



City of Costa Mesa

- Appeal of Planning Commission Decision/Rehearing: \$1,220.00
- Appeal of Zoning Administrator/ Building Official / Fire Marshal / Staff Decision: \$690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* Sam Rahimian
 Address 2281 Newport Blvd, Costa Mesa, CA 92627
 Phone 949-290-4354 Representing _____

REQUEST FOR: REHEARING APPEAL REVIEW**

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

I am appealing the decision of the planning commission for PA-14-39 which was made on Monday February 9, 2015. condition #6 in Exhibit B is the only item being appealed

Decision by: Planning Commission

Reasons for requesting appeal, rehearing, or review:

I am appealing condition #6 in Exhibit B. This condition does not provide any further enhancement to the prohibition of selling alcoholic beverages. Condition #5 already enforces that prohibition. Meanwhile, this condition #6 would put our business and asset at a detriment. It would hinder our ability to negotiate with oil companies, financial institutions, property investors & vendors. Banks will not lend or provide competitive rates with such condition. This may even hinder our ability to secure or renew a fuel supply agreement with an oil company. This limitation would put us at a disadvantageous position compared to our competition and is unjust & unfair. These hindrances could put us out of business.

*Please see attached letter.

Date: 02/17/2015 Signature: Sam Rahimian

*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
 **Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only – do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
 If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:



Rahimian Management Corp.

509 W. Lambert Rd
Brea, Ca 92821
888-902-3012
www.rahimiancorp.com

2281 NEWPORT BLVD – PA-14-39

Dear City of Costa Mesa,

I will be appealing condition #6 in Exhibit B which states the following:

"A buyer's notice shall be recorded on the property prior to the issuance of building permits, to inform future property owners of prohibition of sales of alcoholic beverages. Applicant shall submit to the planning division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared. The form and content of the buyer's notice shall be approved by the City Attorney's office and Development Services Director."

Firstly, I want to mention that we have already invested over 100 hours of our time and over \$25,000 in design/engineering fees. Further, we have respectfully given the city the following items for this project:

- We have provided an additional dedication of land for the future expansion of Fairview
- This highly visible and high traffic corner will be landscaped/hardscaped with modernized aesthetics which will add to the beautification of the city and surrounding community.
- We will be adding over \$10,000,000 per year of taxable revenue
- We will be creating 10-15 Full and Part Time jobs
- We will be providing extra convenience for city residents
- We have agreed to the prohibition of selling alcoholic beverages

Condition #6 in Exhibit B is not providing any further enhancement to the prohibition of selling alcoholic beverages. Condition #5 already clearly states that Sale of alcoholic beverages shall be prohibited. Furthermore, the CUP which would be granted for this project in itself is enough to legally prohibit the sales of alcoholic beverage. Therefore, Condition #6 will add no value to the city. Meanwhile, it would put us (land owner) at a detriment for many reasons. Limitations such as this which are recorded on the property become public knowledge and will hinder our ability to stay competitive in future negotiations with parties such as an Oil Company (i.e. Chevron, Shell, 76), a financial institution, property investor, or vendor. For instance, a bank may raise its interest rates on a



loan offering when they find this recording. A giant Oil Company may not consider giving us a Fuel Supply Agreement if they find this recording, and without an agreement we would not be in business.

This limitation would put us at a disadvantageous position compared to our competition and is unjust and unfair. This could lead to trouble with financing, refinancing and re-branding of this site. This would most definitely impair our ability to access a business line of credit. In our industry and line of business, we cannot allow for such limitations as it could easily put us out of business. Therefore, we are vigilantly requesting to omit Condition #6 in exhibit B so we can continue with this project and create a successful outcome for all of us. Unfortunately, if this condition is not omitted, the city will be forcing us to withdraw this project.

We look forward to hearing from the city with an approval for this project with condition#6 omitted so we can proceed to construction and build.

Sincerely,

A handwritten signature in black ink that reads "Sam Rahimian, Jr." with a stylized flourish at the end.

Sam Rahimian, Jr.
General Manager
Rahimian Management Corp