

## REPORT TO CITY COUNCIL

**DATE:** SEPTEMBER 11, 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:** CONTINUED PUBLIC HEARING TO CONSIDER A RESOLUTION TO REVOKE BUSINESS LICENSE NUMBER 00692 (NEW ERA PERFORMANCE AND TUNING, LLC), PURSUANT TO SECTION 6819 OF THE AGOURA HILLS MUNICIPAL CODE AND MAKE A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (*CONTINUED FROM JULY 10, 2024*).

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At a regularly scheduled City Council Meeting on April 10, 2024, the City Council conducted a public hearing to evaluate the potential revocation of business license number #006982 for New Era Performance and Tuning, LLC, located at 28236 Dorothy Drive, Unit C. The discussion centered on the company's repeated violations of the City's noise ordinance, which had raised significant concerns among neighboring businesses. During the public hearing, the Applicant, through their representative, requested a continuation to review the case materials contained in the staff report. The City Council granted continuations and held two subsequent public hearings on May 8, 2024, and July 10, 2024.

During the May 8, 2024, regular City Council meeting the City Council directed staff to work with New Era and neighboring business owners. Specifically, staff was directed to work with New Era to implement best management practices (BMP's) to reduce the noise levels from the dynamometer, to take new readings after employment of the BMP's, and to determine if the noise levels were in compliance with the provisions of the Agoura Hills Municipal Code (AHMC). As directed by the City Council, staff worked with the Applicant, however additional time was required to allow for installation and readings to occur. At the July 10, 2024, regular meeting, staff requested additional time. The City Council continued the public hearing to September 11, 2024.

Following the July 10, 2024, City Council meeting, Alex Esparza, the owner of New Era Performance and Tuning, LLC, implemented various measures ostensibly intended to minimize the noise created by his operation of a dynamometer, including installation of a

Raynor Therma-Seal TM300 Insulated Sectional Commercial Door. Mr. Esparza underwent a voluntary inspection of the premises on August 9, 2024, at which time he agreed to participate in noise testing to enable City staff to determine the effectiveness of his abatement efforts. A follow-up inspection occurred August 29, 2024, during which Mr. Esparza operated the dynamometer on two occasions, with the new door open for approximately half of the operating time and shut the other half. The City's retained acoustical engineer, Robert Woo of Acoustics Group, Inc., was present and conducted readings throughout the inspection. Mr. Woo is presently completing his analysis of the data collected, and we expect to receive his formal report shortly, and will need to review the findings prior to presenting this item for final consideration.

### **FISCAL ANALYSIS**

The closing of a code enforcement case has no possibility of impacting the City's Adopted Budget for Fiscal Year 2024-25.

### **RECOMMENDATION**

Staff respectfully requests the City Council continue the Public Hearing for Code Enforcement Case No. OTHER-001367-2021 to the October 23, 2024, regular City Council meeting.