



Corporate Report

NO: R007

COUNCIL DATE: January 19, 2009

REGULAR COUNCIL

TO: Mayor & Council DATE: January 19, 2009
FROM: General Manager, Planning and Development FILE: 8630-01
SUBJECT: Minor Revisions to the Memorandum of Understanding between the City of Surrey and TransLink Regarding the Newton Town Centre Study

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information; and
2. Approve revisions to the Memorandum of Understanding (the "MOU") between the City of Surrey and TransLink regarding the Newton Town Centre Study, as documented and discussed in this report.

INTENT

The purpose of this report is to:

1. Advise Council of minor revisions to the MOU that Council authorized the Mayor to sign, on behalf of the City, on July 28, 2008 (Corporate Report No. R153) related to a joint land use planning, urban design and transit study in the Newton Town Centre area; and
2. Seek Council's approval for minor revisions to the MOU prior to the Mayor signing it on behalf of the City.

BACKGROUND

On July 28, 2008, Council considered Corporate Report No. R153, which recommended that Council authorize the Mayor to sign an MOU, on behalf the City, for a joint study of land use, urban design and transit in the Newton Town Centre area.

On September 29, 2008, Council endorsed the Terms of Reference for the proposed Newton Town Centre study. A Request for Proposals for consultants to undertake the study was issued in early October and closed on November 3, 2008. The consultant selection process will be concluded shortly. In the meantime, the MOU was forwarded to TransLink for signing. After a further review of the document, TransLink has requested several minor changes, which are being forwarded for Council's approval, prior to signing the MOU.

DISCUSSION

On November 18, 2008, TransLink forwarded a letter to the Mayor with a copy of the MOU, as executed by TransLink attached (see Appendix I). The version of the MOU as executed by TransLink contains some revisions in comparison to the version of the MOU endorsed by Council. The changes are discussed below, with the additions underlined and the deletions shown with a line through the deleted text. Appendix I contains the entire MOU with the changes incorporated.

Revisions to the MOU

The following are excerpts from the original version of the MOU with the revisions highlighted, as noted above.

"PURPOSE

The purpose of this Memorandum of Understanding ("MOU") is to ensure a documented, clear, and common understanding between the City of Surrey and TransLink as to general goals and objectives, project scope, roles and responsibilities, management, funding and timing for the Newton Town Centre land Use, Urban Design and Transit Planning Study (the Project). It is understood that the details of the Project will be developed through a Terms of Reference to be submitted for approval to Surrey City Council and TransLink in September of 2008 and a project-specific funding agreement. Neither party will be legally obligated to the other until a project-specific funding agreement is signed.

PROJECT MANAGEMENT

The Project will be jointly commissioned and managed by TransLink and the City. A Consultant will be retained, whose work will be directed by a Steering Committee made up of senior staff of the City and TransLink, and guided by a Technical Advisory Committee including key representatives from each organization. The scope, budget, tasks and requirements of the consulting contract, along with the membership and working relationships of the Steering and Technical Advisory Committees will be developed in a Terms of Reference presented to City Council and TransLink for approval in September 2008 and a project-specific funding agreement.

All recommendations, reports and plans developed through the Study will be subject to approval by Surrey City Council and TransLink.

PROJECT FUNDING

The City of Surrey and TransLink will share funding for the Project ~~equally~~. A Project budget agreed upon by both parties will be developed as part of the Terms of Reference, and proposals will be sought from Consultants qualified to do the work through the City of Surrey's Request for Proposals (RFP) process.

PROJECT TIMING

A detailed schedule for the Project, including a timeline for completion of the Project and key milestones with target dates will be developed as part of the Terms of Reference. ~~It is expected that the Project will be completed by July of 2009.~~

PUBLIC COMMUNICATIONS

The parties to this MOU agree that:

- Any public communication related to the Project will be reviewed and agreed to by each party before being made public; and
- Public comment on aspects of the Project will be referred to the ~~partner~~ party ~~most~~ directly responsible for that aspect for a response."

Comment on the Revisions

The revisions, shown above, primarily relate to the addition of a requirement to have a signed "project-specific funding agreement" in place before the MOU becomes legally binding on both parties. In addition, while the original MOU expected the study to be completed by July 2009, this timeline has been deleted in the revised MOU. During the development of the Terms of Reference for the study, which occurred after the original MOU was prepared and which Council approved in September 2008, it was determined that for the study to yield quality results it would take until December 2009 to complete the related work. Staff has no objection to deleting the reference to the completion date from the MOU to ensure there is no conflict with the Terms of Reference. The City Solicitor has reviewed these changes and considers them acceptable from a legal perspective.

CONCLUSION

Based on the above discussion it is recommended that Council approve revisions to the Memorandum of Understanding between the City of Surrey and TransLink regarding the Newton Town Centre Study, as documented and discussed in this report.

Jean Lamontagne
General Manager
Planning and Development

BP/kms/saw

Attachments:

Appendix I Letter dated November 18, 2008 from TransLink including the revised MOU



RECEIVED

NOV 19 2008

TransLink

1600 - 4720 Kingsway
Burnaby, BC V5H 4N2
Canada
Tel 604-453-4500
Fax 604-453-4637
www.translink.bc.ca

South Coast British Columbia
Transportation Authority

18 November 2008

Our File No. 0155-01

Dianne Watts
Mayor
CITY OF SURREY
14245 - 56th Avenue
Surrey, British Columbia
V3X 3A2, Canada

Dear Mayor Watts:

**Re: Memorandum of Understanding for the Newton Town Centre Land Use,
Urban Design & Transportation Planning Study**

Please find attached the Memorandum of Understanding between TransLink and the City of Surrey for the Newton Town Centre Land Use, Urban Design & Transportation Planning Study. The Memorandum has been signed by TransLink's CEO, Tom Prendergrast, and we request your signature as well.

We are pleased to enter into this partnership with the City of Surrey and are looking forward to developing a plan for Newton Town Centre that fulfills the needs of City residents and TransLink customers.

We thank you for your support of this partnership and look forward to working with your staff.

Yours truly,

A handwritten signature in black ink that reads "Phil Christie".

Phil Christie
Vice President, Real Estate

MEMORANDUM OF UNDERSTANDING

Between

THE CITY OF SURREY

And

**SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY
("TransLink")**

Regarding

THE NEWTON TOWN CENTRE URBAN DESIGN AND TRANSIT PLANNING STUDY

September 2008

WHEREAS:

1. The City of Surrey and TransLink are committed to the delivery of increased transit services and high quality transit facilities to the residents of Surrey;
2. Increased transit service leads to, and is in turn enhanced by, increased transit ridership levels;
3. Transit ridership increases are supported by the development of employment and residential neighbourhoods at transit-supportive densities close to transit facilities - particularly those served by high-frequency transit;
4. High-density, transit-oriented, mixed-use development contributes to safer, more vibrant, liveable and sustainable urban neighbourhoods;
5. Public investments in transit infrastructure increase the value of surrounding private lands and commercial enterprises and serve as a catalyst for further private sector development;
6. Returns on significant public investments in transit infrastructure can be realized through the public acquisition and development of lands around transit facilities at densities that support transit ridership and allow reinvestment in further transit system enhancements;
7. TransLink's "South of the Fraser" plans, Transport 2040 Plan and the Provincial Transit Plan call for significant transit enhancements in Surrey;
8. TransLink and the City of Surrey have significant land holdings with development potential in the Newton Town Centre area immediately around the Newton Transit Exchange;
9. The City of Surrey has an interest in immediate improvements to the current situation in the vicinity of the Newton Transit Exchange; and
10. The City of Surrey and TransLink share the objective of the redevelopment of the area in the vicinity of the transit exchange as a safe, vibrant, high quality, high-density, mixed use, transit and pedestrian-oriented urban neighbourhood;

The City of Surrey and TransLink agree to collaborate in a joint urban design and transit planning study for the Newton Town Centre area that meets the goals and objectives set out in this Memorandum of Understanding.

PURPOSE:

The purpose of this Memorandum of Understanding ("MOU") is to ensure a documented, clear, and common understanding between the City of Surrey and TransLink as to general goals and objectives, project scope, roles and responsibilities, management, funding and timing for the Newton Town Centre land Use, Urban Design and Transit Planning Study (the Project). It is understood that the details of the Project will be developed through a Terms of Reference to be submitted for approval to Surrey City Council and TransLink in September of 2008 and a project-specific funding agreement. Neither party will be legally obligated to the other until a project-specific funding agreement is signed.

GOAL AND OBJECTIVES

The goal of the Project is to produce a land use and transportation plan that will guide the development of a mixed-use, high-density, transit-oriented Newton Town Centre, fully integrating new and enhanced transit facilities into a high quality and sustainable urban centre.

Specific objectives include:

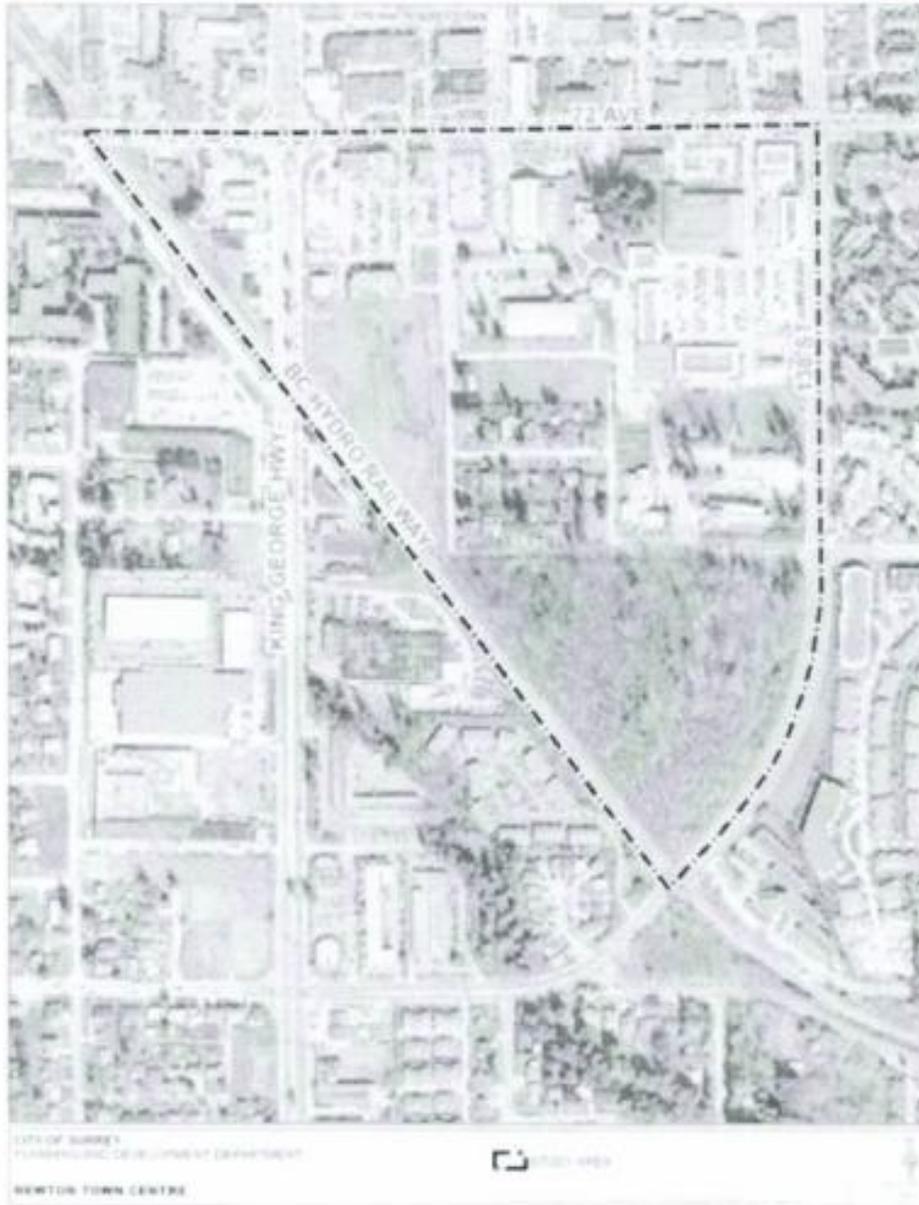
- Improved transit service and facilities serving the residents of Surrey, and of Newton in particular, through increased frequency, quality, reliability, safety and convenience of service;
- Increased transit ridership levels and share of trips, through the concentration of high-density employment and residential development, service and civic amenities in proximity to a new, relocated Newton Transit Exchange;
- Mixed-use urban development, including residential, commercial (office and retail), civic, recreational and community service uses that provide a "complete" urban neighbourhood;
- Improved urban design and streetscapes, with a focus on a high-quality pedestrian experience, creating identity and "place making," and on the full integration of transit facilities into a high-quality urban environment;
- Improved perception and reality of public safety within the Town Centre area, and particularly in and around transit facilities, building on recent initiatives by the City, the RCMP and Coast Mountain Bus Company;
- Land uses and densities within the Study Area that support TransLink's capital investment in land and transit improvements and that serve as a catalyst for private sector redevelopment;
- Improved integration of transit, road, cycling and pedestrian networks within and connecting beyond the Study Area, including bike lanes and off-street greenways; and
- Enhanced environmental performance achieved through reduced vehicle dependency and greenhouse gas emissions, increased energy efficiency and green development features.

STUDY AREA

The Project Study Area is approximately 20 ha. in size and is bounded by the BC Hydro Railway on the west and south, 138th Street on the east, and 72nd Avenue on the north (see Map 1). The Study Area includes the current and proposed locations for the Newton Transit Exchange, future Bus Rapid Transit station and a number of civic facilities including the Newton Wave Pool, the Newton Library and Library Administration Centre, Newton Seniors Centre, Newton Recreation Centre and Community Hall and former Fire Hall #10. The Study Area also includes a number

of private properties, notably several shopping centres and an office building, along with the key "gateway" intersection of King George Highway and 72nd Avenue.

MAP 1: STUDY AREA



PROJECT MANAGEMENT

The Project will be jointly commissioned and managed by TransLink and the City. A Consultant will be retained, whose work will be directed by a Steering Committee made up of senior staff of the City and TransLink, and guided by a Technical Advisory Committee including key representatives from each organization. The scope, budget, tasks and requirements of the consulting contract, along with the membership and working relationships of the Steering and Technical Advisory Committees will be developed in a Terms of Reference presented to City Council and TransLink for approval in September 2008 and a project-specific funding agreement.

All recommendations, reports and plans developed through the Study will be subject to approval by Surrey City Council and TransLink.

PUBLIC CONSULTATION

A public consultation process for the Project will be developed as part of the Terms of Reference. Stakeholders, including land owners, business interests, facility users, agencies and authorities, local neighbourhood residents and the public at large will be consulted at key points in the planning process. Recommendations that result in Official Community Plan or Zoning Bylaw amendments will be subject to all statutory requirements related to public consultation as set out in the *Local Government Act* and the *Community Charter*.

PROJECT FUNDING

The City of Surrey and TransLink will share funding for the Project. A Project budget agreed upon by both parties will be developed as part of the Terms of Reference and a project-specific funding agreement, and proposals will be sought from Consultants qualified to do the work through the City of Surrey's Request for Proposals (RFP) process.

PROJECT TIMING

A detailed schedule for the Project, including a timeline for completion of the Project and key milestones with target dates will be developed as part of the Terms of Reference.

PUBLIC COMMUNICATIONS

The parties to this MOU agree that:

- Any public communication related to the Project will be reviewed and agreed to by each party before being made public.
- Public comment on aspects of the Project will be referred to the party directly responsible for the issue for a response.

Dated this 8th day of September, 2008.

Signed on behalf of the City of Surrey by:

Dianne L. Watts
Mayor



*Signed on behalf of the South Coast
British Columbia Transportation Authority (TransLink):*

Tom Prendergast
CEO

