

WILL THAT NEW DEVELOPMENT BENEFIT YOUR COMMUNITY?

The PEOPLE'S GUIDE to
COMMUNITY BENEFITS AGREEMENTS
& ALTERNATIVES



MAP OF DEVELOPMENTS



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Introduction

Who gets to have input when a big developer moves into a neighborhood? Southside Recycling (formerly known as General Iron), the MAT Asphalt plant and Amazon warehouses are just a few recently proposed or built real estate developments on the South and West Sides of Chicago. Aside from all being located in poor and working class neighborhoods of color, these developments also pose potential health risks. Other developments may not pose a health risk, but provoke fear of gentrification and eventual displacement.

City Bureau has been reporting and documenting how developers and the city of Chicago engage community residents when developments come into South and West Side communities. Frustration with a lack of input into the development process—and a lack of quality news and information around this

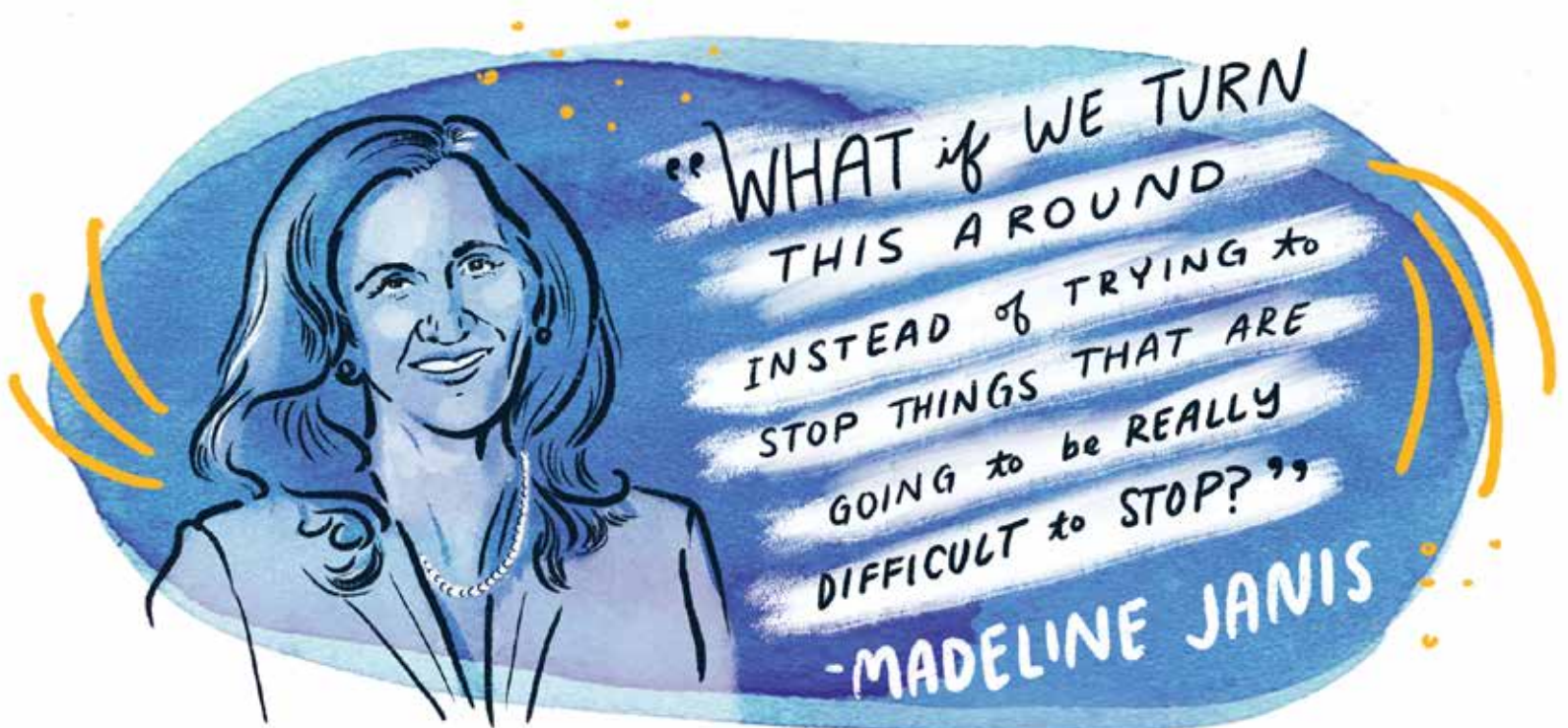
process—has been a top concern cited by City Bureau partners, program participants and sources for years.

Residents often do not learn about new developments until after construction has commenced, which does not give people enough time to have a say about a development or negotiate terms that actually benefit them. Residents think that the overall development process is purposefully made complicated and inaccessible to them. Historically, this has resulted in environmental and health impacts, gentrification and displacement of people of color.

In 2019, City Bureau hosted a Public Newsroom workshop in the East Garfield Park neighborhood to discuss how communities can have more input into local development. Several community leaders cited a Community Benefits Agreement

(CBA) as a helpful framework and tool. A CBA is a legally binding contract between a developer and residents that includes commitments the developer will make to the neighborhood, in exchange for the community's support. CBAs allow residents to advocate for their own interests by directly negotiating with developers and creating a mechanism for enforcing those commitments. Residents told City Bureau that they wished more information and skill-sharing opportunities were available around CBAs and other community development strategies.

One of the nation's first CBAs was created over 20 years ago when the Staples Center, now known as Crypto.com Stadium and best known for hosting the Los Angeles Lakers, was proposed in Los Angeles. Madeline Janis was one of the lead negotiators representing community groups. She likens the scope of the





development to the rehabilitation of Times Square in New York and notes that it would have razed mostly low-income housing in the area. “It was going to destroy a lot of people’s lives,” she remembers.

At first, there was a big effort to stop the project completely. “[We] had just been starting to think, ‘What if we turn this around rather than try to stop things that are going to be really difficult to stop?’” she says. Ultimately, many organizations and residents came together to dream up how the developer could meet their needs through an agreement. “We had walls of rooms covered with all the things that people imagined could be achieved,” says Janis. After seven months of negotiations, the project sailed through with no opposition, no lawsuits and years of compliance by the developer. Now, Janis is executive director of Jobs to Move America, a strategic policy center that, among other initiatives, helps communities organize CBAs across the country.

This zine was created by City Bureau, with the input of many community

organizers and development experts, to inform, engage and equip Chicago residents to be active participants in the development process. In this guide, City Bureau explores pathways to equitable development and the tools that enable that work. We dig deep into CBAs and how they are created.

We also provide case studies and speak to community residents, local organizations, legal experts and other people creating CBAs across the country. This is not to say that CBAs are the solution for every type of development. We also spoke with experts about the challenges and alternatives to CBAs—for instance, passing laws that will ensure community input for all developments, or ways for communities to resist incoming developments entirely.

We include a guest essay by Clifford Helm, attorney and CBA expert at Chicago Lawyers’ Committee for Civil Rights, who cites the need for big-picture reform at the city level, beyond project-by-project solutions like CBAs. The city as a whole

needs to acknowledge the impact that racist and otherwise inequitable development have had in creating a tale of two cities in Chicago, he argues.

“There have been policies and forces for hundreds of years that have tried to push us out of this country, push us out of our neighborhoods and push us out of existence,” says Christian Diaz, housing director of Logan Square Neighborhood Association and one of the organizers of Elevated Chicago’s Equitable Development Ambassadors program, which aims to educate residents about the development process and how to influence it.

Diaz wants to flip the narrative that the community is not powerful enough to understand how development works or to influence what their communities look like. “We’re not victims,” he says. “Despite Chicago’s history of disinvestment and segregation, we’re taking these challenges head-on.”





Community Benefits Agreements: CBA 101

What is a CBA?

A CBA is a legally binding contract between a community and a developer that includes commitments the developer will make to the neighborhood, in exchange for the community's support. In essence, the CBA process is a negotiation between a developer and a community to create a plan to meet the community's needs. It is not a way to prevent a development from being built.

While a community should base a CBA on the needs of the collective group, common promises in a CBA include:

- affordable housing requirements
- living wage standards for employees
- community services (or funding for these programs)

- access to the space
- workshops or job training programs
- one-time payments to community groups or residents
- hiring standards to ensure the workforce is local and made up of people of color and other disadvantaged workers, such as returning citizens.

In return, community members commit to support the development as well; for instance, they might agree to attend public meetings or help the company recruit staff and contractors.

Local proponents of CBAs say that the city of Chicago has aggressively subsidized economic development that has disproportionately benefited wealthy developers and corporations without protecting or benefiting

communities of color and low-income residents. "A strong CBA can be an important counter-weight to an economic development approach that focuses on corporate profit while displacing Black and brown people," says Ben Beach, legal director at Partnership for Working Families.

According to the Partnership for Working Families, a successful CBA contract should include a roadmap for how the developer will achieve its goals and detail the consequences if they are not met. Since a CBA is a contract, if the developer doesn't follow through, the community coalition could sue the developer for breach of contract. (This is dependent on the exact wording of the contract—see *Common Mistakes When Creating CBAs*, page 15.)

What are the steps to creating a CBA?

The process for setting up a CBA isn't a one-size-fits-all scenario. We spoke with a few CBA veterans to create this list of key steps.

(Thanks to Jawanza Malone, formerly of the Obama Community Benefits Agreement Coalition; Amalia NietoGomez, Alliance of the SouthEast and the Coalition for a South Works CBA; Mike Tomas, Garfield Park Community Council; Clifford Helm, Chicago Lawyers' Committee for Civil Rights; and Kassie Beyer, Jobs to Move America; for their input.)

Step One: Research

Who is the developer and have they made any public statements about working with the local community? Where and when is the development slated to open? Sometimes a developer is open to negotiating community benefits from the beginning, and they will proactively work with community groups to host meetings and create an agreement. But that's pretty rare. In most cases, residents need to keep an eye out for new developments and initiate the CBA process.

The best way to do this is to build relationships with your local alder's office and community groups by showing up to events and engaging in person and on social media. Sign up for newsletters, including local news outlets. Not all projects are discussed by City Council, but you can stay up to date about some incoming developments by following the Chicago Plan Commission, Community Development Commission, Chicago Department of Planning and Development and Zoning Board of Appeals.

STEPS TO MAKING A CBA

1 RESEARCH

2 MAKE ^{the} COMMUNITY'S INITIAL LIST OF DEMANDS

3 CONNECT WITH OTHER COMMUNITIES & FORM A COALITION

4 STRENGTHEN YOUR DRAFT CBA WITH EXPERT TESTIMONY & DATA

5 FORM A NEGOTIATION TEAM

6 NEGOTIATE WITH DEVELOPERS

7 MONITORING & ENFORCEMENT

Here residents can observe the deliberations over development proposals legislation that's required for them to move forward. (Note: Documenters.org is a database run by City Bureau that collects all agendas, notes and other reporting on public government meetings.)

Step Two: Make the community's initial list of demands

Bring as much of the community together as possible. You might lean on networks that already exist (block clubs, community groups, local school councils) or do your own outreach via social media, attending local events, flyering and inviting folks you know in the neighborhood.

Share the information you've gathered about the development. Ask: Do people even want the development there in the first place? What measurable, permanent improvements do we want from the developer? Try to find common ground with your neighbors and note your shared interests and needs. This will help attract more people and build power within your community.

Step Three: Connect with other communities and form a coalition

Reach out to existing organizations and networks to garner support outside your own bubble. Who else might be affected by this development? People in your original group might have contacts that you don't have, and momentum from your first meetings might encourage people to attend who were not interested when you reached out

originally. It's critical to bring more people into the fold. The larger your coalition, the more pressure you can put on a developer and city officials to work with you. Now is also a good time to reach out to people who have already negotiated CBAs to share skills and resources. (See also, *Additional Resources*, page 29.)

Step Four: Strengthen your draft CBA with expert testimony and data

Have an expert, such as public health and housing researchers, chime in. They can provide statistical data to back up the community's arguments for what they are asking for, or for what they see as a threat. Because a CBA is a legally binding contract, it's important to reach out to civil rights attorneys who understand the legal language. Attorneys can help residents understand their rights, the development process, land use policy and zoning codes.

Step Five: Form a negotiation team

While forming a broad coalition is important, it helps to have a core group of community members who function as a steering committee and/or negotiation team. This group can include legal counsel and experienced negotiators to address legal issues, but it must be reflective of the community.

Discuss and vote ahead of time on what you want this process to look like. Some community groups will prefer to negotiate first and bring in attorneys later to finalize the language, but if a developer negotiates through an attorney then

community groups should include legal counsel throughout the process as well. (See bit.ly/cba_handbook for more information on negotiation teams.)

Your team should strategize about which goals are most important to your coalition and which items to bring up earlier in the process. Some goals related to buildings and environmental concerns (affordable housing, size, environmental remediation, zoning changes, etc.) should be brought up first, ideally before permits and approvals are granted, and definitely before construction or site work begins. Other goals that deal with jobs and operations could be ongoing conversations that don't face the same time crunch—though you could benefit from starting the conversation early. Either way, once the plans are approved by the city, they are much more difficult to change—and the members of the coalition may have significantly less leverage.

Step Six: Negotiate with developers

This process varies wildly, depending on the willingness of the developer to work with the community. An initial conversation with a developer could be a simple information exchange that establishes communication lines. Here is where the negotiation plan and strategy, agreed upon by the coalition, will come in handy.

CBAs often require a public campaign to draw attention to the development and put pressure on the developer. This could include social media messaging, protests and grassroots outreach to



community members and possibly elected officials. At the end of the negotiation, the CBA needs to be signed by the developer and coalition partners. Signers should be determined by the CBA coalition.

Step Seven: Monitoring and enforcement

If the community group is able to win a CBA, members of the coalition need to monitor the developer over time to make sure it is following through on its promises. There needs to be clear language in the CBA about who will be in charge of enforcing the agreement, the timeline for reaching specific

milestones and accountability measures if the developer does not meet its commitments.

There's no template for what accountability should look like. However, it should be based on what the coalition asked for during negotiations.

Who's Who in Local Government?

These people and groups approve or oversee different parts of the development process, depending on the specifics of each project. Residents can contact these public officials to get more information and to voice their support or opposition to developments, and they can attend public meetings to share their views on the project during public comment.

- **The City Council member(s) who represent the ward(s) where the project is proposed**

— sometimes called aldermen or alderpeople, in this zine we will refer to them as alders. In committees and during a full City Council vote, alders often take their guidance from and vote with the alder of the ward on a development project; this is called aldermanic privilege or prerogative.

- **City Council** — is the legislative branch of the city of Chicago, consisting of alders elected from each of the city's 50 wards. A full City Council vote is the final approval needed for development that are particularly large or complex, require zoning changes, are in special designated zones or otherwise trigger additional requirements.

- **City Council's Committee on Zoning, Landmarks and Building Standards** — oversees all zoning legislation. Members vote on land use, zoning changes, building code ordinances and the designation, maintenance and preservation of landmarks after receiving recommendations from other departments and commissions.
(continued on page 13)



Development in Chicago



What is the city government’s role in proposed developments, and how is that related to CBAs?

Depending on how large, complicated or expensive a project is, a developer may need approval from many different government entities. (See *Who’s Who in Local Government?*, pages 11, 13, 14.)

Many developers need or want government approval for their proposed projects, including for permits, zoning changes, regulatory approval and/or access to tax incentives or other government funding. This makes each step of the government approval process an opportunity: Community groups can pressure the city to deny permits, refuse tax incentives or delay/decline zoning changes unless the developer engages with their coalition.

The local alder is a key figure in this process, and a lot can depend on whether the alder feels the need to work with community members (if there’s an election coming up, for instance) and how friendly they are with developers. That’s because there is an informal practice in Chicago called aldermanic prerogative, which gives alders sole discretion over diverse government actions in their wards, including zoning and land use decisions. (In other words, City Council committees will vote whichever way the local alder wants them to.)

Some City Council members

use aldermanic prerogative to pressure developers to work with local residents—for example, not approving a zoning amendment unless the developer gets community support.

A developer may include some measurable benefits for local residents in documents it submits to the city, such as a zoning amendment application or a redevelopment agreement.

A redevelopment agreement is a legally binding contract between a developer and the city of Chicago, ultimately approved by City Council. This agreement may include project plans and proposals for financing the project, including the use of city funds. Any benefits promised in this agreement become enforceable after City Council’s approval. The city can also add “clawback provisions,” to take back anything the city gave away as part of the agreement, such as land or money, if a developer fails to follow through on promises.

“[Developer-proposed] community benefits may go towards things that might be helpful in making a better development, but are almost always far short of what a community-driven CBA coalition would include,” says Clifford Helm of Chicago Lawyers’ Committee for Civil Rights.

Now that you know the basics of CBAs, let’s take a step back and look at how real estate projects are developed and approved in the city of Chicago.

The historical and political context around how things get built in this city can help you understand how to advocate for your own community when a new developer comes to the neighborhood.

- **Chicago Department of Planning and Development (DPD)** — is the principal planning and development agency for the city of Chicago. The department oversees the city's zoning and land-use policies, business and real estate development and housing, through entities including the following five key groups.

- **Chicago Plan Commission** — reviews planned development proposals to make sure they are in line with the city's urban planning laws and best practices. This may include Planned Developments (PDs), Master Planned Developments (Master PDs), the Lakefront Protection Ordinance, Planned Manufacturing Districts, Industrial Corridors and Tax Increment Financing (TIF) districts. Its activities largely involve zoning and its recommendations typically go to the City Council's Committee on Zoning, Landmarks and Building Standards.

- **Chicago Community Development Commission** — reviews and makes recommendations on the use of TIF to fund private redevelopment projects, the designation of new TIF districts and Redevelopment Areas and the sale of city-owned property located in TIF districts and Redevelopment Areas.

- **Committee on Design** — a volunteer group of 24 architects and urban design professionals that advise DPD officials on urban design best practices for

What are other ways that government can regulate developers and encourage them to provide community benefits?

Laws, policies and regulatory requirements are other powerful tools for government to guarantee accountability and oversight for development. (See *Alternatives to the CBA*, page 17, and *What the City Must Learn From Our CBA Campaigns*, page 25, for more.) For instance, Chicago's Affordable Requirements Ordinance requires that residential developers provide a certain percentage of units at affordable rates, or they must pay an additional fee to the city. Additionally, policies can be important when communities don't want a development in their backyard at all—either by

discouraging developers or making it impossible for a project to move forward.

The same types of protections or requirements usually found in CBAs can and have been written into law. For instance, CBAs often require developers to pay a living wage or offer affordable housing units for that specific development. But some advocates say those policies should be the law of the land—as with Chicago's Affordable Requirements Ordinance—rather than individually negotiated each time a developer comes to town.

When are developers required to notify nearby residents about their projects?

Alders are not required to inform community residents about most incoming developments, and those that do often engage residents in different ways. In some wards, there are zoning committees, for example. However, in other wards, those committees don't exist.

For some developments, residents in the immediate area must be notified by mail, but often only neighbors within 250 feet are notified—less than the length of a football field. If a development includes infrastructure improvements, such as a new sidewalk or a stormwater retention system, Department of Transportation street teams will notify residents through canvassing

a neighborhood.

Ultimately, there is no set process in place for community engagement in the development process in Chicago. While Master Planned Developments (extremely large and complex projects) do require one community meeting prior to their Chicago Plan Commission hearing, most others do not, and the extent to which community members are informed of an incoming development is often at the discretion of an alder and the developers. Even when a developer is using public funds to build and operate, the information about funding is not easily accessible to the public.

Because of this, staying up to date about new developments requires active participation in your neighborhood, through your alder's office, local community groups, local news or other sources. (See *CBA 101*, page 5.) One handy tool is Chicago Cityscape

(chicagocityscape.com), which tracks neighborhood, property and development data like demolitions and building permits. Anyone can create one free email notification for a specific neighborhood, ward or ZIP code via the website.

How can a community coalition hold a developer accountable for the promises it has made?

This answer depends on where and how the developer made its promises, as well as the strength of the community coalition and whether it has support from local officials.

- **Community Benefits Agreement (CBA)** — Community members can sue a developer if it has breached the CBA contract. However, due to this litigation risk, a developer might be unwilling to sign the contract even if it is amenable to the commitments that local residents want. In that case, the agreement might take the form of a Memorandum of Understanding or a verbal agreement.

- **Memorandum of Understanding (MOU)** — An MOU is a written agreement between two parties that is usually not a legally enforceable contract. Community members and a developer may agree to promises from both parties and choose to document them in an MOU instead of a legally binding CBA. In practice, this type of agreement does not usually provide specific commitments or repercussions if either party doesn't meet the commitments.

- **Verbal agreement** — While a verbal agreement is hardest to

enforce, since by definition there is no written record of the promises made, at least one local coalition has seen success with this method. Resident Association of Greater Englewood (R.A.G.E.) brought together a coalition of residents to host meetings and listening sessions with the Whole Foods CEO and regional staff in 2015. These conversations led to securing community input into the design of the store so that it was “true to Englewood,” with 40 Black-owned businesses' products on the shelves, vendor workshops and resources for entrepreneurs, jobs accessible for returning citizens in the community and more.

Regardless of the type of agreement, Helm says that holding developers accountable for their promises depends on the strength of the community coalition. By gathering folks in the community, talking about shared needs and negotiating with a developer, a coalition can shift power to the community and build public awareness and momentum for their work. This strong community investment can shift public opinion of the development, whether the agreement is legally enforceable or not.

Who's Who in Local Government? (from page 13)

high-profile development projects and initiatives each month.

- **Chicago Zoning Board of Appeals** — reviews land use issues that pertain to the Chicago Zoning Ordinance, such as proposed variations from the zoning code, special uses that require review to determine compatibility with adjacent properties and appeals of decisions made by the Zoning Administrator. Their decisions are final and do not go to City Council for approval.

- **Commission on Chicago Landmarks** — recommends buildings, structures, sites and districts for legal protection as official Chicago landmarks. It also reviews alterations to existing landmarks and districts and proposed demolitions. Developments that include historical or architecturally significant structures are reviewed here.

- **Department of Buildings** — reviews building permit applications, scrutinizing the building plans to make sure they are safe and in accordance with municipal code. However, the public doesn't have a say in this. It is done internally by experts at the Department of Buildings.

- **Illinois Environmental Protection Agency (IEPA)** — sets standards for industrial developments, monitors pollution and reviews permits of developments considered potentially toxic in Illinois.

Common Mistakes When Creating CBAs



The community was not fully represented at the bargaining table

A strong CBA requires a solid coalition of community residents that reaches out to as many residents as possible to build power and to solicit input on what the exact benefits should be. According to a report on CBAs co-published by Good Jobs First and Partnership for Working Families, “a community group’s ability to win a CBA is directly

related to how much power it has organized.” When the coalition is small or there is very little input, it has less leverage and there is a danger that people negotiating benefits are not representative of the community as a whole.

The Hatchery Chicago in East Garfield Park, for instance, worked with one community organization,

not a broad-based coalition. If the developer is willing to only meet with certain people or organizations, this is a red flag. Additionally, the developer may want to offer money to an organization and call it a deal, rather than to be bound legally by a long-term contract with specific commitments and goals.

The commitments are vague and lack accountability

A CBA is a legal contract, and therefore it should be legally binding. However, sometimes the lawyers for the developer may insert vague language that makes it not enforceable.

A CBA should include specific promises with an enforcement mechanism and defined consequences. This may include hiring an independent compliance monitor that’s paid for by the

developer and listing specific remedies to potential problems or penalties agreed upon by both parties, such as monetary damages or injunctive relief in court, according to the Community Benefits Law Center and Partnership for Working Families. (An injunction is when the court orders one party to act—or not act—in a certain way, or otherwise face potential criminal or civil penalties.)

A strong CBA should clearly explain how many people or what communities it intends to help (their age, gender, race, income level and other demographic data) and include deadlines for meeting goals. Without specifics, it’s hard to prove that a developer isn’t meeting its commitments, which makes it hard to hold the developer accountable both in and out of court.

The agreement doesn’t include commitments on the community’s behalf

Another reason the CBA could not hold up in court is it does not include promises from both parties. If community members do not fulfill their obligations in the CBA, or if there are no obligations listed at all, then it is harder for residents to sue a developer for breaching the contract.

It’s important to decide collectively on whether you want a legally enforceable CBA or not. It’s possible to include consequences for non-CBA agreements made with a developer, especially by using “soft power” to influence Chicago’s development process. For example, if a developer does not follow

through on their commitments, you could approach your alder about using their aldermanic prerogative to hold up funding, zoning or permitting processes (if they have not already taken place) and prevent the developer from working in your ward in the future.

The coalition doesn’t monitor the development after it’s built

Even if the community has an explicit, binding and broad-based CBA, the responsibility of monitoring and enforcing CBAs falls to the coalition and relies on their sustained organizing efforts. So after having won a CBA, the coalition must be able to monitor it for a certain period

of time to make sure that the terms of the agreement are being upheld.

According to Good Jobs First and Partnership for Working Families, the form monitoring takes will depend on the specific benefits. Benefits that require long-term monitoring, like wage and hiring requirements,

should include dates by which the developer has to report their data. In the best case, data should be verifiable and not just be self-reported by the developer. Also consider how to hold contractors who work for the developer accountable to wage and hiring requirements.

Alternatives to the CBA



Creating community criteria for all incoming developments

Good Neighbor Policy on Development, Southeast Side

For Alliance of the Southeast (ASE) executive director Amalia NietoGomez, the transition time between learning about CBAs and creating one was fast. The Partnership for Working Families led an educational summit in 2013, where the newly hired NietoGomez and others learned what CBAs could do and how to make one. “We didn’t even know what a CBA was when we got started,” says NietoGomez. “All we knew was that there was this big development that was coming in and there were a lot of complaints [from community residents].”

Ultimately, she worked with community residents and roughly 35 allied community organizations to create the proposed Lakeside CBA for developer McCaffery Interests regarding the planned massive residential and retail development on the South Works site, a 440-acre area on the Southeast Side stretching from 79th to 91st Street that was formerly home to a U.S. Steel manufacturing plant.

But this wasn’t easy. NietoGomez says this process consisted of organizing many meetings to figure out what the community wanted. The Coalition held 11 listening sessions to create the Lakeside CBA, and another two community meetings to share the results of the listening sessions and present the CBA.

“We started with a list of things,” says NietoGomez. “We came up with three large pieces of paper. It turned out it was jobs, education and real affordable housing.”

NietoGomez knew she needed support beyond just ASE. “We couldn’t do it with just us so we had to broaden and expand to other folks or other organizations that we knew could also be part of the table,” she says.

McCaffery Interests abandoned their proposed development in 2016, and a new developer, Emerald Living, came in with a new plan for a megadevelopment. NietoGomez and the coalition behind the first CBA tweaked it and presented it to Emerald Living as the South Works CBA. But that development fell through as well, in large part due to issues with funding, especially for remediation.

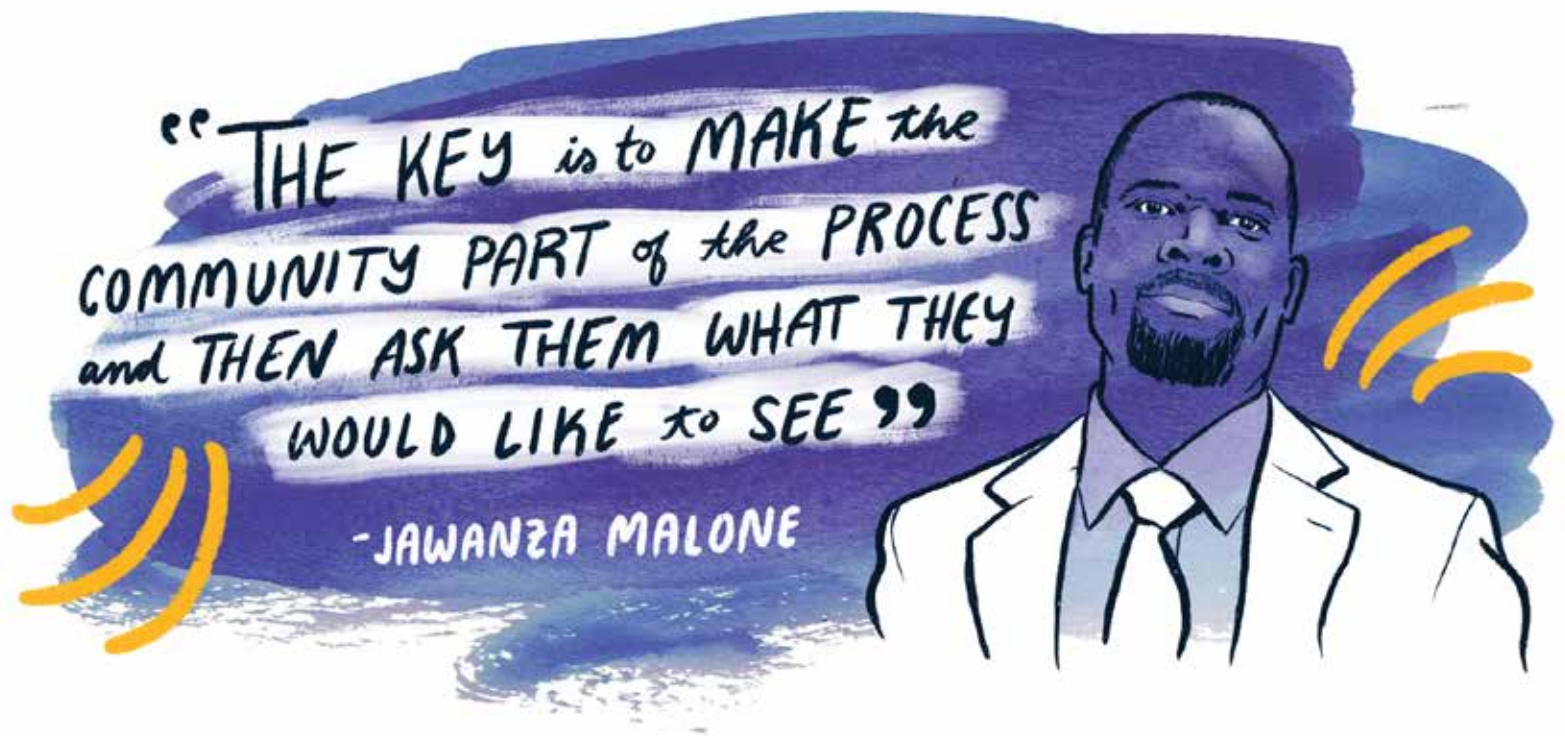
While those specific developments were not completed, the Southeast

Side has been flooded with 15 new proposals and developments in the past three years. Because of this, the CBA coalition created the Good Neighbor Policy on Development in 2020, a comprehensive set of priorities and expectations for all future developments that want to come into their communities.

Residents prioritized jobs and training, supporting local businesses and entrepreneurship, housing, environment, education and quality of life, with an emphasis on community voice, transparency and accountability. “We are inundated with developments on the Southeast Side,” says NietoGomez. “It doesn’t make sense to start a new CBA with all of them.”

The Coalition is using the Good Neighbor Policy as the basis for priorities for Invest South/West in South Chicago. The Coalition has also recently been in negotiations with the CTA assembly plant and NorthPoint.





Building a CBA coalition into a policy movement

Woodlawn Housing Preservation Ordinance, Woodlawn and South Shore

When the Obama Foundation chose Jackson Park as the site for the Obama Presidential Center in 2016, reactions were mixed. In particular, the majority-Black neighborhoods around the proposed site had seen increased housing costs and displacement for years, and they feared that the presidential library would accelerate the process.

Jawanza Malone, former executive director of Kenwood-Oakland Community Organization (KOCO), is a cofounder of the Obama Community Benefits Agreement Coalition. He remembers convening the first community meetings to generate ideas that they wanted from the proposed development.

"We categorized everything into six areas: economic development, education, employment, housing, sustainability and transportation," Malone says. The coalition then met with researchers to provide guidance and data on the issues outlined by community members, as well as connecting with the Chicago Lawyers' Committee for Civil Rights for legal support.

The coalition worked on several CBA drafts over two years. "We started some semblance of negotiation with the University of Chicago, the city of Chicago and the Obama Foundation. I say a semblance of negotiation because they didn't want a community benefits agreement," said Malone at a Public Newsroom event in 2019.

While they were not able to negotiate a CBA with the developers, they were able to gain public support and persuaded City Council to pass the Woodlawn Housing Preservation Ordinance in 2020. The new law includes stricter affordable housing requirements for redeveloped

lots in the area and provides over \$4 million in loans, incentives and grants for local residents to buy property, rehab buildings or refinance and renovate their current homes in the Woodlawn neighborhood.

And since April 2021, the Obama Community Benefits Coalition has focused on demanding protections for the nearby South Shore neighborhood as well. Those demands include expanding tenant protections, preserving/increasing affordable housing and public housing, protecting homeowners and expanding access to homeownership programs for housing voucher recipients. South Shore organizers have held town meetings, teach-ins and engaged residents door-to-door to capture what else the community wants to see in an ordinance. "If there's not a policy in place that addresses gentrification, folks eventually get pushed out," says Dixon Romeo, lifelong South Shore resident and organizer with Not Me We, a housing and mutual aid organization.

Imagining new structures for community ownership

Neighborhood Stock Ownership Plans, The Bronx, New York

“The benefits agreement strategy has been used by neighborhoods for decades ... But decades of empty promises made by corporations and government officials to communities have hurt the reputation of CBAs,” says Dr. Cary Goodman, executive director of the 161st Street Business

Improvement District in the Bronx, New York.

Goodman wants to replace the typical CBA with a new model, the Neighborhood Stock Ownership Plan (NSOP), based on employee stock ownership plans that have been around since 1956. An NSOP is a community shareholder model where residents, workers, businesses and nonprofits in the development’s district would either be given shares in the company or have the opportunity to buy them at a reduced price based on the length of time they’ve been in the area. This would allow the people who would be most affected by a development to materially benefit from it and

have some decisionmaking power as shareholders, Goodman says.

Goodman says this idea was born out of frustration with the lack of engagement with the Bronx community around the new Yankee Stadium, which opened in 2009. Although the Yankees had what they called a CBA, it was negotiated by elected officials, not community groups. The resulting agreement promised almost \$40 million in grants and sports equipment plus free tickets for local organizations. However, critics of the agreement noted the lack of community input in key decisions, such as the elimination of over 20 acres of park land. Goodman also points out that the Yankees do not directly pay property taxes, which he says would have been far higher than the amount they promised to pay toward the community in the CBA.

“People go to the Yankees stadium to get a turkey for Thanksgiving, and maybe a free ticket. But what we are cultivating [with NSOPs] is that people have a real say,” says Goodman.

Residents are looking into this NSOP model for a proposed professional soccer stadium that has been teased in the Bronx. If an NSOP were to be implemented, community members, organizations and businesses could receive a cut of profits from stadium naming rights and broadcast fees. It would be the first test of the NSOP model. “New York City neighborhoods need a new strategy to safeguard their integrity and create a partnership among residents, local businesses, nonprofits, government and developers,” Goodman wrote in an opinion piece for the Gotham Gazette.





Case Study: The Hatchery Chicago

The importance of coalition building and the challenge of fully representing a community

In July 2017, then-Mayor Rahm Emanuel's office announced the plans for The Hatchery Chicago, a new food and beverage business incubator in East Garfield Park. The development eventually received a \$7 million taxpayer subsidy, a dozen vacant lots valued at \$150,000 (for which it paid \$1) and \$30 million in federal tax credits and grants. However, many residents said they did not know about the project prior to seeing construction underway on vacant lots on the corner of Lake Street and Kedzie Avenue in 2018.

Informing community members ahead of construction is a perennial struggle for developers. "I don't think you're ever going to reach everyone in a neighborhood," says Mary Fran Riley, who is point person for community outreach for The Hatchery Chicago. She said they reached out to the Garfield Park Community Council (GPCC) initially because the development was slated for land that was previously used as the group's neighborhood market.

Eventually, the conversation led to a Memorandum of Understanding between the developers and GPCC that promised a job readiness program, job opportunities, free consulting and coaching for entrepreneurs, free and discounted kitchen use, a space inside the development for the Garfield Park Neighborhood Market and more. In turn, GPCC spread word on

the project at block club meetings, through flyering, at monthly community meetings and through their website and social media, according to Riley.

However, no other community groups signed onto the agreement, and some residents criticized the GPCC for not engaging with neighbors who were not active members of the council. Others said that it was the developers' fault for not trying to engage with more groups.

"Developers have a responsibility to the community to let residents know about a project ahead of time," says Melvin Cox, a real estate broker and Garfield Park resident who hosted one of the community meetings about the project in 2018. "[GPCC] has done good work and they've got great intentions ... but I could quickly identify that they were put in a tight position.

"At the end of the day, there was [an agreement] that was created as part of The Hatchery project that did not have any input from the community," Cox says. In particular, he mentions that most of the outreach for The Hatchery Chicago happened in the 27th Ward, even though the development is on the border of the 28th Ward, where Cox says neighbors did not know about the agreement negotiated by GPCC at all.

Mike Tomas, executive director of GPCC, says his organization secured important benefits for the community. He notes that his group presented monthly updates at least 12 times while developing the MOU

and took residents on tours of the space as it was being developed. According to the developer, The Hatchery Chicago's workforce development program placed over 50 people in jobs in 2020.

However, Tomas acknowledges that his organization could have negotiated for more if they had known about the massive public subsidies the development received. "[Knowing] could have bolstered our argument because the community is investing in this project. We were going into it blindly, in good faith," he says. Tomas adds that the city could play an important role in communicating with community members before a development comes in, especially on how to negotiate.

Gina Jamison, long-time community resident and manager of Kuumba Tre-Ahm Community Garden, says she's taken advantage of some of The Hatchery Chicago's classes and is one of the nearly 40 vendors in the Garfield Park Neighborhood Market, selling pickled okra, pickled turnips, zucchini bread bites and banana bread.

While she is well-connected in the community, she worries that the right people aren't always at the table when decisions are made about incoming developments. In part, she blames it on the lack of engagement of residents. "You've got to do your due diligence and your own research to be as engaged as possible ... because what's going to go in a community is going to happen, whether you know about it or not," Jamison says.

What's Next?

New and potential policy changes could signal the future of development in Chicago



While communities continue to mobilize to have a say in the developments coming to their neighborhoods, policy experts see some positive changes at the city level, signaling the importance of community input in proposals citywide. Though residents fighting for equitable development say a few recent ordinances, as well as pending legislation, would increase community engagement requirements or strengthen regulation for certain types of new developments, they also say there are policy gaps that still need to be filled.

More scrutiny on “mega-developments”

In April 2019, City Council controversially approved huge public subsidies for Lincoln Yards and the 78. Both are large mixed-use developments projected to generate enormous profits for their private developers, and people criticized the process as opaque and unfair, considering the TIF program is meant to encourage development in less-wealthy neighborhoods.

Afterward, the city announced it would begin requiring more community input and city oversight

for so-called megadevelopments, formally dubbed Master Planned Developments (Master PDs). These new guidelines require developers of Master PDs to have pre-submission meetings with city department staff and at least one city-hosted community meeting where residents can give their input and feedback about the project.

Currently, some development sites that would meet the size/complexity criteria to be classified as Master PDs are the 48-acre former Michael Reese Hospital site in Bronzeville, the over 400-acre South Works site on the Southeast Side and an approximately 34-acre site adjacent to Soldier Field on the Near South Side.

Patchwork of environmental rules

In 2019, an investigation by the Better Government Association found “a dramatic decline in environmental enforcement actions by the city since [former mayor Rahm] Emanuel eliminated the environment department in 2012.” While then-candidate Lori Lightfoot pledged to bring the department back during her mayoral campaign in 2019, that change has yet to come.

Environmental justice advocates have gained momentum in recent years, criticizing both the city and the state for lax enforcement of rules and weak regulations. In response, local government has made incremental changes.

In 2018, McKinley Park residents expressed outrage after the IEPA sent notice about an asphalt plant only two weeks before construction started. The next year, the state legislature passed a law that requires the IEPA to inform state representatives when a permit is required to construct a new facility—which would apply to any facility capable of producing air and

water pollution. In March 2021, the city passed the Chicago Air Quality Ordinance, which imposes additional regulations and limited community outreach requirements on certain industrial developments.

But critics say these measures fall short. “You realize how unjust something is when it’s right in your face and you can see the pollution with your eyes,” says Billy Drew, cofounder and former member of Neighbors for Environmental Justice, one of the groups fighting MAT Asphalt. “There needs to be more mechanisms and requirements for local decision making ... [politicians are] just going to have a meeting to say, ‘Hey, I had a meeting,’ and then that’s it.”

The proposed Illinois Environmental Justice Act could enact those mechanisms and provide stricter regulations for already-burdened neighborhoods, plus it has support from environmental justice advocates across the state. The bill would create an independent Illinois Environmental Justice Advisory Council tasked with enforcing regulations in “environmental justice populations”—Black and brown, low-income communities that are disproportionately affected.

Closer look at warehouses and logistics facilities

Manufacturing and industry in Chicago aren’t what they used to be. Many of the old facilities that produced everything from steel to pianos to gum are gone. Now, Chicago’s industrial corridors are seeing logistics and distribution warehouses in their place.

Residents, civic nonprofits and environmental justice activists have opposed these centers, arguing the facilities would be a bad fit for the neighborhoods due to pollution from large delivery trucks and

high job injury rates. According to the Center for Investigative Reporting and Warehouse Workers for Justice, Amazon fulfillment centers have injury rates that are higher than industry average, and are increasing over time.

That is why a coalition of residents, policy advocates and environmental justice organizations asked the Chicago Plan Commission in late 2020 to put a moratorium on rezoning for logistics facilities on the South, Southwest and West Sides until City Council passes ordinances that address the inequitable distribution of the logistics facilities that are rapidly appearing.

In June 2021, Amazon announced a new distribution center in West Humboldt Park at the former Allied Metal facility. A group of residents gathered in late 2021 to discuss their hopes for a CBA with Amazon. Their proposal included hiring 60% of the workers locally, a starting wage of \$28.50 an hour, a community center and an arrangement where Amazon would cover residential property taxes, according to the Chicago Tribune.

A citywide plan

Critics say the city’s development process can be confusing, inconsistent and outdated. Chicago has not produced a comprehensive land-use plan since 1966—but that’s about to change.

We Will Chicago, a citywide planning initiative, began under Mayor Lori Lightfoot and attempts to address these critiques and more. The three-phase process began in August 2020 and is ongoing. (Disclosure: City Bureau is a paid subcontractor on the We Will Chicago project, sending trained local residents to take notes at meetings.) City plans typically include policy proposals and strategic priorities that guide

future regulations, funding decisions and goal-setting for neighborhood development. We Will Chicago plans to present recommendations to the Plan Commission and City Council in 2023.

A city plan could be a big opportunity to update Chicago’s approach to development, not only to match the transformed landscape and economy of the city, but also to place an emphasis on equity and resiliency, the two key “guiding principles” identified in early We Will Chicago meetings. (See also, *Opinion*, page 25.)

“There are some trends that are at least showing that the city is listening to what people are saying [about lack of community input],” says Christina Harris, director of land use and planning at the Metropolitan Planning Council, an independent regional policy and planning organization. “[But] they don’t go quite far enough. They should have a more robust system of actual meetings. It would be great if each ward had a similar process for how they do community outreach and engagement.”

It’s still early in the process, and people are a mix of cautiously optimistic and skeptical about how far the plan will go. Veterans of CBA campaigns, like the Alliance of the Southeast’s NietoGomez, warns that policymaking shouldn’t replace the CBA process, but rather, “they are intertwined ... I don’t think that a government policy can go into the nitty gritty details of what the community needs.”

She adds, “We want a co-decision process. Racial, social and environmental impacts need to be taken into account for whether or not a development makes sense for the community.” (More on impact assessments at chicagounitedforequity.org/reia)



Opinion: What the City Must Learn From Our CBA Campaigns

Communities of color have to fight every time a new development threatens.

The We Will Chicago plan could change that.

By Clifford Helm, Chicago Lawyers' Committee for Civil Rights

Chicagoans like to joke that there are only two seasons here, winter and construction. But from what I've seen, our two seasons are actually this: city planning and then resistance. From Woodlawn and Bronzeville to Pilsen and the Southeast Side, communities of

color that have been sized up for private development are fighting the same pitched battle year in and year out. The activists want more good-paying jobs, green spaces and nice housing like their white and wealthy neighbors have. They want to stop the dangerous pollution, higher rents and generational displacement before it happens. Sometimes we win, but it's like cutting each blade of grass with scissors when what we need is a lawnmower. Yet 9 times out of 10, private developers aided by city officials win the day. That could change if the city adopts into its We Will Chicago plan the battle strategies forged by community groups. But first, we need to understand how we got here.

Chicago is one of the nation's most segregated cities, with yawning racial gaps in education, wealth and health that seem to only get worse over time. Those unchanging racial maps are the result of a history of intentionally racist practices and policies like redlining and restrictive racial covenants that have shaped our segregated neighborhoods and produced patterns of systemic disinvestment from communities of color. When we at Chicago Lawyers' Committee for Civil Rights talk about "equitable development," we mean that Chicago needs new practices and policies that will finally change the map. Small and big changes are needed—and we know that unless there is an intentional dismantling of the old systems, anything built on those inequalities will only perpetuate them.

What does equitable development actually look like? One my favorite definitions comes from The Government Alliance on Race and Equity, which describes it as when "quality of life outcomes, such as affordable housing, quality education, living wage employment, healthy environments and transportation

are equitably experienced by the people currently living and working in a neighborhood, as well as for new people moving in." They emphasize that "public and private investments, programs and policies in neighborhoods [should] meet the needs of residents, including communities of color, and reduce racial disparities, taking into account past history and current conditions."

A core part of this idea is that we can't just acknowledge the racist history of our policies; we have to accept that these are still being perpetuated today. In Chicago, programs like Tonika Johnson's Folded Map Project show us the direct link between the historic redlining of Black communities and the way those neighborhoods continue to suffer from segregation, disinvestment and poverty.

Other efforts (like the Just Action project convened by Chicago United for Equity, Elevated Chicago and the National Public Housing Museum) embrace the necessary steps that happen after we acknowledge our history. Their theory for this historical reckoning requires acknowledging history, shifting power and embracing accountability. To practice equitable development in Chicago, we must continuously acknowledge the history of planning and development that has created our segregated city. But we must also understand how to shift power away from the structures that continue to perpetuate the harms. In doing so, we must acknowledge that the "market" has a bias toward profit that doesn't fit with the idea of equitable development—and most for-profit developments will not create equitable outcomes unless they are required to do so.

There are some encouraging signs, but we are still a long way from that in Chicago. Private developers and city planners often give lip service

to equitable development using two specific terms: "community engagement" and "community benefits." But these concepts are rarely actually captured and incorporated into planning in a way that advances equity. That's because developers have consistently treated "community engagement" as a more involved form of notice to the community. What's missing is accountability in engagement or benefits. Accountability in community engagement requires that those who bear the burden of our history and its modern consequences have meaningful input on those projects. Accountability in community benefits requires that the development actively respond to the burdens that the project creates—along with all the historical context it steps into.

In our current system, there is a hunger for leadership to embrace this process, but an equal (or stronger) voice resists changes to the status quo. Alder Jeanette Taylor (20th) was elected because of the possibility of creating a power shift in a community suffering from disinvestment. But former-Alder John Arena (45th) lost his election because he stuck up for affordable housing in an area that does not contribute very much affordable housing to Chicago.

Even where the political forces are willing to address the issue, because there is no standard for how we should incorporate community engagement or benefits into developments, it takes a monumental effort.

In Bronzeville, Alder Sophia King (4th) has pushed for significant community involvement and benefits in the massive Michael Reese Hospital redevelopment. But the project is so large that community engagement and community accountability is understandably challenging. It is inevitable that the process will never satisfy impacted

people or even effectively address the potential inequities created by a mega-development taking advantage of lucrative federal tax incentives.

In these cases, we have to wonder why equitable development policies are left up to alders who are stuck between impossible political dynamics. The answer, I would argue, is that our history of planning created this dynamic in a way that intentionally makes including impacted voices difficult.

Because we have not set a city-wide policy for equitable development, or even a coordinated strategy to dismantle the existing racist paradigm, our current city policy is essentially to be OK with perpetuating harm.

This is the challenging landscape that community organizations and residents have to navigate. Although the balance of power is tilted against them, they have succeeded through organizing power and collective advocacy.

One of the most powerful tools we have in this fight is a Community Benefits Agreement (CBA). As Julian Gross defined it in 1998, a CBA is a contract that requires a development to meet a variety of community needs. Put another way, CBAs ask a developer for concrete goals that address the community's most important needs while mitigating harms and sharing the new investment with long-time residents. One of the defining features of a CBA is that it must be created and agreed to with substantial input, engagement and investment from a broad range of community organizations and residents who will be impacted by the development.

This is especially important in Chicago, where communities of color are vulnerable to exploitation and wealth extraction. That's why the first stage of constructing a CBA

focuses on input from those who are most vulnerable—like renters at risk of displacement, community members with pollution-related health issues, families harmed by school disinvestment and those impacted by mass incarceration.

Campaigns for CBAs are done in an atmosphere where developers and many public officials often share a mindset that any development is good development and is therefore a benefit unto itself. Developers often use the language of “community benefits” when they make city-mandated public presentations. It's important to ask questions when developers promise these benefits: Who was involved in this conversation? How did the developer identify the “community stakeholders”? Does the benefit create meaningful accountability to people in the community and the likely impact of the development? If the answer is no, then it might be time to fight for a CBA centering the experiences and impacts of those in the community that will bear the brunt of the negative outcomes from a development.

Only a few CBAs have been signed in Chicago. In one recent example, a new cannabis dispensary in West Loop called Nature's Care signed a CBA with a community coalition that ties them to hiring, wage and profit-sharing commitments with people disproportionately harmed by the War on Drugs. But some groups, like the Obama Community Benefits Agreement Coalition, have gone beyond their CBA campaign to achieve a more elusive goal: shifting power from developers to community members.

The power shift that the Obama Community Benefits Agreement Coalition achieved is extremely important in a notoriously pro-developer city like Chicago. Without

it, communities must repeatedly ask for badly needed protections and equitable investments without any real options or leverage to achieve those goals. In most cases, residents simply have to hope for a “good” developer or a “good” alder that can push for meaningful change.

Unfortunately, each campaign is dealing with a symptom rather than the cause; without a broad city-wide policy that consistently pursues meaningful equitable development, there is very little leverage that community members can create to force this conversation. What leverage they do have is unfortunately dependent on having an alder who is aligned with their goals.

Our current system prioritizes negotiations between the developer, alder and the Department of Planning and Development (DPD). The system provides an incentive for the developer to negotiate with DPD so that certain city-identified priorities are included. But in my experience, the DPD has not historically been able to create meaningful community engagement in order to identify community priorities. Plans are only shared begrudgingly or when a developer or alder decides it's a good idea, mostly leaving the impacted community out of the process until the very last possible minute. The process removes two of the most important elements for impacted communities to engage in the process: time and information. At best, this is a convenient policy that those with access to the system seem to have no interest in changing. At worst, it feels intentional.

The good news is that there is a chance to address this with the city's proposed We Will Chicago plan. Policymakers are getting input from people across the city through volunteer-based research groups,



workshops, “meetings in a box” and more, in order to construct a city-wide plan. The plan hopes to comprehensively address seven different pillars or topic areas. The pillars are all intertwined, and several of them directly address city-wide development and housing inequities. There is a tremendous opportunity for this plan to include meaningful accountability to impacted communities with any changes it makes to its development, housing and environmental policies.

I am cautiously optimistic that we may see a change to the city’s approach through the outcomes of the We Will Chicago plan. This plan is a massive effort that is attempting to center community voices in a manner that is decidedly not the “Chicago Way.” One reason to be optimistic is because people invited to the meetings have consistently elevated the idea that the plan

must center the driving forces of equity and resiliency through a lens of historical reckoning. As a result of this advocacy, the We Will Chicago plan includes among its principles and themes equity, resiliency and historical reckoning.

But the We Will Chicago plan could easily be ineffective, dismissed or co-opted. It could only subtly influence Chicago’s development plans instead of creating a systemic shift. And although they are included, we do not fully know how the proposed plan will incorporate the concepts of equity, resiliency and historical reckoning.

CBA campaigns and equitable development movements rely on acknowledging history and shifting power. The We Will Chicago plan provides an opportunity to have this conversation on a city-wide level, rather than in isolated campaigns. To be successful, the We Will

Chicago plan must incorporate these lessons into the way the city makes planning and policy decisions.

This type of change will not make community-driven campaigns and CBA campaigns any less necessary, but it could give them more leverage points to more effectively shift power. The city could use things like mandatory impact assessments (racial equity impact assessments, environmental impact assessments) that meaningfully center the conversation on people that face the innumerable negative consequences of our history, our innumerable struggles with disinvestment, our problems of displacement and our awful fair housing record. If the We Will Chicago plan meaningfully centers equity and historical reckoning in creating its policy recommendations then it might make people in power uncomfortable—and we need to be OK with that.

Affordable housing might be built in higher-cost or exclusionary areas. Demolishing multi-unit buildings in gentrifying areas might be harder. Public investment might need to take more risks to create community ownership and build community wealth. Private developers might lose political access.

But until we see changes like these and create a system of true community engagement and accountability, advocates will continue fighting the same endless battle for justice.

Clifford Helm is an attorney with the Chicago Lawyers’ Committee for Civil Rights. He has worked with community organizations, coalitions, nonprofits and cooperatives across Chicago to draft CBAs and develop strategies and policies to support equitable development. Currently, he focuses on voting rights, redistricting and election day voter protection.

Notes

Additional Resources

[Chicago Lawyers' Committee for Civil Rights](#)

This committee provides legal representation to communities, helps them navigate the legal maze of organizing a CBA and supports implementing community-based solutions and policy reform. The Chicago Lawyers' Committee for Civil Rights has helped a number of Chicago coalitions with their CBAs, including the Coalition for a South Works CBA and the Obama Community Benefits Agreement Coalition. Additionally, they created the **Chicago Land Use Community Guide** (clccrul.org/community-land-use-guide) which helps residents learn about zoning, Tax Increment Finance districts (TIFs) and the Affordable Requirements Ordinance.

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Note that since publication of this zine, Clifford Helm has shifted focus to Voting Rights and Community Empowerment. Micaela Alvarez continues to work on Equitable Community Development and Housing. Helm can still be contacted at chelm@clccrul.org.

[Metropolitan Planning Council](#)

Metropolitan Planning Council launched their first-ever pilot program to help communities ensure that new investment and development in a neighborhood benefits long-time residents without displacing them. The organization helped residents from East Garfield Park create the **Preserving Affordability Together: East Garfield Park** blueprint (bit.ly/cba_preserving) for community action. The organization plans to develop a blueprint with goals and strategies in other communities in Chicago.

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[161st Street Business Improvement District \(New York\)](#)

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