

Guidelines for Limited Use of Common Area by Certain Restaurants

Background

Limerock Road and two other restaurants experienced severe troubles during Covid – no or limited indoor seating. While there exists 6 or 8 tables in front, behind their fence, there was an extended period when there was no indoor seating. However outdoor seating was approved by the authorities having jurisdiction. We want all of our businesses to succeed so the HVCOA Board decided to open up the common area for Limerock and (at the time) the taco restaurant to use. The Board also told the Haile Bistro at the other end of the Village we would not object if they spilled tables out onto the sidewalk and in their parking area so long as the AHJ did not object. It was planned to be a temporary change just to help the businesses survive the emergency.

However, it was a big hit with the public and we saw no reason to stop after the emergency ended because the change benefited everyone. Therefore, the Board formalized the change. This document outlines the guidelines the Board has adopted and delivered to the restaurants using the area.

Guidelines for Use of the Area bounded by the playground, diagonal parking, and adjoining buildings:

- 1) You and the other restaurant may use the common area. Free of charge.
- 2) You supply the tables, chairs, umbrellas. They belong to you. But you have no ownership rights to the area and can use the common area as long as things go smoothly.
- 3) Your usage is non-exclusive – this means you cannot exclude anyone from sitting at any table at any time. If someone brings their own food and decides to eat at a table and buys nothing from you, they stay. You can't put up any signs that may indicate that any of the area or tables are for the exclusive use of your restaurant patrons. It's a common area.
- 4) All cleanup of the common area – all trash, garbage, waste, is your responsibility. This means emptying the trash, power washing the spills or grime. Each night you're responsible for putting away whatever is out there. The tables and chairs and umbrellas were never bothered by anyone, so theft isn't an issue. But if someone steals or damages your "stuff" that's not our problem.
- 5) You can string lights if you want, but you must make sure the lighting doesn't shine "up" into the apartments or bother people and you must get ARB approval beforehand (and of course, any code issues are yours to deal with).
- 6) What worked well was that the tables closer to the two restaurants generally were "your customers' tables" by default and as the further away from the door you got, the less likely anyone would sit if they were visiting your restaurant. It worked without having to tell anyone anything and having condiments, table folders, set ups, etc., kind of reinforced the idea.
- 7) All safety precautions you follow indoors must be followed outdoors. No trip hazards, no dangling electric cords, you get the idea.
- 8) Your GL, Liquor, Workers Comp – all insurance must name the HVCOA as an additional insured before you use the area. If a separate waiver of liability, hold harmless or defend and indemnify becomes necessary, you will have to execute them. As long as our insurance carrier and lawyer are happy, we're happy.

9) Whatever changes are needed to meet any laws, rules, regulations or statutes for you to use the area, or become necessary in the future, are your problem. We will help by making official declarations, providing whatever passive approvals may be necessary, or painting lines - so long as the HVCOA isn't considered a landlord, guarantor, or business partner and the change is ARB approved.

10) You must be reasonable and respectful when you have an outdoor event like a band or a party – shut down the noise and commotion so you don't bother the neighbors. Generally speaking, 10PM is the cut off and you cannot pipe loud music from a stereo if it bothers anyone's peace and quiet. Music is like wine. What I like, you may hate.

11) The number of tables is up to you, but be mindful of children running and dogs on leashes getting tangled or tripped by close spacing – 16 4-tops were what we had last. The more the better because since "anyone can sit anywhere" you'll want enough seating to cover your guests and allow for others.

12) Your continued use of the area may not be considered a permanent arrangement. Usage is completely at the discretion of the HVCOA Board of Directors and may be revoked at any time, for cause or no cause whatsoever. The HVCOA will work with you to address issues as they arise but no guarantees concerning continued usage of the area should be assumed by you.

12) Finally, we would expect you to use common sense and keep an eye on the area. If there are people who are disruptive, rude, argumentative or nasty you have permission to ask them to leave, call the sheriff, or call management. The onus is on you.

The general idea is you can use the outdoor area if you are nice and a good neighbor. We encourage you to build, purchase or obtain at least two picnic style tables at the playground end for use by families. That would be an example of being a good neighbor.

Guidelines adopted by the HVCOA Board