

**City of Newport  
Department of Planning and Economic Development  
Staff Report to the Planning Board**

**Demolition Approval**

Meeting: December 2, 2019  
Filed: November 1, 2019

Location: 7 Faxon Green  
Applicant(s): Elizabeth Dougherty Hebb  
Owner(s): Same  
Assessor's Plat: 34  
Assessor's Lot(s): 220

Zoning District: R-20

The Applicant is requesting Demolition Approval of the principal structure (a 1965 single-family home) to enable the construction of a new single-family home. The proposed structure is “more architecturally compatible with the neighborhood.”

**Planning Department Findings**

The Planning Department makes the following general findings:

1. That the subject properties are identified as described above. The parcel is considered to be located within the Memorial Boulevard Neighborhood (Comprehensive Land Use Plan, Map 5-7, Neighborhood Areas).
2. The property is fully within the X-zone, an area identified by the Federal Emergency Management Agency as having minimal flood risk.
3. Although the house was constructed more than 50 years ago, it does not present significance. The property is not listed on the National Register of Historic Places. No nomination form has been completed for this area.
4. The pattern of development in the area is a mix of late nineteenth century estate, early twentieth century inner suburban, and late twentieth century suburban style development. Several homes were completed on adjoining Easton Road in recent “contemporary” coastal style.

## Standards of Review

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.*

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

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

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.*

Staff defines the Demolition Approval as a design standard that “protects historic structures, maintains the heritage of the community, and maintains views and access to the harbor and waterfront areas.” Accordingly, the Board must determine how this petition “maintains the heritage of the community.” A relative comparison of the aesthetic quality of the existing structures and the proposed new structures should be made by the Board.

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

The Planning Board must weigh the conflicting effect of this policy on the removal of this structure and the effect of a new structure in revitalizing and/or rehabilitating the neighborhood.

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

The applicant has presented no solid waste divergence plans for the solid waste produced by the demolition.

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

Staff does not recommend identifying this property as a cultural or historic resource based on available information.

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

The applicant has presented no information regarding energy conservation and renewable energy use during the course of the demolition.

3. Demolition does not create land with constraints to development

It does not appear the demolition will create land with constraints to development. The site does not have an underground storage tank registered with the Department of Environmental Management. Its longstanding residential use is unlikely to create soil contamination above state thresholds and does not require soil testing.

4. Demolition does no harm to the character of the immediate neighborhood or area of the city. The project is within the Memorial Boulevard neighborhood. A typical limit for an "area" is ¼ mile, aligned to prominent features (Memorial Boulevard to Parker Avenue and Freebody Park to the Cliff Walk). The neighborhood is a mix of retail, institutional, and medium-density residential. The area is medium-density residential. The property is on a dead-end cul-de-sac and is not visible from major thoroughfares. It is unlikely the demolition will cause harm to the character of the immediate neighborhood or area of the city.

### **Planning Department Recommendations**

While the staff has some concerns about the design of the new structure, the quality of the new structure is greater than the existing structure. Staff is concerned about the method of demolition (likely a dirty excavator), the unlikely reuse of materials, and the likelihood of the deconstructed house being added to a landfill. Staff recommends the Board discuss these concerns with the applicant to attempt to assign conditions of approval that alleviate these concerns.