



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3884

CODE ENFORCEMENT NARRATIVE REPORT

February 17, 2015

To: Melanie Chavira, City Prosecutor

From: Bob Rollins, Building/Code Enforcement Official

Officer Assigned: Bob Rollins & Estela Hill

Subject Property: 725 Cypress Avenue DBA Crossfit Horsepower, Owned by [REDACTED]

Complaint: Several residents on [REDACTED] have complained of excessive vibrations from the gym due to the dropping of weights. They believe that the vibration is a violation of the Municipal Code Noise Ordinance.

Source: Several residents on Loma Drive, more information below.

Complaint# NA Date: 1st complaint Sunday, November 23, 2014 12:27 PM via email.

DR Number: NA RD Number: NA

Legal Description: APN# 4187-030-008

Property Owner: [REDACTED]

Witness: No City witnesses at this time.

Proof of Property Ownership: LACO Assessors

Section Allegedly Violated:

HBMC Section 8.24.040 Specific prohibited noises

SS I. Commercial establishments adjacent to residential property. Notwithstanding any provision of this code to the contrary, continuous, repeated or sustained noise from the premises of any commercial establishment which is adjacent to one or more residential

dwelling units, including any outdoor area part of or under the control of the establishment, between the hours of 10:00 p.m. and 8:00 a.m. that is plainly audible from the residential dwelling unit's property line.

History of Complaints/Observations

November 23, 2014, received a complaint from [REDACTED] who stated:

My wife, [REDACTED] has been home for the past 3 weeks recovering from a back injury. The noise and vibrations from the dropping of weights at the gym have been a constant annoyance and have kept her from getting the necessary rest and relaxation prescribed by her doctor.

The banging starts at about 7:05 in the morning and continues on and off during the day and evening.

Observations of activities at the gym began on December 1, 2014, at 6:30 am, in response to the complaint by [REDACTED].

The entire record of email complaints is included as Attachment A.

The entire record of observations & meetings is included as Attachment B.

Letters and emails between City Staff and Gym are included as Attachment C.

Inspectors Statements

I, Robert Rollins, Building and Code Enforcement Official for the City of Hermosa Beach, CA, have responded to dozens of phone calls and emails and have met with neighbors and representatives of the gym on several occasions. I have not, as yet, detected a violation of the Noise Ordinance originating from Crossfit Horsepower gym.

Below is a detailed account of the "weight drop test noted in Attachment B.

On January 26, 2015, we arranged to have a "weight drop test" with the gym owners and some neighbors. We had staff members inside four homes while I was inside the gym observing the test, communicating with other staff via cell phone conference call.

The test began at about 1:30 p.m. and lasted about 20 minutes, with gym owners [REDACTED] and their employee [REDACTED] dropping the weights. The only weights used were the rubber weights. The amount of weight varied from about 80 lbs. each to about 350 lbs. total. The weights were lifted above their heads and dropped to the floor, sometimes simultaneously, sometimes sequentially.

At about 1:45, [REDACTED] came into the gym and asked gym staff to drop the weights in a particular area, as that is where he had witnessed them doing it on a day when he had found the noise particularly loud. His wife, still in their house reported to him as the weights were dropped.

All of the neighbors who participated reported that the vibrations caused by the test were similar to, but less intense than the vibrations that disturb them.

City staff members, the addresses they were at, and the names of the residents who participated in this “drop test” are as follows:

Code Officer Estela Hill and Intern Kathy Khang were inside [REDACTED]

[REDACTED].

Community Development Director Ken Robertson was inside [REDACTED]

[REDACTED].

Assistant Planner Eva Choi was inside [REDACTED] with the mother of the owner, [REDACTED]

[REDACTED]

Assistant Planner Arron Gudelj was inside [REDACTED].

All City Staff from the Community Development Department can be reached at (310) 318-0235.

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]

Sent: Sunday, November 23, 2014 12:27 PM

To: Bob Rollins

Cc: [REDACTED] Shelli Margolin-Mayer

Subject: Cypress Crossfit Gym and Loma Residents

Hi Bob,

My wife, [REDACTED] has been home for the past 3 weeks recovering from a back injury. The noise and vibrations from the dropping of weights at the gym have been a constant annoyance and have kept her from getting the necessary rest and relaxation prescribed by her doctor.

The banging starts at about 7:05 in the morning and continues on and off during the day and evening.

I was home on Friday. While trying to work in my downstairs office, the banging and vibrations would start and stop, keeping me on edge as I would anticipate the next set.

Something needs to be done to stop the constant banging and vibrations caused by the dropping of weights at the crossfit gym on Cypress.

Your help in finding a resolution to this problem is greatly appreciated.

Best Regards,

[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, December 04, 2014 8:25 AM

To: Bob Rollins

Cc: [REDACTED] Shelli Margolin-Mayer

Subject: Re: Cypress Crossfit Gym and Loma Residents

Hi Bob,

The banging and vibration started this morning at 7:05. Since it is caused by people dropping weights, it starts and stops, which is why it is hard for you to catch it. It is going on right now, at 8:17.

It is entirely unfair that this is being allowed to continue. Something needs to be done.

Please advise if we should call the police when this is happening at 7:05 in the morning.

Thank you,

[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, December 04, 2014 11:38 PM

To: Bob Rollins

Cc: [REDACTED] Shelli Margolin-Mayer

Subject: Re: Cypress Crossfit Gym and Loma Residents

Bob,

Thank you for taking the time to chat today and investigating the noise and vibrations from the gym. The noise stopped shortly after we spoke, so I'm not surprised you didn't hear it. It seems you're not there when the weights are being dropped because it's more of a sound like thunder, not metal clanking.

It's not a case of one person dropping weights, but rather the whole class. It happened again at around 12:30pm.

As far as the code for residential is concerned, I believe my neighbors and my wife and I are all reasonable people of ordinary sensibilities. I've spoken to many more of my neighbors, some even further south than us, who have expressed a constant annoyance by the sound. While not constant, it's definitely pervasive. I appreciate your efforts to stay on top of this and will let you know next time it's happening.

Thanks,

[REDACTED]

Sent from my iPhone

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, December 11, 2014 10:38 AM

To: Bob Rollins

Cc: [REDACTED] Shelli Margolin-Mayer [REDACTED]

Subject: Re: Cypress Crossfit Gym Update

Yes Bob. That thumping, which is not usually faint, comes along with vibrations inside our homes. It starts most mornings at about that time.

I appreciate your continued interest and follow up on this matter.

Regards,

[REDACTED]

From: Bob Rollins

Sent: Thursday, December 11, 2014 7:48 AM

To: [REDACTED]

Cc: [REDACTED] Shelli Margolin-Mayer [REDACTED]

Subject: RE: Cypress Crossfit Gym Update

Good Morning,

Yesterday on my way to [REDACTED] house at about 7:15, I heard the metallic clanging I have reported in the past. I went to J & B Plumbing and saw that, as in the past, the noise was due to the workers loading pipes and equipment into their trucks. I spoke with management, told them about the 8 am quiet time and she seemed to be sincere in her concern.

Please let me know if this helps reduce noise in the neighborhood.

This morning I got to [REDACTED] about 7:06. While standing against the wall at the end of the drive, I heard faint thumping sounds. It sounded like a heavy truck hitting a bump. I heard it about 6 times in three minutes. Did any of you hear this? If so, was it consistent with the ongoing disturbance?

Thanks,

Bob Rollins

Building/Code Enforcement Official

City of Hermosa Beach, CA

(310) 318-0235

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, December 12, 2014 4:42 PM
To: Bob Rollins
Cc: [REDACTED] Shelli Margolin-Mayer [REDACTED]
Tom Bakaly
Subject: Re: Cypress Crossfit Gym Update

Bob,

FYI- they're at it again. Just rattled the windows in my house. I know you're off today, but just want to let you know for the record.

Thanks,

[REDACTED]

Sent from my iPhone

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, December 12, 2014 5:00 PM
To: [REDACTED]
Cc: Bob Rollins; [REDACTED] Shelli Margolin-Mayer; Tom
Bakaly
Subject: Re: Cypress Crossfit Gym Update

I have been feeling it as well since 4:30pm until 4:55pm today.

Thanks,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, December 12, 2014 5:01 PM

To: [REDACTED]

Cc: Bob Rollins; [REDACTED] Shelli Margolin-Mayer [REDACTED]

Tom Bakaly

Subject: Re: Cypress Crossfit Gym Update

I have felt it too it's very heavy and making my anxiety peak.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, December 12, 2014 6:05 PM
To: Estela Hill
Cc: Tom Bakaly; [REDACTED]; Bob Rollins; [REDACTED]
Shelli Margolin-Mayer
Subject: Re: Cypress Crossfit Gym Update

It was particularly strong but stopped at around 5pm. Must have been a 4:30 class.

From: [REDACTED] [mailto:[REDACTED]]

Sent: Saturday, December 13, 2014 11:03 AM

To: [REDACTED]

Cc: Tom Bakaly; Bob Rollins; [REDACTED] Shelli Margolin-Mayer; Estela Hill

Subject: Re: Cypress Crossfit Gym Update

It's 11:02am on Saturday and we are getting a nice bunch of vibration

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Saturday, December 13, 2014 11:19 AM

To: [REDACTED]

Cc: Tom Bakaly; Bob Rollins; R [REDACTED] Shelli Margolin-Mayer; Estela Hill

Subject: Re: Cypress Crossfit Gym Update

Me too.

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, December 31, 2014 1:11 PM
To: Bob Rollins
Cc: Tom Bakaly; [REDACTED]
Shelli Margolin-Mayer; Estela Hill; [REDACTED]
Subject: Re: Cypress Crossfit Gym Update

Bob,

The gym is especially bad today. It started at approx. 11:30 and is continuing. It was so loud I initially thought someone was walking on the deck above my office. I stopped my work and went down there to let them know we're being disturbed. I was very calm and not aggressive but the woman told me we live next to an "industrial" area and they have a right to make noise up to the level of a jack hammer during business hours. They did not seem willing to nor have they stopped or altered their operation in any way. With this attitude, I'm not sure what a test drop of weights will accomplish. I respectfully ask that you and the City take more assertive action. They now think they are operating within the code and don't intend to change. By law and regardless of a subjective code interpretation, we have a right to the peaceful enjoyment of our homes and intend to pursue every avenue available to get them to be good neighbors.

Thank you,
[REDACTED]

Sent from my iPhone

>
> -----Original Message-----
> From: [REDACTED] [mailto:[REDACTED]]
> Sent: Monday, January 05, 2015 11:11 AM
> To: [REDACTED]; Bob Rollins
> Cc: Tom Bakaly; [REDACTED] Shelli Margolin-Mayer;
Estela Hill; [REDACTED]
> Subject: RE: Cypress Crossfit Gym Update
>
> Bob,
>
> This is going on right now and I am working at my home office. This is not ACCEPTABLE!!!
Please fix this problem, look up the code, check the prior CUP 17.40.020 because I believe there
is something in there that says they cannot have vibrations.
>
> I have been living on [REDACTED] for a total of 17 years and never complained once about noise of
any sort until this gym moved in.
>
> Please advise on the code and fix this absolutely annoying problem.
>
> Thank you,
>
> [REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, January 05, 2015 4:44 PM
To: [REDACTED]
Cc: Bob Rollins; [REDACTED]; Tom Bakaly; [REDACTED] Shelli Margolin-Mayer; Estela Hill; [REDACTED]
Subject: Re: Cypress Crossfit Gym Update

Is happening now

Sent from my iPhone

From: [REDACTED] [mailto:[REDACTED]]
Sent: Tuesday, January 06, 2015 1:22 AM
To: [REDACTED]
Cc: Bob Rollins; [REDACTED] Tom Bakaly; [REDACTED] Margolin-Mayer; Estela Hill; brucekburger@gmail.com
Subject: Re: Cypress Crossfit Gym Update

Bob and Estela,

Thank you for your involvement in trying to resolve the gym noise problem. Estela came to my home-office this afternoon to discuss the months-long problem we and our neighbors have experienced due to the gym owners' practice of allowing members to drop heavy weights to the ground from a height of six feet or more off the ground. As I said to Estela, the simple physics of dropping heavy weights from such a height requires that the energy of that force go somewhere, so it's sending shock waves outward, into and through our homes.

The articles linked below illustrate that the noise and vibration problem with the CrossFit in our neighborhood is not unique. A quick internet search turned up multiple news stories of complaints and lawsuits against CrossFit-style gyms across the nation for the same or similar reasons we are complaining.

Bob, in one of your emails you shared the relevant provision of the Hermosa Beach Code, which I want to address. First, let me underscore that nothing in the code suggests that the noise must meet a level "louder than a jack hammer" to constitute a violation, as you said to me a few weeks ago. I assume that was a an off-the-cuff simile, but I am concerned because now the gym's receptionist repeated those same words to my husband when he went by there to complain about the noise last week. I ask that you correct the record with the gym, and refer them to the language of the code itself as the applicable law, not a jack hammer comparison.

To be clear, the code prohibits the making or causing of "any noises, sounds or vibrations that in the view of the totality of the circumstances are so loud, prolonged and harsh as to be physically annoying to reasonable persons of ordinary sensitivity and to cause or contribute to the unreasonable discomfort of any persons within the vicinity." On this email trail alone, not considering the many other neighbors who have complained about being disturbed by the gym's obnoxious weight dropping, we have met this test. To find otherwise, you would have to be convinced that every complaining resident, of which there are many, is unreasonably sensitive. Perhaps if only one or two neighbors was complaining, that view might carry some weight (no pun intended), but it utterly fails in the face of the vast number of neighbors who are complaining about the nuisance, have sought relief from the gym owners directly, to no avail, and are now seeking relief from the City.

As for the factors A through F listed in the Code, I will address each in turn:

A. The volume and intensity of the noise, particularly as it is experienced within a residence or place of business.

The noise is loud and intense enough in my residence and law office, which is based from my home, to interfere with my ability to concentrate. It strikes a nerve, because it feels and sounds like an earthquake. Sometimes I have to get up from my desk and walk around to ground myself, because the reverberation makes me dizzy. If ever I have the luxury of a break for a mid-afternoon nap, the shock waves make it impossible to sleep. Thus, the volume and intensity of the noise as it is experienced within my residence and place of business surpass what the code allows.

B. Whether the noise is prolonged and continuous.

The noise/reverberations happen from approximately 10 am to 4, 5 or 6 pm, and once they start, they come in waves, consistent with a workout routine. Sometimes there is a few minute break between waves, but the multiple hours each day of mini-quakes constitutes "prolonged and continuous" by any reasonable interpretation of those terms.

C. How the noise contrasts with the ambient noise level.

The ambient noise in our neighborhood consists of neighbors conversing, car traffic, trash pick up, and occasional construction. Other than the loud, drunk bar-hoppers the summers bring, I believe our neighborhood's noise level is tolerable and comparable to the rest of the City's. The gym's noise contrasts with the ambient level noise by sending a uniquely disturbing, booming reverberation into our homes that is different in kind and impact than the ambient noise of the surrounding area. The contrast between the ambient noise and the gym's booms is stark, causing a persistent annoyance.

D. The proximity of the noise source to residential and commercial uses.

The gym is directly adjacent to homes, which are in turn impacted by the shock waves it send out. It is my understanding that adjacent business are also complaining about the noise and reverberations. My home is across Loma Drive, a block away, yet the impact of the shock waves is still so significant that it destroys my concentration. Those in closer proximity to the gym would likely be impacted even more severely.

E. The time of day.

As noted above, the gym is allowing its members to send out the jarring shock waves throughout its hours of operation, i.e., all day long. While not at night, the disturbance is nonetheless significant, because it impacts so many neighbors, including other businesses, preventing all of us from going about our daily lives in the ordinary course.

F. The anticipated duration of the noise.

Given that the CrossFit staff members now reportedly believe their members have *a right to* drop heavy weights, because the sound is below that of a jack hammer, it is anticipated that the sound will last through the life of the business. It is therefore imperative that the City correct that off-handed quip about the code, and apply instead the standards set forth therein to the gym's operations.

The bottom line is that the gym is knowingly and in willful disregard of its neighbors' well-being and peaceful enjoyment of their respective properties, sending jarring shock waves through surrounding homes and businesses. The code doesn't require that the noise be audible from the street. Indeed, the noise is not audible outside my home, but *inside* my home, which is far more invasive and disturbing. The vibrations reverberate through my home (all three levels), like a bass drum--a low, pulsing boom, followed by echoing booms that taper off, consistent with the weights bouncing on the gym floor before coming to a stop after being dropped. The disturbance is so significant that it breaks my concentration when I am reading or drafting documents, and I have to avoid calling clients while it's happening. The gym is not only interfering with my family's right to the peaceful enjoyment of our home, but it's interfering with my right to conduct my law practice from home.

The code prohibits "any noises, sounds or vibrations that in the view of the totality of the circumstances are so loud, prolonged and harsh as to be physically annoying to reasonable persons of ordinary sensitivity and to cause or contribute to the unreasonable discomfort of any persons within the vicinity." Given the number of affected neighbors complaining, it is clear that the noises, sounds and vibrations the gym is emitting are physically annoying to reasonable persons of ordinary sensitivity and are causing or contributing to the unreasonable discomfort of *many*, not just any, persons within the vicinity.

What I find most aggravating about this whole situation is that the gym owner, [REDACTED], admitted to me that there is no reason for the gym members to drop their weights, instead of lowering them to the ground. The simple act of lowering them would resolve the issue instantaneously and at no cost to the gym. Some CrossFit gyms I read about in the articles I found this evening self-police by prohibiting members from dropping weights. Why [REDACTED] refuses to implement that simple step in light of the many neighbors who are impacted is baffling.

I ask that the City take the following steps: (1) immediately rectify the misstatement to the gym owners about the noise level that the code allows, and point them instead to the code language itself, as well as the numerous complainants, not just complaints, which strongly indicates a prima facie violation of the code; (2) ask the gym to self-police by instituting a policy prohibiting the dropping of weights; (3) if the gym refuses to implement this simple solution, then invite the neighbors in the area to a noticed public meeting where we can each describe how the gym's activities have impacted us. We are all very busy people who shouldn't have to be bothered by going down to the City to lodge a complaint, which is why I ask for the latter option only as a last resort, if the City is unable to get the gym to stop disturbing the neighborhood of its own volition or at the City's insistence.

Finally, I ask our neighbors to forward this email trail to other neighbors who have complained to you about the noise. It will be helpful for the City (and us) to know just how far the gym's negative impact is reaching.

Best regards,

[REDACTED]

From: [REDACTED] [REDACTED]

Sent: Tuesday, January 20, 2015 1:22 PM

To: Bob Rollins; Tom Bakaly; Estela Hill

Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ann Yang

Subject: Re: Meeting of Neighbors with HB City Manager and Code Enforcement Staff re CrossFit Nuisance

Bob,

The gym reverberations have been beyond anything that could be permissible under applicable law. Please do not wait to hear our complaints on Monday. Go and do your job! I am fed up with having my business and my home disrupted by this nuisance! MAKE IT STOP!!!! IT IS DRIVING ME NUTS!!!!

There is no excuse for your inaction!!!!!!

[REDACTED]

----- Forwarded Message -----

From: [REDACTED] <[REDACTED]>
To: [REDACTED] >

Sent: Tuesday, January 20, 2015 1:29 PM

Subject: Re: Meeting of Neighbors with HB City Manager and Code Enforcement Staff re CrossFit Nuisance

Hi [REDACTED]

Thank you!

It's particularly bad at the moment.

I'm home sick and it's extremely aggregating, or I would have gotten out of the house.

No peace at all. I'm at my wits end

in hopes it will stop.

Ridiculous that we can't enjoy our homes.

Much appreciated,

[REDACTED]

Sent from my iPhone

From: Bob Rollins

Sent: Tuesday, January 20, 2015 6:03 PM

To: [REDACTED]; Tom Bakaly; Estela Hill; [REDACTED]

Subject: RE: Meeting of Neighbors with HB City Manager and Code Enforcement Staff re CrossFit Nuisance

Hi, Just got back from your neighborhood & the gym. I brought Building Inspector Frank Valles with me. We stood in front of your house for about 5 minutes, heard nothing but a bass guitar. We then went to the south parking lot at the gym and sat on the foundation wall with our backs to the building wall. At about 5:48, we heard and felt two faint thumps. Looking through the window on the south side, we saw a class in progress, a couple obviously just done with the weights. The whole class then came outside for a couple of laps around the parking lot.

It is possible that this is the source of the disturbance in your home, but it seems unlikely that the level of sound and vibration observed at the building foundation could travel the distance between it and your house with any force left in it.

I would still like to conduct the drop test I outlined before; if any neighbors are willing, I am available.

Thanks,

Bob Rollins

Building/Code Enforcement Official
City of Hermosa Beach, CA
(310) 318-0235

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, January 21, 2015 6:44 AM

To: Bob Rollins

Cc: [REDACTED]

Subject: Re: Meeting of Neighbors with HB City Manager and Code Enforcement Staff re CrossFit Nuisance

Hi Bob,

I live at [REDACTED]. I was home all day today with a flu. It was unbearably loud. I was getting no peace. It was beyond irritating, and my house shook.

Had I not been sick, I would have gone over to the gym and screamed. I'm not sure what it would have done but my frustration level is off the charts.

I also have an injury and have been home countless hours trying to get some R & R over the last two months.

I just don't understand how an owner knowing how disturbing this is to residents isn't stopping it.

We are living in HB only a year and a half. I was enjoying living here until this started.

My realtor told me the current value of our home is over 2 million dollars. We have four condos on this double lot. That's a lot of tax money for HB.

Maybe the gyms owner would like to purchase my home? He can move his family in, and watch his wife have a nervous breakdown. Watch his children run for cover thinking it's an earthquake.

On occasion, my daughter has to leave to get homework done because it disrupts her concentration.

Citations, codes, police, dates, times, insurance, protocol.

-----Original Message-----

From: [REDACTED]

Sent: Monday, February 2, 2015 10:11 AM

To: Estela Hill

Cc: Tom Bakaly; [REDACTED] Bob Rollins; [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]; Ann Yang; Ken Robertson

Subject: Crossfit neighborhood impact after town meeting

Estela

Myself and my neighbors have felt the dropping last week as well as this morning. I thought a new email would be a better way for the city to be informed.

At least 3 residents had reported being bothered by dropping of weights starting around 6:48am.

Thanks for your help

On 02/02/15, [REDACTED] <[REDACTED]> wrote:

[REDACTED] thank you for keeping on top of this. I also felt the vibrations this morning shortly before 7am. Thanks,

[REDACTED]

Subject: Re: Crossfit neighborhood impact after town meeting

I also heard and felt the "rumbling" at 7:30 this morning.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, February 02, 2015 12:45 PM

To: [REDACTED]; Estela Hill

Cc: Tom Bakaly; Bob Rollins; [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; Ann Yang; Ken Robertson

Subject: Re: Crossfit neighborhood impact after town meeting

Tom, Bob and Estela,

The weight dropping is happening again right now and is as strong as ever. Please hold the gym to their so-called agreement to stop dropping weights.

In particular, it may be helpful to ask the gym owners what they have done to communicate to their staff and gym members that weight dropping is no longer allowed. If they haven't informed staff and gym members, they should do so, because I doubt the owners are there at all times to enforce the new rule.

The incidence of weight dropping has not diminished in the least since our meeting last Monday. Indeed, the very next evening before I left for the City Council meeting, the booms were so stark and at a rapid frequency that was out of the norm. It certainly appeared the gym members were retaliating against our complaint to the City.

Thank you for listening and helping to resolve this nuisance.

Best regards,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, February 02, 2015 4:38 PM
To: Estela Hill
Cc: Bob Rollins; Ken Robertson; Tom Bakaly
Subject: Re: Crossfit neighborhood impact after town meeting

It's happening right now once again ironically as I lay here trying to sleep as I am very ill.

Thanks Estela, I look forward to hearing from you very soon, we have been talking about this for way too long.

We spent way too much money on our homes to have this level of disruption and expect a resolution in a short period of time. I can't believe I am sending a tax check in today that is close to 9k and can't live in peace.

[REDACTED]

Sent from my iPhone

From: [REDACTED]
[mailto:[REDACTED]]
Sent: Monday, February 02, 2015
6:13 PM
To: Estela Hill; Bob Rollins; Ken Robertson; Tom Bakaly
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Re: CROSSFIT HORSEPOWER - DROPPING WEIGHTS/2.2/4:50pm (Evidence)

Take 2 - I apologize for my first note as I am very sick and heavily medicated.

Hi Estela. Bob. Ken. and Tom.

I am home from work very ill and unable to sleep because of the dropping weights coming from Crossfit Horsepower. I just walked over to the gym at around 4:45pm as I couldn't sleep from the constant dropping weights. I wanted to shoot a video of the customers dropping weights in real time. It sure wasn't hard to observe this when you show up fast and unannounced as I did.

As the receptionist said, it's a work in progress which differs from what was communicated to me when Estela and I spoke earlier today.

The video is cut into two files due to length but hope you can take a moment to watch each.

Are we really expected to pay our taxes on time when we as residents can't get resolution in a reasonable amount of time to live our lives in peace?

Let's please stop wasting time. we have to solve this. Thank You.

[REDACTED]

ps. I apologize for my language on the video but I can't do this any longer and am sure many of my neighbors above would agree.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

On Feb 2, 2015, at 7:01 PM [REDACTED] wrote:

Bob and Estella

It is 6:55 pm and the dropping has been massive since 4:30p pm. i just saw a video of the gym taken today where dropping was happening without any recourse from the staff. Estela had told me they were told not to drop weights. Also the staff said certain weights were allowed to be dropped. I clearly remember our meeting saying the gym was to be told to stop dropping weights without exception.

From: [REDACTED] a [mailto:[REDACTED]]

Sent: Tuesday, February 03, 2015 8:36 AM

To: [REDACTED]

Cc: Tom Bakaly; Estela Hill; Bob Rollins; Ken Robertson; [REDACTED]

[REDACTED]; Ann Yang; [REDACTED]

Subject: Re: CROSSFIT HORSEPOWER - DROPPING WEIGHTS/2.2/4:50pm (Evidence)

Hi Estela, Bob, Ken, and Tom,

I was also woken up before 7:00am yesterday morning by the weight dropping.

I also have a concern that the gym has a conflicting message about the direction from the city. It has been relayed to the residents that the gym is going to institute a no weight dropping policy to be good neighbors.

However, it's not clear to me that the message has been relayed to the crossfit staff. To quote the receptionist from the video taken yesterday, "when they did the testing, they used the black weights and that was okay, the black weights wasn't a big enough sound so that was okay". This sounds to me like they are not planning to enforce the no weight dropping for the black weights, only the colored weights.

The comment about the sound being "okay" was also not the agreement with the residents at the meeting with the city counsel on Monday January 26th. The test that was performed earlier that same day was only witnessed by 3 residents as I recall. Many of us were not able to be home, therefore we could not agree that the sound and vibrations made during that test were "okay".

Can we get clarification on what the city asked of the gym? How is the city planning on enforcing the no weight dropping policy? Also, did the gym indicate what this process is that they are working on to enforce this policy with their clients? It's hard to imagine a process that would take a week.

Are the consequences, like a verbal warning followed by getting kicked out? It didn't seem like any warnings were being given in the videos from yesterday, which does not give a hopeful feeling about change.

Thank you,



From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, February 04, 2015 7:14 AM

To: Tom Bakaly

Cc: [REDACTED] Estela Hill; Bob Rollins; Ken Robertson; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; Ann Yang; [REDACTED]

Subject: Re: CROSSFIT HORSEPOWER - DROPPING WEIGHTS/2.2/4:50pm (Evidence)

Weights dropping.

Sent from my iPhone

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, February 04, 2015 5:50 PM

To: [REDACTED]

Cc: Tom Bakaly; Estela Hill; Bob Rollins; Ken Robertson;

Ann Yang;

Subject: Re: CROSSFIT HORSEPOWER - DROPPING WEIGHTS/2.2/4:50pm (Evidence)

Once again - weights are continuously being dropped in the class that is happening at the moment so I am not sure anyone is attempting at the gym to move to any sort of policy of not dropping weights. Clearly the customers have become accustomed to doing it on a constant basis.

Tom/Estela/Bob/Ken - Any progress with the gym to share? There is no way any of you would deal with this if your home

and life was being affected like ours. It would be great for you all to begin working on this as if this problem was your own.

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, February 09, 2015 12:43 PM

To: [REDACTED]

Cc: [REDACTED]; Estela Hill; Tom Bakaly; [REDACTED] Bob Rollins;

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; Ann

Yang; Ken Robertson

Subject: Re: Crossfit neighborhood impact after town meeting

massive shocks right now. assume this is their lunch time crowd.

[REDACTED]

From: [REDACTED] <[REDACTED]>

To: Bob Rollins <brollins@hermosabch.org>

Cc: [REDACTED]

[REDACTED] Tom Bakaly <tbakaly@hermosabch.org>; Melanie Chavira
<MChavira@hermosapolice.org>; [REDACTED]

[REDACTED] Estela Hill <ehill@hermosabch.org>; Ken Robertson
<krobertson@hermosabch.org>; Michael Jenkins <MJenkins@localgovlaw.com> [REDACTED]
[REDACTED]

Sent: Friday, February 13, 2015 10:16 AM

Subject: Re: Enforcement at Horsepower Crossfit

Hi Bob,

The weight dropping that is happening right now is rattling picture frames in my bathroom!

Can you please explain to me why the noise has to be audible from the public right of way in order to give a citation? Does the city not trust the word of the residents?

[REDACTED]

Sent from my iPad

From: [REDACTED] [mailto:[REDACTED]]

Sent: Tuesday, February 17, 2015 5:50 PM

To: Bob Rollins

Cc: [REDACTED] Tom Bakaly;
Melanie Chavira; [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Estela Hill; Ken

Robertson; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

By the way there was a nice 6:44am gym dropping session today.

[REDACTED]

From: [REDACTED] [REDACTED]

Sent: Thursday, February 19, 2015 7:05 AM

To: [REDACTED]

Cc: Bob Rollins; [REDACTED]; Tom Bakaly; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Ken Robertson; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Hi Bob,

Constant weight dropping has been going on for a while now, it is before 7:00 am and according to the code the gym isn't supposed to be making any noise before 8:00 am. I see no mention of this complaint from the residents in the letter that you sent to the gym owners. Has this been discussed with them at least? Should I be calling the police when this occurs?

Thank you,

[REDACTED]

From: Bob Rollins

Sent: Thursday, February 19, 2015 7:30 AM

To: [REDACTED]

Cc: [REDACTED]; Tom Bakaly; Melanie Chavira;
[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Ken Robertson; Michael Jenkins;

Subject: RE: Enforcement at Horsepower Crossfit

Hi,

I have just returned from your neighborhood and the gym. I leaned against the gym building on the south wall for about 10 minutes and did not detect any noise or vibration. I did hear some loud metallic crashing sounds coming from the Valley side of the industrial park, as if someone was rolling heavy objects down a metal ramp.

The gym ownership is aware of the 10 pm to 8 am noise prohibition from commercial to residential lots.

It seems that, as many of the neighbors have stated, we will not be able to detect this disturbance unless we are in one of your homes and can feel the vibration when it happens. I am usually in the office by 6:30 am Mon – Thurs and would be happy to come over and try to experience what you are. You can reach me by this email address or my direct phone line below. You can call the police, the dispatch #(310) 524-2750, if I cannot respond or if you prefer.

Thanks,

Bob Rollins

Building/Code Enforcement Official
City of Hermosa Beach, CA
(310) 318-0219

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, February 23, 2015 9:44 AM

To: Bob Rollins

Cc: [REDACTED]; Tom Bakaly; Melanie Chavira;
[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Ken Robertson; Michael Jenkins;

Subject: Re: Enforcement at Horsepower Crossfit

Hi Bob,

Sorry about the delayed response, but I'm feeling like we've taken a step backward. The **SOLE** purpose of that test on 1/26/2015 was to prove that it was indeed the gym that is the source of the noise and vibrations that the neighborhood has been experiencing. Everyone agreed that it was the gum. Therefore, I do not know what the point of listening at the gym wall is. We've also already determined that you cannot always hear the noise by doing that. It is also possible that they stopped by the time you got there. Do you have to catch them in the act??? I do not understand this, why can you not issue a citation based on the neighbors complaints?

I'm trying to get some work done at home right now and I'm so distracted by the noise and shaking that I can't focus, I don't know how the neighbors who regularly work from home put up with this, it's ridiculous!!!

I do not want you to come into my home at 7:00am, I don't think that's reasonable. I also don't think that you should need to come into my home at 9:40am to witness what's going on right now!

You still owe us a response to [REDACTED] recommendation about writing a new letter to the gym making it clear to them that the purpose of that test back in January was **NOT** to establish what noise level was acceptable to the neighbors and to re-enforce the no dropping policy. I made it clear at the meeting on 1/26/2015 that not all the neighbors witnessed the test and therefore we could not all agree that the noise level was acceptable, and I'm upset that you seem to have given the gym the impression that it was acceptable. You need to correct this mistake on your part.

Thank you,



----- Original message -----

From: [REDACTED] <[REDACTED]>

Date: 02/25/2015 6:53 AM (GMT-08:00)

To: Bob Rollins <brollins@hermosabch.org>

Cc: [REDACTED], Tom Bakaly
<tbakaly@hermosabch.org>, Melanie Chavira <MChavira@hermosapolice.org>,
[REDACTED]

[REDACTED], Estela Hill <ehill@hermosabch.org>,
Ken Robertson <krobertson@hermosabch.org>, Michael Jenkins
<MJenkins@localgovlaw.com>, [REDACTED]
[REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Weights are dropping prior to 7am.

Sent from my iPhone

From: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, February 25, 2015 7:01 AM
To: [REDACTED]; Bob Rollins
Cc: [REDACTED]; Tom Bakaly; Melanie Chavira;
[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Ken Robertson; Michael Jenkins;
Subject: Re: Enforcement at Horsepower Crossfit

Yes. And rattling my home, too.

Bob,

Please provide a citation to the law that you say prevents you from issuing a citation for this continuing nuisance. We neighbors would like to see the law you're relying on to support your continuing refusal to protect our right to the peaceful enjoyment of our homes.

Regards,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, February 25, 2015 7:13 AM

To: [REDACTED]

Cc: [REDACTED]; Bob Rollins; [REDACTED]
[REDACTED]; Tom Bakaly; Melanie Chavira; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Ken Robertson; Michael Jenkins;

Subject: Re: Enforcement at Horsepower Crossfit

Bob

Since our meeting the gym seems to have started dropping weights earlier than they use too. Often before seven am.

[REDACTED]

On Feb 26, 2015, at 4:45 PM, Ken Robertson <kr Robertson@hermosabch.org> wrote:

██████ and all, attached is the letter that went out today.

Ken Robertson

From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, February 26, 2015 6:46 PM

To: Ken Robertson

Cc: [REDACTED]; Tom Bakaly; [REDACTED]; Bob Rollins; [REDACTED];

[REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Ken

Thanks for the update. Ironically as I am reading it there is very very heavy dropping going on right now. Hopefully the gym has a better understanding of the annoyance the operations can cause.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, February 26, 2015 6:57 PM

To: Ken Robertson

Cc: [REDACTED]; Michael Jenkins; Estela Hill; Melanie Chavira; [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; Bob Rollins;
[REDACTED]; Tom Bakaly; [REDACTED]
[REDACTED]

Subject: RE: Enforcement at Horsepower Crossfit

Ken,

Apparently no one at Cross Fit Gym has read your letter. Stong pounding is currently (06:50pm) being felt at the [REDACTED].

Anything you can do to alleviate this constant annoyance would be greatly appreciated.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 9:43 AM

To: [REDACTED]

Cc: Ken Robertson; [REDACTED]; Tom Bakaly; [REDACTED]; Bob Rollins; [REDACTED];
[REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael
Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Thank you Ken and Tom for the letter and clarification. We all appreciate your time. I just want to say for the record that for the second time today, there is heaving weight dropping that is rattling my house. So it seems like the gym either hasn't read or is ignoring the letter.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 9:50 AM

To: [REDACTED]

Cc: Ken Robertson; [REDACTED] Tom Bakaly; [REDACTED]; Bob Rollins; [REDACTED]
[REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael
Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Yes, the shocks are stronger this morning.

[REDACTED]
[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 9:55 AM

To: [REDACTED]

Cc: Ken Robertson; Tom Bakaly; [REDACTED]; Bob Rollins; [REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Completely agree, [REDACTED]. The pounding right now is as loud as it's ever been and is thundering through my home, too. In the 8 o'clock hour I could hear the booms over the volume at which I was listening to NPR--in surround sound.

It's clear that these gym owners have no intention of being good neighbors. They continue to show that they have an utter disregard for the emotional well-being of the neighbors.

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 10:03 AM

To: [REDACTED]

Cc: Ken Robertson; Tom Bakaly; [REDACTED]; Bob Rollins; [REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Even though we are moving next week I will hate to have the new tenants of this property have to deal with this issue. Yes, the pounding continues today at 9:59AM.

With that said please remove [REDACTED] and Myself from the e-mail chain.

Good luck to all of you!

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 10:04 AM

To: [REDACTED]

Cc: [REDACTED]; Ken Robertson; Tom Bakaly;

[REDACTED]; Bob Rollins;

[REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Michael

Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

I, too have heard the pounding this morning — right now in fact.
It happens every day.

Thank you,

[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 10:08 AM

To: [REDACTED]

Cc: [REDACTED]; Ken Robertson; Tom Bakaly; [REDACTED]; Bob Rollins;

[REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED] Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Good morning - I have the pleasure of working from home today and I am experiencing larger booms than I have ever felt before. This is pretty crazy.

This email removed [REDACTED] from the chain but I couldn't find [REDACTED] email so apologies if you are still on it.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 12:53 PM

To: [REDACTED]

Cc: [REDACTED]; Ken Robertson; Tom Bakaly; [REDACTED]
[REDACTED]; Bob Rollins; [REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

. . . and the pounding continues.

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 12:56 PM

To: [REDACTED]

Cc: [REDACTED]; Ken Robertson; Tom Bakaly;

[REDACTED]; Bob Rollins;

[REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael
Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

I also am working from home today and the dropping between 12-1 has been very heavy. I was hoping some adjustments would have been addressed after Kens well written letter to the gym.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, February 27, 2015 1:12 PM
To: [REDACTED]
Cc: [REDACTED]; Ken Robertson; Tom Bakaly; [REDACTED]; Bob Rollins; [REDACTED]; Melanie Chavira; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]
Subject: Re: Enforcement at Horsepower Crossfit

[REDACTED],

I just made the mistake of coming home early to finish my day working from home. I should have stayed at the office because the pounding is strong at my house. I can't imaging how bad it must be at yours.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 1:13 PM

To: [REDACTED]

Cc: Ken Robertson; [REDACTED]; Tom Bakaly; Bob Rollins; [REDACTED];
Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael
Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

I have been on calls for two hours with constant slamming...

it is happening this very moment.

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, February 27, 2015 4:59 PM
To: [REDACTED]
Cc: [REDACTED]; Ken Robertson; Tom Bakaly; Bob Rollins; [REDACTED]; Melanie Chavira; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]
Subject: Re: Enforcement at Horsepower Crossfit

Massive shocks once again - POUNDING.

4:58pm.

Selling memberships on Groupon for \$29 is only compounding the issue.

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 5:00 PM

To: [REDACTED]

Cc: [REDACTED]; Ken Robertson; Tom Bakaly; [REDACTED]; Bob Rollins; [REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Slamming been going on again since 4. Louder and vibrating more than ever. I almost wonder if it's in protest to the letter the gym received.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 5:04 PM

To: [REDACTED]

Cc: [REDACTED]

[REDACTED]; Ken Robertson; Tom Bakaly; Bob Rollins; [REDACTED]; Melanie Chavira;

[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

My wife [REDACTED], who is not sensitive to most issues, and rarely complains about anything (lucky me), was appalled by the pounding going on today.

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 5:15 PM

To: [REDACTED]

Cc: [REDACTED]; Bob Rollins; [REDACTED]
[REDACTED]; Tom Bakaly; Melanie Chavira;

[REDACTED]; Estela Hill; Ken Robertson; Michael Jenkins;

Subject: Re: Enforcement at Horsepower Crossfit

I also was home this afternoon, about 2 ish and it was thumping in our place. It's distinct. No doubt where it comes from.

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, February 27, 2015 5:33 PM

To: [REDACTED]

Cc: [REDACTED]; Bob Rollins; [REDACTED]
[REDACTED]; Tom Bakaly; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Ken
Robertson; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

It's as loud as ever for us too.

On Feb 27, 2015, at 8:33 PM, [REDACTED] <[REDACTED]> wrote:

It's as loud as ever for us too.

Sent from my iPhone

From: [REDACTED] [mailto:[REDACTED]]

Sent: Saturday, February 28, 2015 9:58 AM

To: [REDACTED]
[REDACTED]; Ken Robertson; Tom Bakaly; Bob Rollins; [REDACTED]; Melanie
Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

All:

Just documenting that the gym is dropping weights now at 9:55am and we can feel/hear
at [REDACTED].

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Saturday, February 28, 2015 10:37 AM

To: [REDACTED]

Cc: [REDACTED]

[REDACTED]; Ken Robertson; Tom Bakaly; Bob Rollins; [REDACTED]; Melanie Chavira;

[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

We hear it and feel it too. Yesterday was especially bad.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Saturday, February 28, 2015 11:19 AM

To: [REDACTED]

Cc: [REDACTED]; Ken Robertson; Tom Bakaly; Bob Rollins; [REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Agree. Friday was especially bad and today it continues. Seemed to start shortly after 9 am today (Saturday) and it is still happening after 11:15 am.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, March 02, 2015 8:41 AM

To: Tom Bakaly; Bob Rollins; Michael Jenkins; Estela Hill; Ken Robertson

Cc: [REDACTED]; Melanie Chavira;
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Tom/Bob,

Just documenting that the gym has been at it since after 7am this morning and the vibrations and noise have been disturbing and annoying.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, March 02, 2015 1:17 PM

To: [REDACTED]

Cc: [REDACTED]; Tom Bakaly; Bob Rollins; Michael Jenkins; Estela Hill; Ken Robertson; [REDACTED]
[REDACTED]; Melanie Chavira; [REDACTED]
[REDACTED]
[REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Documenting 1:12pm: some of the most massive shocks I've felt to date.

Thank you,

[REDACTED]

Sent from my iPhone

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, March 06, 2015 9:59 AM

To: [REDACTED]

Cc: [REDACTED]; Tom Bakaly; Bob Rollins; Michael Jenkins; Estela Hill; Ken Robertson; [REDACTED];
[REDACTED];
Melanie Chavira; [REDACTED]
[REDACTED]
[REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Tom and City Staff:

The gym pounding is still going strong today. They were also at it yesterday.

Clearly, these gym owners have no concern for the health and well-being of their neighbors, and could also care less that they are facing criminal charges. Truly disappointing.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, March 11, 2015 1:02 PM

To: [REDACTED]

Cc: Tom Bakaly; [REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Ken Robertson; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

For the record, the weights are pounding right now! It certainly doesn't appear that the gym has changed their policy.

Thanks,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, March 11, 2015 6:52 PM

To: Tom Bakaly; Bob Rollins

Cc:

[REDACTED]
[REDACTED] Melanie Chavira;
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; Estela Hill; Ken Robertson; Michael Jenkins; [REDACTED]
[REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Yes, and right now as well!

[REDACTED]

Sent from my iPhone

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, March 20, 2015 4:39 PM

To: [REDACTED]

Cc: Tom Bakaly; Bob Rollins; [REDACTED]

[REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Ken Robertson; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Estelle

They are dropping right now.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Saturday, March 21, 2015 11:02 AM

To: [REDACTED]

Cc: Tom Bakaly; Bob Rollins; [REDACTED]

[REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Ken Robertson; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Estelle

Pretty constant dropping this whole morning.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, March 30, 2015 9:54 AM

To: Ken Robertson

Cc: [REDACTED]; Tom Bakaly; [REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Good morning Ken,

The weights are pounding. It is 9:51 am.

Clearly the gym owners are not cooperating with the city and have no concern for their neighbors.

What's next?

Regards,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, March 30, 2015 10:02 AM

To: [REDACTED]
[REDACTED]; Ken Robertson; Tom Bakaly; Bob Rollins; [REDACTED]; Melanie
Chavira; [REDACTED]

[REDACTED]; Estela Hill; Michael Jenkins; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

All:

I'm documenting that I'm trying to work from home today but will soon be giving up that idea and going to the office because the gym has been dropping weights consistantly since around 8am. It's now 10am.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, March 30, 2015 10:10 AM

To: [REDACTED]

Cc: [REDACTED]; Michael Jenkins; Estela Hill; Melanie Chavira; [REDACTED];

[REDACTED]; Ken Robertson;

[REDACTED]; Bob Rollins;

[REDACTED]; Tom Bakaly;

Subject: Re: Enforcement at Horsepower Crossfit

To All,

We here (at [REDACTED]) can feel and hear heavy pounding again as well.

Question: Since the letter from the prosecutor has been issued to the gym, can we call police to come out to issue a citation while the pounding is in progress? And have any citations at all, since to letter was sent, been issued to the gym?

Thank you.

[REDACTED]

On Tue, Mar 31, 2015 at 6:09 PM, [REDACTED] <[REDACTED]> wrote:

I agree with [REDACTED]!

I just got home from a great relaxing trip to Maui and now spending time reading law on how to shut down this gym.

I do not own a two million dollar home in Hermosa so some person can open a gym around the corner from me and be a disturbance to me and my neighbors! THIS NEEDS TO STOP!

FIX THIS PROBLEM!!!!!!!!!!!!!!!!!!!!!!

On Mar 31, 2015, at 6:45 PM, C [REDACTED] P [REDACTED] <[REDACTED]> wrote:

The rumbling from the weights is excessive today — right now in particular.

Thank you,

C [REDACTED] P [REDACTED]

<pdg_sig_line.gif>



From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 01, 2015 12:49 PM

To: [REDACTED]

Cc: [REDACTED]; Tom Bakaly; [REDACTED]; Ken Robertson; [REDACTED];
[REDACTED]; Bob Rollins; [REDACTED]; Melanie Chavira;

[REDACTED]; Estela Hill; Michael Jenkins;

Subject: Re: Enforcement at Horsepower Crossfit

More pounding heavy. 12:47

Trying to work from home. May have to go to alternative plans.

City. Please update us a we have not heard much although constant complaints.

Thanks

[REDACTED]

From: Melanie Chavira

Sent: Wednesday, April 01, 2015 4:40 PM

To: [REDACTED]

Cc: [REDACTED]; Ken Robertson; [REDACTED]

Bob Rollins; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Please trust that your emails are not being ignored.

Please review the attached form and return to me as soon as possible via email or mail.

If no one is willing to do the vibration test, I will make my filing decision based on the information Code Enforcement has provided and the information that you submit to me from these forms.

Thank you,

Melanie Chavira

On Apr 6, 2015, at 9:48 AM, [REDACTED] <[REDACTED]> wrote:

More dropping from 8am consistent 9:47 am.

[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@t]

Sent: Tuesday, April 07, 2015 5:57 PM

To: Estela Hill

Subject: Gym

Hi Estela,

Hope things are well. I am just following up on something we discussed when you were at my house and witnessed the effect the gym has on my house when dropping weights.

You were going to discuss what you witnessed and felt (including waves in my drinking glass which you made me aware of) with Melanie the prosecutor. Just wondering how that conversation went. Melanie has sent an email out saying city officials have never been in a residence and experienced the dropping. I am sure this is incorrect or maybe she was being general in her words or possibly forgot some of the reports. Can you please update me on the events following your visit to my residence and what you discussed with her please.

By the way yesterday was heavy as it also is currently going on now at the gym.

Thanks

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 08, 2015 12:42 PM

To: Ken Robertson; Melanie Chavira; Estela Hill; Tom Bakaly

Cc: [REDACTED]

[REDACTED]; Bob Rollins;

Subject: Re: Enforcement at Horsepower Crossfit

All,

Please be advised that the Horsepower Crossfit gym is currently dropping weights and the sound and vibration is being felt in our home at [REDACTED]. I am trying to work from home today and this distraction is having a material effect on my ability to enjoy the use of my home. Please take immediate and decisive action to enforce the City code.

Thank you,

[REDACTED]

Sent from my iPhone

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 08, 2015 1:25 PM

To: [REDACTED]

Cc: [REDACTED]; Melanie Chavira; [REDACTED]; Bob Rollins; [REDACTED]
[REDACTED]; Estela Hill;
[REDACTED]; Ken Robertson;
[REDACTED]; Tom Bakaly; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

All,

For documentation: Extremely heavy pounding felt and heard here at the 8th St apartments over the last hour.

This has to stop but I don't believe the city has the will to make that happen. This situation is a sad joke and I for one am contemplating moving!

As a renter, I can get up and get out of this neighborhood but I do feel for the home owners and wonder how has this nuisance has affected your property values. I'd never buy a home near a CrossFit gym that's for sure!

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 08, 2015 2:01 PM

To: [REDACTED]

Cc: [REDACTED]; Melanie Chavira; [REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill;

[REDACTED]; Ken Robertson;

[REDACTED]; Tom Bakaly; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Agreed [REDACTED],

I'm just down from you closer to [REDACTED]. Wow, I had to work from home today and at 1pm it was very loud and disturbing.

It's a discerning sound and vibration. Yuck!

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 08, 2015 4:31 PM

To: [REDACTED]

Cc: [REDACTED]; Melanie Chavira; [REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill;

[REDACTED]; Ken Robertson;

[REDACTED]; Tom Bakaly;

Subject: Re: Enforcement at Horsepower Crossfit

And the City is well aware based on the record before it that the gym is not only violating the Code, but that the nuisance it ***knowingly allows*** the gym to perpetuate necessarily diminishes the value of our homes.

To compound the injury, the City's prosecutor, whom the City paid with ***our*** limited tax dollars **to investigate** the matter, refuses to interview victim-witnesses to learn the bulk of the evidence available in support of the City's case to uphold its laws.

Query--Is there a will to enforce the law in this matter? Or is there merely a will to create an illusion that an effort is being made to enforce the law?

By the way, the most recent weight drops (4:21 pm) are so massive they bounce and boom five times before stopping.

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 08, 2015 5:03 PM

To: [REDACTED]

Cc: [REDACTED] Melanie Chavira; [REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill;

[REDACTED] Ken Robertson; [REDACTED]

[REDACTED] Tom Bakaly; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Just documenting that the weights are pounding now, at 5pm.

Thank you,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 08, 2015 5:12 PM

To: Melanie Chavira; [REDACTED]

Cc: [REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill;

[REDACTED] Ken Robertson; [REDACTED]

[REDACTED]; Tom Bakaly; [REDACTED]

Subject: RE: Enforcement at Horsepower Crossfit

Yes weights are being dropped at 5:03pm.

Or maybe the city needs to come out and investigate that there is a low rider convention and it the hydraulic cars dropping on the pavement.

Or maybe the ice cream truck is dropping ice cream on the street and that's shaking my house.

Wait, I know what it is, it was Santa and his sleigh stopping on Loma and realizing its not December 25th yet. So he left because the dropping of the weights of Cross fit Horsepower Hermosa scared his reindeer and him away.

FIX THIS PROBLEM!!!!

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 08, 2015 8:43 PM

To: [REDACTED]

Cc: [REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill; [REDACTED]

[REDACTED]; Ken Robertson; [REDACTED]

[REDACTED]; Tom Bakaly; [REDACTED]

Subject: RE: Enforcement at Horsepower Crossfit

Documenting: The weights were pounding on and off all day today. I am usually not home all day as I have a job that can not be done from home.

Currently I've been and will be home all day for awhile trying to recover from a recent surgery, hopefully peacefully.

I don't know how you guys who do work from home do it. I can't imagine how you all get anything done. These disrespectful CrossFit gym owners / managers are really starting to get under my skin so to speak and the city government people are not far behind. I think they, the city folks, have forgotten who they work for...

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, April 09, 2015 7:02 PM

To: [REDACTED]

Cc: [REDACTED]; Melanie Chavira; [REDACTED]

[REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill; [REDACTED]

[REDACTED]; Ken Robertson; [REDACTED]

[REDACTED]; Tom Bakaly; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

It is 6:57pm and we are getting the delightful weight dropping!

This has to stop! Last time I checked we live in America and not the USSR and the people have rights! Like the right of peace and quiet at home on a Thursday night at now 7:01pm.

Fix this problem or find a new job!

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, April 09, 2015 7:04 PM

To: [REDACTED]

Cc: [REDACTED]; Melanie Chavira;

[REDACTED]; Bob Rollins;

[REDACTED]; Estela Hill;

[REDACTED]; Ken Robertson;

[REDACTED]; Tom Bakaly;

Subject: Re: Enforcement at Horsepower Crossfit

I experienced the weight dropping just now as well. Thump! Thump!

Thank you,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, April 09, 2015 7:18 PM

To: [REDACTED]

Cc: [REDACTED]; Melanie Chavira;

[REDACTED]; Bob Rollins;

[REDACTED]; Estela Hill;

[REDACTED]; Ken Robertson;

[REDACTED]; Tom Bakaly;

Subject: Re: Enforcement at Horsepower Crossfit

Your lucky it was heavier at 5:40. I thought the trex from Jurassic park was loose. Then I remembered dinosaurs are extinct.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 15, 2015 9:56 AM

To: Melanie Chavira; [REDACTED]

Cc: [REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]
[REDACTED] Estela Hill; [REDACTED]

[REDACTED]; Ken Robertson; [REDACTED]

[REDACTED]; Tom Bakaly; [REDACTED]; Michael Webb

Subject: Re: Enforcement at Horsepower Crossfit

City Staff and Prosecutors:

The gym has continued its habit pounding my home with its weight drops this morning.

Melanie,

I am available to meet with your office tomorrow or Friday. I will be on travel the following week, so if possible, would like to meet this week. Please let me know a convenient time to stop by for an interview, and the location of your office.

Best regards,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 15, 2015 12:38 PM

To: [REDACTED]

Cc: Melanie Chavira; [REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill;

[REDACTED]; Ken Robertson;

Tom Bakaly; [REDACTED]; Michael Webb

Subject: Re: Enforcement at Horsepower Crossfit

It's 12:30 and the weights are POUNDING again!

Thanks,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 15, 2015 12:40 PM

To: Melanie Chavira; [REDACTED]

Cc: [REDACTED] Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill;

[REDACTED]; Ken Robertson; [REDACTED]

[REDACTED]; Tom Bakaly; [REDACTED]

[REDACTED]; Michael Webb

Subject: Re: Enforcement at Horsepower Crossfit

Massive pounding continues in the Noon hour. The weights being dropped are so huge they bounce four and five times before stopping.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 15, 2015 3:17 PM

To: [REDACTED]

Cc: Melanie Chavira; [REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill;

[REDACTED]; Ken Robertson;

Tom Bakaly; [REDACTED]; Michael Webb

Subject: Re: Enforcement at Horsepower Crossfit

The weights are POUNDING again at 3:15.

Thanks,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, April 15, 2015 3:29 PM
To: Melanie Chavira; [REDACTED]
Cc: [REDACTED]; Bob Rollins; [REDACTED]
[REDACTED]; Estela Hill;
[REDACTED]; Ken Robertson;
[REDACTED]; Tom Bakaly; [REDACTED]; Michael Webb
Subject: Re: Enforcement at Horsepower Crossfit

City Staff and Prosecutors:

The gym is again dropping enormous weights and disturbing my ability to concentrate.
At least 7 bounces from the impact.

I implore you to take immediate action.

I've reviewed the Planning Commission Staff Report attached to the City Council meeting of March 11, 2014, and it completely dismisses the warnings and concerns of residents about noise problems. City Staff, please explain how this happened? Please share copies of the communications and representations of [REDACTED] in pursuing the zoning change. The City owes us that courtesy and an explanation for how it got our neighborhood into this mess.

For your convenience, the discussion begins at 1:33:37. Please let us know what the City can do in the interim, in parallel with the prosecution to make this stop TODAY!

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 15, 2015 4:40 PM

To: Tom Bakaly; Michael Jenkins

Cc: [REDACTED]; Bob Rollins; [REDACTED]
[REDACTED]; Estela Hill;
[REDACTED]; Ken Robertson;
[REDACTED]; Melanie
Chavira; Michael McKenna; Michael Webb

Subject: Re: Enforcement at Horsepower Crossfit

For the record--Massive weight drops again in the 4 o'clock hour.

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, April 15, 2015 5:06 PM

To: A [REDACTED] V [REDACTED]

Cc: Tom Bakaly; Michael Jenkins; [REDACTED]; Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill; [REDACTED]

[REDACTED]; Ken Robertson; [REDACTED]

[REDACTED]; Melanie Chavira; [REDACTED]; Michael Webb

Subject: Re: Enforcement at Horsepower Crossfit

Hermosa officials

Unfortunately I worked from home today and from the volume of emails you know the pounding was happening all day. Now that I am done with work I can finally leave my house to avoid the massive shocks as they are still going (past 5pm).

Please do something as I find it terrible that I have to leave my house to avoid these constant noise disruptions.

Also I watched the video link sent and the owner of the gym said he would be a good neighbor. Loma st and the other nearby residents would disagree.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, April 16, 2015 9:48 AM

To: [REDACTED]

Cc: Tom Bakaly; Michael Jenkins; [REDACTED] Bob Rollins; [REDACTED]

[REDACTED]; Estela Hill;

[REDACTED]; Ken Robertson;

[REDACTED]; Melanie Chavira; [REDACTED]; Michael Webb

Subject: Re: Enforcement at Horsepower Crossfit

For the record: The gym is at it again.

City Staff:

Please send enforcement over to observe the gym's activities and re-explain to them that the weight drops are rocking the neighboring residences!

It is an outrage that [REDACTED] had the audacity to dupe the City and neighbors into believing that their activities would peacefully co-exist with us.

Please hold them to the promises they made when the City allowed them to open.

Ken/Tom: did Jed [REDACTED] disclose that the gym would be a Crossfit gym in the application process? If not, that was a material omission given the vast amount of litigation around the country these gym's have faced.

Please make those records available to us for inspection and let us know when they're ready.

Please do something NOW! We should not have to suffer through another day of this!

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Thursday, April 16, 2015 5:19 PM
To: Melanie Chavira; [REDACTED]
Cc: [REDACTED]; Bob Rollins; [REDACTED]
[REDACTED]; Estela Hill;
[REDACTED] Ken Robertson; [REDACTED]
[REDACTED]; Tom Bakaly; [REDACTED]; Michael Webb
Subject: Re: Enforcement at Horsepower Crossfit

Thank you, Melanie. Enjoy your weekend.

Tom and Mike,

In the interim, please respond to my emails regarding other avenues of enforcement available to the City--i.e.,(1) **immediately prohibiting** the gym from weight dropping on the grounds that the activity was not an approved use in the permit; (2) filing for injunctive relief for per se nuisance, as our City Attorney noted during the City Council meeting at which the City granted the underlying permit; and (3) immediately enforcing the other limitations the City imposed on the operator, such as requiring that all activities be conducted indoors.

Further, I request that the City ensure that the response to my public records request is complete. This afternoon, I reviewed three scant folders that Community Development staff indicated are the entirety of documents responsive to my request maintained by that Department (noting that the City Council may have other responsive documents). While I greatly appreciate and commend the City's rapid response in making the records available on the same day of my request, the documents in the files produced cannot possibly be the entirety of the responsive records. For example, there is nothing in the folders consisting of studies, reviews or analysis that staff (or anyone else) undertook to issue a Negative Declaration other than the conclusory document that is the Negative Declaration, available on the City's website.

Thank you in advance for letting us know whether the City is willing to hold the Crossfit operators to the uses approved by the City Council and/or bring a suit for injunctive relief for the nuisance they continue to inflict on our neighborhood. We shouldn't have to wait for a criminal prosecution when the City has the power to proceed with an injunction to make this stop immediately.

And by the way, they are dropping weights now, so please send a Code Enforcement official to make them stop.

Best regards,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, April 17, 2015 10:13 AM
To: Melanie Chavira; [REDACTED]
Cc: [REDACTED]; Bob Rollins; [REDACTED]; [REDACTED]; Estela Hill; [REDACTED]; Ken Robertson; [REDACTED]; Tom Bakaly; [REDACTED]; Michael Webb
Subject: Re: Enforcement at Horsepower Crossfit

For the record, once again the gym is pounding my home with it's weight drops.

Tom and Mike,

Please do not delay any longer in pursuing an injunction to stop this nuisance. Please also have the courtesy to respond to my multiple requests that you do so. It is maddening that we have to live with this nuisance each day and you can't even exercise the courtesy to respond to emails directed to you, asking for why you are declining to exercise the City's legal right to put an immediate stop to this illegal activity through the injunctive process. **Please provide notice to the defendants today that you will do so on Monday morning!**

It is clear from the videos of the hearings before the Planning Commission and the City Council that the gym failed to disclose that its operations would encompass weight dropping. Have either of you bothered to review these videos? If not, why not? Have you reviewed the permit application files? It takes only a few minutes of your time to see that nowhere therein did the applicants disclose an intent to establish a crossfit-type gym, a crucial fact. Their material omission was clearly by design given the vast amount of complaints and litigation against these gyms. It is also clear from the hearings that [REDACTED] used his cozy relationship with City officials to dupe them into not asking sufficient questions about the intended operations. How is it that the City failed to ask such basic questions about planned operations and the impact on residents?

The videos of the hearings establish that the zoning change the City adopted--quite reluctantly by some officials, specifically does not encompass weight dropping. Therefore, the City has every right to put an immediate stop to this nuisance.

I implore you, do not wait for a criminal prosecution. Every day that we have to live with this is a lost opportunity for the City undo the harm it allows this gym to perpetrate on us. Exercise the right and the power the City holds to make it stop now!

You can start by sending Code Enforcement over there to make them stop dropping the weights today on the grounds stated herein.

I am sick and tired of having to deal with this--wasting my time doing the investigation and analysis you ought to be undertaking yourselves given the gravity of this situation.

Best regards,



-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]

Sent: Saturday, April 18, 2015 10:26 AM

To: Estela Hill

Cc: Tom Bakaly

Subject: Horsepower Crossfit Gym

Estella,

The Horsepower Crossfit Gym is holding a fair out in their parking lot and playing loud booming noise which could be heard a block away. Are you available to meet me there now to observe?

Thank you.

[REDACTED]

[REDACTED]

From: Estela Hill
Sent: Sunday, April 19, 2015 12:13 PM
To: Bob Rollins
Cc: Tom Bakaly
Subject: FW: Horsepower Crossfit Gym

FYI - By the time I got out there everything was locked up. However, I spoke to Sgt. Averill that responded to the complaint and he said that there wasn't a "fair" in the parking lot but that they were having some kind of event inside the building. The music was only heard when someone opened the doors to enter or exit.

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, April 20, 2015 12:30 PM
To: [REDACTED]; Melanie Chavira; [REDACTED]
Cc: [REDACTED] Bob Rollins; [REDACTED]; [REDACTED]
[REDACTED]; Estela Hill;
[REDACTED] Ken Robertson; [REDACTED]
[REDACTED] Tom Bakaly; [REDACTED]; Michael Webb
Subject: RE: Enforcement at Horsepower Crossfit

Dropping of weights 12:29pm.

From: [REDACTED] [mailto:[REDACTED]]

Sent: Monday, May 18, 2015 5:32 PM

To: [REDACTED]; Melanie Chavira; [REDACTED]; Bob Rollins; [REDACTED];

[REDACTED] Estela Hill;

[REDACTED] Ken Robertson; [REDACTED];

Tom Bakaly; [REDACTED]

Subject: Re: Enforcement at Horsepower Crossfit

Heavy pounding going on right now at 5:30 Monday evening!

[REDACTED]

On Jun 2, 2015, at 3:48 PM, [REDACTED] wrote:

There was more dropping today. At 2:16pm it felt like a set of 5-7 reps was done with the typical after shocks and again at 3:15pm similar set of dropping was done. Another resident also mentioned feeling and hearing drops around lunch time as I heard them too.

At the last council meetings 2 members stated dropping never occurs, the gym owner actually then contradicted them and said they only drop if it is a safety measure and any other times are told not to drop. Today seems to contradict that policy if typical sets are done and allow dropping to occur. There were also numerous other singular drops throughout the day (and week).

From: [REDACTED] [mailto:[REDACTED]]

Sent: Tuesday, June 02, 2015 4:21 PM

To: [REDACTED]

Cc: [REDACTED]; Melanie Chavira;

[REDACTED]

[REDACTED]; Estela Hill;

[REDACTED]

[REDACTED]; Ken Robertson;

[REDACTED]; Tom Bakaly; [REDACTED];

Michael.Webb@redondo.org

Subject: Re: Enforcement at Horsepower Crossfit

For the record [REDACTED], Monday 6/1 at 12:50pm and 4:50 pm, heavy pounding.

On Jun 3, 2015, at 6:49 PM, [REDACTED] <[REDACTED]> wrote:

Today at different times had heavy dropping

Early morning late afternoon and now for the past few minutes. For a gym that says they don't drop except for safety it seems like dropping is the norm for today

[REDACTED]

From: [REDACTED] [REDACTED]

Sent: Wednesday, June 03, 2015 7:15 PM

To: [REDACTED]

Cc:

[REDACTED]; Melanie Chavira;

[REDACTED]; Estela Hill;

[REDACTED]; Ken Robertson;

[REDACTED]; Tom Bakaly; [REDACTED];

Michael.Webb@redondo.org

Subject: Re: Enforcement at Horsepower Crossfit

I also felt it several times today.

Thank you,

[REDACTED]

Sent from my iPhone

On Jun 8, 2015, at 8:01 PM, [REDACTED] <[REDACTED]> wrote:

Was not home much today but it was constant dropping while I was home.

From the 2 pm and 4pm hour 7:38pm and 7:52 with about six sets and still going

[REDACTED]

From: [REDACTED] [REDACTED]

Sent: Tuesday, June 09, 2015 7:23 AM

To: [REDACTED]

Cc: [REDACTED]

; Melanie Chavira; [REDACTED]

; Estela Hill; [REDACTED]

; Ken Robertson; [REDACTED]

; Tom Bakaly; [REDACTED];

Michael.Webb@redondo.org

Subject: Re: Enforcement at Horsepower Crossfit

Dropping at 720am

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]

Sent: Tuesday, June 09, 2015 10:54 AM

To: [REDACTED]

Cc: [REDACTED]
[REDACTED]; Melanie Chavira; [REDACTED]
[REDACTED]; Estela Hill;
[REDACTED]; Ken Robertson;
[REDACTED]; Tom Bakaly; [REDACTED];

Michael.Webb@redondo.org

Subject: Re: Enforcement at Horsepower Crossfit

Thumping happening now at about 10:51 AM.

Thank you,

[REDACTED]

ATTACHMENT B – STAFF OBSERVATIONS
CITY PROSECUTORS REPORT ON 725 CYPRESS AVENUE, HERMOSA BEACH
Rollins February 18, 2015

Feb. 4 – 7:20 – 7:30 – street observations, no runners, no noise.

Feb 2 – Approx 4 pm, Estela goes to neighborhood in response to emailed complaint, cannot detect disturbance.

Feb 2 – 7:00-7:10 no runners no audible disturbance.

Jan. 28 – 7:10 – 7:15 am – Street observation on Cypress, no runners, no apparent sounds.

Jan 27 – 1:00 pm, meeting with [REDACTED], Tom, Me, Ken, [REDACTED], Estela – about 20 min talk, with 22 people, it is de facto nuisance, agreed to stop dropping, denied any street running with whistles or other noises, did admit some street running. Us to send letter, them to respond.

Jan. 27 – 7:10 – 7:25 am – Street observation on Cypress, no runners, no apparent sounds.

Jan. 26 – 1:30 pm – weight drop test; me in gym, 3 guys dropping, Estela & Kathy with [REDACTED], Ken with [REDACTED] (who later came to gym) [REDACTED] Eva with [REDACTED] and Aaron with [REDACTED].

Several reps of 3 dropping weights almost simultaneously, some disturbance but not as much as regularly reported.

7 pm – 22 residents, Tom, Ken, Shelli, Estela, Hany and I meet at Community Center, discuss issues, methods to resolve. Decide to meet with [REDACTED] 1 pm next day; no drop policy, other items in letter to [REDACTED]. Also mentioned as part of the complaint, classes running in street with whistles; loud bass on the boom box.

From: Bob Rollins
Sent: Monday, January 12, 2015 3:52 PM
To: [REDACTED]
Cc: Ken Robertson (krobertson@hermosabch.org); Estela Hill
Subject: Weight drop test

Hi [REDACTED],

It would be very helpful for my investigation into this case if we could go ahead and conduct the weight drop test while I was in your home with you. Might you have time this week? If so I will set it up.

Thanks,

Bob Rollins

Building/Code Enforcement Official
City of Hermosa Beach, CA
(310) 318-0235

1/6/15 [REDACTED] emails @ 11:44 “happening now” Estela drives over, does not hear anything, meets [REDACTED] who gives her a schedule, says that it has stopped, but gave her a schedule. Went back out at next class start time, 20 minutes at end of [REDACTED] driveway, nothing.

12/16/14 – 20 minute phone chat with [REDACTED] – agreed that the disturbance occurred after 8 am and before 10 pm; that it lasted about 10 – 30 minutes & that my idea to test it – have weights dropped while monitored from inside the gym, in [REDACTED] house and at his house would be a good way to establish the source and possibly the violation of the noise.

12/15/14 – 7:05 – 7:30 about 10 minutes each at end of driveway and at south wall of gym. Nothing.

12/11/14 – 7:06 – 7:10 faint thumping sounds at end of drive, approx. 6 heard in 3 minutes. At gym, it was found that two folks were working with light weights. Sent email to complaining parties asking if they detected it. If so, this might be the problem.

12/10/14 – Spoke to office at J & B Plumbing, 620 Cypress 372-6272 – asked her to ask the workers to be more careful and quiet when they load their trucks before 8 am. She said she would.

12/9 – At end of [REDACTED] drive 7:10 – 7:20 – only noise was loading at J & B.

12/8 – End of [REDACTED] drive 7:08 – 7:25 – noise from J & B. Approx 10:30 am – [REDACTED] phoned & we discussed the issues – I stressed that I had to have evidence that the disturbance came from the gym. [REDACTED] called back at about 11:15 to tell me it was “happening”. Estela and I drove to site, [REDACTED] called when we were at 8th & Valley to tell us it had stopped. Elapsed time 5 – 10 minutes. Estela and I stood at end of drive about 10 minutes and did not detect disturbance.

12/4 – [REDACTED] left a phone message I received at 7:20 – listened from end of drive about 5 minutes then went to gym – no noise, no one using weights, 4 people waiting for an aerobics class.

Received email from [REDACTED] at 8:25 am – said noise started at 7:05 and that it was happening right now at 8:17. Went to end of drive at about 8:25 am, detected nothing.

[REDACTED] phoned to tell me it was happening at about 11 am – went to site with Kathy K, heard nothing. [REDACTED] emailed at 11:38 pm to tell me noise stopped shortly after he phoned, but that it started again at 12:30 that afternoon. Kathy and I went to gym after having stood at end of driveway and in front of [REDACTED] house, metallic noises came from auto spa repair shop across from gym, nothing from gym itself.

12/3 – At [REDACTED] by his invite from about 11:30 to 11:45 – no disturbance from the room in his home closest to the gym.

12 1, 2 & 3 – 10 minutes against south wall of the gym from approx. 6:30 to 6:45 – no disturbance.

ATTACHMENT C – LETTERS – CITY & GYM
CITY PROSECUTORS REPORT ON 725 CYPRESS AVENUE, HERMOSA BEACH
Rollins February 18, 2015

On Dec 8, 2014, at 1:47 PM, Bob Rollins <brollins@hermosabch.org> wrote:

Hi [REDACTED],

Please see below. Could you send me a schedule of the free-weight training classes, please? As you can see, I intend to monitor it at the gym and then at one of the adjacent homes to determine if the gym is generating the noise/vibration they complain of. If so, we will work with you to correct. If not, I will continue my quest for this disturbance.

Thanks,

Bob Rollins
Building/Code Enforcement Official
City of Hermosa Beach, CA
(310) 318-0219

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, December 08, 2014 2:33 PM
To: Bob Rollins
Cc: Shelli Margolin-Mayer; [REDACTED]
Subject: Re: Cypress Crossfit Gym and Loma Residents

Bob,

Thanks for the email and my apologies that you have had to deal with the neighbors.

We don't have any "free weight" classes just our normally scheduled classes. At times, coaches work out on off times. What I would recommend is that you come over and I literally drop some weights for you.

I suspect you will find the same that I have (I actually sat in one of the neighbors houses) that the noise is minimal at best. I think the issue here is that some folks work at home and seem to have an expectation of zero sound during the day. We are obviously in a light industrial/commercial zone which will generate noise. As you mentioned, if we were an active lumber yard, machine shop, etc. there would certainly be noise and I am sure there would be far more complaints. The previous business (Rubios) was essentially a dead business in which he lived on the property and there was little if anything going on. I think that is the expectation, which I don't believe is a reasonable one. The property is a nearly 19,000 square foot industrial space that all of the people whom purchased property that was adjacent to it understood when they purchased it and I am certain was considered as part of the purchase price. As I mentioned in my previous email, one of the properties behind us literally built 5 feet from our building. I can't imagine how one could do that and expect silence.

In any case, we are as always open to you coming and monitoring and providing suggestions. This morning, I understand someone down the street was making noise very early (glass shop?), I wonder if they received a ticket. I would hate to be in a position, given that you have been out many times, to have you there daily so as to find one case where something is slightly audible and "ticket worthy". I understand your position but I think there needs to be a re-setting of neighbors expectations during business hours between 8am-10pm.

I will call you to follow up or feel free to call me to schedule a time to meet up.

Thanks,

[REDACTED]

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, January 16, 2015 2:46 PM
To: Bob Rollins
Subject: Re: GYM

Bob,

Lets chat Tuesday if you have time. Thanks again checking out [REDACTED] wall attachments to the building. Below is some narrative about our conversations, etc. and what you are looking for. Let me preface this by saying that I believe we are and have been compliant with our CUP and fall well below noise ordinances thresholds for our zone. The steps you are talking about are steps we have taken to do what we can be as good of neighbors as possible without disrupting our business. As we have discussed, I do believe that the proper expectations need to be set with some those whom live near and particularly adjacent to the zone now as it grows and becomes more vibrant in the future. I don't believe that some of the neighbor's expectations of virtually no sound can be met nor should be met in this zone, particularly during day business hours. I am sure that they were well aware of the zone when they rented or purchased their property. Beyond what was done during construction (e.g. heavy insulation added to the roof), we have implemented several practices and policies as it relates to the operation. Specifically we do the following:

1. We are active in keep doors closed during exercise (as per our CUP).
2. We have installed a rubber floor and we have added drop pads for small items like kettle bells.
3. We have purchased rubber weights, which we believe are quieter when dropped or moved.
4. We have asked clients to not drop weights when physically possible.
5. We have adjusted programming in the earlier part of the morning to use quieter movements.

Currently our last class currently ends at 7pm (M-F), well before our CUP closing hour of 9pm. Additionally, we are currently only offering classes Saturday in the morning and are closed Sunday. As we grow that will change. Overall, I know you have visited our location many times and have not heard us violating any noise ordinances nor even hearing us at all (in some cases you heard other businesses e.g. plumbing) and I am confident that any noise we produce is well below what is acceptable. I continue to be available to you for any question, test, walkthroughs you might need.

Sincerely,

[REDACTED]
[REDACTED]

From: Bob Rollins

Sent: Tuesday, January 20, 2015 7:38 AM

To: [REDACTED]

Cc: Ken Robertson (krobertson@hermosabch.org); Tom Bakaly; Shelli Margolin-Mayer

Subject: RE: GYM

Good Morning [REDACTED],

Thanks for the narrative, it is helpful to know the steps you have taken to be a good neighbor. I appreciate your offer to conduct the test, and am waiting for the neighbors schedule to find a good time and date for that.

Thanks,

Bob Rollins

Building/Code Enforcement Official

City of Hermosa Beach, CA

(310) 318-0219

On Wed, Jan 28, 2015 at 9:22 AM, Bob Rollins <brollins@hermosabch.org> wrote:

Good Morning,

Attached is the letter we discussed. It summarizes our meetings with you and with the neighborhood. We hope that implementation of the “no drop” policy will significantly reduce the impact on the neighborhood to a more tolerable level of noise/disturbance to residences close to the industrial zone.

We intend to maintain our contact with you and the neighborhood and hope that this effort gets us to an amicable solution.

Thanks,

Bob Rollins



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3884

January 28, 2015

[REDACTED]
Crossfit Horsepower
725 Cypress Avenue
Hermosa Beach, CA 90254

Subject: Meetings regarding the operation of your establishment at 725 Cypress Avenue, Hermosa Beach, CA 90254.

[REDACTED]:

As we discussed in our meeting with you yesterday, a meeting was held Monday night with city staff and residents from Loma and 8th Street. Over twenty residents attended and expressed their shared experiences with frequent disturbances, describing them as strong vibrations and nuisances which negatively impact their quality of life.

The weight drop test you graciously conducted confirmed that the disturbance was from your gym, but was basically an acceptable level of noise/vibration, unlike what they typically perceive from activities in the gym. They realize that, being adjacent to an industrial zone, some level of disturbance is to be expected; at this point we are trying to ensure that the level is acceptable.

We appreciate your continued cooperation in working with us to minimize the impact that gym activity has on the neighborhood.

To this end, we wish you to consider implementing the following:

1. Immediately prohibit and strictly enforce the dropping of weights as a part of any routine exercise. Perhaps spotters or racks could be used to assist with the placement of the weights in a safe manner. Posting "No Weight Dropping" signs might help in this endeavor.
2. Ensure that any outdoors activities are conducted with respect for the neighbors. While the act of running should not cause a disturbance, whistles, chants or cadences would be disruptive.

We look forward to working with you to a mutually beneficial resolution.

Sincerely,

Bob Rollins

Building/Code Enforcement Official
(310) 318-0235

cc: Tom Bakaly, City Manager; Ken Robertson, Director, Community Development Department; Shelli Margolin-Mayer, Economic Development Officer

City of Hermosa Beach
Hermosa Beach, CA 90254
Tom Bakaly, Bob Rollins
Subject: Crossfit Horsepower - 725 Cypress Avenue, Hermosa Beach, CA 90254.

Gentlemen:

Thank you for meeting with us over the last week to discuss our business.

As we have echoed during all of our conversations, we continually strive to be good neighbors and have demonstrated that we are willing to make modifications to our operations to improve our relationship with our neighbors. As you know, we have spent substantial time and money having the property properly zoned and built to updated standards and feel that we have been very careful in being compliant with what is required of us. We are also aware of some of the friction that might occur with the revitalization of this zone as it becomes more active and vibrant. I hope you share my view that the goal here is balance.

Last week we ran a sound test with City staff. Per your request, we utilized three people to drop rubber weights overhead to determine whether that dropping constituted a noise violation. The result was that it was not a violation and perhaps equally importantly the neighbor that was present found it acceptable. This finding was consistent with the twelve plus code enforcement inspections that have taken place, unannounced, during the last several months.

To that end and to continue in our cooperation, I want to make it clear what we are willing to do to help minimize additional noise and work toward a balanced solution.

- Prohibit and strictly enforce the dropping of all metal weights (colored) as a part of any routine exercise. All metal weights (colored) will only be utilized for exercises off the rack where they will not be dropped.
- Require that any and all exercises programmed with weighted movements where dropping can take place will be done exclusively with rubber plates. As you know we purchased these specifically to help with noise and or vibration from metal weights.
- Continually work toward and communicate with our coaches and athletes to minimize unnecessary weight dropping.

In addition to the above, we are happy to have code enforcement work with us via visits or checks to confirm we are within an acceptable level of noise. We are also willing to do additional tests as you see fit in an attempt to productively work on a solution.

We look forward to working with you toward a mutually beneficial resolution.

Sincerely,



From: [REDACTED]
Sent: Wednesday, January 28, 2015 7:17 PM
To: Bob Rollins
Subject: Re: Letter documenting our meetings

Thank you Bob.

From: Bob Rollins
Sent: Thursday, January 29, 2015 6:43 AM
To: [REDACTED]
Subject: RE: Letter documenting our meetings

Your welcome,

It would be very helpful if you guys could get a response to me by middle of next week, we want to be able to document your willingness to address the issue, yet maintain your ability to run the gym.

Thanks,
Bob

On Feb 2, 2015, at 6:08 PM, Tom Bakaly <tbakaly@hermosabch.org> wrote:

Hi [REDACTED] – This seems to be getting away from us. Hopefully, we can get a written commitment from you first thing Tuesday to not drop weights as we discussed last Tuesday. Thanks - Tom

From: [REDACTED] [mailto:[REDACTED]] **On Behalf Of** [REDACTED]
Sent: Monday, February 02, 2015 8:37 PM
To: Tom Bakaly
Subject: Re: CROSSFIT HORSEPOWER - DROPPING WEIGHTS/2.2/4:50pm (Evidence)

Hi Tom,

Just left you a message. If possible I would appreciate a 5-10 minute call tomorrow to clarify a couple things.

First things first, I know you want this issue to go away as much as I do. I want you to consider a couple things as we move forward on this. I also appreciate your guidance should I be missing something.

1. We are located in a commercial zone. We spent substantial time and money having the property properly zoned and built to updated standards. I was told that I could not do offices or residential and that the City wants to keep this as a commercial zone. That comes with commerce and commerce is not silent. I am aware of many businesses being conducted on our street that are not even allowed in the zoning so I think we need to deal with neighborhood expectations with an active commercial zone an a reasonable amount of noise that comes with that.

2. We have been subjected to close to fifteen code enforcement inspections with no violation of the noise ordinance. I have spoken to Bob time and time again and he has been clear that there is no violation and that he often has similar issues with people whom live next to other commercial establishments (gas station, other gyms, the lumber yard). I think there is a huge disagreement here on what constitutes a violation between us an the neighbors that needs to be resolved.

3. We ran a sound test last week. What we agreed on was that no colored weights (metal) would be used during exercises that could require dropping. We agreed to only use rubber weights on the floor as we tested with staff. We did a test in which code enforcement and a neighbor were present when we dropped a significant amount of rubber weights over and over again (similar to as depicted in the video). The result was that the sound was extremely faint from the neighbors property (did not violate the ordinance) and that it was also acceptable to that neighbor. Today we had an entirely different neighbor come in with a totally different view. He was rude, abrasive and his film only shows that every person on the floor was using rubber weights which we have agreed to voluntarily. Should you require that we do not drop any weights of any kind at any time we would be unable to run our business. Lastly, as it pertains to [REDACTED] behind us I maintain that there are illegal connections to our building that need to be addressed.

If we are at a point where we need to turn this over to our attorney let me know. I am on a panel tomorrow morning but will try you in the early afternoon.

Thanks again,

[REDACTED]

From: Bob Rollins

Sent: Wednesday, February 11, 2015 2:13 PM

To: [REDACTED]

Cc: Tom Bakaly; Ken Robertson (krobertson@hermosabch.org); 'Michael Jenkins'; Melanie Chavira; Estela Hill

Subject: FW: Ideas to Mitigate the impact of weights

Good Afternoon,

Unfortunately, as you probably know, the complaints about vibrations continue from your neighbors. We have been asking around and researching to see if there is a simple & hopefully cost-effective way for you to mitigate them. One building expert offered the advice below, about building an anechoic chamber. Another idea proposed would be to add more padding to the area where the weights are lifted and dropped. I imagine there is a space reserved for this, perhaps a thicker pad in this area would help reduce the vibration & the complaints.

While I realize the frustration this situation is causing you, it is having the same effect on the neighbors. I further realize you might ask; "How much is enough?" and I don't have a good answer for that question. If, however, thicker pads can be used for dropping weights and we see a sharp decline in complaints, we are probably close to a resolution at that point.

I'd appreciate it if you could get back to me with a response to the above by end of business tomorrow. Your assistance is appreciated.

The noise impacts with the weights could be migrated possibly by building a separate floor with a passive isolation system (rubber isolators) on top of the existing floor and not connected to the exterior walls. The exterior walls should be isolated with a separate wall (not connected) with an air gap and sound insulation to reduce the noise through the existing wall. The ceilings should also be insulated with sound batts. The building is built on sand which transmits vibrations (noise impacts) . The best way to describe the noise impact problem is that the building is a big bass drum (concrete and concrete masonry unit blocks) and needs to be designed as a anechoic chamber.

Thanks,

Bob Rollins

Building/Code Enforcement Official

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, February 13, 2015 11:42 AM
To: Bob Rollins
Cc: [REDACTED]); Tom Bakaly; Ken Robertson; Michael Jenkins; Melanie Chavira; Estela Hill
Subject: Re: Ideas to Mitigate the impact of weights

Bob,

Thanks for your email. We understand that you have a difficult job to do. As you know we have been very accommodating and reasonable in working with the neighbors, however, we believe that at this point our goodwill is being stretched too far and your request for us to build an "anechoic chamber" is in a galaxy far and away from reasonable.

As you know, you have performed close to twenty code enforcement inspections looking for a noise violation in response to neighbor complaints. Based on all of those inspections, as you have shared with us not only did you not find any violation, you were unable to hear virtually anything. In addition to these inspections we have offered to perform sound tests and performed one in which there were no findings of a noise violation. To be further reasonable and in the spirit of cooperation we have incurred additional costs in purchasing new equipment that we believe would be quieter and also changed our programming while assessing the issue – all measures that we believe are not required of us but done out of goodwill.

In your most recent communication you have suggested we consider building an "anechoic chamber" which we do not fully understand nor does it appear you fully understand based on our conversation. Your email references an undisclosed "expert" whose qualifications are unclear. Since we would need to be notified of a site visit, which has not taken place, the comments cannot be based on an actual assessment. I am surprised that given the fact that all the inspections and tests have evidenced that we are not causing noise or vibrations that are audible or even get close to violating the ordinance that you would recommend such a thing.

At this point it has become clear to us that our willingness to make significant changes beyond what is required of us has not been productive or appreciated. In addition to the inspections we have also had several cases of harassment from some of the neighbors that we find unacceptable. We opened this business legally at considerable expense in an industrial zone with significant conditions of operation and have done so responsibly and with respect to the neighborhood. We feel that equal consideration should be given to us as business that has a legal right to reasonably operate a 20,000 M-1 commercial zone property. We do not feel that this is being considered proportionally.

In closing, will remain open to any reasonable request that does not further negatively impact our ability to run our business. We will continue to comply with the

noise ordinance and our operating conditions. We welcome any inspections you need to make and will keep the communication lines open. In fairness, however, we ask that you begin basing your decisions and requests on actual facts and findings rather than unsubstantiated claims and political posturing. We continue to love this City and hope you will do the right thing.

Respectfully,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DATE	TIME PERIOD	Complaint
11/21/14		banging and vibrations kept himon edge
11/23/14	7:05 AM	noise and vibrations preventing wife from back injury recovery
12/4/14	7:05-8:17 AM	banging and vibration
12/4/14	7:05a-8:18a	noise and vibrations preventing wife from back injury recovery
12/4/14	11AM	Happening
12/4/14	1230pm	Started again
12/11/14	7:06a-7:10a	Bob Rollins heard thumping sounds like heavy truck hitting a bump. 6 times in 3 minutes
12/12/14	4:42p	rattled windows
12/12/14	4:30p-45:5p	Feeling it as awell
12/12/14	ALL DAY	Felt it too. Very heavy and making my anxiety peak
12/13/14	11:02a	Nice bunch of vibrations
12/13/14	11:19a	Me too
12/16/14	after 8a-before 10p	disturbance lasted about 10-30 minutes
12/31/14	1130a-1:11p	Felt like someone walking on dek above office. Went to gym
1/5/15	11:11a	This is going on right now
1/5/15	4:44p	Happening right now
1/6/15	11:44p	heappening now
1/20/15	1:22pm	reverberations beyond anything permissible
1/20/15	1:29pm	Particularly bad at the moment
1/21/15	ALL DAY	unbearably loud
2/2/15	648 AM	felt dropping
2/2/15	Before 7am	Woken by weight dropping
2/2/15	Shortly before 7am	Felt vibrations
2/2/15	7:30am	heard and felt rumbling
2/2/15	12:45p	Weight dropping happening
2/2/15	4:38p	Could not sleep because of weight dropping. Sent video
2/2/15	4:30-6:55p	Dropping has been massive
2/4/15	7:14am	Weights dropping
2/4/15	5:50pm	weights continuously being dropped
2/9/18	12:43pm	massive shocks
2/13/15	10:11a	weight dropping happening is rattline piture frames in bathroom
2/17/15	644 AM	Grym dropping session
2/19/15	7:05am	Constant weight dropping
2/25/15	Prior to 7am	Weights are dropping
2/25/15	7:01am	Rattling my home
2/25/15	4:58p	Massive shocks. Pounding.
2/26/15	6:46pm	very very heavy dropping
2/26/15	6:57pm	strong pounding being felt

2/27/15	9:43am	heavy weight dropping rattling my house
2/27/15	9:50am	shocks are stronger this morning
2/27/15	9:55am	pounding as loud as it's ever been and thundering through my home
2/27/15	10:03am	pounding continues
2/27/15	10:04am	pounding this morning
2/27/15	10:08am	experiencing larger booms than I have ever felt before
2/27/15	12:53pm	pounding continues
2/27/15	12-1pm	dropping very heavy
2/27/15	1:12pm	pounding is strong
2/27/15	1:13pm, 4:58pm	Massive shocks once again. Pounding
2/27/15	4-5pm	Slamming . Louder and vibrating more than ever
2/27/15	5:04pm	pounding
2/27/15	2pm	distinct thumping in our place
2/27/15	8:33pm	It's as loud as ever for us, too
2/28/15	10:37am	We hear it and feel it too. Yesterday was especially bad.
2/28/15	9:57AM-11:19am	Dropping weights
3/2/15	7AM	
3/2/15	8:40 AM	vibrations and noise have been disturbing and annoying since after 7am
3/2/15	9:28AM	drop weights. Home with a fever and have been hearing and feeling it.
3/2/15	1:12p	some of the most massive shocks I've felt to date
3/5/15		pounding
3/6/15	9:59am	gym pounding strong today
3/11/15	1:01p	Weights are pounding
3/11/15	6:52p	Right now as well
3/20/15	4:39pm	dropping right now
3/21/15	ALL MORNING	Pretty constant dropping this whole morning
3/23/15	4:38p	dropping constantly going on
3/30/15	9:53 AM	Weights are pounding
3/30/15	10:02am	Dropping weights consistantly since 8 am, cannot work at home
3/30/15	10:10am	heavy pounding
3/31/15	8:25 AM	Weights are pounding very heavily
3/31/15	5:49p	Weights are dropping very heavily
3/31/15	6:09p	I agree with RW
3/31/15	6:45p	Rumbling from weights is excessive today - right now in particular
4/1/15	12:47p	More pounding heavy
4/6/15	8:00 AM- 9:47 AM	More dropping
4/7/15	5:57pm	currently going on now
4/8/15	12:42pm	Sound and vibration beinf felt. Material effect on my ability to enjoy use of my home
4/8/15	2:00pm	Extremely heavy pounding felt
4/8/15	2:00pm	loud and disturbing. It's a discerning sound and vibration

4/8/15	4:21pm	SO massive they bounce and boom five times before stopping
4/8/15	5:00pm	weights are pounding now
4/8/15	5:03pm	weights are being dropped
4/8/15	8:42pm	weights were pounding on and off all day today
4/9/15	6:57	weight dropping
4/9/15	5:40	Heavier at 5:40pm
4/9/15	7:04pm	I experienced the weight dropping just now as well
4/10/15	5:04	vibrations and sound from the gym are making it difficult to have peaceful enjoyment of home
4/15/15	Morning	pounding
4/15/15	12:30pm	weights are POUNDING again. So huge they bounce four or five times before stopping
4/15/15	12:40pm	massive pounding continues in the noon hour
4/15/15	3:15pm	weights are POUNDING again
4/15/15	3:29pm	gym is again dropping enormous weights and disturbing my ability to concentrate
4/15/15	4:40pm	Massive weight drops again in the 4 o'clock hour
4/15/15	post 5pm	Left house to avoid massive shocks
4/16/15	9:78am	gym is at it again
4/17/15	10:12a	pounding my home with it's weight drops
4/18/15	10:26am	
4/20/15	12:29pm	Dropping of weights
5/18/15	5:30pm	Heavy pounding going on right now



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3884

February 26, 2015

Messrs. [REDACTED]
Crossfit Horsepower
725 Cypress Avenue
Hermosa Beach, CA 90254

Subject: Continuing Noise and Vibration Complaints

Gentlemen:

As follow up to our previous correspondence and discussions about your business operations, weight dropping during operation of your business is still causing levels of noise and vibration that is a significant annoyance to your neighbors. I make this statement based on continuing complaints to the City from several neighbors who are experiencing this annoyance and are unable to peacefully enjoy their homes and neighborhood, and we support them in seeking solutions to this issue.

While we certainly appreciate your cooperation in conducting the weight drop test and further efforts to minimize the noise with modifications in your weight dropping policies and use of rubber plated weights, we continue to receive a similar number of complaints. Further, while the controlled weight drop test only seemed to cause minimal noise and vibration, it did confirm that noise and vibration was coming from your business. Due to the nature of the controlled test, it was not able to confirm that your approaches and weight dropping policies have sufficiently alleviated or satisfactorily addressed noise and vibration concerns.

As you know, we have referred this matter to the City Prosecutor, who is conducting an investigation based on the fact we have received so many complaints as to whether the noise and vibrations are violating the code. We believe that is a reasonable and fair approach to resolve the code related questions, but recognize it may have limited success in resolving short and long-term neighborhood compatibility issues.

The purpose of this letter is to again reach out to you and strongly encourage you to consider a different approach to your weight dropping policy, or acoustic modifications to your building or flooring system. The City and all businesses have a mutual interest in the economic prosperity and success of commercial districts, but the long term success of new types of businesses with unique operations like yours can only be assured by addressing compatibility issues and allowing existing residents and business to enjoy a reasonable amount of peace and quiet.

If you would like to discuss this matter in further detail, the City Manager and I are happy to meet with you at your convenience. Please call me at (310)-318-0242 to set up a meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ken Robertson", is written over a horizontal line.

Ken Robertson
Director, Community Development Department

cc: Tom Bakaly, City Manager