

**Executive Summary of Recommendations of
The AD Hoc Committee to Improve ARC
May 11, 2022**

Recommendation 1: Post ARC approvals on the website

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Recommendation 2: Review and update the Architectural Guidelines

- Review the guidelines periodically for compatibility with new construction methods and technology, city ordinances and state laws.
- Start an initial review now.

Recommendation 3: Continuously Communicate ARC's message

- Provide broader and repetitive communication about the basic requirement to submit plans to ARC.
- Place announcements in every OB Newsletter clarifying the types of projects that require submission.
- Illustrate the requirement for submission with examples drawn from actual cases without identifying names or locations of actual cases.
- Excerpt or paraphrase sections of the Architectural Guidelines for publication in the newsletter.

Recommendation 4: Observe the big picture

- Guidelines and ARC decisions should focus on clarifying deed restrictions and providing guidance on frequently encountered issues of major significance to the neighborhood.
- Guidelines and ARC decisions should avoid overregulation of small-scale issues, aim to give deference to owners' preferences on style, and be mindful of the neighborhood's architectural diversity.

Recommendation 5: Expand ARC Committee membership

- Maintain ARC Committee Membership of at least 3 members with the appointment of members who want to uphold the beauty of our neighborhood.
- Implement appropriate and staggered term limits for ARC members (e.g., 5 years).

Recommendation 6. Update the website for better functionality

- Reorganize the website
- Redesign ARC forms
- Design the website for online submission of forms to ARC

**Report of the OBPOA Ad Hoc Committee for Improving ARC
Findings & Recommendations
May 11, 2022**

Introduction

Old Braeswood deed restrictions recorded in 1928 require that owners obtain approval of proposed plans for building or renovations to their properties:

No building, fence, wall or other structure shall be commenced erected or maintained, nor shall any addition thereto or change or alterations therein be made until plans and specifications, color scheme, plot, plan and grading plan therefor, or information satisfactory to Braeswood, shall have been submitted to and approved, in writing by Braeswood, and a copy thereof as finally approved lodged with the company. In so passing upon such plans, specifications, and other requirements, Braeswood may take into consideration, the suitability of the proposed building or other structure and of the materials of which it is to be built, to the site upon which it is proposed to erect same, the harmony thereof with the surroundings and the effect of the building on other structure as planned, on the outlook from adjacent or neighboring property.

Approximately four to five years ago, OBPOA aimed to address concerns raised about the Architectural Review Committee's (ARC) work in considering project applications. In particular, OBPOA sought to respond to concerns about delay in the review process and a reported lack of clarity in the restrictions. A previous ad hoc committee was appointed to address both issues. The lack of clarity in the deed restrictions and their interpretation was addressed with the adoption of the Architectural Guidelines on January 31, 2019. The Guidelines were adopted following a period of public discussion and comment and pursuant to applicable statutory authority. The Guidelines provide interpretation of the deed restrictions, and they establish rules for construction and exterior changes.

The current Ad Hoc Committee is a temporary committee established in late 2021 to learn more about the ARC process and investigate whether the ARC process was creating ill will among residents causing some to withhold dues to the association and subscription fees for the patrol service. In particular, this Committee was charged with the following:

1. The members of executive committee would like to learn more about how ARC works, and
2. Executive committee members have heard that some homeowners in Old Braeswood may harbor a measure of ill will stemming from their experience with the ARC process. They have heard that some homeowners withhold paying dues or contributing to the patrol service because of an unfavorable experience with ARC.

Although the focus of this Committee's work has been to understand better the challenges and difficulties some of our neighbors have faced during their experiences with ARC, it should be noted that there are divergent views across the neighborhood about the work ARC does, both positive and negative. Many neighbors had satisfactory experiences in their dealings with ARC and expressed appreciation for the work ARC does. On the other hand, there are some who expressed frustration and resentment toward ARC and OBPOA as a result of their experiences with ARC.

The feedback identified in this document does not represent a consensus view of the neighborhood. The scope of our work did not encompass a neighborhood-wide canvassing to solicit opinions on ARC. Rather, the input we obtained was at best an unscientific survey of experiences from those who voluntarily provided them to us.

Accordingly, our work and the recommendations that follow should be understood in the context within which they are provided. Our reporting of results of this unscientifically conducted survey of neighbors was an effort to provide awareness to the Executive Committee and ideas about how they might attempt to improve ARC.

Feedback request process

The committee concentrated on interviewing residents that submitted plans to ARC after the January 2019 Guidelines were introduced. We asked about their experience with ARC and requested suggestions for improvement. We started with a list of 46 homeowners that submitted projects to the ARC Committee after January 2019. They were interviewed in person, by phone, or by email, and asked to provide feedback on the following:

1. Was your experience with ARC satisfactory or not?
2. Please describe and expand on your experience.
3. Any suggestions for ARC improvement?
4. With whom did you deal with when you submitted your plans?
5. Were they responsive and professional?

As optional, follow-up questions they were also asked:

6. Are you a dues paying member of the OBPOA?
7. Do you subscribe to the patrol service?

With the goal of collecting as much feedback as possible, whether positive or negative, it was noted that all feedback would be treated as confidential without identifying names, addresses or other identifying characteristics unless we were expressly given their permission.

Feedback summary

We attempted to solicit feedback from as many as possible of the 46 owners who submitted project applications to ARC since the 2019 guidelines were implemented. President Khalil made repeated public solicitations for feedback. The Committee sent direct emails to numerous individuals asking for feedback (twice).

Of the 46 projects submitted to ARC since the 2019 guidelines were adopted, we received detailed feedback from 18 of those property owners. Of those 18, 10 reported having an unsatisfactory experience with ARC. 4 of the 10 who reported their ARC experiences to have been unsatisfactory nonetheless reported that they continue to pay OB dues.

In examining the 10 unsatisfactory experiences, we attempted to organize the issues they faced as arising under one or more of the categories below. Some folks identified having encountered several different types of issues during their ARC process.

- **Personnel** – (this category includes, for example, personality clashes, being treated disrespectfully, or ignored). One individual complained of feeling disrespected through their experience with ARC.
- **Process** – (this category includes, for example, delays in processing ARC application, unresponsiveness to inquiries, disorganization or similar issues). Four individuals identified process-related complaints. Some neighbors expressed a desire for more visibility into the status of their application.
- **Substance** – (this category includes, for example, a disagreement with a particular guideline or deed restriction or the perception of selective enforcement of a guideline or deed restriction). There were 9 individuals who identified substance-related complaints. These complaints included examples where a homeowner perceived that deed restrictions or guidelines had been inconsistently applied across the neighborhood. Other complaints referenced a perception that ARC overreaches and focuses on details that should be left to the homeowner's discretion. Many of these complaints suggested ARC should focus on big-ticket items.

Findings and Recommendations

1. Post ARC approvals on the website.

Findings:

Other than members of ARC and our executive director, no one else receives or can readily access the information about construction or remodeling planned on a specific lot. Plans submitted to ARC are not shared with neighbors or the executive committee.

It is noted, however, that the City of Houston (COH) has a site where building permits granted (or “pulled”) for a specific lot can be viewed by entering the street address of the home.

Our executive director stated that it would be a small task to post ARC approvals on a spreadsheet and update it periodically.

Our attorney assures us that there are no privacy concerns generated by posting ARC approvals.

Posting approved applications will at least provide a little information about what people are planning to do with their property. It will also promote neighborhood education about our restrictions and the requirement to submit plans for exterior changes.

Our recommended posting provides only minimal information. However, the information can be expanded in the future if deemed necessary and useful. It can be expanded to describe the general project, e.g., new build, remodel, new windows, roof, doors, etc., and it can be expanded to describe progress in the ARC process, e.g., awaiting submittal, application pending, application approved with exceptions, not approved, withdrawn, abandoned, etc.

Recommendation 1: Post ARC approvals on the website

- Post ARC approvals on the website. Describe ARC approvals by address only (no names), and the date action was taken.

2. Review and update the Architectural Guidelines

Findings:

Our Architectural Guidelines were approved January 31, 2019. Guidelines can become outdated by new technology and construction methods.

Our interviews identified concerns about whether the guidelines were up to date with new construction methods, building materials and techniques, city ordinances, and state law. The Committee heard specific examples from some homeowners that may be considered when the Guidelines are reviewed. This Committee will provide those examples to the reviewing team upon request.

Reviewing and updating the Guidelines periodically allows homeowners some flexibility and choice for new products and building methods as they become available and approved.

Recommendation 2: Review and update the Architectural Guidelines

- Review the Guidelines periodically for compatibility with new construction methods and technology, city ordinances and state laws.
- Start an initial review now.

3. Continuously Communicate ARC's message

Findings:

Several complaints involved homeowners who were unaware that their home improvement projects required ARC approval. These included updates to roofs, painting, replacing doors and windows, replacing old fences, and similar issues. Once the owners became aware of the requirement for ARC approval, they typically submitted their plans, and approval was provided. Work stoppages arising in these situations are embarrassing, are sometimes costly to the homeowner, and can cause ill will and unsatisfactory encounters with ARC.

There will be greater adherence to the restrictions, the Architectural Guidelines, and the requirement to submit plans to ARC if our neighbors know about these requirements.

Recommendation 3: Continuously Communicate ARC's message

- Provide broader and repetitive communication about the basic requirement to submit plans to ARC.
- Place announcements in every OB Newsletter clarifying the types of projects that require submission.
- Illustrate the requirement for submission with examples drawn from actual cases without identifying names or locations of actual cases.
- Excerpt or paraphrase sections of the Architectural Guidelines for publication in the newsletter.

4. Observe the big picture.

Findings:

Our neighbors have a variety of opinions. Most everyone agrees that restrictions, the Architectural Guidelines, and ARC are necessary to preserve the quality and garden-like appearance of OB. At the same time there is a sense that some of ARC's decisions are arbitrary and infringe on the owners' rights to build what they want on their property. It is not incompatible that they hold both views at the same time.

Our neighbors are happy that OB is not a "cookie-cutter" subdivision. They agree that "harmony" is a good objective but is susceptible to great subjectivity. They agree that "consistency" in application of the guidelines is a good objective, but frequently inconsistency can be found on a nearby lot or just down the street.

With respect to "Harmony" the Architectural Guidelines state as follows:

Harmony. The ARC is responsible for determining whether the project's characteristics are compatible with the neighborhood, the Deed Restrictions, and these Architectural Guidelines. As an historic neighborhood, the ARC will take into

account a project's characteristics including authenticity of style (i.e., alignment with established historical or contemporary architectural examples), quality of design and materials, compatibility with the neighborhood's original intent as a suburban garden community with discreet garage and fencing locations, harmony with the neighborhood (including contextual compatibility and sensitivity to integrate with the residences in the neighborhood), and landscaping (for example, trees and shrubbery that retain an open, garden-like appearance from the street).

Making the right decision is not always about a narrow focus on the restrictions and Guidelines. Some ARC decisions are inherently subjective. "Harmony" is a subjective evaluation.

Recommendation 4: Observe the big picture

- Guidelines and ARC decisions should focus on clarifying deed restrictions and providing guidance on frequently encountered issues of major significance to the neighborhood.
- Guidelines and ARC decisions should avoid overregulation of small-scale issues, aim to give deference to owners' preferences on style, and be mindful of the neighborhood's architectural diversity.

5. Expand ARC Committee Membership

Findings:

At the start of our improvement review ARC had only two members. In January 2022, another member was added. ARC is a busy committee and handles a high volume of work (roughly 15 to 20 annually).

ARC should maintain a minimum of 3 members, if not more. An odd number of members ensures a tie-breaking vote and additional member(s) would assist with workload. Rotating ARC members would provide additional and new perspectives who can address the concerns of neighbors and interpretation of the restrictions and Guidelines. Additional members should believe that our restrictions and Guidelines are important to the preservation of our neighborhood as a garden community. They should have some acquaintance with historical preservation, architecture, building and/or a sense of neighborhood harmony.

Recommendation 5. Expand ARC Committee membership

- Maintain ARC Committee Membership of at least 3 members. Seek out more candidates for appointment that have a desire to uphold the beauty of our neighborhood.
- Implement appropriate and staggered term limits for ARC members (e.g., 5 years).

6. Update the website for better functionality

Findings:

Information on the website should be reorganized. ARC submittal forms should be reviewed and revised to better identify whether a project meets the Architectural Guidelines. Improved forms will allow the applicant to self-identify where issues may arise before submittal.

The website and the Guidelines should clarify the types of projects that don't need to be submitted or perhaps submitted on a short form.

The Houston Office of Preservation (HOP) in the Houston Planning & Development Department has online applications that may be helpful in redesigning our applications. See <https://www.houstontx.gov/planning/HistoricPres/certofapp.html>

Once forms are revised, they should be made available for online completion and submission.

Recommendation 6. Update the website for better functionality

- Reorganize the information on the website
- Redesign ARC forms
- Design the website for online submission of forms to ARC

Respectfully submitted,

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