

**REPORT ON PUBLIC HEARING  
APRIL 23, 2023  
PHILADELPHIA CITY PLANNING COMMISSION**

**PROPOSED AMENDMENT TO REGULATION 12  
REGISTERED COMMUNITY ORGANIZATIONS**

Dated: May 19, 2023

/s/  
Philadelphia City Planning Commission  
Eleanor Sharpe  
Executive Director

Dated: May 19, 2023

Approved by:

/s/  
Law Department  
Leonard F. Reuter  
Senior Attorney

**A. Legal Authority**

The Philadelphia City Planning Commission (“Commission”) was created by the Ordinance of December 21, 1942. With the adoption of the Home Rule Charter April 17, 1951, the Commission was formally recognized as an independent, Chartered Commission. The Commission was substantially reorganized pursuant to an amendment to the Philadelphia Home Rule Charter, approved by the voters on November 3, 2015, and certified on November 23, 2015<sup>1</sup>. Philadelphia Home Rule Charter Section 4-604. The Commission shall prepare and adopt,

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<sup>1</sup> See Bill No. 140721 (approved June 16, 2015); Resolution No. 140732-A (adopted June 11, 2015). See Charter subsection A-200(14) for effective date. Former Charter Sections 4-600, 4-601, 4-602, 4-603 and 4-604 were consolidated into this new Section 4-604 as subsections (a), (b), (c), (d) and (e), respectively.

from time to time modify, and have custody of a comprehensive plan of the City showing its present and planned physical development. § 4-604(a) The Commission also prepares proposed zoning ordinances and regulations § 4-604(b). The Commission has specific authority to promulgate regulations governing Registered Community Organizations (“RCO”). Philadelphia Zoning Code Section 14-303(11A)(h).

### **B. Procedural Summary**

The Commission followed the procedures set forth in Home Rule Charter Section 8-407 when promulgating this amendment to Section 12 of the Regulations of the City Planning Commission (Registered Community Organizations (“RCOs”)) at its meeting of January 19, 2023. The Law Department approved the proposed amendment of the regulation for public comment posting and, on February 9, 2023, the proposed amendment was filed with the Records Department. The Commission was thereafter notified that a request for a hearing had been made to the Records Department. The Commission scheduled a hearing on the proposed amendment for April 23, 2023, notice of which was advertised in local newspapers and posted prominently on the Commission’s website.

The Philadelphia City Planning Commission opened its April 23, 2023 meeting at approximately 1:00 PM<sup>2</sup>. The meeting, during which the hearing took place, was held in a virtual setting on the Zoom Webinar platform. In attendance were the following Commissioners:

Chairperson Anne Fadullon  
Maria Gonzalez  
Cheryl Gaston  
Garlen Capita

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<sup>2</sup> A full recording of the Planning Commission meeting, including the hearing on the regulation, is available at this link: [https://dpd-public-meetings.s3.amazonaws.com/PCPC/PCPC\\_April202023.mp4](https://dpd-public-meetings.s3.amazonaws.com/PCPC/PCPC_April202023.mp4)

Ximena Valle  
Aubrey Powers  
Tavare Brown  
Joseph Syrnick  
Patrick Eiding  
Dawn Summerville  
Michael Johns

In addition to the Commissioners, Eleanor Sharpe, the Executive Director of the Philadelphia City Planning Commission, and Leonard F. Reuter, Senior Attorney representing the Law Department, were also present.

After preliminary matters relating concluded, Chairperson Fadullon announced that the Commission was going to hold a hearing on the proposed regulations as the next item on their agenda. Executive Director Sharpe first explained the process set forth by the Charter and indicated that the Commission would not vote at the conclusion but would vote on whether to approve the subsequent Report. At that point, Executive Director Sharpe opened the hearing, at which point Chairperson Fadullon announced that Commissioner Patrick Eiding had logged into the hearing.

### **C. The Hearing**

Jonathan Goins, a City Planner with the Department of Planning and Development (“Planning”), gave a presentation recapping the proposed regulation changes from January that were the subject of the public hearing. Mr. Goins indicated that beginning in the Summer of 2023, when boundaries of the RCOs are revised, they would be drawn to follow physical features such as streets, rivers, and the rail lines. Mr. Goins explained that these physical features already exist in mapping used in the software used by Planning and that they very seldom change, making them relatively easy to draw and to maintain in their system.

Mr. Goins then summarized the second regulation change, which dealt with the timing of any boundary changes. Under previous regulations existing, RCOs were able to request boundary changes at any time in the calendar year, but under new regulations such changes would be restricted to the annual registration and renewal period in June of every year.

Mr. Goins then explained that because RCO renewal is every two years, that is when RCOs would submit a registration application and a copy of their bylaws for Planning's review. At that time Planning would evaluate the boundaries in light of the new regulation, which would be adjusted as needed to conform to the new regulation. Planning staff would work with the RCOs to make sure their bylaws are as consistent as possible with the boundaries that are developed.

It was then explained that since January of 2023, there are around 270 RCOs currently registered, of which approximately 30 were found to have potential boundary issues.

Chairperson Fadullon then solicited comment and questions from the Commissioners; hearing none, she opened the floor to the public, announcing that she intended to limit responses and comments to three minutes per speaker to accommodate the large number of attendees. The Chairperson also reminded the attendees that statements should be limited to the specific regulation changes that were adopted by the Commission in January and to be circumspect with regard to other comments and questions beyond the scope of the specific regulation that was the subject of the hearing.

Greg Waldman, also of the Planning Staff, called upon those persons who had virtually raised their hands and also indicated where public comment was received through the chat function of the Zoom Webinar platform or electronic mail.

Wendella Fox was the first member of the public to be recognized. She indicated that she was the President of the Foxx Lane RCO. Ms. Fox explained that Foxx Lane was unique in that it is a small single-egress street surrounded by two institutions. “Proposals from these two institutions to develop their land, affect the residents of Fox Lane in a significant and unique way that does not impact residents of any of the neighboring streets.” She reiterated that Foxx Lane RCO was requesting that Commission staff be given the flexibility to address unique situations on a case-by-case basis when they arise. Chairperson Fadullon responded by saying that it is a vast city with many different circumstances.

There were some connection problems with the next speaker to be recognized, Marnie Loughry. Next to be recognized was Danita Bates, who identified herself as being from the 16<sup>th</sup> Ward RCO. Adrienne Fernandez of the Swampoodle Neighborhood Parcels Association (“Swampoodle”) spoke next by telephone. Ms. Fernandez had questions about the hearing process and what happens next to which Mr. Goins responded. Ms. Fernandez also indicated that she had sent a letter to the Commission addressing certain concerns. Mr. David Fecteau confirmed the receipt of the letter and indicated it would be in the record of the matter. Ms. Fernandez then talked about Swampoodle being “bullied” by other RCOs over boundaries and additional discussion of problems with competing interests vis a vis other RCOs.

Mr. Waldman then read into the record a comment made in the Zoom chat by Ms. Loughry<sup>3</sup>. Ms. Loughry indicated that she is the Chairperson of the Kensington Independent Civic Association. Ms. Loughry asked whether the change of boundaries to streets, structures,

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<sup>3</sup> All written comments received in the Zoom chat as well as the voice-to-text transcript of the hearing are attached as Exhibit 1 and Exhibit 2, respectively.

and natural boundaries would stop other RCOs from overlapping with each other. Mr. Goins responded that the new regulation would not prevent overlapping boundaries and expansion of boundaries, though he acknowledged that the intention of the regulation is to limit expansion or extension, which is related to overlapping boundaries. Judith Robinson of 30<sup>th</sup> Ward RCO was recognized as the next dial-in participant. Mr. Robinson expressed her agreement with the prior comments of Ms. Danita Bates.

Tinamarie Russell spoke next and asked that the Commission reiterate the reasons for holding the hearing. Mr. Goins again explained the process. Ms. Russell then stated that in her neighborhood, Strawberry Mansion, gentrification was leading to new RCOs being formed to support large development projects and others are formed for the purpose of interfering with other RCOs. Chairperson Fadullon responded by acknowledging the concerns with new and overlapping RCOs but explained that the Commission only could consider regulations and that preventing RCOs from overlapping boundaries would require a change in the applicable ordinances, which were actions Council would have to consider. The proposed regulation change only dealt with boundaries lining up with streets, etc. Ms. Russell responded by saying that the reasons RCOs were wanting to change boundaries was to respond to development, lawsuits, even potential violence from other RCOs.

Ms. Kate Brand spoke next, by phone, and she reiterated the concerns of Ms. Russell, particularly with respect to RCOs being sued (presumably in SLAPP and related lawsuits).

Tiffany Green of Point Breeze spoke next. Ms. Green claimed that very few RCOs knew about the hearing and asked that the Commission require at least one community meeting with RCOs to explain all regulations going forward. Ms. Green then claimed that the boundary for

Point Breeze had been changed or pulled back and wanted to know how they would be notified of those changes. She said that when boundaries change, persons who vote and get notices would change and that RCOs should have the right to request the list of affected addresses, to see which one of those effective addresses voted for a project and they should not have to make that request to a coordinating RCO.

Mr. Goins responded by stating that no boundaries have changed under this new regulation and that would not happen until June and would be part of the renewal and registration process. For all those who are renewing, boundary adjustments, if necessary, would be part of that process. Boundaries will not change without notifying anyone, nor would that occur outside of that that renewal registration process.

Mark Harris of Cathedral Park then expressed concerns about some RCOs having boundaries that do not correspond to what would normally be considered part of a given neighborhood and are too extensive in area.

There were no further participants wanting to comment, but a few comments were made in the Question and Answer and Chat sections of the Zoom platform. These are attached hereto as Exhibit 1.

#### **D. Conclusions**

The proposed amendment to Regulation 12 was limited in scope to require alignment of RCO boundaries with streets, rivers, streams, rail lines. The main purpose of the regulation is simply to ease the process of mapping RCO boundaries, as such features are already incorporated into the mapping software used by Planning. Another purpose of the amendment

is to regulate the timing that RCO boundaries would change; under the proposed regulation, boundary changes would only occur when renewal applications are reviewed in June. The Commission staff would work with RCOs to assure that by-laws are amended so that the by-laws and Commission boundaries would not conflict.

While there were numerous comments relating to boundaries in a general sense, and several concerns expressed about RCO boundaries overlapping, those broader issues can only be addressed by City Council. Assuring that RCO boundaries do not overlap or restricting RCO boundaries to recognized “neighborhoods” is not within the authority of the Planning Commission to enact, but would require new legislation, rather than regulation that might be within the authority of the Commission to promulgate. Foxx Lane directly addressed the realignment issue in the context of their specific RCO which has two institutions impacting their block. As Chair Fadullon explained, however, a set of rules and regulations that apply to all RCOs in the City is bound to be more difficult to implement in some cases than others. Creating exceptions for some RCOs based upon the status of their immediate neighbors would undoubtedly unravel the entire intention of the amendment. Additionally, there is nothing to prevent the Commission from revisiting these regulations if they turn out to require adjustments.

The majority of comments addressed broader concerns with the multiplication of RCOs, expanding boundaries of new RCOs allegedly being set up by developers, the threat of SLAPP lawsuits, and even conflict between RCOs. Unfortunately, these comments—as heartfelt as they were—were not directly germane to the very limited boundary alignment process that is the subject of this regulation. As such, hearing no objection to the specific regulation in question,



save that of Foxx Lane (which is addressed above), the Commission does not propose additional amendments to Regulation 12.

**Wherefore**, the Amendment to Regulation 12 adopted by the Commission on January 19 shall take effect upon the submission of this Report without further adjustment.

**Adopted** by a unanimous vote of the Philadelphia City Planning Commission on the 18th Day of May, 2023.