



## City of Philadelphia

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# MEMORANDUM

## *Privileged and Confidential Advice of Counsel*

**TO:** Gary Jastrzab, Executive Director, Philadelphia City Planning Commission

**FROM:** Jacob A. Matlin, Deputy City Solicitor, Law Department, Real Estate & Economic Development Unit

**DATE:** May 30, 2013

**SUBJECT:** **RCO Meetings under the Zoning Code**

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Pursuant to a request by the Philadelphia City Planning Commission (“PCPC”), the purpose of this memo is to advise the PCPC of whether a Registered Community Organization (“RCO”) may unilaterally define the notice and meeting requirements as it affects an applicant under § 14-303(12)(d) of the City of Philadelphia Zoning Code.

Under § 14-303(12)(d) of the Zoning Code, an applicant is required to meet with any RCO(s) prior to meeting with the Zoning Board or Civil Design Review Committee (“CDR”). Assuming any and all applicable time periods have been met by the applicant under § 14-303(12)(d) (e.g., the 45-day period set forth in subsection (.1)), the RCO(s) must “convene, organize, and conduct a meeting with the applicant to discuss the proposal.” Said meeting must also be public and advertised. The applicant must subsequently present written documentation of such a meeting to the Zoning Board or CDR in order to proceed under the Zoning Code.

There is no distinction in § 14-303(12)(d) of the Zoning Code on the type of meeting that must be “convene[d], organize[d], and conduct[ed]” by the RCO with an applicant. As long as said meeting is public and advertised, the RCO cannot prevent an applicant from meeting by right with the Zoning Board or CDR – if the applicant has otherwise satisfied the requirements of § 14-303(12)(d) – based on the RCO’s sole opinion that the meeting with the applicant was, for example, “informational only” or “unofficial.” Either the meeting was “convene[d], organize[d], and conduct[ed]” in a public and advertised manner or it was not. Assuming the meeting is public and advertised, a restriction or designation by the RCO(s) of the meeting between the RCO(s) and the applicant is irrelevant under § 14-303(12)(d) of the Zoning Code.