



Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

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Approved by: Steve McClary, City Manager

Date prepared: March 16, 2023 Meeting date: March 27, 2023

Subject: Malibu Bluffs Park Snack Shack

RECOMMENDED ACTION: Review and provide feedback regarding the options for replacement of the snack shack at Malibu Bluffs Park.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action. Should the Council determine an immediate or permanent solution for the Malibu Bluffs Park Snack Shack requiring the appropriation of funds, staff will return to Council with a subsequent item for that action.

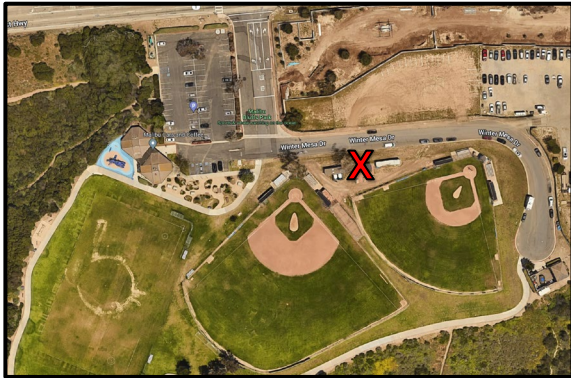
WORK PLAN: This item was included in the Adopted Work Plan for Fiscal Year 2022-2023 as item 8.gg (Malibu Bluffs Park Facility Improvements)

DISCUSSION: At the February 27, 2023, Regular meeting, the Council requested options for replacement of the snack shack at Malibu Bluffs Park (Snack Shack), including temporary solutions and options for upgrades or replacement.

Background

The Snack Shack has been located between the ballfields and parallel to Winter Mesa Drive since the City gained control of the park in 2006. As part of the approval for the ballfields, Coastal Development Permit No. 5-82-780A2 issued by the California Coastal Commission included an approval for a concession stand. The permit for the concession stand did not include a connection to the previously existing onsite wastewater treatment system or water service. The existing water connection appears to have been completed without the benefit of a permit. The concession stand consists of a metal shipping container with a built-in service window and a covered patio. The dimensions of the existing structure

are 20 feet long by 8 feet wide by 9 feet tall, with the covered patio area measuring 10 feet long by 8 feet wide.



Aerial View, Red X identifies the Snack Shack



Snack Shack Exterior

From 2006 to 2018, the City allowed Malibu Little League (MLL) to use the facility as a concession stand without obtaining the required permits through the Los Angeles County Department of Public Health (DPH) to cook onsite and serve food to league participants. MLL served food and refreshments on game days, such as hot dogs, hamburgers, popcorn, pizza, and prepackaged snacks.

Following the Woolsey Fire in 2018, the Snack Shack was closed for more than a year and that closure left the structure unfit for food service. As league play resumed in late 2019, staff discovered an infestation of pests within the Snack Shack, which resulted in removal of the flooring, shelving, and food preparation equipment. Staff reviewed DPH permitting requirements and determined that significant upgrades, as well as new expanded facilities, such as water service and a sewer connection were required to reopen the Snack Shack. Given the limited amount of annual use, high costs, and permitting requirements associated with the required upgrades, the Snack Shack remained closed.

Allowable Uses at Malibu Bluffs Park

Malibu Bluffs Park is located in the Public Open Space zoning district, and per the City's Municipal Code and Local Coastal Program use tables, refreshment stands, ice cream stands, and other fixed location outdoor food vending stands are not allowable uses in the Public Open Space zoning district. Due to the use limitations placed on the site by the City's Municipal Code and Local Coastal Program, replacing or remodeling the existing structure to expand the concession stand beyond what was initially permitted (inclusion of plumbing and sewer service) would not be consistent with the applicable City ordinances.

While the operation of the Snack Shack was not consistent with the City's zoning ordinances, the Snack Shack operated under the nonconforming section of the City's zoning ordinances as it was permitted prior to cityhood and had operated continually. However, the City's zoning ordinances identify that a nonconforming structure or use cannot be replaced or intensified, and therefore, replacing the structure or adding

additional development, such as water and sewer connections which intensify the use, cannot be permitted under the Code.

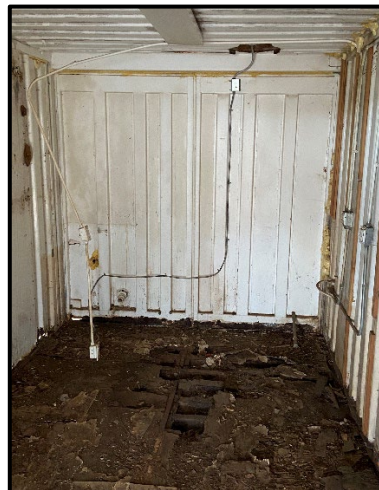
Immediate Snack Shack Options

Staff reviewed several options for upgrading or replacing the Snack Shack after receiving feedback from the Parks and Recreation Commission, American Youth Soccer Organization (AYSO), and MLL.

- Remodel the Existing Structure
 - Remodeling the structure in a manner consistent with the City’s Remodel Policy and Malibu Municipal Code (MMC) Section 17.60.020(A), would allow for the existing nonconforming use to be maintained per MMC Section 17.60.040(A). The City's Remodel Policy establishes a limit on the amount of work that can take place before a structure meets the definition of a new or replacement structure. New or replacement structures are required to comply with applicable zoning ordinances and allowed uses.
 - The City's Building Official inspected the existing structure, and the result of that inspection was that the current structure does not have adequate flooring, and there are several concerns related to the facility's structural integrity due to rust and corrosion. Remodeling the structure would also require compliance with all of the provisions set by the California Building Standards and our local ordinance, including but not limited to Los Angeles County Building Code (LACBC) Section 3114 – Intermodal Shipping Containers, involving several upgrades to the foundation, anchorage, and openings to the windows and door. The structure must also meet certification labeling requirements verified by a Certified Inspection and Testing Agency as per LACBC which has been adopted by the City of Malibu.



Snack Shack Interior



There are three immediate known options for hot food service at Malibu Bluffs Park, including a non-permanent concession stand, a temporary food trailer, or food trucks.

- Non-Permanent Concession Stand
 - For the 2023 season, MLL can sell prepackaged snacks and canned or bottled beverages in a non-permanent space at Malibu Bluffs Park. MLL will be required to comply with DPH permitting requirements. In addition, the stand would be set-up and taken down daily. This activity could continue indefinitely, provided DPH permits are maintained.
 - Anticipated Cost: \$0

- Food Service Trailer (non-permanent)
 - A trailer or concession stand that is California Health and Fire code compatible and allows for hot and cold food service onsite would have to remain movable (no fixed location). The trailer would contain a full-service kitchen, including a 3-compartment sink, food preparation sink, grill, refrigerator, freezer, hot water heater, wastewater tank, ventilation, and laminate flooring. This option requires temporary external utility connections for water and electricity, as well as a wastewater removal service contract.
 - Anticipated Cost: The initial cost for the trailer is approximately \$90,000, plus weekly wastewater removal fees.

- Food Trucks
 - AYSO and MLL could work with food truck vendors to supply hot food options. Sports Leagues can sell pre-packed snacks and drinks from a temporary structure such as a canopy. The vendors and sports leagues are required to obtain a valid DPH permit and insurance.
 - Anticipated Cost: \$0

Permanent Snack Shack Options

- Permanent Pre-cast Concession Stand, Restrooms, and Storage
 - Under this option a pre-cast concrete structure that comes equipped with a water heater, a 3-compartment sink, and ventilation would be installed onsite. Additional upgrades are required for this option; these additions include installation of a full-service kitchen, such as a grill, refrigeration, and shelving. This option would require permanent external utility connections for water, electricity, and wastewater. Following the approval of the design and permit issuance, the anticipated timeline to install a pre-cast concession stand is approximately six months. The facility would upgrade the area between the baseball fields by combining all storage into one location and would allow for the removal of all temporary storage containers and portable toilets.
 - Anticipated Cost: \$400,000 and higher

- Like-for-like Metal Shipping Container Upgrade
 - At the August 16, 2022, Parks and Recreation Commission Regular meeting, the commission recommended the installation of a like-for-like metal shipping container with an option to grill.
 - It was discussed that the City would purchase the like-for-like metal shipping container and complete several upgrades, including installation of a full-service kitchen, such as sinks, a grill, ventilation, refrigeration, shelving, and plumbing for potable water and wastewater. This option would require permanent external utility connections for water and electricity and a wastewater connection.
 - Anticipated Cost: \$150,000 and higher

All estimated costs do not account for foundation work, external utility connections, or permits. Additionally, it is anticipated that it will cost approximately \$8,000 to demolish and remove the current Snack Shack.

Los Angeles County Department of Public Health Permitting Requirements

DPH classifies the Snack Shack as a Temporary Food Facility and has two permitting options for food service: Prepackaged or Food Preparation.

Prepackaged (\$82 annually)

Allows for the sale of commercially prepackaged food items, such as chips, candy, popsicles, and non-alcoholic drinks. AYSO and MLL must apply for this permit annually.

Food Preparation (\$184 annually)

Allows the sale of hot and cold food items made onsite, such as hamburgers and hot dogs on a grill, burritos cooked in a microwave, and hand-scooped ice cream sundaes.

- 3-compartment sink for dishwashing with water heated to a minimum of 120 degrees
- Food prep sink
- Potable water access
- Wastewater connection

Both permits are valid for 25 days of food service within 90 days. Additionally, both permits require the following amenities:

- Restroom facility with handwashing within 200 feet of the food service area;
- Water for handwashing heated to a minimum of 100 degrees, and
- Designated restrooms for food handlers that are not available to the public.

City of Malibu Permitting and Zoning Requirements

The City of Malibu Planning and Building and Safety Departments would review and approve any non-food truck or mobile trailer replacement options for consistency with applicable zoning requirements.

Should the City decide to pursue the option of a new Snack Shack that is the same size or larger to include restroom facilities, kitchen facilities that meet health code requirements, and expanded storage areas, the inconsistency with the City's Permitted Uses Table must be addressed. The zoning inconsistency can be addressed by processing a Zone Text Amendment and Local Coastal Program Amendment (LCPA) to identify the operation of Snack Shack in the Public Open Space as an allowable use. If code amendments are initiated by the Council, the amendments would then be considered by the Zoning Ordinance Revisions and Code Enforcement Subcommittee, followed by consideration by the Planning Commission and then review for adoption by the City Council. The LCPA, once approved by the Council is then submitted to the California Coastal Commission for certification.

In addition, if a sink or restroom facilities are added as part of this project, the additional wastewater generated will exceed the current wastewater allocation for Bluffs Park. An application to modify the existing wastewater allocation for Malibu Bluffs Park would require Council approval.

Budget

The costs associated with replacing the Snack Shack were not included in the Adopted Budget for Fiscal Year 2022-2023. If the Council recommends moving forward with one of the non-food truck options, a funding source would need to be identified.

ATTACHMENTS: None