

CITY OF HOUSTON

HISTORIC PRESERVATION APPEALS BOARD
PLANNING & DEVELOPMENT DEPARTMENT

Meeting Date: 10/19/2026

ITEM: III

APPLICANT: Spencer Harkness, owner; Nadia Palacios Lauterbach, agent

PROPERTY ADDRESS: 3023 Del Monte Drive

LEGAL DESCRIPTION: LT 1, BLK 1, RIVER OAKS SECTION 1

PROTECTED LANDMARK: Mr. & Mrs. John P. Bullington House

Project Summary:

- May 21, 2026 - Applicant applied for COA for a rear addition and replacement of all existing windows.
- July 2026 – Applicant deferred application to September.
- September 10, 2026 – HAHC approved staff's recommendation of an approval with conditions: only the rear windows may be replaced. All original windows visible from the public right-of-way on the front and side elevations must be retained.
- September 18, 2026 – Applicant appealed the HAHC decision in accordance with Chapter 33, Section 33-253.

Project Description:

Alterations to interiors plus the addition of a new Kitchen and Sun Room on the First Floor and a new Bedroom with a new full Bath and Walk-In Closet on the Second Floor.

Basis for the Houston Archaeological and Historic Commission's decision:

- Sec. 33-241: HAHC shall issue a certificate of appropriateness for the alteration, rehabilitation, restoration or addition of an exterior feature of (i) any landmark, (ii) protected landmark, (iii) any building, structure or object that is part of an archaeological site, or (iv) contributing building in a historic district upon finding that the application satisfies the following criteria, as applicable:
 - (9) The proposed design for any exterior alterations or addition must not destroy significant historical, architectural, archaeological or cultural material, including but not limited to siding, windows, doors and porch elements;
the existing original windows are in good condition and retain their historic material and profiles. Their replacement would unnecessarily remove intact architectural fabric, which the criterion specifically seeks to preserve.

Applicant's Grounds for Appeal:

Per the applicant:

"Dear Director and Members of the Historic Preservation Appeals Board:

Please accept this letter as my formal Notice of Appeal to the Historic Preservation Appeals Board (HPAB), submitted pursuant to Section 33-253 of the City of Houston Code of Ordinances, on behalf of my clients Spencer Harkness, the owner of the property located at 3023 Del Monte Drive. In accordance with City Ordinance Section 33-253, we acknowledge that the formal appeal application and supporting documentation must be, and are being, concurrently submitted digitally through the Planning Department's Historic Preservation Tracker portal. We are appealing to the Houston Archaeological and Historical Commission's (HAHC) decision on September 10, 2026, to deny the removal of conditions in the Certificate of Appropriateness (COA) for the subject property.

1. Grounds for Appeal

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Pursuant to Section 33-253(c), the HAHC erred in its application of the design review standards. Specifically, the strict enforcement of the historical guidelines in this instance creates an unresolvable conflict with city safety codes, creating a liability regarding active life-safety hazards.

2. Statement of Facts & Code Conflicts

The subject property features upper-floor, floor-to-ceiling triple hung windows with single-pane, annealed glass. The current configuration actively violates multiple provisions of the Houston Residential Code (HRC) and creates an imminent threat to human life:

1. Fall Protection Hazard (HRC Section R312.2): The windows extend completely to the floor on an upper story where the exterior drop-off exceeds 72 inches. Because the bottom of the clear opening sits below the mandatory 24-inch interior floor threshold and lacks compliant structural guards or Window Opening Control Devices, it presents an immediate, fatal fall hazard.
2. Safety Glazing Violation (HRC Section R308.4.3): The existing floor-to-ceiling glass consists of fragile, non-tempered annealed glass in a heavily trafficked "hazardous location." It does not comply with the safety glazing mandates required to prevent dangerous impact failure and subsequent falls.
3. Infeasibility of Staff-Proposed Interior Inserts: During the initial review process, City staff recommended the installation of interior windows inserts/storm windows as a potential alternative compromise. This solution presents an additional barrier for egress requirements, thus posing as a potential life-safety hazard.

Interior storm windows installed over designated egress windows impedes full emergency escape operability by requiring operation from inside with tools or special knowledge. Furthermore, the sheer size of the required storm windows would make it cumbersome to remove and compromise the emergency exit pathway.

Additionally, expert evaluation of building performance demonstrates that this solution, while well-intended, is structurally unadvisable, fails to correct inherent code deficiencies, and has the potential to accelerate material degradation due to the thermodynamic realities of the Texas Gulf Coast climate.

In this climate, temperature moves from hot to cold and moisture moves from wet to dry, so exterior hot, wet air is continuously driven inward toward the cool, dry conditioned interior. This is thermodynamic behavior, not a mechanical failure, and it occurs every hour of the cooling season. Window openings are the weakest point in the wall assembly for that vapor drive, and window units of this age and assembly type were not designed to and cannot manage it.

TONER Home Performance (THP), a building performance consulting firm serving the Houston market and the State of Texas, was engaged to evaluate the building envelope and advise on

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assemblies that govern indoor air quality, indoor humidity, and the structure's long-term resiliency. Based on their experience, they concluded original units of this vintage and construction present a consistent and repeatable set of conditions:

1. Single glazing with no thermal break. Interior glass and sash surfaces fall below the interior dew point during the cooling season and again during winter cold events, producing recurring condensation at the glass, the sash, the stool, and the apron. Any concealed airspace behind adjacent trim or finish material becomes a condensation plane.
2. Deteriorated glazing compound, failed sash joinery, and worn or absent weatherstripping. These allow bulk water entry and uncontrolled air infiltration. Because the surrounding envelope is comparatively tighter than the window, infiltration is funneled through these defects at high local rates, concentrating moisture load at the opening.
3. Deteriorated glazing compound, failed sash joinery, and worn or absent weatherstripping. These allow bulk water entry and uncontrolled air infiltration. Because the surrounding envelope is comparatively tighter than the window, infiltration is funneled through these defects at high local rates, concentrating moisture load at the opening.
4. Deteriorated glazing compound, failed sash joinery, and worn or absent weatherstripping. These allow bulk water entry and uncontrolled air infiltration. Because the surrounding envelope is comparatively tighter than the window, infiltration is funneled through these defects at high local rates, concentrating moisture load at the opening.
5. Elevated interior relative humidity in the rooms served by these openings. Sustained interior relative humidity above the 40 to 55 percent operating band is the single most reliable precursor to microbial amplification, dust mite population growth, and the degradation of interior air quality in this climate.
6. Where the original sash predates 1978 and retains original coatings, the friction surfaces at the sash, parting bead, and jamb generate coating dust with every operation. Where those coatings are lead-bearing, that dust is deposited on the stool and floor of the occupied room. This is a recognized occupant exposure pathway, and it is inherent to the operation of the original unit, not to its condition.

These are not speculative outcomes. They are the recurring root causes identified in this building type, in this climate, across a forensic caseload of more than six hundred investigations. The condition of the interior environment in a home of this age is governed largely by the performance of its window openings.

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We ask the Board to consider a variance that permits replacement window units matched to the existing architecture in profile, proportion, and appearance, while correcting a documented performance deficiency in the existing assemblies that affects occupant health, safety, and the structure's durability.

To resolve this impasse, the Appellant formally commits to executing a true "like-for-like" window replacement specifically made to maintain the original appearance and design of the structure. All replacement windows will be custom-fabricated wood framing that meticulously matches the exact profiles, dimensions, muntin patterns, and sash details of the existing historic windows. This guarantees that the exterior architectural character remains unchanged, while incorporating insulated, double-pane safety glazing and fall protection components required by municipal code, as well as contributing to the building's structural resiliency and preservation.

3. Precedent and District Context

The Appellant recognizes the Board's duty to maintain consistent historical standards and avoid setting a precedent for other landmarks. However, archival research and site analysis demonstrates that the property at 3023 Del Monte Drive presents an isolated condition. The property is not located within a designated historic district. As a standalone, individual landmark, any variance granted to this unique structure is not affected by district-level regulations. A decision granting a variance on this structure cannot be used to go against the design guidelines governing Houston's established historic districts.

In our research through the River Oaks neighborhood and city archives, we have found only one other house, designated as a landmark, with this condition: 4019 Inverness designed by Birdsall Briscoe. Said house has only one window with a floor to ceiling condition devoid of proper life safety measures. This window is located at the back of the property, which can be readily altered with a COA. All other properties that present floor to ceiling conditions do so by opening to a terrace and have appropriate life-safety measures. More importantly, these houses are not landmarks, which should appease the board's concern of setting precedent. Therefore, we respectfully ask the Board for a one-off variance, and to explicitly state in the record that this decision shall not be used as precedent for future reviews.

4. Application of Section 33-236(j) Framework

Under Section 33-236(j) of the Code of Ordinances, the city explicitly recognizes an affirmative defense to prosecution for alterations required to resolve immediate life-safety code violations. Our proposed modifications seek only to align this structure with the minimum threshold of municipal safety. The HAHC failed to properly balance historical aesthetics against these mandatory, non-discretionary life-safety requirements.

a. Conclusion and Relief Requested

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For the reasons stated above, we respectfully request that the Historic Preservation Appeals Board reverse the decision of the HAHC. We request that the Board grant a Certificate of Appropriateness to allow the necessary life-safety remediation to proceed, subject to the binding condition that all replacement windows will be built as "like-for-like" wood windows to maintain the building's original design and historic appearance, thereby protecting both the public safety of its occupants and the architectural integrity of the historic landmark. Additionally, all original windows replaced will be carefully removed and properly stored to be potentially re-installed in the future to return the structure to its original configuration.

Attached you will find a PDF copy of this letter with its accompanying appendices A and B.

Thank you for your time and consideration of this urgent safety matter.

Sincerely,

p.p. Spencer Harkness

Nadia Palacios Lauterbach, NCARB AIA ASID Principal"

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Documents:

EXHIBIT A:

UNOFFICIAL TRANSCRIPT OF SEPTEMBER 10, 2026 HAHC DISCUSSION OF THIS ITEM

EXHIBIT B:

UNOFFICIAL MINUTES FROM SEPTEMBER 10, 2026 HAHC MEETING

EXHIBIT C:

COA STAFF ACTION REPORT FROM SEPTEMBER 10, 2026 HAHC MEETING

EXHIBIT D:

EMAIL DATED SEPTEMBER 18, 2026 FROM APPLICANT TO DIRECTOR OF PLANNING

EXHIBIT E:

APPLICANT PROVIDED MATERIALS

The City of Houston Appeals Process per Ordinance:

Sec. 33-253. – Appeal.

(a) The Historic Preservation Appeals Board ("HPAB") is hereby created. The HPAB shall consist of 5 members and shall consist of two former members of the planning commission, two former members of the HAHC, and one citizen representative that has not served on either commission. Each member shall have extraordinary knowledge and experience in the archaeological, architectural, cultural, social, economic, ethnic or political history of the city, and must have a known and demonstrated interest, competence, or knowledge in historic preservation within the city. Members of the HPAB shall be appointed by the mayor, subject to confirmation by the city council. Each member shall serve for a term of two years and shall hold over until the member's successor is appointed. A member may be appointed to serve consecutive terms. The director, or in his absence or inability to act, a deputy director or assistant director of the department shall serve as a non-voting, ex officio member and as executive secretary to the HPAB. Three members of the HPAB shall constitute a quorum; however, in the event of vacancies on the HPAB, a majority of the members of the HPAB shall constitute a quorum. The HPAB shall elect its own chair and vice-chair. The mayor shall assign a staff member to serve as a liaison between the HPAB and the mayor's office. The HPAB shall adopt rules, procedures, and schedules for meetings as are necessary or convenient to accomplish the purposes of this article, and shall meet as needed when notified by the director of an appeal from a decision of the HAHC.

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(b) An applicant aggrieved by a decision of the HAHC with respect to any certificate of appropriateness may appeal to the HPAB by filing a written notice of appeal, stating the grounds for the appeal, with the director within ten days following the date the HAHC renders its decision, or in the case of an application for a certificate of appropriateness for demolition, the notice of appeal may be filed with the director not earlier than 90 days after the denial of a certificate of appropriateness by the HAHC as provided for in [section 33-247](#)(f) of this Code and not later than 120 days after the denial by HAHC. The director shall notify the members of the HPAB of the receipt of a notice of appeal and shall schedule a meeting of the HPAB to consider the appeal.

(c) The HPAB shall consider the appeal within 45 days after a notice of appeal is filed with the director. The HPAB shall consider the application, the findings of the HAHC, written comments from the public, and any evidence presented at the meeting at which the appeal is considered. **The HPAB shall reverse or affirm the decision of the HAHC based upon the criteria applicable to the certificate of appropriateness.** If the HPAB does not make a decision on the appeal within 45 days after a notice of appeal is filed with the director, the decision of the HAHC with respect to the application for the certificate of appropriateness shall be deemed affirmed.

(d) The director shall provide the applicant with notice of the time and place of the meeting at which each appeal will be considered by mail no less than ten days before the date of the meeting.

(e) An applicant aggrieved by a decision of the HPAB may appeal to the city council. The city council shall consider the appeal at its first regularly scheduled meeting for which the required notice can be given. The city council shall consider the appeal under the provisions of Rule 12 of [section 2-2](#) of this Code. At the conclusion of the city council's review of the matter, the city council shall reverse or affirm the decision of the HPAB. The decision of the city council shall be final and exhaust the applicant's administrative remedies.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 2010-814, §§ 5, 27.5, 28, 10-13-2010; Ord. No. 2015-967, § 37, 10-7-2015)

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EXHIBIT A:

UNOFFICIAL TRANSCRIPT OF SEPTEMBER 10, 2026 HAHC DISCUSSION OF THIS ITEM

Unofficial Transcript for 3023 Del Monte Drive – September 10, 2026 HAHC

Staffperson Yasmin Arslan: Chair and members of the Commission, I submit for your consideration Item A5.

The item is 3023 Del Monte Drive, which is a protected landmark. It's a circa 1938 contributing Greek Revival residence located in River Oaks. The home is a 2 ½ story, 6,568 square foot residence situated on a 26,775 square foot lot. The applicant is proposing exterior and interior alterations along with a two-story rear addition designed to maintain the historic footprint and preserve the architectural hierarchy of the home.

Staff recommends approval with conditions.

The rear addition retains the original historic corner of the building footprint with all new construction, inset to maintain the existing form and hierarchy. The addition is based on documented Birdsall Briscoe drawing[s] that reflect his original architectural intent, preserving the symmetrical composition and overall historic character while allowing for additional space.

The applicant also proposes to replace all existing windows with custom made, double-hung, counterweight insulated wood windows designed to replicate the historic profiles and appearance. All new windows will remain inset and recessed.

Staff recommends approval with the following conditions: only the rear windows may be replaced, [and] all original windows visible from the public right of way on the front and side elevations must be retained.

Staff has not received public comments in advance, and I'm available to answer any questions.

Chair David Bucek: Thank you. At this time, I'll open the public hearing. I do have one speaker who has signed up for this item, which is Nadia Palacios Lauterbach.

Agent Nadia Palacios

Lauterbach: Nadia Palacios Lauterbach, thank you for listening to us. We have some letters from our building science consultant. We emailed them to staff yesterday, but [Yasmin] recommended that we bring prints to distribute. So, I don't know how you want me to do that. ... The gist of the letter is, we have commissioned a forensic assessment of the property and we are requesting replacement of the windows because of two reasons.

Reason #1 is that the house suffers from extreme moisture and our goal is to preserve the house for many generations to come and the moisture is a real problem for the resiliency of the structure. All of the windows sweat every single day, and they will continue to sweat if we don't replace them with insulated glass and proper weather stripping.

Fortunately, we have access to [a] manufacturer that can do of replica of the historic windows down to the profile and we can make the sash deeper to allow for the depth of the profile. So, from the street you will not notice that it actually has insulated glass.

The most important reason why we want to replace the windows is because of safety. The second floor windows come all the way down to the sill. These windows do not meet code. It—they just cannot meet code. These windows are in the bedrooms of two of their daughters. They are small children. Glass that is ¼-inch-thick breaks very easily. Staff has recommended that we put a plexiglass insert on the windows; we considered that and that would be detrimental to the health of the building because that would continue. That would cause even more condensation.

Commissioner Shantel Blakely: —consideration to grant the speaker additional minute?

Commissioner Josh Brodbeck: Second.

Chair Bucek: All in favor?

All HAHC Commissioners: Aye.

Chair Bucek: Please proceed.

Agent Palacios Lauterbach: Thank you. So, the insert would actually cost—it would exacerbate the condensation. So, we looked at the staff recommendation and then we talked to our building science consultant and it was determined that if we want to save this building, then the best course of action is to replace the windows with like-for-like. And the safety concern is a really big deal because we know that it will not pass code inspection and the solution provided by this body would actually be detrimental to the health of the building. Thank you.

Chair Bucek: Thank you. ...

Agent Palacios Lauterbach: OK.

Chair Bucek: We'll let you know if there's any additional questions that we have.

Agent Palacios Lauterbach: OK.

Chair Bucek: And you may sit down, yes. And while I have the public hearing open, if there's anyone else in the audience that would like to speak on this item, please announce yourself... Not seeing anyone. I'll close the public hearing. Are there questions of staff from commissioners? Has anyone looked at the house condition of the front and side windows that also looked at the condition for repairability and other aspects of the of the of these windows?

Staffperson Arslan: So no, they provided us with pictures and the agent did say that the windows are not in beyond repair conditions. And so they provided us with a lot of documentation for the windows. But they did mention that safety is their number one reason and wish to come and get a chance to come and speak to you.

Chair Bucek: Understood. Commission members, are there additional questions? Commissioner Escobar.

Commissioner Zion Escobar: Apologies, I'm looking through the details here. I'm hearing what was shared. I haven't had a chance to read all of it, of course, 'cause it's happening real time. But if the windows are going to be replaced with something that's like-for-like... what would be the reason not to do that, if visually, they'll still look the same? Or did I miss a detail on the fact that they will visually be different in some way that affects the historic quality?

Staffperson Arslan: So they they will look the same. We're not disputing that fact, but in the criteria—Criterion 9—talks about destroying significant historical material. And so if the windows are not beyond repair, which is the language that is used in the administrative approval that allows replacement of windows, it, it is historical material. And so staff felt that it did not meet Criterion 9 and that is why we recommended that they keep them, because they did say that they are not beyond repair. But they choose—they would like to replace them for other reasons.

Commissioner Escobar: I have a question—

Chair Bucek: Please.

Commissioner Escobar: —here in that regard, just because this is my first term here. I'm curious what the precedent is for resiliency-type matters. I know that windows are oftentimes the thing that will trigger someone wanting

to get rid of a historic home and these kind of issues, mold, moisture, safety being one additional one. That's the first time I've heard this particular one. What's the precedent with approving windows that allows for the home to be maintained so that you don't have to destroy historic home because of a lack of windows? Not that this home would be destroyed, obviously. That's not at risk here.

Chair Bucek: Understood. There is not a precedent for just throwing away windows that are in good working order and can be repaired.

Commissioner Escobar: That's what I was thinking.

Chair Bucek: There are ways to add weather stripping. There are ways to add internal, like, interior storm windows, which you can't—we can push on but they won't—they won't give if you push on them. They're removable. They can either be glass or acrylic. They can have—you can film the glass to be with the low E-coating glass. So, it can also reflect heat and from an energy standpoint.

For instance, similar homes—like the Green Revival home in Galveston that was knocked down by Hurricane Ike—in fact became the first Lee Platinum home in America. And it was an old Victorian and it—they kept the window. So, you can, by adding storm windows and adding weather stripping and a film, you can make it very energy efficient. Generally, you don't have moisture condensing between the two films. Sometimes consultants will put a port in the outer window.

With the way this Commission has looked at this issue, it has to do with the condition [of the windows], or if can they be repaired. If we—if you all determine that they are really, you know, it's a really beyond the pale to, you know, if it's a very difficult repair, sometimes the precedent is still to lean toward allowing replacement. In this case, we've heard a lot about the single pane glass and we need to use double insulated glass. And there are ways of making a sash that looks very similar to the original windows, especially if they're using wood and weights and so on. But even then you—I guess you could conceive and consider replacing the sash by keeping the frame in the jam, you know. So, there's a lot of nuances here.

But generally we're trying—again, it's about historic fabric, trying not to throw these things away. There are many conversations happening around the world nationally. And of course, it's one of the ongoing

questions and conversations that this body will have in the future and for all time, I think, so. So, we haven't, but it is certainly—these discussions are happening. So I do have [a question from] Commissioner [Becky] Davis, followed by Commissioner [Sam] Seidel, who wanted to add a comment. Or you can you can choose any questions about the windows.

Commissioner Sam Seidel: I mean, you can ask about precedent, you know, 10-12 years ago, [my company was] getting approval to replace all sashes on historic homes, which it was just a kind of a standard deal regardless of the condition of repair. And this is a, you know, kind of a difficult spot because, if the home is experiencing what is what is described in the forensic report, eventually those windows are going to be damaged to a point where they need replacing. Not to mention the, all of the other collateral damage that comes with bad windows, okay.

So, if we're doing a brand new addition, we're conditioning brand new construction space, that's got to be accounted for. And then trying to have a continuous condition space with very, very bad old windows, to me, is only saying eventually something even worse is going to happen that is going to require the removal of probably even more historic material with mold or any other unnecessary deterioration.

When—if we went back to... I've always gone back to that sash replacement because it's what we used to always do and it really helped us from a building standpoint. Like in-kind from the street historic, look and feel, was preserved and then on the inside of the home, we were able to condition it properly and save it for a long period of time.

To the applicants point, it makes a lot of sense to me, as somebody who has to put these things together and make them last a long time, that replacing the windows—especially if they are going to go to the point of putting in exactly the same thing—it's not exact obviously because it's switching them out, but—they are not requesting to put, you know, aluminum windows with no divided lights in the front. I mean, we're talking about from the street, its going to look exactly the same and we're actually preserving a historic home for a lot longer time. That's my comment.

Chair Bucek: Commissioner Seidel, you're coming up with the sash replacement, or I think sash packs where you used to kind of indispensable and some of those

early years. But in that case, the jam remained. The sill of the jam remained. It was just the operable sashes that was replaced. In for your example, just for reference.

Commissioner Seidel: That's correct. We have different window styles here. I mean, we have different type of window in this scenario. But my point remains the same, is that, enabling us to preserve the entire structure by thoughtfully and respectfully—related to the historic look and feel—put more energy efficient and newer product in there really helps preserve the whole structure.

Chair Bucek: Thank you. Commissioner Davis, you have a different comment, followed by Commissioner Blakely, I believe.

Commissioner Becky Davis: Yes. I just have a question. And it doesn't relate to the windows at all. I don't see how big this addition is. Is there something that states how big the addition is and not that anything turns on it? I just couldn't find it.

Staffperson Arslan: Oh, the actual square footage. Yes. I did not put that on the first page... May we ask the architect to come in and speak on that?

Chair Bucek: I'll open the public hearing at this time to ask a question.

Agent Palacios Lauterbach: ...We're looking it up. I don't have that number memorized.

Chair Bucek: ...While we're looking that up, is it possible for Commissioner Blakely to ask your question or make your comment?

Commissioner Blakely: Yes, I want to turn to the safety issue because, I mean, we are as a deliberative body allowed to—we're asked to consider these applications on a case-by-case basis, right. So whereas ordinarily we would look at windows and have the assumption that these are, you know, waist height or higher, but here we have a case in which the way the house is used means that there's sort of high activity in rooms where the windows go all the way to the floor. So I see that the solution proposed is new windows with tempered glazing.

But I guess, and I, and I'm inclined to want to make some kind of allowance for safety. I think, you know, that I think compassion would have us do that. And not like—we want people to be able to live in the house, and we want to honor the intention of the owners to care for the house as they are proposing

to do, and not make it painful for them to keep living there.

I guess I want to go to the sort of plexiglass or glass insert option because it seems to me, first of all, that's an that's a path that we recommend to owners of homes in, let's say, Glenbrook Valley, the neighborhood with all aluminum windows where some of the same energy considerations arise. And I've never heard—I've only heard of the innuendo type-solution spoken of in the highest term. So if it is true that those acrylic inserts do actually cause condensation, this is the first time I'm hearing that. And it also seems like that would be a good solution from the safety point of view.

So, it would be both consistent with what we have asked owners to do in the past—to propose this as a way of keeping the historic material, and it would seem to address potentially the safety concerns by adding this barrier that keeps it from crashing into the window.

But maybe someone who knows more about those inserts than I do could speak to the sort of potential inherent dangers because that isn't, like, just keeping the bad windows. That is like kind of partnering them to help the house to perform better.

Chair Bucek: I can just say, and I can direct you to buildings on the Rice campus where you work, look at Maxwell Hall, which all the all the original windows are intact and they all have an interior storm window—which is actually glass as opposed to acrylic, which, because you can you have the option of glass or acrylic. They are airtight. So, they work from an energy standpoint that in that project was a Lead Gold project, for instance. But I would just say for residential projects, some applicants don't want the look of the storm windows. So that's part of what many applicants, you know, bring to us. So, it kind of depends on the nature of the window can be made very energy efficient. You can add weather stripping, you can add a film to reflect direct sunlight, for instance.

And the safety issues, a different issue that's been raised up in the—what's different about this project is that the windows go to the floor, which it kind of tells you that, that when this house was built, you know, you had to raise the window up to get enough air flow because it was built before air conditioning. So I think that's the height of the—the fact that the windows go to the floor, basically, I think that's the outlier issue that we don't normally see, as you, as you pointed out. And so that's part of the safety issue.

Agent Palacios Lauterbach: We have the number [of the size of the addition]. It's 660 square feet, the footprint and it—there's a second story above it, but the second story doesn't go all the way. So, there is a one-story garden room addition and then there is a larger room. We have visible existing corners preserved so that you know exactly where the old building was. We have clear demarcation, you know of original structure in addition.

When we spoke a while back with Yasmin regarding the windows, one comment came up about removing and saving the windows. And we are certainly very happy to do that. We're not—we don't want to destroy historic material. So, if we can take out, you know, what is there, save it, store it, and it could be put back.

I mean, I know that in the standard there is a thought, you know, that the reason why you preserve the corners, the reason why you want to a definition between the historic and the new building is that—or the addition—at some point, you could go back and you could completely remove that addition and then your historic building would be preserved. So, we could say that, too. You know, we could commit ourselves to saving these historic windows, which, you know, are in good shape, weather stripping is falling on some. I mean, there's a lot of imbalance to Commissioner Seidel's point that, for a house to perform, everything has to be equal. And so, the windows need repair. Not all of them, you know, are in great condition. But we could commit ourselves to save all of them. So that way we're not destroying it.

But then we get to address the issue of safety. And Commissioner Bucek, to your point of having windows that are airtight, that is actually not a good thing in a building that is not airtight. These houses leak. They need to breathe. So, if we put an acrylic interior storm window that makes that particular unit airtight, then you are guaranteeing that we're going to destroy that house. It works in a commercial building that has been designed with different parameters, but it does not work in a house that leaks everywhere, that doesn't have insulation on the walls, you know.

And so, the issue of safety is the most important thing for us and for my client. We cannot retrofit the sashes because tempered glass is heavier and it is thicker. So the current sashes would not receive the weight and the thickness of tempered glass. And also, we want to save the house. So we do not want to do interior storm windows because that would be

counteractive to preserving the house. But we can commit ourselves to saving every single historic window that we remove—which was something that Yasmin brought up a while back.

Chair Bucek: Thank you. OK, I'll close the public hearing. I do have questions or comments from Commissioner [Ashley] Jones, followed by Commissioner Brodbeck.

Commissioner Ashley Jones: We'll have Commissioner Brodbeck go first. I need to rethink my comment here.

Commissioner Brodbeck: Question for the applicant.

Chair Bucek: I'm going to reopen the close hearing again.

Commissioner Brodbeck: Sorry. It's just one window that's the issue, right?

Agent Palacios Lauterbach: No, the four windows in the front are bedrooms.

Commissioner Brodbeck: And all four of them have safety concerns, or?

Agent Palacios Lauterbach: They all go to the ground.

Commissioner Brodbeck: Okay.

Agent Palacios Lauterbach: Yes.

Commissioner Brodbeck: So, all things being equal, if we were to approve staff recommendation, with the exception of those 4 windows for safety matters, would that be acceptable?

Agent Palacios Lauterbach: With the exception of those four windows?

Commissioner Brodbeck: Correct.

Agent Palacios Lauterbach: No, that wouldn't be acceptable. I can tell you from a personal anecdote, I live in the Heights. My house was built into it, in 1926. It's 100 years old. And recently, my son broke his bedroom window. And he was not even, you know, being rambunctious or anything. He was in his bunk. That's not even a window that goes to the floor. He was in his bunk bed, threw his feet up in the air. He broke the window. And then I broke the windows at the clock tower by knocking on them. I have two scars here on my knuckle on quarter inch thick glass, blood all over the sidewalk. It is a real safety concern. And so, skipping those four windows, those are children's bedroom windows.

Commissioner Brodbeck: I probably asked my question poorly, I apologize. All things being equal, if we were to approve staff recommendations with the exception of those four

windows, so that you could put in the material you that you would like to, provided that the frame is a replica of what's there, would that be acceptable?

Agent Palacios Lauterbach: I would have to confer with my client. But we also have a bedroom in the back that you don't see from the street, though I know that something in the back is not so much of a concern, but the primary bedroom has every single window also going down to the floor. So, our safety concerns are everywhere.

Now I understand that in the back of the house, it's not too much trouble because nobody sees it, but we would like, we would like all the windows, you know, that go down to the floor. They're everywhere. The ones in the in what used to be the sleeping porch. Those are not original. That was enclosed in. So it's really the front two bedrooms and then the primary bedroom has windows that go down to the floor.

Chair Bucek: Thank you again. I'll close the public hearing again.

Commissioner Jones: Can I give my comment?

Chair Bucek: Yes, yes.

Commissioner Jones: My only issue with this is that we do have windows that have been here since 1938 and have gone through how many hurricanes and how many everything else. And I do think there's a compromise here where we can save some of the historic material yet address the concerns of the applicant.

Chair Bucek: Are you prepared to make a motion?

Commissioner Jones: I'm inclined to go with Commissioner Brodbeck's approach, which mainly aligns with staff recommendation but addresses the four windows of concern associated with the children's bedrooms that those can be replaced within the purview or with staff's oversight.

Chair Bucek: Is there a second? So I just need to ask for the second and then I can go to the discussion... But is there is there a second to the motion?

Commissioner Jones: Okay, here is some clarification. So, staff's recommendation is that only the rear windows can be replaced, right. So anything we see from the street cannot be replaced. My amendment to that is that the four windows of concern associated with the children's bedrooms can be replaced, given the

Commissioner Seidel: guidelines listed in the report, and with some oversight with staff to make sure that matching

windows are selected. ... We can ask for all the windows to be saved as well.

Commissioner Davis: So this also concerns some side windows that were in the front and side elevation. So are there side—are there issues on the side windows in addition to the front ones?

Commissioner John Cosgrove: I believe the applicant spoke.

Commissioner Davis: I'm sorry?

Commissioner Cosgrove: I said I believe the applicant spoke most about the kids' bedrooms. I mean, it now has introduced that there are other windows that go floor to ceiling, although—

Commissioner Davis: —they're at the rear of the house—

Commissioner Cosgrove: —they don't necessarily need a full schedule of every window and its dimensions, I mean in relation to where they are in the house. So sure.

Chair Bucek: And I will say—

Commissioner Cosgrove: I have some reservations about the, the motion. I'm, I'm supportive of the compromise, but I would need to know which windows we're talking about and how many we're talking about.

Commissioner Brodbeck: Point of order, Mr. Chair. To save us time before we get into discussion. Should we have an open motion on the table, so that we're discussing something?

Chair Bucek: I still need a second to the motion, as I stated. Ginger, sorry.

**Ex-Officio Architectural
Archivist Ginger Berni:**

Yes, I just wanted to point out that the original drawings by Birdsall Briscoe are at the Houston History Research Center and anyone can consult them. They have the window schedules with them and, as a Birdsall Briscoe design protected landmark from the 30's, the windows going to the floor is a purposeful design. They were meant to be lifted so you could walk out. I know you know this, but that's not an unusual feature. That's a purposeful design without air-conditioned home. This was to allow breeze. So, it is historically, you know, accurate and part of the design. Just wanted to add that.

Chair Bucek: Thank you. Still looking for a second to have further discussions.

Commissioner Blakely: I'm confused by the motion because it seems that

staff recommends approval, but with the proviso that windows visible from the public right of way be kept.

Chair Bucek: Correct.

Commissioner Blakely: And it seems that [there's] maybe a consensus among the commissioners is that, owing to the safety issues, that the conditions just be lifted. So that—

Chair Bucek: That's not the motion. The motion was only lifted for the front four windows that were in the children's bedrooms. Or I'll just say any of the windows in the children's bedrooms that go to the floor.

And one thing that wasn't stated, which Commissioner Seidel is well very aware of, is that for new construction, any window that's within like 18 inches or two feet up, 24 inches off the ground, has to be tempered or to be laminated for safety. So, the applicant has made, you know—it is really singled out that they'd like to replace all the windows as they stated, but they specifically stated these windows that go to the floor because that's where things can get bumped easily, and this type of glass that's in the window—which they can change the glass to tempered as within the existing windows tomorrow. You can get glass that's tempered and go in the current windows.

But part of what they're asking is just—to have is consideration for these windows, which are, which are not your normal windows, but they are normal for a big home that was based on cross ventilation in, in, in a time before air conditioning. But the motion was just for the windows in the bedrooms that go to the floor only and not the other windows in the front of the or sides of the house.

Commissioner Blakely: Have you seen elevations of the sides and the other windows in the right of way?

Commissioner Jones: Chair Bucek. How about I withdraw my motion since we don't have a second and that way we can talk about this a little more.

Chair Bucek: Okay, fair.

Staffperson Arslan: May I explain something here? May I?

Chair Bucek: Please.

Staffperson Arslan: Okay, so the blue windows are the ones that the applicant is asking to be replaced. The red ones are the ones that will be removed because of the addition

that is built and then the green ones are the ones that are going to be retained.

What I understood from the motion was the four windows—like on the second floor, two windows on each side of the green door, those are the ones that the motion was to—can be replaced. Is that correct?

Commissioner Blakely: That fifth window on the second floor, is that in the same room as one of the four? Because I believe that ought to be included as well. If it's the same room, then it's the same issue. Yes, it doesn't go all the way down, but it's close. I would recommend allowing that one also to be.

Chair Bucek: I think you're referring to the window to the left of that window, the far left—

Commissioner Blakely: —Yes, that one, which is not one of the four in the motion. So, but it would be visible, presumably.

Agent Palacios Lauterbach: Yes.

Chair Bucek: There needs to be a—sorry, there needs to be a question. Let's ask for the applicant.

Commissioner Seidel: I have a question for the applicant.

Agent Palacios Lauterbach: Okay, so the we are not showing the floor plan for security reasons and we ran that by Yasmin, but we have a stair hole in the center and then we have bedrooms here on the side. So the windows that are marked left and right, they belong to the same room. And as you turn the corner, then all of those windows belong to the same room. So, the, the problem is exactly as you're saying, if you change one window, you don't change the other. And the one around the corner, you still have the safety problem. So, as you're looking at them, you know, it's, it's a room all together and all of those windows are in that room. ... Yeah, 4 windows per room.

Commissioner Seidel: So I think that—if I might—I don't think that—I think everyone here is just trying to get to the right motion because clearly we've got an applicant who is trying to comply and check the box for safety as well as protect the entire structure by not adding—or not preventing moisture. All right, best way I can say it. All right, so what windows do you need to replace? Because if you can call those out—is it all the blue ones still?

Agent Palacios Lauterbach: Yes, it would be all the blue ones because once we introduce windows that have a different type of glass and weather stripping and if we do not go throughout

the house and make sure that all of them are equal, then we are still creating thermal imbalances in the structure. So, it cannot be a patchwork replacement. It needs to be a complete, holistic approach to the resiliency of the structure.

Commissioner Seidel: Thank you. I was trying to get you to say that because what we've got to understand is, if we select a few to replace, we can—they can actually introduce additional problems.

Agent Palacios Lauterbach: Correct.

Commissioner Seidel: You can't—if you got super old thin windows, you can't replace and tighten up six of them and leave the rest. It's an even—it's exacerbating the problem.

Agent Palacios Lauterbach: That's right.

Commissioner Seidel: So, I think we either need to say approve, move to approve this—replacing all of the windows because we have an applicant who's trying to keep the historical style to it. That's the—I'm trying to open up the discussion on that consideration.

Chair Bucek: Commissioner Escobar

Commissioner Escobar: As an engineer, I agree. And as a person who's certified in sustainable building, this patchwork becomes more problematic for the resiliency. I absolutely agree. I do hear that there are other options, but from my experience with historic structures in other communities—yeah, the fact that you need to the house to breathe is very relevant here. And I've seen that done the opposite way recently and there's been a problem with a commercial building being done with windows that don't allow that breathing of the structure.

My question for folks here who know more than me about the... purposefulness of saving the windows and what would be done with that and what that gains us materially just to have them available other than they're available to put into other historic homes for renovations. But if they're problematic here, they may be problematic elsewhere for different reasons, so I'm curious. I agree with wanting to save historic fabric, historic materials. If we're talking about the percentage of historic change to a historic structure, specifically a protected landmark, the house not being materially changed, is the—are these windows really going to drastically change the intention of this protected landmark? I guess that is what I'm curious about and I'm looking for feedback either way to help me contextualize, you know. Thank you.

Chair Bucek: Commissioner Cosgrove.

Commissioner Cosgrove: I mean, I think to me, there's no point in taking the windows out and saving them and replacing them. That doesn't accomplish anything. I mean, I hear the applicant and I understand their concerns, but for me, I just got to lean back to the ordinance. And the ordinance says that unless they're damaged beyond repair, they can't be replaced. And that's what is the driving thing here. They bought a historic home. It has old windows. This argument could be used at any time in the future. If we allow one person to start replacing the windows, then everyone can make the same argument that the windows and the heights are thin and they could break. And I mean, yeah, my kids put their hands through the window. We got lots of stitches growing up. I mean, you know, I don't know. It's just, I feel like the ordinance says they can't do it. And, and we're having this long debate about, you know, basically going against what the ordinance says. And at some point, you just have to accept you bought an old house.

Chair Bucek: Commissioner Blakely.

Commissioner Blakely: I was just going to offer a scenario. You know, there are certain societies for the preservation of antiquities where they will take a house and they will refurbish it and then it's open to the public to visit. And so, when houses have a kind of significance such as this one has been acknowledged to have, sometimes they do become sort of like treated like museum objects, right. So, if you save the windows, you open—you leave open the possibility that somewhere down the line someone could sort of restore the house that way.

I think as to the question of, you know, “you bought” and I hear that and “you have to live in it.” I mean, I, I do think that the safety issue, it's going to come up with a house that isn't one of those sort of pristine preserved objects, right. So I guess if we thought, “okay, we're going to stick to the ordinance,” maybe a more strict path forward would be to say, “okay, replace the glass with tempered glass, but keep the original windows.” Like if you if you can put tempered glass into the original windows, would that address the safety issue, or?

Commissioner Escobar: She said they're too heavy and they wouldn't.

Chair Bucek: You can put tempered glass in the window. The applicant is asking to put insulated units, which are double, two layers of glass with an airspace in the

middle. That is heavier and it does require a thicker jam. The slash ash. The depth has to be increased to accommodate the additional thickness because single pane glass is much thinner. But again, this what's different still about this application from most of the projects that we see is the fact that the glass goes to the floor. And in the code, glass that goes to the floor for new construction has to be tempered or laminated. And so, I mean, there is a heightened safety issue with like these bedrooms that go to the floor, which is not typically what we do see day in day out. And the way the ordinance is written, it does allow for a patchwork. That's sort of the way the ordinance works.

And there, there are many buildings that have single pane glass, including the capital of the state of Texas. I mean, it's, that's what they do.

Commissioner Blakely: But, just to clarify our options, then either we insist on the patchwork in which the front windows are not changed, or we allow the replacement of all the windows with tempered glass solutions, or we insist on interior storm windows or some solution. Although I think the, the compelling case has been made against that by the applicant. But I mean, are there any other options on the table?

Chair Bucek: Well, I just must say, I think that there are many historic homes that use the interior storm windows. They do not have an issue that do not even have a moisture barrier in their lead platinum. So they're—that's not an issue that's an option that the client has asked for. Typically, we—I'll just say this, we don't mandate interior storm windows. So that's not in our ordinance. And so we're really just looking at the storage fabric and whether or not we will allow it to be removed. And, if it's replaced, what, what will replace it. That's my understanding, but it's at the end of the day, it's the consensus of this body and whatever the consensus is for this application is what is where—what we need to get to as soon as possible today. Commissioner Browning.

Commissioner Robert Browning: I note that we all unanimously approved staff's recommendation at the beginning of this meeting. And now there seems to be a growing consensus to change their mind. And we received this document—I guess staff received it a day or so less ago—I appreciate why it wasn't in the publicly disclosed packet because you didn't have it yet. But this document, other than what somebody that's come up and said to undermine staff's recommendation, is all we have. Would staff benefit from a deferral motion to provide time for it to consider this new document

and work with the architect on potential solutions or would staff prefer this to move to a vote today?

Staffperson Arslan: Thank you for asking. I think the document does not show that the windows are beyond repair. And even though we understand resiliency and sustainability because it's a historic home and a protected landmark, our hands are tied with the ordinance. And so I think deferring will not change their recommendation.

Commissioner Browning: Okay, I appreciate that. I took some time to—I couldn't read every word because it's a pretty long document, but I read it and what I read is consistent with what you just said. And I know that during the discussion, the unsupported discussion that that was provided, the explanation moved from leaky windows to a safety issue. And gosh, "it's a kid's bedroom" and "don't we all care about kids?" and we do. That having been said, could—would not every individual who comes before this body say, "well, my kids are there and I need height and safety?" Well, you bought a Heights house. And Commissioner Cosgrove brought that point up and I find it very persuasive.

I also have an issue with the pivoting explanation, which I found to be unpersuasive at best and potentially not credible. So for discussion purposes, if staff doesn't want a deferral motion, then I think someone should make a motion to approve staff's recommendation. I'd be in favor of that.

Chair Bucek: I have a comment from Commissioner Brodbeck.

Commissioner Brodbeck: Motion to approve staff recommendation.

Commissioner Cosgrove: I'll second it.

Chair Bucek: All in favor of that motion?

**Commissioners Browning,
Jones, and Smith:** Aye, aye.

Chair Bucek: All opposed?

Commissioner Davis: Nay.

Commissioner Blakely: Nay.

Chair Bucek: Commissioner Davis and Commissioner Blakely are nay.

Commissioner Seidel: Let me make sure I understand the motion. Staff's recommendation is approving this C of A. They can

replace all of the windows, save four of the front.

Chair Bucek: No, the motion was the—what was on the consent agenda, which they can replace their rear windows, but not the front or side windows visible from the right away.

Commissioner Seidel: So the side windows... let me see... only the rear windows may be replaced. "All original windows visible from the public right of way on the front and side elevations must be retained." ...I'm in favor.

Chair Bucek: Okay, so there are two votes opposed to the motion. Did I get that correct? ... Oh, sorry, I did not notice that.

Commissioner Escobar: This is the struggle of logic for me.

Chair Bucek: Again, I mean, I'll just say, I think that the vote should be based on the ordinance and your understanding interpretation ordinance.

Chair Bucek: —And obviously I think that each of you have the discretion to understand and, and how you look at that. So it's not—this is not a black and white issue necessarily. But I think that the ordinance is still the goal post that we're looking at and how we're interpreting it. And each of us as you can well be imagined or coming from this from different aspects. Therefore, we may have different takes on that.

Commissioner Escobar: I will agree with the motion to approve while internally disagreeing with the building science of it all.

Chair Bucek: We'll let you work that out. That's maybe a policy issue to take up at a different level about sustainability for historic structures.

Commissioner Davis: And I'd like to—

Chair Bucek: Commissioner Davis.

Commissioner Davis: —to rescind my name because I—now that I have that has been stated in way that I think we have to—

Commissioner Blakely: —I want to clarify that I oppose, just because I think that I can't resolve the issue of what it means to be faithful to the architects intentions. I'm not an archaeologist, so. And I sort of acknowledge the special condition of the windows going to the floor and the individual case that may put different pressures on us.

Chair Bucek: Thank you. Okay, with that motion passes and we will now move on to Item 6.

CITY OF HOUSTON

HISTORIC PRESERVATION APPEALS BOARD
PLANNING & DEVELOPMENT DEPARTMENT

Meeting Date: 10/19/2026

ITEM: III

APPLICANT: Spencer Harkness, owner; Nadia Palacios Lauterbach, agent

PROPERTY ADDRESS: 3023 Del Monte Drive

LEGAL DESCRIPTION: LT 1, BLK 1, RIVER OAKS SECTION 1

PROTECTED LANDMARK: Mr. & Mrs. John P. Bullington House

EXHIBIT B:

UNOFFICIAL MINUTES FROM SEPTEMBER 10, 2026 HAHC MEETING

HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION
MINUTES
THURSDAY, 10 SEPTEMBER 2026
CITY HALL ANNEX, 900 BAGBY ST., PUBLIC LEVEL, HOUSTON TX 77002

Call to Order and Roll Call by Chair Bucek at 2:33 PM

Commissioners	Quorum – Present / Absent
David Bucek, Chair	Present
John Cosgrove, Vice Chair	Present
Shantel Blakely	Present
Robert Browning	Present
Josh Broadbeck	Present
Becky Davis	Present
Zion Escobar	Present
Craig Garcia	Present
David Craig Hille	<i>Absent</i>
Ashley Jones	Present
Sam Seidel	Present, left at 5:25 during Item B
Carl Smith	<i>Absent</i>
Vonn Tran, Director for Planning and Development	Present

Legal Department • Heather Cook
Ex-Officio Members • Marta Crinejo, Mayor's Liaison to HAHC
Ginger Berni, Architectural Archivist, HHRC

Chair's Report, David Bucek, Chair, announced speaker rules and meeting procedures.

Director's Report, Vonn Tran, Secretary and Director for the Planning and Development Department,
A scrivener's error was identified in the August 13 meeting minutes. The minutes have been corrected to replace the term "abstain" with "recuse."

Commissioner Mark Smith concluded his service on the Houston Archaeological and Historical Commission effective September 9, 2026, following the completion of his one-year term. We thank Commissioner Smith for his commitment and contributions to the Commission and wish him the very best in his future endeavors.
Concluded with directing the public to the Houston Office of Preservation hotline and website for questions,
8 3 2 – 3 9 3 – 6 5 5 6, HOUSTONPLANNING.COM

Mayor Liaison's Report – None

APPROVAL OF MINUTES

Consideration of August 13, 2026, HAHC meeting minutes

Commission action: Approved, with scrivener's error changing abstaining to recusal on carried votes and spelling error on last name of commissioner Garcia.

Motion: Browning

Second: Blakely

Vote: Unanimous

A. CONSIDERATION AND POSSIBLE ACTION ON THE FOLLOWING APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS; ONE OR MORE ITEMS MAY BE TAKEN IN ONE MOTION AS CONSENT ITEMS:

#	ADDRESS	APPLICATION TYPE	HISTORIC DISTRICT OR LANDMARK	STAFF RECOMMENDATION (SUBJECT TO COMMISSION ACTION)
1	1505 Tulane St.	Alteration – Addition	Houston Heights West	Approval
2	1505 Tulane St.	New Construction – Garage	Houston Heights West	Approval
3	611 W 12th St.	New Construction – Single Family Residential	Houston Heights West	Approval
4	611 W 12th St.	New Construction – Garage & Garage Apartment	Houston Heights West	Approval
5	3023 Del Monte Dr.	Alteration – Addition, Windows	PLM: Mr. & Mrs. John P. Bullington House	Approval w/ Conditions: only the rear windows may be replaced. All original windows visible from the public right-of-way on the front and side elevations must be retained.
6	3963 Del Monte Dr.	Alteration – Addition	LM: Baldwin-Riddell House	Approval w/ Conditions: that the existing ridge height remains at the existing height.
7	3963 Del Monte Dr.	New Construction – Pool House	LM: Baldwin-Riddell House	Approval
8	1102 Winston St.	Alteration – Foundation	Norhill	Approval
9	1040 W Cottage St.	Alteration – Addition	Norhill	Denial of COA, Issuance of COR for work performed without a COA and permit.
10	941 Oxford St.	Alteration – Doors, Windows	Houston Heights South	Approval
11	316 E 18th St.	Demolition – Garage	Houston Heights East	Approval
12	1650 Cortlandt St.	New Construction – Garage	Houston Heights East	Approval
13	816 W Melwood Dr.	Alteration – Addition	Norhill	Approval
14	932 W Temple St.	Alteration – Addition	Norhill	Approval
15	1139 W Melwood Dr.	Alteration – Windows	Norhill	Deferred by Staff
16	303 Hawthorne St.	Alteration – Addition, Garage Apartment	Westmoreland	Approval
17	515 Arlington St.	Alteration – Windows	Houston Heights South	Partial Approval: Denial of window replacement, allowance of front porch and railing reinforcement.
18	1925 Washington Ave.	Alteration – Signage	Old Sixth Ward	Approval

Staff recommendation: Approval of all Item(s) A. No.'s, 7, 8, 10, 13, 15, 16, and 17

Commission action: Accepted staff recommendations for Item(s) A. 7, 8, 10, 13, 15, 16, and 17
Certificates of Appropriateness (COA) and Certificates of Remediation (COR).

Motion: Broadbeck

Vote: Unanimous

Second: Garcia

Opposed: None

ITEM(S) A. 1, 2, 3, 4, 5, 6, 9, 11, 12, 14, AND 18 WERE REMOVED FOR SEPARATE CONSIDERATION

ITEM(S) A. 1 AND 2 WERE PRESENTED TOGETHER WITH TWO SEPARATE VOTES

A.1 1505 TULANE STREET

Staff recommendation: Approval.

Commission action: Defer, the application and have the applicant to pursue a scheme in which there is a more visual separation between the garage and house, impression of a detached garage.

Motion: Blakely Second: Browning Vote: Carried Opposed: Seidel

A.2 1505 TULANE STREET

Staff recommendation: Approval.

Commission action: Deferred.

Speaker(s): Jean Patterson – supportive, Anthony Leantt – opposed

Motion: Broadbeck Second: Cosgrove Vote: Carried Opposed: Seidel

RESEND VOTE

ITEM A.5. 3963 DEL MONTE DRIVE

Commission action: Item removed a.5, 3963 Del Montes Drive was removed from collective consideration vote above.

Motion: Broadbeck Vote: Unanimous
Second: Seidel Opposed: None

ITEM(S) A. 3 AND 4 WERE HEARD TOGETHER AT THIS TIME WITH TWO SEPARATE VOTES

A.3 611 W 12TH STREET

Staff recommendation: Approval.

Commission action: Approved, per staff recommendation.

Speaker(s): Dillon Kyle, Garrett Callen – applicant

Motion: Davis Second: Garcia Vote: Carried Opposed: Jones Cosgrove,
Seidel, Broadbeck

A.4 611 W 12TH STREET

Staff recommendation: Approval.

Commission action: Approved, per staff recommendation.

Speaker(s): None

Motion: Cosgrove Second: Jones Vote: Unanimous

A.5 3023 DEL MONTE DRIVE

Staff recommendation: Approval with conditions: only the rear windows may be replaced. All original windows visible from the public right-of-way on the front and side elevation must be retained.

Commission action: Accepts staff's recommendations with conditions listed.

Speaker(s): Nadia Palaios Lauterbach, applicant

Motion: Broadbeck Second: Cosgrove Vote: Carried Opposed: Blakely

A.6 3963 DEL MONTE DRIVE

Staff recommendation: Approval with conditions: that the existing ridge height remains at the existing height

Commission action: Approved, accepts staff recommendation and the applicants' acceptance to do so.

Speaker(s): Martha Bufe, applicant – available for questions

Motion: Seidel Second: Blakely Vote: Unanimous

A.9 1040 W COTTAGE STREET

Staff recommendation: Denial of COA, Issuance of COR

Commission action: Approves staff recommendation as written.

Speaker(s): Virginia Kelsey – opposed

Motion: Seidel

Second: Browning

Vote: Carried

Recused/Abstaining: Brodbeck

AGENDA WAS TAKEN OUT OF ORDER, ITEM A. 18 WAS HEARD AT THIS TIME

Staff requested to move Item a.18 in front of Item a.11

Motion: Cosgrove

Second: Seidel

Vote: Unanimous

A.18 1925 WASHINGTON AVENUE

Staff recommendation: Approval.

Commission action: Approved, per staff recommendation.

Speaker(s): applicant – available for questions

Motion: Brodbeck

Vote: Carried

Recused: Garcia

Second: Seidel

Opposed: Blakely

ITEM(S) A. 11 AND 12 WERE PRESENTED TOGETHER WITH TWO SEPARATE VOTES

A.11 316 E 18TH STREET

Staff recommendation: Approval.

Commission action: Approved, per staff recommendation.

Speaker(s): Sam Gianuicos, applicant

Motion: Cosgrove

Second: Seidel

Vote: Unanimous

A.12 1650 CORTLANDT STREET

Staff recommendation: Approval.

Commission action: Approved, per staff recommendation.

Speaker(s): Sam Gianuicos – applicant

Motion: Cosgrove

Second: Garcia

Vote: Unanimous

A.14 932 W TEMPLE STREET

Staff recommendation: Approval.

Commission action: Approved, per staff recommendation.

Speaker(s): Sam Gianuicos – applicant, Virginia Kelsey

Motion: Garcia

Second: Seidel

Vote: Carried

Recused: Brodbeck (commissioner left the chamber and returned after discussion and vote)

B. UPDATE ON THE NORHILL DESIGN GUIDELINES

June: Conditional approval granted

July: Staff presentation of revisions addressing conditions to HAHC

August: HAHC rescinded approval and Subcommittee formed

Subcommittee Scope of Work

- Clean up language on floor-to-area ratio (FAR) and other measurable standards
- Confirm applicability
- Ensure consistency
- Copyediting

Next Steps

- October 8th HAHC meeting: Possible presentation of Design Guidelines redline & public comments
- TBD: HAHC final consideration of guidelines
- TBD: City Council Quality of Life Committee presentation
- TBD: City Council consideration

Speaker(s): Broadbeck, Secretary Tran, Chair Bucek, City Attorney Heather Cook, Marta Crinejo, Mayor's Liaison to HAHC

C. PUBLIC COMMENTS

Speaker(s): Dwayne Bradley, Virginia Kelsey, John Albright

D. CONSIDERATION OF THE REVISED RULES OF PROCEDURES OF HAHC

Commission action: Approved.

Motion: Browning

Second: Davis

Vote: Carried

Opposed: Brodbeck

E. COMMENTS FROM THE HAHC

Commissioner Cosgrove explains that the committee has been meeting extensively to clean up inconsistencies in the Norhill FAR document. He emphasizes that there is no hidden agenda and nothing improper happening—just careful, detailed work to make the language consistent and the guidelines easier for applicants to understand and follow. Some modeling is being done to fix mathematical issues that currently prevent certain projects from fitting the rules. The goal is a clearer, more streamlined document so applicants can get predictable results on their first submission. The process is taking longer than expected, but the committee hopes to present a cleaner, shorter version next month. Cosgrove reassures the public that meetings happen at various times simply based on availability and that everything is transparent.

Staff member Geoff Buttler commented on the sharing documents, processes and procedures.

Blakely thanked the staff for clearer drawings as requested in the last meeting.

Ginger Berni, Architectural Archivist, HHRC announced, she will be hosting a “How to Read Sandborn Maps” on 1 October 2026

Brodbeck, expressed the concern from the Norhill neighborhood feeling left out and is asking for the Sub-Committee to be more transparent with their meetings.

F. HISTORIC PRESERVATION OFFICER'S REPORT

Secretary Tran acknowledged and appreciated Blakely noticed the change made staff made, at her request.

Addressed number of applications the HAHC has reviewed. Update to Harper School, sections were saved in parts of the school.

G. ADJOURNMENT

There being no further business brought before the Commission, Chair David Bucek adjourned the meeting at 6:43PM.

David Bucek, Chair

Vonn Tran, Secretary

CITY OF HOUSTON

HISTORIC PRESERVATION APPEALS BOARD
PLANNING & DEVELOPMENT DEPARTMENT

Meeting Date: 10/19/2026

ITEM: III

APPLICANT: Spencer Harkness, owner; Nadia Palacios Lauterbach, agent

PROPERTY ADDRESS: 3023 Del Monte Drive

LEGAL DESCRIPTION: LT 1, BLK 1, RIVER OAKS SECTION 1

PROTECTED LANDMARK: Mr. & Mrs. John P. Bullington House

EXHIBIT C:

COA STAFF ACTION REPORT FROM SEPTEMBER 10, 2026 HAHC MEETING



CERTIFICATE OF APPROPRIATENESS

Reviewed by the Houston Archaeological and Historical Commission

ITEM A5

HPO File #: HP2026_0167

September 10, 2026

3023 Del Monte Dr.

Protected Landmark:

Mr. & Mrs. John P. Bullington House

Applicant: Spencer Harkness, owner, Nadia Palacios Lauterbach, agent

Property: 3023 Del Monte Drive, Texas, Lot 1, Block 31, River Oaks Section 1, Harris County, Houston, Texas 77019. The site includes a single-family, two and a half story 6,568 square foot home built on a 26,775 square foot lot. The lot is 125 feet by 210 feet and is located on the north side of Del Monte Drive.

Significance: Contributing Greek Revival, Modeled after the Le Carpentier-Beauregard-Keyes House in New Orleans constructed circa 1938, located in the River Oaks.

Proposal: **Alteration – Addition:**

The project proposes exterior and interior alterations along with the construction of a **two-story rear addition**. The design retains the **original historic corner of the building footprint**, and the new construction will be **inset** to maintain the existing form and hierarchy of the historic structure. The proposed addition is based on documented drawings reflecting **Birdsall Briscoe's original architectural intent**, preserving the symmetrical composition and overall character of the residence while allowing for expanded space.

Alteration – Windows

The applicant proposes to replace all existing windows with **custom-made, double-hung, counterweight, double-glazed insulated wood windows** designed to match the profiles, appearance, and operation of the existing historic windows. All new windows will be **properly inset and recessed** to maintain historic depth, shadow lines, and façade detailing.

Public Comment: No comment received.

Civic Association: No comment received.

Recommendation: **Approval with conditions:** Only the rear windows may be replaced. All original windows visible from the public right-of-way on the front and side elevations must be retained.

HAHC Action: **Approved with Conditions:** Only the rear windows may be replaced. All original windows visible from the public right of way on the front and side elevations must be retained.

All materials in exterior walls, including windows, siding, framing lumber, and interior shiplap must be retained except where removal or replacement has been explicitly approved by HAHC. Shiplap is an integral structural component of the exterior wall assembly in balloon framed structures and its removal can cause torqueing, twisting and collapse of exterior walls. Shiplap may be carefully shored and removed in small portions to insulate, run wire or plumbing, and should be replaced when the work is complete. Maintenance and minor in-kind repairs of exterior materials may be undertaken without HAHC approval, but if extensive damage of any exterior wall element is encountered during construction, contact staff before removing or replacing the materials. A revised COA may be required.

CERTIFICATE OF APPROPRIATENESS

Basis for Issuance: HAHC Approval

Effective: September 10, 2026



**PLANNING &
DEVELOPMENT
DEPARTMENT**

COA valid for two years from effective date. COA is in addition to any other permits or approvals required by municipal, state and federal law. Permit plans must be stamped by Planning & Development Department for COA compliance prior to submitting for building or sign permits. Any revisions to the approved project scope may require a new COA.



ITEM A5

HPO File #: HP2026_0167

September 10, 2026

3023 Del Monte Dr.

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APPROVAL CRITERIA

ALTERATIONS, REHABILITATIONS, RESTORATIONS AND ADDITIONS

Sec. 33-241: HAHC shall issue a certificate of appropriateness for the alteration, rehabilitation, restoration or addition of an exterior feature of (i) any landmark, (ii) protected landmark, (iii) any building, structure or object that is part of an archaeological site, or (iv) contributing building in a historic district upon finding that the application satisfies the following criteria, as applicable:

S D NA

S - satisfies D - does not satisfy NA - not applicable

- | | | | |
|-------------------------------------|-------------------------------------|--------------------------|---|
| ☒ | ☐ | ☐ | (1) The proposed activity must retain and preserve the historical character of the property; |
| ☒ | ☐ | ☐ | (2) The proposed activity must contribute to the continued availability of the property for a contemporary use; |
| ☒ | ☐ | ☐ | (3) The proposed activity must recognize the building, structure, object or site as a product of its own time and avoid alterations that seek to create an earlier or later appearance; |
| ☒ | ☐ | ☐ | (4) The proposed activity must preserve the distinguishing qualities or character of the building, structure, object or site and its environment; |
| ☒ | ☐ | ☐ | (5) The proposed activity must maintain or replicate distinctive stylistic exterior features or examples of skilled craftsmanship that characterize the building, structure, object or site; |
| ☒ | ☐ | ☐ | (6) New materials to be used for any exterior feature excluding what is visible from public alleys must be visually compatible with, but not necessarily the same as, the materials being replaced in form, design, texture, dimension and scale; |
| ☒ | ☐ | ☐ | (7) The proposed replacement of exterior features, if any, should be based on an accurate duplication of features, substantiated by available historical, physical or pictorial evidence, where that evidence is available, rather than on conjectural designs or the availability of different architectural elements from other structures; |
| ☒ | ☐ | ☐ | (8) Proposed additions or alterations must be done in a manner that, if removed in the future, would leave unimpaired the essential form and integrity of the building, structure, object or site; |
| ☐ | ☒ | ☐ | (9) The proposed design for any exterior alterations or addition must not destroy significant historical, architectural, archaeological or cultural material, including but not limited to siding, windows, doors and porch elements;
the existing original windows are in good condition and retain their historic material and profiles. Their replacement would unnecessarily remove intact architectural fabric, which the criterion specifically seeks to preserve. |
| ☒ | ☐ | ☐ | (10) The proposed alteration or addition must be compatible with the massing, size, scale material and character of the property and the context area; and |
| ☒ | ☐ | ☐ | (11) The distance from the property line to the front and side walls, porches, and exterior features of any proposed addition or alteration must be compatible with the distance to the property line of similar elements of existing contributing structures in the context area.. |



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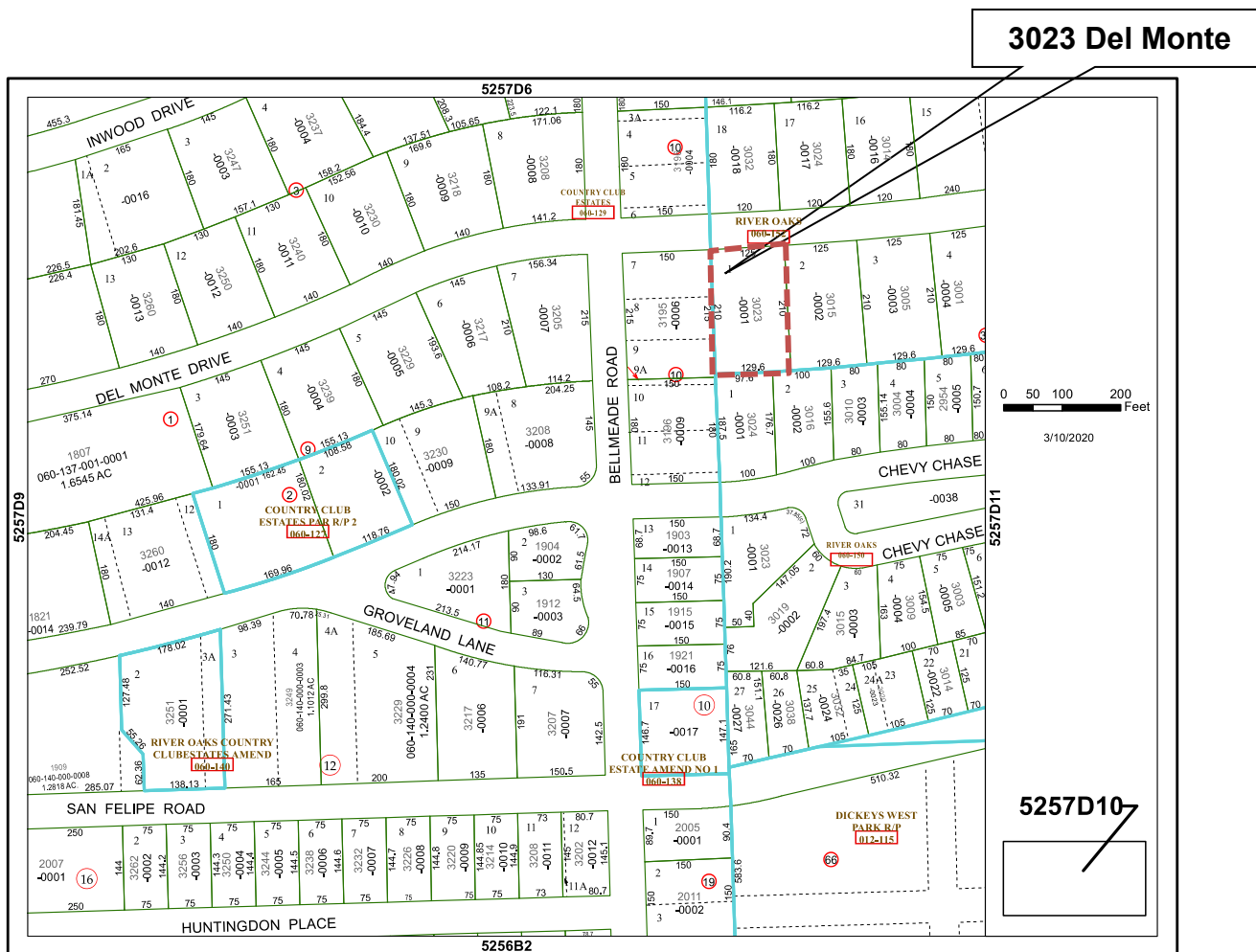
September 10, 2026

3023 Del Monte Dr.

Protected Landmark:

Mr. & Mrs. John P. Bullington House

PROPERTY LOCATION





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INVENTORY PHOTO



HISTORIC PHOTO

1966 SURVEY





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CONTEXT AREA



Figure 1_ 3196 Del Monte _across the street



Figure 2- 3015 Del Monte(L)_next door neighbor



Figure 3_ 3195 Del Monte _next door neighbor



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EXISTING PHOTOS





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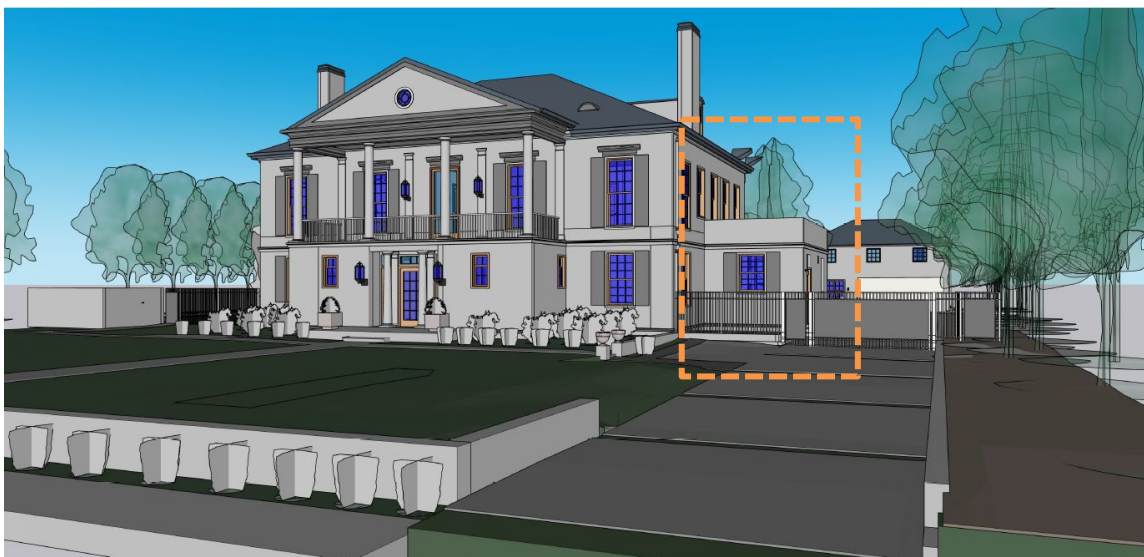
September 10, 2026

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3D RENDERING



EXISTING CONDITION



PROPOSAL



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ITEM A5

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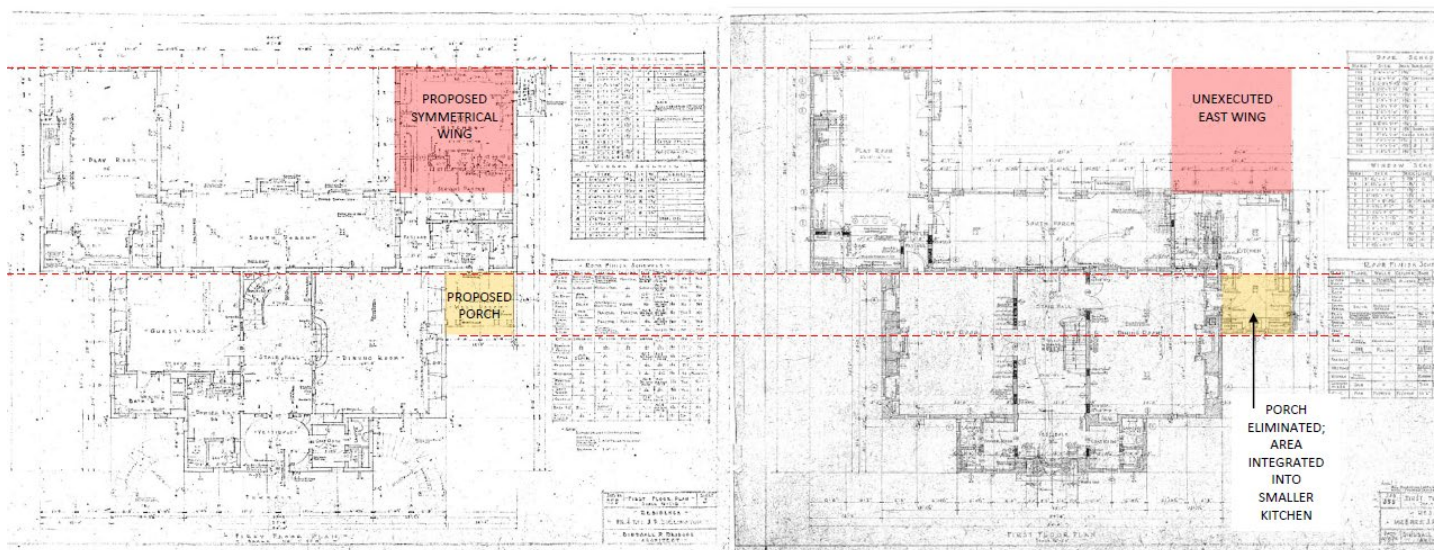
September 10, 2026

3023 Del Monte Dr.

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HISTORIC PLAN ANALYSIS



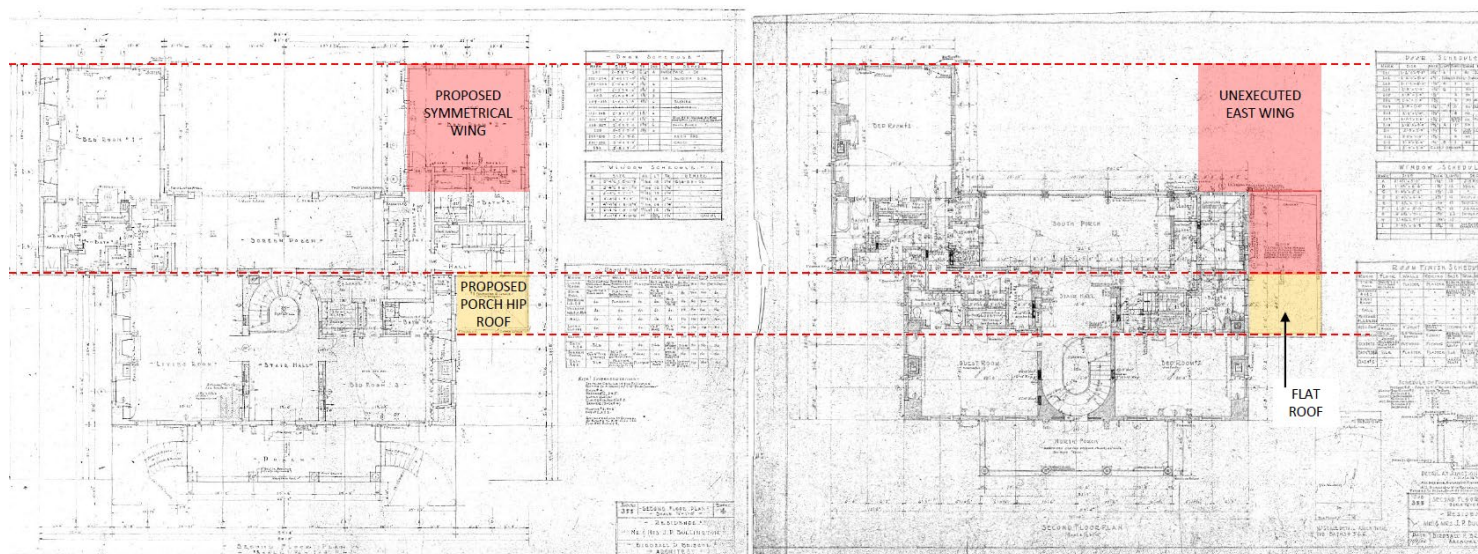
ORIGINAL INTENT

FIRST FLOOR PLAN (DATE UNKNOWN)

Original drawings by Birdsall Briscoe in the homeowners' possession demonstrate the original intent for a symmetrical home.

FINAL DESIGN

FIRST FLOOR PLAN (1936)



ORIGINAL INTENT

SECOND FLOOR PLAN (DATE UNKNOWN)

Original drawings by Birdsall Briscoe in the homeowners' possession demonstrate the original intent for a symmetrical home.

FINAL DESIGN

SECOND FLOOR PLAN (1936)



CERTIFICATE OF APPROPRIATENESS

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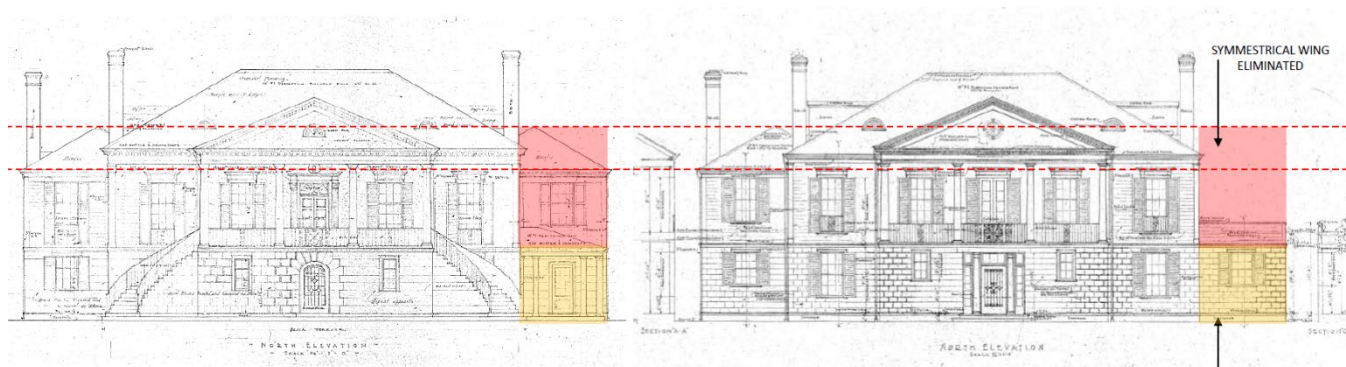
September 10, 2026

3023 Del Monte Dr.

Protected Landmark:

Mr. & Mrs. John P. Bullington House

HISTORIC ELEVATION ANALYSIS



ORIGINAL INTENT

FRONT ELEVATION (DATE UNKNOWN)

Original drawings by Birdsall Briscoe in the homeowners' possession demonstrate the original intent for a symmetrical home.

FINAL DESIGN

FRONT ELEVATION (1936)

SYMMETRICAL WING
ELIMINATED

PORCH ELIMINATED;
AREA INTEGRATED INTO
SMALLER KITCHEN



CERTIFICATE OF APPROPRIATENESS

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Protected Landmark:

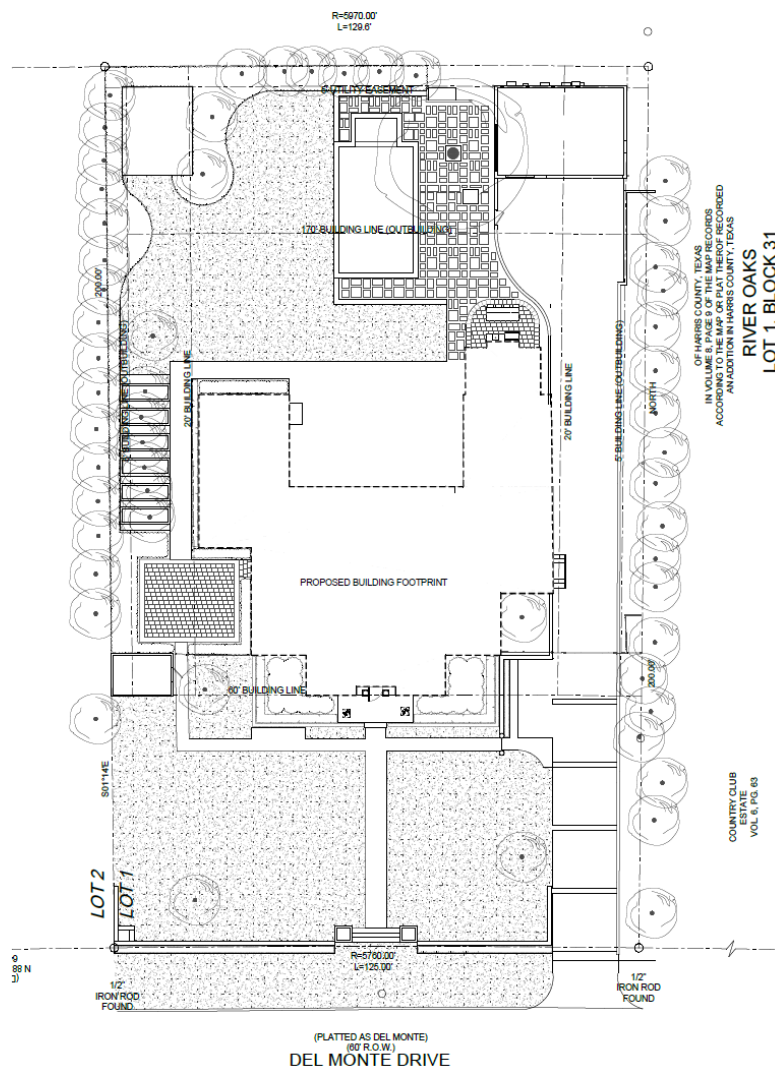
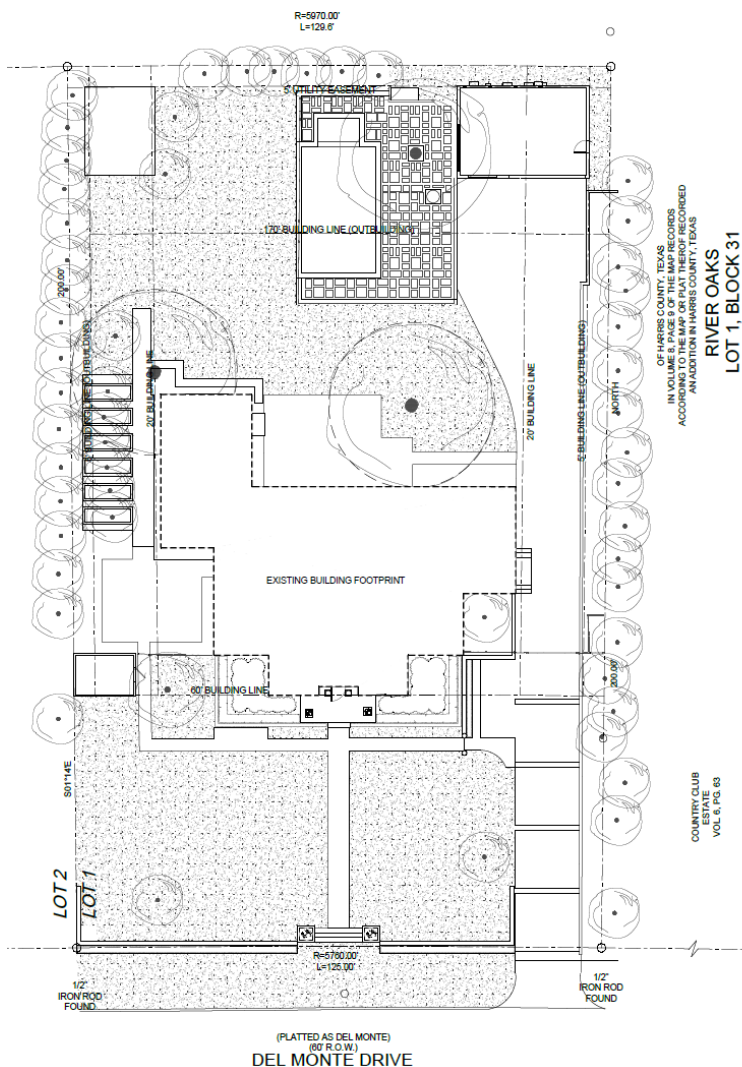
Mr. & Mrs. John P. Bullington House



SITE PLAN

EXISTING

PROPOSED





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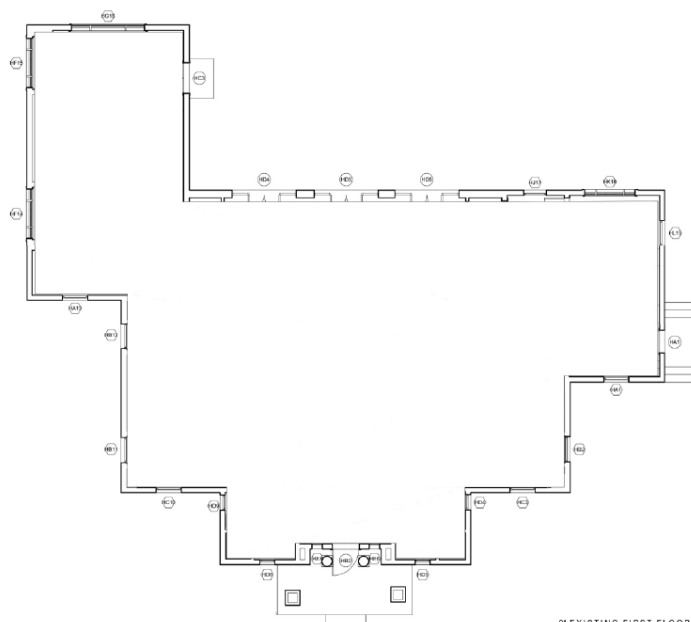
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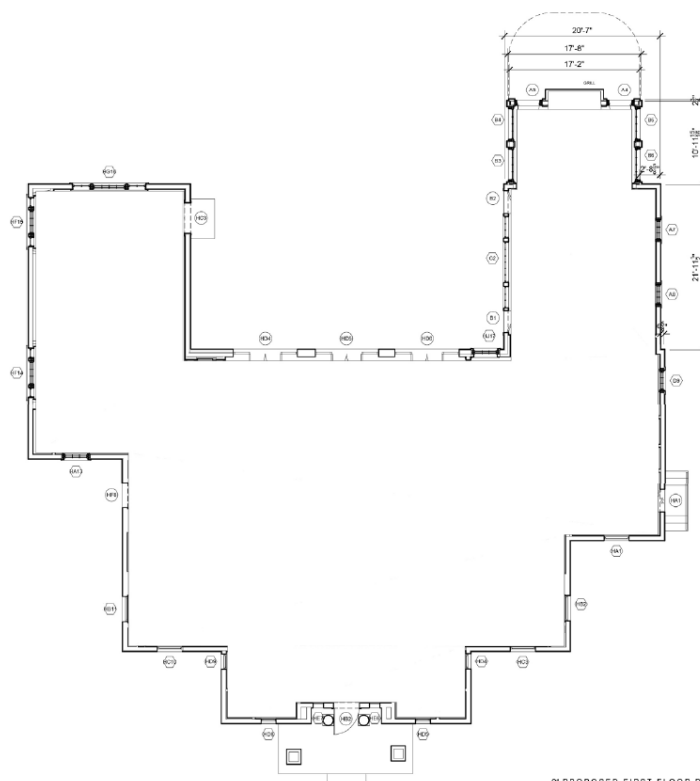
FIRST FLOOR PLAN

EXISTING

PROPOSED



01 EXISTING FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"



01 PROPOSED FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"



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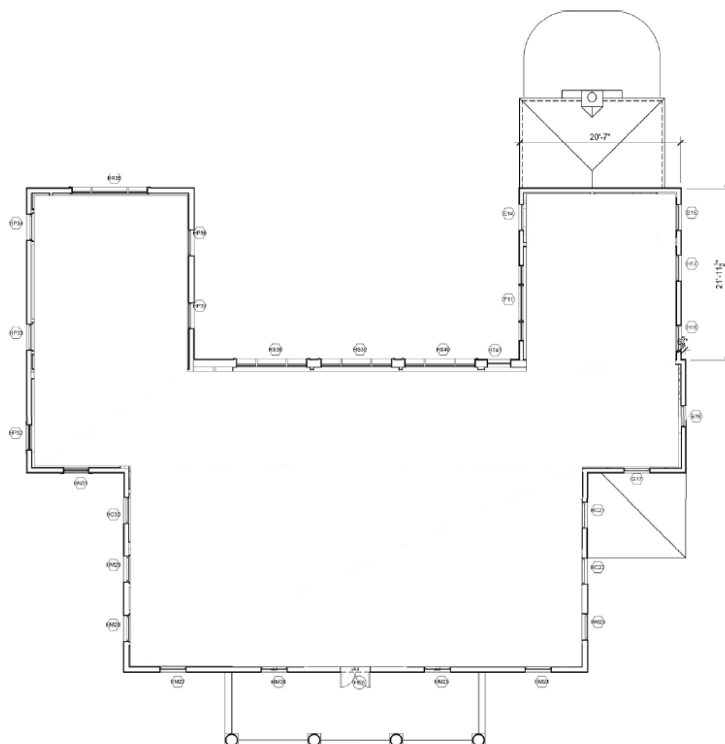
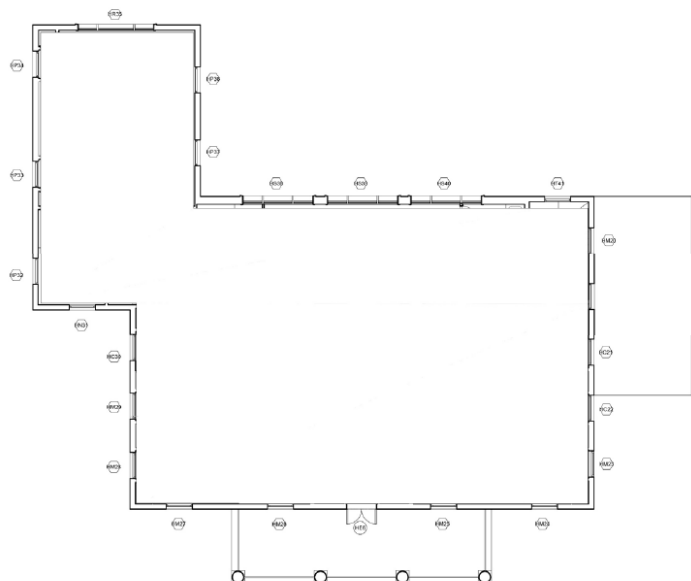
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SECOND FLOOR PLAN

EXISTING

PROPOSED





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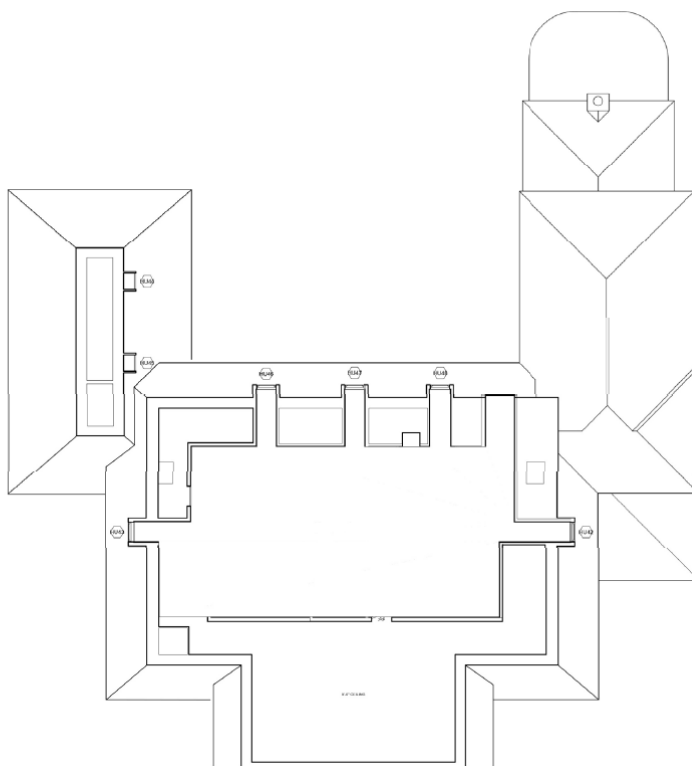
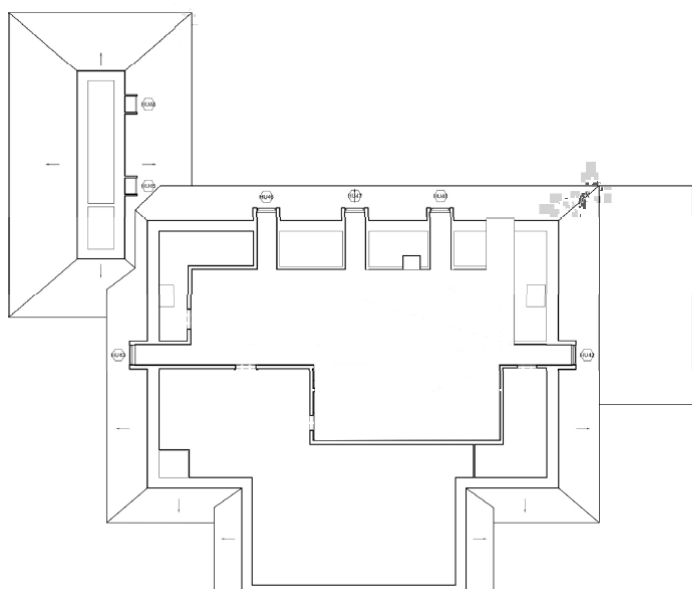
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THIRD FLOOR PLAN



EXISTING

PROPOSED





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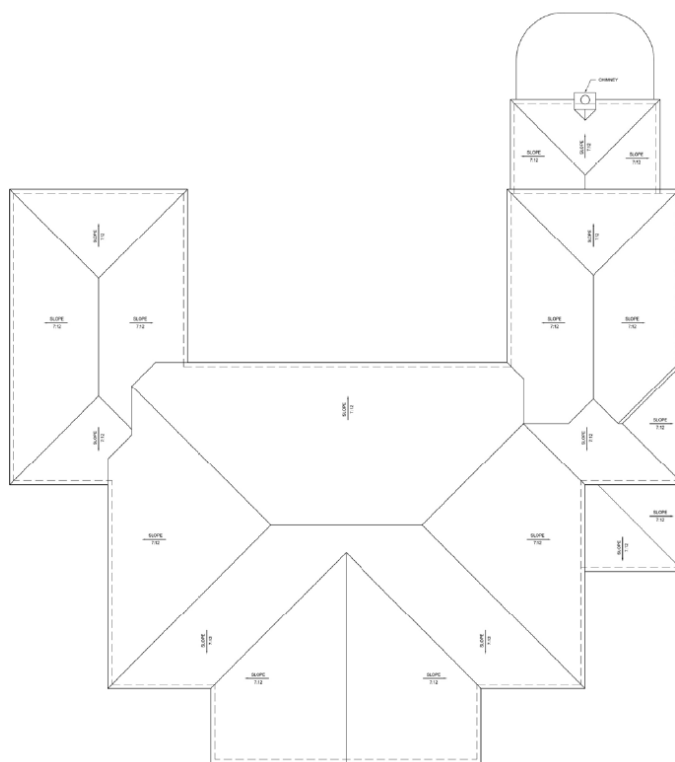
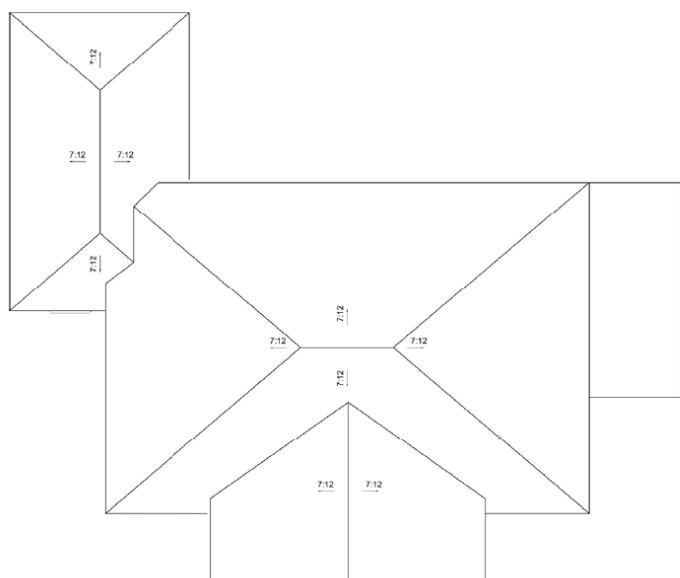
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ROOF PLAN

EXISTING

PROPOSED





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NORTH (FRONT) ELEVATION

PROPOSED



02 PROPOSED NORTH ELEVATION
SCALE: 1/4\"/>



01 EXISTING NORTH ELEVATION
SCALE: 1/4\"/>

EXISTING



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3023 Del Monte Dr.

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EAST (SIDE) ELEVATION

PROPOSED



INCE

Nadia Palacios

EXISTING



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WEST (SIDE) ELEVATION

PROPOSED



EXISTING



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SOUTH (REAR) ELEVATION

PROPOSED



EXISTING



CERTIFICATE OF APPROPRIATENESS

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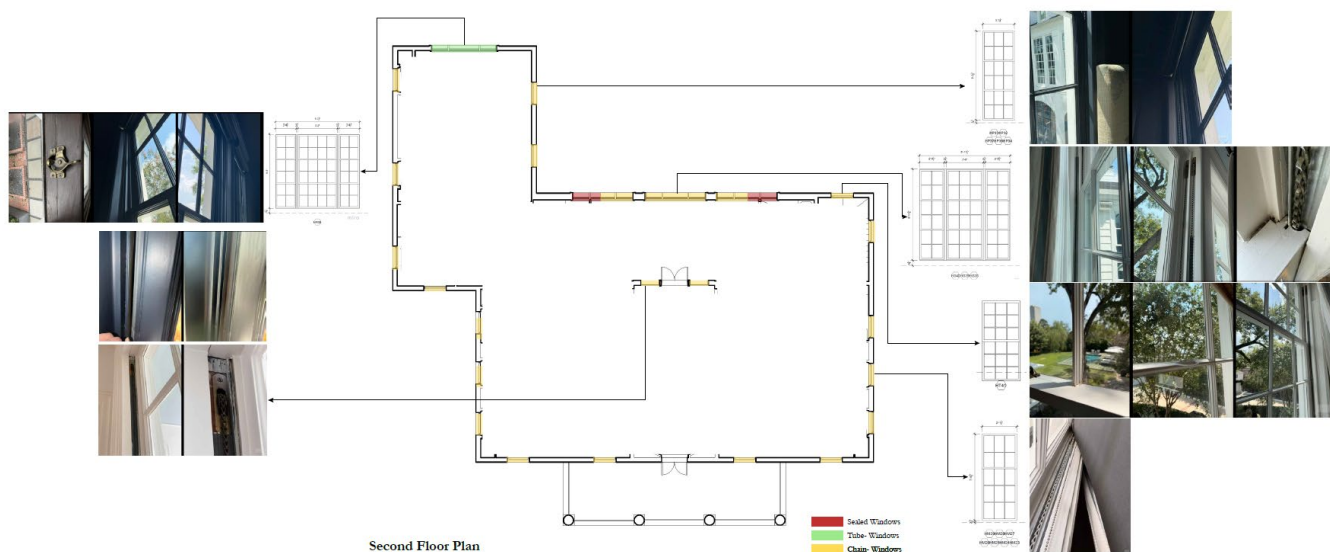
September 10, 2026

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WINDOWS





CERTIFICATE OF APPROPRIATENESS

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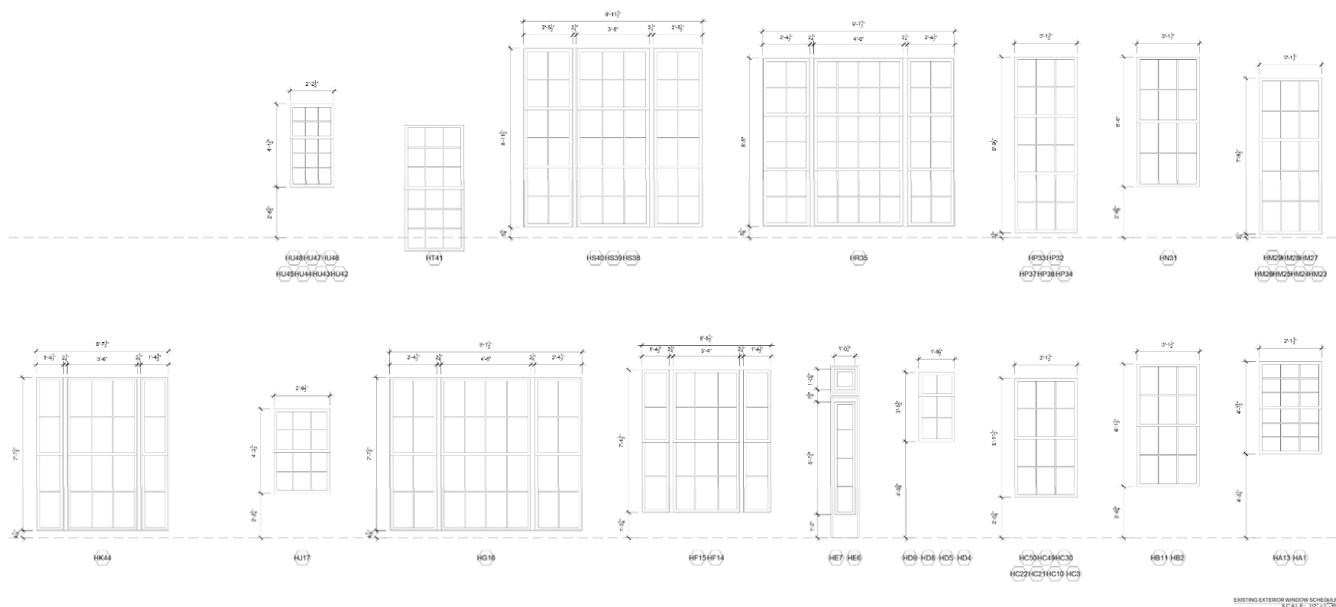
September 10, 2026

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EXISTING WINDOWS





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PROPOSED WINDOW DIAGRAM NORTH & SOUTH ELEVATIONS





CERTIFICATE OF APPROPRIATENESS

Reviewed by the Houston Archaeological and Historical Commission

ITEM A5

HPO File #: HP2026_0167

September 10, 2026

3023 Del Monte Dr.

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EAST & WEST ELEVATIONS





ITEM A5

HPO File #: HP2026_0167

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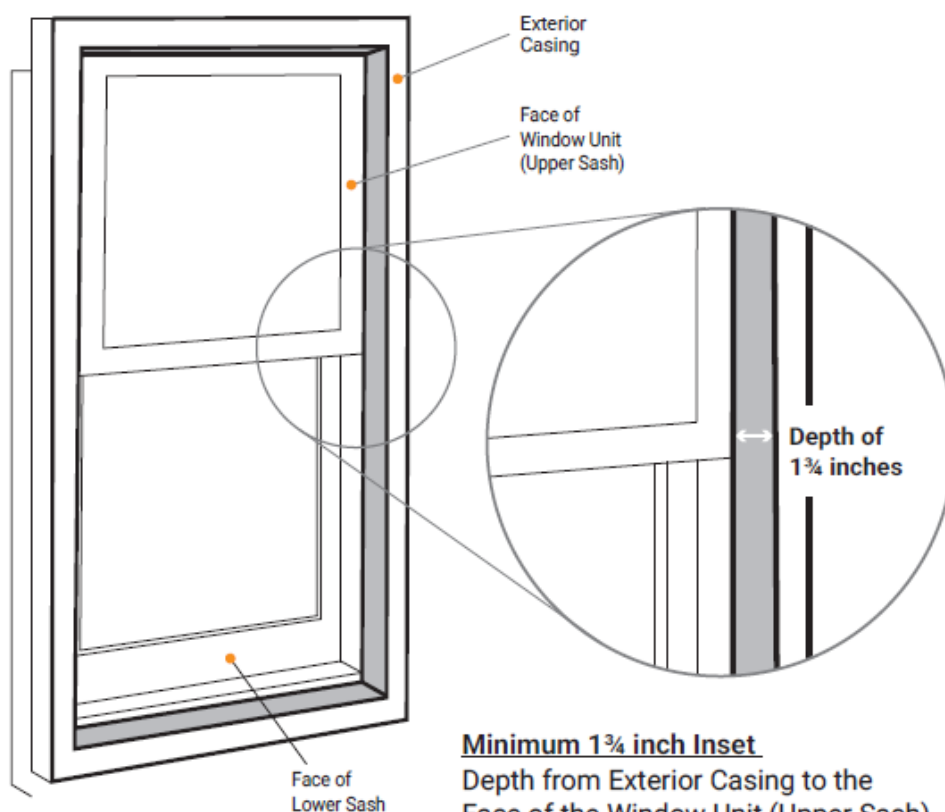
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Historic Window Standard: New Construction & Replacement



Minimum 1 3/4 inch Inset

Depth from Exterior Casing to the
Face of the Window Unit (Upper Sash)

Windows must be 1-over-1
(equally horizontally divided)

1 3/4 inch minimum inset for Fixed Window

For more information contact:

Houston Office of Preservation

832-393-6556

historicpreservation@houstontx.gov

CITY OF HOUSTON

HISTORIC PRESERVATION APPEALS BOARD
PLANNING & DEVELOPMENT DEPARTMENT

Meeting Date: 10/19/2026

ITEM: III

APPLICANT: Spencer Harkness, owner; Nadia Palacios Lauterbach, agent

PROPERTY ADDRESS: 3023 Del Monte Drive

LEGAL DESCRIPTION: LT 1, BLK 1, RIVER OAKS SECTION 1

PROTECTED LANDMARK: Mr. & Mrs. John P. Bullington House

EXHIBIT D:

EMAIL DATED SEPTEMBER 18, 2026 FROM APPLICANT TO DIRECTOR OF PLANNING

Nadia Palacios Lauterbach
NADIA PALACIOS ARCHITECTURE
7026 Old Katy Road Suite 259-9
Houston, TX 77024
713-257-9177
nadia@nadiapalacios.com

September 18, 2026

Director, Planning and Development Department
Secretary to the Historic Preservation Appeals Board
City of Houston
P.O. Box 1562
Houston, TX 77251

Re: Notice of Appeal of HAHC Decision
Property Address: 3023 Del Monte Drive, Houston, TX 77019
HAHC Case Number: HP2026_0167
Date of HAHC Denial: September 10, 2026

Dear Director and Members of the Historic Preservation Appeals Board:

Please accept this letter as my formal Notice of Appeal to the Historic Preservation Appeals Board (HPAB), submitted pursuant to Section 33-253 of the City of Houston Code of Ordinances, on behalf of my clients Spencer Harkness, the owner of the property located at 3023 Del Monte Drive. In accordance with City Ordinance Section 33-253, we acknowledge that the formal appeal application and supporting documentation must be, and are being, concurrently submitted digitally through the Planning Department's Historic Preservation Tracker portal. We are appealing to the Houston Archaeological and Historical Commission's (HAHC) decision on September 10, 2026, to deny the removal of conditions in the Certificate of Appropriateness (COA) for the subject property.

I. Grounds for Appeal

Pursuant to Section 33-253(c), the HAHC erred in its application of the design review standards. Specifically, the strict enforcement of the historical guidelines in this instance creates an unresolvable conflict with city safety codes, creating a liability regarding active life-safety hazards.

II. Statement of Facts & Code Conflicts

The subject property features upper-floor, floor-to-ceiling triple hung windows with single-pane, annealed glass. The current configuration actively violates multiple

provisions of the Houston Residential Code (HRC) and creates an imminent threat to human life:

1. Fall Protection Hazard (HRC Section R312.2): The windows extend completely to the floor on an upper story where the exterior drop-off exceeds 72 inches. Because the bottom of the clear opening sits below the mandatory 24-inch interior floor threshold and lacks compliant structural guards or Window Opening Control Devices, it presents an immediate, fatal fall hazard.
2. Safety Glazing Violation (HRC Section R308.4.3): The existing floor-to-ceiling glass consists of fragile, non-tempered annealed glass in a heavily trafficked “hazardous location.” It does not comply with the safety glazing mandates required to prevent dangerous impact failure and subsequent falls.
3. Infeasibility of Staff-Proposed Interior Window Inserts: During the initial review process, City staff recommended the installation of interior window inserts/storm windows as a potential alternative compromise. This solution presents an additional barrier for egress requirements, thus posing as a potential life-safety hazard.

Interior storm windows installed over designated egress windows impedes full emergency escape operability by requiring operation from inside with tools or special knowledge. Furthermore, the sheer size of the required storm windows would make it cumbersome to remove and compromise the emergency exit pathway.

Additionally, expert evaluation of building performance demonstrates that this solution, while well-intended, is structurally unadvisable, fails to correct inherent code deficiencies, and has the potential to accelerate material degradation due to the thermodynamic realities of the Texas Gulf Coast climate.

In this climate, temperature moves from hot to cold and moisture moves from wet to dry, so exterior hot, wet air is continuously driven inward toward the cool, dry conditioned interior. This is thermodynamic behavior, not a mechanical failure, and it occurs every hour of the cooling season. Window openings are the weakest point in the wall assembly for that vapor drive, and window units of this age and assembly type were not designed to and cannot manage it.

TONER Home Performance (THP), a building performance consulting firm serving the Houston market and the State of Texas, was engaged to evaluate the building envelope and advise on assemblies that govern indoor air quality, indoor humidity, and the structure's long-term resiliency. Based on their experience,

they concluded original units of this vintage and construction present a consistent and repeatable set of conditions:

- Single glazing with no thermal break. Interior glass and sash surfaces fall below the interior dew point during the cooling season and again during winter cold events, producing recurring condensation at the glass, the sash, the stool, and the apron. Any concealed airspace behind adjacent trim or finish material becomes a condensation plane.
- Deteriorated glazing compound, failed sash joinery, and worn or absent weatherstripping. These allow bulk water entry and uncontrolled air infiltration. Because the surrounding envelope is comparatively tighter than the window, infiltration is funneled through these defects at high local rates, concentrating moisture load at the opening.
- Original opening details with no sill pan, no end dams, and no integration to a modern water-resistive barrier. Water entering the opening is delivered directly into the wall cavity, the rough framing, and the interior finish rather than draining back out.
- Repeated wetting and drying cycles at the jambs, sills, and adjacent gypsum and framing. Sustained elevated moisture content in these materials supports biological growth and particulate generation within the wall cavity, where it is not visible to the occupant and is not detected until the interior finish is opened or until occupant symptoms prompt an investigation.
- Elevated interior relative humidity in the rooms served by these openings. Sustained interior relative humidity above the 40 to 55 percent operating band is the single most reliable precursor to microbial amplification, dust mite population growth, and the degradation of interior air quality in this climate.
- Where the original sash predates 1978 and retains original coatings, the friction surfaces at the sash, parting bead, and jamb generate coating dust with every operation. Where those coatings are lead-bearing, that dust is deposited on the stool and floor of the occupied room. This is a recognized occupant exposure pathway, and it is inherent to the operation of the original unit, not to its condition.

These are not speculative outcomes. They are the recurring root causes identified in this building type, in this climate, across a forensic caseload of more than six hundred investigations. The condition of the interior environment in a home of this age is governed largely by the performance of its window openings.

We ask the Board to consider a variance that permits replacement window units matched to the existing architecture in profile, proportion, and appearance, while

correcting a documented performance deficiency in the existing assemblies that affects occupant health, safety, and the structure's durability.

To resolve this impasse, the Appellant formally commits to executing a true “like-for-like” window replacement specifically made to maintain the original appearance and design of the structure. All replacement windows will be custom-fabricated wood framing that meticulously matches the exact profiles, dimensions, muntin patterns, and sash details of the existing historic windows. This guarantees that the exterior architectural character remains unchanged, while incorporating insulated, double-pane safety glazing and fall protection components required by municipal code, as well as contributing to the building’s structural resiliency and preservation.

III. Precedent and District Context

The Appellant recognizes the Board’s duty to maintain consistent historical standards and avoid setting a precedent for other landmarks. However, archival research and site analysis demonstrates that the property at 3023 Del Monte Drive presents an isolated condition. The property is not located within a designated historic district. As a standalone, individual landmark, any variance granted to this unique structure is not affected by district-level regulations. A decision granting a variance on this structure cannot be used to go against the design guidelines governing Houston’s established historic districts.

In our research through the River Oaks neighborhood and city archives, we have found only one other house, designated as a landmark, with this condition: 4019 Inverness designed by Birdsall Briscoe. Said house has only one window with a floor to ceiling condition devoid of proper life safety measures. This window is located at the back of the property, which can be readily altered with a COA. All other properties that present floor to ceiling conditions do so by opening to a terrace and have appropriate life-safety measures. More importantly, these houses are not landmarks, which should appease the board’s concern of setting precedent. Therefore, we respectfully ask the Board for a one-off variance, and to explicitly state in the record that this decision shall not be used as precedent for future reviews.

IV. Application of Section 33-236(j) Framework

Under Section 33-236(j) of the Code of Ordinances, the city explicitly recognizes an affirmative defense to prosecution for alterations required to resolve immediate life-safety code violations. Our proposed modifications seek only to align this structure with the minimum threshold of municipal safety. The HAHC failed to properly balance historical aesthetics against these mandatory, non-discretionary life-safety requirements.

V. Conclusion and Relief Requested

For the reasons stated above, we respectfully request that the Historic Preservation Appeals Board reverse the decision of the HAHC. We request that the Board grant a Certificate of Appropriateness to allow the necessary life-safety remediation to proceed, subject to the binding condition that all replacement windows will be built as “like-for-like” wood windows to maintain the building’s original design and historic appearance, thereby protecting both the public safety of its occupants and the architectural integrity of the historic landmark. Additionally, all original windows replaced will be carefully removed and properly stored to be potentially re-installed in the future to return the structure to its original configuration.

Thank you for your time and consideration of this urgent safety matter.

Sincerely,

p.p. Spencer Harkness

A handwritten signature in black ink, appearing to read 'Nadia Palacios', with a stylized, flowing script.

Nadia Palacios Lauterbach NCARB AIA ASID
Principal
Nadia Palacios Architecture

Enclosure: Exhibit A – “Architectural Considerations and Request For Variance” by TONER HOME PERFORMANCE. Exhibit B – photos of moisture damage to existing structure.

CITY OF HOUSTON

HISTORIC PRESERVATION APPEALS BOARD
PLANNING & DEVELOPMENT DEPARTMENT

Meeting Date: 10/19/2026

ITEM: III

APPLICANT: Spencer Harkness, owner; Nadia Palacios Lauterbach, agent

PROPERTY ADDRESS: 3023 Del Monte Drive

LEGAL DESCRIPTION: LT 1, BLK 1, RIVER OAKS SECTION 1

PROTECTED LANDMARK: Mr. & Mrs. John P. Bullington House

EXHIBIT E:

APPLICANT PROVIDED MATERIALS

ARCHITECTURAL CONSIDERATIONS AND REQUEST FOR VARIANCE

Window Replacement — 3023 Del Monte Drive

Date: September 9, 2026

To: Historic Archaeological and Historical Commission
City Hall Annex, 900 Bagby St., Public Level,
Houston, TX 77002

From: Toner Kersting, Owner, TONER Home Performance
PMB 17293338
1724 Hughes Landing Blvd, 11th Floor
The Woodlands, TX 77380
903-64-TONER | Toner@tonerhp.com

Re: Request for consideration of a variance from the window retention requirement at 3023 Del Monte Drive, Houston, Texas 77019.

Property Owner: Spencer and Clayton Harkness

To Whom It May Concern:

TONER Home Performance (THP) is a building performance consulting firm serving the Houston market and the State of Texas. We were engaged by the owner of 3023 Del Monte Drive to evaluate the building envelope and advise on assemblies that govern indoor air quality, indoor humidity, and the structure's long-term resiliency. This letter is submitted for the Committee's consideration in support of a request to replace the existing window units at this property, including those units currently subject to retention.

We understand and respect the intent of the district guidelines. We are not asking the Committee to set aside this home's architectural character. We ask the Committee to consider a variance that permits replacement units matched to the existing architecture in profile, proportion, and appearance, while correcting a documented performance deficiency in the existing assemblies that affects occupant health and the structure's durability.

Why the Existing Units Are a Performance and Health Concern

Houston and the Texas Gulf Coast sit in a hot, humid climate zone. In this climate, temperature moves from hot to cold and moisture moves from wet to dry, so exterior hot, wet air is

continuously driven inward toward the cool, dry conditioned interior. This is thermodynamic behavior, not a mechanical failure, and it occurs every hour of the cooling season. Window openings are the weakest point in the wall assembly for that vapor drive, and window units of this age and assembly type were not designed, and cannot, manage it.

In our forensic practice, original units of this vintage and construction present a consistent and repeatable set of conditions:

- Single glazing with no thermal break. Interior glass and sash surfaces fall below the interior dew point during the cooling season and again during winter cold events, producing recurring condensation at the glass, the sash, the stool, and the apron. Any concealed airspace behind adjacent trim or finish material becomes a condensation plane.
- Deteriorated glazing compound, failed sash joinery, and worn or absent weatherstripping. These allow bulk water entry and uncontrolled air infiltration. Because the surrounding envelope is comparatively tighter than the window, infiltration is funneled through these defects at high local rates, concentrating moisture load at the opening.
- Original opening details with no sill pan, no end dams, and no integration to a modern water-resistive barrier. Water entering the opening is delivered directly into the wall cavity, the rough framing, and the interior finish rather than draining back out.
- Repeated wetting and drying cycles at the jambs, sills, and adjacent gypsum and framing. Sustained elevated moisture content in these materials supports biological growth and particulate generation within the wall cavity, where it is not visible to the occupant and is not detected until the interior finish is opened or until occupant symptoms prompt an investigation.
- Elevated interior relative humidity in the rooms served by these openings. Sustained interior relative humidity above the 40 to 55 percent operating band is the single most reliable precursor to microbial amplification, dust mite population growth, and the degradation of interior air quality in this climate.
- Where the original sash predates 1978 and retains original coatings, the friction surfaces at the sash, parting bead, and jamb generate coating dust with every operation. Where those coatings are lead-bearing, that dust is deposited on the stool and floor of the occupied room. This is a recognized occupant exposure pathway, and it is inherent to the operation of the original unit, not to its condition.

These are not speculative outcomes. They are the recurring root causes we identify in this building type, in this climate, across a forensic caseload of more than six hundred

investigations. The condition of the interior environment in a home of this age is governed largely by the performance of its window openings.

Low Sill Openings Requiring Tempered Safety Glazing

A further condition at this property is independent of the performance issues described above, and it is not discretionary. Several window openings at 3023 Del Monte are low-sill locations. Under the safety glazing provisions of the adopted building code, glazing is in a hazardous location. It must be safety glazing where the bottom edge of the glass is less than 18 inches above the finished floor with a walking surface within 36 inches of the glazing, where the glazing is within a 24-inch arc of a door edge, and in the several other proximity conditions the code enumerates. Glazing in these locations must be tempered. The existing units at these openings are single-strength annealed glass and do not comply.

Tempered glass cannot be retrofitted into an existing historic sash. This is a fabrication constraint rather than a matter of workmanship or expense:

- Tempered glass is heat treated at the factory after it is cut to final dimension. It cannot be cut, nipped, drilled, or edge worked afterward. Any adjustment to fit an out-of-square or field-measured historic opening, which is the normal condition in a house of this age, is impossible once the lite is tempered.
- Tempered glass is manufactured at thicknesses substantially greater than the single-strength annealed glass the original sash was built to hold. The glazing rabbet depth, muntin bar section, and putty or glazing bead detail of the original sash are not dimensioned to receive it, and the added weight changes the sash balance and the load on the joinery.
- Code requires a permanent manufacturer designation identifying the glazing as tempered on each lite. The factory applies that designation, and it is part of the glass, not a field-applied label.
- Tempered glass in these openings must be set in a frame engineered for its thickness, weight, and edge condition, with proper setting blocks, edge clearance, and glazing retention, so that the edges of the lite are not stressed or in contact with the frame. An original sash and jamb assembly provides none of this, and edge contact or edge damage in a tempered lite can cause the entire pane to fail suddenly.

The practical consequence is that compliance at the low sill openings can only be achieved through an entirely new window frame and sash assembly, fabricated as a unit around factory

tempered glazing. No version of this work retains the existing frame and sash at those locations. Retaining them preserves, along with the appearance, a glazing condition the code identifies as a hazard to occupants in a family-occupied house.

We want to be clear with the Committee that this does not carry a visual penalty. Tempered glass is visually indistinguishable from annealed glass at the same thickness and tint, and the new units at these openings would be held to every appearance condition listed below, in the same manner as the balance of the order. The only visible difference is the small permanent designation etched in one corner of each tempered lite, and its corner location can be specified at order so that it falls at the least conspicuous point of the unit.

What Is Proposed

The owner is prepared to install replacement units selected specifically to preserve the façade's architectural character. We propose that the following be made conditions of any variance the Committee grants, so that the Committee retains control over the visual outcome:

- No alteration of the masonry or framed rough opening, the exterior casing, the brick mould, or the historic trim profile. The opening size and proportion remain exactly as they are today.
- Replacement units matched to the existing in-sash configuration, operation, meeting rail height, and sightline dimension, so that the pattern of solid and void reads unchanged from the street.
- Divided lites with permanently applied exterior and interior muntin bars and a matching internal spacer bar, reproducing the existing lite pattern and bar width.
- Exterior finish color, sheen, and frame material selected to match the existing units, with submittal samples provided to the Committee for approval before order.
- Glazing selected for a low reflectance and low tint appearance, so the units do not read as modern insulated glass from the right-of-way.
- At the low sill openings where tempered safety glazing is required by code, the corner placement of the permanent tempered designation is specified at order so that it falls at the least conspicuous point of the unit.
- A single unit installed as a mockup at a Committee-designated opening, for review and approval in place, before the balance of the order is released.

On the performance side, the replacement units and their installation would deliver an insulated glazing unit with a warm edge spacer and a thermally broken frame, tempered safety

glazing at every low sill and other hazardous location opening, a tested air infiltration rate at or below current standards, a sloped sill pan with end dams and a back dam, flashing lapped correctly to the water resistive barrier, and a continuous interior air seal at the perimeter. Each of these corrects one of the specific deficiencies listed in the preceding sections.

The Standard We Are Asking the Committee to Apply

THP's primary objective in any assembly recommendation is resiliency, which we define as the durability and predictability of interior conditions across normal seasonal and operational variation. Energy efficiency is a byproduct of a resilient assembly, not its goal, and it is not the basis of this request. This request is based on the fact that the existing window assemblies cannot maintain interior conditions within a safe operating band in this climate, and that no maintenance regimen will change that, because the limitation lies in the assembly itself rather than its condition.

Historic preservation and building resiliency are not in conflict here. The architectural intent of these façades is carried by proportion, sightline, lite pattern, and material reading, all of which are fully reproducible in a replacement unit and all of which we have proposed to place under the Committee's direct approval. What is not reproducible, and what the current requirement preserves along with the appearance, is an assembly that delivers moisture into the wall cavity and into the occupied space.

Request

THP respectfully requests that the Committee consider a variance from the retention requirement at 3023 Del Monte Drive and permit replacement of the front façade and side façade window units, subject to the appearance conditions and historic committee requirements described above. We ask the Committee to note that at the low sill openings this is not solely a performance request. Those openings cannot be brought into compliance with the safety glazing requirement without a completely new frame and sash assembly, and retaining them at those locations directly conflicts with the adopted code.

We are glad to support the Committee's review in whatever form is most useful. We can provide manufacturer submittal data and cut sheets; elevation drawings showing the existing and proposed sightlines side by side; the moisture and psychrometric measurements recorded at this property; photographs of the existing sash and opening conditions; and a physical sample unit. We are also available to attend a hearing or to meet on site with Committee members and walk the openings in question.

Thank you for your time and for the Committee's consideration.

Respectfully submitted,



Toner Kersting

Owner, TONER Home Performance

TX Mold Assessment Consultant License #2009

Toner@tonerhp.com | [Phone]

Enclosures (to be provided on request): Existing condition photographs; moisture and psychrometric field data; opening schedule identifying the low sill and other hazardous glazing locations with measured sill heights; manufacturer submittal data and cut sheets; existing and proposed sightline comparison; finish and color samples.

EXHIBIT B

DOCUMENTED WATER DAMAGE AT 3023 DEL MONTE DRIVE, HOUSTON, TX 77019





