

In The Matter Of:
Downtown Design Committee
Transcript of Public Hearing

May 10, 2016

ZAHN
COURT REPORTING

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DOWNTOWN DESIGN COMMITTEE
TRANSCRIPT OF PUBLIC HEARING
TUESDAY, MAY 10, 2016, 5:30 P.M.
CONFERENCE ROOM
FOURTH FLOOR, CITY HALL

COMMISSIONERS PRESENT:

- Ian Vaughan, Chairman
- Rebecca Larys, Vice-Chairwoman
- Tracey Jackson
- Cindy L. Robins
- Dawn Richardson
- Deandre Barnes

COMMISSIONERS ABSENT:

- Vernon Tillage
- Tazamisha Anthony

CITY STAFF PRESENT:

- Samson E. Okafor

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I N D E X

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1 (Meeting called to order at 5:30 p.m.)
2 MR. VAUGHAN: All right. Now that we do
3 have our quorum, I call this meeting to order. This is
4 a reschedule from last week, and if it's okay with Sam
5 and the Planning Department we could have the meeting
6 today. I think, from my understanding, we were
7 supposed to have notice three days prior for this
8 rescheduling.
9 MR. OKAFOR: I thought we agreed on it
10 last week, so that's why I did it. Okay.
11 MR. VAUGHAN: Well, yeah, we did agree we
12 would have it this week, but no one contacted us.
13 MR. OKAFOR: Oh, okay. I thought she
14 did.
15 MR. VAUGHAN: All right. Anyway, good
16 evening, everyone. Welcome to tonight's Downtown
17 Design Meeting, Tuesday, May 10th. At this time please
18 turn off your cellphones or any mobile devices.
19 We're going to do a quick roll call.
20 (Roll call)
21 All right. Do we have a motion to
22 approve the meeting minutes from last month?
23 MS. JACKSON: Motion to approve.
24 MR. VAUGHAN: Do we have a second?
25 MR. BARNES: Second.
MR. VAUGHAN: All in favor?
(Vote)
Those opposed?
(Vote)
All right. The meeting minutes from
April 2016 stand approved.
We again thank you for coming to this
rescheduled meeting. Before we begin, I would like to
do a quick summary of the purpose of this design
review. The purpose of this review is to ensure that
all exterior projects are in compliance with the
Downtown Design Guidelines that have been established
by the City of Portsmouth. They were kind of
established to preserve and enhance the architectural
character of the Downtown District, and this is an
important part of the process, you guys being here
tonight and kind of going over your project.
Each applicant, and there is only one
today, will have a chance to present their improvements
to us. And then after your presentation, we will ask a
few questions and for any clarification, and then we'll
have a vote to decide if your project is approved.
Once you obtain approval, if it's
approved, you will work with Sam to get a Certificate

1 of Appropriateness. If it is not approved, there is an
2 appeal process or we can talk about other solutions to
3 get you in the right direction, because we do want your
project to be successful in Downtown Portsmouth.

3 DDC-16-08 - OUTDOOR DINING

4 With all of that being said, I would like
to ask you guys to just state your name for the record
and go ahead and present.

5 MS. STOREY: Judith Storey.

6 MR. STEPHENS: Eric Stephens.

7 MR. VAUGHAN: Okay.

8 MR. STEPHENS: And basically what we're
9 trying to do with this project is a long story. Less
10 long, we had actually planned to expand into the first
11 floor of this building, which has been vacant for a
12 couple of years, and so we started making moves inside
13 the restaurant to accommodate the increased seating.
14 So we've made some changes in the kitchen, and we put a
15 new floor in the bar area, expanded the bar area to get
16 some more floor space, which we've gotten some really
17 great feedback on. And our hope was to kind of move in
18 that direction to expand the seating upstairs.

19 The cost became prohibitive. Building
20 the staircase obviously was going to be expensive, but
21 then the way that it was just going to fall out, we
22 were going to need all of this air conditioning, which
23 we hadn't planned on, because where they wanted to put
24 the staircase removed the existing air conditioning
25 system. So we basically had been making plans and
spending money internally to do something for increased
capacity.

When that fell apart, we took a hard look
and said, well, when we originally got into the
building eight years ago, we had worked with the City,
and the City actually re-poured the sidewalk in front
of us for the possibility of expanding to a patio at
some later date, which was very gracious of them. And
so secondarily we thought, well, this is definitely our
next best option to give ourselves a little bit more
visibility, a couple of more seats, although not a lot
more seats, and just to increase the curb appeal and
the feel of that street.

So we sent Judith and her husband
actually up to Richmond looking for antique fencing
that we can use. We've talked to an artist locally,
and have talked to a lot of people to try to match
exactly the existing wrought iron fence which is
original to the building, which is underneath the front
patio, which we've been unable to find or really been

1 able to duplicate, but we did find a couple of patterns
2 up in Richmond that they have a sufficient amount of
3 that is period specific and looks a lot like the
4 original wrought iron. So the fencing that we're
5 proposing is original wrought iron of the same period,
6 which is obviously a lot more expensive than doing it
7 with just modern fencing, but it's the way we want to
8 go.

9 So we're just trying to extend our season
10 a little bit, summer. We built Still and the Public
11 House, another restaurant over in Norfolk, as kind of
12 manly dark wood drinking dens, and that's been very
13 successful, but we would like to add a little lighter
14 fare and something that's a little more comfortable.
15 And we get asked about outside seating all of the time.
16 So we just kind of took that information and put it
17 together and came up with the plan with the owner of
18 the building, J. D. Stephens, to have something out
19 front on Court Street.

20 MR. VAUGHAN: Okay.

21 MS. LARYS: Well, I commend you on the
22 iron that you selected and going to all of the trouble
23 to get that, you know, essentially sandblasted and
24 repainted.

25 MR. STEPHENS: Yeah.

MR. LARYS: It's going to look really
tremendous.

MR. STEPHENS: Yeah. It's certainly
going to be -- the fencing is the biggest part of the
project. It's going to be the most complicated and the
most time consuming.

MS. LARYS: It is. And on the commission
we can approve, of course, how it looks and what it
does. I just have a concern for you, that you may have
to go to Zoning and get a variance. I don't know if
you have looked at the Guidelines, but there is a
12-foot maximum depth for outdoor dining on that
section of Court Street, and you're at 13.4.

MR. STEPHENS: And we could go either way
on that.

MS. LARYS: Yeah.

MR. STEPHENS: We could certainly abide
by that, and we'll talk to our architect. That really
wouldn't change much.

MS. LARYS: I mean, you might just be
able to get that variance. You might just go in there
and say, you know, this is what we're doing. I would
hate to see you lose -- you would probably lose a row
of two tops or something.

1 There is also a requirement for 6 feet of
2 clear between any obstacles. So I see the 5'6" or
3 5'7.5"; that I don't think they would have any issue
4 with, because it's a couple of little poles.

5 MR. STEPHENS: Sure.

6 MS. LARYS: But before you fabricate
7 13.4, I would go to Zoning, and I would say, Can I get
8 a variance on this? Can I make it the 13.4?

9 MR. STEPHENS: Yeah. We can start that
10 tomorrow and work that on.

11 MS. LARYS: Yeah. Just before you spend
12 your dollars on that.

13 MR. STEPHENS: I think that's a great
14 idea.

15 MS. LARYS: And are you serving on the
16 sidewalk? Will you be serving around, or are you
17 coming through the stairs and down to serve?

18 MR. STEPHENS: So there is a staircase on
19 the --

20 MS. LARYS: Right in the center.

21 MR. STEPHENS: So you will be able to
22 enter the restaurant right through there.

23 MS. LARYS: So you will no longer have to
24 use the public right-of-way sidewalk to bring food
25 outside?

 MR. STEPHENS: No. With alcohol it has
to be a continuous area.

 MS. LARYS: It does.

 MR. STEPHENS: So all of that will be
coming out of that door, which is what we call dining
room three, which is the dining room closest to the
kitchen. So during the summer, when the patio is in
full swing, we'll actively lose some seats of our own
accord in dining room three to be able to get that
traffic.

 MS. LARYS: I see. And when that -- you
know, when you're not using that, is that permanently
-- we all know semi-permanently mounted. Is that
something you would leave up all year long?

 MR. STEPHENS: The patio?

 MS. LARYS: The railing.

 MR. STEPHENS: The railing, yes. Once
the railing is up, the railing is up. We will remove
the tables and whatnot for the season, but the patio
railing will stay up.

 MS. LARYS: Yeah. And there is only one
night a year that that might have impact.

 MR. STEPHENS: And that's for the Ghost
Walk, the Ghost Tour.

1 MS. LARYS: Yeah. They can move out into
the street.

2 MR. STEPHENS: And we let them go up on
the patio.

3 MS. LARYS: And the little areas and do
the presentation in there.

4 MR. STEPHENS: And we already accommodate
them, and let them have the first floor space, so they
5 can kind of walk out and do their tours and whatnot
when they ask. So, yes, we're happy to accommodate
6 that.

7 MS. LARYS: Well, I think it will look
terrific. I just want to make sure that you get that
okayed before you do that.

8 MR. STEPHENS: I think that's great
advice. We'll definitely take that.

9 MS. RICHARDSON: I think the more
alfresco dining we have the better off Portsmouth is.

10 MR. STEPHENS: Yeah. Certainly we chose
Portsmouth, Olde Towne in particular. We've got five
11 restaurants total, two are in Olde Towne and three in
Ghent. And for us, these are the two most organic
12 neighborhoods for restaurants, and so that's where we
want to be, so I totally agree. I think this will be
13 very visually appealing, and just seems very welcoming,
and we're really happy about it.

14 MR. VAUGHAN: Did you bring shots of the
furniture?

15 MR. STEPHENS: The table, I brought a
sample. The table is just going to be a four post
16 wooden table of a very traditional size. The umbrella
is just going to be a beige umbrella. And I was just
17 looking. I didn't bring a picture of the chair, but
the chair I showed you last time is the chair we are
18 going to use. And if I'm allowed to just pull that up
on my phone --

19 MR. VAUGHAN: That's fine.

MR. STEPHENS: -- I can show you.

20 MS. RICHARDSON: So does that go through
the center?

21 MR. STEPHENS: It will go through the
center, and it's just a metal bistro chair. So this
22 will be -- it's kind of a take on an old church chair,
but again it's kind of a more Parisian alfresco dining,
23 so that's the chair we're going to go with.

24 MS. RICHARDSON: Will my big butt fit in
that chair?

25 MS. LARYS: Yeah. They're super
comfortable.

1 MR. STEPHENS: We tested them at the last
2 food and equipment show that we went to in D.C., and
3 they're quite sturdy and quite comfortable.

4 MS. RICHARDSON: Okay.

5 MR. STEPHENS: Although I will say that
6 we have a patio over in Norfolk at Supper and those
7 chairs, the bench seats especially are a little too
8 comfortable, and people linger for a really long time.
9 So we think this is a nice mix of it's comfortable, but
10 it's not loungey comfortable.

11 MS. LARYS: That's right.

12 MR. STEPHENS: Truth be told.

13 MS. ROBBINS: I have a question.

14 MR. STEPHENS: Yes, ma'am.

15 MS. ROBBINS: There is one post that
16 doesn't have a measurement, and when I walked out
17 there, it's next to the light post.

18 MR. STEPHENS: Yeah.

19 MS. ROBBINS: What's the distance between
20 that post and where your railing is going to be?

21 MR. STEPHENS: I can certainly get that
22 for you. I'm not sure. Do you know what that post
23 was?

24 MS. ROBBINS: It's the street sign or
25 whatever it is.

MR. STEPHENS: Oh, gotcha. I don't know
the distance.

MS. ROBBINS: I mean where your railing
is, where the handicap ramp is, you're going to have to
curve around your wrought iron, and you may have to
relocate that post in order to get through there, if
you've got --

MR. STEPHENS: Yeah. I think in the
variance, obviously either we can move our railing,
relocate that street sign, or not get the variance and
just move our stuff.

MS. ROBBINS: I mean, there is an outside
dining right across the street, and I walked and tried
to pace off how their wrought iron was, because I
looked at it from the street and as cars were parked.
I went, hmm. And then I looked at where you're going,
and looked at the obstacles that were in the way, and
all I could think of is if I had a handicapped family
member, which I have had them in the past --

MR. STEPHENS: Yeah.

MS. ROBBINS: -- when you're walking down
a street, it's awkward enough with someone that's
handicapped, but if you have to go single file and do
your wheelchair, you might --

1 MR. STEPHENS: I totally agree.
2 MS. ROBBINS: -- you might be way too far
3 out.
4 MR. STEPHENS: We've got no problem
5 looking at that and coming up with a solution. Like I
6 said, either us moving the patio back or trying to
7 relocate that sign. I totally agree.
8 MR. VAUGHAN: Looking at it, I'm thinking
9 the sign would need to get relocated.
10 MR. STEPHENS: We can certainly -- either
11 one would be okay with us.
12 MS. ROBBINS: The ramp is over here, like
13 there, sort of in between in the middle of the whole
14 patio area.
15 MR. STEPHENS: Actually I've got some
16 pictures.
17 MS. ROBBINS: Well, I mean, you've got a
18 picture here that does show it.
19 MR. STEPHENS: So --
20 MS. ROBBINS: Right here you have the
21 handicap ramp. So this is coming out, and you're going
22 like halfway in between there. So here you have got
23 the handicap ramp, and it's only 5 feet clearance over
24 here from the side of the building. So by the time you
25 get up the handicap ramp and try to go around, and then
there is a sign here and a light post.
MR. STEPHENS: Yeah.
MS. ROBBINS: I love the dining, but we
also have to take other people into consideration.
MR. STEPHENS: Yeah, I totally agree.
And we don't mind doing either one of those. So we
don't mind either moving the fence back a little bit or
changing the sign, whatever works.
MS. LARYS: And this is all online. You
can find that with all of the setback requirements on
there, sidewalks.
MR. STEPHENS: Yeah. The one that we
were -- obviously, this building -- many of the older
buildings go to the property line. So there the
building is actually the property line, so that's why
the sidewalk in front, which is brick and not very
handicap friendly anyway on the side street, isn't even
-- isn't even 6 feet across.
MS. ROBBINS: Yeah.
MR. STEPHENS: But, yeah, we totally
agree and can find a solution for either one of those.
MS. ROBBINS: Because, you know, the
patio area is sort of outside the variance anyway. If
you moved it back in, then there may be enough area.

1 MR. STEPHENS: Yeah. We've got no issue
with that, no issue at all. We're happy to do that.

2 MS. ROBBINS: That was my only concern.
3 MR. VAUGHAN: No. That's a great
concern.

4 MR. STEPHENS: Yeah.
5 MR. VAUGHAN: Do we have any other
questions, concerns? Do we have a motion?

6 MS. LARYS: Well, I will. Case Number
DDC-16-08, I would like to make a motion.

7 MS. RICHARDSON: Wait. Wait. I'm sorry.
What kind of lighting are you going to
use?

8 MR. STEPHENS: So the lighting there is
-- the ambient lighting from the street is pretty
9 direct, and we'll also have small lighting on the table
just in -- not open flame, but in some other, like,
10 fuel cells, but just electric fuel cells. And then
there is also light that comes from the patio already.
11 There are two or three lights on that patio, and it's a
comfortable -- it's a comfortable level already. So we
don't plan to add any other additional lighting.

12 MS. RICHARDSON: Okay. Okay.
13 MR. VAUGHAN: And I guess one other
clarification, the foot traffic for the people that are
14 using the restaurant is different from the foot traffic
for the people serving?

15 MR. STEPHENS: Correct. Correct. So
when you go to the front door where our host is,
16 they'll walk you back through the sidewalk right to the
patio seating, but all server traffic with all food and
17 all beverages will come from the restaurant directly
onto the patio.

18 MR. VAUGHAN: Okay.
19 MR. STEPHENS: It's not that patrons --
we're not going to block them from using that doorway,
20 but it just has a little bit of a low clearance, so
we're just more comfortable just having it be a server
entrance. I mean, it meets requirements.

21 MS. LARYS: And you're probably not going
to put any sign above it or anything?

22 MR. STEPHENS: Correct. Correct. It's
more direct, because most of the patrons, if they're
23 moving in and out, they will generally be using the
restroom which is at the front door.

24 MR. VAUGHAN: So what if it's busy, and
you're at the bar first, and then your table is ready
on the outside?

25 MR. STEPHENS: The drinks will be carried

1 out by the bartender, and you'll be met at the table.
2 MR. VAUGHAN: But you've still got to go
3 around?
4 MR. STEPHENS: Correct. Correct.
5 MS. ROBBINS: So you're going to be
6 walking around the sidewalk that's wobbly?
7 MS. LARYS: It's not bad. It's just an
8 Olde Towne sidewalk.
9 MR. STEPHENS: The patrons will be. The
10 servers will be going through the restaurant and
11 exiting right onto the patio.
12 MS. LARYS: Some of them could be wobbly
13 after a while, couldn't they?
14 MR. STEPHENS: That's true.
15 MR. VAUGHAN: Okay. Well, do we have a
16 motion to approve?
17 MS. RICHARDSON: One more question. Will
18 there be signage on the street on the patio?
19 MR. STEPHENS: We're not planning on any
20 signage on the patio itself, except possibly just when
21 we first open, so people understand what it is as a
22 temporary sign, but we're not planning on any kind of
23 signage on the patio.
24 MS. LARYS: Okay.
25 MR. STEPHENS: Maybe a small placard
directing them to the door, but no advertising signs.
MR. VAUGHAN: Do you think people are
going to go up that middle stair thinking that's the
entrance to your restaurant?
MR. STEPHENS: Yes. Yes. And we
actually will have a chain that goes across that will
stop people from going up onto the patio, but yes,
absolutely. They do now, so I fully anticipate that.
MR. VAUGHAN: Any more questions?
MS. JACKSON: When will this be opened?
MR. STEPHENS: We're not exactly sure.
Hopefully by end of summer, but you know it's the media
blasting and the painting of the fence is going to be
pretty labor intensive, so we'll have to -- I haven't
bought the fence yet. So I have to buy it, and get it
down from Richmond, and have it done, and get it ready
for install. So there is still a couple of steps in
the process. Certainly a couple of months' worth of
work.
MS. LARYS: It's a big job, but it looks
tremendous when it's done.
MR. STEPHENS: I think it will. Thanks.
MS. LARYS: Shall I try again?
MR. VAUGHAN: Sure.

1 MS. LARYS: All right. I make a motion
2 to approve DDC-16-08 with the stipulation that the
3 12-foot maximum outdoor dining depth is met or a Zoning
4 Variance as well as covering the corner issue with the
5 handicap ramp.

6 MS. JACKSON: I second the motion.

7 MR. VAUGHAN: All in favor?
(Vote)

8 Those opposed?
(Vote)

9 All right. DDC-16-08 stands approved.

10 MR. STEPHENS: Thank you very much. I
11 appreciate your time.

12 MR. VAUGHAN: Sam, do you know the
13 process about moving the street sign?

14 MR. OKAFOR: I think they're going to
15 talk to Engineering. I am going to direct them to talk
16 to Jeff in Engineering.

17 MR. VAUGHAN: Okay. Any other business,
18 Sam?

19 MR. OKAFOR: No. That's it.

20 MR. VAUGHAN: Okay. Tonight's meeting
21 stands adjourned.

22 Thank you, everybody, for showing up.

23 MR. OKAFOR: Thank you. Thank you,
24 everybody.

25 (Meeting adjourned at 5:50 p.m.)

1 COMMONWEALTH OF VIRGINIA AT LARGE, to-wit:

2

3 I, Jill Hudnall Trail, a Notary Public for the
4 Commonwealth of Virginia at Large, of qualification in
5 the Circuit Court of the City of Norfolk, Virginia, and
6 whose commission expires May 31, 2017, do hereby
7 certify that this proceeding was recorded in Stenotype
8 by me and reduced to computer printout under my
9 direction; and that the foregoing constitutes a true,
10 accurate, and complete transcript of such proceeding.

11 I further certify that I am not related to nor
12 otherwise associated with any counsel or party to this
13 proceeding nor otherwise interested in the event
14 thereof.

15 Given under my hand and notarial seal this 22nd day
16 of May, 2016, at Norfolk, Virginia.

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Jill Hudnall Trail

JILL H. TRAIL
NOTARY PUBLIC
REGISTRATION # 198029
COMMONWEALTH OF VIRGINIA

Jill Hudnall Trail, RPR
Notary Registration No. 198029