



Mr. Frank DiCicco
Chair, Zoning Board of Adjustment, City of Philadelphia
One Parkway Building, 1515 Arch St., 18th Floor
Philadelphia, Pennsylvania 19102

March 19, 2021

RE: RCO Meeting Summary for Meeting ID: MI-2020-003108
Application # ZP-2020-004022 Applicant: Eleanor Davey
Address: 8612-14 Germantown Hearing Date: March 24, 2021, 9:30AM

Dear Mr. DiCicco:

On January 19, the Chestnut Hill Community Association conducted a virtual (Zoom) RCO meeting with the Sanjiv Jain, owner of this property. The meeting was announced in the *Chestnut Hill Local*. Mr. Jain confirmed that notification letters had been sent to neighbors. The plans were presented to our Development Review Committee (DRC), which retains seats open to all area RCO's and to the Chestnut Hill Business District. A representative of the Chestnut Hill Conservancy was present. While interested citizens have attended other virtual meetings conducted by the CHCA, none attended this meeting.

The DRC recommended *support of the application for a variance for the project for a sit down and takeout restaurant with the provisos that any changes to the building, including signage, lighting and installation of a ramp, be reviewed, and that the variance is limited to any future non-conforming tenants including restaurants*. On January 28th, the CHCA board approved this motion of support.

Subsequent to January 28th, we learned that the neighbor notification letters had only just been received, and that neighbors had missed the opportunity to review this appeal. Two more DRC meetings were held on Feb. 16 and March 16 to allow neighbors the opportunity to voice and resolve their concerns. This work resulted in a second motion that was approved by the CHCA board: *The CHCA Board of Directors supports the application for a variance for 8612-14 Germantown Ave. subject to the applicant's agreement to the performance provisos agreed to in the attached agreement.*

POSITION: SUPPORT, with proviso: variance is limited to any future non-conforming tenants including restaurants.

Sincerely,

Anne McNiff
Executive Director

cc: Sanjiv Jain, owner
Eleanor Davey, Applicant
Honorable Councilwoman Cindy Bass
Ian Hegarty, Philadelphia City Planning Commission
RCO Notification/ Philadelphia City Planning Commission
Lori Salganicoff/ Executive Director, Chestnut Hill Conservancy
Kathi Clayton/ President, CHCA Board of Directors

EL LIMON / CHESTNUT HILL COMMUNITY ASSOCIATION VARIANCE
AGREEMENT

This agreement is hereby made between Chestnut Hill Real Estate, L.P. ("Property Owner"), the owner of 8612 Germantown Avenue, Philadelphia, PA 19118 ("Property"), and ELCH, L.L.C. ("Tenant-Franchisee") (the aforementioned entities are hereinafter collectively referred to as the "Applicant"), the Chestnut Hill Community Association ("CHCA"), and Bowman Properties, Ltd.

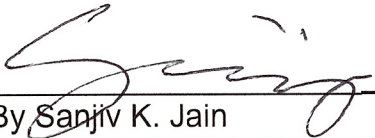
The Applicant seeks a use variance, in order to open a restaurant, El Limon, at said location. In exchange for a letter of support from the CHCA for the use change, the Applicant agrees and consents to the following binding terms and conditions:

1. The Applicant will retain a contracted, independent exterminator to perform consistent, routine extermination services for the interior and exterior of the Property;
2. Trash generated by the Tenant-Franchisee and El Limon Restaurant at the Property, must utilize the trash dumpster ("Dumpster") located on the Purple Lot near 8600 Germantown Avenue, Philadelphia, PA 19118;
3. The Applicant will construct a pad and enclose the Dumpster with an attractive, wooden, 9-foot-high fence prior to the date of the opening of the El Limon Restaurant at the Property; the design shall be approved by Bowman Properties, owner of the parking lot;
4. The Applicant must retain a private, third-party trash removal company to empty the Dumpster on the Bowman Properties, Ltd. dumpster pad every other day or when filled;
5. The Applicant will only schedule and receive third-party deliveries between the hours of 7AM-10AM daily;
6. The Applicant will only accept third-party deliveries from the back of the Property, not on Germantown Avenue;
7. Should any outdoor dining be considered/proposed in the future, the Applicant must present the proposed plans, designs, seating arrangements, occupancy, hours of operation, and enhanced remedial measures to the adjoining neighbors & property owners for review and approval through the CHCA structured process using the DRC, LUPZ & HDAC;
8. The Applicant will continuously rent two reserved parking spots in the Purple Lot, to be near the back of the building, to be used solely by El Limon for delivery/pick up, including, for example, third-party delivery drivers such as Grubhub and DoorDash;


SA. KC

AMB

9. Access to the Purple Lot, for any business purpose of the restaurant at 8612 Germantown Avenue, is contingent upon compliance with the terms described herein.


By Sanjiv K. Jain
President, CHPM, GP for Chestnut Hill Real Estate, L.P.
Managing Member ELCH, L.L.C.


By Kathi Clayton
President – Board of Directors of
the Chestnut Hill Community Association
An Interested Party


By Richard Wood Snowden
Managing Partner – Bowman Properties, Ltd.
Representing Thomas Greenwood, III;
Thomas P. Farnoly, Jr.; S.C Hilltop Investors, L.L.C.;
Anne McNally; Meg McNally; Christine
Benedum; and Enzo Mandarano