

DEPARTMENT: PLANNING BY: TONY LASHBROOK Phone 966-5151

**RECOMMENDED ACTION AND JUSTIFICATION:** (POLICY ITEM YES \_\_\_ NO x)  
Adoption of a resolution denying the appeal and upholding the Planning Director's determination that the expansion of the restaurant and the addition of on-sale beer and wine in conjunction with food service is not an expansion or intensification of the existing non-conforming use at the Triangle Market property (APN 15-120-21)

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

None - Board considered an applicant appeal of a Planning Director's determination on this property in 1989.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

1. Approve appeal determining that the addition of on-sale beer and wine in conjunction with food service is an intensification of a non-conforming restaurant use or that the restaurant use is more intensive than an existing convenience/liquor store.
2. Approve appeal and allow use based upon conditions that were not identified by the Planning Director.

**COSTS:** ( X ) Not Applicable  
 A. Budgeted current FY \$ \_\_\_\_\_  
 B. Total anticipated costs \$ \_\_\_\_\_  
 C. Required add'l funding \$ \_\_\_\_\_  
 D. Source: \_\_\_\_\_

**SOURCE:** ( ) 4/5ths Vote Required  
 A. Internal transfers \$ \_\_\_\_\_  
 B. Total Anticipated Costs \$ \_\_\_\_\_  
 C. Reserve for Contingency \$ \_\_\_\_\_  
 D. Description: \_\_\_\_\_

Balance in Reserve for Contingency if approved: \$ \_\_\_\_\_

**SPECIAL INSTRUCTIONS:**  
 List the attachments and number the pages consecutively:  
1. Appeal  
2. Planning Director's Determinations  
3. Site Plan  
4. Building Inspection Report  
5. Original Use Permit

**CLERK'S USE ONLY:**  
 Res. No.: 92-101  
 Ord. No.: \_\_\_\_\_  
 Vote -Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_  
 ( ) Approved ( ) Denied  
 (x) Minutes Order Attached

**ADMINISTRATIVE OFFICER'S RECOMMENDATION:**  
 This item on agenda as:  
K Recommended  
 \_\_\_\_\_ Not Recommended  
 \_\_\_\_\_ For Policy Determination  
 \_\_\_\_\_ Submitted With Comment  
 \_\_\_\_\_ Returned for Further Action

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
 ATTEST: MARGIE WILLIAMS  
 County of Mariposa, State of CA  
 By: \_\_\_\_\_  
 Deputy

Comment: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 A.O. Initials: [Signature]

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: TONY LASHBROOK, PLANNING DIRECTOR  
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*  
RE: PUBLIC HEARING REGARDING  
BEER/WINE SERVICE AT TRIANGLE MARKET

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on February 25, 1992

ACTION AND VOTE:

Tony Lashbrook, Planning Director;  
PUBLIC HEARING, Appeal of Planning Director's  
Determination Concerning Proposed Expansion of  
Restaurant and Addition of On-Sale Beer and Wine  
Service for Triangle Market Property; Kwalwasser,  
Applicant; Heitzmann, et al, Appellants  
BOARD ACTION: Chairperson Punte explained the hearing  
procedures. Supervisor Radanovich excused himself from  
the hearing due to a possible conflict of interest  
connected with his winery business. Tony presented  
staff report. Public input was provided by: Bob  
Kirchner/on behalf of appellants, presented appeal;  
Steve Mason; Robert Ritz; Merle Wood; Charlotte  
Heitzmann/representing Marina Jaramillo and for  
herself; Helen Kwalwasser/applicant; Doug Kanarowski;  
Martha Chernoff; David Kanarowski; Elaine Seymour; and  
Jack Lyons. Bob Kirchner presented rebuttal and Helen  
Kwalwasser responded. (M)Taber, (S)Baggett, Res.  
92-101 adopted upholding appeal based on evidence  
presented, finding that the configuration of the  
facility and the proposed use of alcohol with food  
service, as well as the proposed expansion of hours,  
and the provision of entertainment, constitutes an  
intensification of use/Ayes: Baggett, Punte, Erickson,  
Taber; Excused: Radanovich. Hearing was closed.

cc: File