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**HARBOR COMMUNITY BENEFIT FOUNDATION  
MEMORANDUM**

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To:  Geraldine Knatz, Ph.D, General Manager, Port of Los Angeles  
 From: Mary Silverstein, Executive Director, Harbor Community Benefit Foundation  
 Cc: Mike Christensen, Deputy Executive Director – Development, Port of Los Angeles  
 Simon Kann, Deputy City Attorney, City of Los Angeles  
 Michael Jenkins, Jenkins and Hogin, LLP, Counsel for HCBF  
 Sean Hecht, Board Chair, Harbor Community Benefit Foundation  
 Mark Vargas, President, Mission Infrastructure  
 Jennifer Lucchesi, Chief Counsel, State Lands Commission  
 Date: April 12, 2012.rev  
 Re: Noise Assessment, Phase 1 of TraPac MOU Exhibit A, Project A

In accordance with the Operating Agreement of the TraPac Memorandum of Understanding (TraPac MOU), the Harbor Community Benefit Foundation (HCBF) hereby submits the following proposal to begin implementation of TraPac MOU, Project A of Exhibit A, installation of sound dampening windows in schools and residences. This first phase involves a noise assessment to determine the “zones of greatest impact”, in Wilmington, from port related operations.

**HCBF requests the Board of Harbor Commissioners (BOHC) to receive, consider and vote on the funding of a contract to perform a Noise Assessment, and, to direct the California Community Foundation to release \$185,000** from the Port Community Mitigation Trust Fund (PCMTF) to HCBF, in a single disbursement, for the completion of the assessment.

**Background**

The BOHC and the TraPac Appellants have identified Project A of Exhibit A as a mitigation project that addresses an impact attributable to Port and Port-related operations. The language of Project A, which must be implemented in Wilmington under the terms of Exhibit A, reads:

*“Installation of sound dampening double paned windows in schools and residences in the zone of greatest impact from TraPac”*

The proposed assessment allows HCBF to appropriately identify and measure the zones of greatest impact, and quantify the cost to mitigate, prior to the installation of dual-paned windows, to “reasonably and appropriately mitigate, address, reduce, or eliminate the identified impact.”

**Discussion**

Project A of Exhibit A, of which the current proposal is the first phase, is intended to mitigate the noise impacts from Port or Port-related operations. The TraPac MOU recognizes the adequate nexus of this listed Exhibit A project and therefore no further “project specific Tidelands nexus analysis” (as discussed in Operating Agreement Section 5.B.iv) is required. However, the scope of the noise assessment will, nevertheless, further demonstrate the nexus between impacts from Port and Port-related operations and the next phase of Project A. In response to a Request for Proposals (RFP), HCBF selected the consulting firm Landrum & Brown (Contractor) to perform the noise assessment. The assessment will document the noise levels at schools and residences within those portions of Wilmington that are likely impacted by TraPac. The noise impacts will be ranked to determine priorities, detailed

recommendations will be provided on how to mitigate sound impacts, cost estimates will be developed and an estimated implementation scheduled provided.

The proposed scope of work for the assessment is attached, as well as a draft contract for services between the HCBF and the Contractor. HCBF staff determined 1) the assessment conforms to the requirements of the MOU, 2) the work is located in Wilmington, 3) the assessment will identify direct or indirect impacts of Port or Port-related operations to be mitigated in the second phase, and 4) the budget and schedule for funding from the PCMTF is appropriate.

**PCMTF Status Report: Previously Approved Projects and Fund Balance**

To date, there are no previously approved projects.

Fund Balance Recap as of February 29, 2012, rounded

Opening Balance January 2012:	\$9,840,000
HCBF operating budget:	(379,200)
Net of Fees to CCF and Market Change:	\$9,460,000
Pending Requests:	
Off Port Impact Land Use Study	(300,000)
Noise Assessment, Phase I of Project A	(185,000)
Net Fund Balance	\$8,975,000

**HCBF Board Action**

On January 19, 2011, the HCBF Board of Directors, by majority vote, approved the selection of Landrum & Brown, as the preferred contractor to perform the noise assessment, and directed staff to work with the contractor to develop a draft contract with a revised scope of work.

On February 23, 2012, the HCBF Board of Directors, by majority vote, approved in substantial form the enclosed draft noise assessment contract and scope of work, in substantial form, contract between HCBF and L&B, for a total project cost not to exceed \$185,000, which includes \$177,801 for L&B consulting services and \$7,199 as a contingency if HCBF determines that additional funds are needed under this contract to complete the scope of work; and authorized staff to request funding from the BOHC for an amount not to exceed \$185,000 and the contractor for this assessment in the amount of \$177,801. The Board approved a contingency for reimbursable items in the amount of \$7,199 (Item 7, February 23 memo to the HCBF Board attached), and authorized the transmittal of this request for funding from the BOHC for an amount not to exceed \$185,000.

**Request**

**HCBF requests the Board of Harbor Commissioners (BOHC) to receive, consider and vote on the funding of a contract to perform a Noise Assessment, and, to direct the California Community Foundation to release \$185,000 from the Port Community Mitigation Trust Fund (PCMTF) to HCBF, in a single disbursement, for the completion of the assessment in accordance with this request for project approval and disbursement.**

Attachments:

- 1) Staff Memo to HCBF Board: Item 7, February 23, 2012, Review and Approval of Contract
- 2) Vendor Executed Contract: Landrum & Brown – HCBF Noise Assessment Contract, including Exhibit A: Scope of Work revised February 21 and Exhibit B: Fees and Rate Schedule

**Harbor Community Benefit Foundation**  
150 W. 6<sup>th</sup> Street, Suite 100B, San Pedro, CA 90731 (562) 743-3448  
Mary Silverstein, Executive Director, [mary@hcbf.org](mailto:mary@hcbf.org)