

RECEIVED
OCT 19 2017
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



HEY NONNY

LIVE MUSIC + LOCAL KITCHEN

October 18, 2017

Charles Witherington-Perkins
Director, Department of Planning and Community Development
Village of Arlington Heights

Re: Staff Comments re PC# 17-011 Hey Nonny Special Use Permit Application

Dear Charles:

We appreciate the comments from various Village departments that your Department has forwarded to us for response. Our responses are provided below:

Building & Life Safety Department

1. This is being reviewed as an A-2.

RESPONSE: Agreed.

2. The occupant load of each room (Bar, Bar 2, Dining and Venue) shall be posted.

RESPONSE: Agreed.

3. The occupant load for the "Venue" area indicates 5 sf/person. This indicates a standing room only arrangement. Is this the intent of the area for each artist that may be scheduled to play?

RESPONSE: The Venue area is designed flexibly, to permit several different configurations for concert attendance. But it is designed as a "listening room." For that predominant purpose, we anticipate that the standard configuration will be for approximately 120 people, arranged as follows:

- 16 seats at high-top tables next to the window.
- 64 seats at 16 cocktail tables arrayed in front of the stage.
- 20 seats (no table) behind the cocktail tables
- 20 standing room

There may be shows where a predominantly standing room arrangement is appropriate, and in that case the arrangement would be for up to 160 people (7 SF/occupant):

- 16 seats at high-top tables next to the window
- 144 standing room

The code requirement for the venue space, as designed and under the current occupancy classification of A-2, is for 7 SF/occupant. The maximum occupant load for the space, as well as capacity of exit discharge, reflect the larger occupant load total.

4. Provide means of egress details showing proposed exit locations and travel distance based on the calculated occupant load including employees.

RESPONSE: Refer to sheet A-001 in the submitted drawings for specific exit locations, occupant load and travel distance. There are (2) exits with a maximum capacity of 180 occupants per exit. Each exits' actual capacity, based on the occupant load of the space being 259 occupants, is 130 occupants.

5. Calculate the required egress width based on the total occupant load. Two exits are required and should be capable of handling 50% of the occupants at each exit.

RESPONSE: Refer to sheet A-001 in the submitted drawings for specific exit locations, occupant load and travel distance. There are (2) exits with a maximum capacity of 180 occupants per exit. Each exits' actual capacity, based on the occupant load of the space being 259 occupants, is 130 occupants.

6. Provide details on the number of existing restrooms (in the entire building) and indicate the number of each type of fixture (water closets, urinals, lavatories).

RESPONSE:

- | | |
|-------------------------|---|
| Basement (Big Shot): | Women's: 2 water closets; 2 lavatories.
Men's: 2 water closets (1 toilet; 1 urinal); 2 lavatories. |
| Ground Floor: | Women's: 3 water closets; 2 lavatories.
Men's: 3 water closets (1 urinal; 2 toilets);
2 lavatories. |
| Second Floor (Ballroom) | Women's: 3 water closets; 2 lavatories. |

Men's: 3 water closets (1 urinal; 2 toilets);
2 lavatories.

The applicable requirements for restrooms and fixtures, and how the Hey Nonny plan will satisfy those requirements, is addressed in a supplemental answer prepared by d+k Architects, and attached to this letter as Appendix A.

7. Provide details on how the total occupant load of Hey Nonny shall be monitored to prevent overcrowding during music events when patrons from surrounding venues disperse through the building.

RESPONSE: With two exceptions, music events at Hey Nonny will be ticketed events, sold through a ticketing system. Each show is entered into the system with a designated number of available tickets in the various attendance categories (see answer to Comment #3 above). The system will not allow sales beyond the designated capacity, and no one will be admitted without a ticket. Thus, the ticketing system will strictly monitor and limit audience size. This will be the exclusive arrangement for evening hours when there are patrons at surrounding venues. For Friday and Saturday afternoons, we anticipate having non-ticketed music available in the establishment. While we do not anticipate large crowds for those afternoons, we will monitor by hand count the number of people in the venue and restaurant to assure that we do not exceed allotted capacity. On Friday and Saturday afternoons, there are not generally patrons from surrounding venues dispersing through the building. Finally, we plan that our Sunday brunch (and perhaps Saturday brunch) will include non-ticketed music. But these events will involve table seating, not standing room, and as such attendance will be limited by the number of tables at well below "crowding" levels.

Fire Safety Division

1. Project shall be subject to will be required to comply with all current fire, building and life safety codes and standards adopted by the Village.

RESPONSE: Agreed.

2. The path of egress may be problematic for such use. Specific but not all items of concern are: 1) potential occlusion of the path of egress at the front entrance; 2) if exit number 3 will be used for emergency egress the steps could create a problem; 3) the exit discharge of exits 2 and 3 may not be code compliant.

RESPONSE: Exit 3 is not required to be an exit based on maximum calculated occupancy of the space and overall exit capacity of Exits 1 and 2. The end-users of the space will need to ensure that Exit 1 stays clear from an operational perspective as there are no built elements impeding exit discharge as currently designed. Specific

concerns about exit discharge at Exit 2 will need to be further defined in order to address any outstanding concerns from the Village.

3. A complete NFPA compliant fire suppression system may be required for cooking facilities.

RESPONSE: All new elements to the fire suppression system, as well as adjustments to the existing fire suppression system in the space and commercial kitchen, will follow all current building code requirements adopted by local, state and federal agencies.

4. Venting for cooking facilities shall be in compliance with the required code regarding but not limited to fire separation requirements.

RESPONSE: Venting will be code compliant and designed accordingly based upon the requirements from all current, adopted health and building codes.

5. Permit applications shall be provided for changes to the fire suppression system and/or fire alarm.

RESPONSE: Agreed, as required by current applicable codes.

6. A key box (Know Box) shall be provided and contain keys to gain necessary access as required by the fire code official.

RESPONSE: Agreed and currently in place.

7. Exit signs shall be illuminated at all times and have emergency power back-up.

RESPONSE: Agreed, as required by current applicable codes.

8. Building and/or tenant spaces shall have approved address numbers.

RESPONSE: Agreed, as required by current applicable codes.

Because of the type of occupancy (assembly) the following will be required to be addressed:

- a. An approved fire safety and evacuation plan shall be prepared and maintained.
- b. Emergency evacuation drills complying with the provisions of the Fire Code shall be conducted at least annually or when required by the fire code official. Drills shall be designed in cooperation with the local authorities.
- c. Employees shall be trained in fire prevention, evacuation and fire safety.

RESPONSE: Agreed, as required by current applicable codes.

Public Works

1. When setting up the outside seating any existing electric hand holes or public utility access must remain accessible.

RESPONSE: Agreed, as required by current applicable codes.

2. Outside seating must not impact ADA access around street lights, tree grates, etc. Need to see plans prior to approval.

RESPONSE: Agreed, as required by current applicable codes. The current sidewalk seating arrangement takes these requirements into account per the Village of Arlington Heights' requirements.

Engineering

1. The petitioner is notified that these comments are being provided to ensure that the project meets the requirements for submittal to the Plan Commission. Approval by the Plan Commission is not an endorsement or approval of these documents to obtain the required building permits, engineering approval, or permits required by other government or permitting agencies for construction. Detailed plan review with associated comments will be provided upon submittal of plans for a building permit. The petitioner shall acknowledge that they accept this understanding.

RESPONSE: Agreed and accepted.

2. Include bicycle racks in development plan to encourage alternate modes of transportation for employees and patrons. See Ordinance #17-037.

RESPONSE: There is an existing bike rack immediately across the street. An additional rack could be put in the parking garage with Village approval. Otherwise, there is no space for a bike rack on the premises (putting one in the service ally would be a hazard to both delivery people and cyclists).

3. Engineering is against the variation to waive the parking study. At a minimum, the petitioner should review the traffic report provided for the Metropolis development and issue a technical addendum to that report reflecting the change of use for the space at 10 S. Vail and the traffic impact that will have.

RESPONSE: We understand that the Department of Planning and Community Development is analyzing parking availability in the adjacent garage. Our observation is

that there is usually abundant unused parking at the top of the garage, even on Friday and Saturday nights, but that people find it frustrating to find/use those spaces.

Fire Department

1. It is recommended that a Knox Box be installed on the exterior of the building near the main entrance of the occupancy.

RESPONSE: There is one presently in place.

2. The project shall comply with all current codes and standards.

RESPONSE: Agreed.

Police Department (Comments 1-5 do not seem to invite a response)

6. General Comments:

- If valet service is offered a parking plan should be included that adheres to Village of Arlington Heights Municipal Code: Valet Parking Section 14 Article XXVI.

RESPONSE: Agreed, however there is no current plan for a valet service to be provided at the bar/restaurant/music venue.

- If there are any plans for outdoor seating, outdoor heaters or fixtures should be secured and/or brought inside each night to deter theft or damage.

RESPONSE: Agreed.

- Access to the existing corridor and ramp area should be controlled to limit access to the interior of the building.

RESPONSE: We will limit access to the ramp area generally, but it is a pathway to the bathrooms outside of the premises and an emergency egress route. The stairs to the hallway are an important general public access point for people already in the building. Neither the ramp area or the hallway lead to any non-public areas. Nonetheless, we will not permit people to loiter in the ramp hallway, for many reasons.

- Please ensure that there is an emergency information/contact card on file with the Arlington Heights Police Department and that it is up-to-date. The form is attached. Please complete and return. This allows police department personnel to contact an agent during emergency situations or for suspicious/criminal activity on the property during all hours.

RESPONSE: Agreed.

Health Services Department

1. Building permit must comply with the attached Food Service Plan Review Requirements. See attached accessibility comments.

RESPONSE: Agreed.

Planning & Community Development Department

7. The Plan Commission must review and approve the following actions

- Amendment to Planned Unit Development (PUD) Ordinances 98-061, 99-028, and 13-032 to allow certain changes to the approved floor plan for the Metropolis Mixed Use Development.
- A Special Use Permit to allow a 3,974 sq. ft. restaurant and auditorium space.
- A Variation from Chapter 28, Section 6.12-1, to waive the requirement for a traffic and parking study prepared by a qualified professional engineer.

RESPONSE: Agreed.

8. As it has been determined that a Variation is needed to waive the requirements for a parking and traffic study, please provide a response to the criteria for Variation approval, specifically:

- That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations for that zone.
- The plight of the owner is due to unique circumstances.
- The variation, if granted, will not alter the essential character of the locality.

RESPONSE: The variation to waive the requirement for a parking and traffic study is appropriate as follows:

- The costs for planning and building Hey Nonny will be well over \$1 million (not including real estate costs), even without a parking and traffic study. As presently budgeted, business operations will generate only a small profit, but far less than a normal business rate of return. Adding the cost of a parking and traffic study only exacerbates this problem. Thus, it is true that the property in question cannot yield a reasonable rate of return if permitted to be used only if there is first and traffic and parking study.
- The owners of Hey Nonny do not view their situation as a "plight," but there are many "unique circumstances" attendant to the Hey Nonny plan. First and foremost, it is a business model that has not been attempted at this quality level in the Northwest Suburbs. That is true because it is expensive and complicated to pull it off. Our attempt is unique in our area. Second, the location of Hey Nonny for this business plan is unique: in an existing dining and entertainment building, including the community performing arts center, and immediately across the street from a park that is the community's summer home for music events,

and immediately adjacent to the Village's largest parking garage. Third, Hey Nonny will be the heart of the Village's efforts to create a dining and entertainment district with an urban feel in a suburban setting. Finally, Hey Nonny represents a significant cultural arts asset for the Village, conducted in a for-profit mode that requires no Village investment. We hope that the Village will find it useful to foster the development of such an arts asset.

- The parking and traffic study variation, if granted to Hey Nonny, will not alter the essential character of the locality. The locality is the downtown business district, which has a lively mix of dining options plus a limited array of entertainment. Excusing Hey Nonny from conducting a parking and traffic study will not in any way alter the nature of Arlington Heights' central business district.

9. How many employees do you anticipate? How many of these employees will be present at any one time (peak shift)?

RESPONSE: While we do not have a detailed staffing plan at this time, we anticipate that, at peak usage, as many as 20 employees might be present on premises. We anticipate a total of approximately 25 employees.

10. Please ensure that all plans to be resubmitted as a result of Round 1 Department review comments include a revision date;

RESPONSE: Agreed.

11. The Plat of Condominium shows that the space is 3,974 sq. ft. in area. Please have the architect include this information in the floor plan.

RESPONSE: The plans have been updated to reference the Plat of Condominium defining the space as 3,974 SF in area.

12. The square footage of each area on the floor plans do not match. Specifically, the "Proposed Floor Plan" (Sheet A-100) shows different square footage sizes as compared to the "Revised First Floor Space Plan (Sheet Sk-01.2). Please confirm which plan is accurate with relation to overall square footage and make revisions as necessary.

RESPONSE: Please refer to sheets A-001 and A-100 in the resubmitted documents for the current square footage(s) of the spaces in the proposed establishment. The likely variation between plans referenced in the question above had to do with values not being updated in the SK-01.2 space plan compared to the more recent A-100 plan.

13. Please include a note on the floor plan relative to the overall square footage of the seating area just for the restaurant portion of the business. Will the seating for the restaurant ever extend beyond the proposed 76 seats? For example, if your brunch menu becomes very popular and demand for standard dining [exceeds] 76 seats, would additional restaurant seating be provided, or would it be capped at 76 seats?

RESPONSE: The premises are designed to be flexible, including for dining service. To comply with the requirements for a Class AA liquor license, there will always be at

least 76 seats available for dining service. Because Sunday brunches (and perhaps Saturday too) will include music, we anticipate that more than 16 seats for dining service will be available in the venue room, so that the number of seats available for dining service in the whole establishment will be greater than 76. There may be other events in which more than 16 seats will be available for food service in the venue room, though we do not expect that to be a regular occurrence.

15. Does the space have a dedicated grease trap, or will a new one be installed? If so, where will the grease trap be installed?

RESPONSE: The existing shared grease trap shared by the whole building will be utilized. The MEP engineer will review existing conditions in relation to code requirements and ascertain if any adjustments to the plan are required.

16. Has an option for kitchen venting been determined? Please acknowledge that any exterior venting protrusions must comply with all screening requirements for such equipment.

RESPONSE: A venting plan for the kitchen has not yet been determined, but it is acknowledged that exterior venting protrusions must comply with applicable screening requirements for such equipment, as well as clearance requirements for access to fresh air in relation to existing equipment.

17. Will a new grease trap be installed as part of this development, or does the petitioner propose to tie into the existing grease trap that serves the building? If a new grease trap will be provided, where will it be located? If the petitioner is proposing to tie into the existing grease trap that serves the building, is there sufficient capacity within that grease trap to accommodate the needs of all users that discharge into the grease trap? Will permission from the other building owners be necessary to tie into the grease trap?

RESPONSE: As noted above, Petitioner anticipates using the existing grease trap. That grease trap is part of the common area resources for the building, and therefore use does not require permission from other condominium owners. That said, the other condominium owners are aware of, and supportive of, Petitioner's plan. Petitioner's MEP engineers will review the existing grease trap to determine whether there is sufficient capacity to permit adding Petitioner's use. If there is not, the condominium association will take steps necessary to ensure that capacity is expanded.

18. What percentage of time do you anticipate the venue space being used with the chairs/table versus all standing room?

RESPONSE: We anticipate that at least 90% of shows will be in the chairs/table arrangement

19. Do the windows along Vail Avenue open? How will sound be regulated from overflowing into the street?

RESPONSE: We do not have a final plan for the windows, but it is our intent to have windows that open. For evening shows, windows in the venue room will remain closed at all times (we're charging for music; we're going to try not to give it away through open windows). On Friday and Saturday afternoons, windows may be open, but we anticipate having low volume acoustic-type performances at those times.

20. Does the building contain any soundproofing between floors and/or units? Will sound/vibration overflow into the Metropolis Ballroom, Metropolis Theater, Big Shots, or Armand's become a problem?

RESPONSE: There is substantial space and mass separating the venue room from the Metropolis Theater, Big Shots, and Armand's. They present no sound bleed issues. The Metropolis Ballroom, however, is a far different story. The ceiling above the Hey Nonny space is the floor of the main ballroom upstairs, which consists of wooden flooring over 2 1/2" of concrete. There is no soundproofing, and there is in the present configuration an unacceptable level of sound bleed between the Ballroom and the Hey Nonny Venue space. As a result, Petitioner has retained the sound engineering firm Soundscape Engineering LLC of Chicago to design a sound attenuation plan for the spaces. That plan will involve (a) some fireproof baffling between the ceiling joists, (b) two or more layers of acoustic controlling drywall suspended on vibration-dampening hangers, which will be the new Hey Nonny venue ceiling, and (c) organizing the HVAC and fire suppression systems below the drywall so as to preserve the sound-dampening integrity of the drywall sound barrier.

21. Staff is aware of a perception that the Vail Avenue garage is at or near capacity during peak times on Friday and Saturday evenings. These are the times when Hey Nonny will be experiencing its peak parking demand. Staff will need to verify if the Vail Avenue garage has sufficient capacity to accommodate the estimated 220 patrons (160 standing room capacity + 60 chairs within restaurant side) that are expected within the establishment during peak times.

RESPONSE: Agreed.

Planning & Community Development Department

1. A separate application must be submitted for the outdoor dining. The outdoor dining must comply with the requirements per Chapter 28 which include decorative planters along the perimeter of the dining area. In addition, five feet of clearance must be maintained between the dining area and any obstruction (benches, light poles, tree grates, etc). At the time of application, the insurance must be provided as outlined in the outdoor dining requirements.

RESPONSE: Agreed.

Thank you for your assistance.

Harmony Hospitality LLC

d/b/a HEY NONNY

By: _____

Malcolm H. Brooks, Member



HEY NONNY

LIVE MUSIC + LOCAL KITCHEN

October 24, 2017

Charles Witherington-Perkins
Director, Department of Planning and Community Development
Village of Arlington Heights

Re: Staff Comments re PC# 17-011 Hey Nonny Special Use Permit Application

Dear Charles:

In our response to Village Departmental comments last week, we inadvertently failed to provide responses to the issues raised by David Robb, Disability Services Coordinator. We appreciate Sam bringing that to our attention today. Our responses to David's comments are set out below.

Disability Services Coordinator

IAC Section 400.510(a)(2): No alternation shall be undertaken that decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration.

RESPONSE: The proposed Hey Nonny construction does not decrease accessibility or usability of the building below the requirements for new construction at the time of alteration.

1. 16x12 Stage. Provide an accessible route (wheelchair ramp or platform lift) to the stage per IAC Section 400.31(a).

RESPONSE: The Hey Nonny stage is not a public area (a separate "floor" or "mezzanine") to which the requirements of Section 400.310(a) apply. The public is not invited or permitted on the stage. That said, Hey Nonny is open to disabled and non-disabled performers alike, and a disabled performer is booked to perform, Hey Nonny will provide an accessible route (wheelchair ramp or platform lift) to the stage.

2. Counters and Bars. Where food and drink is served at counters and bars exceeding 34 inches in height. . . ., a portion of the main counter and bar measuring a minimum of 60 inches shall be provided in compliance with IAC Section 400.310(w)(2-4) or service shall be provided at accessible tables in the same area per IAC Sec. 400.320(l)(1 and 2) and 400.310(w)(2-4). (See attached illustrations "National Restaurant Assoc's "Restaurant Design Requirements").

Note. Accessible counters, bars, and tables are those that provide a clear knee space measuring: 27-inches from the floor to the bottom edge of the table, bar, or counter. 30-inches wide between table legs or table supports. 19 inches deep from the table edge to support post or table leg and table top heights of 28 to 34 inches high.

RESPONSE: Accessible tables complying with the above standards will be available in the bar area.

3. Men's and Women's Single User-Restrooms: The existing restrooms are not accessible per the requirements of IAC 400.310(n) and 400.Illustration B, Figures: 3, 25, 28, and 29.

RESPONSE: See Appendix A to Hey Nonny's original responses, attached again below, which includes an analysis of compliance with accessibility requirements for restrooms. In addition, the following responds to the specific illustration requirements relating to the IAC, and how they coordinate with the existing publicly accessible toilet rooms:

Illustration B, Figure 3: 60" diameter turning radius. Existing public toilet rooms have clear turning radius.

Illustration B, Figure 25: Clear door push and pull clearances. Existing public toilet room doors have required clearances.

Illustration B, Figure 28: Clearances at water closet. Existing public toilet room ADA stalls have required minimum floor clear areas.

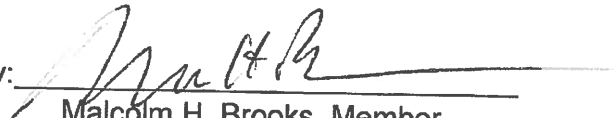
Illustration B, Figure 29: Grab bars at water closets. Existing public toilet room ADA stalls have code-required grab bars.

Thank you for your assistance.

Harmony Hospitality LLC

d/b/a HEY NONNY

By:

A handwritten signature in black ink, appearing to read "Malcolm H. Brooks", written over a horizontal line.

Malcolm H. Brooks, Member

APPENDIX A TO PC#17-011

MEMORANDUM FROM d+k ARCHITECTS RE BATHROOMS FOR HEY NONNY

October 24, 2017

BACKGROUND.

Hey Nonny is a restaurant/bar/music venue planned for 10 S. Vail Ave., Arlington Heights. As part of the design work, it has been determined the required number of toilet rooms and any associated fixtures for the premises, as well as the proper availability of ADA-compliant toilet rooms. Because these are important issues, the project team is setting out here the determination, how it was arrived at, and how it relates to the design for the Hey Nonny premises. In the context of performing this, the project team has reviewed the ADA Standards for Accessible Design (2010 edition), Illinois Accessibility Code and the associated International Building Code(s) that have been adopted by the Village of Arlington Heights and the associated village amendments. In addition, on September 27, 2017 d+k spoke to Felicia Burton (an accessibility specialist for the Illinois Capital Development Board) regarding ADA requirements. Finally, d+k worked with the owners of Hey Nonny to determine realistic maximum occupant loads, which they understand will be converted into occupancy limits.

REQUIRED FIXTURE COUNT.

As it has developed, the Hey Nonny design is to operate primarily as a restaurant with a significant music component. The premises will be operated as a single business. Many times, the operable partition will be open and the spaces will be physically one space. Thus, at those times, the music will be available throughout the premises. Further, whether the partition is open or closed, food service will be available in both sides of the premises at all times (in at least 16 seats in the venue room; sometimes throughout that room). Further, the owners report that between 65%-70% of revenue is expected to come from food service and beverage service related to dining (the remaining 30%-35% of revenue will come from concert ticket sales and beverage service related to concert attendance without food service). Per Chapter 3, sections 302 and 303 of the 2009 International Building Code, the project team has determined that an A-2 occupancy classification as the space "includes assembly uses intended for food and/or drink consumption including, but not limited to: banquet halls, casinos, nightclubs, restaurants, cafeterias, taverns and bars."

Because a portion of the toilet rooms to be used at Hey Nonny are in the public, common space of the condominium and shared with Armand's restaurant, the requirements for Hey Nonny must be analyzed taking into consideration the maximum occupant load for all occupants. The project team has analyzed the three dining spaces used in the Armand's operation and have calculated a maximum occupant load for the Armand's space at 175 people. Based on the

conversations with Hey Nonny ownership, d+k calculated the maximum occupant load for the Hey Nonny space at 259 occupants (patrons, performers and employees). Thus, the combined load is 434 occupants. For calculation purposes, we assumed 217 men and 217 women, per standard calculation rules.

The project team did not include the upstairs Metropolis Ballroom, or the downstairs Big Shot Piano Lounge in our calculations, because those spaces each have their own toilet rooms that serve their clientele.

Per the Illinois Plumbing Code requirements, the applicable rules require 2 water closets for 101-300 occupants and 3 lavatories for 201-400 occupants for men. Thus, 217 men would require 2 water closets and 3 lavatories.

Per the Illinois Plumbing Code requirements, the applicable rules require 4 water closets for 101-300 occupants and 3 lavatories for 201-400 occupants for women. Thus, 217 women would require 4 water closets and 3 lavatories.

The existing first floor common area toilet rooms each contain 3 water closets and 2 lavatories. Thus, Hey Nonny must add at least 1 lavatory for men, and 1 water closet and 1 lavatory for women to achieve compliance. While Hey Nonny is not required to add water closets and lavatories above and beyond those requirements, the facility will be adding fixtures for ease of access and use within the space. These additional toilet rooms will be sufficient to permit Hey Nonny to meet all applicable numerical plumbing requirements.

ADA COMPLIANT TOILET ROOMS

The common area bathrooms each contain ADA-compliant facilities. The path to each of these rooms from Hey Nonny is approximately 160 feet from the most remote point within Hey Nonny to the public, common toilet rooms. These ADA-compliant facilities meet Hey Nonny's requirement for ADA toilet rooms.

The original Hey Nonny plan had one non-ADA men's toilet room, one non-ADA women's toilet room, and one unisex ADA compliant toilet room. In our conversation with Felecia Burton with the State of Illinois, she said that having a unisex ADA toilet room on premises would not be acceptable: if there is one more facility than required, then there must be an equal number of men's and women's ADA compliant toilet rooms. She did not view a unisex toilet room as meeting this requirement.

There is not enough room in the premises to add another ADA bathroom (if there is to be enough seating to make the venture financially viable). Also, there is not enough room to expand the two non-ADA men's and women's toilet rooms into ADA compliant toilet rooms. Therefore, the choice was to either take out the large unisex toilet room in the plans, or to recharacterize it as either non-ADA unisex or an additional women's toilet room. The owners

felt that the on-premises toilet room would be a benefit to guests and, even though it is not required to meet numerical requirements, have opted to retain it, and to retain it in its present size. Thus, while it will not be characterized as an ADA compliant toilet room, it could still serve handicapped and non-handicapped guests alike.

d+k Architects
1147 W. Ohio St. Suite 103
Chicago, Illinois 60642