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Letter: The role of an RCO in zoning

Posted Thursday, August 12, 2021 8:00 am

When the Philadelphia City Council created the Registered Community Organization (RCO) designation in 2012, it was in the hope of bringing greater transparency and accountability to the city's development review process and to better balance the interests of developers and neighborhoods. Sadly, transparency and accountability were nowhere to be found at an August 4th Zoning Board of Adjustment (ZBA) hearing on 540 West Moreland Ave., which centered on a proposed subdivision of an historically-designated property in Philadelphia's Chestnut Hill neighborhood. The chairperson of the ZBA, Frank DiCicco, accepted without question the applicant's mischaracterization of the case as a "simple lot line adjustment," when in fact it involved the creation of a new parcel and thus a new development opportunity. Of greater concern, when

representatives of two of Chestnut Hill's RCOs, the Chestnut Hill Conservancy and the Chestnut Hill Community Association, tried to offer testimony as to the project's likely adverse effects, they were summarily silenced by Mr. DiCicco and their comments were labeled as irrelevant "speculation." To be sure, the case itself is of little importance beyond Chestnut Hill, and Mr. DiCicco was always personally respectful of the two RCO representatives (The three other attending members of the ZBA were silent throughout), but the two RCO's treatment in this case raises important questions about the purpose and function of RCOs and the ZBA's lack of accountability. First, why even have RCOs, if after querying developers to identify the adverse impacts of proposed projects—which, after all, is why RCOs were established—they are not allowed to verbally present their findings and concerns? The ZBA is under no obligation to agree with an RCO's recommendations, but it should at least be obliged to hear them out. Second, if the ZBA is not going to allow RCOs to do the job given to them by the City Council, shouldn't there be a non-judicial venue where the ZBA's more questionable decisions can be reviewed? Many other states allow zoning and variance decisions to be appealed to a designated legislative forum, but Philadelphia mandates that variance appeals be heard first by the Court of Common Pleas, a judicial body with inconsistent expertise in land use or real estate law. In the interests of fairness, consistency and promoting locally-appropriate development, shouldn't there be a place where the ZBA's procedural or substantive errors can be remedied?

John D. Landis

**Co-chair, Chestnut Hill Community Association
Development Review Committee**

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