



Environmental Advisory Board

Meeting Agenda

October 22, 2025 3:00 P.M.

Virtual Attendance through Microsoft Teams

Order of Business

- I. Public Comment**
- II. Call to Order**
- III. Administrative Action***
 - Approval of August 24, 2025 – Meeting minutes
- IV. Office of Environment and Sustainability Comments**
 - Sustainable Ohio Public Energy Council (SOPEC) Updates
 - Building Performance Standards (BPS) Updates
- V. Information/Updates**
 - EAB membership – terms expiring in December 2025
- VI. Items for Vote***
 - TBD
- VII. Presentations**
 - None
- VIII. Open Discussion**
 - Comments on Action with Policy Focus:
 - i. Codifying Environmental Justice – Discussion with Fair Shake
- IX. Next Meeting**
 - November 19, 2025 at 3pm; Centennial II HR Conference Room B; 805 Central Avenue, Cincinnati, Ohio 45202
- X. Adjournment**

**Board Action Requested*

Agenda Packet Materials:

- Draft meeting minutes from 8/24/2025
- Codifying Environmental Justice in Decision-Making; Examples to Spark Ideas – Meagan Niebler, Fair Shake (Presentation from August 24, 2025 meeting)
- Mentimeter Survey Results from August 24, 2025 meeting

Environmental Advisory Board

Minutes of September 24, 2025

Members Present:

- **In person:** Dave Schmitt; Douglas Walton; Kylie Johnson; Susan Sprigg
- **Virtual:** Andrew Musgrave; Ashlee Young; Emmy Schroder; Ericka Copeland; Nathan Alley; Nayana Shah; Rico Blackman;

Members Absent: Julie Shifman; Monica Perdomo; Van Sullivan

Staff Present: Ollie Kroner; Amanda Testerman; Erin Kabel;

Meeting: A meeting of the Environmental Advisory Board was held on September 24, 2025 at 3:00 PM at Centennial II HR Conference Room B, 805 Central Avenue, Cincinnati, Ohio 45202.

Meeting Agenda:

- I. **Public Comment**
- II. **Call to Order at 3:06 PM**
- III. **Administrative Action***
 - Approval of August 27, 2025 – Meeting minutes
- IV. **Office of Environment and Sustainability Comments**
 - Sustainable Ohio Public Energy Council (SOPEC) Process Update
 1. Two public hearings are taking place regarding SOPEC: 9/24/25 at 1:30pm and 10/6/25 at 1pm. Both meetings in Council Chambers. The meetings are to permit questions and comments regarding SOPEC. These are required before the City can join SOPEC as a member.
 2. More information can be found: <https://www.cincinnati-oh.gov/oes/buildings-and-energy/aggregation-program/>
- V. **Information/Updates**
 - Meeting with Council Member Owens Updates – Kylie Johnson
 - Meeting on 9/2/25 with Kylie Johnson, Dave Schmitt, and Van Sullivan to discuss council priorities, focuses of the EAB, and next steps. Continued interest in building performance standards and codification of environmental justice.
- VI. **Items for Vote***
 - SOPEC Recommendation Comment
 - Review of the draft comment recommending pursuit of membership into SOPEC
 - Motion to recommend submitting draft recommendation letter to Council
 1. Yes – 11 votes; No – 0 votes [MOTION PASSES]
- VII. **Presentations**
 - Community Engagement Overview – Eunice Avery, Dariah Williams and Stacey Hoffman, Department of City Planning and Engagement
 - Codifying Environmental Justice in Decision-Making; Examples to Spark Ideas – Meagan Niebler, Fair Shake
- VIII. **Open Discussion**
 - None
- I. **Next Meeting**
 - Wednesday October 22, 2025 at 3:00 PM
- II. **Adjournment at 4:35 PM**

Welcome!



Fair Shake®

Opportunities to codify environmental
justice across city decision-making
processes

We believe that everyone has the right to make decisions about their air, water, and the places where they live, work, and play.

Community Lawyering

- **Client-centered legal representation** for environmental legal issues, such as oil and gas, clean water and air, stormwater, landfill, mine reclamation, solar, land use, lead, nonprofit formation, and more.
- Pro-bono and sliding-fee-scale rates.
- Licensed in PA, OH, WVA.

Community Democracy

- Support, templates, technical assistance, and "Choose Your Own Adventure" tools to find levers that move your vision into action.
- Community education and engagement to support democracy and environmental justice.

Legal Education

- We train and support new environmental attorneys providing client-centered counseling through internships and continuing education.



Fair Shake®



DISCLAIMER

This presentation is designed for general informational purposes only.

The information contained in this presentation should not be construed to be legal advice or to signify the formation of a lawyer-client relationship.



There are a range of ways other cities have worked to codify environmental justice.

Some of these may help Cincinnati.

- Language Access
- Strengthen Public Participation in Development Approval Processes
- Participatory Budgeting
- Create Equitable Benefits and Protections
- Assess and Mitigate Negative Impacts

GCP Equity Framework

1. **Recognitional equity**—a commitment to identifying and acknowledging injustices affecting specific populations that institutions, including government, have created.

2. **Procedural equity**—a commitment to ensuring that priority community members have a voice in the process to develop and implement programs and policies in an effort to shift power, build trust, and drive accountability.

3. **Distributional equity**—a commitment to develop policies and programs that result in the distribution of benefits across all segments of a community, prioritizing those with the highest need.

4. **Restorational equity**—a commitment to correct past harms through repairing degraded relationships, communities, and other resources.

5. **Transformational equity** - a commitment to prioritize the needs and rights of priority communities by addressing the structural conditions that cause social and racial injustice



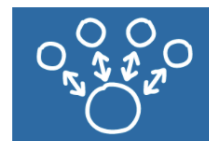
Inform

Provide the community with balanced and objective information to assist them in understanding the problems, alternatives, opportunities, and/or solutions



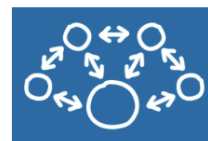
Consult

Obtain community feedback on analysis, alternatives, and/or decisions



Involve

Work directly with the community throughout the process to ensure their concerns and aspirations are consistently understood and considered



Collaborate

Partner with the community in each aspect of the decision, including the development of alternatives and the identification of the preferred solution



Own

Place the final decision making in the hands of the community



Fair Shake®



Language Access

Citywide Language Access to Ensure Effective Delivery of City Services (Chicago)

What Is It?

- Requires “pertinent City departments” to create a language assistance plan, translate public documents, and give language access services.

How Does It Work?

- Creates and hires a new position, “Language Access Coordinator” makes a language access plan across City departments.
- All ‘pertinent’ departments must then have the following for “Limited English Proficiency” persons:
 - Translated essential public files;
 - Interpretation services;
 - Trained workers and managers on language access procedures;
 - Posted signage about free interpretation services;
 - A monitoring system for the language services; and
 - Public awareness strategies.
- The language access plans should address the needs of new populations of LEP persons.

Strengthen Public Participation in Development Approval Processes

Community Development Forum Requirement

(Calabassas, CA)

What Is It?

This ordinance requires two community forums for new, large developments. The forum requires the developer to hear and consider the ideas and concerns of citizens during the initial design process and permit review process.

How Does It Work?

- Forum #1 is required before submitting a development application to the municipality. The forum must:
 - Be scheduled Monday through Thursday and starting at 6 or 7pm.
 - Be held close to the development project site, at one of two community centers.
 - Be widely publicized. The ordinance spells out the different way the developer needs to notify the public, including direct mailing to all residents who live in that city zone, and ways the municipality will help notify the public, including notifying homeowners' associations, the media, and to develop an email/mail list of people who request notice around this development.
 - Provide all pertinent information, including a detailed list of information that must be shared, such as preliminary plans, zoning and arial maps, contact information.
 - Provide an opportunity for the "public to engage with the project's design team and other subject matter experts. The proper may, at their option, use a "hands on" or interactive design process.
- Forum #2 is required after the review committee has met and is considering the project application.
 - This forum is intended that the applicant tells the public about the project proposals and updates after the first forum;
 - and tell the public about the benefits that the project will contribute to the community.
- *The developer is required to submit a written summary after the first and second forum to the municipality which includes a summary of public comments, suggestions, and concerns, and how those comments, suggestions, and concerns will be addressed.*



Fair Shake®

Registered Community Organizations (Pittsburgh)

What Is It?

This ordinance tries to increase communication and public participation in city development decisions by ensuring 'recognized' neighborhood coalitions receive timely and accurate information.

How Does It Work?

- An RCO is a non-profit or group of non-profits that register with the Department of City Planning as stakeholders of a specific neighborhood. RCO's then take the lead in helping to be a conduit between the City and residents. They also play a major role in Development Activity Meetings.
- Development Activity Meetings:
 - Development Activity Meetings are required for any projects that meet certain criteria (typically large-scale projects).
 - Developers must coordinate with the local Registered Community Organization and Neighborhood Planner to schedule the Meeting.
- RCOs must:
 - Notify residents about Development Activity Meetings (D.A.M);
 - Host D.A.M. at an open, ADA accessible facility, or virtually;
 - Provide feedback to the developer; and
 - Create an agenda, take meeting notes for D.A.M, and share them publicly. RCO's can create the type of agenda and facilitation that best meets their communities' needs.
 - [Hill District CDC](#),
- RCO Benefits Include:
 - Receive notice of local projects.
 - Guaranteed D.A.M. with project developer prior to a public hearing.
 - Develop Neighborhood Plans used by the Planning Commission.
 - Featured on official maps, brochures, and directories.



Participatory Budgeting

Participatory Budgeting (Unincorporated King Co, WA)

What Is It?

This process allows community members to dictate how the County should spend approximately \$8,850,000 annually of dollars in their community on capital projects.

How Does It Work?

- Residents in 5 EJ neighborhoods make up a steering committee that creates rules, has final decision-making power on funding decisions, and facilitates community engagement to gather additional resident feedback. County staff administer the process, provides logistical and facilitation support to Steering Committee.
- Steering committee membership is open to all members of the public who *live, work, attend school, play, and/or worship in the communities they seek to represent, or who can demonstrate some other strong connection to that community, such as having been displaced from there due to gentrification, with priority to recruit “take steps to recruit people of color and those who are LGQBTIA, youths, seniors, immigrants, refugees, and/or who have low incomes or disabilities, as well as people from other underrepresented groups”, and includes youth, business and community-based organizations.”*
- Process:
 - Design – steering committee creates the process and allocates funds to each community.
 - Idea Collection – community members submit project ideas.
 - Proposal Development – community members work with County staff to create project proposals.
 - Voting – community members (12 years and older) vote on proposals through ranked choice voting, with engagement by Steering Committee.
 - Funding – County provides funds.



Fair Shake®

Create Equitable Benefits and Protections

Community Benefits Ordinance (Detroit)

What Is It?

Requires that eligible projects must negotiate a Community Benefits Agreement (CBA) with the Neighborhood Advisory Council for eligible projects. A CBA is a legally binding agreement between a community coalition and developer which outlines specific, measurable benefits and protections the development agrees to in exchange for the coalition's support.

How Does It Work?

- This ordinance requires that developments that meet specific criteria must negotiate a Community Benefits Agreement (CBA) with a Neighborhood Advisory Council for eligible projects.
- Project eligibility is determined by the cost/value of the project: the bigger the project/more City support = the amount of benefits
- This ordinance sets requirements for a Neighborhood Advisory Council to negotiate on the CBA for projects that go through this process. Each Neighborhood Advisory Council includes 9 total members from the community:
 - 2 community members living around the project.
 - 4 other community members selected by the Detroit Development Department
 - 3 additional community members, 2 to be selected by council-at-large members, and 1 to be selected by the council member of the district that is most impacted by the project.
- The ordinance also sets standards for enforcement of the CBA, including the establishment of an Enforcement Committee consisting of:
 - 1 member of the Legislative Policy Division
 - 1 member of the HR Department
 - 1 member from the Law Department
 - 1 member from the Planning & Development Department
 - 1 non-voting member of the Neighborhood Advisory Council
- Community benefits are not set by the ordinance but are determined and negotiated for each project by the Neighborhood Advisory Council, the Planning & Development Department, and the developer.
- Some benefits have included affordable housing, first-source hiring, and green space.



Fair Shake®

Assess and Mitigate Negative Impacts

City Environmental Quality Review (NYC)

What Is It?

This process (mandated by a State law), adapts the federal NEPA policy and requires the City to think through environmental consequences – both good and bad – before making a decision about approvals, permits, city funding, or action being taken by a city agency.

How Does It Work?

- The CEQR is a disclosure process to help with decision-making, not an approval process.
- A CEQR view starts when a city agency has funding and undertaking to approve. If an answer to any of the following questions is "yes" then CEQR starts:
 - Does the project need approval or permits from any city agency?
 - Will city funding be requested in order to complete the project?
 - Is the project undertaken by a city agency?
- CEQR has different levels of review by asking the following questions.
 - Type II actions have 'no significant effect on the environment. Examples: repair of existing structures, minor construction, some small zoning changes or uses.
 - If YES, then no further review is needed.
 - Type I actions are anticipated to have "significant adverse environmental impacts." Examples: land use, zoning changes, land acquisitions, residential construction, water usage, parking
 - If YES, then a review is completed. Projects can require a full Environmental Impact Statement including required public participation if they are found to have potential significant effects.
 - The Environmental Impact Statement includes alternatives and ways the city could mitigate harm around these issue areas and more: land use, socioeconomic conditions, community facilities, open space, historic and cultural resources, urban design, natural resources, hazardous materials, infrastructure, waste, energy, transportation, air quality, noise, and public health.
 - Unlisted actions are those that don't fit into Type I or II and the impact is unknown. Examples: minor zoning variances, small construction activities, projects impacting historic or ecologically sensitive areas.
 - If YES, then a review is completed. Projects without impact require no further action. Projects with potential impact start moving through the Type I process.
- Ultimately, this is a process to help decision-making, but the City can still make a decision it wants even if the Review shows a major negative impact.



Fair Shake®

Racial Equity Reports on Housing and Opportunity (NYC)

What Is It?

This ordinance requires a racial impact analysis in land-use applications that meet certain criteria, with the goal to assess how a land use decision may impact those living in and around the proposed development.

How Does It Work?

- Development projects that meet certain criteria are required to complete a Racial Equity Report.
- A summary of the Racial Equity Report, listing demographics of the area;
 - Description of residential cost after the proposed project;
 - Details of the non-residential uses of the development area;
 - Estimate the number of jobs created because of the development;
 - Use the Equitable Development Tool to create a community profile summary of the developed area;
 - Describe how the proposed project will further fair housing; and
 - Use the Equitable Development Tool to list how community development expands: demographic; household economic security; housing cost, quality, and security.
- The impacted community board and borough president are given copies of the Racial Equity Report. The impacted council member, the public advocate, and the council speaker post the report on its website.
- The application can still be approved even if the assessment shows high racial impacts or resident feedback.



Fair Shake®

Cumulative Impact Study Ordinance (Chicago)

What Is It?

This law requires developers seeking a zoning permit for “heavy industrial land uses” (either expansion or new-build) to conduct a cumulative impact study.

An Environmental Justice Advisory Board assess the cumulative impact study and provides recommendations to the Chief Sustainability Officer.

How Does It Work?

- Requires the City to conduct a Cumulative Impact Study and to develop an Environmental Justice Action Plan every five years.
- Creates an Environmental Justice Advisory Board.
- Creates a new staff position, the Environmental Justice Project Manager.
- Change zoning laws - Requires permit-seekers who are proposing projects that are defined as ‘heavy industrial land uses’ to conduct a Cumulative Impact Study.
 - The study evaluates the project’s impact on public health, safety, environmental justice, and the environment within at least a mile radius of the project.
 - Between 14-35 days after the study is submitted, the developer must hold at least one community meeting to share the study, and hear comments.
 - All City groups that received a copy of the study (the EJ Advisory Board, Chief Sustainability Officer, Zoning Administrator, Dept. of Public Health, Dept. of Transportation) have 30 days after the community meeting to submit their comments and recommendations on the study and project.]
 - Zoning approval body can use study as justification to approve or deny application for heavy industrial project.



Fair Shake®

Environmental Justice Law (State of New Jersey)

What Is It?

This law requires the Department of Environmental Protection to evaluate environmental and public health impacts of certain facilities when reviewing applications, and requires the state to deny permits if the developer cannot prove they will not avoid disproportionate impacts.

How Does It Work?

- This law has a seven-step process:
 - Determination of Applicability – specific extra-polluting industries or facility in an ‘overburdened’ community.
 - Initial Screen – DEP gives the applicant information to guide their application, including environmental, cumulative, and public health stressors.
 - Determination of Application Requirements
 - Preparation and Review of an Environmental Justice Impact Statement – developer assesses and prepares a report detailing existing environmental and public health stressors; adverse environmental and public health stressors; presence of adverse cumulative stressors; potential environmental and public health stressors associated with facility; whether the facility can avoid causing a disproportionate impact; measure the facility will propose to implement to avoid a disproportionate impact; how the facility serves a compelling public interest to the overburdened community.
 - Public Participation – at least one in-person public hearing is held, along with a minimum 60-day public comment period.
 - Department Review
 - Department Decision –
 - If facility can avoid disproportionate impact: approves and imposes conditions to ensure disproportionate impact doesn’t happen.
 - If facility cannot avoid disproportionate impact: denies for new facilities (unless it demonstrates it serves “compelling public interest”), or requires conditions to address environmental and health stressors for permit renewals or expansions.



So What?

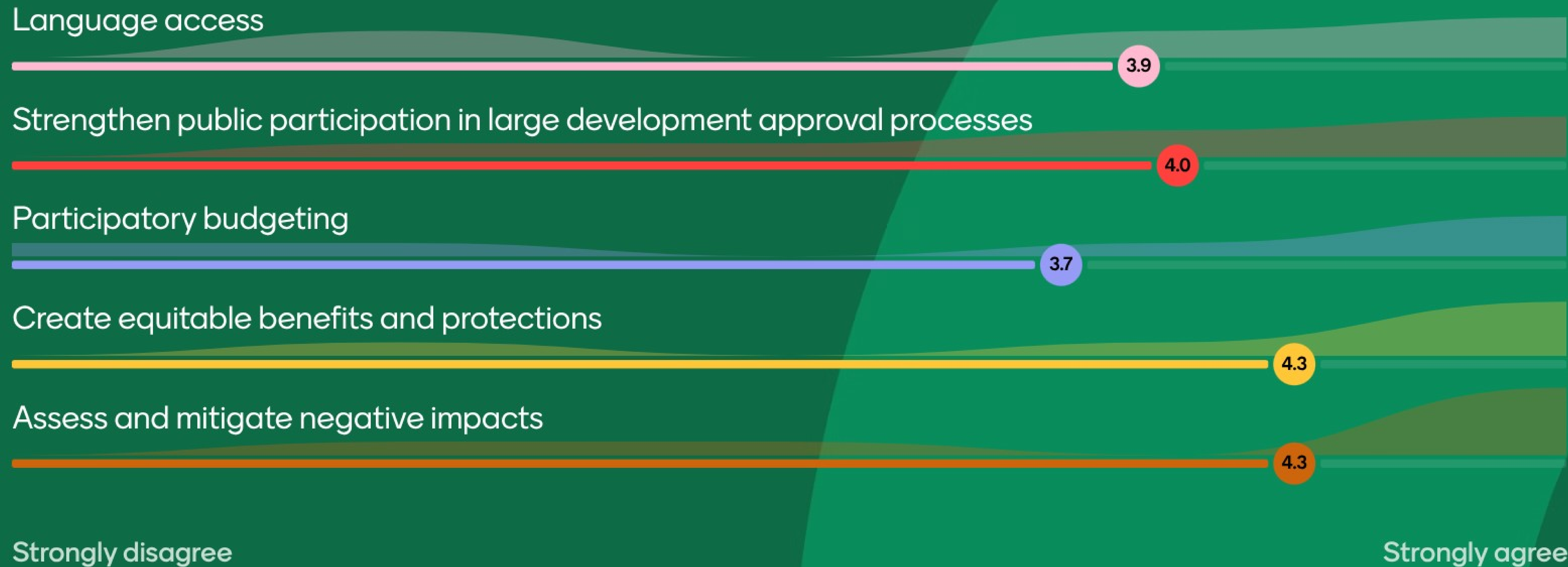
	"Teeth"	Recognitional Equity	Procedural Equity + Level of Engagement	Distributional Equity	Restorational Equity	Transformational Equity
Language Access Plan Ensures that all City documents and processes are translated.	- Power: administrative - Accountability: disclosure - Enforceability: weak		Inform			
Development Forum Requires a participatory and transparent process for developers to hear and acknowledge resident concerns, questions, and feedback at least twice.	- Power: administrative - Accountability: advisory - Enforceability: weak/medium		Consult			
Registered Community Organization Provides a forum for trusted community organizations to have an automatic ‘seat-at-the-table’ to learn about proposed developments.	- Power: administrative - Accountability: disclosure - Enforceability: weak		Consult			
Participatory Budgeting Gives residents ownership of millions of dollars of county budget to make decisions about how to spend it on capital improvement projects in their neighborhoods.	- Power: administrative - Accountability: semi-binding - Enforceability: medium		Own			
Community Benefit Ordinance Requires a developer to negotiate and sign a Community Benefits Agreement with a neighborhood coalition for developments that meet certain criteria before the City will approve the project.	- Power: contractual - Accountability: binding - Enforceability: high		Collaborate			
City Environmental Quality Review Requires the City to understand + and - environmental impacts, and alternatives, before a development or project that meets certain criteria is approved or funded.	- Power: administrative - Accountability: disclosure - Enforceability: weak		Inform			
City Racial Impact Assessment Requires a racial impact analysis in land-use applications that meet certain criteria to understand how the development will impact housing and wellbeing.	- Power: administrative - Accountability: disclosure - Enforceability: weak		Inform			
Cumulative Impact Ordinance Requires ‘heavy industrial use’ permit applications to conduct a Cumulative Impact Study and gives EJ Advisory Board advisory power.	- Power: statutory - Accountability: statutory (permit denial) - Enforceability: high		Consult and Involve			
Environmental Justice Law Requires a permitting department to deny a permit if the applicant cannot prove they will avoid disproportionate impacts.	- Power: statutory - Accountability: statutory (permit denial) - Enforceability: very high		Consult			

<https://www.menti.com/al3c49h7ushp>

or



This type of law/policy would ensure the city incorporates EJ considerations into decision making.



This type of law/policy would make major progress on EJ *outcomes*.

Language access

3.0

Strengthen public participation in large development approval processes

3.8

Participatory budgeting

3.5

Create equitable benefits and protections

4.0

Assess and mitigate negative impacts

3.8

Strongly disagree

Strongly agree



5



What is jumping out to you after hearing these opportunities?

There are a lot more opportunities than I imagined! Excited to dig in more on some that we have not discussed as a board

the opportunity for true community engagement based in equity

Language access seems like a no brainer and should be not too difficult with AI for written comms

More community and neighborhood participation and approval of development projects in neighborhoods

I am interested in pursuing a conversation around adopting a city environmental review process.

Feeling hopeful. Whatever will make it a part of the culture and not stay on the sidelines known only to some.