

## Community Development Committee

For the Metropolitan Council meeting of March 27, 2013

**Subject:** Approve the 2013 Annual Livable Communities Fund Distribution Plan

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### **Proposed Action**

That the Metropolitan Council Approve the 2013 Annual Livable Communities Fund Distribution Plan as recommended by Council staff, except for the following changes:

- Include high frequency express bus station areas as eligible for Transit Oriented Development grants.
- Communities receiving Livable Communities Act Transit Oriented Development (LCDA-TOD Development) grants must adopt a station area plan for the pertinent station area within one year of completion of preliminary engineering for the station's transit line.
- Projects receiving LCDA-TOD Development grants must be consistent with a completed station area or small area plan prior to receipt of grant funds. This does not apply to LCDA-TOD Pre-Development grants when they are awarded to assist with creating for Transit Oriented Development zoning implementation tools.
- Council staff is directed to accelerate a study of the affordability of housing in each community.

### **Summary of Committee Discussion/Questions**

Livable Communities Manager Paul Burns presented an overview of the 2013 Annual Livable Communities Fund Distribution Plan. The Plan sets out the funding amounts, timetables and funding criteria for the Tax Base Revitalization Account (TBRA), the LCDA and the Local Housing Incentives Account (LHIA).

He highlighted the proposed changes to the Livable Communities programs from the Plan approved and amended in 2012. He indicated staff had evaluated the experiences of the first two rounds of TOD grant awards and had solicited input regarding potential changes in TOD funding from communities along transitways.

A subcommittee of the Community Development Committee (CDC) was appointed at the last CDC meeting to more closely consider potential changes to the Plan, including weighting of scoring for affordable housing and eligibility of station areas on high frequency express bus routes for LCA TOD grants. Mr. Burns summarized the deliberations of the subcommittee and indicated that the Plan had been revised to reflect the outcome of the subcommittee's deliberations.

After a lengthy discussion, the Committee made a motion to approve the 2013 Annual Livable Communities Fund Distribution Plan, with amendments as shown in the proposed action. The motion passed with one dissenting vote.

The 2013 Annual Livable Communities Fund Distribution Plan, attached, has been updated to reflect the changes as described in the amended motion above.

## Community Development Committee

Meeting date: March 18, 2013

For the Metropolitan Council meeting of March 27, 2013

**Subject:** Approve the 2013 Annual Livable Communities Fund Distribution Plan

**District(s), Member(s):** All

**Policy/Legal Reference:** Minnesota Statutes 473.25

**Staff Prepared/Presented:** Paul Burns (651) 602-1106

**Division/Department:** Community Development/Housing and Livable Communities

### Proposed Action

That the Metropolitan Council Approve the 2013 Annual Livable Communities Fund Distribution Plan.

### Background

The Livable Communities Act (LCA) requires that the Council prepare an annual plan for distribution of the Livable Communities Fund based on criteria developed by the Council. The annual LCA Fund Distribution Plan establishes the amount of funding that will be available for grant awards from each of the LCA fund accounts; sets the calendar for the grants making processes; and sets forth the criteria upon which grant awards will be based.

At the February 19 Community Development Committee Meeting, Council staff presented information on the draft 2013 Livable Communities Fund Distribution Plan. Committee members expressed concern about the weighting of scoring for affordable housing in the draft plan. Members also commented on the need for affordable housing units with multiple bedrooms for larger families and the possible elimination of express bus park and ride stations from eligibility for LCA Transit Oriented Development (TOD) grants. A subcommittee comprised of Council Members Wulff, Munt and Smith was formed to discuss those matters in more detail.

The subcommittee met on February 27. After discussing the issues and hearing input from the Association of Metro Cities and several communities participating in the LCA programs, the subcommittee arrived at the following recommendations, posed below as questions and outcomes:

1. Do you want the eligible TOD areas to remain the same and continue to include the 7 park and ride facilities on high frequency bus routes that were eligible in the 2 pilot funding rounds?

*Outcome of discussion: Undecided.*

2. Do you want to continue to support one bedroom/Single Room Occupancy affordable units for seniors, homeless and mentally ill [examples: Prior Crossing, St Paul (homeless youth), Valley Ridge, Burnsville (seniors), Emanuel Housing, Minneapolis (homeless), Higher Ground, Minneapolis (homeless)], but, incorporate a preference for multi bedroom affordable units specifically in family projects?

*Outcome: yes, continue to support one bedroom/SRO affordable units, but in family projects give preference to larger bedroom sizes (2+).*

3. The points associated with affordable housing in LCDA Step 1 would continue to impact the overall score for the project if the Step 1 score was cumulative (added to) the Step 2 Score like the TOD grant category. Would this address the concern about the weighting of affordable housing being lost in the process?



*Outcome: Yes, the score from the Step 1 process should be added to the Step 2 score for a cumulative score, as is done in the LCDA-TOD grant category.*

4. Would you like the regular LCDA to mirror the LCDA-TOD grant category and add the Housing Performance Score at the end of the process following the Step 1 and Step 2 evaluation/scoring elevating its importance?

*Outcome: Yes*

5. Reweight the criteria in LCDA to add greater emphasis to affordable housing?

*Outcome: At the subcommittee committee meeting, a plan was discussed to add an additional scoring category for affordable housing worth 5 points accomplished by taking two points from one other category and 3 points from another. However, following the meeting two of the members reconsidered their position and determined that the changes reflected in items 3 and 4 would be sufficient, and decided not to support adding the additional points.*

6. Given the fact that cities along the corridors are at differing stages of developing their plans, would the following wording address the concern about consistency with station area plans?

*“Applicants must confirm, as part of threshold criteria that the project will be in compliance with a station area plan or small area plan that demonstrates TOD design features, within 36 months of the grant award.”*

*Outcome: Yes.*

Additional subcommittee comments/discussion:

- *TBRA does not need any changes.*
- *LHIA will provide preference for larger bedroom units as discussed above.*
- *CM Wulff is concerned about employing some TOD threshold criteria that are aligned with Corridors of Opportunity principles (such as equitable development, affordable housing requirements, and gentrification concerns) that have not been agreed to by all communities and are not required in the LCA statute.*

## Rationale

In addition to the direction provided by the Subcommittee, Council staff throughout the year regularly takes note of observations and suggestions for improvements to the eligibility, application and review processes for each grant account. Those ideas are translated into improvements or modifications to the Fund Distribution Plan each year.

A copy of the Fund Distribution Plan is attached. On pages 4 - 6 of the Plan document there is a summarized list of all changes by grant category.

For 2013, staff also conducted a series of meetings and conference calls with communities along each of the transit corridors to elicit comments that have contributed to the recommended changes for Transit Oriented Development (TOD) awards.

## Funding

The proposed 2013 Annual Livable Communities Fund Distribution Plan recommends:

- \$5 million in the TBRA for Cleanup grants, with up to \$250,000 of that available for TBRA Cleanup-Site Investigation grants;
- \$7.5 million in the LCDA;
- \$1.5 million in the LHIA;

- \$5 million in the LCDA-TOD, with up to \$500,000 of that available for LCDA-TOD Pre-Development grants; and
- \$3 million in TBRA-TOD, with up to \$250,000 of that available for TBRA-TOD Site Investigation grants.

### **Known Support / Opposition**

The Association of Metropolitan Municipalities sent letters expressing concern about the increase in weighting for affordable housing projects. The cities of Apple Valley, Hopkins, Minnetonka, Maple Plain and Victoria also expressed concern about that issue.

Tim Thompson, from the Housing Preservation Project, representing six organizations, sent a letter encouraging the increase of the weight of housing performance scores in the evaluation process.

Copies of all correspondence are attached.



# METRO CITIES

Association of Metropolitan Municipalities

February 22, 2013

Chair Gary Cunningham and Members, Community Development Committee  
Metropolitan Council  
390 North Robert Street  
Saint Paul, MN 55101

Dear Chair Cunningham and Committee Members:

Metro Cities would like to respond to recent discussions by the Community Development Committee around the weighting of affordable housing in the Livable Communities Program, and to express our concern about the potential direction of the Committee with respect to this issue.

As noted in the outline provided by Council staff at your February 4<sup>th</sup> Committee meeting, the LCA program was established for the purpose of creating incentives for projects that create jobs, provide for a range of housing opportunities, preserve and rehabilitate affordable housing, and produce compact and efficient development. This program funds a diverse range of projects, and enjoys wide acceptance and strong participation by local communities. The LCA program is strongly supported by Metro Cities.

Metro Cities has significant concerns about the potential for weighting one program goal, in this case affordable housing, more heavily than other LCA goals, as doing so would potentially distort the statutory goals of the program and result in reduced support and participation in the program by communities in the region.

Through a relatively modest levy, the LCA has steadily and successfully assisted projects that advance important and varied regional and local objectives. This program is successful on several key measures, including the production of a high number of affordable housing units, leveraging private investment dollars, increasing local tax bases, and assisting with projects that enhance infrastructure, increase access to transit and employment, and land use compactness and efficiency. The LCA program is a unique model that has received national recognition since its inception in 1995, and continues to serve as a key resource for projects that would not otherwise occur or that cannot be developed solely through the private market.

The LCA program has been very successful in creating additional affordable housing for the region, both through the Local Housing Incentive Account which is dedicated for this purpose, as well the Tax Base Revitalization and Livable Communities Demonstration Accounts, which also serve additional goals.

Metro Cities has worked to support adequate funding and flexibility in LCA program eligibility requirements. We have weighed in on various modifications to the program over time, most recently on the new LCA TOD program. In 2010, Metro Cities also worked with the Metropolitan Council and participating cities to set affordable housing goals for participation for the 2011-2020 cycle of the LCA program.

Metro Cities' major concern around any proposed modifications to the program is that the program remains true to its statutory goals, is adequately funded and is accessible to participating cities. We have consistently opposed modifications that run counter to these tenets.

Metro Cities believes that weighting the program more stringently on a particular focus or goal would undermine the statutory intent of the LCA program, and we would very likely oppose such a change. Metro Cities would advise the Committee to proceed with caution in proposing changes in this regard, and to take into strong consideration the program's statutory requirements and the potential of decreased access and participation by the communities this program is intended to serve.

My understanding is that the Subcommittee will meet soon to consider these issues. We will be closely monitoring their work, and appreciate the opportunity to provide additional input as the work of the Subcommittee gets underway.

Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Nauman', with a long horizontal flourish extending to the right.

Patricia Nauman  
Executive Director

cc: Guy Peterson  
Community Development Director

# METRO CITIES

Association of Metropolitan Municipalities

March 6, 2013

Dear Community Development Committee Chair Cunningham and Committee Members:

Metro Cities appreciates the opportunity to respond to the recommendation to add a weighting category for affordable housing under the Livable Communities Program (LCA), specifically its Demonstration Account (LCDA), in advance of the Community Development Committee's consideration of the recommendation at its March 18<sup>th</sup> meeting.

Metro Cities believes that placing a higher emphasis on affordable housing could be detrimental to a program whose statutory directive provides for a diversity of projects to enhance community and regional livability. This approach has been highly successful for the region as a whole, and Metro Cities does not believe the LCA structure warrants changes at this time.

Affordable housing is, of course, a key issue and priority for regional and local policymakers and one that Metro Cities supports. However, prioritizing one goal over others, which this proposal does, in a program that serves many goals, will potentially compromise its statutory intent. The program's high rates of participation by communities are also likely to decrease with modifications that reduce the breadth of the program. In this case, the outcome of increased affordable housing that the recommendation intends to serve will be diminished, an outcome that none of us wishes to see.

Metro Cities also questions the timing of this recommendation in light of the concurrent development of a Housing Policy Plan that will consider Council programs that serve affordable and other types of housing. Metro Cities would suggest that any such changes to the LCA be considered in conjunction with the Housing Plan, and reallocation of regional affordable housing need, and that proposals give further consideration around implications for the program than have been considered for this recommendation.

Metro Cities' concerns do not reflect a lack of support for tools to advance affordable housing. Our policies, in fact, speak quite broadly to support for adequate state, federal, regional and local resources for a range of housing needs in the region. Our concerns, rather, are based on putting an abundance of the proverbial affordable housing eggs into the LCA basket, which could distort a program tasked with serving diverse regional and local goals. The strong likelihood for reducing city participation in this program as a result would be unfortunate, and could serve to weaken the work of the Met Council and its local partners in advancing many crucial regional and local priorities.

We would kindly ask that the Committee consider our concerns as you discuss this recommendation, and keep in mind the important balance and success that this program provides to the region. We would be happy to provide further information and look forward to discussing these issues further with the Council.

Sincerely,



Patricia Nauman  
Executive Director

Email Correspondence on the Issue of Weighting of Affordable Housing for the 2013 Annual Livable Communities Fund Distribution Plan

The following is email correspondence from the Cities of Maple Plain, Minnetonka, Hopkins, Vitoria, and Apple Valley as reported by CM Wulff regarding the weighting of affordable housing in the Livable Communities Act (LCA) grant categories for the 2013 Annual Livable Communities Fund Distribution Plan. Some headings have been deleted to save space, information in parentheses is intended to identify the person involved in the correspondence.

Copies of letters Business Item for the Fund Distribution Plan.

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**From:** Jason Ziemer [<mailto:jziemer@mapleplain.com>]  
**Sent:** Wednesday, February 27, 2013 2:55 PM  
**To:** Smith, Roxanne  
**Cc:** Thamman, Freya; Roger Hackbarth; 'Patricia Nauman'  
**Subject:** Livable Communities & Affordable Housing  
**Importance:** High

Ms. Smith,

We learned the Metropolitan Council Community Development Committee is considering possible changes to the Livable Communities program. The changes being considered would place more weight onto projects that incorporate affordable housing. The City of Maple Plain is opposed to such a change to this program. As a fully developed community with limited development, or redevelopment, opportunities additional such consideration would further impact our ability to compete for funding through this program.

This past year we were successful in our attempt to obtain Livable Communities funding. However, like our previous two attempts, we received no points in this category. We recognize the need for affordable housing. We understand the Metropolitan Council's desire to help promote and further the development of affordable housing within the region. While we strive to meet our housing objectives, given size and development constraints and location of Maple Plain, our ability to meet such demands are difficult. Our development project was unable to support any type of housing component. If greater weight was given to affordable housing, would it have been awarded funding? Because we had no affordable housing with our project we barely made it out of the first round of scoring. Our opinion: our project is no less important to the region than a project in another city that has affordable housing.

The Livable Communities program in its current format has been highly successful increasing tax base for cities and the region and leveraging millions and millions of dollars in private investment. And, to the point of the CDC's discussion, the current program does and has already created thousands of units of affordable housing throughout the region. The Livable Communities program exists, statutorily, to do things that benefits cities and the region beyond housing. Thus, such a change to "overweight" affordable housing within the Livable Communities program would suggest that affordable housing is a precedence over other program purposes clearly defined by Statute. The end result would likely narrow the pool of applicants, or likely make it more difficult for many cities, including Maple Plain to compete for and receive funding.

What would be gained by such a change to the existing program? We understand the Livable Communities program is a tool to help provide affordable housing but if the program is already successful, why change it? Are there other ways to achieve Metropolitan Council goals for affordable

Email Correspondence on the Issue of Weighting of Affordable Housing for the 2013 Annual Livable Communities Fund Distribution Plan

housing? Can the LHIA program be revised to further entice communities to provide affordable housing?

I hope you understand our perspective and concerns. We are happy to discuss this issue with you in greater detail.

Sincerely,

Jason Ziemer

***Jason Ziemer***  
***Maple Plain City Administrator***  
**Office: (763) 479-0515**  
**Cell: (612) 490-5829**



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(Jennifer Munt, Monday, 3/4/13)

Greetings, Community Development members!

Please consider the concerns raised by the City of Hopkins regarding weighted criteria for affordable housing. The city has plenty of affordable housing that is in desperate need of preservation.

Jennifer

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**From:** Kersten Elverum [<mailto:kerverum@hopkinsmn.com>]  
**Sent:** Tuesday, February 26, 2013 2:03 PM  
**To:** Munt, Jennifer  
**Cc:** Tara Beard; Mike Mornson  
**Subject:**

Jennifer-

I understand there are ongoing discussions about the Met Council's funding criteria and a desire to more closely align affordable housing with LCDA funding in particular. As a city that has exceeded our LCDA affordable, life-cycle, and density goals, I would not want to see Hopkins excluded from future funding opportunities when affordable housing is not a direct outcome of a proposed project. We strive for a balanced housing stock, often aiming to provide a type of housing not currently available. Other times our redevelopment projects are designed to remove blight, create a greater sense of place, or bring new jobs or services to a neighborhood. All these activities help to create a better place to live for all our residents including the many low to moderate income families that call Hopkins home.

Email Correspondence on the Issue of Weighting of Affordable Housing for the 2013 Annual Livable Communities Fund Distribution Plan

We would support criteria that gave points to cities that have met their LCDA goals or in some way recognized and rewarded those communities that have already provided a full-range of housing options. If you would like to discuss this further, please let me know.

Thank you so much for all you do to represent Hopkins. We really do appreciate it!

Kersten Elverum

Director of Planning & Development

City of Hopkins

952/548-6340

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(Jennifer Munt, Monday, 3/4/13)

Greetings, Community Development members!

Please consider the concerns raised by Minnetonka Mayor Terry Schneider regarding weighted criteria for affordable housing.

Jennifer

**From:** Terry Schneider [<mailto:tschneider@eminnetonka.com>]

**Sent:** Friday, March 01, 2013 3:48 PM

**To:** Munt, Jennifer

**Cc:** Geralyn Barone; [Patricia@MetroCitiesMN.org](mailto:Patricia@MetroCitiesMN.org)

**Subject:** Changed to Livable Communities criteria

Jennifer,

I was made aware that the Metropolitan Council is considering modifying the long standing criteria for how applications for Livable Community Grants are evaluated by adding a specific weighted criteria for including affordable housing.

While Minnetonka has always been a leader in supporting affordable housing, I feel that placing a special emphasis on affordable housing in the criteria would be detrimental to the LCA program. LCA has been very well received by most communities over the years because of it's flexibility and broad approach to responsible land use planning in the Twin Cities. The broad flexible approach to evaluating each application based on the unique circumstances of each city and how well it meets the overall goal of good regional planning is a key factor is why it has been successful. It has in fact enabled a significant number of projects that contained affordable housing to proceed where with out it they may not have.

If we start to shift to have it focus heavier on affordable housing, it is my belief that you well get significantly less participation from cities that could result in less affordable housing where it is really needed rather than more. I concur with MetroCities policy that the staturory goal included in the Livable Communities Act have served the region very well and should be maintained as they are. Making a change to a greater emphasis on affordable housing could also potentially deminish legislative support for the program.

If you have any questions on my above concerns, please feel free to give me a call.  
Terry Schneider

Email Correspondence on the Issue of Weighting of Affordable Housing for the 2013 Annual Livable Communities Fund Distribution Plan

Minnetonka Mayor  
cell phone 612-720-7667

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**From:** Don Uram <[duram@ci.victoria.mn.us](mailto:duram@ci.victoria.mn.us)>  
**Date:** March 4, 2013, 11:50:58 AM CST  
**To:** "[gary.vaneyll@metc.state.mn.us](mailto:gary.vaneyll@metc.state.mn.us)" <[gary.vaneyll@metc.state.mn.us](mailto:gary.vaneyll@metc.state.mn.us)>  
**Cc:** Tom O'Connor <[toconnor@ci.victoria.mn.us](mailto:toconnor@ci.victoria.mn.us)>  
**Subject:** Changes to LCDA Program

Gary:

We continue to work on developing the 13.5 acres the City owns adjacent to the Dairy Queen on Hwy. 5. We finally have someone that may be interested in developing the property for a use that would be very beneficial to the City of Victoria and Carver County. In our discussions with the potential developer, we mentioned the possibility of LCDA grant to assist with the infrastructure improvements in excess of \$1 million that are needed on this site. Previously we were awarded a \$25,000 pre-development grant through the same program. The work we did using those funds has been instrumental in our sales efforts of the site.

The LCDA program is very important to us and changing the program at this point would be hurt our chances of being considered for any future funding. The City of Victoria asks that you and your peers vote against changing the program.

Thank you in advance for your cooperation.

Don Uram  
City Manager  
7951 Rose Street  
Victoria, MN 55386  
(952) 443-4211  
[duram@ci.victoria.mn.us](mailto:duram@ci.victoria.mn.us)

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From: Wulff, Wendy  
Sent: Monday, March 04, 2013 1:59 PM  
To: Munt, Jennifer; Smith, Roxanne; Wenner, Michele; Peterson, Guy; Reetz, Beth; Burns, Paul; Milashius, Linda; Martin, Marcus; Maleitzke, Adam  
Cc: Cunningham, Gary  
Subject: RE: LCA Fund Distribution Plan Criteria Sub-Committee

I had a long talk with Mayor Mary Hamann Roland, chair of the LCAC. She believes that our concerns can be addressed administratively, within the evaluation process, without changing the scoring, and that we will lose the communities that we depend upon the most for affordable housing in the suburbs, if we make the scoring change.

She also said that what would be most valuable to the scoring process would be to have an updated study on what affordable housing assets are out there, as the housing market has changed so drastically in the past 8 years.

February 27, 2013

Chair Gary Cunningham  
Members, Community Development Committee  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101

RE: Livable Communities Fund Distribution Plan

Dear Chair Cunningham and Committee Members:

We understand that the Community Development Committee is currently considering changes to the funding criteria for the Livable Communities Fund Distribution Plan. Among the changes under consideration are some which would strengthen the consideration of affordable housing in evaluating funding applications from local governments. We also understand that Metro Cities has voiced concern about elevating affordable housing in the funding criteria, on the grounds that this would place too much weight on one LCA statutory goal, affordable housing, at the expense of the other statutory goals.

Our view is that it is possible to elevate the importance of affordable housing in these funding decisions while not upsetting the balance between the multiple LCA statutory goals. There are two ways to increase emphasis on affordable housing in these funding criteria. One is by placing greater weight on the inclusion of affordable housing in the application proposal, and the other is by placing greater weight on a local government's affordable housing performance score. In our view, elevating housing performance scores in the funding criteria can accomplish the goal of incentivizing best practices in affordable housing without necessarily requiring that every LCA application include affordable housing as part of the development. This is because performance scores encourage cities to have the strongest possible approach to affordable housing not just in this application but in all their efforts around affordable housing. A city with a high performance score can then feel comfortable submitting a LCA proposal primarily focused on other LCA goals while a city with a low performance score will be motivated to either include affordable housing within its proposal or figure out how to raise it's score.

We agree with Metro Cities that the LCA program has been successful in producing affordable housing and in accomplishing LCA's other statutory goals. Increasing the influence of affordable housing performance scores should not disturb that record of success, but should have a

broader impact beyond the LCA program by encouraging all cities to seek higher performance scores.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Thompson', with a long horizontal line extending to the right.

Tim Thompson  
President  
Housing Preservation Project  
570 Asbury St  
St. Paul, MN 55104

Chip Halbach  
Minnesota Housing Partnership

Russ Adams  
Alliance for Metropolitan Stability

Jim Erkel  
Minnesota Center for Environmental Advocacy

Caty Royce  
The Access Group

Jay Wilkinson  
Mid Minnesota Legal Aid

CC: Patricia Nauman, Metro Cities  
Guy Peterson, Community Development Director

For LCDA-TOD Pre-Development, the same ineligible uses as stated in the LCDA Pre-Development section are ineligible with the following additions:

- corridor or station area plans;
- station area analysis of alternatives for market mix, land use mix, economic feasibility, or for air, water, or energy uses; and
- strategies for land banking and acquisition.

### *Section 6: Reporting Requirements*

Grantees are required to submit periodic progress reports. Until the first draw request is made, quarterly progress reports are required. Thereafter, the detail supplied with payment requests comprises the bulk of the progress reports, which are augmented with semi-annual reports. A final progress report is required with the last payment request. When the grant is closed, the grantee's chief financial officer is required to certify to the appropriate expenditure of funds.

Recipients of TBRA-TOD Cleanup-Site Investigation grants must also submit to the Council at the closure of the grant a copy of the environmental investigation documents and approval of the response action plan by the MPCA VIC or PBP program.

Recipients of LCDA-TOD Pre-Development grants must also submit copies of the work products for their eligible activities.

Grantees will be required to report annually for 36 months on progress toward achieving the threshold criteria.

# 2013 ANNUAL LIVABLE COMMUNITIES FUND DISTRIBUTION PLAN



March 20, 2013

## Metropolitan Council Members

Susan Haigh	Chair
Roxanne Smith	District 1
Lona Schreiber	District 2
Jennifer Munt	District 3
Gary Van Eyll	District 4
Steve Elkins	District 5
James Brimeyer	District 6
Gary Cunningham	District 7
Adam Duininck	District 8
Edward Reynoso	District 9
John Đoàn	District 10
Sandra Rummel	District 11
Harry Melander	District 12
Richard Kramer	District 13
Jon Commers	District 14
Steven T. Chávez	District 15
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## Introduction

### *Background*

The Livable Communities Act<sup>1</sup> (LCA) created the Livable Communities Fund, consisting of three active accounts:

- The **Local Housing Incentives Account (LHIA)** helps expand and preserve lifecycle and affordable rental and ownership housing. There have been 147 LHIA grants awarded through December 2012, for a total of \$27 million.
- The **Tax Base Revitalization Account (TBRA)** helps clean up contaminated urban land and buildings for subsequent development in order to provide the highest return in public benefit for public costs incurred, strengthen tax base, and create and retain jobs and/or affordable housing. There have been a total of 360 TBRA grants awarded through January 2013, for a total of over \$98 million.
- The **Livable Communities Demonstration Account (LCDA)** funds development and redevelopment projects that link housing, jobs and services and that use infrastructure and regional facilities efficiently. There have been 256 LCDA grants awarded through December 2012, for a total of over \$101 million.

The LCA requires that the Council prepare an annual plan for distribution of the fund based on the criteria for Project and applicant selection.

### *Funding sources*

The LCA establishes the funding sources for each of the active accounts:

- The TBRA is funded by a property tax levy established in the Council's annual budget and which may not exceed \$5,000,000.
- The LCDA is funded by a property tax levy established in the Council's annual budget.
- The LHIA funding includes \$500,000 from the LCDA plus \$1,000,000 annually from the Council's general fund.

### *Categories of grants*

The TBRA and LCDA have distinct funding categories included in each account.

- TBRA Cleanup awards focus on cleanup activities, such as asbestos and lead-based paint abatement, soil remediation, or soil vapor mitigation.
- TBRA Site Investigation awards focus specifically on pre-cleanup activities, such as Phase I and Phase II Environmental Site Assessments, hazardous material surveys, and Response Action Plan development.

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<sup>1</sup> MN Statutes §473.25

- LCDA Development awards concentrate on public infrastructure and placemaking improvements in support of projects that improve connections between people and jobs and that do so in innovative ways that offer demonstration value for other projects.
- LCDA Pre-Development awards concentrate on the early activities, such as market studies, appraisals, financial analysis, or design workshops that need to be done to prepare for development or redevelopment.

Collectively, the funding categories above are referred to as the “regular program” grants.

The TBRA and LCDA also offer a category of transit-oriented development (TOD) awards for projects located within a set of TOD-eligible areas along light rail, commuter rail and bus rapid transit corridors. To be eligible for the TOD grants, projects must include development that is higher density, oriented to the primary street with minimal setbacks, minimizes parking and locates it behind the building or in a parking structure, is generally mixed-use, and which is directly connected to the transit station. The TOD awards are funded through the TBRA and LCDA accounts and may include monies from the Council’s general fund.

### *2013 funds available for award*

The amount of LCA funding available for distribution each year may be greater than legislatively-authorized amounts. The additional funds derive from two sources:

- relinquished balances or reduced awards (grants may be relinquished because a project finished under budget, without needing all its grant funding, or because a project did not move forward and did not use its grant funding); and
- interest credited to each account during the previous year.

The dollar amounts set in the Fund Distribution Plan are the base amounts for grants to be awarded during 2013. If significant additional monies accrue to any account during 2013 due to relinquished funds, those additional dollars may be included in the amount of money available for distribution for that particular account, carried forward to a subsequent Fund Distribution Plan, or used for LCA TOD grants.

The funds available for 2013 are estimated to include:

- \$5 million for the TBRA, with up to \$250,000 of that available for Site Investigation grants;
- \$7.5 million for the LCDA;
- \$1.5 million for the LHIA; and
- \$5 million for LCDA-TOD grants, with up to \$500,000 of that amount for LCDA-TOD Pre-Development awards; and
- \$3 million for TBRA-TOD grants, with up to \$250,000 of that amount available for TBRA-TOD Site Investigation grants.

### *Eligible applicants*

The following applicants are eligible to apply: statutory or home rule charter cities or towns that are participating in the Metropolitan Livable Communities Housing Incentives Program (the “Program”) and

metropolitan counties and their development authorities (e.g., Housing and Redevelopment Authority, Economic Development Authority, Community Development Authority or Port Authority).

To participate in the program, communities are required each year to contribute a specified amount of local resources to create affordable and lifecycle housing. This amount is known as the Affordable and Lifecycle Housing Opportunities Amount (ALHOA), and is equal to the community's LCDA levy. Participating communities must contribute at least 85% of their annual ALHOA obligation to be eligible. Communities have some flexibility in determining which local expenditures fulfill the ALHOA contribution. Examples of ALHOA-eligible expenditures include housing assistance, development or rehabilitation efforts, the costs of local housing inspection and code enforcement, and local taxes to support a local or county Housing and Redevelopment Authority or similar agency.

Further, a municipality in which the proposed project will be located must have negotiated affordable and lifecycle housing goals that have been adopted by the Council. The municipality must have identified the actions it plans to take to achieve these negotiated goals in a Housing Action Plan submitted to the Council and be actively pursuing various ways to meet those goals. Municipalities must have approved the project/activities for which another authority is applying.

## Definitions

- **Affordable housing** is ownership or rental housing affordable to households with incomes of 60% or less of Area Median Income (AMI).
- The **Grant-Funded Activities** are components of the Project described in the application. The Grant-Funded Activities do not in and of themselves comprise the Project for which grant funds are awarded.
- The **Development Project** is the development or redevelopment project that provides the deliverables upon which the grant application is scored. Note that in most cases, the Grant-Funded Activities do not comprise the Project.
- The **Future Development Project** is the development or redevelopment project that provides the deliverables upon which the grant application is scored. These criteria apply only to LCA-TOD Pre-Development and TBRA-TOD Site Investigation applications as specified in the LCA TOD eligibility criteria.
- A **Living Wage** is 130% of the poverty guideline for a family of four within the 48 contiguous states established annually by the U. S. Department of Health and Human Services.
- **Placemaking** elements are those functional improvements that serve to create an identity, a focal point of, or gateway to the development *and* that attract other investment – these may include lighting, seating, sidewalks, paths, and furnishings and equipment for parks, plazas and other public areas provided they are an integral part of and contribute to the placemaking component of the project. . Placemaking activities should promote walkability and the use of transit, set the stage for interaction among users of the site, enhance or reinforce the urban qualities of the site and surrounding neighborhood, and play a key role in catalyzing additional private investment.
- The **Project Area** is the specific geographic area in which LCDA-TOD Pre-Development activities will be conducted.
- For the purposes of LCDA and LCDA-TOD Development applications, **site improvement** means demolition and removal of obsolete structures; grading and soil correction to prepare a site for construction.
- **Transit-Oriented Development (TOD)** is high density, mixed-use development adjacent to transit stations or stops using pedestrian-friendly design standards.

- A **TOD Area** is:
  - a DEED-designated Transit Improvement Area (TIA) or TIA-eligible station area located along fixed transitways operational by 2020 (Hiawatha LRT, Northstar Commuter Rail, Central Corridor LRT, Southwest LRT, I-35W BRT, and Cedar Avenue BRT). TIAs are special tracts of land designated by DEED that encompass a half-mile radius around transit stations that support bus rapid transit, light rail transit or commuter rail and that have the potential to increase ridership and stimulate new commercial and residential development. Fifty-seven TIAs have been designated; and/or
  - the area within a linear zone one-quarter mile either side the length of high frequency local bus lines, which are defined as having bus service running at least every 15 minutes between 6:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays.
  - The area within a one-half mile radius of bus stops/stations on high-frequency express bus routes where significant passenger infrastructure is in place. High frequency bus routes are those running a minimum of six trips during at least one hour of the morning peak hours between 6:00 a.m. and 9:00 a.m. and every ten minutes during the morning peak hours.

## *New for 2013*

### **Limits to the number of applications:**

There are limits to the number of applications for the LCDA, LCDA-TOD, and TBRA-TOD grant categories that may be submitted by a participating community, including applications submitted by its application partners (e.g., housing and redevelopment authority, economic development authority, port authority or by a county) on behalf of a project located in the host community. In the TOD Category, if applicants apply for two kinds of funding for the same project (TBRA and LCDA), the application counts as one application for each account.

- LCDA
  - 6 project concept plans (PCP)
  - 3 full applications
- LCDA-TOD Development
  - 6 PCPs
  - 3 full applications
- TBRA-TOD Cleanup
  - 6 PCPs
  - 3 full applications
- LCDA-TOD Pre-Development and/or TBRA-TOD Site Investigation
  - 3 full applications total (no PCP)

### **Use of grants as loans in any LCA grant program:**

- If LCA grant funds will be used as a loan by the grantee or any tier sub-recipient, the loan agreement must be directly between the grantee and the property owner.

## Changes to LHIA:

The Council will give priority to proposals that serve large families by providing two or more bedrooms in a majority of their units.

## Changes to TBRA:

- The number of investigation funding cycles has been reduced from four cycles to two.
- To qualify as an affordable housing project, 20% of the units must be affordable at 60% of Area Median Income (AMI).

## Changes to LCDA:

- There are no funds set aside for LCDA Pre-Development grants in 2013.
- Like LCDA-TOD, LCDA will allow for reimbursement for land purchased during the 12 months prior to the date of award if the land is acquired by non-profit developers, communities, or socially-responsible developers. Please see the LCDA details for additional information on eligibility for land acquisition.
- The Council will give priority to proposals that serve large families by providing two or more bedrooms in a majority of their units.
- Consideration of the Housing Performance Score has been moved to the end of the scoring process and will be added to the cumulative scores from Step One and Step Two.

## Changes to TOD awards:

- The number of allowable TBRA-TOD applications per city has been reduced from six to three. This limit includes all applications submitted on a city's behalf by its development, housing or port authorities.
- No more than \$2 million will be awarded to any single participating city for LCDA-TOD Development. Applicants must prioritize grant-funded activities for each application to inform award choices in the event that a project receives partial funding.
- There is a per-city funding limit of \$100,000 for all LCDA-TOD Pre-Development applications. Each city may submit a total of three projects. Applicants must prioritize grant-funded activities in the event that a project receives partial funding.
- LCDA-TOD Pre-Development and TBRA-TOD Site Investigation applications are due in the Spring, while LCDA-TOD Development applications and all TBRA-TOD Cleanup applications are due mid-summer.
- A project concept plan (PCP) is now required as a first step for all LCDA-TOD Development and TBRA-TOD Cleanup applications. Each city is allowed to submit a total of six LCDA-TOD PCPs and six TBRA-TOD PCPs.
- Applicants may take advantage of a design workshop sponsored by the Council.
- With limited exceptions, an identified, associated Future Development Project is now required for LCDA-TOD Pre-Development and TBRA-TOD Site Investigation applications.
- Applicants must confirm as part of the threshold criteria that the project will be in compliance with an adopted station area plan or small area plan that demonstrates TOD design features, within one year of completion of preliminary engineering for the station's transit line.

- Some previous TOD threshold criteria have been shifted into the Step One project evaluation process.
- Scoring criteria has been added for project environmental design features.
- Projects receiving LCDA-TOD Development grants must be consistent with a completed station area or small area plan prior to receipt of grant funds. This does not apply to LCDA-TOD Pre-Development grants when they are awarded to assist with creating Transit Oriented Development zoning implementation tools.

### *Award limits*

In the **LCA regular programs**, no minimum or maximum award levels for projects have been established except for TBRA Cleanup-Site Investigation grants (\$50,000 per award) and distribution limits established for cities by statute.

**For TOD grants**, the following limits apply:

- TBRA-TOD Cleanup awards are limited to \$1 million.
- TBRA-TOD Site Investigation awards are limited to \$100,000.
- LCDA-TOD Pre-Development awards are limited to \$100,000 **total** per city. A city may submit up to three applications and receive up to three LCDA TOD Pre-Development grant awards, but the total amount awarded to any one city for **all** LCDA TOD Pre-Development grant awards may not exceed \$100,000.
- LCDA-TOD Development awards are limited to no more than \$2,000,000 **total** per city. A city may submit up to three applications and receive three LCDA TOD Development grant awards, but the total amount awarded to any one city for **all** LCDA TOD Development grant awards may not exceed \$2,000,000.

The Metropolitan Council reserves the right to award less than the amount requested and to award less than the available funding in a funding cycle.

# **LCA Grant Programs**



## **Tax Base Revitalization Account**

**2013  
Funding Schedule  
Funding Criteria  
and Selection Process**

## Tax Base Revitalization Account 2013 Funding Schedule

**2013 Available Funding for TBRA Grants: \$5 Million, including up to \$250,000 for Site Investigation Grants**

Application Type	Month	Activity
Round 1: Investigation and Cleanup	April	Notice of Funding Availability
	May	Applications due
	June	Community Development Committee recommends grant awards
	July	Metropolitan Council awards grants
Round 2: Investigation and Cleanup	August	Notice of Funding Availability
	November	Applications due
	December	Community Development Committee recommends grant awards
	January 2014	Metropolitan Council awards grants

## Tax Base Revitalization Account

### *Section 1: Background and purpose*

The Metropolitan Livable Communities Act<sup>2</sup> (LCA) created the **Tax Base Revitalization Account** (TBRA) in 1995. The TBRA provides funds to investigate and clean up contaminated land and buildings in areas that have lost commercial/industrial activity, to make them available for economic redevelopment that enhances the tax base of the recipient municipality while promoting job retention or job growth and/or the production of affordable housing. TBRA funds, raised by a legislatively-authorized levy, are capped at \$5 million per year. Applications for 2013 funding will be accepted in May and November of 2013.

Applicants will choose one of the following two grant categories for each proposal submitted for funding:

- *Site Investigation* grants are intended for applicants that have a redevelopment site with suspected or perceived contamination and are seeking public funding to determine the scope and severity of the contamination and to develop a cleanup plan.
- *Cleanup* grants are intended for applicants with projects that have recently completed their cleanup-site investigation and are seeking public funding to assist with the cost of implementing a cleanup plan for eligible activities and beginning redevelopment on a specific project.

### *Section 2: New TBRA elements for 2013*

- The number of investigation funding cycles has been reduced from four cycles to two.
- To qualify as an affordable housing project, 20% of the units must be affordable at 60% of Area Median Income (AMI).

### *Section 3: Partnerships and coordination*

TBRA awards are coordinated with complementary programs at the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Employment and Economic Development (DEED), Hennepin County and Ramsey County.

### *Section 4: Application process*

Interested parties may obtain a Cleanup or a Site Investigation application packet by contacting the Metropolitan Council (Council) or by downloading it from the Council's website.

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<sup>2</sup> MN Statutes §473.252

## Local resolution

Any application for funds under this program must include a resolution from the local unit of government within which the proposed project is located. The resolution must affirm that the project would not occur through private or other public investment without Council funding. Municipalities occasionally partner with counties or other agencies (e.g., a county, housing or development/redevelopment authorities; collectively, “Partners”) when preparing application for funds; however, only one eligible entity may be cited as the applicant. If the application is successful, that applicant will become the grantee. When applications are submitted by a Partner, resolutions of support must be included from both the municipality and the Partner. The named applicant is expected to administer the grant should the application be successful.

## Number of applications

There are no limits to the number of TBRA applications.

## Award limits

As specified in Statute, if applications for grants exceed the available funds for an application cycle, no more than one-half of the funds may be granted to projects in a single city, and no more than three-quarters of the funds may be granted to projects located in Minneapolis or Saint Paul.

## *Section 5: Competitive process, eligible and ineligible uses for TBRA Site Investigation grants*

### Eligible Uses for Site Investigation Grants

Eligible expenditures include:

- Phase I and Phase II environmental site investigations.
- Preparation of approved Response Action Plans (RAPs) developed in conjunction with the Minnesota Pollution Control Agency (MPCA) for soil or ground water contamination or hazardous waste that meet the requirements for the Voluntary Investigation and Cleanup (VIC) Program and/or the Petroleum Brownfields Program (PBP) at the MPCA.
- Hazardous materials surveys for asbestos and/or lead-based paint that meet the requirements for Asbestos Hazard Emergency Response Act (AHERA) standards for asbestos and applicable federal and state laws, rules and standards governing lead abatement.

### Ineligible Uses for Site Investigation Grants

Ineligible expenditures include:

- investigation costs incurred prior to the date of the grant award;
- cleanup costs;
- retainers paid in advance of services; and
- costs incurred to prepare or submit TBRA applications.

## Scoring criteria

The Council is required by statute to consider certain factors in order to ensure the highest return of public benefits for the public costs incurred. The following criteria will be assigned point values and will be used to compare and evaluate each applicant’s proposal against the others in a grant cycle. Consultation with Council staff and external partners may also be a part of the process of evaluating applications (e.g., DEED, MPCA, and county environmental cleanup programs).

## Site Investigation Applications

Applications will be ranked according to the extent to which they demonstrate:

<b>Tax Base (5 points)</b>	<b>Possible Points</b>
Increase to the tax base of the recipient municipality based on a redevelopment proposal.	5
<b>Jobs and/or affordable housing (5 points):</b>	
<ul style="list-style-type: none"> <li>Potential to increase the number of new full-time equivalent jobs for the region.</li> <li>Potential to retain existing full-time equivalent jobs for the region.</li> <li>Potential to add affordable rental or ownership housing units.</li> </ul>	5
<b>Brownfield clean up/environmental health improvements (15 points):</b>	
The site to be investigated and ultimately cleaned up is one of the most contaminated sites and will provide the greatest improvement in the environment and the greatest reduction in human health risk as compared to other cleanup-site investigation proposals received in the same funding round.	7
The site and suspected contamination will use green remediation practices.	4
The applicant’s track record of successful completion of site cleanup with prior Council-funded environmental investigations.	4
<b>Compact and efficient development (15 points):</b>	
Show how the investigation supports the Council’s <i>2030 Regional Development Framework</i> goals by:	
<ul style="list-style-type: none"> <li>Measuring anticipated density of the likely project (floor area ratio);</li> </ul>	5
<ul style="list-style-type: none"> <li>Proximity of the potential development site to transit; and/or</li> </ul>	5
<ul style="list-style-type: none"> <li>Re-use of vacant or abandoned sites.</li> </ul>	5
<b>Readiness/Market demand (15 points)</b>	
Demonstrate readiness to proceed with cleanup-site investigation.	5
Demonstrate readiness to proceed with site cleanup.	5
Demonstrate market demand for proposed redevelopment elements in the project area and demonstrate readiness to implement the proposed project if/when TBRA funding is provided, including identifying a developer and any tenants.	5
<b>Partnership (5 points)</b>	
Demonstrate established financial partnerships. Points are awarded for committing matching funds beyond the required minimum 25% match.	5
<b>TOTAL</b>	<b>60</b>

Site Investigation applications **will** be determined ineligible for funding if:

- a current private property owner or developer caused the property to be contaminated;
- no known or suspected environmental contamination is demonstrated;
- an analysis of the application determines the funding is not needed in order for the project to proceed;
- the application does not score at least 50% (30 points) of the total points available (60 points); or
- for applications requesting asbestos or lead-based paint surveys, the building area is less than 10,000 square feet (gross) per structure.

Site Investigation applications **may** be determined ineligible for funding if:

- site Investigation funding is available from other public and private sources;
- any portion of a Project site is an active Superfund site that is scheduled for funding under the Federal Superfund Program in the current or following fiscal year at the date of the TBRA application;
- the project requires extensive new regional infrastructure beyond that which is already planned; or
- the proposal is not consistent with the municipality's comprehensive plan.

### **Other requirements**

- The applicant must pay for at least 25% of the total environmental investigation costs as a local match. Matching costs may include eligible investigation activities incurred up to 180 days prior to the date of application.
- The maximum investigation award is \$50,000 per site per cycle.
- Grantees seeking MPCA approval of a RAP for projects that are awarded an investigation grant for soil or ground water investigations under review by the MPCA VIC program are required to submit a sampling work plan to VIC for review and comment prior to submitting a RAP to the MPCA.
- All Grant-Funded Activities must be completed within the grant term.

## ***Section 6: Competitive process, eligible and ineligible uses for TBRA Cleanup Grants***

### **Eligible Uses for TBRA Cleanup grants**

Eligible expenditures include:

- Costs incurred to implement a cleanup or abatement in accordance with an approved Response Action Plan (RAP) for:
  - contaminated soil cleanup;
  - contaminated ground water cleanup;
  - contaminated soil vapor mitigation; and/or

- abatement of asbestos-containing materials and lead-based paint.
- Costs related to contaminated-site investigation activities incurred no more than 180 days prior to the current TBRA application deadline and that are related to an eligible cleanup grant request (see note below). These include investigating the extent and/or nature of soil or ground water contamination, as well as asbestos and lead-based paint surveys, including such activities as:
  - Phase I and Phase II environmental site investigations;
  - preparation and implementation of approved RAPs developed in conjunction with the MPCA for soil or ground water contamination or hazardous waste that meet the requirements for the VIC Program and/or the PBP at MPCA; and/or
  - hazardous materials surveys for asbestos and or lead-based paint that meet the requirements for AHERA standards for asbestos and applicable federal and state laws, rules and standards governing lead abatement.

### Ineligible Uses for Cleanup grants

Ineligible expenditures include:

- removal of solid waste;
- handling and disposal of regulated (non-hazardous) waste;
- retainers paid to consultants or other vendors in advance of service; and
- costs to prepare or submit a TBRA application.

NOTE: Costs for cleanup ***incurred prior to the date of application are not eligible unless*** the applicant has previously been awarded TBRA cleanup funding for the same redevelopment project ***and*** the costs are expressly authorized by the Council. Eligibility of incurred cleanup costs will be determined on a case-by-case basis and will consider:

- when the cleanup work occurred;
- the timing and types of approvals received for the project site by voluntary cleanup programs (e.g., MPCA, Minnesota Department of Agriculture );
- the types of standards used to complete an asbestos evaluation; and
- when Council staff was officially informed about a grant request pertaining to performance of any cleanup work.

### Scoring Criteria

The Council is required by statute to consider certain factors in order to ensure the highest return of public benefits for the public costs incurred. The following criteria will be assigned point values and will be used to compare and evaluate each applicant's proposal against the others in a grant cycle. Consultation with Council staff and external partners may also be a part of the process of evaluating applications (e.g., DEED, MPCA, and county environmental cleanup programs).

## Cleanup Applications

Cleanup applications will be ranked according to the extent to which they achieve the following:

Cleanup	Possible Points
<b>Tax base (25 points):</b>	
Increase the tax base of the recipient municipality	20
Add tax revenue in the near term. (Projects not in or not expected to be in a Tax Increment Finance [TIF] district earn 5 points because all the affected tax jurisdictions benefit immediately.)	5
<b>Jobs and/or affordable housing (25 points):</b>	
<ul style="list-style-type: none"> <li>• Increase the number of jobs in the region;</li> <li>• retain existing jobs;</li> <li>• preserve and/or increase the number of living wage jobs;</li> <li>• increase living wage jobs within and near areas of concentrated poverty; and/or</li> <li>• add or preserve affordable rental or ownership housing units. (A minimum of 20% of the total housing units proposed must be affordable for a project to be considered for affordable housing points.)</li> </ul>	25
<b>Brownfield cleanup/environmental health improvements (25 points):</b>	
Clean up the most contaminated sites to provide the greatest improvement in the environment and the greatest reduction in human health risk	25
<b>Framework 2030 Implementation/Regional System support (30 points):</b>	
Show how the project supports Framework 2030 goals to: <ul style="list-style-type: none"> <li>• accommodate growth through increased redevelopment density;</li> <li>• provide housing choices; and</li> <li>• conserve vital natural resources.</li> </ul>	16
Show how the project is integrated with Regional Systems: <ul style="list-style-type: none"> <li>• Environmental Services;</li> <li>• Transportation; and</li> <li>• Regional Parks.</li> </ul>	14
<b>Readiness and market demand (20 points):</b>	
Demonstrate readiness to proceed with project site cleanup.	5
Demonstrate market demand for proposed redevelopment elements in the project area and demonstrate readiness to promptly implement the proposed project if/when TBRA funding is provided, including identifying an end-stage developer and any non-residential tenants.	15
<b>Partnership (5 points):</b>	
Represent innovative partnerships among various levels of government and private for-profit and non-profit sectors.	5
<b>Community's housing performance score (20 points):</b>	
The applicant's Housing Performance Score will be converted from a 100 point scale to a 20 point scale. If a proposed project includes new affordable housing or if affordable housing is located within the project site/area, the proposal will be held harmless by assigning the higher of the community's actual score or the average score for this section from all proposals.	20
<b>TOTAL</b>	<b>150</b>

Cleanup-site applications **will** be determined ineligible for funding if an analysis of the proposal determines:

- an analysis of the proposal determines that a private responsible party has been identified and is likely financially capable of carrying out the remediation or cleanup in the foreseeable future;
- the funding is not needed in order for the project to proceed;
- eligible cleanup costs are equal to one percent or less than the total project costs;
- redevelopment proposals include principally tax-exempt uses that do not generate property taxes or Payment in Lieu of Taxes (PILOT); or
- upon review the application does not score at least 50 percent (75 points) of the 150 total points available.

Cleanup applications **may** be determined ineligible for funding if an analysis of the proposals determines:

- cleanup funding is available from other public and private sources;
- the project requires extensive new regional infrastructure beyond that which is already planned;  
or
- the proposal is not consistent with the municipality's comprehensive plan.

### **Other requirements**

- Cleanups must be completed within the grant term.
- Redevelopment project construction must commence within the grant term.
- All cleanup costs must be incurred after the grant award date to be eligible for reimbursement, with the notable exception of activities conducted by applicants requesting supplemental grant awards that adhere to the conditions in the Ineligible Uses section of this Fund Distribution Plan.
- Consistent with DEED guidelines, the funds may be used to provide up to 13% of the investigation/cleanup cost as the local match required for a grant from DEED's Cleanup Grant Program.

### **Section 7: Reporting Requirements**

TBRA grantees are required to submit periodic progress reports. Until the first draw request is made, quarterly progress reports are required. Thereafter, the detail supplied with payment requests comprises the bulk of these progress reports. When the grant is closed, the grantee's chief financial officer is required to certify to the appropriate expenditure of funds.

Recipients of TBRA Cleanup-Site Investigation grants must also submit to the Council at the closure of the grant a copy of the environmental investigation documents and approval of the response action plan by the MPCA VIC or PBP program.

Recipients of TBRA Cleanup grants must also submit a report annually to the Metropolitan Council after the end of the grant term and for four years, stating:

- the site redevelopment activities completed the previous calendar year;
- the net tax capacity assessed in the prior year and the total property taxes paid on the parcel (land and buildings) for the reporting year; and
- the percentage of full-time equivalent jobs on the site at the end of the previous year that are at or above a living wage.

# **LCA Grant Programs**

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## **Livable Communities Demonstration Account**

**2013  
Funding Schedule  
Funding Criteria  
and Selection Process**

# Livable Communities Demonstration Account – Regular Program

## 2013 Available Funding for LCDA Grants: \$7.5 Million

<b>Application Type</b>	<b>Month</b>	<b>Activity</b>
LCDA Development	March	Notice of Funding Availability
	April	Application Submittal Workshops
	April	Development grant Project Concept Plans due
	July	Applications due for Development grants
	August – October	Staff and Livable Communities Advisory Committee review and rank proposals
	November	Community Development Committee recommends grant awards
	December	Metropolitan Council awards grants

# Livable Communities Demonstration Account

## Section 1: Background and purpose

The Livable Communities Demonstration Account (LCDA) was established by the Livable Communities Act (LCA)<sup>3</sup> in 1995. As the name of the account suggests, Demonstration Account funds are intended to be used for projects that demonstrate innovative and new ways to achieve and implement the statutory objectives of the program, not merely to fill project funding needs.

- LCDA *Development* grants provide funds to support projects that connect development or redevelopment with transit; intensify land uses; connect housing and employment; provide a mix of housing affordability; provide infrastructure to connect communities; attract investment, and provide Project-area residents with expanded opportunities for private sector employment.

LCDA funding helps applicants implement their community development objectives and comprehensive plans in ways that lead to economic development. The LCDA legislative objectives are supported by the *2030 Regional Development Framework* (Framework) policies. LCDA funding will support Development Projects that demonstrate innovative and new ways of meeting Framework goals. Framework goals include:

- develop land uses in centers linked to the local and regional transportation systems;
- efficiently connect housing, jobs, retail centers and civic uses;
- develop a range of housing densities, types and costs; and
- conserve, protect and enhance natural resources by means of development that is sensitive to the environment.

In developed communities<sup>4</sup>, the emphasis of these goals will be consistent with Framework direction on maintaining and improving infrastructure, buildings and land to provide developments that integrate and intensify land uses.

Projects in developing communities<sup>5</sup> will be focused on accommodating growth by means of connected development patterns for new development, supporting activity centers along corridors that encourage the development of communities where shopping, jobs and a variety of housing choices co-exist by design.

Projects meeting these goals and funded through the LCDA program can help reduce travel by eliminating or shortening vehicle trips or by making some trips possible by walking, biking or transit. These results are made possible by connecting land uses, improving access to transportation corridors, connecting modes of transportation and linking housing with destinations accessible to transportation corridors and a range of transportation modes. Over the long run, results are expected to reduce air pollution, mitigate congestion, and reduce infrastructure costs and greenhouse gas emissions.

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<sup>3</sup> MN Statutes §473.25(b)

<sup>4</sup> Developed Communities are cities where more than 85% of the land is developed, infrastructure is well established and efforts must go toward keeping it in good repair. (2030 Regional Framework)

<sup>5</sup> Developing Communities are cities where the most substantial amount of new growth – about 60 percent of new households and 40 percent of new jobs – will occur. (Ibid.)

The Council encourages LCDA applications that also reduce energy use through siting, building orientation and innovative design of residential and other buildings.

## *Section 2: New LCDA elements for 2013*

- There are no funds set aside for Pre-Development awards in the LCDA program for 2013.
- Costs for land acquisition purchased up to 12 months prior to the date of grant award will be eligible if the land was purchased by a non-profit developer; a city, county or development authority in a participating community; or a socially-responsible developer. More detail is provided in the eligible uses for development grants section.
- The Council will give priority to proposals that serve large families by providing two or more bedrooms in a majority of their units.
- Consideration of the Housing Performance Score has been moved to the end of the scoring process and will be added to the cumulative scores from Step One and Step Two.

## *Section 3: Partnerships and coordination*

The criteria and evaluation process are coordinated with state agency policies and initiatives so that funding consideration is given to projects that include or demonstrate:

- strategies to provide a continuum of affordable housing (Minnesota Housing);
- Green Communities criteria for building affordable housing (Minnesota Housing);
- the potential benefit of major state transportation investments (Minnesota Department of Transportation);
- the Minnesota Sustainable Building Guidelines to encourage more sustainable building practices (Minnesota Departments of Administration and Commerce);
- the land use goals of Project 2030, an initiative that identifies the impact of the aging of the baby boom generation and supports lifecycle housing (Minnesota Department of Human Services); and
- implementation of policies and requirements of the Minnesota Pollution Control Agency for surface water management.

## *Section 4: Application process*

Interested parties may obtain an application packet by contacting the Metropolitan Council (Council) or by downloading it from the Council's website.

### **Local resolution**

Any application for funds under this program must include a resolution from the local unit of government within which the proposed project is located. The resolution must affirm that the project would not occur through private or other public investment without Council funding.

Municipalities occasionally partner with counties or other agencies (e.g., a county, housing or development/redevelopment authorities; collectively, "Partners") when preparing application for funds; however, only one eligible entity may be cited as the applicant. If the application is successful, that applicant will become the grantee. When applications are submitted by a Partner, resolutions of support

must be included from both the municipality and the Partner. The named applicant is expected to administer the grant should the application be successful.

### **Number of applications**

A city may submit up to six Project Concept Plans and no more than three LCDA regular program applications may be submitted for projects in a single city in any application cycle. The limit of three applications includes those submitted by all entities within the city (i.e., the city, economic development authority, port authority, etc.) and projects submitted by counties on behalf of cities.

Applicants submitting more than one application per funding cycle must prioritize their applications according to the applicant's internal priorities, prior to submittal. These rankings will be used to inform the review process; however, the Council reserves the right to make awards independent of such rankings.

### **Award limits for all LCDA awards**

Council-established guidelines state that up to 40% of the total funds available in a grant cycle may be awarded to projects located in Minneapolis and/or Saint Paul. The Council reserves the right to consider awarding more than 40%.

## ***Section 5: Competitive process, eligible and ineligible uses for Development grants***

### **Eligible projects**

A project eligible for consideration for an LCDA Development award is one that meets the statutory requirements and policy goals for the program. These include projects that will:

- interrelate development or redevelopment and transit;
- interrelate affordable housing and employment growth areas;
- intensify land use that leads to more compact development or redevelopment;
- involve development or redevelopment that mixes incomes of residents in housing, including introducing or reintroducing higher value housing in lower income areas to achieve a mix of housing opportunities;
- encourage public infrastructure investments which connect urban neighborhoods and suburban communities, attract private sector redevelopment investment in commercial and residential properties adjacent to the public improvement, and provide project area residents with expanded opportunities for private sector employment; or
- that provide project-area residents with expanded opportunities for private sector employment.<sup>6</sup>

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<sup>6</sup> MN Statutes §473.25 (b)

## Eligible uses of Development grants

Grant funds may be used for basic and placemaking public infrastructure and site assembly to support development projects that meet the funding goals, and funded elements must directly contribute to completion of the project. Requests will be evaluated in the context of individual projects.

Funds can be used to help acquire or otherwise gain site control for a project site(s) not previously owned or controlled by the applicant or any current or future subrecipient or other partner to the project for which LCDA funding is requested.

**Basic and placemaking public infrastructure** includes:

- local public streets;
- public-use or shared-use parking structures;
- extensions or modifications of local public sewer, water, or telecommunications lines;
- public connecting elements (generally in the public right-of-way or clearly for public use) including sidewalks and trails that enhance the functional connectivity of the project to transit and other surrounding public spaces including schools and parks;
- publically-accessible, site-integrated transit shelters, bike racks, bridges for vehicle or pedestrian use;
- site-integrated stormwater management improvements;
- lighting, seating, sidewalks, paths and furnishing and equipment for parks, plazas and other public areas; a
- architectural and engineering fees to support site planning and the design of eligible grant-funded activities related to publically-accessible placemaking elements or infrastructure;
- construction of placemaking functional elements or improvements for the project site. Placemaking activities should promote walkability and the use of transit, set the stage for interaction among users of the site, enhance or reinforce the urban qualities of the site and surrounding neighborhood, and play a key role in catalyzing additional private investment.

## Site Acquisition

The purpose of allowing the use of LCDA funding for site acquisition is to assist with establishing site control for projects meeting the statutory and Council policy purposes of the LCDA account, not merely to assist with the overall funding of the project.

**Eligible site acquisition costs**

- Funds can be used to help acquire or otherwise gain site control for a project site(s), **not previously or currently owned or controlled** by the applicant or any current or future subrecipient or other partner to the project for which LCDA funding is requested.
  - Exception: funds can be used to reimburse a non-profit or socially responsible for-profit developer, as determined by the participating community, for sites previously acquired within 12 months of the grant application date for projects that will lead to the development of affordable housing or will result in jobs retained, created or made more accessible to low-income and underserved populations including opportunities for entrepreneurship.
- Funds can be used for associated property holding costs prior to the project development.

- Eligibility for holding costs can also apply when the grant request does not include the cost of site acquisition.
- Holding costs are limited to no more than five percent of funding awarded for acquisition costs, not to exceed \$100,000.

### **Ineligible Site Acquisition Costs**

- Other than described above, reimbursement or refinancing of land acquisition or site control costs incurred by the applicant, any current or future grant subrecipient or other project partner before the date of an LCDA grant award by the Metropolitan Council is not eligible. This includes costs to acquire or gain site control for project sites where site control has been established or where formal steps to acquire the property, such as a purchase agreement, have been taken. LCDA grant funds may not be used to refinance or supplant other sources of funding available to acquire or gain site control of the project property.
- Site acquisition costs for transactions between or among partnerships or other legal entities for project sites where any grantee, current or future subrecipient or other project partner has any ownership or site control interest in a property prior to the grant award are also not eligible, except as described above.

Eligible **site improvement** activities include:

- demolition and removal of obsolete structures; and
- grading and soil correction to prepare a site for construction.

### **Ineligible uses of Development grants**

Ineligible uses of LCDA Development funds include:

- county road improvements;
- parking structures without a shared public component;
- surface parking, unless it is an integral part of a stormwater management system;
- trees, sod, and landscape plantings, unless an integral part of a stormwater management system;
- site assembly for lands to be used for transit infrastructure or capital investments, e.g., transit stations, station platforms, and park-and-ride facilities;
- building construction, rehabilitation and affordability gap and value gap financing;
- pollution cleanup;
- relocation costs;
- licenses, permits, fees, planning and administrative costs; and
- architectural fees to support the design of building-related items

More detail on eligible and ineligible LCDA costs will be available in the LCDA Application Guide.

### **Evaluation process for Development grants**

LCDA applications are evaluated in a two-step process. A staff evaluation team reviews and scores eligible Development grant applications using the Step One evaluation criteria and guidelines. Step Two of the evaluation process is conducted by the 13-member Livable Communities Advisory Committee,

which makes funding recommendations to the Council. The Committee includes members representing six areas of expertise to provide the range of skills and experience necessary for evaluating the complex LCDA applications. Two members are selected for each of the areas of expertise: local government (planning, economic or community development); development finance (one member in private finance, one in public finance); development (one member in new development, one in redevelopment); transportation; environment; and site design. The LCAC chair, not representing a specific area of expertise, is the thirteenth member.

<b>Step One Evaluation Criteria for Development Grants: 50 possible points</b>	
A staff evaluation team will score eligible proposals using the Step One evaluation criteria and guidelines:	
<b>Land use criteria</b>	<b>Possible Points</b>
How well the project will use land efficiently and will achieve:	
Development that intensifies land use and increases density to a level that maximizes the potential of the location.	8
How well the Project will achieve development that is designed in relationship to transit and transportation by:	
<ul style="list-style-type: none"> <li>• Providing internal pedestrian convenience and efficiency through the design, layout and features of the design of the Project.</li> <li>• Providing efficient, effective, thoughtful pedestrian access to transit through connections to, and/or integration of transit stops/ access points in the design.               <ul style="list-style-type: none"> <li>○ If the proposed Project has no transit access, the proposal may be eligible to receive up to 2.5 of the 5 points available for this criterion, if the project takes advantage of locational potential/opportunity to encourage alternative modes of access to the site and through the site, such as bike paths or trails.</li> </ul> </li> </ul>	10
Connections between housing and centers of employment, education, retail, and recreation uses.	8
A developed range of housing densities, types and costs that addresses diversification of the housing stock.	8
Development that is sensitive to the environment and that conserves, protects and enhances natural resources.	8
<b>Tools and processes</b>	<b>Possible points</b>
The extent to which the application includes tools and processes appropriate to the Project to ensure successful outcomes, including pertinent and effective regulatory tools; partnerships among government, private for-profit and nonprofit sectors; community participation; local vision and leadership.	8
<b>Total</b>	<b>50</b>
<b>Applications must score 25 or more points to advance to the Step Two evaluation process.</b>	

Applications that successfully meet the Step One point threshold will move on to the Step Two process.

<b>Step Two Evaluation Criteria for Development Grants – 50 possible points</b>	
The LCAC will score proposals according to the evaluation and selection criteria in Step Two.	
<b>Innovation and demonstration</b>	<b>Possible points</b>
The extent to which the project demonstrates for the community and for the region: <ul style="list-style-type: none"> <li>• new development concepts or elements in one or more of the scoring areas covered in the Step One evaluation process;</li> <li>• other innovation; or</li> <li>• serves as a model of LCDA goals.</li> </ul>	30
<b>How LCDA funding is a catalyst for the project</b>	
The extent to which LCDA funding will be a catalyst to implement the project of which it is a part.	10
<b>Readiness assessment</b>	
The extent to which the proposed project is ready and able to use an LCDA grant, if awarded, within the 36-month grant term. The readiness assessment includes: <ul style="list-style-type: none"> <li>• the status of implementation tools – e.g., zoning codes and other official controls, design standards, or development standards;</li> <li>• the status of funding commitments to ensure construction starts for funded element(s) or further progress within a year from the date of the grant award, and other indicators of readiness;</li> <li>• whether grant funds have been expended for or progress has been made on a prior LCDA development or opportunity grant for the same project or a related project.</li> </ul>	10
<b>Total</b>	<b>50</b>
<b>Applications must score 60 or more points of the total 100 available points from Step One and Step Two combined to be considered for funding.</b>	
<b>Housing Performance Score</b>	
<ul style="list-style-type: none"> <li>• The applicant’s Housing Performance Score will be converted from a 100 point scale to a 10 point scale. If a proposed project includes new affordable housing or if a significant amount of affordable housing is already located within the project site/area, the proposal will be held harmless by assigning the higher of the community’s actual performance score or the average performance scores from all proposals being evaluated.</li> </ul>	10
<b>Overall Total</b>	<b>100</b>

### *Section 6: Reporting requirements*

LCDA grantees are required to make periodic progress reports. Until the first draw request is made, quarterly progress reports are required. Thereafter, detail supplied with payment requests comprises the bulk of these progress reports. When the grant is closed, the grantee’s chief financial officer must certify to the appropriate expenditure of funds, and a final progress report is required.

# **LCA Grant Programs**

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## **Local Housing Incentives Account**

**2013  
Funding Schedule  
Funding Criteria  
and Selection Process**

# Local Housing Incentives Account 2013 Funding Schedule

## 2013 available funding for LHIA: \$1.5 Million

Application Type	Month	Activity
Ownership and Rental programs	April	MHFA/MHIG Issues Notice of Funding Availability
	June	Application deadline
	July-August	MHFA/MHIG staff review applications
	September	MHIG application evaluation and selection meeting
	October	MHFA Board acts on recommendations from MHIG for RFP selections
	November	Community Development Committee recommends grant awards
	December	Metropolitan Council awards grants

## Local Housing Incentives Account

### *Section 1: Background and purpose*

The Metropolitan Livable Communities Act<sup>7</sup> (LCA) established the requirements for the distribution of Local Housing Incentives Account (LHIA) funds to help cities meet their negotiated affordable and lifecycle housing goals. To implement the LHIA, the Metropolitan Council (Council) partners with the Minnesota Housing Finance Agency (MHFA), the Family Housing Fund and others—collectively called the Metropolitan Housing Implementation Group (MHIG)—in a collaborative process for distributing funds to assist affordable housing development and preservation. The MHIG employs an overall set of investment guidelines and criteria to which the funding partners may add their own criteria. The criteria set forth in this Fund Distribution Plan address the LHIA-specific criteria.

### *Section 2: New LHIA elements for 2013*

The Council will give priority to proposals that serve large families by providing two or more bedrooms in a majority of their units.

### *Section 3: Partnerships and coordination*

MHIG issues an annual Request for Proposals (known as the Super RFP) and the Council and other funding partners participate in the evaluation process for home ownership and multifamily rental housing programs. The Super RFP is advertised in the State Register and on the Council and Minnesota Housing websites, and an electronic notification is sent to all communities participating in the Local Housing Incentives Program.

### *Section 4: Application process*

Applications are submitted to Minnesota Housing for consideration for LHIA funding and all other funding available through the MHIG.

### **Receptivity form**

Note that because of differences in the funding programs administered by the MHIG partners, private parties such as developers are eligible to apply for funding through the SuperRFP. Developers, however, are **not** eligible for LHIA grants. Awards must be made to the eligible participating city, county or development authority.

To ensure the eligible city, county, or development authority supports LHIA-eligible applications, any proposal for funds under this program **must include** an Acknowledgement of Receptivity form from the local unit of government within which the project is proposed. This form has two purposes:

- to establish communication between the city in which the proposed project will occur and the developer of the project at the onset of the application process; and

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<sup>7</sup> MN Statutes §473.254, Subd. 6

- to verify that the city will act as the grantee of any funds awarded to the project and be responsible for all requirements of the grant contract.

Note that although two or more eligible applicants may partner on an LHIA application, a grant award will be made only to a single eligible applicant. Further, if a project crosses jurisdictional boundaries, such as an application for a scattered-site housing project, all cities in which project work will be done must be participating communities and must agree on one grantee to receive the award and administer the grant.

## *Section 5: Competitive process, eligible and ineligible uses for LHIA grants*

### **Eligible uses for LHIA grants**

Eligible uses of funding include:

- gap financing costs, including land acquisition;
- property (structure) acquisition;
- demolition;
- site preparation (e.g., water, sewer, roads);
- general construction/structural additions;
- alterations and rehabilitation;
- interior and exterior finishing;
- roofing;
- electrical;
- plumbing; and/or
- heating and ventilation.

### **Ineligible uses for LHIA grants**

Soft costs, such as:

- administrative overhead;
- bonds and insurance;
- legal fees;
- permits;
- travel;
- grant/bid preparation costs;

## Competitive process for LHIA grants

Because LHIA grants are awarded through a joint process with MHIG, there are multiple sets of criteria that apply during the competitive process.

### *MHIG criteria*

Applicants apply for LHIA funds through the Super RFP distributed by the Minnesota Housing Finance Agency (<http://mnhousing.gov>). All applications submitted are reviewed and evaluated as to the extent they address the following MHIG Shared Evaluation Criteria:

- preserving existing affordable housing stock;
- providing workforce housing choices;
- increasing homeownership opportunities for underserved populations;
- exhibiting strong implementation partnerships;
- identifying significant leveraged resources;
- demonstrating a high degree of readiness;
- achieving comprehensive community support;
- complying with the missions of the funding partners;
- using land efficiently;
- displaying efforts to end long-term homelessness;
- adhering to green development criteria. For the specific criteria and more information, see the following website:  
[http://www.mnhousing.gov/idc/groups/public/documents/document/mhfa\\_006584.pdf](http://www.mnhousing.gov/idc/groups/public/documents/document/mhfa_006584.pdf); and
- locating developments within walking distances of public transit stations and stops.

### *Metropolitan Council project eligibility criteria*

Funds from this account are awarded as grants that must be matched by a dollar-for-dollar expenditure on affordable housing activities by the eligible applicant receiving the funds (see the definition of *eligible applicants* on page 2). LHIA grant funds may be used for costs associated with projects that help eligible applicants meet their negotiated LCA housing goals, including, but not limited to acquisition, rehabilitation and construction of permanent affordable and lifecycle housing.

### *Threshold and competitive criteria*

- Applicants seeking assistance through LHIA funds must have a significant component of the project serving households with incomes at or below 60 percent of Area Median Income (AMI).
- The LHIA contribution to fill the gap in homeownership applications will be limited to no more than one-half of the difference between the purchase price of the home and the total per-unit hard costs.

- The Council will give priority to ensure one-half of the funds are directed to rental proposals creating/preserving affordability to persons at or below 30% of AMI.
- The Council will give priority to proposals that serve large families by providing two or more bedrooms in a majority of their units.

Among these proposals, further priority will be given to those meeting the needs of the chronically homeless.

### *Other considerations*

Funding preference will be given if:

- a municipality currently has a net fiscal disparities contribution of \$200 or more per household;
- a municipality does not use its Affordable and Lifecycle Housing Opportunity Amount (ALHOA) expenditure as the source for its matching funds; or
- a municipality has a lower Housing Performance score than the other proposals being considered for funding.

### **Evaluation process**

All proposals received through the RFP process are reviewed by Minnesota Housing staff for completeness and are evaluated according to the MHIG criteria.

Proposals meeting baseline criteria are then reviewed by a selection committee consisting of representatives of the MHIG, including staff from Minnesota Housing, the Council and the Family Housing Fund. Proposals are discussed regarding their overall concept, consideration of the joint selection criteria and individual funder's criteria, as well as any funder's past experience with the applicant, previous funding allocations, and familiarity with the project or expertise related to any aspect of the proposals. The selection committee then rates the proposals on the applicant's organizational capacity to deliver the project and the feasibility of the proposal. Funds are then allocated to each proposal based on its composite rank and the best use of each of the MHIG funding sources.

### *Section 6: Reporting requirements*

LHIA grantees are required to submit periodic progress reports. Until the first draw request is made, quarterly progress reports are required. Thereafter, the detail supplied with payment requests comprises the bulk of the progress reports, which are augmented with semi-annual reports. A final progress report is required with the last payment request. When the grant is closed, the grantee's chief financial officer is required to certify to the appropriate expenditure of funds.

# **LCA Grant Programs**

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## **Transit-Oriented Grant Category for the Tax Base Revitalization and Livable Communities Demonstration Accounts**

**2013  
Funding Schedule  
Funding Criteria  
and Selection Process**

## Transit-Oriented Development Funding Schedule

### 2013 Available Funding for LCA-TOD Grants:

**TBRA-TOD Grants: \$3 Million, including up to \$250,000 of that amount available for TBRA-TOD Site Investigation grants**

**LCDA-TOD Grants: \$5 Million, including up to \$500,000 for Pre-Development Grants**

Application Type	Month	Activity
LCDA-TOD Pre-Development TBRA-TOD Site Investigation	March 2013	Notice of Funding Availability
	May 2013	Applications due
	July 2013	Community Development Committee recommends grant awards
	July 2013	Metropolitan Council awards grants
TBRA-TOD Cleanup LCDA-TOD Development	March 2013	Notice of Funding Availability
	April 2013	Project Concept Plans due
	May 2013	Design workshops
	July 2013	Applications due
	December 2013	Community Development Committee recommends TOD Development grant awards
	December 2013	Metropolitan Council awards grants

## Transit-Oriented Development Grants

### *Section 1: Background and purpose*

The Metropolitan Livable Communities Act<sup>8</sup> (LCA) created both the Tax Base Revitalization Account (TBRA) and Livable Communities Demonstration Account (LCDA) to promote the purposes of the Act and the policies of Metropolitan Development Framework.

The Livable Communities Act is intended to:

- create incentives for all communities to implement compact and efficient development;
- interrelate development or redevelopment and transit;
- intensify land use that leads to more compact development or redevelopment; and
- encourage public infrastructure investments which connect urban neighborhoods and suburban communities, attract private sector redevelopment investment in commercial and residential properties adjacent to the public improvement, and provide project area residents with expanded opportunities for private sector employment.

The Framework policies are intended to:

- develop land uses in centers linked to the local and regional transportation systems;
- efficiently connect housing, jobs, retail centers and civic uses;
- develop a range of housing densities, types and costs; and
- conserve, protect and enhance natural resources by means of development that is sensitive to the environment.

### **Transit-Oriented Development Grant Category**

High density, mixed-use development adjacent to transit stations using pedestrian-friendly design standards is known as “transit-oriented development,” or TOD. In 2011, the Metropolitan Council (Council) established a new category within the TBRA and LCDA grant programs to catalyze TOD along transit corridors throughout the metropolitan area.

Adding a new grant category within the LCDA and TBRA programs to incent transit-oriented development meets the purposes of the LCA and Development Framework and demonstrates that increasing density around transit stations increases transit ridership and reduces automobile ownership, vehicular traffic, and associated parking requirements that would otherwise be necessary to support a similar level of more traditional development.

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<sup>8</sup> MN Statutes §473.252

Funding for TOD grants is available because:

- the Council increased the LCDA levy to provide for additional LCDA-TOD funding, without reducing the regular LCDA funding level;
- the Council is making funds available from its general fund;
- previously-awarded grants have been relinquished when projects did not move forward within the grant term, primarily due to the downturn in the economy; and
- legislation passed in 2009 directed the Council to set aside one-half of the LCDA and TBRA levies for the years 2009 through 2011, to be used for transit operations if needed. These funds were not used for transit operations and are therefore to be distributed through this Plan.

The funding levels available for the regular TBRA and LCDA grant categories (\$5 million and \$7.5 million respectively) remain available as in previous years. The additional funds made available for the TOD grant category will enable strong TOD projects to compete in the TOD funding cycle while enabling requests for developments less proximate and oriented to transit stations to better compete in the regular TBRA and LCDA funding cycles.

## *Section 2: New LCA-TOD elements for 2013*

- The number of allowable TBRA-TOD applications per city has been reduced from six to three. This limit includes all applications submitted on a city's behalf by its development, housing or port authorities.
- No more than \$2 million will be awarded to any single participating city for LCDA-TOD Development. Applicants must prioritize grant-funded activities for each application to inform award choices in the event that a project receives partial funding.
- There is a per-city funding limit of \$100,000 for all LCDA-TOD Pre-Development applications. Each city may submit a total of three projects. Applicants must prioritize grant-funded activities in the event that a project receives partial funding.
- LCDA-TOD Pre-Development and TBRA-TOD Site Investigation applications are due in the Spring, while LCDA-TOD Development applications and all TBRA-TOD Cleanup applications are due mid-summer.
- A project concept plan (PCP) is now required as a first step for all LCDA-TOD Development and TBRA-TOD Cleanup applications. Each city is allowed to submit a total of six LCDA-TOD PCPs and six TBRA-TOD PCPs.
- Applicants may take advantage of a design workshop sponsored by the Council.
- With limited exceptions, an identified, associated Future Development Project is now required for LCDA-TOD Pre-Development and TBRA-TOD Site Investigation applications (see eligibility sections).
- Applicants must confirm as part of the threshold criteria that the project will be in compliance with an adopted station area plan or small area plan that demonstrates TOD design features, within one year of completion of preliminary engineering for the station's transit line.
- Some previous TOD threshold criteria have been shifted into the Step One project evaluation process.
- Scoring criteria has been added for project environmental design features.
- Projects receiving LCDA-TOD Development grants must be consistent with a completed station area or small area plan prior to receipt of grant funds. This does not apply to LCDA-TOD Pre-

Development grants when they are awarded to assist with creating Transit Oriented Development zoning implementation tools.

### *Section 3: Partnerships and coordination*

TBRA-TOD awards are coordinated with complementary programs at the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Employment and Economic Development (DEED), Hennepin County and Ramsey County.

LCDA-TOD criteria and evaluation process are coordinated with state agency policies and initiatives so that funding consideration is given to projects that include or demonstrate:

- strategies to provide a continuum of affordable housing (Minnesota Housing);
- projects located in Transit Improvement Areas (TIAs) designated by DEED, or TIA-eligible areas, as described in Section 5 below.
- use of Green Communities criteria for building affordable housing (Minnesota Housing);
- the potential benefit of major state transportation investments (Minnesota Department of Transportation);
- use of the Minnesota Sustainable Building Guidelines to encourage more sustainable building practices (Minnesota Departments of Administration and Commerce);
- the land use goals of Project 2030, an initiative that identifies the impact of the aging of the baby boom generation and supports lifecycle housing (Minnesota Department of Human Services); and
- implementation of policies and requirements of the Minnesota Pollution Control Agency for surface water management.

### *Section 4: Application process*

Interested parties may obtain a Cleanup or a Site Investigation application packet by contacting the Metropolitan Council (Council) or by downloading it from the Council's website.

#### **Local resolution**

Any application for funds under this program must include a resolution from the local unit of government within which the proposed project is located. The resolution must affirm that the project would not occur through private or other public investment without Council funding.

Municipalities occasionally partner with counties or other agencies (e.g., a county, housing or development/redevelopment authorities; collectively, "Partners") when preparing application for funds; however, only one eligible entity may be cited as the applicant. If the application is successful, that applicant will become the grantee. When applications are submitted by a Partner, resolutions of support must be included from both the municipality and the Partner. The named applicant is expected to administer the grant should the application be successful.

## Number of applications

Cities are limited in the number of applications they may submit. This limit includes those submitted by all entities within the City (i.e. the city, economic development authority, port authority, etc) and applications submitted by counties on behalf of cities. Applicants submitting more than one application per funding cycle must provide the Council with a prioritized list of proposals at the time of application. If applicants apply for more than one kind of funding for the same project, the application counts as one application from each account: ( i.e., if LCDA-Development and TBRA-TOD Cleanup funds are sought for the same project, these count as **two** applications).

There will be two LCA-TOD funding rounds in 2013. No more than three applications may be submitted on behalf of a single city in each round.

- Funding Round #1: LCDA-TOD Pre-Development and TBRA-TOD Site Investigation (applications due May 2013)
- Funding Round #2: LCDA-TOD Development and TBRA-TOD Cleanup (PCPs due April 2013; applications due July 2013)

## Award limits

TBRA-TOD Site Investigation	\$100,000 per <b>application</b>
LCDA-TOD Pre-development, TBRA-TOD Cleanup	Combined total of \$100,000 <b>per city</b>
LCDA-TOD Development	Combined total of \$2,000,000 <b>per city</b>

Additionally:

- No one city/applicant will be awarded more than half of LCDA-TOD funds in any TOD funding cycle.
- According to statute, if TBRA grant applications exceed the available funds for an application cycle, no more than one-half of the may be granted to projects in a single city, and no more than three-quarters of the funds may be granted to projects located in cities of the first class (Minneapolis and Saint Paul). This TBRA requirement is also applicable to TBRA-TOD.
- The award limit guideline listed in the LCDA section regarding the allowable percentage of awards made to Minneapolis and Saint Paul does not apply to the LCDA-TOD grant awards; however, the Council will consider geographic distribution and station area/bus stop types when making LCA-TOD grant award decisions.
- Projects receiving LCDA-TOD Development grants must be consistent with a completed station area or small area plan prior to receipt of grant funds. This does not apply to LCDA-TOD Pre-Development grants when they are awarded to assist with creating Transit Oriented Development zoning implementation tools.

## Section 5: Competitive process, eligible and ineligible uses for LCDA-TOD and TBRA-TOD grants

### Eligible Applications

An application eligible for consideration for a LCDA-TOD Pre-Development or TBRA-TOD Site Investigation must conduct its activities within a **TOD Area**, as defined on page 4.

In TBRA-TOD, eligible applications must include requests in support of an identified Development Project, as defined previously.

In LCDA-TOD Development, eligible applications must include requests for public infrastructure, site acquisition, building demolition and site preparation in support of an identified Development Project, as defined previously.

In LCDA-TOD Pre-Development and TBRA-TOD Site Investigation eligible applications must include requests in support of an identified Future Development Project, as defined previously.

### Eligible Uses for LCDA-TOD Development and TBRA-TOD Cleanup Grants

For TBRA-TOD Cleanup grants, the same eligible uses as stated in the TBRA Cleanup section, with no changes, are also eligible for TBRA-TOD Cleanup. See page 15 for additional TBRA-specific eligibility considerations.

For LCDA-TOD Development, the same eligible uses as stated in the LCDA Development section, with no changes, are also eligible for LCDA-TOD Development.

### Site Acquisition

The purpose of allowing the use of LCDA-TOD funding for site acquisition is to assist with establishing site control for projects meeting the statutory and Council policy purposes of the LCDA account, not merely to assist with the overall funding of the project.

### Eligible site acquisition costs

- Funds can be used to help acquire or otherwise gain site control for a project site(s), **not previously or currently owned or controlled** by the applicant **or** any current or future subrecipient **or** other partner to the project for which LCDA funding is requested.
  - Exception: funds can be used to reimburse a non-profit or socially responsible for-profit developer, as determined by the participating community, for sites previously acquired within 12 months of the grant application date for projects that will lead to the development of affordable housing or will result in jobs retained, created or made more accessible to low-income and underserved populations including opportunities for entrepreneurship.
- Funds can be used for associated property holding costs prior to the project development.
  - Eligibility for holding costs can also apply when the grant request does not include the cost of site acquisition.

- Holding costs are limited to no more than five percent of funding awarded for acquisition costs, not to exceed \$100,000

### **Ineligible Site Acquisition Costs**

- Other than described above, costs associated with reimbursement or refinancing for land acquisition or site control that are incurred by the applicant, any current or future grant subrecipient or other project partner before the date of an LCDA-TOD Development grant award by the Council are not eligible. This includes costs to gain site control or to acquire project sites where site control has been established or where formal steps have been taken to acquire the property (such as a purchase agreement). LCDA-TOD Development grant funds may not be used to refinance or supplant other sources of funding available to acquire or gain site control of the project property.
- Except as described above, site acquisition costs are not eligible for transactions between or among partnerships or other legal entities for project sites where any grantee, current or future subrecipient or other project partner has any ownership or site control interest in a property currently or prior to the grant award.

### **Ineligible Uses for LCDA-TOD Development TBRA-TOD Cleanup Grants**

The same ineligible uses as stated in the TBRA Cleanup and LCDA Development sections, with no changes, are also ineligible for TBRA-TOD Cleanup and LCDA-TOD Development.

### **Evaluation Process**

The Evaluation Process includes both Threshold Criteria and Ranking Criteria.

#### **Threshold Criteria:**

To compete in the TBRA-TOD Cleanup and LCDA-TOD Development grant categories, **all** threshold criteria must be met. If not already met, the applicant must agree it will fulfill all threshold criteria within one year of completion of preliminary engineering for the station's transit line.

**LCDA-TOD Development and TBRA-TOD Cleanup Threshold Criteria**

A staff evaluation team will review the application to determine if the proposal meets the threshold criteria. Only proposals that have met **all** threshold criteria will move on to the Ranking Criteria process.

**Transit-Oriented Development Design Features in the TOD Area**

<p>The Development Project must be in compliance with an approved station area plan or small area plan that demonstrates the following TOD design features:</p> <ul style="list-style-type: none"> <li>• minimal building setbacks;</li> <li>• short blocks with pedestrian connections adjacent to the buildings;</li> <li>• optimal pedestrian convenience between Station and other connecting transit</li> <li>• a range of housing densities; types and costs</li> <li>• connections between housing; retail; employment centers and recreational uses</li> <li>• cycling and walking conveniences</li> <li>• current and future employment opportunities within the TOD Area and within the connecting transit corridor/corridors; and</li> <li>• conservation, protection, and enhancement of natural resources; and</li> <li>• residential and commercial parking is limited, shared between uses, located to the rear of buildings, and/or is structured.</li> </ul>	Pass	Fail
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**Equity Considerations within the TOD Area**

<p>City has adopted a policy/plan/guideline or other official local control to:</p>		
<p>Address both the preservation of existing subsidized and naturally occurring affordable housing units in the TOD Area <b>AND</b> the addition of affordable housing units in the TOD Area <b>OR</b> the addition of higher value housing in lower income areas to achieve a mix of housing opportunities</p>		
<p>Address how the applicant will proactively and intentionally address gentrification</p>		

**Consistency with other Plans / Initiatives / Programs**

<p>The TOD Area planning is consistent with the city’s comprehensive plan</p>		
<p>The City has adopted the vision, goals , and principles promoted by the Corridors of Opportunity Initiative including the principle of Equitable Development</p>		

**Ranking Criteria for Development Proposals:**

LCDA-TOD Development and TBRA-TOD Cleanup applications will be evaluated in a two-step process. A staff evaluation team will review and score eligible applications using the Step One evaluation criteria and guidelines. Step Two of the evaluation process will be conducted by members of the Livable Communities Advisory Committee (LCAC). The LCAC includes members representing several areas of expertise to provide the range of skills and experience necessary for evaluating the complex LCA-TOD applications. Step Two scores will be added to Step One scores for the overall ranking totals on which funding recommendations will be determined.

<b>Step One Evaluation Criteria for LCA-TOD Applications: 75 possible points</b>	
A staff evaluation team will score eligible proposals using the Step One evaluation criteria and guidelines:	
Criteria category	Possible Points
<b>Housing:</b>	
<ul style="list-style-type: none"> <li>The proposal's ability to produce affordable housing</li> </ul>	<b>20</b>
<ul style="list-style-type: none"> <li>The City has adopted affordability requirements for housing assisted with City funds or other fiscal devices applicable in the TOD Area</li> </ul>	
<b>Transit Accessibility, Walkability, &amp; Ridership</b>	
<ul style="list-style-type: none"> <li>The degree to which the TOD Area provides the opportunity for residents and/or employees in that TOD Area to live or work there without reliance on an automobile; for meeting daily needs through the use of transit or walking; and for reducing automobile ownership, vehicular traffic, and associated parking requirements that would otherwise be necessary to support a similar level of more traditional development.</li> </ul>	<b>16</b>
<ul style="list-style-type: none"> <li>The Project's ability to increase the share of transit ridership to a level above what would be expected from a more traditional development.</li> </ul>	
<b>Jobs &amp; Economic Competitiveness</b>	
<ul style="list-style-type: none"> <li>The Project's ability to create or preserve employment opportunities within 24 months (for construction jobs) and/or 48 months (for permanent jobs).</li> </ul>	<b>15</b>
<ul style="list-style-type: none"> <li>The City has established hiring and procurement goals and /or processes that advance and promote the employment of local workers and/or disadvantaged businesses</li> </ul>	
<ul style="list-style-type: none"> <li>The Project's proximity to employment centers with high job densities and its ability to enhance the local tax base.</li> </ul>	
<b>TOD Design:</b>	
<ul style="list-style-type: none"> <li>The degree to which the City has formalized TOD guidelines; the intensity of future use of the site; the Project's ability to demonstrate TOD design features that promote walking, bicycling, recreation, and the use of transit.</li> </ul>	<b>14</b>
<b>Environmental Design</b>	
<ul style="list-style-type: none"> <li>The Project's ability to minimize stormwater runoff, filter sediments, and promote infiltration; integrate native vegetation; incorporate green building design and energy efficiency standards; minimize greenhouse gas emissions; and clean contaminated land.</li> </ul>	<b>6</b>
<b>Leverage/Partnerships:</b>	
<ul style="list-style-type: none"> <li>Partnerships have been established advance the proposal and leverage other resources</li> </ul>	<b>4</b>
<b>TOTAL</b>	<b>75</b>
Applications must score 45 or more points to advance to the Step Two evaluation process.	

Applications that successfully meet the Step One point threshold will move on to the Step Two process.

<b>Step Two Evaluation Criteria for LCA-TOD Applications: 45 possible points</b>	
The LCAC will score proposals according to the evaluation and selection criteria in Step Two.	
<b>TOD Model/Demonstration Value</b>	<b>Possible points</b>
<ul style="list-style-type: none"> <li>The Project's demonstration value and potential to provide area-wide benefits.</li> <li>The degree to which the development plan demonstrates TOD design features as listed under the threshold criteria</li> <li>Consideration will be given to how well the application addresses the four criteria categories from the Step One process: transit access/design/ridership impact, housing, jobs, and TOD Design.</li> </ul>	<b>20</b>
<b>Catalyst</b>	
<ul style="list-style-type: none"> <li>The Project's ability to be catalytic to attracting private sector investment</li> </ul>	<b>10</b>
<b>Readiness</b>	
<ul style="list-style-type: none"> <li>Project readiness and anticipated timeframe of development (higher points for proposals further advanced on predevelopment continuum and development projects closest to "shovel ready/ground breaking" stage).</li> </ul>	<b>15</b>
<b>Total</b>	<b>45</b>
<b>Applications must score 72 or more points of the total 120 available points from Step One and Step Two combined to be considered for funding.</b>	
<b>Housing Performance Score</b>	
<ul style="list-style-type: none"> <li>The applicant's Housing Performance Score will be converted from a 100 point scale to a 10 point scale. If a proposed project includes new affordable housing or if a significant amount of affordable housing is already located within the project site/area, the proposal will be held harmless by assigning the higher of the community's actual performance score or the average performance scores from all proposals being evaluated.</li> </ul>	<b>10</b>
<b>Overall Total</b>	<b>130</b>

### **Ranking Criteria for LCDA-TOD Pre-Development and TBRA-TOD Site Investigation Applications:**

Applications seeking funding for site-investigation and/or pre-development activities should apply for funds through the LCDA-TOD Pre-Development or TBRA-TOD Site Investigation funding round. The process for evaluating applications seeking **only** LCDA-TOD Pre-Development and/or TBRA-TOD Site Investigation will be conducted by the staff evaluation team using a single step.

### **Threshold Criteria:**

To be considered in the LCDA-TOD Pre-Development and TBRA-TOD Site Investigation grant categories, **all** threshold criteria must be met either at the time of application or within one year of completion of preliminary engineering for the station's transit line. The Project Threshold Criteria must be met at the time the application is submitted for review.

**LCDA-TOD Pre-Development and TBRA-TOD Site Investigation Threshold Criteria**

A staff evaluation team will review the application to determine if the proposal meets the threshold criteria. Only proposals that have met **all** threshold criteria will move on to the Ranking Criteria process.

*Must be in place when application is submitted or within one year of completion of preliminary engineering for the station's transit line:*

**Transit-Oriented Development Design Features in the TOD Area**

<p>The Development Project must be in compliance with an approved station area plan or small area plan that demonstrates the following TOD design features:</p> <ul style="list-style-type: none"> <li>• minimal building setbacks,</li> <li>• short blocks with pedestrian connections adjacent to the buildings,</li> <li>• optimal pedestrian convenience between Station and other connecting transit</li> <li>• a range of housing densities, types and costs</li> <li>• connections between housing, retail, employment centers and recreational uses</li> <li>• cycling and walking conveniences</li> <li>• current and future employment opportunities within the TOD Area and within the connecting transit corridor/corridors, and</li> <li>• conservation, protection, and enhancement of natural resources</li> <li>• residential and commercial parking is limited, shared between uses, located to the rear of buildings, and/or is structured</li> </ul>	Pass	Fail
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**Equity Considerations within the TOD Area**

<p>City has adopted a policy/plan/guideline or other official local control to:</p>	Pass	Fail
<p>Address both the preservation of existing subsidized and naturally occurring affordable housing units in the TOD Area  AND  the addition of affordable housing units in the TOD Area  OR  the addition of higher value housing in lower income areas to achieve a mix of housing opportunities</p>		
<p>Address how the applicant will proactively and intentionally address gentrification</p>		

**Consistency with other Plans/Initiatives/Programs**

<p>The TOD Area planning is consistent with the city's comprehensive plan</p>		
<p>The City has adopted the vision, goals , and principles promoted by the Corridors of Opportunity Initiative including the principle of Equitable Development</p>		

<b>Evaluation Criteria for Pre-Development and Site Investigation Grants - 100 possible points</b>	
<b>Applications will be evaluated on the degree to which the proposed activities will enhance the potential for an associated development or redevelopment project to:</b>	<b>Possible Points</b>
<b>Transit Accessibility, Walkability, &amp; Ridership</b>	<b>15</b>
<ul style="list-style-type: none"> <li>provide the opportunity for residents and/or employees in the TOD Area to live or work there without reliance on an automobile; for meeting daily needs through the use of transit or walking; for reducing automobile ownership, vehicular traffic, and associated parking requirements that would otherwise be necessary to support a similar level of more traditional development.</li> <li>provide ridership impact</li> </ul>	
<b>Housing:</b>	<b>15</b>
<ul style="list-style-type: none"> <li>produce affordable housing</li> <li>assist the city in meeting its affordable and life-cycle housing goals</li> </ul>	
<b>Jobs:</b>	<b>15</b>
<ul style="list-style-type: none"> <li>create or preserve employment opportunities</li> </ul>	
<b>TOD Design:</b>	<b>15</b>
<ul style="list-style-type: none"> <li>demonstrate TOD design features</li> <li>Intensify future use of the site</li> </ul>	
<b>Partnerships &amp; Readiness:</b>	<b>10</b>
<ul style="list-style-type: none"> <li>the potential for meaningful and appropriate public involvement in carrying out the activities funded by an LCDA Pre-Development grant;</li> <li>financial commitment for the pre-development and/or site investigation activities; and</li> <li>political commitment for the future development or redevelopment project.</li> <li>The extent to which the proposed project is ready and able to use a LCA TOD grant, if awarded, within the 24-month grant term. (Higher points will be given for more advanced on predevelopment continuum.)</li> </ul>	
<b>TOD Model/Demonstration Value</b>	<b>15</b>
<ul style="list-style-type: none"> <li>The ability of the proposed pre-development activities to evolve into a future development or redevelopment project that could be a model of TOD, highlighting TOD design features.</li> </ul>	
<b>Catalyst:</b>	<b>5</b>
<ul style="list-style-type: none"> <li>The Project's ability to be catalytic to attracting private sector investment</li> </ul>	
<b>Total</b>	<b>90</b>
<b>Applications must score 54 or more points of the total 90 available points from Step One and Step Two combined to be considered for funding.</b>	
<b>Housing Performance Score</b>	
The applicant's Housing Performance Score will be converted from a 100 point scale to a 10 point scale. If a proposed project includes new affordable housing or if a significant amount of affordable housing is already located within the project site/area, the proposal will be held harmless by assigning the higher of the community's actual performance score or the average performance scores from all proposals being evaluated.	<b>10</b>
<b>Overall Total</b>	<b>100</b>

### Eligible Applications for LCDA-TOD Pre-Development and TBRA-TOD Site Investigation

An application eligible for consideration for a LCDA-TOD Pre-Development or TBRA-TOD Site Investigation must conduct its activities within a **TOD Area**, as defined on page 4.

### *Required Future Development Project for LCDA-TOD Pre-Development and all TBRA-TOD Site Investigation applications*

With limited exceptions, LCDA-TOD Pre-development applications (see Eligible Uses below) must specify an associated Future Development Project, which:

- will be located on specific, identified parcel/s
- has an identified development program of uses (housing units, retail, office, institutional, etc.).
- includes a developer or development team that will lead the project
- is within a LCA TOD-eligible area

### **Eligible Uses for LCDA-TOD Pre-Development and TBRA-TOD Site Investigation Grants**

For TBRA-TOD Site Investigation, the same eligible uses as stated on the TBRA Site Investigation section, with no changes, are also eligible for TBRA-TOD Site Investigation. See page 12 for additional TBRA-specific eligibility considerations.

For LCDA-TOD Pre-Development, the following uses are eligible:

#### *Eligible uses to which Future Development Project criteria (see above) applies:*

- architectural work to generate site plans or development staging plans for an identified parcel or multiple contiguous parcels;
- design workshops for development alternatives;
- financial analysis to determine the feasibility of one or many development scenarios for an identified parcel or multiple parcels, leading to the development of a **pro-forma**, provided that the development scenario/s meet the Future Project Threshold Criteria below;
- market study to determine the demand for the proposed development project;
- appraisals;
- project-specific stormwater management plans;
- soil testing to determine feasible land uses for site (not environmental testing); and
- environmental, fiscal, traffic, or gentrification impact analysis needed to advance project through city and/or community planning process

#### *Eligible uses to which Future Development Project criteria DOES NOT apply:*

- Creation of TOD implementation zoning ordinances.

### **Ineligible Uses for LCDA-TOD Pre-Development and TBRA-TOD Site Investigation Grants**

For TBRA-TOD Site Investigation, the same ineligible uses as stated in the TBRA Site Investigation section, with no changes, are also ineligible for TBRA-TOD Site Investigation.

For LCDA-TOD Pre-Development, the same ineligible uses as stated in the LCDA Pre-Development section are ineligible with the following additions:

- corridor or station area plans;
- station area analysis of alternatives for market mix, land use mix, economic feasibility, or for air, water, or energy uses; and
- strategies for land banking and acquisition.

### *Section 6: Reporting Requirements*

Grantees are required to submit periodic progress reports. Until the first draw request is made, quarterly progress reports are required. Thereafter, the detail supplied with payment requests comprises the bulk of the progress reports, which are augmented with semi-annual reports. A final progress report is required with the last payment request. When the grant is closed, the grantee's chief financial officer is required to certify to the appropriate expenditure of funds.

Recipients of TBRA-TOD Cleanup-Site Investigation grants must also submit to the Council at the closure of the grant a copy of the environmental investigation documents and approval of the response action plan by the MPCA VIC or PBP program.

Recipients of LCDA-TOD Pre-Development grants must also submit copies of the work products for their eligible activities.

Grantees will be required to report annually for 36 months on progress toward achieving the threshold criteria.



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