

NO: **R016**

COUNCIL DATE: **February 10, 2020**

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **February 3, 2020**

FROM: **General Manager, Engineering  
General Manager, Planning & Development**

FILE: **8740-40**

SUBJECT: **Surrey-Langley SkyTrain Project – Supportive Policies Agreement**

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## RECOMMENDATION

The Engineering and Planning & Development Departments recommend that Council:

1. Receive this report for information;
2. Approve the Supportive Policies Agreement (“SPA”) with TransLink for the advancement of the Surrey-Langley SkyTrain (“SLS”) project, which is attached to this report as Appendix “I”;
3. Authorize staff to take the necessary steps to finalize the SPA; and
4. Authorize the Mayor and City Clerk to execute the finalized SPA, provided it is substantially the same as that included in Appendix “I”.

## INTENT

The purpose of this report is to present Council with the SPA prepared for the SLS project. This report also outlines the structure and primary contents of the SPA, with discussion and implications provided to facilitate Council’s consideration of approval of the agreement.

## BACKGROUND

Throughout 2019, TransLink and City staff worked collaboratively on delivering TransLink’s SLS work plan, including preliminary design, ridership forecasts, cost estimates and a preliminary cost-benefit ratio. On July 22, 2019, Council approved Corporate Report No. R157; 2019 (attached as Appendix “II”) authorizing the City to enter into a Memorandum of Understanding (“MOU”) with TransLink that sets out a partnership, roles and responsibilities and illustrates mutual support for the SLS project.

On January 30, 2020, TransLink's Business Case Summary, attached to this report as Appendix "I", was approved by the Mayors Council, and will now be submitted to both the Provincial and Federal Governments for their respective approvals and confirmation of their funding commitments for Stage 1. TransLink anticipates approval from both levels of government will be secured by late Spring 2020, after which time the project will then seek final approval of the regional investment share from the Mayors' Council in June 2020 before proceeding to procurement.

### **Project Partnership Agreement Framework**

In collaboration with the Mayors' Council, TransLink has established a four-phased partnership agreement framework. This framework is consistent with the Mayors' Council Vision and previous TransLink dialogue, involving TransLink and the host municipality be developed for the delivery of major capital projects, such as the SLS project, which involve significant cost and risk.

The anticipated SLS partnership agreements and their corresponding project phases are presented as follows:

<b>Achievement</b>	<b>Phase</b>
Memorandum of Understanding	Concept Phase - Executed
Supportive Policies Agreement	Design/Business Case Phase (January/February 2020)
Reimbursement Agreement	Design/Funding Approval Phase (June 2020)
Municipal Access Agreement	Implementation Phase (August/September 2020)

## **DISCUSSION**

### **Supportive Policies Agreement – Design Phase**

The SPA supports the prioritization and alignment of policies to ensure successful performance of the SLS corridor. The SPA objectives, guiding policies, structure and topic areas are outlined below:

#### Supportive Policies Agreement Objectives and Guiding Policies

The following key objectives have been formulated for the development of the SPA:

- Provide certainty of intent from the City and TransLink by committing both parties to work towards achieving land use and transportation objectives;
- Acknowledge SLS as a catalyst to meet multiple objectives in regional and local plans, including transportation demand management and increasing affordable housing supply; and
- Develop the language in the SPA that reflects primarily the intentional aspects that characterize Council's authority over land use planning and policy decisions.

The SPA also acknowledges and documents both regional and City policies, such as the Official Community Plan (“OCP”) and other key City plans that support successful SkyTrain ridership and performance. Noteworthy regional policies and initiatives that provided a framework and guide the SPA development include:

- Metro Vancouver Regional Growth Strategy (2011);
- TransLink Transit-Oriented Communities Design Guidelines (2012);
- TransLink Regional Transportation Strategy (2013); and
- Provincial initiatives to improve public transit and increase affordable housing supply (2013 to 2017).

Existing City policies and initiatives referenced in the SPA include:

- Official Community Plan (2014);
- Surrey City Centre Plan (2017);
- Surrey’s Transportation Strategic Plan (2008);
- Master Plan for Housing the Homeless (2015),
- Surrey Affordable Housing Strategy (2018)
- Invest Surrey Economic Investment Plan (2017); and
- Parks, Recreation & Culture Strategic Plan (2018-2027).

Ongoing and future City policies and initiatives include:

- Development and adoption of land use plans along the Fraser Highway Skytrain Corridor, which include (with planned completion date):
  - Surrey City Centre Plan update (end of 2021);
  - Fleetwood Plan (end of Summer 2022);
  - West Clayton Plan update (end of 2022);
  - East Clayton Plan update (end of 2022); and
  - East Cloverdale Plan (end of 2023);
- Surrey’s new Transportation Strategic Plan (to be completed Spring 2021); and
- City-wide Housing Needs Report (end of 2021).

#### Supportive Policies Agreement Structure and Topics

TransLink’s Transit-Oriented Communities Design Guidelines, arranged in the format of the “Six D’s”, were applied in the structuring of the topic areas of the SPA. The Six D’s are: Destinations, Density, Diversity, Distance, Design and Demand Management. Based on best practices, these guidelines provide high-level guidance on community planning and design for areas around transit stations, exchanges and stops. For the SPA, the Six D’s are described as follows:

- *Destinations - Coordinate Land Use and Transportation:* Topics include the identification of land use designations for the SLS corridor in the OCP, with statements demonstrating the City’s commitment to the planning for station area development.
- *Density - Concentrate and Intensify Activities in Transit Corridors:* Topics include the preparation and adoption of land use plans along the SLS corridor, meeting regional policies including review of bus services and monitoring.

- *Diversity - Encourage a Mix of Uses Including Housing Types and Tenure:* The emphasis placed in this topic area includes affordable housing targets and policies for the SLS corridor and the development of incentives and measures to facilitate and improve affordable housing supply.
- *Distance - Create Well-Connected Streets and Bus Network:* Topics are identified with a network and performance emphasis including measures and opportunities to maintain transit service reliability during and after construction, collaboration on a bus integration plan with the SLS in operation, and development of a multi-modal infrastructure to support transit use.
- *Design - Create Places for People:* Topics include the preparation of urban design guidelines for the future land use plans in the SLS corridor, the development and implementation of streetscape plans for the SLS corridor, and accessibility with all travel modes.
- *Demand Management - Discourage Unnecessary Driving:* Topics include the development of appropriate parking policies and exploring further parking reductions along the SLS corridor and implementation of Transit Demand Management initiatives as part of TransLink's TravelSmart program.

In addition, Performance Reporting was included as another key SPA topic. For this topic, the City and TransLink will prepare an annual dashboard that highlights the performance measures results and status of Agreement commitments. In addition, every three to five years TransLink and the City will prepare a comprehensive report that documents the progress on performance measures, commitments and responsibilities of each party and any other relevant data with recommended actions. Reporting will be presented to Council in the form of future Corporate Reports and to Mayors' Council and the TransLink Board by TransLink staff. The monitoring will include the following along the SLS Transit Corridor:

- Population and employment growth;
- Net new Affordable Housing supply;
- Transit performance;
- Mode split; and
- Cycling and pedestrian performance.

During the development of the draft SPA, the Ministry of Municipal Affairs and Housing approached TransLink and the City to initiate discussion on affordable housing and the monitoring process. Following the Ministry's expressed interest, statements have been incorporated into the SPA that facilitates Provincial collaboration in the preparation of land use plans and housing policies along the SLS corridor.

In an effort to support affordable housing, a staff level Working Group will convene with representatives from the Federal and Provincial governments, Metro Vancouver, TransLink, Fraser Health Authority, and at the City's discretion, any other institutional partners. The objective of the Working Group will be to examine the feasibility of assembling government and non-profit owned lands within the SLS corridor for the development of affordable housing.

With the SPA's connected policy framework on land use, transportation and affordable housing, and with multi-levels of government participation, there was a need to clearly define the role of the City within the agreement. As such, the following proviso has been included within the SPA:

*(The City will) Collaborate with TransLink and the Province on the development of corridor plans to achieve integrated land use and transportation planning, noting that it is the City's responsibility and mandate under the Local Government Act to develop and approve its land use plans and its housing policies.*

Within the SPA, Affordable Housing has been defined as:

*A range of housing options which are affordable to households with a range of incomes.*

This is intended to reflect that housing in Surrey is more affordable than many other areas of Metro Vancouver, and thus affordable housing would include single-family housing, multi-family, purpose-built rental and below market (subsidized) rental housing.

It is intended that the SPA, subject to Council's approval, will be finalized prior to TransLink submitting the business case to the Provincial and Federal Government in February 2020.

### **Legal Department Review**

The City's Legal Services Division has reviewed the SPA and this report and have no concerns.

### **SUSTAINABILITY CONSIDERATIONS**

The development of the SLS Project and the SPA support the objectives of the City's Sustainability Charter 2.0. In particular, the planning and construction of the SLS project relates to the Sustainability Charter 2.0 themes of Built Environment and Neighbourhoods, and Infrastructure. Specifically, the SLS project supports the following Desired Outcomes ("DO"):

- Neighbourhoods and Urban Design DO2: Surrey is well-connected within the City and to the rest of the Region by fast and efficient public transit and active all-ages-and-abilities transportation infrastructures;
- Neighbourhoods and Urban Design DO4: Surrey's neighbourhoods are safe, accessible, well-connected, walkable and bike friendly;
- Neighbourhoods and Urban Design DO8: The built environment enhances quality of life, happiness and well-being;
- Transportation DO2: Infrastructure systems provide safe, reliable and affordable services; and
- Transportation DO11: An integrated and multi-modal transportation network offers affordable, convenient, accessible and safe transportation choices within the community and to regional destinations.

## CONCLUSION

The SLS Project continues to be on schedule and has reached the next major milestone whereby the execution of the SPA by the City and TransLink are needed to support the SLS project's Business Case being submitted to the Provincial and Federal governments for approval.

Scott Neuman, P.Eng.  
General Manager,  
Engineering

Jean Lamontagne  
General Manager,  
Planning & Development

SBN/JB/cc

Appendix "I" - Supportive Policies Agreement  
Appendix "II" – Corporate Report R:157, 2019

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**SUPPORTIVE POLICIES AGREEMENT**

**SURREY-LANGLEY SKYTRAIN PROJECT**

THIS SUPPORTIVE POLICIES AGREEMENT made on the \_\_\_\_ day of \_\_\_\_\_, 2020

BETWEEN:

**SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY**, an entity continued under the *South Coast British Columbia Transportation Authority Act* (British Columbia)  
400-287 Nelson’s Court, New Westminster, BC V3L 0E7

(“**TransLink**”)

AND:

**CITY OF SURREY**  
13450 - 104 Avenue, Surrey, BC V3T 1V8

(the “**City**”)

WHEREAS:

- A. TransLink, as the regional transportation authority, has the mandate to plan, prioritize, secure funding and deliver transportation and transit projects and create an integrated transportation and transit system within the Greater Vancouver Regional District pursuant to the *South Coast British Columbia Transportation Authority Act* (British Columbia);
- B. In the 2014 Mayors’ Council Regional Transportation Investments, a Vision for Metro Vancouver report (the “**Mayors’ Vision**”), the Mayors’ Council identified a South of Fraser Light Rail Transit network (the “**LRT Project**”) as a priority to ensure that the transportation needs of the region are met;
- C. At the City’s request, TransLink and the Mayors’ Council have agreed to suspend the LRT Project and instead move forward with planning and development of a 16-kilometre extension of the existing SkyTrain Expo Line from King George Station to Langley Centre along the Fraser Highway (the “**Proposed Extension**”);
- D. The Proposed Extension will provide an alternative to traffic congestion, increase transit network capacity and offer new housing development opportunities, including Affordable Housing, to help meet the transportation and housing goals for the region and the Province;
- E. The City, as the host municipality of the Proposed Extension within the boundaries of the city of Surrey, has the mandate to provide good governance within its municipal boundaries pertaining to the exercise of powers and duties provided to it pursuant to the *Local Government Act*;
- F. The Mayors’ Vision calls on the parties to enter into Project Partnership Agreements (the “**PPAs**”), one of which is this Supportive Policies Agreement, whenever the region is making a major investment involving significant cost and risk, the success of which depends on higher degrees of coordination, collaboration and mutually supportive actions by multiple partners;

- G. TransLink and the City have significant roles and responsibilities with respect to the portion of the Proposed Extension within the boundaries of the city of Surrey (such portion being referred to herein as the “**Project**”);
- H. The City and TransLink, recognizing that multiple partners that are not signatories to this Agreement will have close involvement in the Agreement’s implementation, will act in good faith and make best efforts to undertake the actions, cooperation and support described in this Agreement, acknowledging that achieving the objectives of this Agreement could also be influenced by the potential future actions that may be taken by these non-signatory partners; and
- I. TransLink and the City are committed to implementing the Project.

**NOW THEREFORE:**

The Parties hereby acknowledge, confirm and agree as follows:

**1. INTERPRETATION**

**1.1 Definitions**

In this Agreement, including the Recitals and Schedules hereto, unless otherwise specified or the context otherwise requires, the following words and expressions have the following meanings:

- (a) “**Adjacent and Integrated Development**” means TransLink’s review process of the same name;
- (b) “**Affordable Housing Fund**” means financial contributions collected from development projects under requirements introduced through the City’s Affordable Housing Strategy (adopted in April 2018);
- (c) “**Affordable Housing Policies**” has the meaning set out in Section 6.1;
- (d) “**Affordable Housing**” means a range of housing options which are affordable to households with a range of incomes. This definition will be further refined under the work outlined in Section 6.1
- (e) “**Agreement**” means this Supportive Policies Agreement;
- (f) “**Annual Dashboard**” has the meaning set out in Section 11.1(a);
- (g) “**Bus Network Integration Plan**” has the meaning set out in Section 7.1(a);
- (h) “**City Council**” means the council of the City, the governing body of the city of Surrey;
- (i) “**Collaborate**” means to work in close partnership regarding a decision or initiative, including the development of alternatives and identification of a preferred solution. The lead agency incorporates the advice and recommendations of partner agencies into decisions, to the maximum extent possible;
- (j) “**Fraser Highway SkyTrain Corridor Planning Areas**” means the areas described as such in the OCP;

- (k) **“Inclusionary Housing Policy”** means a suite of policy tools to help incentivize private developers to build affordable market rental housing at below market rents;
- (l) **“Invest Surrey Economic Investment Plan”** means the plan by the same name developed by the City and dated 2017;
- (m) **“Land Use Plans”** has the meaning set out in Section 5.1(a);
- (n) **“LRT Project”** has the meaning set out in Recital B;
- (o) **“Master Plan for Housing the Homeless”** is the plan by the same name, adopted by City Council in 2013;
- (p) **“Mayors’ Council”** means the Mayors’ Council on Regional Transportation as established under the *South Coast British Columbia Transportation Authority Act*;
- (q) **“Mayors’ Vision”** has the meaning set out in Recital B;
- (r) **“Metro Vancouver”** means the Metro Vancouver Regional District;
- (s) **“Metro Vancouver Board”** means the board of directors of Metro Vancouver as the same may be modified from time to time;
- (t) **“Metro Vancouver Transit-Oriented Affordable Housing Study”** means the 2017 study undertaken by Metro Vancouver and as further described in Section 2.4(e);
- (u) **“Monitoring Committee”** has the meaning set out in Section 10.1;
- (v) **“Official Community Plan”** or **“OCP”** means the Official Community Plan of the City adopted on October 20, 2014 under the authority of the *Local Government Act* (British Columbia);
- (w) **“Opening Day”** means the first day upon which the Project opens for service to the public;
- (x) **“Parks, Recreation and Culture Plan”** means the strategic plan dated for 2018 to 2027 by the same name by the City;
- (y) **“Party”** means TransLink or the City, and **“Parties”** means TransLink and the City together;
- (z) **“Performance Measures”** has the meaning set out in Section 10.3(b);
- (aa) **“Performance Report”** has the meaning set out in Section 11.1;
- (bb) **“PPAs”** has the meaning set out in Recital F;
- (cc) **“Project”** has the meaning set out in Recital G;
- (dd) **“Proposed Extension”** has the meaning set out in Recital C;
- (ee) **“Province”** means the Province of British Columbia;

- (ff) **“Regional Affordable Housing Strategy”** has the meaning set out in Section 2.4(d);
- (gg) **“Regional Growth Strategy”** has the meaning set out in Section 2.4(c);
- (hh) **“Regional Transportation Strategy”** has the meaning set out in Section 2.4(b);
- (ii) **“SLS SkyTrain Service”** means the rail rapid transit services provided to customers by way of the Project during the Project’s operations and maintenance stage;
- (jj) **“SLS SkyTrain Station”** means a location along the SLS SkyTrain Service for passenger boarding and alighting;
- (kk) **“SLS Transit Corridor”** means the corridor along which the SLS SkyTrain Service will be operated, as shown on the map attached hereto as Schedule A;
- (ll) **“South of Fraser Rapid Transit Refresh”** means the report of the same name developed by TransLink, dated 2019;
- (mm) **“South of Fraser Area Transit Plan”** means the plan of the same name developed by TransLink;
- (nn) **“Subcommittee”** has the meaning set out in Section 10.3(g);
- (oo) **“Surrey Affordable Housing Strategy”** means the strategy by the same name developed by the City and dated 2018;
- (pp) **“Surrey City Centre”** is the area identified as such in the Surrey City Centre Plan;
- (qq) **“Surrey City Centre Plan”** means the plan by the same name developed by the City and dated January 2017;
- (rr) **“TDM”** has the meaning set out in Section 2.3(f);
- (ss) **“Transit-Oriented Communities Design Guidelines”** means the design guidelines developed by TransLink in consultation with municipal, Metro Vancouver and provincial government stakeholders, published in July 2012;
- (tt) **“Transport 2050”** means the strategy of the same name under development by TransLink and set out in a Phase 1 report dated December 2019; and
- (uu) **“Transportation Strategic Plan”** means the plan by the same name developed by the City and dated 2008.

## 1.2 Recitals and Schedules

The Recitals and all Schedules to this Agreement are incorporated into and form an integral part of this Agreement.

## 1.3 Number and Gender

In this Agreement, words importing the singular number include the plural and vice versa and words importing the neuter, masculine or feminine genders include all genders.

#### **1.4 Headings**

The headings in this Agreement have been inserted for convenience of reference only and will not affect in any way the meaning or interpretation of this Agreement.

#### **1.5 Statutory References**

Each reference in this Agreement to an enactment is deemed to be a reference to that enactment, and to the regulations made under that enactment, as the same may be amended or re-enacted from time to time.

#### **1.6 References to Plans**

Each reference in this Agreement to a plan or similar document, such as the Official Community Plan or the Regional Growth Strategy, is deemed to be a reference to that plan or document as the same may be amended from time to time.

#### **1.7 Status of Agreement**

As governmental or public authorities, the Parties are documenting their good faith commitments to each other to undertake the actions, cooperation and support described in this Agreement in a diligent and timely manner to achieve the Project objectives described below in Section 2. As governmental or public authorities, each Party acknowledges that it is governed by officials who are duty-bound to enact by-laws and policies in accordance with the mandates stipulated in each Party's governing legislation. As such, and despite any other term of this Agreement to the contrary, the Parties acknowledge and agree that this Agreement is not intended to, and will not operate so as to, create legally binding rights and obligations nor to fetter the lawful discretion and powers of either Party with respect to the subject matter of this Agreement.

#### **1.8 Effective Date**

Notwithstanding the execution date of this Agreement, the effective date of this Agreement is the date upon which the Mayors' Council approves an investment plan (as defined in and required by the *South Coast British Columbia Transportation Authority Act*) that includes the implementation of the Project.

### **2. PRINCIPLES AND OBJECTIVES**

#### **2.1 Objective of this Agreement**

The central objective of this Agreement is to confirm and provide certainty regarding the policy commitments of TransLink and the City which are mainly outside the direct scope of the Project, but which will have a significant impact on the achievement of the Project's objectives. These commitments are intended to be interpreted and applied having regard to the Project objectives (as set out in section 2.2), Project principles (as set out in section 2.3) and broad policy objectives (as set out in section 2.4).

#### **2.2 Project Objectives**

The Project objectives, as fully supported by the Parties, are to:

- (a) provide fast, frequent, reliable and convenient transportation, together with a great user experience;

- (b) use public funds efficiently to maximize the span of the Project and ultimately the Proposed Extension, all in a manner that will result in a constructible and operable Project that is acceptable to the public;
- (c) provide a high-quality urban design that will support, and integrate with, current and future land uses along the Project corridor;
- (d) increase affordable access to various opportunities such as employment, schools, and a range of housing options and services;
- (e) support healthy communities and a healthy environment by managing various Project impacts; and
- (f) advance local and regional prosperity by facilitating movement of people and goods.

### 2.3 Agreement Principles

The success of this major regional investment is dependent on each Party clearly prioritizing, within their respective agencies, the allocation of resources and alignment of policy in the SLS Transit Corridor. The key elements to successful transportation system performance for this Project include transit-supportive land use along the entire corridor, Affordable Housing policies, a complete street approach, and urban design. The Parties affirm their commitment to advancing the principles of the Transit-Oriented Communities Design Guidelines and Surrey Official Community Plan in the planning, design and implementation of the Project as follows:

- (a) Destinations: the coordination of land use and transportation, focusing on high demand destinations along the SLS Transit Corridor;
- (b) Distance: the continued development of a pedestrian and bicycle-friendly street network to support transit use;
- (c) Design: the design of a public realm accessible to people of all ages and abilities, whether they be walking, cycling, using transit, pushing a stroller, or using a mobility device;
- (d) Density: the concentration of homes, jobs, and key activities within walking distance of SLS SkyTrain Stations at a level appropriate to support the transit investment;
- (e) Diversity: the provision of diverse land uses and housing for a range of types, residential tenures and household incomes; and
- (f) Demand Management: the use of transportation demand management (“TDM”) measures like parking pricing and reduced parking requirements to promote walking, cycling and transit in the SLS Transit Corridor.

## 2.4 Broad Policy Objectives

Throughout the lifecycle of the Project, the Parties will continue to support the following regional and provincial initiatives and policies:

- (a) provincial government initiatives to improve public transit in the transportation service region and to increase the net new supply of Affordable Housing while preserving current residents' access to Affordable Housing stock;
- (b) regional transportation policies as contained in the current regional transportation strategy (the “**Regional Transportation Strategy**”), which identified the SLS Transit Corridor as a Regional Priority in 2013 and was adopted by the TransLink Board of Directors;
- (c) regional growth management policies as contained in the current Metro Vancouver Regional Growth Strategy adopted by the Metro Vancouver Board of Directors (the “**Regional Growth Strategy**”);
- (d) regional Affordable Housing policies as contained in the Regional Affordable Housing Strategy, which was adopted by the Metro Vancouver Board of Directors in 2016 (the “**Regional Affordable Housing Strategy**”), and which recognizes the shortage of Affordable Housing in Metro Vancouver and includes a goal of increasing the supply of rental housing along TransLink's Frequent Transit Network (a network of corridors where transit service runs at least every 15 minutes in both directions throughout the day and into the evening, 7 days a week);
- (e) the Metro Vancouver Transit-Oriented Affordable Housing Study, the intent of which is to expand the knowledge of practitioners and decision-makers about the challenges and opportunities to increase the net new affordable rental housing supply near the region's Frequent Transit Network; and
- (f) the Transit-Oriented Communities Design Guidelines, the key elements of which inform the structure of this Agreement and which demonstrate the fundamentality of community design to the promotion of transit, walking, cycling, and place-making.

## 3. CONTINUATION OF EXISTING PLANS AND INITIATIVES

### 3.1 Existing City Plans and Initiatives

The City has previously completed or initiated a significant amount of work in preparation for the Project and toward the achievement of the objectives and principles described in section 2. For the continuation of that work, the City hereby commits to maintain in place and/or follow through with the implementation of the following:

- (a) an updated Official Community Plan to designate transit-supportive density in Surrey City Centre and the Fraser Highway SkyTrain Corridor Planning Areas, including policy statements that prioritize rapid transit corridors and urban centres as locations for higher density residential, commercial and institutional development (such policy statements include Objective A2, Policies A1.3(a), A1.5(a), A2.1, A2.6, A2.6(a), Objective B3, Policies B3.1, B3.2, B3.5, B3.6, B3.9, B3.10, Objective C2, Policy C2.24 of the OCP);

- (b) the update to the Surrey City Centre Plan to reinforce transit-supportive densities, transit-oriented land uses, urban design and street standards;
- (c) various approved supporting plans and strategies including the Invest Surrey Economic Investment Plan;
- (d) the constructed new civic precinct within Surrey City Centre as a catalyst for the further development of Surrey City Centre;
- (e) housing initiatives, including: (i) the Master Plan for Housing the Homeless; (ii) the Surrey Affordable Housing Strategy and (iii) related city housing policies;
- (f) the comprehensive Parks, Recreation and Culture Plan, which provides for significant investment in cultural facilities in the SLS Transit Corridor;
- (g) the identification in the OCP of the boundaries of the Fraser Highway SkyTrain Corridor Planning Areas (March 2019);
- (h) the inclusion of statements in the OCP demonstrating the City's commitment to the SLS Transit Corridor as a priority area for development within the City, with the objective of the SLS Transit Corridor accommodating an increasing proportion of the City's growth (March 2019);
- (i) the ongoing development and adoption of Land Use Plans within the Fraser Highway SkyTrain Corridor Planning Areas, including an updated plan for Fleetwood and a new land use plan in East Cloverdale, with the objective of stimulating transit-oriented development. Transportation planning for these areas, including cycling and walking, will be incorporated into the land use plans;
- (j) the development of a City-wide housing needs report, describing current and anticipated housing needs, as required under the *Local Government Act*;
- (k) the ongoing update of the Transportation Strategic Plan, which will replace existing plans, including the City's walking and cycling plans; and
- (l) the finalization of a memorandum of understanding with Simon Fraser University (Surrey Campus) to support the growth and expansion of Simon Fraser University in Surrey City Centre.

#### **4. DESTINATIONS: COORDINATE LAND USE AND TRANSPORTATION**

##### **4.1 Frequent Transit Development Areas**

By Opening Day:

- (a) the City will, in collaboration with TransLink and Metro Vancouver, identify and designate appropriate segments of the SLS Transit Corridor as Frequent Transit Development Areas (as defined by Metro Vancouver) for incorporation into the City's Regional Context Statement (a document required to be approved by the Metro Vancouver Board); and

- (b) TransLink will Collaborate with the City to identify and endorse appropriate segments of the SLS Transit Corridor as Frequent Transit Development Areas.

#### **4.2 Developments around SLS SkyTrain Stations**

- (a) The City will seek TransLink and the Province's input as early as possible in the planning process on applications for developments in close proximity to SLS SkyTrain Stations to achieve the best possible land use, housing, transportation and design outcomes. The precise geographic limit will be agreed upon by the City and TransLink based on planning considerations such as transit passenger movements, other transportation mode needs and government owned lands. For clarity, this responsibility is in addition to the requirements of the City to seek TransLink input on developments that have implications for the regional transportation system and to direct developers to engage in the Adjacent and Integrated Development review process.
- (b) TransLink will provide input to the City on proposed developments in close proximity to SLS SkyTrain Stations to ensure the best possible land use, housing, transportation and design outcomes, allocating staff and in-kind resources consistent with the City's development review schedules and sufficient for their desired level of involvement. The precise geographic limit will be agreed upon by the City and TransLink based on planning considerations such as transit passenger movements, other transportation mode needs and government owned lands. For clarity, this responsibility is in addition to the requirements of TransLink to provide input to municipalities on developments that have implications for the regional transportation system and to engage developers in the Adjacent and Integrated Development review process.
- (c) The City and TransLink will, concurrent with or subsequent to the development of the Land Use Plans, Collaborate on details regarding the public realm to identify transit, street and other related improvements in close proximity to SLS SkyTrain Stations. The precise geographic limit will be agreed upon by the City and TransLink based on planning considerations such as transit passenger movements, other transportation mode needs and government owned lands. For clarity, this responsibility is in addition to the requirement of the City to seek TransLink input, and the requirement of TransLink to provide input, on plans that have implications for the regional transportation system.

### **5. DENSITY: CONCENTRATE AND INTENSIFY ACTIVITIES IN TRANSIT CORRIDOR**

#### **5.1 Land Use Plans**

- (a) The City intends to prepare and adopt the following Land Use Plans by the dates set out beside each Land Use Plan below:
  - (i) Surrey City Centre Plan update – complete by end of 2021;
  - (ii) Fleetwood Plan – complete by the end of summer of 2022;
  - (iii) West Clayton Plan update – complete by end of 2022;
  - (iv) East Clayton Plan update – complete by end of 2022;

- (v) East Cloverdale Plan – complete by end of 2023;  
(collectively, the “**Land Use Plans**”).
- (b) Each of the Land Use Plans will:
  - (i) incorporate land uses, densities and forms of residential tenure which result in planned population and job growth that exceeds the population and job projections used in the approved SLS Business Case ridership forecasts for those land use plan areas, as shown in Schedule B; and
  - (ii) meet or exceed the objectives of the Regional Growth Strategy.
- (c) As a component of each Land Use Plan and upon the same timeline and boundaries as set out for each respective Land Use Plan, the City will prepare dwelling unit and employment targets consistent with the targets set out in the Regional Growth Strategy and the OCP from the year in which Opening Day occurs to the year 2045.
- (d) The City will Collaborate with TransLink and the Province on the development of Land Use Plans to achieve integrated land use and transportation planning, recognizing that it is the City’s responsibility and mandate under the *Local Government Act* to develop and approve its Land Use Plans, housing needs reports, and housing policies. TransLink and the Province’s involvement will focus on input towards the identification of dwelling unit and employment targets that support ridership in the SLS Transit Corridor. The dwelling unit and employment targets will be consistent with the targets set out in the Regional Growth Strategy, the OCP, and the current and anticipated housing needs identified in the City’s housing needs report. Affordable Housing targets for the corridor will be developed using this information prior to transit line construction beginning, recognizing that changes to permitted density, zoning, other land use policies, as well as external funding support, will also be needed.
- (e) TransLink will Collaborate with the City to develop the Land Use Plans and allocate staff and in-kind resources consistent with the City’s Land Use Plan production schedules and sufficient for their desired level of involvement.

## 5.2 Land Use Plan Reviews

- (a) Approximately every five years, the City will consider a review of the Land Use Plans to identify opportunities for transit-oriented development, reflect current market conditions and respond to the most recent housing needs report.
- (b) TransLink will Collaborate with the City with respect to such reviews of the Land Use Plans.

## 5.3 OCP Amendment

Within six (6) months of City Council approval of each Land Use Plan, the City will implement amendments to the OCP which reflect and enshrine all approved Land Use Plans for the SLS Transit Corridor.

## **6. DIVERSITY: ENCOURAGE MIXED USES, INCLUDING HOUSING TYPES AND RESIDENTIAL TENURES**

### **6.1 Affordable Housing Policies**

- (a) In an effort to ensure that residents of all income groups benefit from this significant public transit investment, and in recognition that the housing market is unlikely to deliver housing that is affordable to lower income renters without direction and support from all levels of government, the private and the non-profit sectors, the signatories agree to work together to encourage net new supply in the SLS Transit Corridor to meet housing targets set out in the “Affordable Housing Policies.”
- (b) As part of the City’s process to adopt new and updated Land Use Plans for the SLS Transit Corridor, the City will develop and adopt, in the context of the Surrey Affordable Housing Strategy, the City’s future housing needs report and housing demand estimates, the Regional Growth Strategy and the Regional Affordable Housing Strategy, and Affordable Housing policies (“**Affordable Housing Policies**”) for the SLS Transit Corridor.
- (c) the Affordable Housing Policies for the SLS Transit Corridor will set out affordable housing targets and associated external funding needs where appropriate. These will be defined by housing structure type, unit size and tenure, as identified in the City’s housing needs report.
- (d) The Affordable Housing Policies will encourage and support an appropriate range of affordability levels, unit sizes, residential tenures, levels of support for residents, and types of structures, including specialized housing as identified in the housing needs report. The policies will also include approaches to preserving and/or replacing existing rental housing stock.
- (e) As part of development of the Affordable Housing Policies for the SLS Transit Corridor, the City will develop a set of performance measures and indicators to assist in tracking progress toward meeting Affordable Housing targets and associated external funding needs, within the SLS Transit Corridor.
- (f) The City will Collaborate with TransLink, Metro Vancouver and the Province on the development of the Affordable Housing Policies, which will be developed concurrently with the City’s housing needs report initiating in 2020 and completed by end of 2021.
- (g) TransLink will Collaborate with the City, Metro Vancouver and the Province on the development of the Affordable Housing Policies and will contribute technical information and analysis to the planning process as available and as appropriate.

### **6.2 Purpose-Built Rental Housing,**

- (a) As part of development of the Affordable Housing Policies for the SLS Transit Corridor, and in line with Surrey’s Affordable Housing Strategy and densities outlined in the SLS Business Case, the City will create policies to incentivize purpose-built rental in the SLS Transit Corridor. The City will take all reasonable steps within its

authority to include in the Affordable Housing Policies actions and measures for the SLS corridor that:

- (i) preserve existing residents' access to affordable rental housing, and particularly non-market rental housing, through rental replacement policies;
- (ii) encourage the retention and increase the supply of purpose-built rental housing, and particularly affordable and non-market family housing;
- (iii) provide incentives such as development cost charge reductions, density bonuses, parking requirement reductions and other means to encourage the development of affordable rental housing;
- (iv) leverage tools such as the City's Affordable Housing Fund to contribute towards cost-sharing for below-market, affordable purpose-built rental housing;
- (v) explore the use of tools such as the recently-approved rental tenure zoning and housing agreements; and
- (vi) evaluate and consider the implementation of an Inclusionary Housing Policy in order to help meet demand for affordable rental housing.

### **6.3 Government and Non-Profit-Owned Sites**

- (a) The City will:
  - (i) through the Subcommittee, Collaborate with TransLink, the Province, Metro Vancouver, the federal government, Fraser Health Authority, the non-market housing sector and, at the City's discretion, any other institutional partners to determine, for the purpose of development of Affordable Housing, the feasibility of land assembly, existing large sites in the SLS Transit Corridor, and government- or Crown corporation-owned property; and
  - (ii) ensure the Subcommittee reports on findings by the end of 2021.
- (b) TransLink will:
  - (i) participate in this work through the Subcommittee;
  - (ii) by the end of 2020, complete a market assessment and review of opportunities for land assembly, sale or redevelopment for Affordable Housing of TransLink-owned sites in the SLS Transit Corridor; and
  - (iii) explore any new opportunities related to Affordable Housing stemming from TransLink's real estate explorations around property development.

#### **6.4 Retail and Office Development**

The City will:

- (a) continue to prioritize the advancement of Surrey City Centre as the preferred location for major office space and institutions, as identified in the OCP and Regional Growth Strategy;
- (b) continue to Collaborate with the Province, Metro Vancouver and industry groups to examine necessary market conditions for the attraction of major public and private sector office space in Surrey City Centre, as identified in the Invest Surrey Economic Investment Plan;
- (c) continue to encourage major retail facilities, including destination retail, and other office uses in Surrey City Centre, as identified in the OCP; and
- (d) designate in each Land Use Plan land uses that will provide opportunities for local services at appropriate locations, including Fleetwood Town Centre and at SLS SkyTrain Stations.

#### **6.5 Industrial and Mixed Employment**

The City will ensure that land designated as “Industrial and Mixed Employment” in the Regional Growth Strategy will be reserved for industrial and mixed employment uses and intensified for jobs as appropriate.

#### **6.6 Agricultural Lands and Urban Containment**

The City will ensure the ongoing protection of existing agricultural lands for permitted agricultural uses and the containment of new residential and employment growth inside the Urban Containment Boundary (as identified by Metro Vancouver), consistent with the provisions of the Regional Growth Strategy.

#### **6.7 Institutional and Community Services**

- (a) The City will:
  - (i) identify in each Land Use Plan locations for institutional facilities and community services;
  - (ii) Collaborate with regional and senior levels of government and other public institutions to identify, in each Land Use Plan, opportunities to locate institutional and public facilities along the SLS Transit Corridor; and
  - (iii) following approval of the Land Use Plans, update as needed the approved capital facilities identified in the Parks, Recreation and Culture Strategic Plan for the SLS Transit Corridor.
- (b) TransLink will, as part of the transit system-wide review of customer washroom facilities completed in 2018, identify potential opportunities for providing access to washrooms at SLS SkyTrain Stations.

## **7. DISTANCE: CREATE A WELL-CONNECTED STREET AND BUS NETWORK**

### **7.1 Bus Network Integration**

- (a) TransLink will prepare a bus network integration plan (the “**Bus Network Integration Plan**”) that identifies modifications to bus connections to new SLS SkyTrain Stations. TransLink will complete this planning work by the end of 2023 and implement the modifications by Opening Day.
- (b) The City will Collaborate with TransLink on the preparation of the Bus Network Integration Plan to ensure that it reflects the City’s long-term vision for the future of transit in Surrey.
- (c) The Bus Network Integration Plan will:
  - (i) identify routes to be removed to reduce duplication;
  - (ii) identify how service hours will be reallocated toward connecting bus services, with the assumption that all saved resources will be reinvested in the City of Surrey;
  - (iii) modify levels of service, hours of operation, operating patterns and stop locations, as necessary, to ensure direct connections to SLS SkyTrain Stations on Opening Day, with broader network changes to be addressed through a future update of the South of Fraser Area Transit Plan;
  - (iv) identify opportunities to maintain or enhance the speed and reliability of existing bus service through transit priority measures, including measures that may be implemented prior to Opening Day; and
  - (v) provide coordination with other plans and projects, including the 2020-2029 Investment Plan, the South of Fraser Rapid Transit Refresh, Transport 2050 and the future update of the South of Fraser Area Transit Plan.
- (d) TransLink will provide cost-sharing opportunities for the foregoing transit priority measures based on the regional funding contained in TransLink’s 2018-2027 Investment Plan and any relevant future investment plans.
- (e) The City will consider the SLS Transit Corridor one of the high priority routes when applying for regional funding and if the City’s application is approved, the City will be required to cost-share as appropriate.
- (f) TransLink will monitor service changes implemented and incorporate the results into service planning and the future update of the South of Fraser Area Transit Plan.

### **7.2 Cycling Strategy**

- (a) The City will, as a component of each Land Use Plan:
  - (i) prepare a fully-costed set of recommended cycling improvements for connections to SLS SkyTrain Stations, separated cycling infrastructure along the SLS Transit Corridor, and bicycle parking;

- (ii) consider opportunities for early delivery of cycling improvements prior to Opening Day;
  - (iii) seek cost-sharing opportunities from TransLink for the implementation of the cycling improvements.
- (b) The City will incorporate recommended cycling improvements into its Transportation Strategic Plan, capital improvement programs and other transportation plans, as appropriate.
  - (c) The City will seek opportunities to implement cycling improvements through the rezoning and redevelopment of private property.
  - (d) TransLink will contribute technical support to the development of the recommended cycling improvements, as requested by the City.
  - (e) To contribute to the implementation of secure, publicly-accessible bicycle parking at those SLS stations where such parking is not delivered by the Project:
    - (i) The City will assess opportunities for development to contribute toward publicly-accessible bicycle parking on a site-specific basis through parking relaxations, where appropriate.
    - (ii) TransLink will provide cost-share opportunities for publicly-accessible bicycle parking in accordance with the existing Bicycle Infrastructure Capital Cost Sharing (BICCS) and Major Road Network and Bike (MRNB) allocated and competitive funding programs and will assess opportunities to fund these improvements through the regional cycling infrastructure budget.
    - (iii) TransLink will provide ongoing operation and maintenance for those sites owned by TransLink, as consistent with existing facilities, or as otherwise agreed for sites not owned by TransLink.
  - (f) TransLink will provide cost-share opportunities for cycling improvements in accordance with the existing Bicycle Infrastructure Capital Cost Sharing (BICCS) and Major Road Network and Bike (MRNB) allocated and competitive funding programs. Separated cycling infrastructure along SkyTrain corridors is an important component of TransLink's cycling goals. As such, these works would be viewed favourably for TransLink's competitive funding and would be eligible for up to 75 percent TransLink cost sharing.
  - (g) TransLink will investigate other funding opportunities and, if available, will include such funding opportunities in future versions of TransLink's investment plan (as defined in and required by the *South Coast British Columbia Transportation Authority Act*).

### 7.3 Pedestrian Strategy

- (a) The City will, as a component of each Land Use Plan:
  - (i) prepare a fully-costed set of recommended pedestrian improvements for connections to SLS SkyTrain Stations, including pedestrian facilities along the SLS Transit Corridor;
  - (ii) consider opportunities for early delivery of pedestrian improvements prior to Opening Day;
  - (iii) seek cost-sharing opportunities from TransLink for the implementation of the pedestrian improvements;
- (b) The City will incorporate recommended pedestrian improvements into its Transportation Strategic Plan, capital improvement programs and other transportation plans, as appropriate.
- (c) The City will seek opportunities to implement pedestrian improvements through the rezoning and redevelopment of private property.
- (d) TransLink will contribute technical support to the development of the recommended pedestrian improvements, as requested by the City.
- (e) TransLink will provide cost-share opportunities for pedestrian improvements in accordance with the existing Walking Infrastructure to Transit (WITT) allocated and competitive funding program. Pedestrian infrastructure around SLS SkyTrain Stations is an important component of TransLink's walking goals. As such, these works would be viewed favourably for TransLink's competitive funding. Improvements near SLS SkyTrain Stations would be eligible for at least 50 percent TransLink cost sharing, with up to 75 percent cost sharing available if the improvement is also located in an Urban Centre or Frequent Transit Development Area.
- (f) TransLink will investigate other funding opportunities and, if available, will include such funding opportunities in future versions of TransLink's investment plan (as defined in and required by the *South Coast British Columbia Transportation Authority Act*).

## 8. DESIGN: CREATE PLACES FOR PEOPLE

### 8.1 Urban Design Considerations

- (a) As a component of the Land Use Plans, the City will develop, with input from TransLink, urban design and streetscape guidelines to advance place-making for the SLS Transit Corridor, as informed by the City's OCP and the Surrey City Centre Plan design guidelines and street standards.
- (b) Recognizing that the Project will introduce a new source of noise to the environment along the SLS Transit Corridor:

- (i) The City will enact, in consultation with TransLink, development guidelines for noise mitigation for building facades that face the SLS SkyTrain Service.
- (ii) TransLink will utilize noise thresholds in transit infrastructure design to mitigate ambient noise impacts associated with the SLS SkyTrain Service.

## 8.2 OCP Development Permit Provisions

By the end of 2021, the City will review and revise as needed the development permit guidelines in the OCP to support transit-oriented development in the SLS Transit Corridor.

## 9. DEMAND MANAGEMENT: DISCOURAGE UNNECESSARY DRIVING

### 9.1 Parking

- (a) The City will, as a component of each Land Use Plan:
  - (i) develop appropriate off-street parking requirements for new developments along the SLS Transit Corridor;
  - (ii) explore options for further parking reductions along the SLS Transit Corridor; and
  - (iii) consider parking supply and demand management for residential uses, including rental housing, and for retail and office uses, which will build upon the reduced parking rates in Surrey City Centre that were based on transit accessibility.
- (b) The City will:
  - (i) within 18 months of establishing the new parking requirements as set out in 9.1(a)(i) above, amend the existing City parking bylaw to implement the requirements; and
  - (ii) complete an examination, with BC Housing Management Commission, Metro Vancouver, TransLink and building owners, of existing parking utilization rates at existing rental housing sites by 2022.
- (c) TransLink and the City will Collaborate to advance research and recommendations on passenger zone management near SLS SkyTrain Stations to support pick-up and drop-off.

### 9.2 Transportation Demand Management

TransLink and the City will work together to implement a range of TDM initiatives for the SLS Transit Corridor, as part of TransLink's TravelSmart program. TransLink will implement such TDM initiatives at the commencement of construction of the Project.

## 10. MONITORING COMMITTEE

### 10.1 Monitoring Committee

Before the end of 2020, the City and TransLink will establish a multi-stakeholder committee (the "Monitoring Committee") to: (i) review the performance of land use and transportation outcomes for the

SLS Transit Corridor; and (ii) monitor compliance by each Party with the commitments and responsibilities set out in this Agreement.

## 10.2 Composition

The Monitoring Committee will be comprised of, at a minimum, one or more senior representatives from the Parties, the Province, and such other members as the Parties may agree from time to time. The City and TransLink will invite and encourage senior representatives from Metro Vancouver to be represented on the Monitoring Committee. The Monitoring Committee will be chaired by a TransLink representative.

## 10.3 Duties and Responsibilities

The duties and responsibilities of the Monitoring Committee will include:

- (a) establishing its “Terms of Reference” based on the direction provided in the Agreement and on the timeline determined at the initial meeting;
- (b) measuring the effectiveness of this Agreement by monitoring changes along the SLS Transit Corridor across the following areas:
  - (i) population and employment growth;
  - (ii) net new Affordable Housing supply;
  - (iii) transit performance;
  - (iv) mode split;
  - (v) cycling performance; and
  - (vi) pedestrian performance;(collectively, the “**Performance Measures**”)
- (c) defining specific metrics for the Performance Measures, and refining these Performance Measures and metrics, as and when needed, with consideration to data availability, with the intent that the Performance Measures inform the Annual Dashboard and Performance Report (as defined below);
- (d) monitoring and evaluating the outcomes of the Performance Measures, including the associated metrics, and the commitments of each Party as set out in this Agreement;
- (e) provide City Council, the Mayors’ Council and the TransLink Board of Directors with the Annual Dashboard (as defined below);
- (f) provide City Council, the Mayors’ Council and the TransLink Board of Directors with the Performance Report (as defined below);
- (g) establishing a staff subcommittee (the “**Subcommittee**”) comprised of staff from those agencies represented on the Monitoring Committee, to report to the Monitoring Committee and support the Monitoring Committee’s duties and responsibilities; and
- (h) consider such other matters that the members deem advisable.

## 10.4 Meetings

- (a) The Monitoring Committee will hold a meeting, at a location specified by the City and TransLink, at least once each year, and from time to time, as necessary and agreed by the Parties.
- (b) Meetings of the Monitoring Committee should be scheduled to align (i) to the extent possible with release times for relevant data sources and other planning milestones (including, without limitation, Census, Trip Diary, Regional Context Statement update), recognizing the need to prioritize in the case of multiple events in any given year, and (ii) with key milestones for the Project and related future phases of the Project, and the meeting schedule will include:
  - (i) a meeting prior to Opening Day;
  - (ii) a meeting prior to the issuance of the Request for Qualifications and a subsequent meeting prior to the issuance of the Request for Proposals for related future phases of the Project and for future rapid transit projects in the City;
  - (iii) such other meetings which align with other key milestones for the Project, as identified by the members of the Monitoring Committee.
- (c) TransLink will keep minutes of all recommendations and meetings of the Monitoring Committee and circulate such minutes to the City within such time period specified in the Terms of Reference for the Committee.
- (d) The City and TransLink will work together to produce the following materials in connection with each meeting of the Monitoring Committee:
  - (i) a joint report from TransLink and City staff to the Monitoring Committee;
  - (ii) presentation materials, if applicable;
  - (iii) meeting minutes for the previous meeting; and
  - (iv) status of action items identified at previous meetings.
- (e) The Monitoring Committee will hold its initial meeting before the end of the year 2020. In such initial meeting the Monitoring Committee will:
  - (i) discuss timelines on which it will (i) establish its “Terms of Reference”, and (ii) define detailed processes for how it will carry out its mandate as set out in this Agreement;
  - (ii) discuss and set an appropriate meeting schedule, addressing the meetings schedule needs set out in section 10.4(b);
  - (iii) discuss and set the timing for the delivery of the first Annual Dashboard and first Performance Report;
  - (iv) discuss a role for Metro Vancouver in providing data reporting coordination for the Annual Dashboard and Performance Report.

## **11. PERFORMANCE REPORTING, DOCUMENTATION AND REVIEW OF PROCESS**

### **11.1 Monitoring Committee Annual Dashboard**

- (a) The City and TransLink will work jointly and cooperatively to prepare an Annual Dashboard that highlights the outcomes of the Performance Measures and reports on the tracking of the Agreement commitments, with high level commentary rather than in-depth analysis (the “**Annual Dashboard**”).

### **11.2 Monitoring Committee Performance Report**

- (a) The City and TransLink will work jointly and cooperatively to prepare a comprehensive report every three to five years documenting (i) the progress on the Performance Measures, (ii) progress on all commitments and responsibilities of each Party as set out in this Agreement, and (iii) any other relevant data or measures identified by members of the Monitoring Committee (the “**Performance Report**”).
- (b) The Performance Report will also include actions recommended by the Monitoring Committee to address any unmet commitments or responsibilities in this Agreement and any concerns with respect to land use or transportation outcomes. The City will present the Performance Report to City Council and TransLink will present the Performance Report to the TransLink Board of Directors and to the Mayors’ Council.
- (c) The Monitoring Committee will decide at its first meeting in 2020 the frequency of the Performance Report, which should be between three and five years, and the timing for the first Annual Dashboard and first Performance Report.

### **11.3 Monitoring Committee Timeline**

The Monitoring Committee will be responsible for meeting and creating Performance Reports and Annual Dashboards until twenty years after Opening Day, or 2045, whichever is later. The Monitoring Committee will cease to exist after this time unless an extension is agreed to by both parties.

### **11.4 Review and Assessment**

The City and TransLink will work jointly and cooperatively to review and assess over time the structure of the Monitoring Committee and the overall monitoring process set out in this Agreement. Any changes to be made to the Monitoring Committee or the overall monitoring process herein stated must have the agreement of the representatives of TransLink and the City on the Monitoring Committee.

For clarity, the opportunity for review set out in the preceding paragraph is based on the recognition of expected changes over time related to data availability, organizational structures, project planning and implementation, and other factors not necessarily known to the Parties at the outset of this Agreement. In addition, it may be appropriate to reduce over time the frequency of the meetings of the Monitoring Committee or delivery of Performance Reports.

### **11.5 Information and Data Collection**

- (a) The default geographic scope for Performance Measures data collection will be those boundaries as defined by the Land Use Plans. Where appropriate, the Monitoring Committee shall consider data collection at a narrower or broader geographic scope

so as to be either more focused where needed, or to capture other potential development and housing opportunities, as well as connecting multi-modal transportation networks.

- (b) The City and TransLink shall collect, document and provide to the Monitoring Committee, in advance of each meeting of the Monitoring Committee, the most current available data outcomes for those metrics in the Performance Measures framework to be fully defined by the Monitoring Committee per section 10.3(c).

## **12. MISCELLANEOUS**

### **12.1 General**

The parties will revisit this Agreement as is necessary to ensure the Agreement continues to meet the Project needs.

This Agreement is a statement of intent to summarize the collective wishes of the parties and to illustrate the parties' mutual support of the Project.

This Agreement may be executed in counterparts, and when counterparts have been executed by the parties, each originally executed counterpart, whether a facsimile, photocopy, PDF or original, will be effective as if one original copy had been executed by the parties.

As governmental or public authorities, the Parties are documenting their good faith commitments to each other to undertake the actions, cooperation and support described in this Agreement in a diligent and timely manner to achieve the Project objectives.

As governmental or public authorities, each party acknowledges that it is governed by officials who are duty-bound to enact by-laws and policies in accordance with the mandates stipulated in each Party's governing legislation. As such, and despite any other term of this Agreement to the contrary, the Parties acknowledge and agree that this Agreement is not intended to, and will not operate so as to, create legally binding rights and obligations nor to fetter the lawful discretion and powers of either party with respect to the subject matter of this Agreement.

### **12.2 Dispute Resolution**

As noted in section 1.7, but subject to the limitations on this Agreement noted in section 1.7, each Party is fully committed to pursue in good faith the adoption, implementation, continuation and maintenance of the policies, plans, initiatives, tasks and actions they have each respectively agreed to in this Agreement.

In the event the Parties at the Monitoring Committee level are not able to resolve a disagreement over the interpretation or application of any Agreement provision in any circumstance, or in the event one Party has not performed an obligation or followed through with a commitment set out in this Agreement and the Parties cannot agree on what measures or steps should be taken, and by who, to rectify or remedy the situation, and to mitigate the potential adverse impacts to the Project, the Parties will immediately refer the matter in dispute to the Vice President of Transportation Planning and Policy at TransLink and the General Manager, Engineering at the City, who will meet in person on a priority basis to diligently discuss in good faith a possible resolution. If such individuals cannot resolve the matter in dispute within 15 days of meeting in person (or such other time as the Parties agree), the Parties will immediately refer the matter in dispute to the CEO of TransLink and the City Manager of the City for resolution.

### 12.3 Amendments

This Agreement may not be modified or amended except by an instrument in writing signed by each of the Parties.

### 12.4 Further Assurances

Each of the Parties will work cooperatively with each other and do all further acts and things as may be reasonably required in support of the commitments in this Agreement.

### 12.5 Notice

All notices required or permitted to be given under the terms of this Agreement will be in writing and may be delivered personally, by email, by courier or may be forwarded by first class prepaid registered mail to the addresses set forth on page 1 of this Agreement or at such other addresses as may from time to time be notified in writing by the Parties. Any notice delivered will be deemed to have been given and received at the time of delivery.

### 12.6 Assignment

This Agreement and the rights, duties and obligations of any Party under this Agreement will not be assigned by any Party without the prior written consent of the other Party, which consent may be arbitrarily or unreasonably withheld, and any attempt to assign the rights, duties or obligations under this Agreement without such prior written consent will be of no effect.

IN WITNESS WHEREOF the Parties have executed this Agreement on the day and year first above written:

**SOUTH COAST BRITISH COLUMBIA  
TRANSPORTATION AUTHORITY**, by its  
authorized signatory

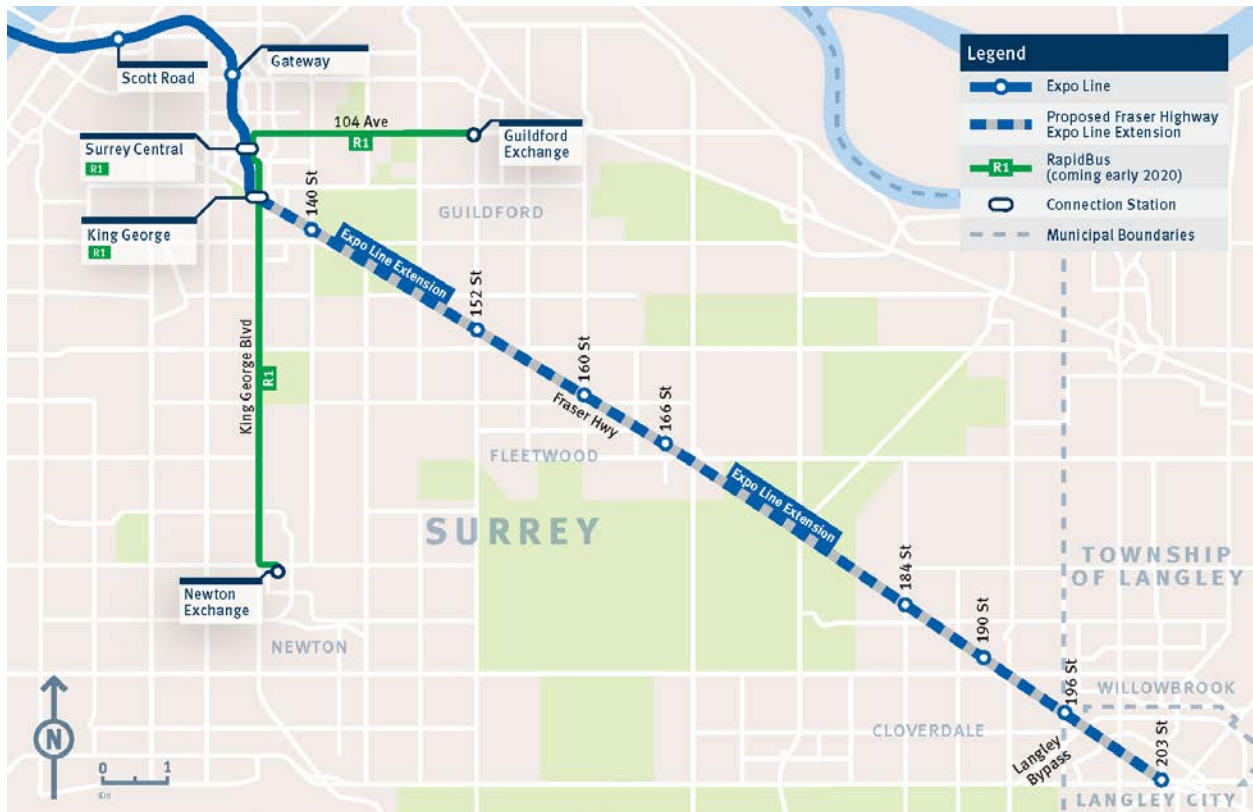
By: \_\_\_\_\_  
Name:  
Title:

**CITY OF SURREY**, by its authorized signatory

By: \_\_\_\_\_  
Name:  
Title:

**SCHEDULE A:**  
**SLS TRANSIT CORRIDOR MAP**

See attached.



## SCHEDULE B:

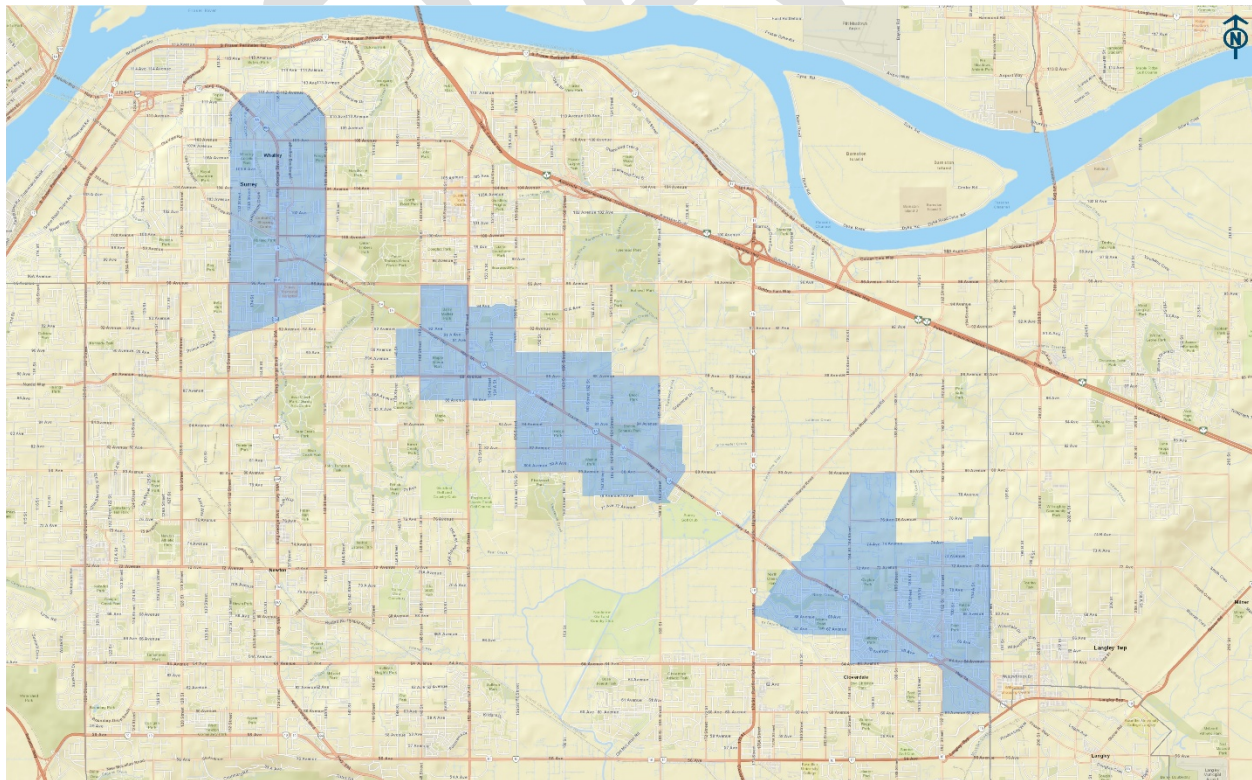
### Population and Employment Projections To Be Exceeded in the Planned Growth for the SLS Corridor Land Use Plans Area

Further to section 5.1(b)(i), the following are the population and employment projections that the City commits to exceed in the planned growth for the SLS Transit Corridor Land Use Plans area\*:

	Population		Employment	
	2035	2050	2035	2050
<b>GEOGRAPHY</b>				
SLS Transit Corridor – <i>City of Surrey Land Use Plans area*</i>	161,400	201,400	53,900	62,300

The above figures are derived from a broader set of population and employment projections provided by Metro Vancouver, which are used to develop the SLS Project ridership forecast in the SLS Business Case, as well as the transportation-related benefits as described in the Business Case Multiple Account Evaluation (MAE).

\* The Land Use Plans area is comprised of the collective and amalgamated boundaries of the City of Surrey Land Use Plans, as defined in section 5.1(a) and as shown below:



## CORPORATE REPORT

NO: **R157**

COUNCIL DATE: **July 22, 2019**

### REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **July 18, 2019**

FROM: **Acting General Manager, Engineering**

FILE: **8740-40**

SUBJECT: **Surrey-Langley SkyTrain Project – Partnership Agreement Framework and Memorandum of Understanding**

### RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report for information;
2. Approve the Memorandum of Understanding with TransLink for the advancement of the Surrey-Langley SkyTrain project, which is attached to this report as Appendix "I";
3. Authorize staff to take the necessary steps to finalize the Memorandum of Understanding, subject to the Mayors' Council approval of TransLink proceeding with the finalizing and submitting the Surrey-Langley SkyTrain business case; and
4. Authorize the Mayor and City Clerk to execute the finalized Memorandum of Understanding, provided it is substantially the same as that included in Appendix "I".

### INTENT

The purpose of this report is to seek Council's authority to enter into a Memorandum of Understanding ("MOU") for the Surrey-Langley SkyTrain ("SLS") project, as developed jointly by TransLink and City of Surrey staff, in advance of the upcoming July 25, 2019 Mayors' Council meeting, at which it is anticipated the Mayors' Council will consider directing TransLink to proceed with the next steps of the SLS Work Plan for completion and submission of a reference design and business case.

### BACKGROUND

At its inaugural meeting on November 5, 2018, City Council passed a motion to:

- *Direct staff stop all work on the SNG-LRT project and immediately start working with TransLink on a SkyTrain extension from the existing King George SkyTrain Station to Langley City;*
- *Request the Mayors' Council and the TransLink Board to cancel the SNG-LRT Project and immediately initiate a new SkyTrain Extension Project along Fraser Highway by changing the technology originally proposed in the Phase Two Investment Plan to SkyTrain, and re-allocating all available funds in the Phase Two Plan dedicated for rapid transit in Surrey and Langley to start the SkyTrain extension towards Langley as soon as possible; and*

- *Request the Mayors' Council to seek the required funding for the Phase Three Plan of the 10-Year Vision as soon as possible, to complete all 27 km of rapid transit in Surrey and Langley.*

Following the City's inaugural meeting, the Mayors' Council on Regional Transportation (the "Mayors' Council") endorsed TransLink's decision to suspend the Surrey Newton Guildford Light Rail Transit ("SNG-LRT") Project and agreed to carry forward the region's 10-Year Vision as the basis for 27 kilometres of rapid transit planning South of the Fraser. The 10-Year Vision included the \$1.6 billion of approved funding currently allocated (Phase Two Investment Plan) and the financial framework for the remaining unsecured \$1.9 billion (in the Phase Three Plan), for a combined total of \$3.5 billion funding envelope committed to 27 kilometres of rapid transit South of the Fraser.

In the Fall of 2018, TransLink and the Mayors' Council passed the following resolutions:

1. *Endorse TransLink's decision to suspend the Surrey-Newton-Guildford LRT Project, stopping all expenditures of money and resources on the project, based on the request from the City of Surrey;*
2. *Use the 10-Year Vision as the basis for South of Fraser rapid transit planning, recognizing the City of Surrey request to change the technology and timing of the Fraser Highway project from LRT to SkyTrain, and draw only on the available funding currently allocated for South of Fraser rapid transit in the Phase Two Plan, and the financial framework for the Phase Three Plan; and*
3. *Subject to the City of Surrey's specific agreement to pay compensation, no later than upon signing the MOU, for all work plan costs unnecessarily expended to date, endorse the work plan that will have TransLink proceed immediately with planning and project development work for a SkyTrain on Fraser Highway project.*

TransLink and City staff have been working collaboratively on delivering TransLink's SLS Work Plan, including preliminary design, ridership forecasts, cost estimates and a preliminary benefit-to-cost ratio. This work is on schedule to be brought forward to the Mayors' Council on July 25, 2019 for their consideration and approval to proceed with the SLS reference design and business case submission to the Federal and Provincial treasury boards in Spring 2020.

It is the expectation of the Mayors' Council that, prior to the SLS Project proceeding to issuance of formal a business case, TransLink and the City will enter into a MOU which will establish project objectives, scope and SNG-LRT reimbursement.

## **DISCUSSION**

### **Project Partnership Agreement Framework**

In collaboration with the Mayors' Council, TransLink has established a three-phased partnership agreement framework, consistent with the Mayors' Council Vision and previous TransLink dialogue, involving TransLink and the host municipality, be developed for the delivery of major capital projects, such as the SLS project, which involve significant cost and risk.

The successive framework for major rapid transit projects typically includes three corresponding sub-agreements. For the SLS project, a fourth agreement, the Reimbursement Agreement, is envisioned in response to the Mayors' Council's resolution on December 13, 2018 that the City of Surrey reimburse TransLink for all SNG-LRT work plan costs unnecessarily expended to date.

The anticipated SLS partnership agreements and their corresponding project phases are presented as follows:

- |                                 |                      |
|---------------------------------|----------------------|
| • MOU                           | Concept Phase        |
| • Reimbursement Agreement       | Design Phase         |
| • Supportive Policies Agreement | Design Phase         |
| • Municipal Access Agreement    | Implementation Phase |

The following sections of the report will focus on the description of the MOU and the different agreements anticipated to be drafted for the design and implementation phases of the project.

### **Memorandum of Understanding – Concept Phase**

The MOU is a statement of intent summarizing the collective elements of TransLink and the City and to illustrate mutual support of the project. The MOU is intended to advance the development of the Supportive Policies Agreement, Reimbursement Agreement and Municipal Access Agreement for the project. The following are the key elements of the MOU:

- Commitment by TransLink and the City;
- Project objectives and scope;
- TransLink's roles and general responsibilities;
- The City's roles and general responsibilities;
- Joint roles and responsibilities;
- Supportive Policies Agreement;
- Reimbursement Agreement; and
- Municipal Access Agreement.

TransLink and City staff have jointly developed the MOU, utilizing the framework established on the SNG-LRT and Broadway Subway projects. The MOU reaffirms TransLink and the City's commitment to work collaboratively and expeditiously to facilitate, expedite and support the project with innovative procurement and construction strategies to extend the SkyTrain as far as possible, while being flexible in accommodating funding timelines.

The City's commitment also includes development of updated land-use plans, transit-oriented land-use policies and affordable housing strategies, all of which are already underway and which will form part of the future Supportive Policies Agreement.

The MOU also outlines the City's reimbursement of up to \$39 million for unnecessary SNG-LRT costs and the various means/methods for reimbursement, all subject to final approval of the business case and construction of the SkyTrain.

The MOU is not intended to create legal binding rights nor to fetter the powers of Council on approving future agreements and policies. Staff are satisfied that the contents of the MOU are consistent and appropriate for its intention of advancing the development of the SLS project and respective agreements. The full MOU, including references to the subsequent agreements, is presented in Appendix "I" attached to this report.

## **Reimbursement Agreement – Design Phase**

On December 13, 2018, the Mayors' Council passed a resolution that subsequent SLS Work Plan and approvals proceed on the basis that:

*Subject to the City of Surrey's specific agreement to pay compensation, no later than upon signing the MOU, for all work plan costs unnecessarily expended to date.*

TransLink and the City have quantified the actual incurred SNG-LRT costs as \$54.4 million, separated into two categories: \$39.8 million in Project Development expenditures (planning, design, business case, procurement); and \$14.6 million for Early Works (Bear Creek Bridge and 104 Avenue utility relocations).

Some of the expenditures are reusable or have "utility", as they would result in a savings for a future rapid transit project on the corridor. Thus, a weighting criteria/credit was applied to those expenditures which have future utility.

The net result is a quantification of unnecessary costs in the range of \$33-44 million, with TransLink recommending to the Mayors' Council a value of up to \$39 million. The potential means of reimbursement, which are based on past rapid transit projects, may include any or all of the following:

- Financial contribution;
- In-kind property contributions;
- Use of rights-of-way and/or road dedications;
- Incremental commercial rights to TransLink; and
- Reduction in cost through a transfer of scope elements.

It is intended that the Reimbursement Agreement, subject to Council's approval, will be completed in conjunction with completion of the reference design and submittal of the business case in late 2019/early 2020.

## **Supportive Policies Agreement – Design Phase**

During the design phase, when project elements such as reference design concept, urban integration and cost estimates are being finalized, a Supportive Policies Agreement will be prepared to correlate the design specific items with supportive land use and transportation policies, actions and investments by TransLink and the City to meet project objectives. It is anticipated that Supportive Policies Agreement for the SLS project will be developed based on the previously agreed upon SNG-LRT Supportive Policies Agreement.

It is intended that the Supportive Policies Agreement, subject to Council's approval, will be completed prior to the submittal of the business case in late 2019/early 2020.

## **Municipal Access Agreement – Implementation Phase**

The Municipal Access Agreement outlines a collaborative relationship between the City of Surrey and TransLink to ensure a successful project delivery and operations. As such, this agreement sets out how the City of Surrey will provide TransLink with access to certain City streets or other City lands necessary for the construction, operation and day-to-day maintenance of the project.

The following items will be included in the Municipal Access Agreement, but not limited to:

- Access to City roads and lands;
- Outstanding financial matters;
- Design and construction approval process;
- Public realm and public art;
- Station, road and utility maintenance;
- Traffic management;
- Dispute resolution; and
- Communication protocols.

Subject to Council's approval, the Municipal Access Agreement will be completed prior to proceeding with procurement in late Spring 2020.

### **Next Steps – Project Schedule**

The SLS project continues to proceed on an accelerated schedule. TransLink's work plan below outlines the current status of project activities:

- |   |                               |
|---|-------------------------------|
| • Draft Business Case to Mayor's Council:                   | July 25, 2019                 |
| • Public Engagement – Design & Environmental:               | November 2019                 |
| • Finalize Reference Design, Costs and Business Case:       | August – December 2019        |
| • Reimbursement Agreement                                   | September 2019 – January 2020 |
| • Supportive Policies Agreement                             | September 2019 – January 2020 |
| • Issue Business Case to Federal/Provincial Treasury Boards | January 2020                  |
| • Municipal Access Agreement                                | Spring 2020                   |
| • Issue RFQ and Procurement:                                | Summer 2020*                  |
| • Construction:   | 2021 - 2025*                  |
| • Surrey-Langley SkyTrain Start of Service:                 | Winter 2025*                  |

\* Pending approval of Business Case from Provincial and Federal Treasury Boards.

### **Legal Services Review**

The City's Legal Services Division has reviewed this report and have no concerns.

### **SUSTAINABILITY CONSIDERATIONS**

The approval of the MOU for the SLS project supports the objectives of the City's Sustainability Charter 2.0. In particular, the construction of SkyTrain relates to the Sustainability Charter themes of Built Environment and Neighbourhoods, and Infrastructure. Specifically, the MOU supports the following Desired Outcomes ("DO"):

- Neighbourhoods and Urban Design DO2: Surrey is well-connected within the City and to the rest of the region by fast and efficient public transit and active all-ages-and-abilities transportation infrastructure; and
- Transportation DO11: An integrated and multi-modal transportation network offers affordable, convenient, accessible and safe transportation choices within the community and to regional destinations.

## CONCLUSION

Based on the above discussion, it is recommended that Council approve entering into the MOU with TransLink for advancing the SLS project towards procurement and developing the necessary successive agreements between TransLink and the City of Surrey.



Scott Neuman, P.Eng.  
Acting General Manager, Engineering

SBN/PL/cc

Appendix "I" – Memorandum of Understanding, South of Fraser Rapid Transit – Surrey-Langley SkyTrain Project, between TransLink and Surrey

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**Note: Appendix available upon request**