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*Toolkit adapted from research and resources on Community Benefits Agreements provided by [PolicyLink](https://www.policylink.org) and Julian Gross.*
CBA Basics

A. What is a CBA?

A Community Benefits Agreement (CBA) is a contract between community representatives and a developer that outlines how the development will provide benefits desired by the community and ensures the coalition of community representatives will support (or at least remain neutral) on the project. Because they take the form of a written agreement between the parties, CBAs are contracts which the parties can enforce.

When the parties engage in meaningful dialogue and negotiation, CBAs can provide benefits to multiple parties:

- To the community in the form of certainty about benefits sought from the project
- To the developer, who benefits from the streamlined process before official bodies when the community is actively supportive (or at least not protesting) the project

Notably, a private contract in the form of the CBA allows the parties to incorporate new ideas and provisions outside the typical development deal between the developer and the local government.

A CBA is:

- a contract between the developer and community members who have formed a coalition that is meaningfully negotiated by both developer and a coalition
- contains specific community benefits commitments that will be delivered if the project moves forward
- focuses on commitments that benefit the community broadly, rather than just the organizations that negotiated the CBA
- and can be enforced by each party to the agreement

B. Why Do Communities Like CBAs?

First, CBAs provide a way for residents to enforce promises the developers make to the community during the approval process.

In addition, development projects that incorporate resident ideas, experience, and knowledge are tailored to the specific community, and thus more likely to be beneficial to all residents. These projects are more likely to attract local businesses, new jobs, spending within the community, and enhance the sense of belonging for those who already live there.

As a result, projects subject to a CBA will result in meaningful return desired by residents, not just profit to the developer.
Beware of the misuse of CBAs:

Developers and city officials may 'check the box' by labeling a document as a CBA when it does not meet the requirements for a CBA listed above.

Sometimes they attempt to say that the development agreement, a contract between the city and the developer, is a CBA even though residents will not be able to enforce the document and may not even have participated in its negotiation.

Developers may also find a friendly local group like a chamber of commerce or business development group to sign a document they call a CBA, but which was not negotiated with, or enforceable by, community residents.

Residents should be ready to call out 'fake CBAs' and to request meaningful negotiations with the community residents and organizations, the CBA coalition.

C. Who is Involved? (Parties)

- **Developers.** The Developers seeking support for a new project are always involved in the negotiation of and are a party to the CBA.

- **Community coalitions.** Community coalitions are a necessary party to any CBA to ensure that the community itself is engaged in the negotiation of a CBA and will benefit from the development. A community coalition can include stakeholders such as:
  - Individual residents
  - Neighborhoods councils
  - Faith groups
  - Local non-profits
  - Local businesses
  - PTAs
  - Housing advocates
  - Architects
  - Preservationists
  - Artists
    - Artist residents are often valuable in developing resident engagement tools and coalition processes for success. Artists can also design effective means to educate the community, media, and decision-makers about the issues. Negotiating and advocating is challenging and unfamiliar to many. Adding creative components and strategies brings more people to the effort.

- **Elected Representatives.** Elected representatives and government bodies are typically not parties to CBAs. However, they may be involved in the negotiation to keep the lines of communication open and to communicate the city’s own policy goals.
CBA Toolkit 3

* A note on Government's Role in a CBA: CBAs supplement the existing processes wherein local government directs and approves a development project. City administration staff and elected leaders can demonstrate inclusive leadership by (i) providing transparency around the project; (2) insisting on broad community support for project approval; (3) encouraging CBA negotiations, without trying to influence them.

A community coalition should be diverse; however, members should remain open to supporting the project if a suitable CBA can be negotiated with the developer. A community coalition should not include members who will oppose the development regardless of the terms of the CBA. The inclusion of intractable opponents to the project can thwart the community's efforts to negotiate a CBA and undercut its credibility as a good faith negotiator.

Conversely, the coalition should not include members who are prepared to support the project “as is” and without the developer’s commitment to a CBA.

To effectively negotiate a CBA, the coalition must be open to the idea of the development under appropriate circumstances. The rationale for forming a community coalition is to seek community benefits because, as envisioned, the project does not include enough benefit to the community or will negatively impact the community. To achieve a CBA that will result in a mutually beneficial project, the coalition must be prepared to offer public support if the developer makes appropriate commitments to the community.

**D. When to Use a CBA**

CBAs are most effective with large development projects in urban areas with diverse community coalitions when the developer is motivated to garner community support to obtain benefits such as public subsidies, sale of public property, zoning changes, other public managed investments, and/or approval of the proposed project. City support for a CBA and the community coalition's goals strengthen the coalition's negotiation position.

See Section XII for some examples of successful CBAs.

**E. Benefits to Include**

A major advantage of CBAs is that they can include any commitment that the developer and community groups agree to, so CBAs can precisely tailor the terms to the neighborhood's needs and the project's parameters:

Coalition members can enforce the provisions of the contract directly. This is different from traditional planning processes, which, typically, the city would have to enforce against the developer. The city might or might not enforce against a developer for a variety of reasons, including the appearance of political jeopardy. For instance, if the city leadership
changes between the deal's approval and the developer's breach of contract, the administration's official priorities may change, resulting in a lack of action if a developer breaches.

The community coalition will identify the issues it wants to include in the CBA, like affordable housing, local hiring, living wage commitments, open space, public art, and commercial retail, among others.

Depending on the neighborhood and the project, other commitments in the CBA may include:

- Environmental benefits
- Job training
- Right-to-organize commitments
- Funding for community services
- Quality of Life considerations: lighting, noise, construction hours, traffic and parking impacts, green space, art
- Wages in commercial residents of the development
- Neighborhood-serving commercial tenants (local businesses prioritized, drugstores, laundromats, etc.)
- Community facilities like a childcare center health clinic, art center, or school

**F. Timing**

CBA campaigns are typically initiated either because i) a developer proposes a new project and stakeholders come together as a coalition to promote community benefits; or ii) there is an existing coalition tracking development in the area and contacting developers when the project fits the coalition criteria for seeking a CBA.
Build the Coalition

Coalition building is a long-term undertaking. In a perfect world, coalition-building efforts start long before the group engages a developer in response to a specific project, and continues after signing a CBA. However, coalitions sometimes develop organically in response to a specific development. Either way, the most effective coalitions are diverse, including a variety of community interests and perspectives, labor representatives, environmental and faith groups, and affordable housing/homeless advocates.

Building a coalition takes work and is an investment of time in the future of the community. Shaping a coalition with a broad set of issues, concerns, and expertise takes time, as does developing a consensus about the community benefits to seek from the developer. The group should establish ground rules for working together from the beginning and review these agreements regularly.

Once the coalition agrees upon a set of asks, the group should agree on any changes made to the list of benefits in consensus. Everyone’s priorities will be different, so it’s critical to agree that no one walks away from the coalition until negotiations are complete. If the developer agrees to one member’s top priority and she leaves before negotiations are complete, it’s easy for the developer to divide the group and weaken it.

It’s apparent that all stakeholders in a community will not be part of the coalition. There will certainly be members of a community who are interested in the development, but who are not seeking changes or who cannot agree to the process and ground rules. It’s not necessary for the coalition to represent all community perspectives; however, where it is possible to include others, it benefits the strength of the coalition and reduces the concern that the developer must deal with multiple parties.

Many places have neighborhood organizations that any resident, and sometimes, businesses, can join. City officials often look to these membership organizations for community input. However, since anyone who meets the membership criteria (living in the neighborhood boundary, for example) can join, these organizations find it challenging to join a CBA coalition because it’s hard for them to make a commitment on behalf of all of their members. On the other hand, the CBA coalition may want to commit to bringing a signed CBA back to the neighborhood organization to see if its members want the group to sign on.

Effective coalitions often have a community presence--people know who they are and know they can be effective advocates. Sometimes this happens because the coalition has a record of accomplishment of winning campaigns. Or it may be that its members are known in the community as strong leaders. In some cases, a new coalition needs to develop a strategy to build awareness of its existence and goals, appearing at community and city meetings, requesting meetings with city leaders, hosting educational sessions about equitable development, etc. These relationships and this visibility communicate to the developer that the coalition has the power to work in favor of a development with a CBA, or against the development if there is no agreement.
Research Facts and Policy

Like coalition building, research is an ongoing undertaking. To effectively negotiate a CBA, it is critical to have an understanding of i) the development process; ii) a project’s leverage points; iii) existing and alternate regulations; and iv) examples of workable project commitments, i.e., examples from similar developments in other cities.

The initial investigation may have community members tracking potential developments in the neighborhood and determining which could potentially benefit the neighborhood and which could be detrimental. Organizers communicate or survey other community members and neighborhood stakeholders to assess interests and priorities. Then, organizers can evaluate how a proposed project may either benefit or harm the community.

The coalition should investigate:

- Written development proposal
- The developer
- Any requests for public subsidies or other resources
- Proposed commercial tenants
- Housing components
- The number and type of jobs that will be created, both permanent and temporary/construction
- Environmental impact and sustainability factors

Once again, communicating with and/or surveying community members is helpful in determining which aspects of the development are most important to the community.

Once the coalition has evaluated and researched these factors, it can begin to outline a potential CBA.

Once a coalition has determined that a community would benefit from a CBA in connection with a development, the coalition should educate the community on the potential impact of the development. The coalition can begin raising awareness prior to initiating a formal CBA campaign, or when it begins negotiations with the developer.

Educating the community on how the project impacts them encourages groups within the coalition to have a common agenda and to speak with one voice when addressing the developer. In addition to raising awareness among the coalition, organizers may also provide grassroots training to give community members and stakeholders tools to effectively advocate for their community.
Engage the Neighborhood

One effective method of gathering community input is through door-to-door or phone book surveys of residents, inquiring about their needs, interests, and requests for the proposed development. Engaging directly with community members also allows organizers to identify local community leaders.

After the coalition gathers feedback from the community, the next step is to organize a meeting with the community, leveraging the influence of community leaders to encourage broad participation. This can be an in-person or virtual meeting. Take care to organize meeting locations, even when virtual, in an accessible way. Check in with a broad selection of residents about timing and locations. If virtual, develop ways to inform the community about the meeting and make it possible for people to call in as well as join by video.

Consider asking an artist to join the coalition and design community engagement and public meetings. Artists can provide creative means to reach and inform community residents, and to design a process for the coalition to achieve its goals.

Residents can form a committee of the coalition to represent stakeholders in forming the community benefits agenda, to provide regular updates to the community, and to build support for the negotiating effort.

A key advantage of CBAs is their flexibility: a coalition advocates for benefits that are specific to the community’s needs. Indeed, a proposed development often presents the perfect occasion for the community to assess its needs. This process and the resulting coalition-building can lead to enduring organizing and advocacy in the community.
Identify Community Priorities

It is critical for a coalition to identify a community's priorities in order to accurately represent its interests. Common areas of importance are jobs, housing, neighborhood services, and environmental issues.

In this phase, it is important to refine the community's list of all relevant concerns to a prioritized needs assessment. This assessment will be the basis of negotiations and can be a difficult process.

For example, a coalition may identify the environment as the highest priority. However, the community assessment may reveal that residents' biggest concern is jobs. Research on the impact of the development on both the environment and jobs and the community assessment of issues should help the coalition determine which issue to prioritize in negotiation and on which issues(s) the coalition can, or should, make concessions.

Each neighborhood has its own priorities, and every project may not be capable of addressing the neighborhood's priorities. However, using a standard set of evaluation criteria for developments in neighborhoods may prove helpful. The Peaslee Neighborhood Center in Over-the-Rhine in Cincinnati has developed one of these tools, called the “Equitable Development Rubric.”
Educate Decision Makers

If a development project seeks zone changes or tax incentives, approval by a local elected body, usually city council, is needed. Generally, approval by a council committee, and then the full council is required.

After the community coalition is established and has determined its top priorities, 2-4 coalition representatives should contact the elected officials (or city council staff) most involved in the proposed project and brief them on the coalition, its priorities, and any engagement it has had or plans to have with the developer. The coalition representatives should ask that the officials condition a vote in favor of the project upon the developer’s support for the coalition’s priorities.

Elected officials can be an important ally in a CBA negotiation because they can persuade their colleagues on council to delay a vote on the project to allow more time for the coalition to negotiate with the developer. They can also apply pressure on the developer to reach an agreement with the coalition.

The coalition should research council to determine which members are on committees relevant to the project. The coalition should assess whether it can count on commitments of support from a majority of the committee and/or council members.

The most effective way to communicate with elected leaders is to keep communications short and to the point and to keep them updated on critical developments in the process, especially when votes on the project are approaching.
**Approach the Developer**

After a community benefits coalition is established and it has garnered sufficient community support, the coalition can bring its concern about the development to the developer. For this to be effective, it is critical for the coalition to have notable backing by the residents, neighborhood, and other stakeholders. In the absence of sufficient community pressure, CBA negotiations will not be effective.

Often, particularly if a coalition new, support from key elected officials will help bring developers to the table. It may be necessary to take legal action against objectionable aspects of the development to inspire a willingness to negotiate.

Unless developers face significant public pressure and/or legal leverage that jeopardizes public approval, developers are unlikely to compromise.

**Note:** When CBA negotiations become commonplace in a city, developers are more likely to negotiate at the outset of a project, even prior to putting forth a proposal to the city. This was the case in Los Angeles in 2004, after a community benefits coalition successfully halted a new Wal-Mart Superstore. Subsequently, nearly every major developer in the city first approached the coalition before proposing a project.
Negotiate

It is critical for coalitions to enter negotiations having already determined the issues they will fight for and the concessions they will make. They must be prepared with creative solutions in response to developer pushback.

The coalition’s CBA negotiating team will ideally include experienced negotiators, individuals well-versed in the issues important to the coalition, and those that may have unique insight into the developer's processes. It would be wise to seek legal counsel at this point if the coalition has not previously sought representation. The developers and city will be represented by their own counsel, and the coalition will need their own attorneys to represent their interests. A CBA is a legal contract and should be carefully drafted to avoid loopholes. This is why it is important to involve an attorney who is well-versed on the issues to assist in negotiations and in drafting the final agreement.

Note: Negotiating a beneficial CBA requires a united coalition between residents, community representatives, and other stakeholders. A united front is essential to deter developers from adopting a divide and conquer approach, in which they make concessions to one interest group in the coalition while ignoring all other concerns. The developer will then claim to have garnered the support of the community, despite having made minor accommodations to one interest group. For instance, a developer may agree to use union labor for the construction of the project while ignoring concerns of those unions whose members may seek to fill the development’s new retail and service job, and nevertheless claim to have union support. Or, a developer may accede to demands from environmentalists, while disregarding issues related to jobs and housing.

It is imperative that the coalition maintain a united front on all issues and agree on any concessions in order to defend against such divide and counter-tactics.

To protect the strength of the coalition, the coalition and its representatives must continue to make sure its members feel heard and well-represented. During negotiations, the coalition’s interests will be advanced by selected representatives. Because not every member of the coalition will be at the negotiating table, it is essential for the coalition to have a transparent process for setting priorities and deciding on negotiation tactics. It is important to keep all coalition members and the community informed of updates.
Use City Processes and Media to Your Advantage

The timeline of every CBA negotiation will be a little different. Negotiations may begin and end satisfactorily before the project reaches the city council for a vote. Or, a project may go through the entire city development process without engaging the community, and then the city council will pressure the developer to engage in CBA negotiations before it considers the project at all. As a rule, the earlier a coalition can be involved, the better.

It is important for the coalition to know exactly what governmental approvals the developer must obtain, with knowledge of deadlines and public hearing dates, so the coalition can use them to make its case to the public and to elected officials. For example, if a developer needs to begin work by a certain date to retain its demolition or building permit, the coalition can use this date as a deadline for something it requests from the developer: a briefing, a draft of a CBA section, a meeting.

Some processes that may impact a developer’s timeline include demolition permits, building permits, zoning variances, staff conferences, zone changes, Planning Commission approvals, committee hearings, and City Council meetings.

A coalition may exert leverage to bring the developer to the table in a variety of ways: direct lobbying of elected officials and city staff, notifying any reporters covering the issue that the community has significant concerns, using social media to amplify the community's voice and raise support, protests at the worksite or at City Hall, or artist-led community responses, like chalk art at the site or near City Hall.

The coalition may have to build a sustained, comprehensive campaign for community benefits around a project before the developer will come to the table or make sufficient commitments to justify community support of a project.
Sign the CBA

In the final stages of negotiations, there may be a considerable back-and-forth between the coalition’s legal counsel and the developer’s counsel, as both sides work on drafting the CBA. Parties to the CBA may include the coalition, groups within the coalition, the developer, and at times, the city.

Remember, the main reason a developer will want to sign a CBA is so that the coalition will support the project in return. This is when the developer expects YOU to hold up your end of the agreement. Coalition support might just mean agreeing to not oppose the project, appearing at public events, and appearing before city council.
Implement, Monitor, and Enforce

The coalition must maintain continuing oversight to ensure that the terms of the agreement are upheld. Continuing communication between the coalition, community, and developer is essential.

The CBA can be implemented starting on the date that it is signed, and implementation may extend for years, during which time the terms, like hiring contractors and choosing tenants, establishing training programs and hiring systems, and building and renting affordable housing, begin happening. Often, the coalition and developer will need to renegotiate the terms of a signed CBA as the project develops and new issues arise. After signing the agreement, coalitions should continue acting as watchdogs for community interests.

While the CBA is enforceable by design, the experience around the country is that coalitions have not had to bring litigation to enforce CBAs. Developers are familiar with negotiating contracts and understand the enforceability, although project tenants and other successors may have to be reminded of CBA terms. Sometimes, a reminder about a CBA provision is required, but expensive litigation has not been necessary.
Examples of successful CBAs currently in effect:

Nashville MLS Soccer, Nashville, TN (2018)

A coalition called Stand Up Nashville successfully advocated for this CBA in connection with a soccer stadium development project. The CBA includes, among other things, commitments on jobs that pay a living wage, hiring priorities, affordable housing, and a childcare center. As part of this CBA, Stand Up Nashville's committed to support rezoning legislation for the stadium, which was widely opposed before the CBA. Nashville's Mayor eventually supported the stadium project in large part due to the CBA.

Facebook Campus Expansion CBA (Menlo Park, CA – 2016)

This CBA, associated with an office expansion, is between Facebook and a coalition of community groups. In this agreement, Facebook made an almost $20 million commitment to affordable housing in the area, which led to an additional $60 million in other donor commitments. The CBA includes financial commitments for other community priorities, as well.


Largely viewed as a model for other CBAs, this CBA was negotiated by a coalition of over 20 organizations who negotiated about $150 million in commitments from the developer, including for housing, parks, and hiring priorities.

Warm Springs CBA (Fremont, CA – 2015)

Lorenzo CBA (Los Angeles, CA – 2011)

Bayview/Hunters’ Point CBA (San Francisco, CA – 2008)

Dearborn Street CBA (Seattle, WA – 2008)

Ballpark Village CBA (San Diego, CA – 2005)

Los Angeles International Airport CBA and related Cooperation Agreement (“LAX CBA”; Los Angeles, CA – 2005)

Hollywood and Vine CBA (Los Angeles, CA – 2004)

Marlton Square CBA (Los Angeles, CA – 2003)

SunQuest CBA (Los Angeles, CA – 2001)

NoHo Commons CBA (Los Angeles, CA – 2001)

Compiled by PolicyLink
Further Reading:


- Peaslee Neighborhood Center’s Equitable Development Rubric

First Meeting

Congratulations! You’re holding your first coalition meeting. Maybe you have a broad, representative coalition already, but it is more likely that you are still identifying who needs to be at the table. Here’s a good outline for a first meeting agenda. Feel free to use this as a starting point. The next meeting agendas should flow naturally based on the work and each person’s role.

Agenda

1. Introductions
   a. This is an opportunity to get to know each other.
   b. Ask folks to introduce themselves, say why they’re here, and say what they hope to get out of this project.

2. Community Benefits Agreement Overview
   a. Review the “CBA Basics” portion of this manual as a group
   b. Discuss / Q&As

3. Review Development Project
   a. What do you know?
   b. What do you still need to know?

4. Plan next steps
   a. Who else should be at the table? Who can help get them there?
   b. Are there volunteers for:
      i. Researching facts about the development, the process it will have to go through to get approved, and related policy? (This may be several people, broken down by topic.)
      ii. Managing communications to the coalition and to external stakeholders?
      iii. Doing outreach in the neighborhood to bring the right people on board?

5. Begin Identifying Community Goals
   a. Start list and review with new coalition stakeholders for additions and feedback.
About the Artist

Courtney Cooper creates intensely detailed maps from his physical and psychological experiences in Cincinnati Ohio.

Using everyday materials of a bic pen and repurposed paper, Courttney methodically pieces fragments of his life experiences together. His larger drawings typically begin with one sheet of paper to then grow by attaching new pieces as needed. Buildings, streets, and conversations are all recorded from memory. Courttney is always celebrating Oktoberfest in his life and work where you will find references to beer, balloons, pretzels, and German culture. Each line is typically made by several pen marks that when standing back in its entirety, visually creates a wonderfully complex shimmer. More importantly, Courttney’s work illustrates a sublime moment in time where viewers are able to briefly understand something as complex as a city.

Cooper is part of Visionaries + Voices, a non-profit arts organization in Cincinnati, Ohio where he is shown regularly. His solo show at Intuit: The Center for Intuitive and Outsider Art in Chicago in spring of 2016 was reviewed in artforum.com and New City. His 2-person show (with Cole Carothers) at The Cincinnati Art Museum in 2013 was reviewed in CityBeat and AEOAI. He has exhibited extensively in the Greater Cincinnati/Northern Kentucky area including the Contemporary Art Center in Cincinnati and The Carnegie Visual and Performing Arts Center, Covington, KY. Cooper recently won The Wynn Newhouse Foundation Award and his work is included in a number of private and public collections including The Cincinnati Art Museum and The Kentucky Museum of Art and Crafts. Courtney Cooper’s first solo show at Western Exhibitions, where he is represented, opened in November 2016 and was discussed on Artinfo.

Click here to see more of Courttney’s artwork.
Have a party, invite reps from the neighborhood and community council, talk about the pros and cons of the planned development.

Make a list of individuals, groups, and community-based organizations that could be affected by the project and how

Figure out individuals and groups’ interest in participating in the coalition via small group meetings or one-on-one conversations

Host a potluck gathering with everyone who has agreed to be part of the coalition

Find a fun way to make introductions

Discuss shared concerns

Review the CBA benefits

Talk about next steps and assignments
Identify Community Priorities

Identify Community Priorities

Identify Community Priorities

Identify Community Priorities

Educate Decision Makers

Educate Decision Makers

Educate Decision Makers

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Educate Decision Makers
Ask an artist to create postcards with questions like 'What do you wish was different about the ______ neighborhood?' or 'If you could add one thing to your neighborhood what would it be?' and place with ballot boxes around your neighborhood in local places where people congregate (coffee shops, churches, laundromats, etc.) to collect information. This works best if you offer something in return ('Fill out the card and take a sticker')

Bring together small groups of diverse community members to identify priorities. Each person brainstorms ideas in response to a question such as 'What should we request from XXX developer in exchange for our support of their project?' and then puts their answers on separate pieces of paper in the middle of the table. Other members of the group pick up each others' answers and respond to them or add onto them to develop more details and fleshed out ideas and options.

Host a block party, community picnic, pot-luck, or simple grill out. Have a white board or paper list with several options for neighborhood improvement available. Ask for attendees to check or 'dot' their top 1-3 priorities on the list before grabbing a plate to eat. Leave an option for people to write in other ideas, as well as a forum for comments and a sign up sheet if they'd like to become more involved with the CBA negotiation process.

Host an open community art making day. This can be a stand alone event or paired with a council meeting, festival, or other event where people are gathered. Have a variety of materials (paper, pens, markers, paints) available and ask residents to draw the changes they wish to see in the neighborhood.

At critical decision-making points, organize email and phone call campaigns to elected officials, attend public meetings, speak during speaker slots.

Put together a tentative timeline of the expected process: committee and council meetings, planning commission and/or historic conservation board. Know the steps to official and final decisions.

At a coalition meeting, develop a list of government and elected officials who have decision making authority over the deal.

Research decision makers' recent policy initiatives, public statements, and votes on development deals to get a good idea of what they care about.

When the time is right (see the CBA guide), schedule a meeting for 3-4 coalition members with influential decisionmakers (committee chair and vice chairs, those familiar with your neighborhood, those who will vote on the deal and convince others to support you)

Draft briefing materials. Your meetings with decision makers will probably be short. Materials should be professional, direct, clear, and have a specific ask. Show a united coalition front.