollution and female psychological attraction of sea turtle hatchlings
7. Should be used in the installation of outdoor lights, angles and heights of lights that do not cause sea turtles are

#### Parking and garages

1. First strip; and parking areas for vehicles must be as far away as possible from the beach or the outer limit PNMLB. This includes turning areas especialment
2. Second strip; is necessary that the parking does not give directly to the beach or the outer limit PNMLB

#### Wastewater

It must

1. Design, construct, operate and maintain decentralized systems for the collection, treatment and residuals disposal of water generated in the two strips.
2. Check the efficiency of single-family nd treatment systems and the quality of their effluent into nearby communities through which pass the tributaries of the rivers and streams
3. Promoting changes in production processes (hotels, shops, restaurants, laundries, including housing etc) and consumer habits for the prevention of the contamination.

#### Stormwater

For both bands

1. It must channel the water through pipes to their download sites.
2. Each download site was used a system of stormwater retention and corresponding sediment trap

#### Walls or fences

For both bands

1. Hedges must be used which will have a dual purpose function, free circulation of different species of animals and vegetation screen to prevent the passage of light toward the beach area

#### Solid Waste Management

It must

1. Use biodegradable substance for human use
2. Separating, sorting and recycling of waste domestic
3. Have trash in places designed for this purpose even the garbage is collected by the agency. These sites should maintain clean and covered two genradores than odors, do not allow the proliferation of insects that can serve as vectors or wastes are utilized by food howto fauna
4. Separate and transfer special waste and debris of the buildings outside the buffer area.

5. Prohibit the burning of garbage
6. Every visitor is responsible to remove the area of waste generated by PNMLB but the park administrations to ensure the maintenance of a collection system efficiently.

#### Roads

The roads were to be regulated based on the urban planning law # 4240 of November 15, 1968 and the law governing condominium ownership in 7933 # 28 October 1999 their respective rules on issues of road.

#### Promotional of sustainable development

Any construction project must have a minimum of

1. Criterion conservation area, indicating that the property is outside the PNMLB

#### Minimum Indicators

1. Lighting
- 2 Noise
3. Sediments
4. Solid and liquid contaminants
5. Figures from the tourist carrying capacity must be residents every two years on account of the variables change

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## SETENA INTERPRETATION JUNE 2010

### PLAYA GRANDE

Delimitacion- Se proponen dos franjas de 250m de amplitude cada una

1. Primera franja (interna) a partir del limite externo del PNMLB, hasta alcanzar una amplitude de 250 m
2. Segunda franja (externa); a partir del limite externo de la primera franja, o sea a partir de los 250 m hasta alcanzar una amplitude de 500m Dentro de este sector, y especificamente a partir de la calle que proviene desde la escuela de Playa Grande y que pasa al frente de la oficina de la administracion del PNMLB hasta rematar en la playa, hacia el sureste con direccion a la entrada del estero Tamarindo, solo se aplicara lo correspondiente a lo senalado para la franja interna.

Uso de suelo-

1. La zona costera se debe de mantener como Parque Nacional con restricciones de uso tal y como existen hasta el dia de hoy
2. ilegible
3. Viviendas unifamiliares o viviendas turísticas recreativas con un máximo de 6 unidades por hectarea
4. Comercios de bajo impacto como restaurantes, sodas, hoteles con un máximo de 20 habitaciones por hectarea, desarrollos eco turísticos

Zona de mitigacion- Se debera de respetar:

1. Zona de retiro de las colindancias con respecto a los limites del PNMLB, de acuerdo a la legislacion vigente, en donde no se debera de desarrollar ningun tipo de construccion.
2. Retiros dados con respecto a cuerpos de agua y otros aspectos contemplados por la legislacion nacional.

Area maximum de construccion

1. Primera franja; Las unidades de desarrollo o lotes tendran un minimo de 1500 m<sup>2</sup>, y se podra desarrollar unicamente el 40% del area total (incluye zonas de rodamiento, jardines, tapias, piscinas y area techada)
2. segunda franja: SE permitiran unidades de desarrollo o lotes de 1500m<sup>2</sup> como minimo, y se podra desarrollar solo el 40% del area total (incluye todas las obras de infraestructura requeridas\_

Reserva de zonas verdes

En ambas franjas

1. Minimo 60% dedicado a areas verdes
2. En el caso de la primera franja, sera preferiblemente la ubicacion de las zonas verdes en la colindancia con la zona del PNMLB

Agua Potable

En ambas franjas es necesario:

1. Medidas estrictas en cuanto al consumo del recurso hidrico en la zona

2. Utilizar dispositivos sanitarios de bajo consumo de agua
3. Utilizar dispositivos de suministro de agua de bajo consumo
4. Utilizar reguladores de presión en la toma principal

#### Zonas Comerciales

La construcción de hoteles e infraestructura comercial asociada se permitirá únicamente en la zona que corresponde a la segunda franja

#### Altura de edificaciones

1. Primera franja: se permiten edificaciones con alturas hasta los 6m
2. Segunda franja: se permiten edificaciones con alturas hasta los 9m

#### Piscinas

En ambas franjas (primera y segunda) las piscinas:

1. Se deben construir con su fondo sobre la superficie del terreno, con el fin de no provocar remoción de suelos, de modo tal que no afecte el nivel freático existente
2. Deberán poseer un sistema de purificación de agua de tipo ionizante, no se permite la utilización de químicos para la purificación de agua

#### Contaminación sonora

1. Primera franja- no legible
2. Segunda franja- durante el día, el nivel de ruido debe ser menor que 65db  
Durante la noche 55 DB

#### Iluminación

Para ambas franjas (primera y segunda)

1. Se prohíbe la iluminación directa al mar y la playa
2. En las áreas cercanas al límite del PNMLB, de requerirse iluminación artificial, esta será amarilla para garantizar el arribo de las tortugas, debiendo restringirse alturas e inclinación de las luminarias en función de estudios específicos
3. Se debe usar lámparas de sodio a baja presión, tanto en instalaciones privadas como en la iluminación pública
4. Se debe usar cobertores para luces exteriores o reflectores cubiertos enfocados hacia el piso
5. Se debe usar pantallas para aquellos ventanales que den al océano
6. Se debe usar tecnología LED, en la longitud de onda de la luz que no provoquen la contaminación psicológica de las hembras y la atracción de los neonatos de las tortugas marinas

#### Estacionamientos y garages

1. Primera franja; las zonas de parqueo y circulación de vehículos deberán estar lo más lejos posible de la playa o del límite externo del PNMLB. Lo que incluye especialmente las zonas de giro
2. Segunda franja; es necesario que los parqueos no den directamente a la playa o al límite externo del PNMLB

#### Aguas servidas

##### Se debera

1. Diseñar construir operar y mantener sistemas descentralizados para la recolección, tratamiento y disposición de las aguas residuales que se generan en ambas franjas.
2. Controlar el eficiencia de los sistemas de tratamiento unifamiliares y la calidad de su efluente en las comunidades cercanas por donde pasan los afluentes de los rios y quebradas
3. Promover cambios en los procesos productivos (hotels, comercio, restaurantes, lavanderias, incluyendo viviendas etc) y los habitos de consumo para la prevención de al contaminación.

#### Aguas Pluviales

##### Para ambas franjas

1. Se deberan encauzar las aguas por medio de tuberias hasta sus sitios de descarga.
2. En cada sitio de descarga se utilizara un sistema de retencion de aguas pluviales y su respectiva trampa de sedimentos

#### Muros o Cercas

##### Para ambas franjas

1. Se deberan utilizar cercas vivas las cuales tendran una funcion con doble proposito; libre circulacion de diiferentes especies de animals y pantalla de vegetacion para impedir el paso de la luz hacia el area de la playa

#### Manejo de desechos solidos

##### Se debera

1. Utilizar sustancia biodegradables para uso humano
2. Separar, clasificar y reutilizar los desechos domesticos
3. Disponer la basura en lugares destinados a este proposito par que la basura sea colectada por la entida competente. Dichos sitios se deberan de mantener limpios y tapados par que no sean genradores de malos olores, no permitan la proliferacion de insectos que puedan server como vectores o que las basuras sean aprovechadas comos alimento por la fauna del lugar
4. Separar y trasladar los residuos especiales y escombros de las construcciones fuera del area de amortiguamiento.
5. Prohibir la quema de basura
6. Todo visitante es responsable de sacar del area del PNMLB los desechos que genere pero la administracio del Parque velar por mantener un sistema de recolecta eficiente.

#### Vialidad

La vialidad se reulara con base en la ley de planificacion urbana #4240 del 15 de novverbre de 1968 y la ley reguladora de la propiedad en condomino #7933 del 28 de octubre de 1999 sus respectivos reglamento en temas de vialidad.

#### Promocio del desaroolo sostenible

Todo proyecto de construccion debera de contar como minimo

1. Criterio del area de conservacion, indicando que la propiedad se encuentra fuera del PNMLB

Indicadores Minimos

1. Ilumnacion
- 2 Ruido
3. Sedimentos
4. Contaminatnes solidos y luquidos
5. Las cifras de la Capacidad de CARGA Turistica deberan ser resiadas cada dos anos en razon el cambio de las variables

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**Secretaría Técnica Nacional Ambiental**  
**SETENA**

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**Resolución N° 1410-2010-SETENA**

EL MINISTERIO DE AMBIENTE, ENERGÍA Y TELECOMUNICACIONES - LA SECRETARÍA TÉCNICA NACIONAL AMBIENTAL, A LAS 11 HORAS 00 MINUTOS DEL 28 DE JUNIO DEL 2010.

**INSTITUCIONALIZACIÓN DE LINEAMIENTOS TÉCNICOS  
DEL ESTUDIO INTEGRAL SOBRE EL IMPACTO DE LAS  
CONSTRUCCIONES Y EL DESARROLLO TURÍSTICO,  
URBANÍSTICO EN LA ZONA DE AMORTIGUAMIENTO DEL  
PARQUE NACIONAL LAS BAULAS.**

Conoce la Comisión Plenaria de la Institucionalización de Lineamientos Técnicos del Estudio Integral Sobre el Impacto de las Construcciones, el Desarrollo Turístico y Urbanístico en la Zona de Amortiguamiento del Parque Nacional Marino las Baulas, solicitado por la Sala Constitucional mediante votos 2008-018529 y 2009-019451.

**RESULTANDO**

**PRIMERO:** Que el Voto de la Sala Constitucional número 2008-018529 del 16-12-2008, expediente constitucional número 07-005611-0007-CO, ordenó a la SETENA, entre otros aspectos, lo siguiente: Que suspendiera el trámite de las solicitudes de viabilidad ambiental de las propiedades ubicadas dentro de la zona de amortiguamiento (banda de 500 metros) del Parque Nacional Marino Las Baulas, hasta tanto no tuviera listo el estudio integral a realizarse sobre el impacto que las construcciones y el desarrollo turístico y urbanístico en la zona de amortiguamiento del Parque Nacional Marino Las Baulas produciría al ambiente y las medidas necesarias a tomar, en donde se valorara si convenía mejor también expropiar las propiedades que se encuentran allí, y se indicara expresamente el impacto que el ruido, las luces, el uso de agua para consumo humano, las aguas negras y servidas, la presencia humana y otros produciría sobre todo el ecosistema de la zona, en especial la tortuga baula. El plazo para la elaboración de dicho estudio fue de seis meses contados a partir de la comunicación de dicha resolución.

**SEGUNDO:** El 01 de octubre del 2009, la SETENA presentó el Estudio solicitado por la Sala Constitucional en acatamiento del Voto número 2008-018529 del 16-12-2008, expediente constitucional número 07-005611-0007-CO.

**TERCERO:** Que mediante oficio SG-AJ-295-2010 del 15 de marzo del 2010, la MSc. Sonia Espinoza Valverde, Secretaria General de SETENA, solicitó al Despacho Ministerial del MINAET, emitir criterio legal respecto a los votos constitucionales números 2008-018529 y 2009-019451, referentes al caso de Baulas, a fin de uniformar un sólo concepto al respecto, para su aplicabilidad.

**Resolución N° 1410-2010-SETENA**

**CUARTO:** Que la interpretación legal de los votos constitucionales números 2008-018529 y 2009-019451, referentes al caso de Baulas, realizada por la Dirección Jurídica del MINAET, se emitió respuesta mediante oficio DAJ-701-2010 en el cual se explica la actuación por realizar por parte de SETENA.

**QUINTO:** Que mediante oficio DM-363-2010 del 19 de marzo del 2010, suscrito por el Ministro del MINAET señor Jorge Rodríguez Q, se instruye a la SETENA a la aplicabilidad del criterio emitido por la Dirección Jurídica del MINAET mediante oficio DAJ-701-2010 del 6 de marzo del 2010, el cual indica:

1. *El "Estudio Integral sobre el Impacto de las Construcciones y el Desarrollo Turístico y Urbanístico de la Zona de Amortiguamiento del Parque Nacional Marino Las Baulas, Guanacaste" debe servir a la Secretaría Técnica Nacional Ambiental, como referencia para la evaluación de impacto ambiental de acuerdo al artículo 17 de la Ley Orgánica del Ambiente, para el otorgamiento de las viabilidades ambientales en la zona.*
2. *No debe la Secretaría Técnica Nacional Ambiental, continuar con la suspensión de los trámites sometidos a evaluación en la zona de amortiguamiento, sino, proceder con la evaluación de conformidad con la Ley Orgánica del Ambiente y los Decretos Ejecutivos de la SETENA, en cada uno de los trámites presentados para el otorgamiento de viabilidad ambiental.*
3. *No se debe otorgar viabilidad ambiental dentro del Área del Parque.*
4. *Debe Secretaría Técnica Nacional Ambiental anular las viabilidades ambientales que se encuentran otorgadas dentro del Parque Nacional Marino Las Baulas.*

**CONSIDERANDO**

**PRIMERO:** Que una vez cumplido con el mandato constitucional emitido mediante los votos 2008-018529 y 2009-019451, se hace necesario establecer los lineamientos generales que deben ser internalizados en las evaluaciones de impacto ambiental en las zonas de amortiguamiento del Parque Nacional Marino las Baulas; específicamente en los siguientes sectores:

1. Cerro Morro
2. Playa Grande, Playa Ventanas y Estero Tamarindo.
3. Tamarindo, y Punta San Francisco o Punta Madero.
4. Playa Langosta, Estero San Francisco e Isla Verde.

**SEGUNDO:** Los lineamientos establecidos en el considerando primero comprenden los siguientes tópicos:

1. Delimitación
2. Uso de suelo
3. Zona de mitigación
4. Área máxima de construcción
5. Reserva de zonas verdes
6. Agua Potable
7. Zonas comerciales

9. Piscinas
10. Contaminación sónica
11. Iluminación
12. Estacionamientos y garajes
13. Aguas servidas
14. Aguas Pluviales
15. Muros o Cercas
16. Restricción de ingreso al Parque Nacional
17. Control animal
18. Uso de vehículos motorizados
19. Usos conflictivos (Terrestres y Marinos)
20. Manejo de desechos sólidos
21. Vialidad
22. Promoción del Desarrollo Sostenible
23. Otras regulaciones
24. Monitoreo

**POR TANTO  
LA COMISIÓN PLENARIA RESUELVE:**

En sesión Ordinaria No. **069-2010** de ésta Secretaría, realizada el **28** de junio del 2010, en el artículo **N0.08** acuerda:

**PRIMERO:** El Estudio Integral Sobre el Impacto de las Construcciones y el Desarrollo Turístico, Urbanístico en la Zona de Amortiguamiento del Parque Nacional las Baulas, permite a los consultores y analistas ambientales de la SETENA, contar con lineamientos claros que aseguren el cumplimiento del artículo 50 de la Constitución Política.

**SEGUNDO:** La SETENA continuará el análisis de las evaluaciones de impacto ambiental, en el entendido que los proyectos que están inmersos en el área de amortiguamiento analizada, deberán ajustarse a las recomendaciones técnico-ambientales que se generaron a partir del estudio solicitado por la Sala Constitucional para poder optar por la Viabilidad (Licencia) Ambiental.

**TERCERO:** Que los consultores ambientales deben velar porque todas las evaluaciones de impacto ambiental dentro del área de amortiguamiento del Parque Marino las Baulas, incorporen los lineamientos estipulados en el considerando segundo, según el sector donde se desarrolle la actividad obra o proyecto que será sometida a esta Secretaría para ser analizada.

**CUARTO:** Que en el marco de la Evaluación de Impacto Ambiental, de actividades, obras o proyectos nuevos, se incorporen los siguientes lineamientos con el fin de cumplir con lo dictado en los votos constitucionales números 2008-018529 y 2009-019451, de la Sala Constitucional.

## Resolución N° 1410-2010-SETENA

**QUINTO:** Los lineamientos para el sector de **CERRÓ MORRÓ** son:

TÓPICOS	LINEAMIENTO
<b>Delimitación</b>	Se proponen dos franjas de 250 m de amplitud cada una: 1. Primera franja (interna) a partir del límite externo del PNMLB. 2. Segunda franja (externa) a partir del límite externo de la primera franja.
<b>Uso de suelo</b>	1. Plantaciones no extensivas de especies arbóreas nativas 2. Viviendas unifamiliares o viviendas turísticas recreativas con un máximo de 8 unidades por hectárea por piso. 3. Comercios de bajo impacto como restaurantes, sodas, hoteles con un máximo de 20 habitaciones por hectárea, desarrollos eco turísticos.
<b>Zona de mitigación</b>	Se deberá de respetar: 1. Zona de retiro de las colindancias con respecto a los límites del PNMLB, de acuerdo a la legislación vigente en donde no se deberá de desarrollar ningún tipo de construcción. 2. Reserva de agua con respecto a cuerpos de agua y otros aspectos contemplados por la legislación nacional.
<b>Área máxima de construcción</b>	1. Primera franja: Las unidades de desarrollo o lotes tendrán un mínimo de 1500m <sup>2</sup> , y se podrá desarrollar únicamente el 40% del área total (incluye zonas de rodamiento, jardines, tapias, piscinas y área techada). 2. Segunda franja: Se permitirán unidades de desarrollo o lotes de 1500m <sup>2</sup> como mínimo, y se podrá desarrollar sólo el 40% del área total (incluye todas las obras de infraestructura requeridas).
<b>Reserva de zonas verdes</b>	1. En ambas franjas: Mínimo 60% dedicado a zonas verdes. 2. En el caso de la primera franja, será preferible la ubicación de las zonas verdes en la colindancia con el PNMLB.
<b>Agua Potable</b>	En ambas franjas será necesario: 1. Medidas estrictas en cuanto al consumo del recurso hídrico en la zona. 2. Utilizar dispositivos sanitarios de bajo consumo de agua. 3. Utilizar dispositivos de suministro de agua de bajo consumo. Utilizar reguladores de presión en la toma principal.
<b>Zonas comerciales</b>	La construcción de hoteles e infraestructura comercial asociada sólo se podrá ubicar en la zona que corresponde a la segunda franja.
<b>Altura de edificaciones</b>	1. En la primera franja se permiten edificaciones con alturas hasta los 6 m. 2. En la segunda franja se permiten edificaciones con alturas hasta los 9 m.

## Resolución N° 1410-2010-SETENA

<b>Piscinas</b>	<p>En ambas franjas (primera y segunda) las piscinas:</p> <ol style="list-style-type: none"> <li>1. Se deben construir con su fondo sobre la superficie del terreno, con el fin de no provocar remoción de suelos, de modo tal que no afecte el nivel freático existente.</li> <li>2. Deberán de poseer un sistema de purificación de agua de tipo ionizante, no se permite la utilización de químicos para la purificación de agua.</li> </ol>
<b>Contaminación sónica</b>	<ol style="list-style-type: none"> <li>1. Primera franja: <ul style="list-style-type: none"> <li>• Durante el día: el nivel de ruido debe ser menor que 65 dB-A.</li> <li>• Durante la noche: el nivel de ruido deberá ser menor que 45 dB-A.</li> </ul> </li> <li>2. Segunda franja: <ul style="list-style-type: none"> <li>• Durante el día: el nivel de ruido debe ser menor que 75 dB-A.</li> <li>• Durante la noche: el nivel de ruido deberá ser menor que 65 dB-A.</li> </ul> </li> </ol>
<b>Iluminación</b>	<p>Para ambas franjas (primera y segunda):</p> <ol style="list-style-type: none"> <li>1. Se prohíbe la iluminación directa al mar y la playa.</li> <li>2. En las áreas cercanas al límite del PNMLB, de requerirse iluminación artificial, ésta será ámbar para garantizar el arribo de las tortugas, debiendo restringirse alturas e inclinación de las luminarias en función de estudios específicos.</li> <li>3. Se deberá usar lámparas de sodio a baja presión, tanto en instancias privadas como en la iluminación pública.</li> <li>4. Se deberá usar cobertores para luces exteriores o reflectores cubiertos enfocados hacia el piso.</li> <li>5. Se deberá usar pantallas para aquellos ventanales que den al océano.</li> <li>6. Se deberá usar tecnología LED, en la longitud de onda de la luz que no provoquen la contaminación psicológica de las hembras y la atracción de los neonatos de tortugas marinas.</li> <li>7. Se deberá usar en la instalación de luces exteriores, ángulos y alturas de luminarias que no provoquen daño a las tortugas marinas.</li> </ol>
<b>Estacionamientos y garajes</b>	<ol style="list-style-type: none"> <li>1. Primera franja: los zonas de parqueo y circulación de vehículos deberán estar lo más lejos posible de la playa o del límite externo del PNMLB, lo que incluye especialmente las zonas de giro.</li> <li>2. Segunda franja: es necesario que los parqueos no den directamente a la playa.</li> </ol>
<b>Aguas residuales</b>	<p>Se deberá:</p> <ol style="list-style-type: none"> <li>1. Diseñar, construir, operar y mantener sistemas descentralizados para la recolección, tratamiento y disposición de las aguas residuales que se generan en ambas franjas.</li> <li>2. Controlar la eficiencia de los sistemas de tratamiento unifamiliares y la calidad de su efluente en las comunidades cercanas por donde pasan los afluentes de los ríos y quebradas.</li> <li>3. Promover cambios en los procesos productivos (hoteles, comercio, restaurantes, lavanderías, incluyendo viviendas, etc.) y los hábitos de consumo para la prevención de la contaminación.</li> </ol>

## Resolución N° 1410-2010-SETENA

<b>Aguas Pluviales</b>	<p>Para ambas franjas:</p> <ol style="list-style-type: none"> <li>1. Se deberán encauzar las aguas por medio de tuberías hasta sus sitios de descarga.</li> <li>2. En cada sitio de descarga se utilizará un sistema de retención de aguas pluviales y su respectiva trampa de sedimentos.</li> </ol>
<b>Muros o Cercas</b>	<p>Para ambas franjas: Se deberán utilizar cercas vivas con especies de follaje poco denso, las cuales tendrán una función con doble propósito: libre circulación de diferentes especies de animales y pantalla de vegetación para impedir el paso de la luz hacia el área de la playa.</p>
<b>Manejo de desechos sólidos</b>	<p>Se deberá:</p> <ol style="list-style-type: none"> <li>1. Utilizar sustancias biodegradables para uso humano.</li> <li>2. Separar, clasificar y reutilizar los desechos domésticos.</li> <li>3. Disponer la basura en lugares destinados a este propósito para que la basura sea colectada por la entidad competente. Dichos sitios se deberán de mantener limpios y tapados para que no sean generadores de malos olores, no permitan la proliferación de insectos que puedan servir como vectores o que las basuras sean aprovechadas como alimento por la fauna del lugar.</li> <li>4. Separar y trasladar los residuos especiales y escombros de las construcciones fuera del área de amarriguamiento.</li> <li>5. Prohibir la quema de basura.</li> <li>6. Todo visitante es responsable de sacar del área del PNMLB los residuos generados, para la adecuación del Parque nacional para mantener un sistema de recolecta eficiente.</li> </ol>
<b>Vialidad</b>	<p>La vialidad se regulará con base en la Ley de Planificación Urbana N° 4240 del 15 de noviembre de 1968 y la Ley Reguladora de la Propiedad en Condominio N° 7933 del 20 de octubre de 1999 y sus respectivos reglamentos, en temas de vialidad.</p>
<b>Promoción del Desarrollo Sostenible</b>	<p>Se impulsarán acciones de desarrollo sostenible relacionadas con el uso de los recursos naturales.</p>
<b>Otras regulaciones</b>	<p>Todo proyecto de construcción deberá de contar como mínimo: Criterio del área de conservación, indicando que la propiedad se encuentra fuera del Parque Nacional Marino Las Baulas.</p>
<b>Indicadores Mínimos</b>	<ol style="list-style-type: none"> <li>1. Iluminación</li> <li>2. Ruido</li> <li>3. Sedimentos</li> <li>4. Contaminantes sólidos y líquidos</li> <li>5. Las cifras de la Capacidad de Carga Turística deberán ser revisadas cada dos años en razón al cambio de las variables.</li> </ol>

**SEXTO:** Los linoamientos para el sector de Playa Grande, Playa Ventanas y Estero Tamarindo, corresponden:

TOPICUS	LINEAMIENTO
<b>Delimitación</b>	<p>Se proponen dos franjas de 250 m de amplitud cada una</p> <ol style="list-style-type: none"> <li>1. Primera franja (interna), a partir del límite externo del PNMLB, hasta</li> </ol>

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	<p>alcanzar una amplitud de 250 metros.</p> <p>2. Segunda franja (externa): a partir del límite externo de la primera franja, o sea a partir de los 250 m hasta alcanzar una amplitud de 500 m. Dentro de este sector, y específicamente a partir de la calle que proviene desde la escuela de playa Grande y que pasa al frente de la oficina de la administración del PNMLB hasta rematar en la playa, hacia el sureste con dirección a la entrada del estero Tamarindo, sólo se aplicará lo correspondiente a lo señalado para la franja interna.</p>
<b>Uso de suelo</b>	<p>1. La zona costera se debe de mantener como Parque Nacional con restricciones de uso tal y como existen hasta el día de hoy.</p> <p>2. Plantaciones no extensivas de especies arbóreas nativas.</p> <p>3. Viviendas unifamiliares o viviendas turísticas recreativas con un máximo de 6 unidades por hectárea.</p> <p>4. Comercios de bajo impacto como restaurantes, sodas, hoteles con un máximo de 20 habitaciones por hectárea, desarrollos eco turísticos.</p>
<b>Zona de mitigación</b>	<p>Se deberá de respetar:</p> <p>1. Zona de retiro de las colindancias con respecto a los límites del PNMLB, de acuerdo a la legislación vigente, en donde no se deberá de desarrollar ningún tipo de construcción.</p> <p>2. Retiros dados con respecto a cuerpos de agua y otros aspectos contemplados por la legislación nacional.</p>
<b>Área máxima de construcción</b>	<p>1. Primera franja: Las unidades de desarrollo o lotes tendrán un mínimo de 1500m<sup>2</sup>, y se podrá desarrollar únicamente el 40% del área total (Incluye zonas de rodamiento, jardines, tapias, piscinas y área techada.).</p> <p>2. Segunda franja: Se permitirán unidades de desarrollo o lotes de 1500m<sup>2</sup> como mínimo, y se podrá desarrollar solo el 40% del área total (incluye todas las obras de infraestructura requeridas).</p>
<b>Reserva de zonas verdes</b>	<p>En ambas franjas:</p> <p>1. Mínimo 60% dedicado a áreas verdes.</p> <p>2. En el caso de la primera franja, será preferiblemente la ubicación de las zonas verdes en la colindancia con la zona del PNMLB.</p>
<b>Agua Potable</b>	<p>En ambas franjas es necesario:</p> <p>1. Medidas estrictas en cuanto al consumo del recurso hídrico en la zona.</p> <p>2. Utilizar dispositivos sanitarios de bajo consumo de agua.</p> <p>3. Utilizar dispositivos de suministro de agua de bajo consumo.</p> <p>4. Utilizar reguladores de presión en la toma principal.</p>
<b>Zonas comerciales</b>	<p>La construcción de hoteles e infraestructura comercial asociada se permitirá únicamente en la zona que corresponde a la segunda franja.</p>
<b>Altura de edificaciones</b>	<p>1. Primera franja: se permiten edificaciones con alturas hasta los 6 m.</p> <p>2. Segunda franja se permiten edificaciones con alturas hasta los 9 m.</p>

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<b>Piscinas</b>	<p>En ambas franjas (primera y segunda) las piscinas:</p> <ol style="list-style-type: none"> <li>1. Se deben construir con su fondo sobre la superficie del terreno, con el fin de no provocar remoción de suelos, de modo tal que no afecte el nivel freático existente.</li> <li>2. Deberán de poseer un sistema de purificación de agua de tipo ionizante, no se permite la utilización de químicos para la purificación de agua.</li> </ol>
<b>Contaminación sónica</b>	<ol style="list-style-type: none"> <li>1. Primera franja: <ul style="list-style-type: none"> <li>• Durante el día: el nivel de ruido debe ser menor que 65 dB A.</li> <li>• Durante la noche: 55 dB-A.</li> </ul> </li> </ol>
<b>Iluminación</b>	<p>Para ambas franjas (primera y segunda):</p> <ol style="list-style-type: none"> <li>1. Se prohíbe la iluminación directa al mar y la playa.</li> <li>2. En las áreas cercanas al límite del PNMLB, de requerirse iluminación artificial, ésta será ámbar para garantizar el arribo de las tortugas, debiendo restringirse alturas e inclinación de las luminarias en función de estudios específicos.</li> <li>3. Se deberá usar lámparas de sodio a baja presión, tanto en instancias privadas como en la iluminación pública.</li> <li>4. Se deberá usar cobertores para luces exteriores o reflectores cubiertos enfocados hacia el piso.</li> <li>5. Se deberá usar pantallas para aquellos ventanales que den al océano.</li> <li>6. Se deberá usar tecnología LED, en la longitud de onda de la luz que no provoquen la contaminación psicológica de las hembras y la atracción de los neonatos de las tortugas marinas.</li> <li>7. Se deberá usar en la instalación de luces exteriores, ángulos y alturas de luminarias que no provoquen daño a las tortugas marinas.</li> </ol>
<b>Estacionamientos y garajes</b>	<ol style="list-style-type: none"> <li>1. Primera franja: las zonas de parqueo y circulación de vehículos deberán estar lo más lejos posible de la playa o del límite externo del PNMLB, lo que incluye especialmente las zonas de giro.</li> <li>2. Segunda franja: es necesario que los parqueos no den directamente a la playa o al límite externo del PNMLB.</li> </ol>
<b>Aguas servidas</b>	<p>Se deberá:</p> <ol style="list-style-type: none"> <li>1. Diseñar, construir, operar y mantener sistemas descentralizados para la recolección, tratamiento y disposición de las aguas residuales que se generan en ambas franjas.</li> <li>2. Controlar la eficiencia de los sistemas de tratamiento unifamiliares y la calidad de su efluente en las comunidades cercanas por donde pasan los afluentes de los ríos y quebradas.</li> <li>3. Promover cambios en los procesos productivos (hoteles, comercio, restaurantes, lavanderías, incluyendo viviendas, etc.) y los hábitos de consumo para la prevención de la contaminación.</li> </ol>



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<b>Aguas Pluviales</b>	<p>Para ambas franjas:</p> <ol style="list-style-type: none"> <li>1. Se deberán encauzar las aguas por medio de tuberías hasta sus sitios de descarga.</li> <li>2. En cada sitio de descarga se utilizará un sistema de retención de aguas pluviales y su respectiva trampa de sedimentos.</li> </ol>
<b>Muros o Cercas</b>	<p>Para ambas franjas:</p> <ol style="list-style-type: none"> <li>1. Se deberán utilizar cercas vivas las cuales tendrán una función con doble propósito: libre circulación de diferentes especies de animales y pantalla de vegetación para impedir el paso de la luz hacia el área de la playa.</li> </ol>
<b>Manejo de desechos sólidos</b>	<p>Se deberá:</p> <ol style="list-style-type: none"> <li>1. Utilizar sustancias biodegradables para uso humano</li> <li>2. Separar, clasificar y reutilizar los desechos domésticos.</li> <li>3. Disponer la basura en lugares destinados a este propósito para que la basura sea colectada por la entidad competente. Dichos sitios se deberán de mantener limpios y tapados para que no sean generadores de malos olores, no permitan la proliferación de insectos que puedan servir como vectores o que las basuras sean aprovechadas como alimento por la fauna del lugar.</li> <li>4. Separar y trasladar los residuos especiales y escombros de las construcciones fuera del área de amortiguamiento.</li> <li>5. Prohibir la quema de basura.</li> <li>6. Todo visitante es responsable de sacar del área del PNMLB los desechos que genere, pero la administración del Parque velará por mantener un sistema de recolecta eficiente.</li> </ol>
<b>Vialidad</b>	<p>La Vialidad se regulará con base en la Ley de Planificación Urbana N° 4240 del 15 de noviembre de 1968 y la Ley Reguladora de la Propiedad en Condominio N°7933 del 28 de octubre de 1999 y sus respectivos reglamentos, en temas de vialidad.</p>
<b>Promoción del Desarrollo Sostenible</b>	<p>Se impulsarán acciones de desarrollo sostenible relacionadas con el uso de los recursos naturales.</p>
<b>Otras regulaciones</b>	<p>Todo proyecto de construcción deberá de contar como mínimo:</p> <ol style="list-style-type: none"> <li>1. Criterio del área de conservación, indicando que la propiedad se encuentra fuera del Parque Nacional Marino Las Baulas.</li> </ol>
<b>Indicadores Mínimos</b>	<ol style="list-style-type: none"> <li>1. Iluminación</li> <li>2. Ruido</li> <li>3. Sedimentos</li> <li>4. Contaminantes sólidos y líquidos</li> <li>5. Las cifras de la Capacidad de Carga Turística deberán ser revisadas cada dos años en razón al cambio de las variables.</li> </ol>

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**SETIMO:** Para el sector de Tamarindo y Punta San Francisco o Punta Madero, los lineamientos son:

TOPICOS	LINEAMIENTO
<b>Delimitación</b>	El caso de Tamarindo es especial porque su desarrollo ya se ha llevado a cabo. Se deberá velar porque la porción de la zona pública correspondiente a los 50 m se respete. Así como el tramo que corresponde al PNMLB que va de Punta San Francisco a la entrada de estero del mismo nombre.
<b>Uso de suelo</b>	1. Mantener la zona costera como Parque Nacional específicamente el tramo que va de Punta San Francisco a la entrada de estero del mismo nombre, con restricciones de uso más intensas. 2. Para el resto del área se sugiere implementar en el menor tiempo posible la puesta en práctica de un Plan Regulador que norme el desarrollo futuro que tendrá la zona.
<b>Zona de mitigación</b>	Se deberá de respetar: 1. Zona de retiro de las colindancias con respecto a los límites del PNMLB, de acuerdo a la legislación vigente, en donde no se deberá de desarrollar ningún tipo de construcción. 2. Retiros dados con respecto a cuerpos de agua y otros aspectos contemplados por la legislación nacional.
<b>Área máxima de construcción</b>	Hasta tanto no se cuente con un Plan Regulador específico para Tamarindo, se debe regir por lo señalado en el Decreto Ejecutivo para el Ordenamiento Territorial de la Región Chorotega N° 34456-MP-MIVAH-TUR-MINAE-COM, publicado el 30 de abril del 2008, Gaceta N° 83, que se encuentra vigente y regula todo lo relativo con las áreas de cobertura, de retiro, de altura, y densidad.
<b>Agua Potable</b>	Se deberá: 1. Establecer medidas estrictas en cuanto al consumo del recurso hídrico en la zona 2. Utilizar dispositivos sanitarios de bajo consumo de agua. 3. Utilizar dispositivos de suministro de agua de bajo consumo. 4. Utilizar reguladores de presión en la toma principal.
<b>Zonas comerciales</b>	Hasta tanto no se cuente con un Plan Regulador específico para Tamarindo, se considera que lo debe regir es lo señalado en el Decreto Ejecutivo para el Ordenamiento Territorial de la Región Chorotega N° 34456-MP-MIVAH-TUR-MINAE-COM, publicado el 30 de abril del 2008, Gaceta N° 83, y el cual se encuentra vigente y regula todo lo relativo con las áreas de cobertura, de retiro, de altura, y densidad.
<b>Altura de edificaciones</b>	Hasta tanto no se cuente con un Plan Regulador específico para Tamarindo, se considera que lo debe regir es lo señalado en el Decreto Ejecutivo para el Ordenamiento Territorial de la Región Chorotega N° 34456-MP-MIVAH-TUR-MINAE-COM, publicado el 30 de abril del 2008, Gaceta N° 83, y el cual se encuentra vigente y regula todo lo relativo con las áreas de cobertura, de retiro, de altura, y densidad.

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<b>Placinas</b>	<ol style="list-style-type: none"> <li>1. Se deben construir con su fondo sobre la superficie del terreno, con el fin de no provocar remoción de suelos, de modo tal que no afecte el nivel freático existente.</li> <li>2. Deberán de poseer un sistema de purificación de agua de tipo ionizante, no se permite la utilización de químicos para la purificación de agua.</li> </ol>
<b>Contaminación sónica</b>	<ol style="list-style-type: none"> <li>1. Primera franja: <ul style="list-style-type: none"> <li>• Durante el día: el nivel de ruido debe ser menor que 65 dB-A.</li> <li>• Durante la noche: 45 dB-A.</li> </ul> </li> <li>2. Segunda franja: <ul style="list-style-type: none"> <li>• Durante el día: el nivel de ruido debe ser menor que 60 dB-A.</li> <li>• Durante la noche: 55 dB-A.</li> </ul> </li> </ol>
<b>Iluminación</b>	<ol style="list-style-type: none"> <li>1. En la zona cercana a la playa se prohíbe la iluminación directa al mar y la playa.</li> <li>2. En las áreas adyacentes a las playas, de requerirse iluminación artificial, ésta será ámbar para garantizar que no afecte el arribo de las tortugas en las áreas cercanas, debiendo restringirse alturas e inclinación de las luminarias en función de estudios específicos.</li> <li>3. Utilizar lámparas de sodio a baja presión tanto en instancias privadas como en la iluminación pública.</li> <li>4. Utilizar cobertores para luces exteriores o reflectores cubiertos enfocados hacia el piso.</li> <li>5. Utilizar pantallas para ventanales que den al océano.</li> <li>6. Utilizar tecnología LED, en la longitud de onda de la luz que no provoquen la contaminación psicológica de las hembras y la atracción de los neonatos de las tortugas marinas.</li> <li>7. Instalación de luces exteriores en ángulos y alturas de las luminarias que no provoquen daño a las tortugas marinas.</li> </ol>
<b>Estacionamientos y garajes</b>	Las zonas de parqueo y circulación de vehículos deberán estar lo más lejos posible de la playa o del límite externo del PNMLB, lo que incluye especialmente las zonas de giro.
<b>Aguas servidas</b>	<p>Se deberá:</p> <ol style="list-style-type: none"> <li>1. Diseñar, construir, operar y mantener sistemas descentralizados para la recolección, tratamiento y disposición de las aguas residuales que se generan en ambas franjas.</li> <li>2. Controlar la eficiencia de los sistemas de tratamiento unifamiliares y la calidad de su efluente en las comunidades cercanas por donde pasan los afluentes de los ríos y quebradas.</li> <li>3. Promover cambios en los procesos productivos (hoteles, comercio, restaurantes, lavanderías, incluyendo viviendas, etc.) y los hábitos de consumo para la prevención de la contaminación.</li> </ol>
<b>Aguas Pluviales</b>	<p>Para ambas franjas:</p> <ol style="list-style-type: none"> <li>1. Se deberán encauzar las aguas por medio de tuberías hasta sus sitios de descarga.</li> <li>2. En cada sitio de descarga se utilizará un sistema de retención de aguas pluviales y su respectiva trampa de sedimentos.</li> </ol>

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<b>Muros o Cercas</b>	Se deberán utilizar cercas vivas las cuales tendrán una función con doble propósito: libre circulación de diferentes especies de animales y pantalla de vegetación para impedir el paso de la luz hacia el área de la playa.
<b>Manejo de desechos sólidos</b>	Se deberá: <ol style="list-style-type: none"> <li>1. Utilizar sustancias biodegradables para uso humano.</li> <li>2. Separar, clasificar y reutilizar los desechos domésticos.</li> <li>3. Disponer la basura en lugares destinados a este propósito para que la basura sea colectada por la entidad competente. Dichos sitios se deberán de mantener limpios y tapados para que no sean generadores de malos olores, no permitan la proliferación de insectos que puedan servir como vectores o que las basuras sean aprovechadas como alimento por la fauna del lugar.</li> <li>4. Separar y trasladar los residuos especiales y escombros de las construcciones fuera del área de amortiguamiento.</li> <li>5. Prohibir la quema de basura.</li> </ol>
<b>Vialidad</b>	La Vialidad se regulará con base en la Ley de Planificación Urbana N° 4240 del 15 de noviembre de 1968 y la Ley Reguladora de la Propiedad en Condominio N°7933 del 28 de octubre de 1999 y sus respectivos reglamentos, en temas de vialidad.
<b>Promoción del Desarrollo Sostenible</b>	Se impulsarán acciones de desarrollo sostenible relacionadas con el uso de los recursos naturales.
<b>Otras regulaciones</b>	Todo proyecto de construcción deberá de contar como mínimo: Criterio del área de conservación, indicando que la propiedad se encuentra fuera del Parque Nacional Marino Las Baulas.
<b>Indicadores Mínimos</b>	<ol style="list-style-type: none"> <li>1. Iluminación</li> <li>2. Ruido</li> <li>3. Sedimentos</li> <li>4. Contaminantes sólidos y líquidos</li> </ol> <p>Las cifras de la Capacidad de Carga Turística deberán ser revisadas cada dos años en razón al cambio de las variables.</p>

**OCTAVO:** Para el sector de **Playa Langosta, Estero San Francisco e Isla Verde**, los lineamientos son:

MATERIA	LINEAMIENTO
<b>Delimitación</b>	<p>Se proponen dos franjas de 250 m de amplitud cada una.</p> <ol style="list-style-type: none"> <li>1. Primera franja (interna): a partir del límite externo del PNMLB, hasta alcanzar una amplitud de 250 metros.</li> <li>2. Segunda franja (externa): a partir del límite externo de la primera franja, o sea a partir de los 250 m hasta alcanzar una amplitud de 500 m.</li> </ol>

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<b>Uso de suelo</b>	<ol style="list-style-type: none"> <li>1. La zona costera se debe de mantener como Parque Nacional con restricciones de uso tal y como existen hasta el día de hoy.</li> <li>2. Plantaciones no extensivas de especies arbóreas nativas.</li> <li>3. Viviendas unifamiliares o viviendas turísticas recreativas con un máximo de 6 unidades por hectárea.</li> <li>4. Comercios de bajo impacto como restaurantes, sodas, hoteles con un máximo de 20 habitaciones por hectárea, desarrollos eco turísticos.</li> </ol>
<b>Zona de mitigación</b>	<p>Se deberá de respetar:</p> <ol style="list-style-type: none"> <li>1. Zona de retiro de las colindancias con respecto a los límites del PNMLB, de acuerdo a la legislación vigente, en donde no se deberá de desarrollar ningún tipo de construcción.</li> <li>2. Retiros dados con respecto a cuerpos de agua y otros aspectos contemplados por la legislación nacional.</li> </ol>
<b>Área máxima de construcción</b>	<ol style="list-style-type: none"> <li>1. Primera franja: Las unidades de desarrollo o lotes tendrán un mínimo de 1500m<sup>2</sup>, y se podrá desarrollar únicamente el 40% del área total (incluye zonas de rodamiento, jardines, tapias, piscinas y área techada,).</li> <li>2. Segunda franja: Se permitirán unidades de desarrollo o lotes de 1500m<sup>2</sup> como mínimo, y se podrá desarrollar solo el 40% del área total (incluye todas las obras de infraestructura requeridas).</li> </ol>
<b>Reserva de zonas verdes</b>	<p>En ambas franjas:</p> <ol style="list-style-type: none"> <li>1. Mínimo 60% dedicado a áreas verdes.</li> <li>2. En el caso de la primera franja, será preferiblemente la ubicación de las zonas verdes en la colindancia con la zona del PNMLB.</li> </ol>
<b>Agua Potable</b>	<p>En ambas franjas es necesario:</p> <ol style="list-style-type: none"> <li>1. Medidas estrictas en cuanto al consumo del recurso hídrico en la zona.</li> <li>2. Utilizar dispositivos sanitarios de bajo consumo de agua.</li> <li>3. Utilizar dispositivos de suministro de agua de bajo consumo.</li> <li>4. Utilizar reguladores de presión en la toma principal.</li> </ol>
<b>Zonas comerciales</b>	<p>La construcción de hoteles e infraestructura comercial asociada se permitirá únicamente en la zona que corresponde a la segunda franja.</p>
<b>Altura de edificaciones</b>	<ol style="list-style-type: none"> <li>1. Primera franja: se permiten edificaciones con alturas hasta los 6m.</li> <li>2. Segunda franja se permiten edificaciones con alturas hasta los 9m.</li> </ol>
<b>Piscinas</b>	<p>En ambas franjas (primera y segunda) las piscinas:</p> <ol style="list-style-type: none"> <li>1. Se deben construir con su fondo sobre la superficie del terreno, con el fin de no provocar remoción de suelos, de modo tal que no afecte el nivel freático existente.</li> <li>2. Deberán de poseer un sistema de purificación de agua de tipo ionizante, no se permite la utilización de químicos para la purificación de agua.</li> </ol>
<b>Contaminación sónica</b>	<ol style="list-style-type: none"> <li>3. Primera franja: <ul style="list-style-type: none"> <li>• Durante el día: el nivel de ruido debe ser menor que 65 dB-A.</li> </ul> </li> </ol>

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	<ul style="list-style-type: none"> <li>• Durante la noche: 45 dB-A.</li> </ul> <p>4. Segunda franja:</p> <ul style="list-style-type: none"> <li>• Durante el día: el nivel de ruido debe ser menor que 65 dB-A.</li> <li>• Durante la noche: 55 dB-A.</li> </ul>
<b>Iluminación</b>	<p>Para ambas franjas (primera y segunda):</p> <ol style="list-style-type: none"> <li>1. Se prohíbe la iluminación directa al mar y la playa.</li> <li>2. En las áreas cercanas al límite del PNMLB, de requerirse iluminación artificial, ésta será ámbar para garantizar el arribo de las tortugas, debiendo restringirse alturas e inclinación de las luminarias en función de estudios específicos.</li> <li>3. Se deberá usar lámparas de sodio a baja presión, tanto en instancias privadas como en la iluminación pública.</li> <li>4. Se deberá usar cobertores para luces exteriores o reflectores cubiertos enfocados hacia el piso.</li> <li>5. Se deberá usar pantallas para aquellos ventanales que den al océano.</li> <li>6. Se deberá usar tecnología LED, con la longitud de onda de la luz que no provoquen la contaminación psicológica de las hembras y la atracción de los neonatos de las tortugas marinas.</li> <li>7. Se deberá usar en la instalación de luces exteriores, ángulos y alturas de luminarias que no provoquen daño a las tortugas marinas.</li> </ol>
<b>Estacionamientos y garajes</b>	<ol style="list-style-type: none"> <li>1. Primera franja: las zonas de parqueo y circulación de vehículos deberán estar lo más lejos posible de la playa o del límite externo del PNMLB, lo que incluye especialmente las zonas de giro.</li> <li>2. Segunda franja: es necesario que los parqueos no den directamente a la playa o al límite externo del PNMLB.</li> </ol>
<b>Aguas servidas</b>	<p>Se deberá:</p> <ol style="list-style-type: none"> <li>1. Diseñar, construir, operar y mantener sistemas descentralizados para la recolección, tratamiento y disposición de las aguas residuales que se generan en ambas franjas.</li> <li>2. Controlar la eficiencia de los sistemas de tratamiento unifamiliares y la calidad de su efluente en las comunidades cercanas por donde pasan los afluentes de los ríos y quebradas.</li> <li>3. Promover cambios en los procesos productivos (hoteles, comercio, restaurantes, lavanderías, incluyendo viviendas, etc.) y los hábitos de consumo para la prevención de la contaminación.</li> </ol>
<b>Aguas Pluviales</b>	<p>Para ambas franjas:</p> <ol style="list-style-type: none"> <li>1. Se deberán encauzar las aguas por medio de tuberías hasta sus sitios de descarga.</li> <li>2. En cada sitio de descarga se utilizará un sistema de retención de aguas pluviales y su respectiva trampa de sedimentos.</li> </ol>
<b>Muros o Cercas</b>	<p>Para ambas franjas: Se deberán utilizar cercas vivas las cuales tendrán una función con doble propósito: libre circulación de diferentes especies de animales y pantalla de vegetación para impedir el paso de la luz hacia el área de la playa</p>

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<b>Manejo de desechos sólidos</b>	<p>Se deberá:</p> <ol style="list-style-type: none"> <li>1. Utilizar sustancias biodegradables para uso humano</li> <li>2. Separar, clasificar y reutilizar los desechos domésticos.</li> <li>3. Disponer la basura en lugares destinados a este propósito para que la basura sea colectada por la entidad competente. Dichos sitios se deberán de mantener limpios y tapados para que no sean generadores de malos olores, no permitan la proliferación de insectos que puedan servir como vectores o que las basuras sean aprovechadas como alimento por la fauna del lugar.</li> <li>4. Separar y trasladar los residuos especiales y escombros de las construcciones fuera del área de amortiguamiento.</li> <li>5. Prohibir la quema de basura.</li> <li>6. Todo visitante es responsable de sacar del área del PNMLB los desechos que genere, pero la administración del Parque velará por mantener un sistema de recolecta eficiente.</li> </ol>
<b>Vialidad</b>	La Vialidad se regulará con base en la Ley de Planificación Urbana N° 4240 del 15 de noviembre de 1900 y la Ley Reguladora de la Propiedad en Condominio N°7933 del 28 de octubre de 1999 y sus respectivos reglamentos, en temas de vialidad.
<b>Promoción del Desarrollo Sostenible</b>	Se impulsarán acciones de desarrollo sostenible relacionadas con el uso de los recursos naturales.
<b>Otras regulaciones</b>	Todo proyecto de construcción deberá de contar como mínimo: Criterio del área de conservación, indicando que la propiedad se encuentra fuera del Parque Nacional Marino Las Baulas.
<b>Indicadores Mínimos</b>	<ol style="list-style-type: none"> <li>1. Iluminación</li> <li>2. Ruido</li> <li>3. Sedimentos</li> <li>4. Contaminantes sólidos y líquidos.</li> <li>5. Las cifras de la Capacidad de Carga Turística deberán ser revisadas cada dos años en razón al cambio de las variables.</li> </ol>

**NOVENO:** Que con el fin de ubicar espacialmente a los usuarios para la utilización de los lineamientos contenidos en los Por Tanto Quinto, Sexto, Séptimo y Octavo de esta Resolución, la SETENA publicará en su página WEB, los mapas con la delimitación para cada sector ubicado en el área de amortiguamiento.

**DECIMO:** Solicitar a los funcionarios del Departamento de Tecnología de la Información colocar la presente resolución en el espacio de la Página WEB de la SETENA dedicado al seguimiento del voto de la Sala Constitucional referente al Parque Nacional Marino las Baulas.

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Atentamente,



**MSO. SONIA ESPINOZA VALVERDE**  
**SECRETARIA GENERAL**

**EN REPRESENTACION DE LA COMISION PLENARIA**

En la oficina de la Secretaría Técnica Nacional Ambiental se notificó copia de la Resolución N° **1410-2010-SETENA** de las **11 horas 00 minutos** del **28 de JUNIO, 2010.**

**NOTIFIQUESE:**

Señoras y señores:

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Firma: \_\_\_\_\_ cédula \_\_\_\_\_

A las **15** horas y **00** minutos del **28** de **junio** del 2010.

Notifica Grethel Valverde