

CITY OF NEWPORT
PLANNING BOARD
Demolition Permit

STAFF REPORT

Meeting: June 3, 2019 (delayed per applicant's request)
Filed: April 1, 2019

Location: 435 Broadway
Plat/Lot: Plat 6 Lot 11

Applicant/Owner: Edward McPherson (Island Moving Company)/City of Newport

Issue:

The applicant has applied to demolish two former Newport Schools structures on one lot in an R-10 zone as part of their Purchase and Sales Agreement with the City of Newport (Exhibit A).

From **17.86.020** of the *City of Newport Code of Ordinances*, "Prior to the issuance of a demolition permit for any principal structure, the planning board must approve any demolition of a principal structure."

17.86.070 Review standards, required findings

The planning board will review all building demolition permit applications in accordance with this chapter and the ordinances of the city, together with the following standards:

- 1. The granting of a permit is not detrimental to the public health, safety, and general welfare of the community.*
- 2. The proposed demolition of the structure is consistent with the goals and policies of the Comprehensive Land Use Plan.*
- 3. The proposed demolition does not create land with constraints to development.*
- 4. The proposed demolition does no harm to the character of the immediate neighborhood or area of the city.*

Analysis: Required findings

1. Not detrimental to the public health, safety, and general welfare

While it appears as though the former school administration building was once an estate home, the property was changed substantially in the twentieth century to accommodate institutional use. The site is gently sloped with structures setback from property lines, presenting no real technical challenges to demolition. Hazardous materials are required to be abated prior to demolition and airborne particles are required to be controlled during the demolition process (17.86.070.D). The condition of the structures has deteriorated due to water damage, presenting a challenge for reuse and do not meet the programmatic needs of the applicant. The structures have deteriorated to a point where they are becoming blight. Action in some form or another is necessary. The board should evaluate how the demolition might be detrimental to each qualifier, or not.

2. Consistent with the goals and policies of the Comprehensive Land Use Plan

Island Moving Company is a cultural and educational institution within Newport. The *Comprehensive Plan* identifies Island Moving Company in its list of Cultural Organizations and Agencies (p. 10-10). It is my professional opinion that a finding of fact that the proposed demolition is “consistent with the goals and purposes of the comprehensive plan” should consider the following provisions of the Comprehensive Plan:

Goal LU-1 – *To provide a balanced city consisting of residential, commercial and employment uses consistent with the character, environmental resources and vision of the community*

Policy LU-1.4 – *The City shall maintain design standards to protect historic structures, maintain the heritage of the community, and maintain views and access to the harbor and waterfront areas.*

Policy LU-1.6 – *The City shall encourage the upgrading, beautification, revitalization, and environmentally appropriate reuse of commercial areas.*

Policy LU-1.7 – *The City shall protect the existing character of residential neighborhoods while encouraging local neighborhood business.*

Goal ED-1 – *To develop a robust and diverse economy, providing suitable employment opportunities for residents, and a stable tax base*

Policy ED-1.1 – *The City shall support key economic drivers while also seeking to attract and grow its technology sector and businesses that represent new and innovative concepts and technologies.*

Policy ED-1.3 – *The City shall work closely with local, regional and state educational institutions, leadership and practitioners to strengthen vital networks and associations between employers, workforce training, academic programs and curricula.*

Policy ED-1.5 – *The City shall build upon thriving sectors to develop of [sic] a more substantial year-round tourism economy.*

Policy ED-1.8 – *The City shall remain actively engaged in regional and statewide initiatives, collaboration programs and other actions necessary to attract and retain key employers.*

Goal H-1 – *To preserve and protect existing housing resources in the community.*

Policy H-1.3 – *The City shall continue to promote the repair, revitalization, or rehabilitation of residential structures and neighborhoods.*

Goal H-2 – *To preserve and enhance existing moderate workforce and low moderate income (LMI) housing.*

Goal H-3 – *To reduce the percentage of seasonally vacant homes and increase neighborhood stability and vitality.*

Goal CFS-2 – *To meet or exceed the State’s mandated solid waste recycling rate of 35%.*

Goal CFS-4 – *To provide the best education system for the community.*

Goal HC-1 – *To identify, protect, and enhance the City’s cultural and historical resources.*

Policy HC-1.2 – *The City should consider historic and cultural resources when making operational decisions to successfully enhance and protect historic and cultural resources.*

Policy HC-1.3 – *The City shall advocate for appropriate private sector actions which protect and enhance the community’s historic and cultural resources.*

Policy HC-1.7 – *The City shall work in tandem with cultural institutions to create economic benefit for the entire community.*

Policy HC-1.9 – *The City shall create and implement innovative programs and practices to assure the equitable allocation of culture and arts resources throughout the City with respect to geography income, age, and other constituent attributes.*

Policy HC-1.10 – *The City shall capitalize on its architectural character and cultural heritage to promote economic growth.*

Goal HC-3 – *To foster a climate that supports the continuation of Newport as a home for the artisan and creative artist.*

Policy H-3.1 – *The City shall foster and work with other organizations in their efforts to enhance the city’s museums, libraries, art, theater, musical and cultural institutions.*

Policy H-3.2 – *The City shall promote the development and growth of Newport’s arts and cultural resources.*

Policy H-3.3 – *The City shall support the efforts to retain and attract artists and craftspeople to live and work in Newport.*

Goal EN-1 – *To make Newport a leader in energy conservation and renewable energy use.*

Policy EN-1.2 – *The City shall continue to promote and support programs, agencies and funding sources that provide guidance and financial assistance for the development and renovation of energy-efficient buildings and for the development of appropriate renewable energy resources in the community.*

In developing its finding of fact regarding consistency with the Comprehensive Plan, the Planning Board should perform investigations as to:

- The loss of structures:
 - Whether or not the demolition involves historic structures
 - The environmental impacts of the loss and potential replacement of structures and generation of solid waste by the act of demolition
- The impacts of the demolition:
 - How this demolition supports the development and growth of Island Moving Company and other cultural resources, or not
 - How the economic success of Island Moving Company will benefit the community, or not
 - Whether or not this demolition fosters a climate that supports the continuation of Newport as a home for the artisan and creative artist and supports efforts to retain and attract artists and craftspeople to live and work in Newport
 - How this demolition supports the equitable allocation of cultural and arts resources throughout the City with respect to geography, income, age, and other constituent attributes, or not
 - Whether or not the City has worked in tandem with Island Moving Company to create economic benefit for the entire community
 - Whether or not the City has fostered and worked with Island Moving Company in their efforts to enhance their work
 - Whether or not the City has sufficiently considered historic and cultural resources in enabling this project
 - Whether or not this demolition protects and enhances the community’s historic and cultural resources
 - How the demolition might promote economic growth by capitalizing on the architectural character and cultural heritage of the City, or not
 - How the demolition will encourage the upgrading, beautification, revitalization, and environmentally appropriate reuse of Broadway and provides revitalization of the off-Broadway neighborhood while promoting neighborhood business, or not

- Whether the demolition is consistent with the character, environmental resources and vision for the community

3. Demolition does not create land with constraints to development

The site is slightly sloped and the structures are set back from the property lines. The applicant has submitted an application for a major subdivision. The relief from the zoning ordinance the applicant is seeking to complete the subdivision is minimal. The applicant has presented preliminarily to the Technical Review Committee for Development Plan Review and received minor comments (Exhibit B). The applicant has completed an Environmental Site Assessment (Exhibit C) and Asbestos Containing Materials Evaluation (Exhibit D). The Environmental Site Assessment recommends the aboveground storage tanks be properly closed. An underground storage tank previously existed at the site, but was removed according to RIDEM regulations. The demolition permit issued by the Building Official will require hazardous material abatement prior to demolition. The Board should make a finding of whether or not these facts would create land with constraints to development.

4. Demolition does no harm to the character of the immediate neighborhood or area of the city

The board should determine the extents of the immediate neighborhood and immediate area and subsequently define the character of each. The project is within the off-Broadway neighborhood. A typical limit for an “area” is ¼ mile, aligned to prominent features (Bliss Ave to Saint Peter’s Lutheran Church and Malbone Rd to Cottrell Field). Both could be defined as largely residential centered on an urban arterial, with some institutional uses and intermittent commercial activity. Finally, the Board can make a determination of if the demolition will harm the respective characters.

The Director of the Department of Utilities has requested wattles be utilized instead of silt fencing during the demolition.

Staff: Peter Friedrichs, City Planner

Date: June 3, 2019