

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION NO. 191203-150

WHEREAS, Design and construction of the 1.75-mile Central Subway (Central Subway Project) is Phase 2 of the Third Street Light Rail Transit Project; and,

WHEREAS, On May 21, 2013, the SFMTA Board of Directors awarded Contract No. 1300 (Contract 1300) to Tutor Perini Corporation (Contractor) to construct one street-level and three subway stations, trackways, and systems for the Central Subway Project, in an amount not to exceed \$839,676,400, and for a term of 1700 days to substantial completion; and,

WHEREAS, Contract 1300 Modification Nos. 1 through 122 addressed unexpected site conditions, changes in the Project design, and delay impacts, and on those bases increased the contract amount \$39,244,142.17 and extended contract time 870 days; and,

WHEREAS, Contract 1300 Modification No. 123 unilaterally adds the Chinatown Station Plaza to Contract 1300 and increases the contract amount by \$9,360,183.48, without modifying contract time; and,

WHEREAS, The amount of this Modification is subject to subsequent audit and may be corrected as required to conform said compensation to Contract 1300 requirements, and Federal Transit Administration and other federal contracting requirements; and,

WHEREAS, The Central Subway Final Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (Central Subway SEIS/SEIR) evaluated the environmental impacts of the Central Subway Project, including construction of the subway stations; on August 7, 2008, the San Francisco Planning Commission certified the Final SEIR (Case No. 1996.281E); on August 19, 2008, the SFMTA Board of Directors approved Resolution 08-150 adopting Central Subway Project Alternative 3B as the Locally Preferred Alternative, the CEQA Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan; and,

WHEREAS, On September 16, 2008, the San Francisco Board of Supervisors adopted Motion No. 08-145, in Board File No 081138, upholding the Planning Commission's decision to affirm the Final Central Subway SEIS/SEIR; and,

WHEREAS, The Board of Supervisors created the Chinatown Transit Station Special Use District by adding Section 249.66 to the Planning Code to permit the demolition of a mixed-use building to make way for the construction of the Chinatown Station; and,

WHEREAS, The SFMTA had anticipated (in Mitigation Measure PH-1a) that land surrounding the Chinatown Station head house and not otherwise incorporated into the subway station would be used for housing and ground floor retail; and,

WHEREAS, On January 19, 2012, the Planning Department issued a memorandum titled “Determination of No Further Environmental Review Required for the Chinatown Transit Station Special Use District,” in which the Planning Department determined that construction of the Chinatown Station was sufficiently addressed in the Final Central Subway SEIS/SEIR; and,

WHEREAS, In 2013, Chinatown community representatives and organizations expressed a desire that the portion of the parcel on which the Chinatown Station would be constructed that was not needed for the head house be developed into for a public park and plaza that would serve as a community-gathering place and recreational space, and from 2014 to 2015, the SFMTA and its design consultant held numerous public meetings to discuss potential plans and designs of the Chinatown Station site; and,

WHEREAS, On February 27, 2015, the Planning Department determined (Case No. 2011.1202E, Historic Resource Evaluation Response) that the revisions to the project, namely the addition of a secondary entrance to the head house along Stockton Street, the addition of a public rooftop plaza including stairs and seating along Stockton Street, reduction of the head house roof height, increase in the scope of the artwork to wrap the entire head house cornice, and expansion of the head house back bar, comply with the Secretary of the Interior’s Standards for the Rehabilitation of Historic Properties and therefore meet the requirements of the Central Subway Final SEIS/SEIR, Mitigation Measure HARC-1b; and, as such, the revisions to the project are within the scope of the Central Subway Final SEIS/SEIR; and

WHEREAS, The Planning Department approved the plans for the Chinatown Station with the Chinatown Station Plaza on November 16, 2016 under Permit No. 2016-0525-828; and the San Francisco Department of Building Inspection then reviewed and approved those plans on January 23, 2017; and,

WHEREAS, The Central Subway SEIS/SEIR and approved plans are on file with the SFMTA Board of Directors, may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; and,

WHEREAS, The compensation stated in this Contract Modification No. 123 is subject to audit and adjustment based on the findings of said audit so that compensation paid conforms to the Contract and FTA and other federal requirements; and,


WHEREAS, The SFMTA does not waive or otherwise compromise any contractual right or legal defense concerning the any provisions or protections provided by the Contract or applicable law; and,

WHEREAS, SFMTA’s Contract Compliance Office has determined that Contractor is complying with the Small Business Enterprise requirements of Contract 1300: and,

RESOLVED, That the SFMTA Board has reviewed and considered the Central Subway SEIS/SEIR and record as a whole, including approval of the Chinatown Station Plans by the City's Planning Department on November 16, 2016 under Permit No. 2016-0525-828, and finds that the Central Subway SEIS/SEIR and referenced planning Department permit approval are adequate for the Board's use as the decision-making body for the actions taken herein relative to construction of the Project, including the construction of the Chinatown Station Plaza, and incorporates the CEQA findings and referenced Planning Department permit approval by this reference as though fully set forth in this Resolution; and be it

FURTHER RESOLVED, That the SFMTA Board approves Unilateral Contract Modification No. 123 to Contract No. 1300, Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track and Systems with Tutor Perini Corporation to construct the Chinatown Station Plaza and perform related work for the amount of \$9,360,183.48, for a total modified contract amount of \$888,280,725.65, with no change to the term of the Contract; and be it

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of December 3, 2019.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency