

Curbside Pickup: Revising Leases for Increased Common Area Use and Costs, Signage, Additional Insurance

THURSDAY, JANUARY 14, 2021

1pm Eastern | 12pm Central | 11am Mountain | 10am Pacific

Today's faculty features:

Tal Diamant, Shareholder, **Brownstein Hyatt Farber Schreck**, Denver
Patrick R. MacQueen, Founding Partner, **MacQueen & Gottlieb**, Phoenix
Stacy Ann Osmond, Attorney, **DLA Piper**, Chicago

The audio portion of the conference may be accessed via the telephone or by using your computer's speakers. Please refer to the instructions emailed to registrants for additional information. If you have any questions, please contact **Customer Service at 1-800-926-7926 ext. 1.**

Tips for Optimal Quality

FOR LIVE EVENT ONLY

Sound Quality

If you are listening via your computer speakers, please note that the quality of your sound will vary depending on the speed and quality of your internet connection.

If the sound quality is not satisfactory, you may listen via the phone: dial **1-877-447-0294** and enter your **Conference ID and PIN** when prompted. Otherwise, please **send us a chat** or e-mail sound@straffordpub.com immediately so we can address the problem.

If you dialed in and have any difficulties during the call, press *0 for assistance.

Viewing Quality

To maximize your screen, press the 'Full Screen' symbol located on the bottom right of the slides. To exit full screen, press the Esc button.

Continuing Education Credits

FOR LIVE EVENT ONLY

In order for us to process your continuing education credit, you must confirm your participation in this webinar by completing and submitting the Attendance Affirmation/Evaluation after the webinar.

A link to the Attendance Affirmation/Evaluation will be in the thank you email that you will receive immediately following the program.

For additional information about continuing education, call us at 1-800-926-7926 ext. 2.

If you have not printed the conference materials for this program, please complete the following steps:

- Click on the link to the PDF of the slides for today's program, which is located to the right of the slides, just above the Q&A box.
- The PDF will open a separate tab/window. Print the slides by clicking on the printer icon.

Tal Diamant

Real Estate Attorney

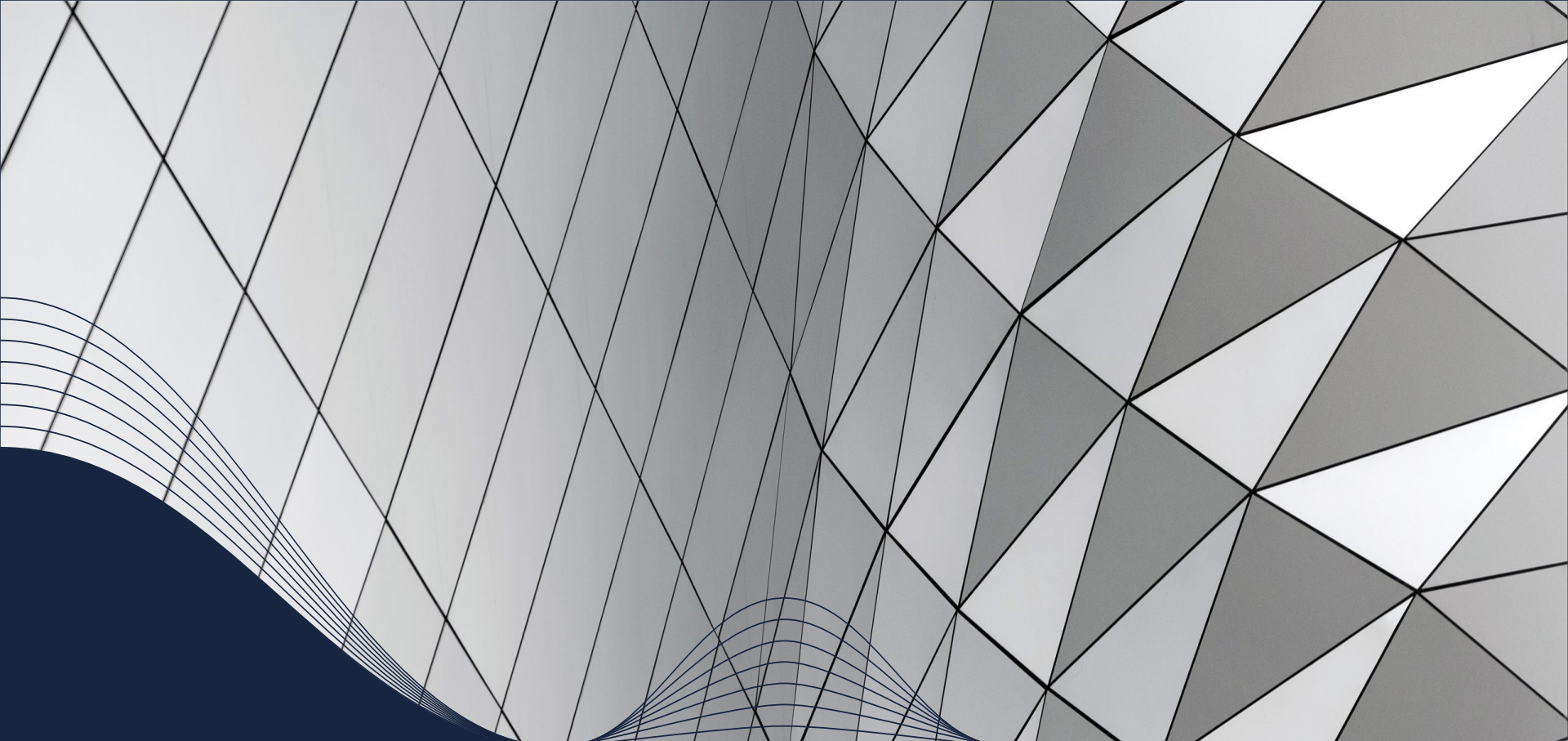
 Brownstein Hyatt
Farber Schreck

OSHA and Curbside

- Guidance for operators as they provide curbside services
- OSHA's General Duty Clause
- Failure to Follow Guidelines

CDC and Curbside

- The CDC has offered some guiding principles for curbside pickup/restaurants
- Like OSHA, CDC classification is done based on risk level
 - Curbside designated as “lowest risk” compared to indoor or traditional dining



Curbside Pickup: Revising Leases for
Increased Common Area Use and Costs,
Signage, Additional Insurance



Common Area Use and Maintenance Costs

Stacy Osmond, Attorney at DLA Piper LLP (US)



Common Area Use

Typical Lease Provisions

- Description/definition of common areas
- Tenant rights
- Landlord rights
- Typical restrictions on common area use
- Parking

Common Area Use

Potential Issues / Lease Revisions

- Hours
- Noise
- Increased traffic
- Compliance with law / recorded restrictions
- Insurance
- Common Area Maintenance Costs
 - Base Year / Expense Stop
 - Operating Expenses
 - Caps

Thank you

Stacy Osmond

DLA Piper LLP (US)

Stacy.Osmond@us.dlapiper.com

Signage & CCR's and Curbside

- Signage and Curbside
 - Signage rights in the lease
- CC&R's & Anchor Leases
 - Common Area Issues

General Insurance and Indemnity

- Liability Policy
 - Bodily Injury and Property Damage
 - Additional Insured Status
 - Indemnity

- Property Policy
 - Casualty Provision
 - Endorsements

Insurance & Additional Insureds and Curbside

- What are the new coverage risks with the emergence of curbside services?
- Amendments to leases for insurance and indemnity changes
- Verification of Coverage

Patrick MacQueen

Real Estate Attorney

M|G

MACQUEEN & GOTTLIEB, PLC

Legal Restrictions: Zoning / Land Use

- General Premise: Not permitted.
- Catch 22 for Owners and Retailers: Code violation / endanger patrons / lose business.
- Patron Preferences.
- Examples of Municipal (Temporary) Response.

Legal Restrictions: Zoning / Land Use

- Immediate Methods to Address Land Use Issue:
 1. Request for official interpretation.
 2. Variance.
 3. Ask for forgiveness.
 4. Comprehensive approach.
- Benefits / Pitfalls of Each Approach.

Thank you for your time today!

Patrick MacQueen, Esq.

602-533-2840

Patrick@mandglawgroup.com

MG

MACQUEEN & GOTTLIEB, PLC