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**APRIL 27, 2015**

**TO: BOARD OF DIRECTORS**

**THROUGH: STEPHANIE WIGGINS** *SW*  
**INTERIM DEPUTY CHIEF EXECUTIVE OFFICER**

**FROM: MARTHA WELBORNE, FAIA** *MW*  
**CHIEF PLANNING OFFICER**

**SUBJECT: TOD PLANNING GRANT PROGRAM ROUND 4 APPEALS**

### **ISSUE**

As part of the TOD Planning Grant Program Round 4 approvals, the Metro Board of Directors (Board) directed staff to develop an appeals process for unsuccessful applicants. Staff developed an appeals process and sought feedback and approval of that process from the Technical Advisory Committee (TAC). The Board approved the appeals process at the March Board meeting and two appeals were heard by the TAC on April 1, 2015. This Board Box provides the Board with an update on the April 1<sup>st</sup> TAC determination.

### **BACKGROUND**

The TOD Planning Grant Program is intended to spur the adoption of local land use regulations to create a regulatory environment supportive of TOD-supportive land uses around station areas and adjacent transit corridors. On February 27, 2014, Metro's Board approved the fourth round of the Program by awarding \$6,325,000 in funding to 14 projects. The Board also directed staff to develop an appeals process that would provide unsuccessful applicants an opportunity to appeal funding decisions and develop a deobligation process for non-performing projects.

The TOD Planning Grant Program appeals and deobligation process is modeled after the process used by Metro's Call for Projects. The TAC would hear and discuss funding appeals for the Program. If the TAC found an appeal with merit, the project would move on to the Board for final consideration. If the TAC upheld the staff determination, the appeal would be exhausted with the TAC. The TAC approved both the Program's Appeals Process Protocol and Guidelines on Funding Appeals on February 4, 2015. Language regarding the appeal process was incorporated by staff into the Program Guidelines. Language regarding the deobligation process was incorporated into both the Guidelines and Lapsing Policy. On March 26, 2015, the Board approved the revised

Program Guidelines and Lapsing Policy. At this meeting, staff notified the Board that appeals for Round 4 unsuccessful applicants would be considered by the TAC on April 1, 2015.

All three unsuccessful Round 4 applicants were notified of the opportunity to appeal. Two of the three unsuccessful applicants, the cities of Glendora and Palmdale, decided to appeal. These applicants were provided the opportunity to state their reason for appeal within a fact sheet distributed to TAC members 72 hours prior to the TAC meeting. At the TAC meeting, the applicants were given three minutes to present their appeal followed by a two minute TAC question period. Metro staff provided an overview on the TOD Planning Grant Program and responded to TAC questions. TAC discussion was held, and determination made to uphold the staff determination in both cases. The TAC voted 23-1 in favor of Staff's determination to not recommend the projects for funding.

### **NEXT STEPS**

At the TAC meeting, the TAC directed staff to meet with each unsuccessful applicant to discuss their application in order to better position them for success in Round 5 for of the Program (scheduled to be released in 2016). Staff has reached out to all three cities and is prepared to schedule debriefs upon their request.