

CITY OF NEWPORT  
PLANNING BOARD  
Demolition Approval

STAFF REPORT

Meeting: ~~July 1~~ **August 5**, 2019  
Filed: June 3, 2019

Location: 9 Lee's Wharf  
Plat/Lot: Plat 32 Lot 253

Applicant/Owner: Mark and Jane Oravec

Issue:

The applicant has applied to demolish a single-family home in an R-10 zone. The applicant is intending to construct a single-family home to Coastal Resources Management Council (CRMC) requirements and has received CRMC approval (Exhibit D).

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  
Demolishing the structure will likely require obstruction of Lee's Wharf, and if so, will require an obstruction permit from the Division of Engineering. The existing structure is similar to other structures on Lee's Wharf. It is unclear what past and current uses are. 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  
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:

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.

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

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

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:  
Staff at Rhode Island Historic Preservation and Heritage Commission describe the structure as a contributing resource in the Southern Thames Historic District, listed on the National Register of Historic Places and the demolition as “an adverse effect.” (Exhibit B). The description is confirmed by the Preservation Planner’s Memorandum (Exhibit F).
  - How historic structures might be protected and/or enhanced.  
Considerable discussion by the applicant’s representative, designer, and the Board was made at the July 1, 2019 meeting regarding the significance of this structure, its viability for rehabilitation, and the applicant’s desire for a new structure. The Board should reach a resolution of this matter in its decision.
  - 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:
  - Whether or not this demolition protects and enhances the community’s historic and cultural resources
  - How the demolition will encourage the upgrading, beautification, revitalization, and environmentally appropriate reuse of Thames Street wharves, or not
  - How the demolition of this structure and subsequent construction might impact the Southern Thames Historic District.

3. Demolition does not create land with constraints to development

The lot is approximately 3,000 square feet, significantly less than the 5,000 square foot minimum in the WB zone. The lot is also located in a floodplain. A new structure would be challenged not to exceed the maximum lot coverage (40%). There are no environmental land use restrictions or underground storage tanks on the site registered with the Rhode Island Department of Environmental Management. 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 Lower Thames neighborhood and Southern Thames Historic District, a map of which is attached as Exhibit G (page 180). A typical limit for an “area” is ¼ mile, aligned to prominent features (Memorial Boulevard to Lee Avenue and the Library to the waterfront). Both could be defined as historic working waterfront and surrounds, with active retail shops and some institutional uses. Finally, the Board can make a determination of whether or not the demolition will harm the respective characters.

The Director of Utilities has requested that wattles be utilized instead of silt fences while the land is disturbed, to prevent soil erosion.

Staff: Peter Friedrichs, City Planner

Date: ~~June 28~~ August 2, 2019