

City of Huntington Beach

NOV 10 2008

November 9, 2008

City of Huntington Beach

City of Huntington Beach
Attn: Council Members/Planning Commission
2000 Main Street
Huntington Beach, CA 92648

~~NOV 7 2008~~

Dear Council Members/Planning Commission:

This letter is to clarify some recent issues of great concern to me that have arisen regarding the Black Bull Chophouse Restaurant, located at 300 Pacific Coast Highway, Suite 112. I am the owner of this restaurant and the Huntington Beach Brewery, located at 201 Main Street, Suite 'E' which has been a successful business for the past three years. The Black Bull Chophouse opened its doors on April 17, 2008. Since opening date, I have had an influx of clientele who continue to visit the Black Bull on a regular basis from nearby and surrounding cities. I have received verbal praises and numerous positive comments regarding The Black Bull, both in person and on newspaper articles from local newspapers, the Orange County Register, and the Los Angeles Times.

On October 21, 2008, I was advised via letter from Chief Kenneth Small, of the Huntington Beach Police Department, that the Black Bull had received numerous violations since April 2008, including opening date. This came as a surprise to me since I was not made aware of these violations (except one) until this recent letter, which included several violation notices. It is my understanding that a violation requires a written citation, otherwise the person has no knowledge of the alleged violation. I did not receive written notices at the time of the alleged occurrence. I feel the need to defend myself and my business of these allegations. Some of these alleged violations are absolutely misleading and include assaults and a rape which did not occur at the Black Bull, as evidenced by the written reports (see attachments) I requested from the Huntington Beach Police Department. In fact, the possible location of the rape was nowhere near the Black Bull Chophouse, and one assault occurred in the parking structure across from the Black Bull (suspects were customers of Crabby's Restaurant/Bar). The police report clearly states the location of occurrence is "200 Main Street" in the parking structure. This assault involved Huntington Beach Police Officers who received the help of my Security staff. I highly encourage my Security staff on a regular basis to help if needed since there is a lot of activity from the local businesses.

On October 27, 2008, I filed an appeal with the City of Huntington Beach City Clerk in regards to the above allegations. On November 5, 2008, I received a telephone call from City Attorney Jennifer McGrath stating that she agreed I was not granted due process and I had the right to be heard in regards to the above allegations prior to revoking my entertainment permit, which was inadvertently revoked effective October 21, 2008. Ms. McGrath is reinstating my entertainment permit on the fact that I have only one violation (extra security officer not wearing proper uniform shirt) in the past six months. The four violation notices sent along with the letter revoking my entertainment permit are still pending and my permit should not have been revoked based on these "alleged" and "unresolved" violations. Ms. McGrath is working on setting up a meeting with Chief Small and myself to resolve these issues.

LATE COMMUNICATION #D-1 PC 11-12-08

I have spent over one million dollars, and two years of time and great effort, to bring a successful business to the Downtown community, in which I currently employ 90 local Huntington Beach residents. In the past six months, I have established two million dollars in sales and have been able to employ and pay the 90 local residents. My business revolves around my entertainment permit and I feel that based on a dress code violation of "extra" security, I did not deserve to lose the permit. The punishment does not fit the violation.

The following are some positive matters in regards to the Black Bull Chophouse which I can expand on during the meeting:

- Letter of Congratulations from The Department of Alcohol Beverage Control (ABC) Regarding Sting Operation on Serving Alcohol to People Under Age 21
- Employ 90 Local Huntington Beach Residents
- Hosted Fundraiser for Autism for Children (Publicized in the OC Register)
- Hosted Fundraiser for Cancer
- Volunteered my Restaurant Location for Toys for Tots Drive for the Holidays
- Maintained Noise Level to Minimum Due to Proper Sound-Proofing as a Concern about my Neighbors
- Newspaper Articles from Local and National Newspapers on Quality of Food and Novelty of Bringing a Different Concept into Huntington Beach "The Bull"

I would like the opportunity to discuss these incidents/violations in detail with you, City Council Members/Planning Commission, to bring to light some of the misunderstandings of the incidents mentioned in the letter from the Huntington Beach Police Department. I feel the need to clarify the allegations and misinterpretations of the incidents having occurred at my place of business, the Black Bull Chophouse. I have police reports to review with you to prove that these alleged incidents did not occur at my location (ie. Rape, Assault on Officers, etc). I hope you feel I deserve this opportunity as a business owner, and taxpayer, of your city. I have owned the Huntington Beach Brewery for over three years and I have put all effort into bringing a once-struggling business into a successful and respectable restaurant, winning several medals and awards for our hand-crafted beer. I live and own two businesses in the city of Huntington Beach. I take pride in living in this distinguished city, and running my businesses here as well. I thank you for this opportunity and hope to build a trusting relationship with all Huntington Beach Council Members, City Hall, and Police Staff. Please, lets work together on correcting any problems rather than closing a potentially successful business. I feel that communication is key to resolving any issues or concerns. I can be reached at 562-618-6848 (cell) any time.

Sincerely,



Cesar Pena

Attachments



Black Bull Chop House

Bodacious dining on the lamb

By DAVID L. M. PRESTON
OC Voice Staff Writer

The Black Bull Chop House, right off the main drag of Main Street at the corner of Walnut and 3rd, opened its doors earlier this year with a more rustic-tinged swave of a setting for the upscale meat eaters in the Orange Coast area.

To start, the ambience of this inimitable establishment is more than worth mentioning.

Though the Black Bull has weekly line dancing lessons (7 and 8 p.m. every Wednesday), its clientele ranges from the sports fans who sit around the bar watching the five or so large-screen televisions showing the big game, to a late night crowd trying to lasso in the steer of the night. And this is near literal, as the Chop House has a mechanical bull, apparently called "Bodacious," which

is reeved up for patrons from 9 p.m. to closing time between Tuesday and Saturday.

The bull is certainly a novelty, but don't be hoodwinked into thinking that this is a country-style restaurant. The bull theme leads back to the chops and beef offered at this quite impressive representation of a true "chop house," though with a California fusion which allows for the hip and the cool to come with their "night out" finery and dance the night away after the earlier evening restaurateurs have had their fine dining act moved on.

The atmosphere was very comfortable, a unique synthesis of dance club, country bar, fine steak restaurant and sports bar that seems to work.

Now the food, is excellent. And for the portions and the quality of the cuts of meat (yes, there are plenty of salads and fish and other options), they were very

fine. Often at finer steakhouses you get chops smaller than you expect, or you pay out the nose for a decent cut, but from my experience the Black Bull has a good balance.

For appetizers they had such interesting options as Sautéed Prawns (\$12), sautéed in garlic and sprinkled with pistachio dust and chipotle chili; Calamari (\$11) quickly fried and served in a sweet-sour peanut chili sauce; and something disarmingly called Kobe Slicers (\$14)—that someone would use Kobe beef for a slider; is a bit disconcerting, but the price is right. Out of those, and many other choices, the Lobster Spinach Bowl (\$12) was the "one" and it was wonderful. A large, fluffy sour-dough bread bowl filled with a steaming hot spinach dip, rich and with large chunks of lobster, absolutely delicious. It was served with, in my opinion, overly salty thin slices of garlic roast with which to dip, but the bread-bowl itself was more than tasty enough to use for the procurement of dollops of lobster-infused sauce.

As I was at a chop house, I had to have a chop. I had to go for the 1 1/4 ounce Australian Lamb Chop (\$24), which was served with two sides: I chose seasonal vegetables and beer battered onion rings. I cannot rave enough about the seasoning, the cut and the preparation of the lamb. It was remarkable (are Australian lambs larger than the U.S. ones, as the chops seemed huge) and a joy to savor. The onion rings had a slight sweetness, presumably from the beer in the batter, and were excellent. But the vegetables were undercooked (summer squash, carrots and zucchini) and were a huge disappointment. Besides aside the lamb, except for the carrots, it was a noticeable oversight in lieu that the rest of the meal was optimally prepared.

Also tried was the Alaskan Halibut (\$19), which was a thick, light-flavored fish (not too fishy) which was stuffed with Dungeness crab meat, garlic and spinach with a pistachio pesto sauce. Fascinating combination and wonderfully prepared.

The sides for this dish, a stunningly sweet and luscious sweet potato casserole (topped with melted marshmallows) and nicely grilled asparagus.

Various burgers and sandwiches, including a Kobe Burger (\$14), BBQ Pork Sandwich (\$9), and a French Dip Sandwich (\$10) made from sliced prime rib and served with horseradish sauce and au jus. Salmon, chicken breast, baby back ribs, sea bass, king crab, filet mignon, the chop house has many options for the adventurous animal eater.

Now dessert help up to the quality of the chef (again, minus those tasteless veggies, I assume they just had a bad batch), with offerings like Apple Cobbler (\$8), topped with vanilla ice cream; a macadamia nut brownie (\$6); and a chocolate Lava Cake (\$8), which has to be special ordered as it takes 20 minutes to prepare.

I went with a Crème Brulee (\$7), which was sweet and light, but with a scrumptious lower layer of Belgian chocolate at the very bottom.

Overall the food was very well done and if the scene is a bit of a meld of genres, sports-dance-country-steak, then that's okay. It's very much like what California itself is like—a melding of types.

Black Bull Chop House

300 Pacific Coast Hwy #112

Huntington Beach, CA

(714) 969-6700

www.blackbullchophouse.com

Theft

Huntington Beach Police Department

Create: 05/26/2008 01:27:29 Event #: P08058151

Nature: 911 - 911 NON EMERGENCY Priority: 3

Location: 300 PACIFIC COAST HY HB APT 112 Beat: 6 RD: 461

R/P Name: R/P Address: R/P Phone:

Misc Info: Loc Phone:

Event Remarks:

05/26/2008 01:27:37 RP ADV HIS CELL PHONE WAS STOLEN.,

05/26/2008 01:27:59 WHEN I ADV THAT OFFICERS WOULD NEED TO COME AND TALK TO HIM,, TO TAKE RPT.. HE

05/26/2008 01:27:59 SAID NEVER MIND,, HE WOULD CALL BACK TOMM



Assault

Huntington Beach Police Department

Create: 07/26/2008 23:00:02 Event #: P08086777

Nature: 911W - 911 WIRELESS HANGUP Priority: 2

Location: 300 PACIFIC COAST HY HB APT 112 Beat: 8 RD: 481

R/P Name: R/P Address: R/P Phone: Loc Phone:

Misc Info:

Event Remarks:

07/26/2008 23:00:02 390 MALE ON THE LINE SAYING HE NEEDS THE F&KING COPS!! THEN HUNG UP !!

07/26/2008 23:00:06 ATTEMPTING RECALL

07/26/2008 23:00:57 ON RECALL,,MAIN FRONT CHOP HOUSE,,

07/26/2008 23:01:14 MALE CLAIMING HE WAS ASSULTED,,

07/26/2008 23:01:18 VERY 990 ""

07/26/2008 23:01:30 WANTS MEDICS,,

07/26/2008 23:02:11 CLAIMS BOUNCERS ARE SUSPECTS

07/26/2008 23:02:43 STANDING BY THE FRONT OF CHOP HOUSE,,

07/26/2008 23:02:52 **REQ DIFFERENT COPS TO 87

07/26/2008 23:03:05 * ECHO UNITS ENRT FM

07/26/2008 23:04:00 *1039 MEDICS,,

07/26/2008 23:10:38 **MEDICS ARE 97 - UTL GOA

Battery on 2 race officers

Huntington Beach Police Department

Create: 10/04/2008 01:50:43

Event #: P08116996

Nature:

Priority: 3

Location: 200 MAIN ST HB

R/P Name:

R/P Address:

Beat: 6 RD: 451

R/P Phone:

Loc Phone:

Misc Info:

Case Number(s): R08017423

Event Remarks:

10/04/2008 01:50:58
 10/04/2008 01:51:07
 10/04/2008 01:51:14
 10/04/2008 01:51:33
 10/04/2008 01:51:44
 10/04/2008 01:52:19
 10/04/2008 01:52:30
 10/04/2008 01:53:01
 10/04/2008 01:53:13
 10/04/2008 01:53:16
 10/04/2008 01:53:24
 10/04/2008 01:54:45
 10/04/2008 01:55:12
 10/04/2008 01:56:29
 10/04/2008 02:01:21
 10/04/2008 02:14:21
 10/04/2008 02:15:24
 10/04/2008 02:15:25
 10/04/2008 02:16:49
 10/04/2008 02:41:46
 10/04/2008 02:42:13
 10/04/2008 03:00:58
 10/04/2008 03:01:09
 10/04/2008 03:02:43
 10/04/2008 04:02:42
 10/04/2008 04:06:17
 10/04/2008 04:31:31
 10/04/2008 04:31:31
 10/04/2008 04:36:34

START ANOTHER UNIT.
 N OF ENTRANCE NEXT CRABYS
 5D YRKTWN/MAIN
 O.25E
 20S UNITS C4
 5N 97...
 15E LOOKS C4
 6D REQ MEDICS...
 **T39 MEDICS..ENR
 4N 97
 6S 97
 27E C4...1 IN CUSTODY
 7I DR
 Preempt
 Preempt

Didn't happen at my place

DISPO >>Unit=[6D] Quantity=[1] Dispo=[R] Remarks=[SUPP REPORT]
 DISPO >>Unit=[7I] Quantity=[1] Dispo=[R] Remarks=[CSI REPORT (PHOTOS)]
 27E -- Location change to: @HOAG
 17E -- Location change to: @HOAG
 Preempt
 Preempt
 27E -- Location change to: @HOAG
 6D -- Location changed to: @HOAG
 PER WC LT REINHART...SEND SWING SHIFT UNIT TO HOAG TO ASSIST...
 Alarm Timer Extended: 0
 20S -- Location Changed to: @HOAG
 DISPO >>Unit=[6D] Quantity=[1] Dispo=[DC] Remarks
 TO HRPD JAIL] TRANSD FROM HOAG
 27E 20S 17E -- Location Changed to: 1019

Rape

Huntington Beach Police Department

Create: 04/26/2008 13:57:36 Event #: P08045915

Nature: 261R - RAPE REPORT Priority: 4

Location: 300 PACIFIC COAST HY HB APT 112 Beat: 6 RD: 461

R/P Name: R/P Address: R/P Phone: Loc Phone:

Misc Info: RP IS NOT COMPLETELY SURE THIS IS THE CORRECT BAR

Case Number(s): R08006972

Event Remarks:

04/26/2008 13:57:36 OCCID THURS AT ABOVE LOC
 04/26/2008 13:57:36 RP CANT REMEMBER MUCH
 04/26/2008 13:57:36 THINKS SOMEONE SLIPPED SOMETHING IN HER DRINK
 04/26/2008 13:57:36 REMEMBERS WALKING WITH A MAN
 04/26/2008 13:57:36 SUSP ... LIVES AREA PORTLAND/HUNTINGTON
 04/26/2008 13:57:36 SUSP LOOKED EMO
 04/26/2008 13:57:36 RP'S FRIEND FOUND HER ON YORK/HUNTINGTON... AND RP HAD NO SHOES AND NO BRAS
 04/26/2008 13:57:36 RP HAS NOT WASHED HER UNDERPANTS
 04/26/2008 13:57:36 RP SAYS THERE IS STUFF IN HER UNDERWEAR
 04/26/2008 13:57:36 RP HAS NOT BEEN TO A DR
 04/26/2008 13:57:36 HAS BRUISES ON HER ARMS... POSS THUMB MARKS FROM SUSP HOLDING HIM DOWN
 04/26/2008 13:58:53 RP SAID SHE MAD 2 DRINKS... THAT 2 DRINKS DOES NOT MAKE HER BLACK OUT
 04/26/2008 14:38:08 **RP IS ENR 1019 FOR THE REPORT
 04/26/2008 14:41:27 **RP AT THE FRNT DESK NOW
 04/26/2008 14:50:05 +
 04/26/2008 15:15:27 ***PER 7S SD WILL 910
 04/26/2008 16:14:32 SD -- Location change to: FRONT DESK
 04/26/2008 16:14:32 SD REQ DIR AND CSI FOR PHOTOS
 04/26/2008 16:14:41 SD REQS WERE VIA T21
 04/26/2008 16:15:06 PER SD THEY WILL BE IN A INTERVIEW ROOM NEAR THE DET AREA UPSTAIRS
 04/26/2008 17:52:52 DISPO =>[Unit=[F0]] Quantity=[1] Dispo=[R] Remarks=[CSI RPT]
 04/26/2008 18:34:32 Alarm Timer Extended: 0
 04/26/2008 18:53:16 PER 16I IN COP LINK THERE IS A CHRYSLER WITH A PLATE OF REGISTERED TO A
 04/26/2008 18:53:16 22 YR OLD BLK MALE
 04/26/2008 18:53:32 VEHIC=>LIC:UNK IF INVOLVED
 04/26/2008 18:53:52 PERSO=>Name:
 04/26/2008 18:54:13
 04/26/2008 22:54:31
 04/27/2008 00:05:56 SD - Location change to: 1019
 DISPO =>[Unit=[SD]] Quantity=[1] Dispo=[R] Remarks=[261R,,MET GUY DOWNTOWN ENDED U

Huntington Beach Police Department

04/27/2008 00:05:56 P IN AREA OF YORKTOWN/HUNTINGTON, UNK SUSPECT DESCRIBED AS M/W MID 20'S 600 170
 04/27/2008 00:06:56 SHAGGY BLN HAIR TO MOUTH WEARING LT T-SHIRT AND BLU JEANS NFD]

Unit ID: 161 Emps: 420676 DP: 17:07:12 EN: AR: 17:07:13 AV: 17:52:56
 Unit ID: 5D Emps: 421038 DP: 16:16:00 EN: AR: 22:54:30 AV: 00:09:02
 Unit ID: DISP Emps: DP: 14:00:04 EN: AR: 14:00:05 AV: 14:37:51

Unit	Dispo	Quantity	Remarks
161	R	1	CSI RPT
5D	R	1	281R,,MET GUY DOWNTOWN ENDED UP IN AREA OF YORKTOWN/HUNTINGTON, UNK SUSPECT DESCRIBED AS M/W MID 20'S 600 170 SHAGGY BLN HAIR TO MOUTH WEARING LT T-SHIRT AND JEANS NFD

Notice of Appeal

10-27-08

To: The City Clerk

Regarding: Entertainment Permit Privileges Letter from HBPD.

I Cesar Peña, am filing an appeal on the following grounds.

1. There is no substance or credible evidence to support the charges.
2. The alleged littering violations involved are in an area closed off as ~~and~~ private smoking area and is not public space.
3. The noise violations involve conduct ... by other nearby establishments.
4. I have never been allowed access to any reports written in support of the alleged incidents.
5. Entertainment permit conditions require 1 or 2 identifiable guards. The business employs up to 8 guards, generally all wear the proper clothing but some are undercover; (1 or 2).

Sincerely,


Cesar Peña
President

300 Pacific Coast Hwy. Suite #112
Huntington Beach CA, 92648

562-618-6848 Cell

RECEIVED
2008 OCT 27 PM 4:31
CITY CLERK
CITY OF
HUNTINGTON BEACH

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL



GO LAUREN!!

Date: 4-30-08

PONDEROSA CROPHOUSE

(Licensee)

300 PACIFIC COAST HWY, STE 112

(Address)

HUNTINGTON BEACH, CA 92648

Re: License # 47-440492

Dear Licensee,

On 04-29-2008, the DEPT. OF A.B.C. conducted a minor decoy operation at various licensed establishments in your city. A decoy, under the age of 21, was sent into your establishment in an attempt to purchase alcoholic beverages. Your business was successful in preventing this activity. Thank you for a job well done.

Sincerely,

J. Gaudin #809
Chief of Police/District Administrator
for

Distribution:

White mailed to licensee; or left copy at premises. Pink to file. Canary to PD.

Tuesday, May 27, 2008

Ride the bull for a good cause

Meleesa The Salon to host charity event at Black Bull Chop House on Wednesday.

By ANNIE BURRIS

THE ORANGE COUNTY REGISTER

HUNTINGTON BEACH A local salon will host a charity event for children in Uganda using Orange County's first mechanical bull at the newly opened Black Bull Chop House.

Meleesa The Salon will host a benefit for Invisible Children, Inc. and Institute for Field Research Expeditions from 9 p.m. to 2 a.m. Wednesday at 300 Pacific Coast Highway, #112.

Guests can compete in a mechanical bull riding contest for \$25 per ride. Bull ride prices double for entry into a drawing for a Cloud Surfboard, a photo package from Jim Kennedy Photographers and a six-month supply of Vitamin Water.

Raffle tickets for other prizes can be purchased for \$5 each.

Entrance to this event is free, but attendees must be at least 21 years old.

For information about the event, contact 714-969-7133 or www.meleesathesalon.com.

For more information on Invisible Children, Inc., go online to www.invisiblechildren.com. To learn more about Institute for Field Research Expeditions, go online www.ifrevolunteers.org.

Contact the writer: aburris@ocregister.com or 714-445-6696

Advertisement

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Neo

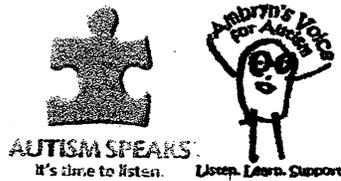


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August 2008

Dear Autism Advocate,

Autism is a complex neurobiological disorder that typically lasts throughout a person's lifetime. Autism impairs a person's ability to communicate and relate to others. It is also associated with rigid routines and repetitive behaviors, such as obsessively arranging objects or following very specific routines.

Did you know?

- ✓ 1 in 150 children are diagnosed with autism
- ✓ 1 in 94 boys are on the autism spectrum
- ✓ 67 children are diagnosed per day
- ✓ A new case is diagnosed almost every 20 minutes
- ✓ More children will be diagnosed with autism this year than with AIDS, diabetes + cancer combined

Together with Autism Speaks, a non-profit organization dedicated to changing the future for all who struggle with autism spectrum disorder, Ambryn's Team is diligently working to raise awareness within our community and to raise funds for our inaugural Playdate for Autism Awareness on September 27, 2008 at the Lake Park Clubhouse and the 5th Annual Walk Now For Autism - Orange County. In honor of my daughter, Ambryn Waters, Ambryn's Team was formed in 2007 to bring autism to the forefront of disorders in need of funding NOW.

Please support Ambryn's Team by donating a silent auction item, underwriting in a specific area for the fundraiser, becoming an event sponsor, donating directly to Ambryn's Team via website, or of course walking with us on Sunday, November 16, 2008 at Angel Stadium of Anaheim.

I would be honored if you would join our ambition to find a cure for autism as I struggle, not just as a parent of a child with autism, but as a community member to also raise awareness.

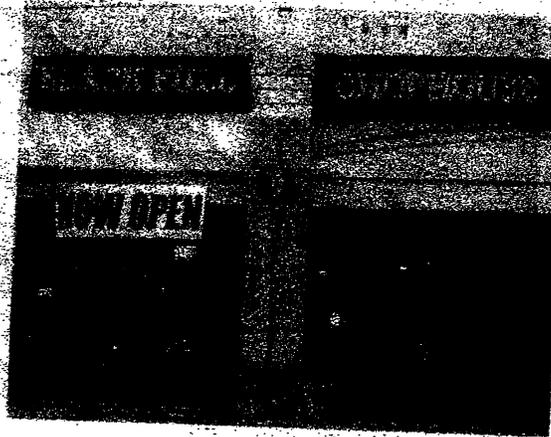
Gratefully,

Angel Ann Waters
Ambryn's Team Chair
Autism Speaks Volunteer

L.A. Times

SADDLE RANCH SOUTH?

Black Bull Chop House can take you for a ride, if you're game. The newest hot spot in downtown Huntington Beach was bustling within a day of its soft opening and crowds have been building since. The Southwestern-style restaurant serves steaks, seafood, a five-pound burger and daredevil fun aboard a mechanical bull. Shake off your post-ride energy on the dance floor, where a DJ spins country, techno



ANDREA ADLERMAN

and more. "We are the newest and biggest place with a fun, fresh atmosphere," says manager Scott Caper. 300 Pacific Coast Highway, No. 112, (714) 969-6700; www.blackbullochophouse.com



Jennifer McGrath
City Attorney

OFFICE OF
CITY ATTORNEY

P.O. Box 190
2000 Main Street
Huntington Beach, California 92648
Telephone: (714) 536-5555
Facsimile: (714) 374-1590

Paul D'Alessandro, Assistant City Attorney
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Leonie Mulvihill, Sr. Deputy City Attorney
John Fujii, Sr. Deputy City Attorney
Daniel K. Ohl, Deputy City Attorney
Sarah Sutton, Deputy City Attorney
Mike Vigliotta, Deputy City Attorney

November 12, 2008

Cesar Pena
300 Pacific Coast Highway, #12
Huntington Beach, CA 92648

Dear Mr. Pena:

This letter is to confirm your agreement to delay your appeal hearing before the City Council until such time as you have exhausted your administrative remedies related to your civil citations received on October 9, 2008.

In addition, your correspondence of November 9, 2008 to City Council and the Planning Commission mischaracterizes City staff's position.

First, City staff does not believe that you have not received due process but does agree that you should be permitted to pursue your appeal rights in advance of the City Council appeal.

Second, I do not have the authority to reinstate your entertainment permit; however, the City's standard procedure is to permit you to operate pursuant to your entertainment permit until City Council has heard and made a decision on the revocation.

Finally, both myself and Chief Small will be meeting with you in the coming weeks per your request.

Very truly yours,

JENNIFER McGRATH
City Attorney

cc: Members of the City Council
Members of the Planning Commission
Fred Wilson, City Administrator
Kenneth Small, Police Chief
Scott Hess, Director of Planning

From: James Melton
Sent: Wednesday, November 12, 2008 12:01 PM
To: CITY COUNCIL

Subject: item D1 on tonight's agenda, Blackbull CUP 06-020
Importance: High

11/12/2008

Dear Huntington Beach City Council Members,

Re: Blackbull Chophouse CUP review

Perhaps my idea of living in downtown Huntington Beach is too romantic. I embrace a vision of this idyllic Southern California beach town, where life is good. Residents live peacefully within walking distance to the beach, the pier, shops, professional services, restaurants, and entertainment. A progressive town, where the past is respected and the new is embraced, and both co-exist together in harmony. A town where the citizens best interest is felt and honored by their local government, even at the expense of a few tax dollars, if necessary, in an effort to preserve for the long term, all of the things that make Huntington Beach so desirable. We're one of the 100 largest cities in America, yet we can still boast a real downtown (Seal Beach would call it their "Old Town") full of diversity that retains its' charm. Do I sound like I'm running for city council? Well, I'm not. I just love Huntington Beach. I believe that many residents share my views, and that's why they choose to live in downtown Huntington Beach, too.

I don't live right on top of the Blackbull. I'm not in the Pier Colony condominiums next door, nor do I live across the street on Walnut Avenue. I'm over a block away in a well insulated home way over on 2nd Street, and the noise from the Blackbull has still interrupted my family's sleep repeatedly. I'm sure the Blackbull is quite profitable, and for this, I wish I were an owner—it would make putting up with the noise and the subsequent alcohol related problems, much more tolerable. Greed triumphing over doing the right thing, is nothing new. But, the Blackbull's owner chose a very sensitive location. It's not on Main Street, but rather right next to, and across the street from, many peoples' homes. From my observations, the problem is really the late night crowd that arrives around 10:00pm and goes until closing at 2:00 in the morning. It's a common occurrence during that time, for a line to form down the sidewalk, just for patrons to get into the Blackbull. These excited partiers never seem to be concerned with being considerate or quiet for the local residents. They don't even seem cognizant that people live next door and across the street. And this is *before* they go into the Blackbull. When they come out, after drinking and becoming desensitized to noise by the rock-concert

volume levels inside, many of the patrons leave loud and boisterous, shouting, swearing and waking the whole neighborhood as they return to their vehicles to (hopefully) leave. Some make matters worse by loitering for extended periods by, or in, their cars parked in our neighborhood. One can witness the results of this the next morning, when the local residents are left to clean up the empty alcohol bottles and/or trash and vomit left behind. Besides the late night noise coming from the Blackbull, fighting, public urination, and other disturbances have increased since the Blackbull opened—all of this at the expense of the residents in the adjacent neighborhood.

I see possible solutions to these problems, including: closing at 10:00pm (not 2:00am), eliminating the live music, DJ's and dancing, and strict enforcement of the city noise ordinances and maximum occupancy requirements. I believe that the following city municipal codes apply here: chapter 5.44 (restaurants & entertainment), plus 8.40 (noise). Specifically: 5.44.015(a), 5.44.050(2)(3)(4)&(5), plus 5.44.090(b)&(d).

It was quite dubious when owner/applicant Mr. Pena and his Blackbull Chophouse, with the help and representation of Mike Adams--a well known former planning commission member, were granted nearly everything they requested on their CUP. The planning commission, the city council, and the residents of Huntington Beach, were promised a 'good neighbor' and a 'family restaurant' that also serves alcohol. The transparency of what was going on was obvious to everyone. This was, and is, a nightclub masquerading as a restaurant. Some might find this acceptable on Main Street, but the sensitive fringe location of the Blackbull is approximately 65' from many homes. Like the old saying, actions speak louder than words, and this neighbor has proven to be far from a 'good' neighbor. Just as many local residents feared, this establishment has become a loud nightclub that brought with them the noise and related problems of that type of establishment. This is by no means a family restaurant.

In closing, the last thing Huntington Beach needs is another nightclub masquerading as a family restaurant. They've not proven to be the 'good neighbor' or the 'family restaurant' that they promised, and they were granted an extraordinary amount of privileges on their CUP, that many similar establishments on (the less sensitive) Main Street have been trying to get for years. This is a sensitive location next to many homes, and unfortunately, the Blackbull has proven that they need to be forced to be the good neighbor that they promised, as they have shown that they don't have the discipline to do it on their own. Thanks for your time and consideration in this matter.

Sincerely,
James Melton
206 2nd Street
Huntington Beach CA 92648

Ps. It should also be noted that, if I'm not mistaken, council member Don Hansen had a campaign fundraiser at the Blackbull, he voted for it initially, and he may have a conflict of interest on this matter. What is the city attorney's opinion of his participation and voting on this matter now?

From: judy pinchuk [

Sent: Tuesday, November 11, 2008 5:27 PM

Subject: Black Bull Chop House

I am a resident of Pier Colony and my quality of life is being reduced due to the noisy rowdy atmosphere of Black Bull Chop House and their patrons who are creating disturbance in the neighborhood. I would appreciate the City helping to cure this situation. Huntington Beach downtown has been making strides to make it a more family atmosphere. Allowing Black Bull to have the kind of entertainment it has is a step in the wrong direction. Huntington Beach does not need a place where people get intoxicated and behave badly. Thank you, Judy Pinchuk