

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 08/08/2023
Agenda Item: 4**

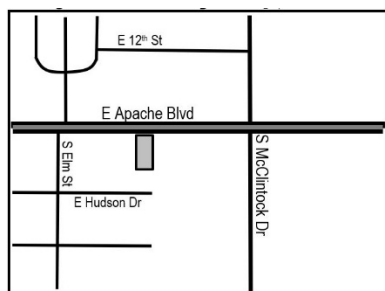
ACTION: Request for an Appeal of the Planning Staff decision to deny the approval of a minor Development Plan Review of a building repaint, pursuant to ZDC Section 6-306 D, for MANDI HOUSE RESTAURANT, 1639 East Apache Boulevard. The appellants are Rafiq Almansob.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: None

BACKGROUND INFORMATION: MANDI HOUSE RESTAURANT (PL220047) includes a request to appeal the Planning Staff's decision to deny a Minor Development Plan Review. The request includes the following:

DPRA230001 Appeal of the Planning Staff decision to deny approval of a minor Development Plan Review of a building repaint. (ADM220037))



Property Owner	Rafiq Almansob
Applicant	Rafiq Almansob, Mandi House Restaurant
Appellant	Rafiq Almansob, Mandi House Restaurant
Zoning District	CSS – Commercial Shopping and Services Zoning District
Gross/Net site area	16,000 s.f. lot
Total Building area	2,858 s.f.

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Steve Abrahamson, Principal Planner (480) 350-8359

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Steve Abrahamson, Principal Planner

COMMENTS

The City of Tempe, Community Development received an application for a Minor Development Plan Review for a building repaint (PL22047) for the Mandi House Restaurant at 1639 East Apache Boulevard. The property is located just west of McClintock Drive on the south side of Apache Boulevard. within the CSS, Commercial Shopping and Services Zoning District and the Apache Character Area.

The application was a result of a Code Compliance citation stemming from a complaint regarding a building repaint without first applying for a Minor Development Plan Review. Planning Staff attempted to contact the applicant over the past year. Staff determined that as the building was painted, they weren't comfortable with rendering an approval. Within week of the denial letter being sent, the applicant, who is not the owner or restauranter himself, responded. This individual, W. Aaron Montaño Searles, indicated he would contact the owner.

Upon making contact, Planning Staff and the restauranter, Mr. Rafiq Almansob, met on-site to discuss options. As he wished to have the Commission determine the appropriateness of the colors, he applied for an appeal as his recourse. Though the Apache Corridor is relatively eclectic, Staff explained that the colors chosen were rather stark and not necessarily complementary to the area.

PUBLIC INPUT

No public input received on this matter. The application was reviewed as an administrative request and public advertisement is not required for this type of appeal.

MINOR DEVELOPMENT PLAN REVIEW

Minor Development Plan Review. Applies to all new development and building modifications or expansions up to five thousand (5,000) square feet of net floor area; minor changes in site plans, landscape plans or building elevations; comprehensive sign packages and residential development consisting of two (2) to five (5) dwelling units.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL:

1. This appeal is valid only after inspections have been completed and a Final Inspection passed.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- Approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months of the approval or within the time stipulated by the hearing body. The period of approval is extended upon the time review limitations set forth for building permit applications, pursuant to Tempe Building Safety Administrative Code, Section 8-104.15. An expiration of the building permit application will result in expiration of the variance.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/planning/documents.htm or purchase from Development Services.

HISTORY & FACTS:

December 30, 1969	Final Inspection of Fire Station Building
June 18, 1975	Design Review Board approval of Fire House Restaurant
July 7, 2021	Code Compliance Citation for Building Repaint Without Authorization
June 27, 2023	Application to appeal Planning Staff denial of Minor Development Plan Review – Building Repaint.
August 8, 2023	Request for appeal to be heard by Development Review Commission.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-204(E), Appeal
Section 6-306 (B) (2), Minor Development Plan Review
Chapter 8, Appeals

DEVELOPMENT PROJECT FILE

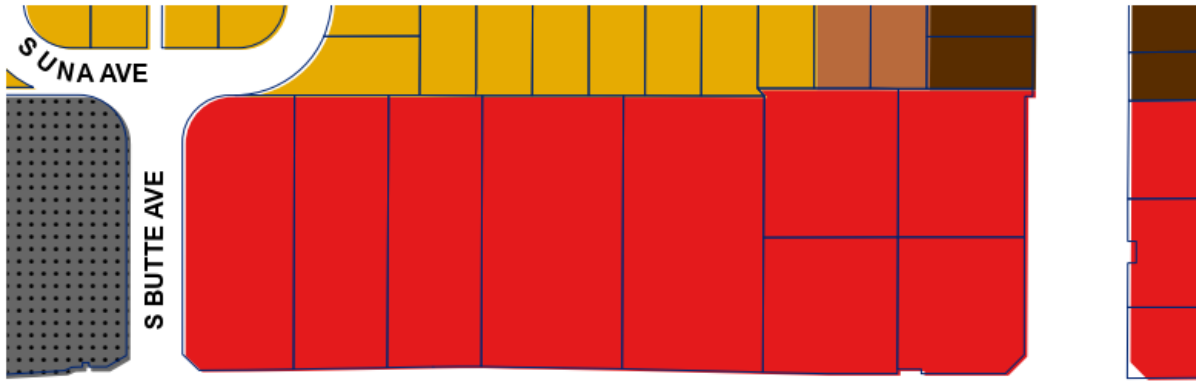
for

MANDI HOUSE APPEAL
(PL220047 / DPRA0001)

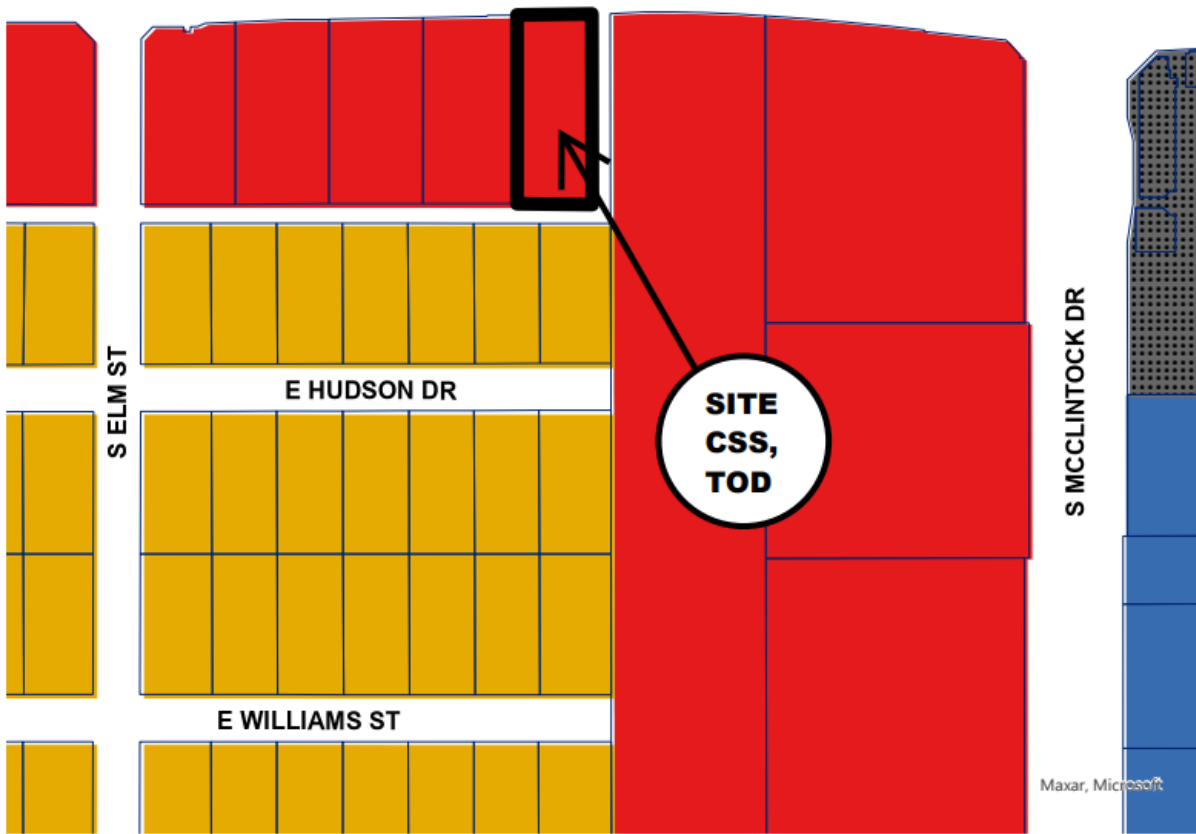
- ATTACHMENTS:**
1. Location Map
 2. Aerial Map
 3. Applicant's Aerial Map
 4. Letter of Explanation for Appeal – (DPRA0001)
 5. Original DPR Letter of Explanation
 - 6-12 Context Photos / Paint "Chips"

MANDI HOUSE

PL220047 Tempe



E APACHE BLVD



- | | |
|--|--|
| General Industrial District (GID) | Single-Family Residential (R1-6) |
| Mixed Use Med-High (MU-3) | Multi-Family Residential (R-2) |
| Mixed Use High (MU-4) | Multi-Family Residential General (R-4) |
| Commercial Shopping and Services (CSS) | |



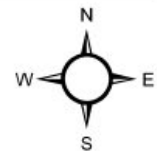
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MANDI HOUSE

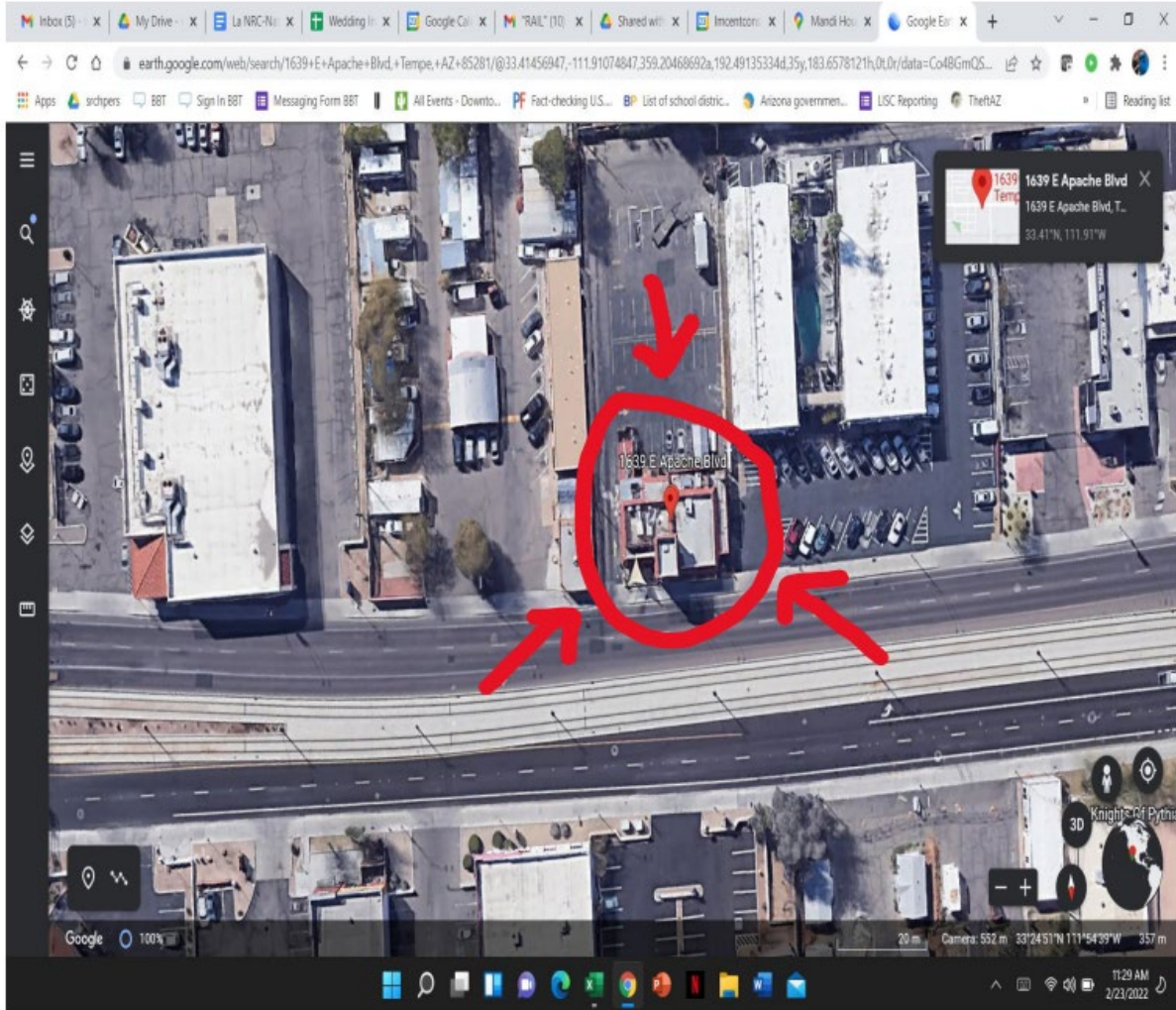
PL220047



Aerial Map



**Mandi House,
1639 E Apache Blvd. Tempe, AZ 85281
Aerial Site View**



City of Tempe
Community Development Department
31 East 5th Street, Garden Level, Tempe, Arizona 85281

RE: MANDI HOUSE REPAINT
Building Re-paint
Rafiq Almansob
1639 E Apache Boulevard
PL220047

Dear Development Plan Review:

I am requesting an opportunity to appeal the decision to deny the Development Plan Review request for the above-referenced project on the following grounds:

- I was not aware that an application for a Minor Development Plan Review for the repaint was required
- The colors selected appeal to the demographic that frequents the restaurant, the majority of which are ASU students who appreciate unique color schemes
- There are many other businesses along the light rail corridor that showcase unique, eye-catching colors to attract and retain college students
- I paid double the penalty and was reassured that this was no longer an issue

I would appreciate the opportunity to present a case for retaining the current color scheme.

Respectfully,

Rafiq Almansob
Business Owner
Mandi House

City of Tempe
Community Development Department
31 East 5th Street, Garden Level
Tempe, Arizona 85281

Dear City of Tempe Community Development Department,

This is the official Letter of Explanation for the proposed improvements at the restaurant Mandi House, located at 1639 E. Apache Blvd. Tempe, AZ 85281.

Mandi House is requesting approval of this application to permit painting of both the exterior and interior of the building. Due to a miscommunication between tenant and owner, the tenants moved forward without permits to complete these improvements.

The owner, Rafiq A. Almansob was sent a notice of violation under Section ZDC 1-201.A for "Site or building changes made without City approval (repaint)." Unfortunately, neither the tenant nor owner were aware they needed a permit to repaint the building. As a consultant with the non-profit organization Retail, Arts, Innovation & Livability (RAIL), I, W. Aaron Montañó Searles, have been assigned to assist them with completing the permitting process.

Thank you for your time and consideration in reviewing this letter and application. Should you have any questions, please don't hesitate to reach me at 602.316.2928 or wasearles@lmcentconsulting.com.

Respectfully,

W. Aaron Montañó Searles
Consultant
Retail, Arts, Innovation & Livability (RAIL)

North Facing Wall is painted with
Sherwin Williams 6802 Jacaranda

North roof is painted with
Sherwin Williams 6804 Dignity
Blue



South Facing Wall is painted with
Sherwin Williams 6802 Jacaranda

South roof is painted with Sherwin
Williams 6804 Dignity Blue



East Facing Wall is painted with
Sherwin Williams 6802 Jacaranda

East roof is painted with
Sherwin Williams 6804 Dignity Blue



West Facing Wall is painted with
Sherwin Williams 6802 Jacaranda

West roof is painted with
Sherwin Williams 6804 Dignity Blue



Paint Chip
Sherwin Williams
Jacaranda 6802

The screenshot displays the Sherwin-Williams website interface. At the top, there is a dark navigation bar with links for Homeowners, Help, My Store (Phone: 781-461-8167), and a Paint Partners logo with a Sign In / Register link. Below this is the Sherwin-Williams logo and a search bar with the placeholder text "What can we help you find?". A secondary navigation bar contains links for Paints & Supplies, Color, Inspiration, How To, Special Offers, and Buy Paint.

The main content area features a breadcrumb trail: Homeowners > Color > Find & Explore Colors > Explore All Paint Colors > Jacaranda SW 6802. Below the breadcrumb is a row of social media icons (Facebook, Twitter, LinkedIn, YouTube, Email, Print) and a close icon. The central focus is a large blue square representing the paint chip for SW 6802 Jacaranda. Text on the chip includes "SW 6802", "Jacaranda", "Interior / Exterior", and "Location Number: 177-05". A close icon is in the top right corner of the chip, and a settings icon is in the bottom right corner.

At the bottom of the chip, there are two paint cans (Emerald and a smaller can) and four buttons: "FIND INTERIOR PAINT", "FIND EXTERIOR PAINT", "Save to My Account", and "Add to my Project List".

On the right side of the page, there is a vertical "Feedback" button.

Pain Chip
Sherwin Williams
Dignity Blue SW 6804

The screenshot shows the Sherwin-Williams website interface. At the top left is the Sherwin-Williams logo. To its right is a search bar with the placeholder text "What can we help you find?". Further right is a shopping cart icon with a price of "\$0.00". Below the search bar is a navigation menu with the following items: "Paints & Supplies", "Color", "Inspiration", "How To", "Special Offers", and "Buy Paint".

Below the navigation menu is a breadcrumb trail: "Homeowners > Color > Find & Explore Colors > Explore All Paint Colors > Dignity Blue SW 6804".

On the right side of the page, there is a row of social media and utility icons: Facebook, Twitter, Pinterest, LinkedIn, a share icon, an email icon, and a printer icon.

The main content area has a dark blue background. On the left side, the text reads: "SW 6804", "Dignity Blue", "Interior / Exterior", and "Location Number: 177-C7". On the right side of this area, there is a small icon of a paintbrush and a color selection tool. At the bottom right of this area, there are icons for a sun (light mode) and a moon (dark mode).

At the bottom of the page, there is a dark blue footer. On the left, there is an image of three paint cans, with the largest one labeled "Emerald". To the right of the cans are two white buttons: "FIND INTERIOR PAINT" and "FIND EXTERIOR PAINT", both with right-pointing arrows. Further right are two links: "Save to My Account" and "Add to my Project List", both with right-pointing arrows.