



# PALM DESERT

CALIFORNIA



## **OUTDOOR DINING DECK DESIGN GUIDELINES**

**JULY 29, 2021**

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## 1.0 BACKGROUND

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In response to COVID-19, the State of California, similar to many other States throughout the country, implemented various procedures to mitigate the effects of the pandemic. Some of these procedures included restriction or closure of indoor activities, limited capacity in closed buildings, and the introduction of more outdoor dining. Many cities were faced with varying challenges, including the need to dedicate public space for the use of outdoor activities.

The City of Palm Desert has taken an approach that allows outdoor dining through their “Outdoor Dining Deck” program. These extensions of the walkway allow for enhancement of the pedestrian environment, which can help make the street feel safer and more comfortable for people shopping, running errands, and accessing services in the City.

Typically, a Dining Deck is a built platform that extends out from the sidewalk to the width of the adjacent parking space. These decks can be used for an expanded dining area or an area to re-route pedestrian travel around expanded outdoor dining on the public sidewalk. These guidelines are intended to be a “living document” due to the rapid development of this program. The City of Palm Desert is focused on safety, accessibility, and drainage in the design of these decks. As new regulations and developments occur, these guidelines will undergo periodic revisions.

## 2.0 APPROVAL AND REVIEW STANDARDS

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All dining decks must submit a Temporary Use Permit (TUP) Application for review and approval with the City’s Development Services Department. All submittals are to be prepared under the direction of and stamped by a licensed Architect or Engineer. Applicants shall submit drawings, construction methods, site plans, and identify materials used in their dining deck design. Once received, City staff will review the TUP application and submitted materials for compliance with the Dining Deck Guidelines.

### **3.0 SAFETY CRITERIA**

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Many factors go into selecting whether or not a business can implement a Dining Deck; however, these factors are routed in the general public's welfare and safety while maintaining the ability for safe and efficient motoring. In addition, accessibility and drainage are two other key considerations. As time progresses, the City of Palm Desert maintains a progressive approach as to how to implement this program. This section documents what businesses can take advantage of the Dining Deck program. The City intends to allow this to continue beyond the COVID-19 restrictions and going forward into the future. Many aspects have to be reviewed, as there are many departments of the City that must be involved.

#### **Planning/Engineering**

The Planning/Engineering Division implements the policies and objectives of the community that are set forth in the City of Palm Desert's General Plan, Zoning Ordinance, and Specific Plans. The Planning/Engineering Division also reviews new development proposals to ensure that the City's design and development standards, and goals and policies are executed in the development of the City.

#### **Building and Safety**

The Building and Safety Division is dedicated to providing the highest level of code compliance, inspection services, and plan review to every architect, engineer, developer, contractor, business, and property owner that resides or works within our community. The Division strives to demonstrate fairness, equality, and the highest standard of professional ethics in providing our services while enforcing state construction laws and local ordinances that protect our citizens. The City of Palm Desert adopted its first building code in 1973.

#### **Public Works**

The Public Works Department is responsible for the planning, design, construction, operation, and maintenance of the City's infrastructure including, streets, sidewalks, storm drains, traffic signals, and landscaping. The department also oversees graffiti removal, engineering review of land development plans, and implementation of City-funded improvement projects.

Each of the above-listed departments has a vested interest in the development of the Dining Decks. Each business must submit a Temporary Use Permit application should they wish to participate in the program, and a copy of the permit has been attached in the appendices of this document. In addition, the application can be obtained from the City of Palm Desert's website.

### **3.1 STREET DESIGN CRITERIA – WHERE ARE DINING DECKS ALLOWED**

In order to maintain safety of both the pedestrian as well as the motoring public, the City of Palm Desert has determined certain criteria in which they will allow dining decks. Below is a summary of the minimum requirements.

	Allowed	Will need to be reviewed on a case-by-case basis	Prohibited
25 mph Roadway	<b>X</b>		
30 mph (and over) Roadway			<b>X</b>
Red Zones		<b>X</b>	
Red Zones by Fire Hydrants			<b>X</b>
Yellow Zones		<b>X</b>	
White Zones		<b>X</b>	
Green Zones	<b>X</b>		
Travel Lanes		<b>X</b>	
Within 40' of a Corner (Measured from BCR/ECR)		<b>X</b>	
At an Intersection (i.e. Tee Intersection)			<b>X</b>
Parking Lane of 8' or More	<b>X</b>		
Parking Lane under 8'		<b>X</b>	
Angled Parking Stalls	<b>X</b>		

**Table 1: Dining Deck Selection Criteria**

### **3.2 Barrier Design**

The City of Palm Desert has committed to the safety of its pedestrians and motoring traffic, and for this reason, Dining Decks shall be protected using standard K-Rail available from construction supply businesses. These barriers can be composed of concrete or durable plastic materials intended to be filled with water to provide a solid barrier between the vehicular traffic and the dining decks. K-Rail are sometimes referred to as Jersey Barriers. At a minimum, barriers must be 36-42 inches high; not easily moved, altered, or stolen; stable and sturdy enough not to fall over or be pushed over (must withstand 250lbs of force).

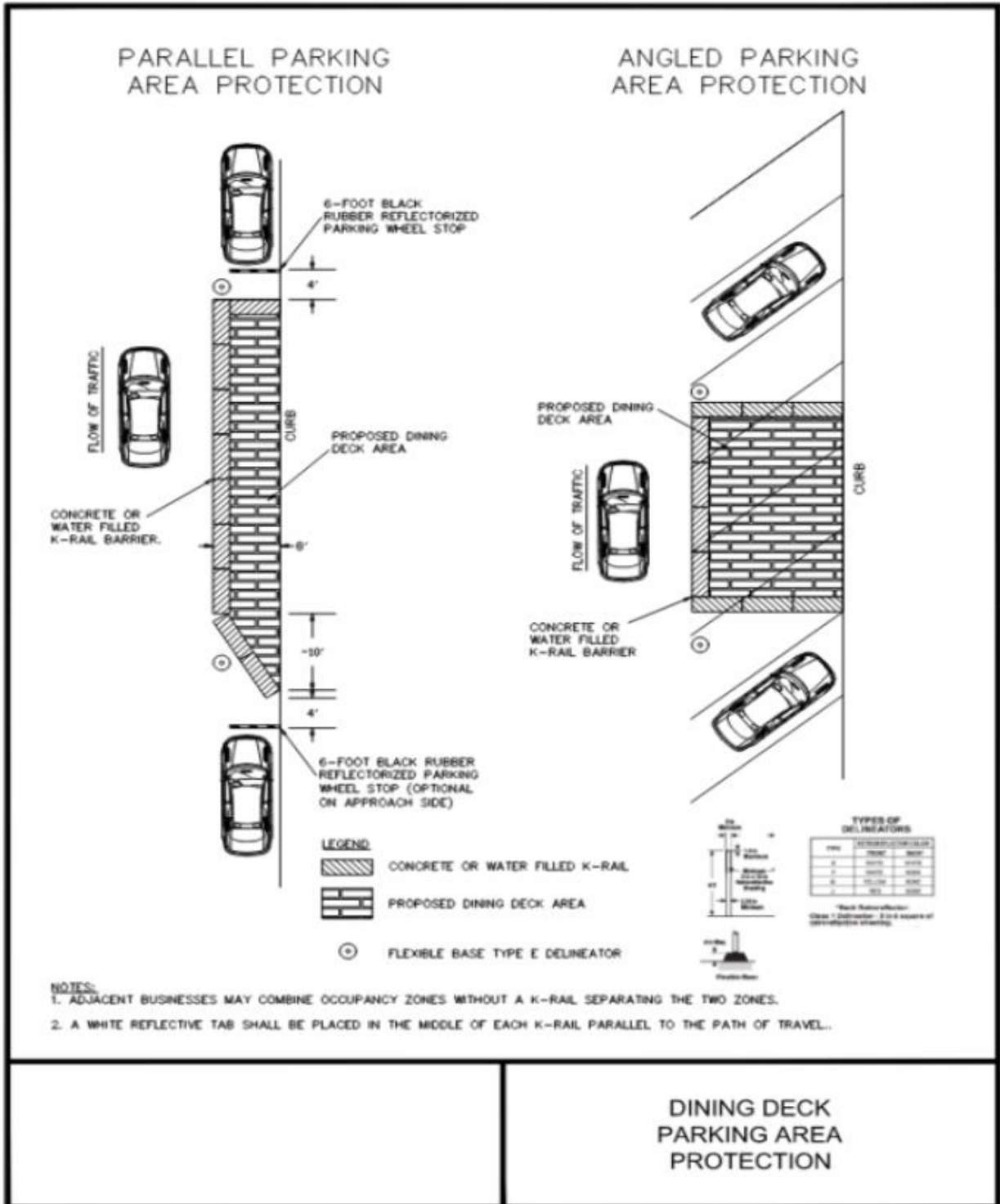
### **3.2.1 PARALLEL PARKING AREA PROTECTION**

In order to eliminate a blunt edge, the City of Palm Desert is recommending that an approximate 10-foot-long transition be created using K-Rail on the approach side of the dining deck. Parallel to the travel lanes, between the deck and the travel lane, a solid K-Rail barrier shall be provided. On the departure side of the deck, a single K-Rail shall be placed in order to prevent cars from backing up during a parking maneuver from colliding with the deck. As an additional safeguard, a parking wheel stop shall be provided, 4 feet from the last K-rail to further protect the dining deck from someone backing up into a parking stall. It is also an option to provide this on the approach side of the dining deck.

### **3.2.2 ANGLED PARKING AREA PROTECTION**

Similar to the parallel parking area Dining Deck, the use of K-Rail shall be implemented to protect Dining Decks placed in angled parking stalls. Since these areas tend to have a greater depth, the decks should be placed at the end of the stall and outside of the traveled way. A conceptual layout has been provided in Figure 1.

Figure 1: Dining Deck Parking Area Protection



### 3.2.3 DINING DECK SIGNAGE/MARKINGS

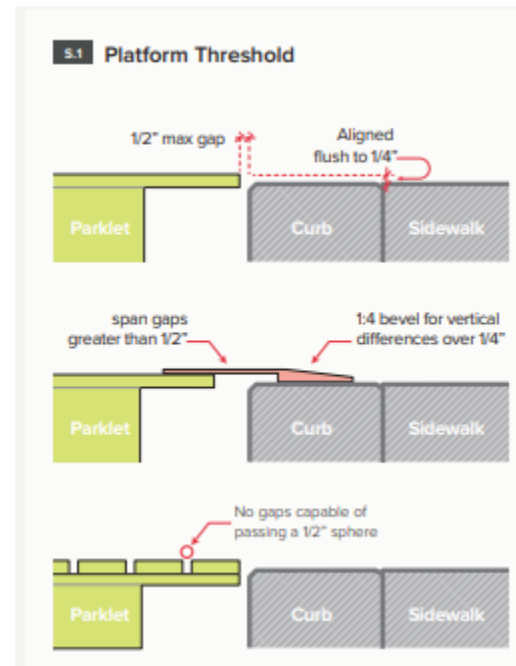
Dining decks should include a Type E Flexible Base Delineator on the upstream and downstream side of the k-rail. In addition, a single white reflective tab shall be placed in the middle of each k-rail parallel to the path of travel. The tab shall be installed such that vehicles approaching can see the tab.

### 3.3 PLATFORM THRESHOLD DESIGN

The Dining Deck platform serves as the foundation for the outdoor space and, as such, must be designed of durable materials that can withstand inclement weather and handle the wear and tear of the elements and regular pedestrian traffic.

The platform deck shall be designed in accordance with appropriate ADA and California Building Code Chapter 11B. As such, the City of Palm Desert recommends that the platform shall be level with the existing sidewalk (or within  $\frac{1}{4}$ " ) and a gap no larger than  $\frac{1}{2}$ " exists between the curb face and the proposed deck. Any vertical difference over  $\frac{1}{4}$ " shall be beveled with a 1:4 (25%) slope.

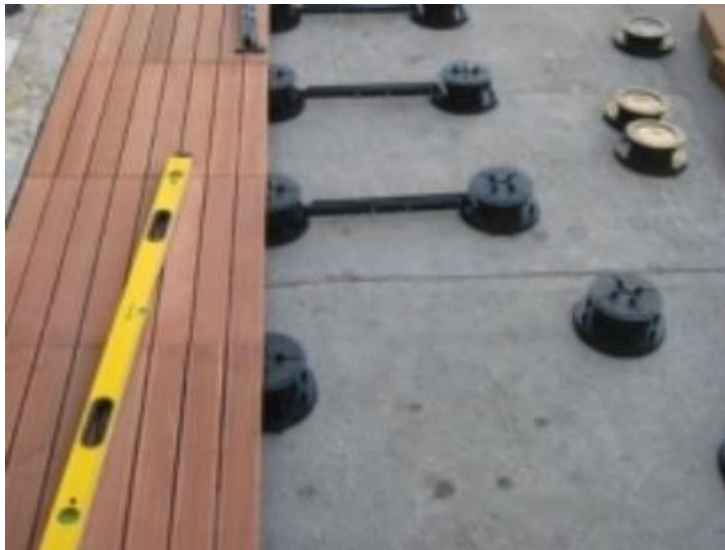
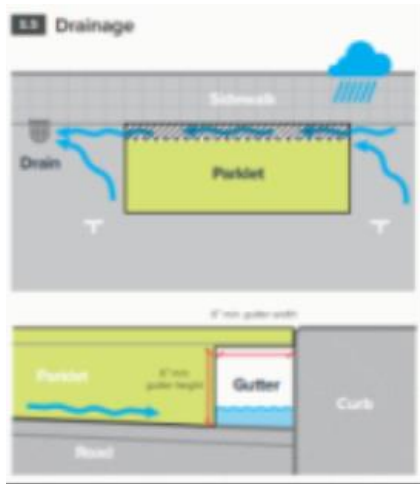
Platforms shall not be bolted to the existing pavement or concrete improvements. If bolting is proposed, the City shall work with the applicant to obtain appropriate payments for future improvement replacement.





### 3.4 **DRAINAGE DESIGN**

In general, most Dining Decks are constructed against an existing curb and gutter, and such local drainage should be taken into account. Impeding of the flow of surface water could cause ponding and potential flooding of the deck creating a hazard for pedestrians and the motoring public. As such, a 6" x 6" minimum clear gutter space must be provided along the entire length of the Dining Deck adjacent to the curb. Openings at either ends may be covered with screens to prevent debris buildup underneath the deck and in the gutter.



### 3.5 ACCESSIBILITY

Dining decks shall be designed in accordance with current American's with Disabilities Act and Chapter 11B of the California Building Code.

#### SAMPLE DINING DECK



**SAMPLE DINING DECKS**



[\(https://www.giffelswebster.com/dining-platforms-and-parklets-in-parking-spaces/\)](https://www.giffelswebster.com/dining-platforms-and-parklets-in-parking-spaces/)

## 4.0 AESTHETIC AND CONSTRUCTION GUIDELINES

The intent of the aesthetic and construction guidelines for outdoor dining decks is to establish design and construction methods that will result in decks that are both safe and aesthetically pleasing for the public.

The aesthetic and construction guidelines are outlining a minimum standard and are not intended to stifle creativity. All submittals will be reviewed on a case-by-case basis, and will be deemed acceptable (or not acceptable) based on architectural merit, safety, and compliance with these design guidelines.

Dining decks are meant to provide additional outdoor seating options for patrons and add another layer of interest to the street scene.

### 4.1 DECK CONSTRUCTION STANDARDS

Decks may use one of the following construction methods:

#### OPTION 1:

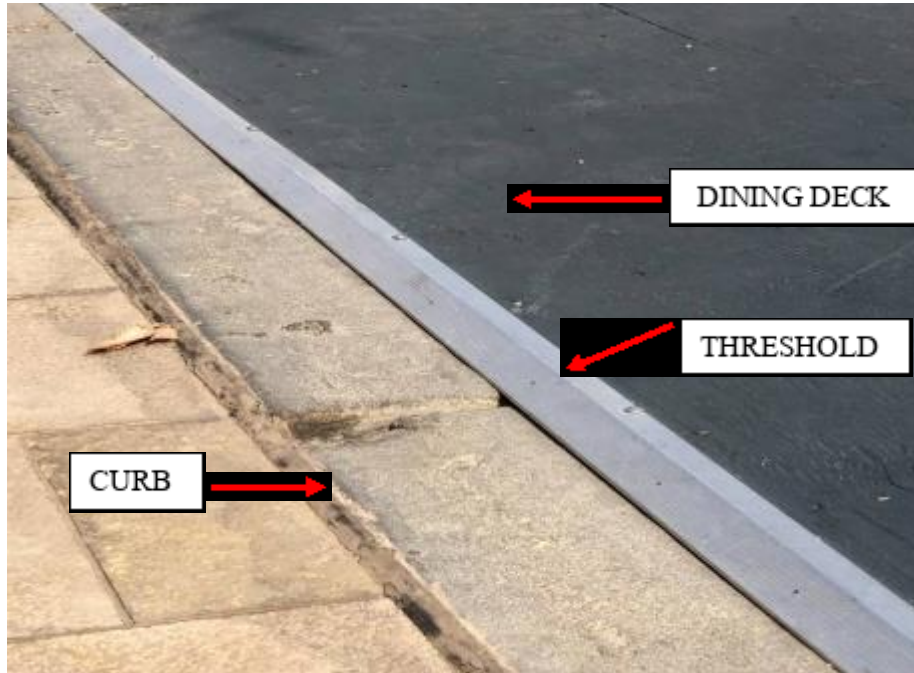
A 2x4, 2x6, or 2x8 pressure treated wood covered with a 5/8" minimum marine grade plywood subfloor. The plywood is to be screwed, not nailed, into the 2x members. The finish may be a non-slip tile or an outdoor carpet. An adequate street drainage system needs to be provided adjacent to the curb. This could be either an open space or metal tube below the deck, or wood framing adjacent to the curb could be raised off the street high enough to allow for stormwater to pass underneath it. See Diagram 1 below.

Diagram 1



Ideally, the top of the deck would be at the same elevation as the top of the curb for an easy transition. This is preferred and encouraged. If the deck is at the same elevation as the curb, provide a suitable metal threshold. See Diagram 2 below.

Diagram 2



Please refer to the Safety Guidelines for more detailed information about thresholds. If the deck is above the height of the curb, a code-compliant handicap-accessible ramp must be provided. All exposed deck edges are to be clad in a 2x wood material with a metal angle on the edge (see Diagram 3 below), or be totally clad in metal and finished with a paint color that meets with City staff approval.

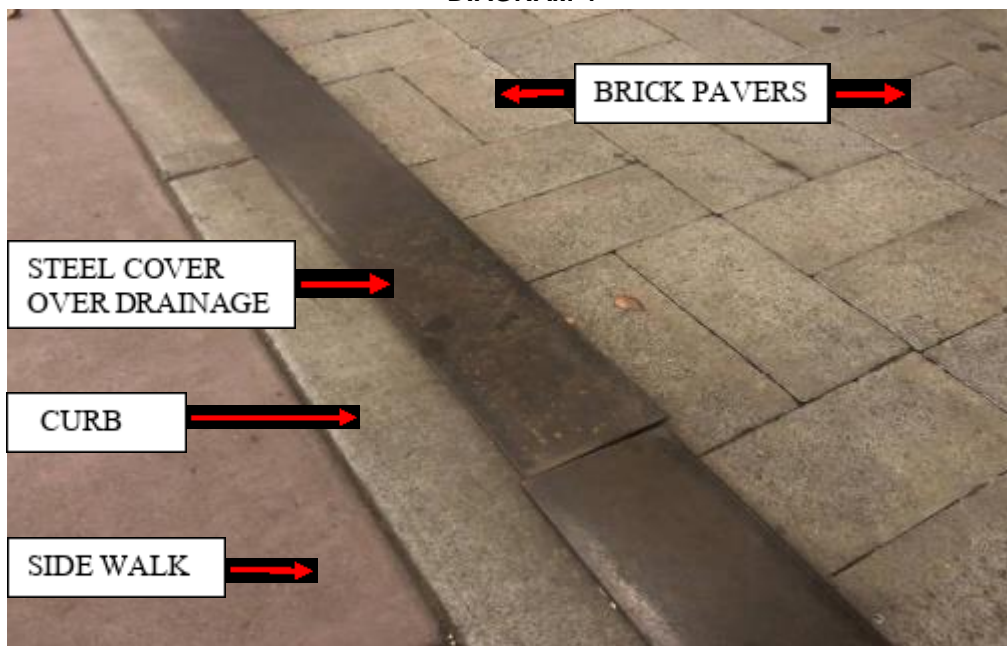
DIAGRAM 3



**OPTION 2:**

Brick pavers over a sand sub-base, over gravel, over two layers of 3 mil visqueen. The top of the brick pavers are to be flush with the top of the curb. The edges of the deck, other than on the curb side, are to be finished with a steel angle or plate. Corners of the steel edging may be connected with steel angles (on the inside) and bolts. The visqueen should extend up the inside vertical face of the edges, except on the curb side. Street drainage is to be provided with a plate steel tube adjacent to the curb. The top of the tube is to be flush with the top of the pavers and the top of the curb. This can also be designed so that the top piece is removable plate steel that drops into place. See Diagram 4 below.

**DIAGRAM 4**



**4.2 AESTHETIC STANDARDS**

**4.2.1 VERTICAL ELEMENTS**

As outlined in the Safety Criteria, K-rail or water-filled barricades shall provide the base for the vertical elements. These barriers shall be covered with acceptable materials so that they are not visible.

Acceptable cover materials include, but are not limited to metal, ceramic tile, stone, cementitious products, etc. Some of these materials may be applied over a boxed out sub-frame that fits over the K-rail, or water-filled barriers (see Diagram 5 below). Unlike Diagram 5 however, it is preferred that the entire barrier is covered with the finish material. The acceptability of any material is subject to review. This is because different materials have various levels of quality and attractiveness. They also can be applied in a variety of ways, some of which may be more attractive than others.

The following vertical barrier materials would generally not be deemed acceptable: Vinyl pickets or lattice work, painted wood pickets, plastic sheets, fabrics.

**DIAGRAM 5**



Other possible vertical barrier options are 3-dimensional plate steel forms that could be exposed or clad with an acceptable finish material. These forms could be filled with soil and plant material with an appropriate drainage system to serve as a weighted barrier. Another option for these plate steel forms would be to fill them with gravel to a certain level and then top them off with tightly spaced plants in pots or plastic containers. The containers would need to be hidden below the top edge of the form so that only the plant material is visible. See Diagrams 6 & 7 below.

**DIAGRAM 6**



DIAGRAM 7



Other “heavy” elements could be considered on a case-by-case basis, such as concrete forms (see Diagram 8 below) or large pots filled with soil.

DIAGRAM 8



The small openings between solid barriers may be permitted. These openings would need to be separated from the street with horizontal cable rail, steel dowels, or some other material that is deemed aesthetically attractive and acceptable by Staff. This material cannot have any space large enough to allow a 4” sphere to pass through (see Diagram 9). Material selections and methods of application will be reviewed by Planning Staff.



DIAGRAM 9



#### **4.2.2 PLANT MATERIAL**

Plant material is highly encouraged and recommended. Plant material could be natural or artificial and would be subject to approval by City Staff.

#### **4.2.3 DECK MATERIALS**

Brick pavers and framed plywood decks covered with non-slip tile or outdoor carpeting are acceptable.

Note, tiles and outdoor carpeting are acceptable as a material; however, it will be reviewed on an individual basis for aesthetic acceptability. Artificial turf is not acceptable.

#### **4.2.4 OVERHEAD COVERS**

Extremely long, continuous covers are discouraged. Covers should be broken up to provide a more “playful” composition and aesthetic quality.

Overhead Covers may consist of the following:

1. Portable umbrellas of a style and color that is deemed to be acceptable by City Staff. See Diagram 10 below.

DIAGRAM 10



2. Engineered umbrellas that require a fixed engineered base. See Diagram 11 below.

DIAGRAM 11



3. Engineered canvas covers that are connected to the building or to trees. Connection methods need to be engineered and clearly illustrated to determine aesthetic acceptability. See Diagram 12 below.

**DIAGRAM 12**



4. Pre-engineered canvas covers with metal poles of a style and color that is deemed to be acceptable by City Staff. See Diagram 13 below.

Metal poles would need to be secured by bolting into the deck base, or providing aesthetically acceptable concrete piers. Sandbags are not acceptable.

**DIAGRAM 13**



#### 4.2.5 LIGHTING

Lighting may consist of the following:

1. Market style LED lighting which may be strung from nearby trees and/or connected to poles and/or connected to pre-engineered canvas covers. See Diagram 13 below.

**DIAGRAM 13**



2. Lantern style lighting. See Diagram 14 below.
3. Artificial battery operated candles. See Diagram 14 below.

**DIAGRAM 14**



Lighting should be 3000 to 2700 Kelvin or warmer.

Lighting brightness would be at the discretion of the Planning Staff, but generally, light sources should not cause an unpleasant glare and especially not to someone that is not in the deck area.

## 5.0 TEMPORARY USE PERMIT (TUP)

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City of Palm Desert  
Temporary Use Permit  
Outdoor Business Expansion Application



**CITY OF PALM DESERT**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
73510 Fred Waring Drive, Palm Desert, California 92260  
Phone (760) 346-0611 • Fax (760) 776-6417 • [planning@cityofpalmdesert.org](mailto:planning@cityofpalmdesert.org)

**TEMPORARY USE PERMIT**  
**OUTDOOR BUSINESS EXPANSION APPLICATION**

**Business Name:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_

**Applicant/Representative Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Expansion Location:**      Public Sidewalk      Public Street

**Use Description:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. The temporary outdoor business expansion shall be installed and maintained in a safe and sanitary condition at the sole cost, risk, and responsibility of the Applicant. The Applicant shall maintain a policy of \$1 million liability insurance, with the City of Palm Desert as an additional insured, in an amount approved by the City that will protect the City from any potential claims, which may arise from the temporary outdoor business expansion
2. The temporary outdoor business expansion cannot be placed in any manner that blocks or hinders access to an ADA accessible path of travel, ADA accessible parking space, ramp, or curb cut.
3. The temporary outdoor business expansion cannot be placed in a manner that blocks or hinders vehicular, pedestrian, or fire access.
4. The temporary outdoor business expansion can not be placed in any manner that blocks or hinders access to a stormwater drainage structure. The Applicant shall keep the temporary outdoor business expansion free of debris and grime to prevent pollutants or contaminants from entering the adjacent storm drain system. The Applicant shall control any non-stormwater discharges from the facilities.
5. Temporary barriers shall be provided when utilizing parking spaces for outdoor business operations and barriers shall be placed around the perimeter of the area of use adjacent to vehicular/bike lanes and parking areas. The barriers shall not encroach into travel lanes. Barriers must be limited to a maximum height of 36 inches to allow for visibility.

**Inspection(s):** Once improvements for your temporary outdoor business expansion are complete, you will need to email [OutdoorDining@cityofpalmdesert.org](mailto:OutdoorDining@cityofpalmdesert.org) to schedule an inspection. Details to include in your email will be provided in your Outdoor Dining approval letter.

**Applicant/Representative Signature:** By signing this application, I certify that the information provided is accurate. I understand that the City might not approve what I am applying for and/or might require conditions of approval.

**Print Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**OFFICE USE ONLY**

**Project No: TUP** \_\_\_\_\_

**Date Received:** \_\_\_\_\_

**Received By:** \_\_\_\_\_

**Case Planner:** \_\_\_\_\_



**I. SUBMITTAL REQUIREMENTS**

1. Complete the Temporary Use Permit Outdoor Expansion (TPOE) Application, with the required signature.
2. Application Fee: \$0
3. Provide a PDF copy of all project files.
4. Statement of Operations, including the following information:
  - Hours of operation
  - Social distancing requirements as required by the State of California and Riverside County Health Department orders. Please contact the Riverside County Department of Environmental Health at (760) 863-8287 for additional compliance requirements.
5. Site plan, including the following information:
  - Name, address, phone number, and email
  - North arrow
  - Existing business(es) on-site
  - Location and dimensions of expanded area
  - Location of pedestrian walkways
  - Location of vehicular access points, driveways, emergency exits, and ADA paths (handicap access)
  - Identify source of electrical supply, if applicable
  - Location of existing fire hydrants and fire extinguishers
  - Location of all buildings, parking, generators, canopies, tents, compressed gasses (helium, etc.), cooking stations, booths, gas fire pits, and dimensions between each.
  - Show all existing fire lanes on-site
6. Certificate of Liability Insurance

**II. CHECKLIST TO DETERMINE IF OTHER PERMITS ARE REQUIRED:**

CHECKLIST QUESTIONS	YES	NO	IF YES, CONTACT	PHONE	WEBSITE	NOTES
Will alcohol be served in the outdoor area?			California Dept. of Alcoholic Beverage Control (ABC) & DEH	(760) 324-2027	<a href="http://abc.ca.gov">abc.ca.gov</a>	See instructions for ABC-218 CV19
Will there be tents utilized greater than 400 square feet?			City of Palm Desert Building & Safety Dept.  and Fire Marshal	(760) 776-6420  and (760) 346-1870	<a href="http://cityofpalmdesert.org">cityofpalmdesert.org</a>	Separate Building Dept. & Fire Marshal Permits Required <a href="#">See Tent Handout</a>  <a href="#">See Fire Event Permit Application</a>
Will electrical lighting be utilized?				<a href="http://cityofpalmdesert.org">cityofpalmdesert.org</a> <a href="mailto:rucovesfiremarshal@fire.ca.gov">rucovesfiremarshal@fire.ca.gov</a>	Separate Building Dept. & Fire Marshal Permits Required <a href="#">See Temporary Generator Handout</a>	