

# GRAN VISTA – SPECIFIC GUIDELINES FOR EXTERIOR CHANGES (part of the full Guidelines for Exterior Changes)

## B. INTRODUCTION

The Residencial Urbanization Gran Vista at Avenida de Escandinavia nº 33 in Gran Alacant, Santa Pola in Alicante, is a community consisting of 466 dwellings (one-family, semi-detached houses) in 9 different Phases (sub units). The Gran Vista Urbanization is responsible for common grounds, recreational areas, garden areas and internal space for local traffic and parking for Gran Vista, as well as for other common matters. The urbanization is governed by The Horizontal Property Law (HPL), Escrituras for the urbanization, phases and individual houses. More information on the governance of Gran Vista can be found on the Gran Vista web (www.granvista.eu) under “How is Gran Vista Governed”. **Zona Central** is the central board to govern Gran Vista.

Changes in individual properties have been carried out by house owners affecting the original architectonic harmony of the community, sometimes well adapted, sometimes not. Many changes were earlier carried out based on personal values with or without regard for regulations. The result, in retrospect and in some cases, should not have been allowed. In later years the Guidelines for Exterior Changes were established including the Specific Guidelines.

## B. SPECIFIC GUIDELINES FOR EXTERIOR CHANGES

### B.1 Background

The **STATUTES** for Gran Vista reads: *“The approval of the Environmental Council (the Board of Zona Central in our case) shall always be requested before any change of the architecture of the buildings or adornment such as grids, enclosing of terraces or porches, coloring of facades, doors and blinds, installation of awnings/sunroofs, changes in gardens – both private and common – in the area, in every block or sector; the putting up of grill facilities or any other outdoor facilities, which in any way disturbs the harmonic unity of the urbanization.”*

Zona Central has decided **not** to establish an Environmental Council. Instead, as follows from the Statutes, Zona Central as a whole decides on exterior changes. Zona Central has - in consultation with an external architect (**The Guidelines Architect; the Architect**) - interpreted the Statutes and decided on **norms with Examples and procedures** for such changes. These follow below.

The **purpose of the Guidelines** is

- 1) See to it that **the Statutes** of Gran Vista **are followed**
- 2) To give **a clear and desired direction** for the future of the overall development of Gran Vista. This means establishing **a common framework of architectural norms** to help house owners develop their properties and generally to defend the values of the Gran Vista properties.
- 3) To **make the application process easier** for house-owners and Phase Presidents **through pre-defined generic Examples** showing what exterior changes are considered good, acceptable or non-acceptable. And by gradually expanding the Guidelines with additional Examples. And in addition give **process support through the Guidelines Secretary**.
- 4) To allow for **better consistency** in procedures and decisions for cases in different phases.
- 5) To make it **easier to decide on possible legal actions** for non-compliance with our rules.

In the Application process (as well as in laws and regulations) an important aspect is informing **Concerned Neighbors** (for definition see below B.5 Additional information about the Application procedure). This is to allow them **to give their opinion** as input in the process to reach a decision on a specific case. There will be cases, such as locations for outside A/C units, where the effect of the location may mean a lot for a neighbor. To consult with neighbors **before** an installation, or other

exterior change, and try to reach an acceptable solution is a good way to avoid unnecessary friction between neighbors.

In addition to the Guidelines adopted by Zona Central there are legal **rules in the Law on Horizontal Property, as well as those issued by the Santa Pola municipality (Town Hall)**. It is important to note that an **approval in Gran Vista of an application does not replace approval by the Santa Pola Town Hall**, when relevant. And vice-versa an approval by the Santa Pola Town Hall does not mean that changes can be carried out without approval within the Gran Vista Guidelines framework.

## **B.2 Comments on the legal situation**

The Guidelines for Gran Vista have been **upheld in a number of court cases** in favor of Gran Vista Zona Central. The fundamental reason is the role given Zona Central in the Gran Vista Statutes in dealing with exterior changes and gardens. It should, however, be noted that a court in its deliberations and verdict always will consider the specific circumstances of a case. As an example: Building a terrace/balcony on the second floor in one phase and one specific location within that phase as illustrated in a generic Example in the Guidelines does not automatically mean that a similar exterior change in another phase will be approved by a court in case of dispute. Even though the terrace/balcony may seem identical there will always be a “local context” influencing the specific case. Thereby the effect for a Concerned Neighbor may be different from one location to another. In a legal context there may also be differences in verdicts and among responsible courts.

Particularly important in a legal context are opinions of Concerned Neighbors at each side of a planned construction. It is recommended to ask for such opinions early in the process. Minor modifications can perhaps help make the changes acceptable for Concerned Neighbors. Opinions from Concerned Neighbors, however, do not constitute veto rights.

## **B.3 Overview of the Application process; The Guidelines Group**

A house owner wishing to make exterior changes (**the Applicant**) must submit an **Application** to Zona Central c/o Zona Central Administration (attn. **The Guidelines Secretary; the Secretary**), **seeking approval** to make the changes. The **Visual Examples and text** in these Guidelines aim **to help** the Applicant. **They represent Zona Central norms on types of changes (generic Examples)**, but cannot be seen as fully covering any specific proposal in its local context (see above Comments on the legal situation).

At the end of these Specific Guideline you will find **additional information** (B.5 Additional information about the Application procedure) **and the Application form**.

The **Guidelines Secretary will administer an Application** assisting the House Owner, Phase President and Zona Central in the **Application Process**. This includes receiving it, acknowledging receipt, giving feedback on possibly necessary changes, additions or clarifications, and contacting Concerned Neighbors for the opportunity for them to give their views on the proposed changes. The process **aims first to produce an Application and second to arrive at a decision on it**, in close interaction with the Applicant and other concerned parties.

The **Guidelines Architect** is an external professional resource who gives **input to Zona Central** for its decisions, and who is important in the **certification process of a Standard Application** (see below under B.4.1), and in giving a **motivated opinion on a Non-Standard Application** (see below under B.4.2) and also for **consultation**, as may be asked for in the process.

**Estimated time for processing an Application** depends on the complexity of planned changes, but the aim is always to make the time as short as possible with respect to the situation.

## **START OF PLANNED WORK REQUIRES APPROVAL OF THE APPLICATION.**

### **The Guidelines Group**

#### **Assignment**

The Guidelines Group is established by Zona Central as an expert group on Guidelines questions. Its assignment is to

- oversee the Guidelines framework and propose changes in the Guidelines for decision by Zona Central.
- give its recommendation to Zona Central on Non-Standard Applications (see below B.4.2 Application process NON-STANDARD).
- present to Zona Central cases of transgressions against the Guidelines for Zona Central to decide on.
- give its interpretations of questions concerning specific cases, if asked.

#### **Composition and voting**

Its standing members are the Guidelines Architect as the Group's chairman and the Guidelines Secretary as its secretary. These members shall give their professional views on issues brought before the Group, but they do not formally vote. The Chairman calls for and leads the meetings and the Secretary provides necessary documentation.

In addition, the Group should normally have two Zona Central members who formally vote. Each is to be member for two calendar years representing two different phases and reported by the relevant Phase President to Zona Central, the Guidelines Architect and the Guidelines Secretary. These Zona Central members should serve 2 years, one overlapping the other for one year. Thus each year a new member is assigned by a new Phase President to replace an existing member etc. with the idea to bring deeper and wider knowledge of the framework to Zona Central members. The Zona Central President may if needed accept a phase member who is not a Zona Central member for the phase.

If the two Zona Central members in the Group do not agree on an issue then the Zona Central President or one of the Zona Central Vice Presidents shall be informed and asked to resolve it.

### **B.4 Exterior change categories**

Examples in the Guidelines evaluated as **Good or Acceptable** are **Standard**

**Examples.** There are also **Examples** shown that are **not acceptable**. An "Example" in the Guidelines can be a picture or a text part or both. **Changes not shown** in the Guidelines are designated **Non-Standard**.

**The full Guidelines** including these **Specific Guidelines** and the **Application form**, as well as **Examples** can be found on the **Gran Vista web** ([www.granvista.eu](http://www.granvista.eu)) under Important information/Guidelines for exterior changes. A **flow chart** illustrating the processes is also found there.

#### **B.4.1 Application process STANDARD = EXAMPLE FOUND among**

##### **Standard Examples.**

**House owner (Applicant) idea** of change. House owner **checks among STANDARD EXAMPLES** for an identical or near identical example. Near identical means technically the same but perhaps with different - but generally approved - color and material.

House owner **finds accepted Example and sends Application to the Guidelines**

**Secretary** referring to the specific Example. The Secretary sends copies to the Guidelines Architect and the relevant Phase President.

On behalf of Zona Central **the Architect compares** the Application's proposed Change/s **with the Zona Central norms** in the Guidelines to determine if the proposed changes comply with those norms, or not.

If the Architect is of the opinion that **the proposed changes do not comply with the Zona Central norms** then the Architect will, through the Secretary, issue to the Applicant (with copy to the Phase President and the Guidelines Group) a **motivated Certificate of Non-Compliance** with the Zona Central norms, whereby **approval is denied**. The Applicant may instead apply for a Non-Standard approval. **In case of uncertainty** the Architect shall ask the Secretary to transfer the case to Zona Central for decision. In both cases **the Secretary will send notice** to the Applicant, the Phase President and the Guidelines Group, normally within 10 calendar days.

If instead the Architect is of the opinion that **the proposed changes comply with the Zona Central norms**, then the Architect, through the Secretary, will issue to the Applicant (with copy to the Phase President and the Guidelines Group) a **Certificate of Compliance** with the Zona Central norms, with reference to the Application, provided also that other possible conditions are met.

**The Secretary sends** (normally within 10 calendar days) **the Application and the Certificate of Compliance to the Concerned Neighbors** (see below under B.5) **and the Phase President** asking for their motivated written opinions on the Application.

If **neither the Phase President nor any Concerned Neighbor is against** approval of the Application - provided also that other possible conditions are met - **then the Application is approved**. **Notice of the approval** will be sent by the Secretary, normally within 10 calendar days, to the Applicant, the Phase President, the Guidelines Group and the Guidelines Architect.

If a **Concerned Neighbor or the Phase President in writing has informed the Secretary of their motivated objection to approval** of the Application, or part thereof, then the case shall be **promptly transferred** by the Secretary **to the Phase for decision on the objection** at a phase meeting. If a phase meeting is not held within 90 calendar days, then the Application is approved following the Certificate of Compliance. **Notice of the Phase decision** will be sent by the Secretary to the Applicant, the Guidelines Group and the Guidelines Architect, normally within 10 calendar days of the Phase meeting.

**Non-approval** by a Phase cannot be overturned by Zona Central.

**Information on the specific case** and its outcome **shall be archived** by the Guidelines Secretary and the Phase Secretary.

#### **B.4.2 Application process NON-STANDARD = EXAMPLE NOT FOUND among Standard Examples.**

**House owner (Applicant) idea** of change. **No identical or near identical accepted Example found among Standard Examples.**

**Application sent to the Guidelines Secretary.** The Secretary sends copies to the Architect, the Phase President and the Guidelines Group.

The **Architect gives a motivated opinion on the Application**. The Secretary sends copies to the Applicant, Concerned Neighbors and the Phase President asking for their written opinions on the Application.

The Secretary sends the Architect's motivated opinion together with opinions from Concerned Neighbors and the Phase President **to the Guidelines Group**, which will issue its **recommendation** for a Zona Central decision on the Application, normally within 10 calendar days. The recommendation (including the Application) is sent by the Secretary to the Zona Central President, the Applicant, the Phase President and the Guidelines Architect.

**Zona Central decides** on the Application. **Notice** of the Zona Central decision is sent by the Secretary to the Applicant, the Phase President, the Guidelines Group and the Guidelines Architect, normally within 10 calendar days.

**Non-approval by Zona Central** cannot be overturned by a Phase decision.

**If a Concerned Neighbor or the Phase President in writing has informed the Secretary of their motivated objection to approval** of the Application, or part thereof, then the case shall be **promptly transferred** by the Secretary **to the Phase for decision on the objection** at a phase meeting. If a phase meeting is not held within 90 calendar days, then the Application is approved following the decision of Zona Central. **Notice of the Phase decision** will be sent by the Secretary to the Applicant, the Guidelines Group and the Guidelines Architect, normally within 10 calendar days of the Phase meeting.

**Non-approval** by a Phase cannot be overturned by Zona Central.

**Information on the specific case** and its outcome **shall be archived** by the Secretary and the Phase Secretary.

## **B.5 Additional information about the Application procedure**

**The Application Form** (following this section in the full Guidelines and separately available for download at the Gran Vista web) **shall be used** by the Applicant and sent to the Guidelines Secretary c/o the Zona Central Administration (MEDITERRANEO, Avd.Escandinavia 72, Manzana D local 20, 03130 Gran Alacant -Santa Pola, +34 966 699 113, [arenales@msgi.es](mailto:arenales@msgi.es)).

The Application shall, among other, include a **written detailed description** of the proposed changes **and when** the changes are **planned**. The description **shall include** specific drawings with relevant measurements. Pictures may - but do not have to - complement the written description. Reference to text and/or Example in the Guidelines shall be made when relevant and then only additional information needs to be included, for example measurements, coloring and material. The description must be sufficiently clear for a reader to understand what is meant to be done. It shall be **in Spanish or English**.

**Concerned Neighbors** are always neighbors on each side of the house, and when relevant, also includes owners of the two/three houses opposite the Applicant's house to the side (front or garden side) where changes are proposed.

**Opposition to an application within a phase.** As is shown above under B4 there are cases transferred to the relevant phase due to opposition from the Phase President or a Concerned Neighbor. The local context may play a role. If local context was not considered by the Architect in certifying compliance or giving a motivated opinion (Standard and Non-Standard Application respectively), then it should be considered and reported by the Architect to the Guidelines Secretary, with or without a change of the Certification of Compliance or the motivated opinion. The Secretary will inform the interested parties of such a change.

**Written opinions on the Application from Concerned Neighbors and the Phase President** shall be sent to the Guidelines Secretary within 14 calendar days from receipt of the Application. Failure to answer in time shall be interpreted as acceptance of the proposed changes.

**Communication with Concerned Neighbors and other parties** involved is done through email when possible and otherwise through surface mail. Receipt of communication from the Applicant, Concerned Neighbors and the phase President shall be required by the Secretary through email or signed physical document.