

REPORT TO CITY COUNCIL

DATE: OCTOBER 23, 2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: DENICE THOMAS, COMMUNITY DEVELOPMENT DIRECTOR
TRINECE BANDY, SENIOR CODE COMPLIANCE OFFICER

REQUEST: REQUEST TO RECEIVE AND FILE STAFF'S WITHDRAWAL OF REQUEST TO REVOKE BUSINESS LICENSE NUMBER 006982 FOR ALLEGED VIOLATIONS ON MARCH 8-11, 2024, UNDER CASE NO. OTHER-001367-2021 AND CLOSE AND PULL OFF CALENDAR A CONTINUED OPEN PUBLIC HEARING TO CONSIDER THE REVOCATION OF BUSINESS LICENSE NUMBER 006982 (NEW ERA PERFORMANCE AND TUNING, LLC)

On April 10, 2024, the City Council held a public hearing to assess the potential revocation of Business License No. 006982 for New Era Performance and Tuning, LLC, (New Era) due to repeated violations of the City's noise ordinance. These violations raised significant concerns among neighboring businesses. During the hearing, the applicant requested additional time to review the case materials, which the City Council granted, leading to three subsequent hearings on May 8, 2024, July 10, 2024, and September 11, 2024.

During the May 8, 2024, regular meeting, the City Council directed staff to collaborate with New Era and neighboring business owners to implement best management practices (BMPs) aimed at reducing noise levels from the dynamometer. Staff was tasked with measuring compliance with the Agoura Hills Municipal Code (AHMC) after these BMPs were applied. Due to the need for installation and further readings, staff requested additional time at the July 10, 2024, regular meeting, and the public hearing was continued to September 11, 2024.

Following the July 10 meeting, Alex Esparza (business owner) implemented several measures to mitigate noise, including the installation of a Raynor Therma-Seal TM300 Insulated Sectional Commercial Door. A voluntary inspection was conducted on August 9, 2024, during which Mr. Esparza agreed to participate in noise testing to assess the effectiveness of his mitigation efforts. A follow-up inspection on August 29, 2024, involved operating the dynamometer with the new door in both open and closed positions. The

City's acoustical engineer, Robert Woo of Acoustics Group, Inc., monitored the testing and analyzed the data collected.

Following the September 11, 2024, City Council meeting, Staff continued to investigate the noise created by Mr. Esparza's operation of a dynamometer at his business, New Era, located at 28236 Dorothy Drive, Unit C, Agoura Hills, California 91301. Various investigatory methods were implemented, including multiple noise surveys conducted both on- and off-site by a licensed professional. Staff completed an analysis of the findings of the investigation. On October 14, 2024, a new code enforcement case was opened, and a notice of violation was issued to Mr. Esparza for violations of the noise ordinance. Mr. Esparza has been given an opportunity to abate the violation.

In light of the new code enforcement case that has been opened, staff, based on advice from the City Prosecutor, is formally withdrawing the request to revoke Business License No. 006982 for the alleged violations documented March 8, 2024, through March 11, 2024, under Case No. OTHER-001367-2021. Code Enforcement efforts are continuing under Case No. ZONE-001392-2024.

FISCAL ANALYSIS

No additional fiscal impact is anticipated with the withdrawal of the request. The approved Fiscal Year 2024-25 Budget provides for the services of the City Prosecutor.

RECOMMENDATION

Receive and file staff's withdrawal of request to revoke Business License Number 006982 for alleged violations on March 8-11, 2024, under Case No. OTHER-001367-2021 and close and pull off calendar the continued open public hearing.