

**GEORGIA REGIONAL TRANSPORTATION
AUTHORITY**

**PROCEDURES AND PRINCIPLES
FOR GRTA DEVELOPMENT OF
REGIONAL IMPACT REVIEW**

PROCEDURES AND PRINCIPLES

Effective: May 9, 2008

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PROCEDURES AND PRINCIPLES for GRTA Review of DEVELOPMENTS OF REGIONAL IMPACT

ARTICLE 1 - GENERAL PROVISIONS

PART 1 - PURPOSE AND AUTHORITY

Section 1-101. Purpose.

A. The purpose of these Procedures and Principles is to implement GRTA's responsibility for the review of DRIs within GRTA's jurisdiction pursuant to O. C. G. A. §50-32-14.

B. The purpose of these Procedures and Principles is to ensure that proposed developments of regional impact will, to the maximum extent practicable, contribute to improved regional mobility, air quality, and land use practices within the area of GRTA's jurisdiction.

C. The purpose of these Procedures and Principles is to establish an orderly and efficient process for the review of DRIs by GRTA.

D. The purpose of these Procedures and Principles is to establish review criteria by which GRTA will determine whether a proposed DRI and the expenditure of state and federal funds for Land Transportation Services and Access Improvements required to serve the proposed DRI are consistent with and further GRTA's goals and objectives to promote the efficient use of limited state and federal resources, ensure that regional transportation plans and air quality standards are implemented and to improve regional mobility and air quality.

Section 1-102. Authority.

These Procedures and Principles are adopted pursuant to O.C.G.A. §50-32-1 *et seq.*

PART 2 - DEFINITIONS AND RULES OF CONSTRUCTION

Section 1-201. Definitions.

For the purposes of these Procedures and Principles, the following words and terms have the meanings specified herein:

- A. "Access" means land transportation facilities which provide service capacity to new development.
- B. "Area of Influence" (AOI) means an area located within three (3) miles of a parcel which is proposed to be developed as a DRI. The Area of Influence is used for an analysis of the balance of land uses and job to housing relationship and is different and distinct from the Study Network used for transportation analysis. The AOI Analysis is utilized for only one type of Expedited Review.
- C. "Congestion" means traffic volumes which exceed capacity to the extent that a facility operates at an unacceptable level of service.
- D. "Daily Trips" means average weekday trips as defined by the Institute of Traffic Engineers in the most recent edition of the Trip Generation Manual.
- E. "DCA Rules" means those rules adopted by the Georgia Department of Community Affairs, Chapter 110-12-3, effective July 1, 2005, as may be amended from time to time.

- F. “DRI” means those developments defined by DCA Rule 110-12-3.02 which meet the thresholds established in DCA Rule 110-12-3.03.
- G. “DRI Review Initiation Request” (also known as DCA Form 2) means the formal application for DRI review which is submitted to the appropriate RDC pursuant to the DCA’s Rules.
- H. “Executive Director” means the chief executive officer of the Georgia Regional Transportation Authority
- I. “Expedited Review” means those procedures in Section 2-202 of these Procedures and Principles which allow applicants for GRTA DRI Review to benefit from an expedited review process, provided that the proposed DRI conforms to the criteria of Section 3-101.
- J. “GRTA” means the Georgia Regional Transportation Authority created under O.C.G.A. §50-32-1 et seq.
- K. “GRTA DRI Approval” means approval by GRTA of a Plan of Development for a DRI pursuant to these Procedures and Principles.
- L. “GRTA DRI Review Package” means the application materials for GRTA DRI Review which includes the development site plan, the transportation analysis, and supporting documentation in accordance with the Technical Guidelines.
- M. “Initial DRI Information” (also known as DCA Form 1) means the information submittal provided for in DCA’s Rules for a determination by the appropriate RDC as to whether a proposed DRI requires regional review and approval.
- N. “Land Development Committee” is a committee of the GRTA Board of Directors. The Land Development Committee, formerly known as the DRI Committee, is designated by the GRTA Board to oversee the DRI program, and review and take action on proposed DRI’s.
- O. “Land Transportation Services” means services which provide for movement of people by roads, mass transit, or other modes.
- P. “Plan of Development” means a particular plan for the physical development of a parcel(s) of land including the location, character and intensity of land uses and the infrastructure to support them.
- Q. “Procedures and Principles” means these Procedures and Principles adopted to implement the provisions of O.C.G.A. §50-32-1 et seq.
- R. “RDC” means a Regional Development Center established under O.C.G.A. §50-8-32. References regarding the RDC relate to the RDC where the DRI is located unless otherwise specified.
- S. “Required Improvement” means a land transportation service or access improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.
- T. “Single Occupant Vehicle” or “SOV” means an automobile occupied by one person.
- U. “Study Network” means the roadways affected by a proposed DRI which is analyzed as a part of the Application for GRTA DRI Review.
- V. “Technical Guidelines” are the directions and methodologies for preparing the required submittal information for GRTA DRI Review which are set out in Appendix A to these Procedures and Principles.

Section 1-202. Rules of Construction.

For the purposes of these Procedures and Principles, the following rules of construction shall apply:

- A. The provisions of these Procedures and Principles shall be liberally construed to achieve the purposes and intent for which they are adopted.
- B. Nothing in these Procedures and Principles is intended to abrogate any easement, covenant, deed restriction or other private agreement; however, where the regulations of these Procedures and Principles are more restrictive or impose higher standards or requirements than such easement, covenant, deed restriction or other private agreement, the requirements of these Procedures and Principles shall govern.
- C. In the event of a conflict between the text of these Procedures and Principles and any caption, figure, illustration, table, or map, the text of these Procedures and Principles shall control. In the event of a conflict between a chart and an illustration, the chart shall control. All illustrations included in these Procedures and Principles are for illustrative purposes only.
- D. In the event of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.
- E. The words “shall,” and “must” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- F. The word “may” is permissive in nature.
- G. Words used in the present tense include the future tense.
- H. Words used in the masculine gender include the feminine gender.
- I. The words used and occupied as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- J. The word “herein” means “these Procedures and Principles.”
- K. Any act authorized by these Procedures and Principles to be carried out by a specific official or agency of GRTA may be carried out by a designee of such official or agency.
- L. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or an observed State of Georgia holiday, that day shall be excluded, except as stated otherwise in this document.
- M. Any words and terms not defined herein shall have the meaning indicated by common dictionary definition.
- N. Any reference to Georgia Statutes or the Rules and Regulations of the State of Georgia shall be construed to be a reference to the most recent enactment of such statute, rule, or regulation and shall include any amendments as may from time to time be adopted.
- O. In the event that there is any conflict between the text of these Procedures and Principles and the Technical Guidelines in Appendix A, the text of these Procedures and Principles shall control.

PART 3 - TRANSITION

Section 1-301. Application of Procedures and Principles to Pending DRIs.

These Procedures and Principles shall be applicable to any proposed DRI located within the area of GRTA's jurisdiction which is initiated pursuant to the DCA Rules by the filing of an Initial DRI Information Form with the appropriate RDC and GRTA after the effective date of these Procedures and Principles.

Section 1-302. Existing State or Federal Funding Commitments.

The denial of a DRI Plan of Development pursuant to Section 2-403 of these Procedures and Principles shall not prohibit the expenditure of federal or state funds on any phase of a project to create Land Transportation Services or Access if, at the time of such denial, such phase:

- A. Is programmed in the current year of an approved Transportation Improvement Program; and
- B. Is the subject of an executed project agreement between the United States Department of Transportation and any agency, authority, or instrumentality of the State of Georgia or an executed local government project agreement between any agency, authority, or instrumentality of the State of Georgia and a political subdivision of the State; and
- C. Has already resulted in the expenditure of federal or state right-of-way acquisition or construction funds, exclusive of any funds spent for early acquisition pursuant to the provisions of 23 C.F.R. § 710.501, for protective buying or hardship acquisition pursuant to the provisions of 23 C.F.R. § 710.503, or for advance construction pursuant to the provisions of 23 U.S.C. § 115.

The expenditure of federal or state funds on any phase of a project to create Land Transportation Services and Access not meeting the requirements in this section shall be prohibited as a result of GRTA's denial of a DRI Plan of Development.

PART 4 - MEMORANDA OF UNDERSTANDING

Section 1-401. Memoranda of Understanding.

GRTA may enter into memoranda of understanding with a RDC(s) in order to coordinate the review process under the DCA Rules and these Procedures and Principles and for such other means which are appropriate to achieve the purposes of these Procedures and Principles.

PART 5 - DESIGNATION OF TRANSIT ENABLED AREAS

Section 1-501. Transit Enabled Areas.

GRTA may designate certain geographic areas which are well served by transit as "Transit Enabled Areas" which would make specified development eligible for GRTA Expedited Review.

Section 1-502. Designation of Transit Enabled Areas.

- A. **Initiation.** The designation of a Transit Enabled Area may be initiated by GRTA, or by the RDC(s) or the local government(s) in which a proposed Transit Enabled Area is located.
- B. **Qualification.** To qualify as a Transit Enabled Area, the area in question must be located within the station area of a "premium" transit service, provide service from the station with a minimum frequency of every fifteen (15) minutes during the peak periods, and

have connecting transit service available either at the specific station or another station on the premium route. Premium transit service is defined as bus rapid transit (freeway/expressway or arterial where station investments have occurred), light rail, heavy rail, and commuter rail.

- C. **Data and Analysis.** In the event that an authorized entity requests that a particular area be designated as a Transit Enabled Area, GRTA staff shall assemble appropriate data in regard to existing land use in the proposed Transit Enabled Area, future land use according to the comprehensive plan of the appropriate local government, and existing and planned transportation systems serving the proposed Transit Enabled Area. GRTA's staff shall meet with the staff of the appropriate RDC and local government to discuss the proposed Transit Enabled Area designation.
- D. **Staff Recommendation.** Based on the data and analysis, GRTA staff shall prepare a report and recommendation in regard to the proposed Transit Enabled Area designation. The report and recommendation shall include, at a minimum, the boundaries of the proposed Transit Enabled Area and the character and magnitude of development which should be eligible for Expedited Review in the proposed Transit Enabled Area. The staff report and recommendation shall be transmitted to the appropriate RDC and local government at least ten (10) days prior to the consideration of the report and recommendation by the Land Development Committee.
- E. **Designation by Land Development Committee.** The Land Development Committee shall consider the designation of the proposed Transit Enabled Area at a regularly scheduled meeting. If the Land Development Committee determines that the area proposed to be designated is well-served by transit facilities and services and that the character and magnitude of development which is proposed to be eligible for Expedited Review would be consistent with and further GRTA's goals and objectives to improve regional mobility and air quality, the Land Development Committee may designate the area as a Transit Enabled Area and direct GRTA staff to prepare an official GRTA map reflecting the designation.

ARTICLE 2 - DRI REVIEW

PART 1 - GENERAL PROVISIONS

Section 2-101. DRI Approval Required.

GRTA DRI approval is required, pursuant to the provisions of these Procedures and Principles, of all proposed DRIs prior to the carrying out of development of a planned DRI within the jurisdiction of GRTA. The GRTA DRI approval process is comprised of four stages:

- A. The Initial DRI Information stage conducted by the RDC, in consultation with GRTA, in which the RDC and GRTA determine whether or not the project warrants regional review by the RDC and/or GRTA.
- B. A Pre-Application stage comprised of: (a) a Pre-Application Conference involving GRTA, the RDC, the local government, the applicant, and other affected public agencies; (b) a determination regarding Expedited Review by GRTA; and (c) notification of the applicant by GRTA, jointly with the RDC, of all materials and information required to be submitted with the DRI Review Initiation Request form.

- C. The DRI Review stage, involving: (a) submittal of the DRI Review Initiation Request Form to the RDC and GRTA, and a GRTA DRI Review Package to GRTA, (b) certification of completeness by GRTA and/or the RDC, and (c) review of the DRI Plan of Development by GRTA and/or the RDC.
- D. Final decisions by GRTA and/or the RDC in regard to a proposed DRI Plan of Development.

Section 2-102. Notification of Proposed DRI.

Pursuant to the provisions of the DCA Rules, local governments within the area of GRTA's jurisdiction shall transmit a copy of an Initial DRI Information form to GRTA simultaneously with the submission of the Initial DRI Information form to a RDC.

PART 2 - INITIATION OF GRTA'S DRI REVIEW

Sub-Part 1 PRE-APPLICATION CONFERENCE

Section 2-201. Pre-Application Conference.

- A. **Purpose.** The purpose of the Pre-Application Conference is to discuss the proposed DRI Plan of Development; identify the views and concerns of GRTA, the RDC, the local government(s), the applicant, and other potentially affected public agencies; determine the degree of discretion of the local government(s) to impose conditions on the applicant based on the nature of the particular local governmental approval which is involved; determine any additional information required of the applicant; determine any appropriate modifications to GRTA's basic review process, including Expedited Review; and to agree on the methodologies to be employed in the preparation of the GRTA DRI Review Package and any modifications to the transportation analysis required in preparing the DRI Review Package.
- B. **Pre-Application Conference.** If the RDC determines that a proposed DRI warrants regional review, the RDC and GRTA shall, within ten (10) days after receipt of an Initial DRI Information Form, hold a Pre-Application Conference pursuant to the requirements of Section 110-12-3.06(5) of the DCA Rules.

The decision of the RDC that a proposed DRI does not warrant regional review shall not affect whether the project is a DRI or GRTA's authority to review the proposed DRI. In the event the RDC determines that a proposed DRI does not warrant regional review, GRTA shall schedule and hold a Pre-Application Conference within ten (10) days of GRTA's receipt of an Initial DRI Information Form, in accordance with the timing requirements established for the RDC by Section 110-12-3.06(5) of the DCA Rules. GRTA shall invite the applicant, the local government(s), the RDC, and other potentially affected public agencies to participate in the Pre-Application Conference.
- C. **Required Pre-Application Conference Information.** The following information shall be made available, by the party or parties indicated below, for review and discussion by the participants in the Pre-Application Conference, without regard to whether the proposed DRI has been determined by the RDC to warrant regional review:
 - 1. A copy of the Initial DRI Information Form (RDC and/or GRTA);

2. A copy of the RDC's written determination as to whether a project warrants further review by the respective agencies (RDC);
 3. A copy of any written materials other than the RDC regional review determination which has been prepared as a result of the RDC's and GRTA's review of the Initial DRI Information Form (RDC and GRTA);
 4. The methodology proposed to be used in the preparation of the DRI Review Package for the proposed DRI including any preliminary information or analysis the applicant wishes to have considered at the Pre-Application Conference, as well as a DRI Plan of Development (applicant);
 5. If the applicant is seeking Expedited Review, documentation in accordance with the Technical Guidelines demonstrating compliance with the Expedited Review Criteria in Section 3-101 including, at a minimum, a traffic analysis of the proposed DRI traffic on-site, at access points with public roads and the level of service of adjacent roadways with traffic generated by the proposed DRI and off-site access as may be appropriate and copies of the DRI Plan of Development;
 6. A copy of the local ordinance provision(s) under which the applicant seeks the local government action which has given rise to the consideration of the project as a DRI (local government(s)); and
 7. Any other information that any of the parties involved in the Pre-Application Conference believes to be relevant to the consideration of the proposed DRI.
- D. **Letter of Understanding.** Within five (5) days after a Pre-Application Conference, GRTA shall transmit a Letter of Understanding to the applicant, with copies to all other Pre-Application Conference attendees, setting forth the substance of the Pre-Application Conference and identifying any additional information that must be submitted concurrently with the DRI Review Initiation form by the affected local government. No representation by GRTA staff at the Pre-Application Conference shall be binding on GRTA with respect to any application subsequently submitted, unless set forth in the Letter of Understanding.

Sub-Part 2 EXPEDITED REVIEW

Section 2-202. Expedited DRI Review.

- A. **Methodology Meeting.** Prior to the submittal of a DRI Review Initiation Request, the applicant is encouraged, though not required, to schedule a Methodology Meeting through GRTA staff. GRTA staff shall coordinate scheduling of the meeting for attendance from the applicant, the RDC, the local government(s), and other affected public agencies. The purpose of the meeting shall be to refine the assumptions made within the transportation analysis prior to the submittal of the DRI Review Package at the Pre-Application Conference.
- B. **Staff Determination of Eligibility.** In the event that an applicant submits a Request for Expedited Review at the Pre-Application Conference, GRTA's staff shall make a determination at the Pre-Application Conference or within five (5) days following the Conference, as to whether the Request for Expedited Review should be approved pursuant to Article 3 of these Procedures and Principles.

If at the time of the Pre-Application Conference, the applicant is not prepared to submit a Request for Expedited Review, GRTA staff shall operate according to the guidelines of a Non-Expedited Review until such time as the applicant officially submits the Request for Expedited Review. Prior to submittal of Non-Expedited Review Package and upon receipt of a request for Expedited Review, GRTA staff shall make a determination within five (5) business days as to whether the request should be approved pursuant to Article 3 of these Procedures and Principles.

- C. **GRTA Staff Expedited Review Determination Included in Letter of Understanding.** The GRTA staff determination as to whether a Request for Expedited Review should be approved shall be included in the Letter of Understanding described in Section 2-201.D of these Procedures and Principles. A copy of the Letter of Understanding shall be submitted to the Executive Director at the same time the Letter of Understanding is provided to the applicant. With the issuance of the Letter of Understanding, GRTA staff may schedule a meeting with the applicant, the RDC, the local government(s), and other affected agencies to occur prior to the conclusion of the review in order to discuss the findings of the review.
- D. **Decision of the Executive Director.** Within ten (10) days of receipt of a copy of the Letter of Understanding for a proposed DRI, the Executive Director shall consider the staff determination, as contained in the Letter of Understanding and shall determine whether the proposed DRI complies with the Criteria for Expedited Review in Article 3 of these Procedures and Principles and should be approved, with or without conditions, or denied by Expedited Review.
- E. **Conditional Approval of a Request for Expedited Review.** In the event that the Executive Director determines to approve a Request for Expedited Review subject to conditions, compliance with the conditions shall be determined in the same manner as through Non-Expedited Review, except that submittal requirements and review criteria for the conditional approval shall be those materials and review criteria specified in the Executive Director's determination of conditional approval. If conditions established by the GRTA Notice of Decision are not met, then the development project must be re-submitted to GRTA for consideration under Non-Expedited Review criteria. In such instances, no additional action shall be undertaken to further the progress of the development project until completion of GRTA's review.
- F. **Denial of Request for Expedited Review.** In the event that the Executive Director denies a Request for Expedited Review, the applicant shall be required to submit all required materials for Non-Expedited Review, including a complete DRI Review Package which shall be prepared and reviewed in accordance with the procedures set forth in Part 3 of Article 2 of these Procedures and Principles.
- G. **Effect of Executive Director Approval of a Proposed DRI by Expedited Review.** If the Executive Director approves a DRI by Expedited Review, then such approval shall be considered a final decision for the purposes of these Procedures and Principles and such decision shall be transmitted to the RDC and shall constitute compliance and satisfaction of all GRTA requirements pursuant to these Procedures and Principles, O. C. G. A. § 50-32-14 and Chapter 110-12-3 of the DCA Rules.

- H. **Appeal from Executive Director Decision in Regard to a Request for Expedited Review.** In the event that an applicant or local government is not satisfied with the decision of the Executive Director, the applicant or local government may file an appeal within five (5) business days with the Land Development Committee which shall consider the appeal in accordance with the provisions of Part 5 of this Article 2.
- I. **Alteration of a DRI Plan of Development Approved by Expedited Review.** Upon completion of the GRTA DRI Review but prior to the development project build-out, any alteration to the DRI Plan of Development which may impact the project's qualification for an Expedited Review shall be submitted to GRTA for a determination of continued eligibility under the currently approved review.

Sub-Part 3 APPLICATION MATERIALS FOR NON-EXPEDITED GRTA DRI REVIEW

Section 2-203. Preparation of a GRTA DRI Review Package.

Upon conclusion of the Pre-Application Conference, the applicant for any DRI which was not approved by Expedited Review shall prepare all information requested in the Letter of Understanding and a GRTA DRI Review Package in accordance with the Technical Guidelines, which are attached to these Principles and Procedures, and any agreed upon methodologies set out in the Letter of Understanding for the proposed DRI.

Sub-Part 4 SUBMISSION OF DRI REVIEW INITIATION FORM AND GRTA DRI REVIEW PACKAGE TO GRTA FOR NON-EXPEDITED REVIEW

Section 2-204. Submission of a GRTA DRI Review Initiation Form and DRI Review Package to GRTA.

- A. **Application Materials.** The DRI Review Initiation Form and the DRI Review Package shall be submitted to GRTA at the same time a DRI Review Initiation Form for the proposed DRI is submitted to the RDC.
- B. **Review Schedule.** In order to ensure that a final decision regarding a Request for DRI Review will be made by GRTA no later than a particular scheduled meeting of the Land Development Committee, a complete DRI Review Package must be submitted to GRTA at least sixty (60) days prior to such scheduled meeting of the Committee.

Section 2-205. Completeness Certification.

As provided in Section 110-12-3-.06(7) of the DCA Rules, once GRTA receives the DRI Review Initiation Request Form and a complete GRTA DRI Review Package, GRTA shall, in cooperation with the RDC and within five (5) days of receipt of the Request, certify in writing to the local government and applicant that (1) the GRTA DRI Review Package is complete and has been accepted for formal review, or (2) the GRTA DRI Review Package is not complete; in which case GRTA shall identify, with specificity, any deficiencies and identify the party who is required to provide the information needed to cure such deficiencies. No further review of the DRI shall be conducted by GRTA until both GRTA and the RDC certify the completeness of the GRTA DRI Review Package.

Section 2-206. Failure to Submit Supplemental Information.

If the supplemental information required by GRTA in the completeness certification provided to the applicant and the local government in Section 2-204 of these Procedures and Principles is not

provided within thirty (30) days of such certification, then the DRI Review Package shall be deemed withdrawn, and no further action shall be taken by GRTA in connection with the project. Applicants may request an extension of thirty (30) additional days for a total of sixty (60) days from the date of the completeness certification after which, if the supplemental information is not received by GRTA, the submittal shall be deemed withdrawn and no further action shall be taken by GRTA in connection with the project.

Section 2-207. Requirement to Supplement Information.

The applicant shall be required to supplement the GRTA DRI Review Package as appropriate in regard to any modifications to the proposed DRI which occur subsequent to the filing of the GRTA DRI Review Package and prior to GRTA's final decision.

Section 2-208. Early Submission of a Transportation Analysis.

Nothing in these Procedures and Principles shall prohibit an applicant from submitting a complete transportation analysis prepared in accordance with the requirements of the Technical Guidelines for review by GRTA prior to the time required herein.

PART 3 -REVIEW OF REQUESTS FOR NON-EXPEDITED DRI REVIEW

Section 2-301. Analysis of GRTA DRI Review Package.

- A. **Technical Analysis of GRTA DRI Review Package.** GRTA shall cause a complete GRTA DRI Review Package to be reviewed through a professional, technical analysis in accordance with the criteria for GRTA DRI Non-Expedited Review contained in Sections 3-101 and 3-103 of these Procedures and Principles. The professional technical analysis may, in GRTA's sole discretion, be conducted by GRTA's staff and/or qualified public or private professional or agency retained by GRTA to conduct such analyses. If during the review period, the technical analyst for a particular DRI Review Submittal has any objection to the data and analysis submitted by the applicant, the technical analyst shall contact the applicant and make a good faith effort to work with the applicant to resolve any objections.
- B. **Technical Analysis to Be Completed within Ten Days.** GRTA's technical analysis of the DRI Review Package, including the transportation analysis, shall be completed within ten (10) days of the completeness certification issued under Section 2-205 of these Procedures and Principles.
- C. **Transmittal of Technical Analysis to RDC.** The results of the GRTA technical analysis of the GRTA DRI Review Package shall be transmitted by GRTA's staff to the RDC. The RDC shall consider the technical evaluation of the GRTA DRI Review Package in preparing the public finding required under Section 110-12-3-.06(11) of the DCA Rules, and preparing any Optional RDC Comments pursuant to Section 110-12-3-.06(17) of the DCA Rules.

Section 2-302. GRTA Staff Report and Recommendation.

- A. **GRTA Staff Recommendation Based on Technical Analysis.** GRTA staff shall prepare a Staff Report and Recommendation in regard to a proposed DRI Plan of Development based on the Technical Analysis Transmittal of the GRTA DRI Review Package within twenty (20) days after the completeness certification is issued under Section 2-204 of these Procedures and Principles for a proposed DRI.

- B. **Specific Findings Required.** The GRTA Staff Report and Recommendation in regard to a proposed DRI shall include specific findings in regard to the Criteria for GRTA DRI Review in Sections 3-101 and 3-103 of these Procedures and Principles. Such findings shall include recommendations regarding any modifications to the character, location, or magnitude of a proposed DRI and conditions that would further achieve GRTA's objectives.

Section 2-303. Delivery of GRTA Staff Report and Recommendation to GRTA Executive Director and RDC.

The GRTA Staff Report and Recommendations shall be delivered to the Executive Director, the RDC, the local government(s) and the applicant no later than twenty (20) days from the date of the completeness certification issued under Section 2-204 of these Procedures and Principles.

Section 2-304. Staff Report and Recommendation Meeting.

At the time of the Completeness Certification, GRTA staff may schedule a Staff Report and Recommendation Meeting with the applicant, RDC, local government(s), and other affected public agencies. The purpose of the meeting is to review the Staff Report and Recommendation prior to the issuance of the Notice of Decision.

PART 4 - EXECUTIVE DIRECTOR ACTION IN REGARD TO A REQUEST FOR GRTA DRI REVIEW

Section 2-401. Approval or Denial of an Application for GRTA DRI Review.

- A. **DRI In Compliance with GRTA Review Criteria.** If the Executive Director finds, on the basis of the DRI Review Package and the staff report and recommendation, that a proposed DRI complies with the criteria for DRI Review established in Sections 3-101 and 3-103 of these Procedures and Principles, the Executive Director shall, within thirty (30) days of the date of the completeness certification, grant approval of the DRI Plan of Development together with approval of the expenditure of state or federal funds to create Land Transportation Services and Access which are required to serve the proposed DRI.
- The approval of a DRI by expedited review shall not constitute GRTA approval of any subsequent material modifications of the proposed DRI by the local government such that the proposed DRI is no longer eligible for approval by expedited review.
- B. **DRI Not In Compliance with GRTA Review Criteria.** If the Executive Director finds that a proposed DRI does not comply with the criteria for DRI Review established in Sections 3-101 and 3-103 of these Procedures and Principles, the Executive Director shall, within thirty (30) days of the date of the completeness certification:
1. Deny the Request for GRTA DRI Review and specify the changes necessary to the proposed DRI Plan of Development, if any, which would make the proposed DRI eligible for approval; or
 2. Approve the Request for GRTA DRI Review with a conditional effective date which shall occur only if specified conditions of approval, necessary to ensure compliance with the review criteria in Sections 3-101 and 3-103 have been satisfied; or

3. Defer a decision on the Request for GRTA DRI Review provided that such deferral is agreed upon by the RDC, local government and the applicant for the proposed DRI.
- C. **Executive Director Referral of Application to Land Development Committee.** Notwithstanding the provisions of subsections A and B of this section, the Executive Director, at his or her discretion, may instead of making a decision in regard to a particular request for GRTA DRI Review pursuant to this section, refer the request to the Land Development Committee for a decision.
- D. **Notification of Executive Director Action.** Written notification of the action of the Executive Director shall be promptly transmitted to the applicant, the RDC, the local government, and to the members of the Land Development Committee in a manner which allows for documentation that the notification has been received.

**PART 5 - APPEAL OF EXECUTIVE DIRECTOR'S DECISION; LAND
DEVELOPMENT COMMITTEE REVIEW IN REGARD TO REQUESTS FOR
GRTA DRI REVIEW**

Section 2-501 Appeal Authorized.

Any applicant or local government aggrieved by a decision of the Executive Director in regard to a Request for Expedited Review, or by conditions attached to an approval of a Request for GRTA DRI Review, a denial of a DRI Plan of Development, or a requested revision to a Notice of Decision may appeal the decision to the Land Development Committee of the GRTA Board by filing a written notice of appeal with GRTA within five (5) business days of receipt of the notification of the Executive Director's decision under sections 2-401A. or B. of these Procedures. The notice of appeal shall specify the grounds for the appeal together with any analysis or argument in support of the appeal. The filing of a notice of appeal shall stay the effectiveness of any conditions attached to the decision of the Executive Director. No actions to progress the DRI development shall occur during the appeal period.

**Section 2-502. Land Development Committee Member Request for Land
Development Committee Review of Executive Director's Decision.**

Any member of the Land Development Committee may, within five (5) days of receipt of the written notification of the Executive Director's decision, file a written request that the Land Development Committee review the decision of the Executive Director. In such event the Land Development Committee shall review the proposed DRI pursuant to Section 2-503.

Section 2-503. Consideration of Appeal or Request for Review.

At the next regularly scheduled meeting of the Land Development Committee but no sooner than 10 days after receipt of a notice of appeal or a Request for Review, the Land Development Committee shall consider the appeal or request and make a determination whether to affirm, modify or reverse the Executive Director's decision. The action of the Land Development Committee to modify or reverse the Executive Director's decision shall be based on the information contained in the DRI Review Package and the staff report and recommendation and shall be considered on the basis of the same DRI Review Criteria applicable to the decision as used by the Executive Director and shall constitute final action of GRTA.

Section 2-504. Land Development Committee Consideration of Proposed DRI Referred by the Executive Director.

At the next regularly scheduled meeting of the Land Development Committee after receipt of a referral of a proposed DRI from the Executive Director, the Land Development Committee shall approve or deny the proposed DRI Plan of Development as follows:

- A. **DRI In Compliance with GRTA Review Criteria.** If the Land Development Committee finds, on the basis of the DRI Review Package and the staff report and recommendation, that a proposed DRI complies with the criteria for DRI Review established in Sections 3-101 and 3-103 of these Procedures and Principles, the Committee shall grant approval of the DRI Plan of Development together with approval of the expenditure of state or federal funds to create Land Transportation Services and Access which are required to serve the proposed DRI.
- B. **DRI Not In Compliance with GRTA Review Criteria.** If the Land Development Committee finds that a proposed DRI does not comply with the criteria for DRI Review established in Sections 3-101 and 3-103 of these Procedures and Principles, the Committee shall:
 1. Deny the Request for GRTA DRI Review and specify the changes necessary to the proposed DRI Plan of Development, if any, which would make the proposed DRI eligible for approval; or
 2. Approve the Request for GRTA DRI Review with a conditional effective date which shall occur only if specified conditions of approval, necessary to ensure compliance with the review criteria in Sections 3-101 and 3-103 have been satisfied.

PART 6 - FORM, NOTICE AND SERVICE OF GRTA DRI REVIEW DECISION

Section 2-601. Notification of GRTA Action in Regard to DRI Plan of Development.

- A. **Approval.**
 1. Within five (5) days after a final decision by the Executive Director or Land Development Committee to approve a Request for GRTA DRI Review, GRTA shall issue a written decision granting such approval and serve a copy of such approval on the applicant, the RDC and the local government.
 2. The written decision granting GRTA approval of a Request for GRTA DRI Review shall specify the development which is authorized and shall provide that the approval shall terminate and be of no further force and effect after ten (10) years unless substantial construction of the proposed DRI has been commenced.
- B. **Approval with Conditional Effective Date or Denial.**
 1. **Written Approval Required.** Within five (5) days after a decision by the Executive Director or Land Development Committee to grant approval of a DRI Review Submittal, subject to a conditional effective date for approval of all or portions of the proposed DRI, GRTA shall issue a written decision granting such approval.
 2. **Conditions.** The written decision granting approval of a Request for GRTA DRI Review subject to a conditional effective date shall include a detailed

specification of each condition which must be satisfied in order for the effective date of the approval to occur. In the formulation of appropriate conditions, GRTA shall give due and deliberate consideration of the nature of the local government approval which is the subject of the DRI review and the legal rights and limitations which relate to such approval.

3. **Denial of an Application for GRTA DRI Review.** Within five (5) days after a final decision by the Executive Director or Land Development Committee to deny a Request for GRTA DRI Review subject to a conditional effective date, GRTA shall issue a written decision denying such approval.
4. **State and/or Federal Funding Prohibition.** A written decision granting approval of a Request for GRTA DRI Review subject to a conditional effective date or denying a Request for GRTA DRI Review shall include a narrative and graphic description of the location and character of any Land Transportation Services and Access which are ineligible for state or federal funding. GRTA may, at its sole discretion, identify conditions under which eligibility for state or federal funding could be restored.
5. **Service of Written Decision.**
 - a. GRTA shall serve a copy of such approval or denial on the applicant, the RDC and the local government with jurisdiction over the land on which the proposed DRI is to be located; and
 - b. GRTA shall serve a copy of such approval or denial on any agency with interest, responsibility or jurisdiction in or over any Land Transportation Services or Access which are specified as ineligible for state or federal funding in the written decision issued by GRTA.

PART 7 – REVISION TO ISSUED NOTICE OF DECISION

Section 2-701. Notice of Decision Revision Process

- A. **Formal Revision Request.** Any request to revise a previously issued Notice of Decision (NOD) for which the appeal period has closed must be submitted to GRTA by the permitting local government. Subsequent information may be submitted by any party. It is the responsibility of the local government and the DRI applicant to notify one another of DRI revision requests.
- B. **Submittal Requirements.** Upon receipt of a revision request, GRTA staff shall within ten (10) days of receipt of the request, certify in writing to the local government and DRI applicant, when applicable, that (1) the GRTA DRI Revision Package is complete, or (2) the GRTA DRI Revision Package is not complete; in which case GRTA shall identify, with specificity, any deficiencies. Required submittal items include:
 1. A revision request letter identifying the condition(s) for which the revision is sought, as well as the project name and number assigned by DCA from the original DRI review period; and,
 2. New site plan identifying change proposed and revised traffic analysis, if applicable; and,
 3. Purpose of the revision request, such as a hardship; and,
 4. Any mitigation proposed to allow for the revision, if applicable; and,

5. Suggested wording for the replacement condition; and,
 6. Information pertaining to policies, rules, guidelines, etc. of the local government as they pertain to the request and comments relating to the revision request; and,
 7. Copy of the original NOD and any subsequent revisions.
- C. **Delivery of GRTA Staff Report and Recommendation to GRTA Executive Director.** GRTA staff shall prepare a Staff Report and Recommendation in regard to the proposed revision to the GRTA NOD based on analysis from the prior review and additional information submitted per the revision request within twenty (20) days after a completeness certification is issued.
- D. **Revision Request Decision.** Within ten (10) days of receipt of a copy of the Staff Report and Recommendation for the revision request, the Executive Director shall consider the staff determination, as contained in the Staff Report and Recommendation and shall determine whether the proposed revision(s) comply with the DRI Review Criteria in Article 3 of these Procedures and Principles and should be approved per the request, approved with modifications to the request, or denied.
- The Executive Director may approve of a revision request when there is a need for clarification concerning a prior condition of the NOD, when a substantial change in the circumstances has necessitated modifications, and when the revision allows the DRI to meet the original intent of the prior decision, which may include the use of mitigation measures that were not proposed in the original review.
- E. **Executive Director Referral of Revision Request to Land Development Committee.** The Executive Director, at his or her discretion, may instead of making a decision in regard to a particular revision request of a previously released Notice of Decision refer the request to the Land Development Committee.

ARTICLE 3 - DRI REVIEW CRITERIA

Section 3-101. General Criteria Applicable to All Proposed DRIs.

The following criteria will be used in the review of all DRI submittals that GRTA receives.

- A. **Accessibility.** The proposed DRI is designed to provide safe, quality, and convenient access and provides the flexibility of non-vehicular transportation options from the proposed development to existing or planned pedestrian, bicycle, or transit facilities such that there is a likelihood of significant use by residents, employees and visitors to the proposed DRI.
- B. **Connectivity.** The proposed DRI is likely to promote improved regional mobility in terms of new vehicular connections, on-site vehicular movements, and alternate routes that are likely to operate in a safe and efficient manner, increase the public roadway network, and avoid delays during peak periods.
- C. **Access Management.** The proposed DRI is designed so that vehicular ingress and egress to any on-site parking facilities and all access points to adjacent public roads are likely to operate in a safe and efficient manner and are not reasonably anticipated to result in peak hour ingress and egress congestion on adjacent roads and at nearby intersections.
- D. **Regional Policies and Adopted Plans.** The proposed DRI is likely to promote improved regional mobility because it is located in a center or corridor identified in the Regional

Development Plan (RDP) designated by an RDC; or the DRI has included in the proposed site plan components which will assist in the implementation of a transportation project currently in the Regional Transportation Plan (RTP) or Transportation Improvement Program (TIP), or other adopted regional plan designated by an RDC.

- E. **Local Standards Supporting Regional Policies.** The proposed DRI is located within a local jurisdiction, or other jurisdictional agencies, with adopted codes that support regionally adopted policies, or the development codes and standards do not prohibit or impede the proposed DRI from meeting the GRTA DRI review criteria stated in Sections 3-101, 3-102, and 3-103.

Section 3-102. Criteria for Expedited Review.

- A. **General.** A proposed DRI shall be eligible for Expedited Review if the Proposed DRI complies with the requirements of any one of the subsections B, C, D, E, or F, of this Section 3-102, and is consistent with of the general criteria applicable to all proposed DRIs listed in Section 3-101.
- B. **Limited Trip Generation.** The land uses within the proposed DRI are such that the amount of trips generated by the development is likely to have minimal impact on the road network.
1. No more than one thousand (1,000) gross daily trips will be generated by the DRI based on a trip generation memorandum,; or,
 2. More than one thousand (1,000) but no more than three thousand (3,000) gross daily trips will be generated by the DRI, requiring the submittal of a Transportation Analysis; or,
 3. The proposed DRI is projected to generate no more than one hundred (100) gross PM peak hour weekday trips based on a trip generation memorandum.
- C. **Mixed Uses.** The proposed DRI contains two or more complementary, interconnected and interdependent uses so that the vehicular trips generated by each independent use of the proposed DRI are reasonably anticipated to have a trip reduction of at least twenty percent (20%) below standard trip generation rates attributable to a reduction between dissimilar land uses. Examples of land uses which may qualify, in any combination, include residential, commercial, office, and hotel. The DRI Plan of Development is designed so that it supports the projected trip reductions and indicates the likelihood of the use of on-site Alternative Modes of Transportation by residents, employees, and visitors to the DRI. All of the land uses within the proposed DRI are accessible by vehicles and pedestrians, and no single use restricts access to, from, or within the site.
- D. **Area of Influence.** Land uses in the proposed DRI are such that when considered in the context of existing approved uses in the proposed DRI's Area of Influence, it is likely that:
1. The proposed DRI is located within an area designated in the Regional Development Plan (RDP) and the Unified Growth Policy Map (UGPM), or its successor, as being located within the Central City, a Regional Center, a Mega Corridor, or an Urban Redevelopment Corridor and is consistent with the RDP and UGPM in both density and proposed development types; and
 2. At least sixty-five percent (65%) of the single occupant automobile trips

generated by the proposed DRI are reasonably anticipated to occur within a three (3) mile radius.;

E. **Alternative Modes of Transportation.** As a result of the location, character or design of the proposed DRI, the DRI is reasonably anticipated to be served by modes of transportation other than single occupant vehicles, and:

1. At least twenty-five percent (25%) of the trips generated by the proposed DRI are likely to be by way of modes of transportation other than the single occupant vehicle; or,
2. The proposed DRI is located within an area which has been designated by GRTA as a Transit Enabled Area and is consistent with any land use parameters established by GRTA as a part of the designation of the area as a Transit Enabled Area. The proposed DRI must:
 - Be majority or wholly (50.1% to 100%) within a designated Transit Enabled Area; and,
 - Meet or exceed residential and/or employment densities established by the RDP and UGPM, or its successor; and,
 - Be consistent with regionally adopted transportation plans; and,
 - Be limited to uses identified as residential, commercial, office, hospitals or health care facilities, hotels, and post secondary school; and,
 - Contribute to an improvement in the jobs to housing balance; and,
 - Be pedestrian oriented so that the movement of pedestrians is not restricted and access to transit facilities is convenient and logical in placement so as to maximize transit ridership from the site; and,
 - Provide at least ten percent (10%) of residential units as workforce housing units in primarily residential projects, defined as seventy-five percent (75%) of the median income for counties within GRTA's jurisdiction; and,
 - Place the majority of parking within structures and limit the parking provided to no more than the minimum required by the local jurisdiction; and,
 - Conform to existing block patterns or introduce new public roadways/pedestrian paths to create block patterns or shorten block lengths; and,
 - Provide active street level uses across at least 75% of street frontage at a minimum.

F. **Livable Centers Initiative (LCI).** The proposed DRI is located within an area approved for inclusion within the LCI program by the Atlanta Regional Commission and is consistent with the policies, design elements, and overall standards established by the study and any subsequently funded Supplemental Study(s). The local government(s) in which the LCI is located has completed and adopted the initial LCI Study within their Comprehensive Plan. Additionally, the local government(s) must have shown efforts towards implementation of the adopted study, by such methods as, approval of conforming development/redevelopment plans, adopted ordinances and/or codes, and implementation of the LCI's Five (5) Year Plan. The staffs of the local government(s), ARC, and GRTA must be in agreement on the eligibility of a proposed DRI for this type of review based on the aforementioned eligibility requirements.

- G. **Required Factual Showing.** In determining whether a particular DRI complies with the criteria in subsections B, C, D, E, or F of this Section for eligibility for approval by Expedited Review, the Executive Director or the Land Development Committee, as the case may be, may consider statistical information in regard to existing and planned jobs, projected and existing household incomes, and housing costs in the proposed DRI or the Area of Influence as the case may be, as a sufficient factual basis for approval, provided that the source of such information is derived from a reliable and appropriate source of public or private information. Data from the most recent U. S. Census or update, current property tax records, public agencies responsible for planning, implementation or management of land use, housing economic development or transportation, private sector providers of demographic studies, and published real estate information including listing and sale prices shall be considered appropriate sources of information. In the event that the factual showing involves analysis, derivation or extrapolation from source information, the methodology and assumptions shall be submitted to GRTA. In the event that GRTA determines that such analysis, derivation or extrapolation is unreliable, GRTA may reject such information as insufficient to demonstrate the required showing for eligibility for Expedited Review.

Section 3-103. Criteria for GRTA DRI Non-Expedited Review.

- A. In considering whether to approve or deny a Request for Non-Expedited GRTA DRI Review, the Executive Director and the Land Development Committee, as the case may be, shall consider the extent to which the proposed DRI satisfies each of the following criteria and make a determination as to whether the proposed DRI should be approved and whether required Land Transportation Services and Access required to serve the proposed DRI are eligible for state or federal funding.
1. **Vehicle Miles of Travel.** The proposed DRI is likely to promote improved regional mobility and regional air quality by reducing vehicle miles of travel, and is designed to encourage the use of alternative transportation modes, or is located within an area with, or is proposing, a mixture of complimentary land uses. Offsite trip generation from the proposed DRI is reduced by at least fifteen percent (15%), or, in the event that a proposed DRI is unable to satisfy the trip reduction standard established in this subsection because of conditions which are beyond the control of the developer or the affected local government, the proposed DRI implements all available trip reduction techniques which are reasonably practical.
 2. **Transportation and Traffic Analysis.** The proposed DRI is reasonably anticipated to comply with planned or programmed improvements, maintain performance measures for preserving regional mobility, provide safe and efficient operations, and minimizes congestion when the proposed development or phase of development is complete. The quality of the proposed and existing infrastructure in the transportation network operates in a safe manner and adequately serves new trips generated by the proposed DRI in the build-out year. The proposed DRI identifies impacts on existing or programmed infrastructure, and proposes mitigation that is feasible and within the control of the applicant or appropriate agencies to implement.

3. **Relationship to Existing Development and Infrastructure.** The proposed DRI is not located in any area where the existing level of development and availability of infrastructure is such that the proposed DRI is reasonably anticipated to result in unplanned and poorly served development which would not otherwise occur until well-planned growth and development and adequate public facilities are available.
- B. **Approval of DRI Plan of Development.** In the event GRTA determines that the degree to which the DRI satisfies the criteria of this Section is significant in the context of GRTA's purpose and objectives to improve regional mobility, GRTA shall approve the DRI Plan of Development.
 - C. **Approval of DRI Plan of Development Based On Specific Findings.** In the event GRTA determines that a proposed DRI fails to satisfy one or more of the criteria for approval of a DRI Plan of Development, GRTA may approve the proposed DRI if, based on the GRTA DRI Review Package and the report and recommendation of GRTA's staff, GRTA makes specific findings of fact that the proposed DRI includes uses or other benefits including mitigation programs which are sufficiently beneficial to outweigh the aspects of the proposed DRI which are inconsistent with the criteria of this Section and includes all practical and economically feasible mitigation elements which minimize the effects of the proposed DRI's non-compliance.
 - D. **Decision Making Guidelines.** In making a determination under the Non-Expedited Review Criteria, a GRTA decision maker should be guided by the following:
 1. The ultimate measure of a proposed DRI is whether the character, location and magnitude of a particular DRI is such that it is reasonably anticipated to make a positive as opposed to a negative contribution to GRTA's goals and objectives to improve regional mobility and air quality and that use of state or federal funds to provide required Land Transportation Services and Access constitutes an efficient use of state or federal funds in the context of GRTA's overall objectives.
 2. Compliance with the Non-Expedited Review Criteria should be considered on a comprehensive basis, that is, limited or total failure to satisfy one or more of the review criteria should be evaluated in the context of GRTA's goals and objectives as they are reflected in the criteria.
 3. In evaluating compliance with individual Non-Expedited Review Criteria, the decision maker should consider the extent to which a failure to satisfy a particular criteria is attributable to geographic, economic and/or legal factors which are beyond the control of the developer or local government sponsors of the proposed DRI.
 4. The objective in the review of individual criteria is to identify any aspects of the proposed DRI which are adverse to GRTA's goals and objectives to improve regional mobility and air quality and identify changes to the proposed DRI or other actions which would mitigate the negative aspects of the proposed DRI through the imposition of conditions of approval.

ARTICLE 4 – ADMINISTRATION OF GRTA DECISION NOT TO APPROVE A DRI PLAN OF DEVELOPMENT

Section 4-101. Effect of a Determination by GRTA Not to Approve a DRI Plan of Development.

In the event that GRTA denies a GRTA DRI Review Package, the denial shall constitute a denial of the DRI Plan of Development and a determination by GRTA to disallow the expenditure of state or federal funds for any Land Transportation Services and Access which are identified in the written decision of GRTA as improvements required to provide Land Transportation Service or Access to the proposed DRI. A GRTA decision to deny a DRI Plan of Development and to disallow state or federal funding of specified improvements shall continue in force and effect for a period of five (5) years after the date of the GRTA decision or such other period which is prescribed in GRTA's written decision.

Section 4-102. Local Government Reversal of a GRTA Decision Not to Approve a DRI Plan of Development.

The decision of GRTA to disallow state or federal funding for specified improvements shall be final unless a 3/4ths majority of the authorized membership of the governing body in which the DRI Plan of Development is located approves a resolution reversing the decision of GRTA to disallow funding within sixty (60) days after transmittal of the GRTA decision to the local government.

Section 4-103. Notice of GRTA Decision to Disallow State or Federal Funding.

GRTA shall transmit written notice to each and every agency with jurisdiction over state or federal funding for Land Transportation Services. Such notice shall include a copy of a GRTA's written decision in regard to a proposed DRI and any conditions for restoring funding eligibility.

Section 4-104. Monitoring Funding Agency Actions.

GRTA shall monitor the expenditure of state and federal funds for Land Transportation Services and Access improvements and shall take any and all authorized steps necessary to ensure that state or federal funding is not used in violation of any GRTA decision.

Section 4-105. Periodic Review and Repeal of Funding Prohibition.

GRTA, may at its sole discretion, undertake to review a GRTA decision to disallow state or federal funding for a particular Land Transportation Service or Access improvement and repeal such funding prohibition if GRTA determines that GRTA's regional mobility and air quality objectives would be best served by a repeal of the prohibition.

ARTICLE 5 MISCELLANEOUS

Section 5-101. Effective Date.

These Procedures and Principles shall become effective thirty (30) days after their approval by a majority of the Board of Directors of GRTA.

Section 5-102. Amendments.

These Procedures and Principles may be amended by GRTA from time to time in the same manner as they were initially approved.

Section 5-103. Severability.

In the event that any section or provision of these Procedures and Principles is declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of these Procedures and Principles as a whole or any part thereof other than the part so declared to be invalid.