

**RESOLUTION
OF THE
THE RIVERWALK EMERALD BUILDING ASSOCIATION
REGARDING CONDITIONS FOR CONSTRUCTING A RESTAURANT**

SUBJECT: Application for Board approval to open a restaurant in the building.

PURPOSE: To establish certain conditions for approval of interior and exterior modifications necessary to open a restaurant in the building, to protect the uniform look of the building, prevent damaging structural modifications to the common areas, and protect the health, safety and quiet enjoyment of the unit owners.

AUTHORITY: The Declaration, Articles of Incorporation and Bylaws of the Association and Colorado law.

EFFECTIVE DATE: _____, 2013.

WHEREAS, the Board of Directors desires to establish a process for reviewing a request for a permitted restaurant; and

WHEREAS, a restaurant, if not well designed and appropriately constructed, may negatively impact the uniform look of the building; may require alterations of the common area; may result in increased costs to other owners due to excessive use of common utilities such as water, gas and trash; may cause the release of noxious odors, sounds and lights; or may materially increase the Association's insurance rates; and

WHEREAS, the Board intends to establish uniform conditions for approval of this and any future use of a unit including a restaurant in the Building;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby establishes the following conditions that must be met by the owner of a commercial unit prior to approval of and construction of a restaurant in the building:

1. Exterior Changes/Alterations to the Common Elements. No exterior changes, or alterations, additions or improvements may be made to the common elements without the prior written consent of the Board. Alterations to Unit interiors made by Owners must not adversely affect the structure, must comply with all applicable building codes, permit requirements and the Declaration, and must be at the Owner's expense.

2. Requests for Exterior Changes/Alterations/Signage. Owners must submit a written request to the Board for approval prior to making any exterior changes, alterations to common elements, significant structural change to a unit, or installation of signage. For a restaurant, the request must include at a minimum detailed plans and specifications for exterior modifications and structural modifications to the unit; number of seats; specifications of major kitchen equipment such as the make and model of the stoves, hood and ventilation systems, fire suppression systems, and plans for noise mitigation. No work may commence until the Owner receives written approval from the Board, and all necessary permits from local regulatory agencies.
3. Separately Metered Utilities. All restaurants or other high-utility users must have separately metered utilities, therefore, the Owner must provide plans for establishing separately metered utilities, including a separately metered water line.
4. Adequate Heating, Ventilation and Cooling (HVAC) Systems. All restaurants must have HVAC systems to limit the exterior release of noxious odors, noise and high temperatures, that meet or exceed industry standards. To the extent that the exhaust from these systems requires exterior modifications, those modifications may not cause damage to the common elements; must be located in the area where they will be the least visible and cause the least amount of disruption to neighboring units; and must be constructed in colors and materials that match the existing, surrounding structure.
5. Insurance, Health and Safety. All restaurants must have adequate HVAC, fire suppression, grease handling and other health and safety systems, so as not to materially increase the Association's insurance rates. Owner must provide information about these systems for the purpose of an evaluation for the Association's insurance agent, and must provide copies of permits from all local regulatory agencies.
6. Grease and Waste Disposal. If the restaurant will generate grease or other waste that would result in increased waste disposal costs for the Building, then the Owner must make arrangements for separate waste disposal, with minimal disruption to neighboring units.
7. Signs. All restaurants must provide plans for exterior signage that are consistent with the Riverwalk at Edwards signage regulations, including colors, materials, size and installation plans. One exterior sign, consistent with existing commercial unit signs, will be approved subject to these Conditions.

8. Professional Review of Request/Written Approval. In the Board's sole discretion, it may hire an appropriate professional to review the request for exterior changes associated with the restaurant and make recommendations to the Board. The Owner is responsible for the cost of the professional's reasonable fee for this review. The Board will provide a written approval or request for additional requirements, to the Owner, within two weeks of receiving all the information required by these Conditions.
9. Permits, Insurance and Working Hours. Once the Board has approved a request subject to these Conditions, then the Owner must provide the Building Manager with the following prior to commencing work:
 - a. The project schedule for the planned construction activities;
 - b. Copies of all permits; and
 - c. Copies of the liability and workman's compensation insurance for all contractors

Working hours are 8:00 am to 5:00 pm, Monday through Saturday only. 72 hours prior notice must be given to the Building Manager prior to any utility shut down.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Riverwalk Emerald Building Association, a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a action outside of a meeting of the Board of Directors on _____ and in witness thereof, the President and all of the Directors undersigned have subscribed his/her name.

Ed McMillan, President

