



# Appeal of a Decision by the Historical Preservation Board Regarding a Certificate of Historic Appropriateness for the Littleton Mixed Use Building

Resolution 04-2019

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Andrea Mimnaugh, Historic Preservation Planner

# Requested Council Action

- Request to act on an appeal of a decision by the Historical Preservation Board regarding a certificate of historic appropriateness for an automated teller machine

# Overview

- Background
- Application Details
- Staff Recommendation on the COA to HPB
- HPB Decision
- Appeal Process
- Council Action

# Background

## Certificate of Historic Appropriateness

(Denied by Historical Preservation Board, December 17, 2018)

- **Appeal of the Denial of the Certificate of Historic Appropriateness**  
(Decision by city council)

# Application Details



ATM  
Location



Proposed ATM model

## Automatic Teller Machine (ATM)



# Application Details (cont.)

Deposit Box  
Location



Littleton Mixed Use  
View of the West and South Elevations



Storefront Rendering  
With Deposit Box

## Deposit Box

Deposit Box  
Model





# Review Criteria & Analysis

## COA Criteria:

- No adverse affect on historic architectural features
- In conformance with adopted design guidelines
- In a historic district, the proposed work is visually compatible with development on adjacent properties

# Staff Analysis and Recommendation

- Staff evaluated all applicable criteria for a COA as set forth in city code
- The ATM was determined to be visually compatible with adjacent buildings



# HPB Decision to Deny the COA

HPB considered all applicable criteria for a COA as set forth in city code

- HPB discussed:
  - the location of the ATM on the front of the building
  - the lit elements of the ATM and the screening of the storefront window

# Analysis of HPB's Decision to Deny the COA

The motion to deny the COA stated that the application was not visually compatible with development on adjacent properties for the following reasons:

- A previous HPB decision did not allow an ATM on the front façade of a building
- Opaque storefront window
- Lighting on the ATM

# Appeal Process

- Appeal process for a denial of a COA is set forth in the city code
- Applicant may appeal the decision within 30 days of the decision
- City council shall hold a public hearing to determine if the board has abused its discretion

# Appeal Process (cont.)

Abuse of discretion is commonly defined as a decision that was either arbitrary, capricious, or unreasonable:

- Arbitrary is defined as failing to follow the provisions of law
- Capricious is defined as a failure to consider any of the evidence in the record
- Unreasonable means that a reasonable person could not come to the conclusion reached by HPB

# Recommendation

Staff has no recommendation

# City Council Action

Appeal of the HPB decision to deny a Certificate of Historic Appropriateness for 2679 W. Main Street, the Littleton Mixed Use Building

## Options:

- Affirm the decision of the HPB denying the COA
- Overrule the decision of the HPB denying the COA