

Staff Report

d.



Meeting Date: October 21, 2024

Planner: Sara Dusenberry, Senior Planner

APPLICATION SUMMARY:

Applicant has submitted for a certificate of appropriateness to allow for construction of an outdoor covered patio at the rear of 2399 W. Main Street; primary intent is to provide a steel and glass enclosed structure to be utilized as seating.

This application was continued from the August 19, 2024 meeting.

Project Name: Pho Real Rear, Enclosed Patio Addition

Case Number: COA24-0002

Application Types: Certificate of Appropriateness (COA)

Location: 2399 W. Main Street

Applicant: Matt Hvizda, Contractor Solutions

Owners: Keenaco LLC

Applicant Request: Request for a Certificate of Appropriateness to allow for a rear, enclosed patio addition for restaurant seating

HISTORIC DISTRICT SUMMARY:

Historic Building Name: N/A

Individual Landmark Designation: No

Historic District: Yes

Applicable Design Guidelines: Downtown Littleton Historic Preservation Design Guidelines

CONTINUED ITEM:

The item was continued from the August 19, 2024 meeting. On August 28, 2024, staff received a letter on behalf of the property owner rescinding approval for the application. Without property owner consent, the proposed application is incomplete.

All *red italicized* text notes any updated analysis or information received since the July 15, 2024 meeting. Any text that is struck through is no longer applicable to the discussion and analysis of the proposal.

PROCESS:

Per Section 10-9-8.1 of the Unified Land Use Code (“ULUC”), titled Certificate of Appropriateness (COA), before carrying out any new construction, alteration, relocation, or demolition involving the exterior of any designated landmark or property in a historic district (including non-contributing properties), the owner(s) shall submit the proposed work to the Director, as well as apply for any other required permits.

The ULUC distinguishes between Major Changes and Minor Alterations. Projects that qualify as Major Changes must obtain a COA from the historical preservation board. As this application includes “new construction in a historic district [and] modification of or to the front or side façade of a principal structure,” it qualifies as a Major Change. As such, the final determination for this Certificate of Appropriateness must be approved by the Historical Preservation Commission in a public hearing.

LOCATION:

2399 W. Main Street is located at the NW corner of the intersection of W. Main Street and S. Prince Street and is zoned Downtown Main Street (DMS).



Figure 1: Aerial photo of 2399 W. Main Street with property designated by red bounding box.

PUBLIC NOTICE REQUIREMENTS AND PROCESS:

Pursuant to Section 10-9-3.5 of the ULUC, notice of public hearings shall be given in accordance with Table 10-9-3.9.1, which states, in part, for the relevant applications before the Board:

Table 10-9-3.9.1 Development Review Summary							
Development Application	Pre-App Required	Neighborhood Meeting	Review and Decision		Public Notice	Expiration (10-9-3.8)	Applicable Standards
			Review/Recommend	Decide			
CDD = Community Development Director; PC = Planning Commission; CC = City Council; HPB = Historical Preservation Board; BOA = Board of Adjustment; BBoA = Building Board of Appeals; [] = Public Hearing Required							
Historic Preservation Applications							
Certificate of Appropriateness (Sec. 10-9-8.1)	✓		CDD	[HPB]	M Po	1 year	Chapter 8

Pu = Published in newspaper 10 days prior to public hearing in accordance with Section 10-9-3.5
Po = Sign posted on property 10 days prior to public hearing in accordance with Section 10-9-3.5
M = Mailed notice to adjoining property owners or property owners within a specified distance of the subject property 10 days prior to public hearing in accordance with Section 10-9-3.5

Section 10-9-3.5 of the ULUC requires that any notice provided by mail, shall be provided through the United States Postal Service to all addresses, units, and property owners located within 700 feet of the property. If there are any homeowner's or other owner associations within 700 feet of the property, then notification need only be sent to the association's designee.

In accordance with the ULUC provisions regarding public notice, staff notified all addresses, units, and

individual property owners and residents within 700 feet of the site at least ten (10) days in advance of the June 17, 2024 hearing date.

PROPERTY HISTORY:

1925	Year of construction, A. J. “Jim” Valore built 3 storefronts
2006	Property is sold and no longer owned by the Valore family
Spring	Applicant met with Planning staff to discuss proposed
2024	modifications Applicant applies for Certificate of
05/2024	Appropriateness (COA) COA Board hearing
06/2024	

BACKGROUND:

The building was originally built by A. J. “Jim” Valore and included a hardware store and two other store fronts. The portion of the building that is currently occupied by Pho Real, was utilized by multiple businesses including a post office from 1932 to 1939 and the Littleton Cleaners in the 50s and 60s, as well as Valore Hardware. The building is representative of twentieth century commercial construction, as reflected in its brick composition, flat roof, decorative brickwork, and large display windows. The building retains a high level of integrity with minimal changes. Modifications to the building occurred prior to 1957, as a photo from that year shows changes to the roofline, windows replaced with metal frames, and the stone veneer added below the windows. Since the 1997 survey, minimal changes to the building have occurred. The addition of fabric awnings over the front windows of 2399 W. Main Street (east unit) and changes in signage across all three units are the only evident changes to the front. Patios with outdoor seating were added to the rear of the east and middle unit.

In late May of 2024, Matt Hvizda, Contractor Solutions, applied for a certificate of appropriateness on behalf of the property owner and tenant, Pho Real to modify the existing site. The proposal is to add a rear enclosed, glass and steel, patio cover for outdoor seating.



Figure 2: Historic photo of 2399 W. Main Street



Figure 3: View of existing south facing façade at 2399 W. Main Street.

APPLICATION DETAIL

The applicant provided an updated plan set with new elevations, in response to comments and questions made by the Historic Preservation Commission at the June 17, 2024 meeting.

The application's primary intent is to provide a steel and glass enclosed structure to be utilized as outdoor seating for the restaurant Pho Real. The addition is proposed to be 20ft by 27ft, or 570 square feet, and will be the same size as the currently fenced in seating area. The primary materials are glass, powder coated steel beams, and corrugated metal. ~~The total height of the structure is shorter than the historic building at 11ft and features a 3ft tall parapet.~~ *The applicant removed the proposed parapet wall from the addition to ensure the structure is subordinate to the main historic building. With the parapet wall removed, the proposed addition is 11ft in height. This maintains the height of the previously proposed addition. Since the last set of drawings, the measurements were adjusted for accuracy and noted the height of the building as 20ft tall (top of parapet) and 16ft to the top of the roof. This would provide a 9ft difference in the height of the parapet wall of the building and 5 ft difference between the roof and the addition.*

~~A 1ft overhang is proposed on all three elevations and sits at about 8ft above ground level.~~ *The applicant removed the 1 ft overhang on the east and west elevations, per recommendations from staff and the HPC, and kept the overhang on the north elevation.*

The glass and steel structure of each elevation is divided consistently in a horizontal manner to feature three sections. The measurements are consistent across the elevations. 2 ft 6 in sections.

The elevations are not consistently divided vertically and instead are dependent on the width of the wall and inclusion of glass doors. ~~The north elevation features six vertical sections of glass with a 5ft wide double, glass door located on the center of the elevation. The vertical sections are 4ft 5 in wide, with the two sections closest to the doors being 1ft 8 in.~~ *The north elevation is divided into four vertical sections with a 5ft wide double, glass door located on the center of the elevation. This is a reduction from six vertical sections in the original submittal. The vertical sections are 8ft-4in wide, with the two sections closest to the doors being 1ft-8in wide. The measurements for this elevation are inconsistent between what is noted and the actual measurement based on the scale. The vertical section east of the door is noted as 8ft-10in wide, but when measured using the scale provided, the measurement is indicated as 8ft-4in wide. It appears the written measurement includes the 6in post when it should exclude it. **Measurements in the final submitted plan set will need to be accurate and consistent, prior to final issuance of the COA, should the HPC approve the application.***

The east and west elevations were mislabeled in the previous staff report. The elevations are correctly noted and discussed below.

The east elevation is divided vertically into four sections, with three at 5ft-10in and the fourth, closest to the historic building, at 2ft-3in. The west elevation is divided into five vertical sections *with the northernmost section containing a double door that appears to be 5ft in width, as measured on the plans.* ~~with a 3ft 9 in, double glass door. The door is located on the north side of the elevation about 9.5 inches from the northeast corner of the addition. The remaining vertical sections, not adjacent to the doors, are 5ft-10in, with a 2ft-3in section closest to the building.~~

The overall massing and form of the structure is reminiscent of commercial, downtown architecture. The applicant noted the proposed structure is also meant to be in keeping with the newly constructed patio cover on the west side of Prince Avenue, at what is currently Denver Beer Company.

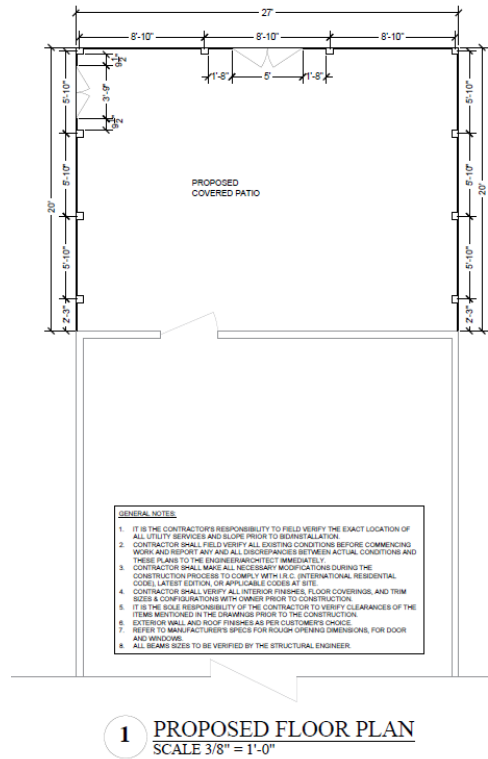


Figure 4: Proposed floorplan, 2399 W. Main St.

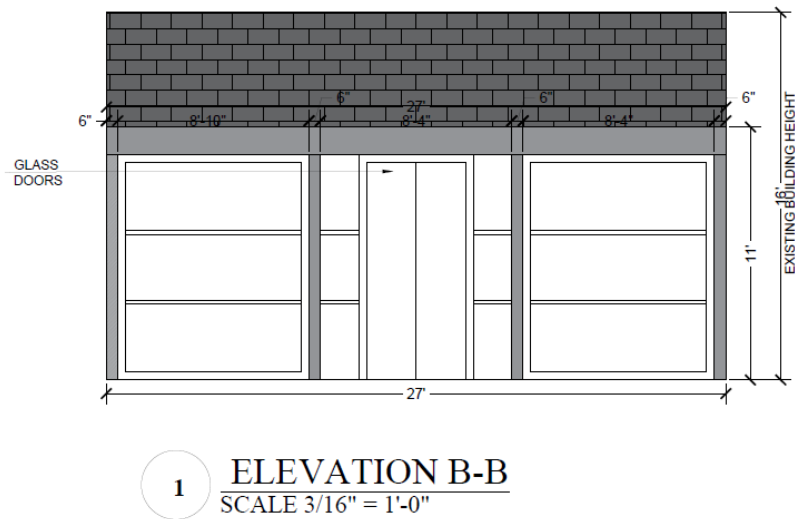


Figure 5: Proposed north elevation, 2399 W. Main St.



Figure 6: Proposed east elevation, 2399 W. Main St.

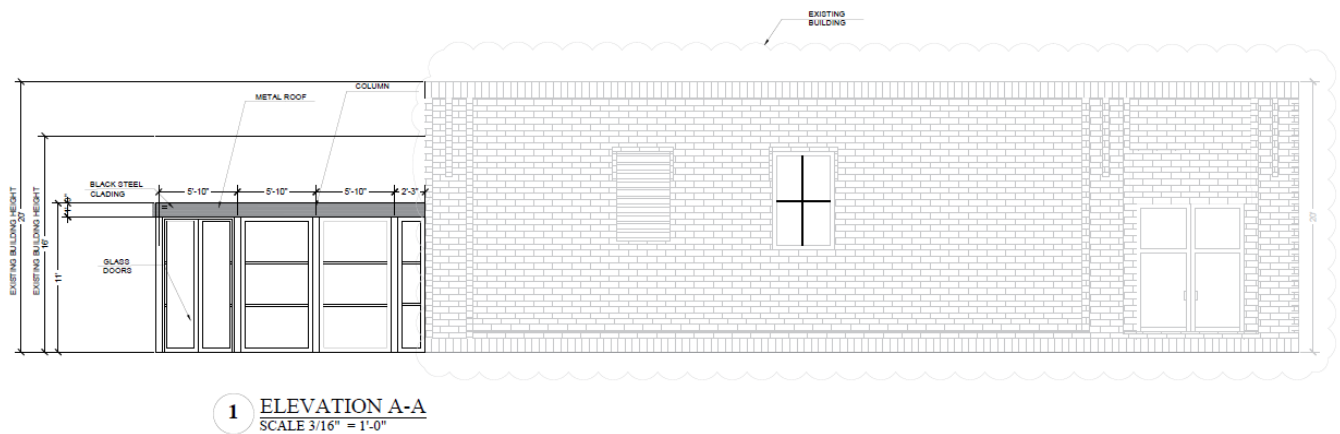


Figure 7: Proposed west elevation, 2399 W. Main St.

DECISION CRITERIA AND ANALYSIS:

Eligibility

Pursuant to Section 10-8-1.2 of the ULUC, prior to beginning work on a designated historic landmark or property in a Historic District, the property owner shall consult with the Director and submit materials for a certificate of appropriateness. Additionally, per Section 10-9-8.1(A) of the ULUC, the Certificate of Appropriateness “provides for the preservation of historic resources and establishes criteria for the proposed alterations to designated landmarks and buildings in historic districts.” 2399 W. Main Street is a contributing building in the Littleton Downtown Historic District, and as such any proposed work must be approved through a COA process.

Approval Criteria & Analysis

10-9-8.1(C). General Decision Criteria. A Certificate of Appropriateness may be approved, approved with conditions, or denied based on the following criteria:

1. ***Federal Standards.*** The proposed changes are in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings as adopted by the National Park Service:

Secretary of Interior Standards

Standard #1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

This building has served as a commercial structure with downtown oriented uses since its construction. The current use as a restaurant and outdoor seating are consistent with historic, downtown uses. This standard appears to be met.

Standard #2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The work under review with this COA will not include the removal of historic materials. The proposed addition is at the rear of the building and will cover a space currently utilized for outdoor seating. This standard appears to be met.

Standard #3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

None of the proposed changes create a false sense of historic development or include conjectural elements or architectural elements from other buildings. The use of predominantly glass and steel provides a clearly contemporary addition and design. This standard appears to be met.

Standard #4. Most properties change over time; those changes that have acquired historic

significance in their own right shall be retained and preserved.

The proposed addition will not change any features that gained significance. This standard appears to be met.

Standard #5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

No distinctive features, finishes, or construction techniques will be altered through this addition. This standard appears to be met.

Standard #6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive features, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

No deteriorated historic features are included for repair or replacing in the application. The standard appears to be met.

Standard #7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials.

The applicant is aware that no harsh treatments, such as sandblasting or corrosive chemicals may be used. The options before HPC in this application for a COA do not anticipate inclusion of any harsh treatments. This standard appears to be met.

Standard #8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measure shall be undertaken.

There are no known archaeological resources on the property. No excavation is expected with these alterations. This standard appears to be met.

Standard #9. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The proposed addition does not destroy historic materials that characterize the property. The proposed work is differentiated from the existing building and compatible. ~~in all areas except architectural features. The proposed 1 ft overhang on the west and east sides of the addition is not a compatible architectural feature. The overhang extends beyond the historic building and is not referential of any architectural feature on the building. The criterion is not fully met.~~ *The applicant removed the previously included 1ft overhang. This standard appears to be met.*

Standard #10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The additions proposed are sensitive to this standard. This standard appears to be met.

- 2. *Littleton Design Standards and Guidelines.* The proposed changes are in compliance with the adopted design standards and guidelines documents, such as the Downtown Littleton Historic Preservation Design Guidelines, as outlined in the Design Requirements section on the city's Envision Littleton webpage:**

Downtown Littleton Historic Preservation Design Guidelines

As a part of the Littleton Downtown Historic District, this application is subject to the *Downtown Littleton Historic Preservation Design Guidelines*. These guidelines establish solutions and standards for the restoration, preservation, and treatment of historical buildings. The specific guidelines are separated into six categories: commercial facades and storefronts; windows; doors; roofs; building materials; cornices, moldings, and other architectural features. The Design Guidelines also establish solutions for additions to historic buildings, including commercial and residential properties and historic site features. Relevant guidelines to this proposal are outlined and evaluated below:

1) *Solutions for Additions to Historic Buildings*

3.52 Minimize the loss of historically significant features when planning an addition.

(i) *The proposal should not result in the loss of historically significant features.*

3.53 An addition should be compatible with the main building.

(ii) *The proposal is compatible with the main building. ~~except for the 1ft overhang on the east and west sides of the proposed addition. The overhang extends beyond the existing historic building on the east and west sides and is not a compatible architectural feature.~~*

3.54 Minimize the visual impacts of skylights and other rooftop devices.

(iii) *The proposal does not include any skylights or rooftop devices.*

Window Replacement Design Guidelines

No historic windows will be replaced or affected by this proposal. As such, staff finds that the application is consistent with the intent of these guidelines as the proposed improvements will not alter, remove, or replace any historic windows that may exist.

- 3. *Original Features.* The proposed work preserves, rehabilitates, or reconstructs the original architectural features, and proposed new features are visually compatible with designated historic structure(s) located on the property in terms of design, finishes, material, scale, mass, and height.**

Staff finds that the proposed design does not affect any original architectural features. ~~Much of~~ The proposed addition is compatible with the historic building. ~~except for the 1ft overhangs proposed on the west and east sides of the addition. This feature is not compatible in design, as it extends beyond the historic building and is not referential of any existing design elements. The criterion is not fully met.~~ *This criterion appears to be met.*

4. Compatibility. If property is in a designated historic district, the proposed work is visually compatible with the development on abutting properties and those on the same block. The HPC shall consider characteristics such as setbacks and building scale.

Staff finds that the proposed work is compatible with the surrounding historic district. The proposed addition is similar in form, massing, and scale to historic structures in Downtown Littleton, but is clearly a contemporary structure. The addition is also referential of the outdoor patio for Denver Beer Company, located west, across S. Prince Ave. (COA23-0001) This criterion appears to be met.

5. Character, Interest, and Value. Aside from changes that do not require a Certificate of Appropriateness, as set out in paragraph B.3.a, above, the proposed work does not adversely affect the special character or historical, architectural, or aesthetic interest or value of a landmark or property in a historic district.

Staff finds that the proposed work does not adversely affect the special character or historical, architectural, or aesthetic interest or value of the building. The special character of the building, as it relates to its historic significance, will not be impacted. The options presented in the COA for the additions will not alter the historic significance of the building. This criterion appears to be met.

6. Color and Materials. The architectural style, arrangement, textures, paint colors especially if applied to brick or stone, and arrangement of colors and materials used on existing and proposed structures are compatible with the character of the existing landmark or property in a historic district; and

Staff finds that the exterior colors and materials, and their arrangement, are compatible with the character of the existing building. This criterion appears to be met.

7. Exterior Features. The proposed work preserves, enhances, or restores, and does not damage or destroy the exterior architectural features of a historical landmark or property in a historic district.

Staff finds that this COA application will not negatively affect the exterior architectural features of the historic building and does not damage or destroy the primary features of the building. This criterion appears to be met.

HISTORICAL PRESERVATION COMMISSION OPTIONS: Pursuant to Section 10-9-8.1.E, the HPC shall approve, approve with conditions, or deny the certificate of appropriateness. The board may also issue an order to continue the application process if the board determines that additional information is necessary to make a decision.

STAFF RECOMMENDATION: Staff is recommending that HPC Resolution 02-2024 *be tabled indefinitely, due to loss of property owner consent for the application.* ~~be conditionally approved, requiring that the applicant submit an updated final plan set which provides accurate and consistent measurements for the northern elevation.~~ be continued to the August 19, 2024 meeting to allow sufficient time for the applicant to address inconsistencies in the application. Continuation will allow staff time to review any

changes and present an item on which the Commission can act.