



Home Builders Association  
of Tulare/Kings Counties, Inc.

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May 1, 2008

Mayor and City Council  
City of Lemoore  
119 Fox St  
Lemoore, CA 93245

Re: Noise Mitigation in General Plan Update Modifies the State Building Code

Dear Mayor and Councilmembers:

In further review of the General Plan Update Chapter 8 "Safety and Noise" especially pages 8.25 thru 8.28, the City is modifying the State Building Code. As such, under Health and Safety Code 17958.5 the Council must also adopt (at a public hearing) a "local finding of need" that justifies the proposed new noise mitigation standard based on "local climatic, geologic or topographic conditions".

Our understanding is that close proximity of NAS Lemoore does not qualify as one of those 3 conditions. Additionally, in late 1970, the Attorney General ruled that a local jurisdiction cannot modify the state code for "political, economical or social reasons".

If such a study was done, adopted and filed with the California Building Standards Commission per Section 17958.7 the HBA would appreciate receiving a copy.

If not, we request that the adoption of the General Plan Update scheduled for the Council's May 6th agenda be postponed until such time as the city is in compliance with the Health and Safety Code.

We agree that noise mitigation West of Hwy 41 is required and the HBA would like to work with the city in formulating mutually acceptable design criteria. We also wish to discuss our concerns with the burdensome provisions of SN-I-38 on page 8.28.

Sincerely,

*Bob Keenan*

Robert J. Keenan  
President/CEO

Affiliated with...

California Building Industry Association (CBIA)  
National Association of Home Builders (NAHB)



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