

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

Demolition Approval

Meeting: December 7, 2020
Filed: October 6, 2020

Location: 13 Clinton Street
Applicant(s): Kyle and Melissa Spitzer
Owner(s): same
Assessor's Plat: 39
Assessor's Lot(s): 264

Zoning District: R-10

The Applicant is requesting Demolition Approval of the principal structure (a late-nineteenth century single-family home) to enable the construction of a new single-family home. The petition was reviewed by the Technical Review Committee (TRC) on November 18, 2020 in accordance with the *Planning Board Bylaws*. The Director of Utilities requested a full-size drawing of the Demolition / Soil Erosion and Sediment Control Plan, which has not yet been received. The Preservation Planner requested archival photographs of the building and drawn elevations to RIHPHC standards, which have also not been received.

Planning Department Findings

The Planning Department makes the following general findings:

1. The subject property is identified as described above. The parcel is considered to be located within the Fifth Ward Neighborhood (Comprehensive Land Use Plan, Map 5-7, Neighborhood Areas).
2. The house is emblematic of nineteenth century working class homes in the Fifth Ward. No National Register of Historic Places nomination form has been completed for this area.
3. The property is entirely within the AE flood hazard area.
4. The pattern of development in the area is late nineteenth and early twentieth century inner suburban working-class development that has appreciated in value greatly in recent years.

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

A significant fire caused a lot of damage to this building. While the building is emblematic of the Fifth Ward, there are many similar houses in the neighborhood. This house is not particularly worthy of preservation and the fire is a mitigating circumstance. Its presence in the flood zone and extensive need of repair would require the home be raised, altering its historic presence. The demolition is not detrimental to the public health, safety, and general welfare, provided the building is sufficiently documented prior to demolition.

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

Much of the Fifth Ward is in a flood hazard area. It makes sense for buildings to be elevated above base flood elevation.

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

The application includes a satisfactory recycling plan for the solid waste produced by the demolition.

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

While this building may be contributing to the history of Newport, it is unlikely to be significant. Given the damage caused by the fire and the necessity for elevation, the Board can let this property be demolished without significant impact on the City’s historical resources. Documentation of the building through archival photographs and drawn elevations to RIHPHC standards prior to demolition is sufficient.

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 Fifth Ward neighborhood. A typical limit for an “area” is ¼ mile, aligned to prominent features (Newport Harbor to Connection Street and Thames Street to Columbia Ave). The neighborhood is late nineteenth and early twentieth century inner suburban working-class development that has appreciated greatly in recent years. The area is similar, with some change in the

urban fabric towards estates in the western periphery. Two prominent parks exist in the area: King's Park and Spencer Park, which abuts this property. It is unlikely the demolition will cause significant harm to the character of the immediate neighborhood or area of the city. The neighborhood and area have changed considerably in recent years as long-time residents have "cashed out" to second home buyers, exacerbated by rising seas.

Planning Department Recommendations

Staff recommends approval conditioned upon a Demolition / Soil Erosion and Sediment Control Plan approved by the Director of Utilities and archival photographs and drawn elevations to RIHPHC standards, approved by the Preservation Planner.