



**DEVIATION REQUEST** (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section **2.2.4.B.3 and 2.2.5.B.3.** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Specifically the provisions in each section for access being restricted along Arterials when access is being provided via roadways of lower functional classifications.

State the reason for the requested deviation:

A deviation from the above is requested for the proposed access located along Peterson Road. Peterson Road is an Arterial and access should be limited according to the standards stated. Limited access is being requested as a second point of access to the site is essential to providing safe circulation through the site as well as providing safe ingress and egress to the larger network.

Explain the proposed alternative and compare to the ECM standards (May provide applicable regional or national standards used as basis):

The ECM standard provides that "no full movement parcel access is permitted where the local roadways can be expected to provide access." In recognition of this caveat the access is being proposed as right-in/right-out and not full movement. The access would be restricted with a pork chop as a full movement access for a gas station and convenience store exists opposite the site and this would prevent traffic from the gas station accessing via this access location. It is important to the safety and circulation of the site to provide two access points. The trip generation of the site is minimal and would not be a safety or operational concern to the local network.

## LIMITS OF CONSIDERATION

(At least one of the conditions listed below must be met for this deviation request to be considered.)

- The ECM standard is inapplicable to the particular situation.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

### Provide justification:

A number of factors contribute to the justification of this request.

1. The access is proposed restricted to RIRO eliminating the majority of the conflict points related to this access.
2. The access is being located as far from the nearest intersection as possible considering the available frontage of the site and onsite constraints including location of the detention pond.
3. The proposed RIRO is located across from an existing access which will minimize perceived offset intersection conflicts although none exist due to the proposed access being restricted to RIRO.
4. No queueing at the nearby signal is anticipated to conflict with the proposed access as the northbound right lane operates as a free-flow with dedicated lane condition.
5. The additional access location will allow for vehicles to circulate through the site. Vehicles would have to turn around via multiple maneuvers if only one access was provided. This is a safety concern for on site vehicular and pedestrian users.
6. Vehicles that need to utilize the Constitution Ave/Peterson Road signal to head west or north will experience a more difficult movement crossing Constitution Ave via Canada Drive. The RIRO access along Peterson Road reduces the number of conflict points vehicles destined to the west or north would experience.

## CRITERIA FOR APPROVAL

Per ECM section 5.8.7 the request for a deviation may be considered if the request is **not based exclusively on financial considerations**. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with **all of the following criteria**:

The deviation will achieve the intended result with a comparable or superior design and quality of improvement.

### Per the ECM Table 2-3 "Control Access to Arterials"

"Local circulation systems and land development patterns should not detract from the efficiency of peripheral arterial facilities. The local roads that intersect arterial systems will tend to have higher volumes since they tend to be primarily exit points. The number of access points between local circulation systems and adjacent arterial roads should be minimized. Intersections along arterial routes should be properly spaced for efficient signalization and traffic flow."

Providing the restricted access along Peterson Road will prevent the conflict of vehicles existing via Canada Drive and crossing Constitution Avenue for all vehicles heading points north or west. Although not a significant number of vehicles allowing the access along Peterson Road reduces potential conflict points and will help maintain efficiency of the arterial network as described in Table 2-3.

The deviation will not adversely affect safety or operations.

As described in the updated traffic memorandum, the access along Peterson Road would have no adverse affect on the safety or operations of the local network. It would improve safety as vehicles would not have to cross Constitution Avenue to access the signal and multiple points of access reduces the possibility of on site circulation issues that can be a safety concern to vehicles and pedestrians.

The deviation will not adversely affect maintenance and its associated cost.

The deviation will not adversely affect maintenance and its associated cost. The proposed alternative represent no impact to maintenance or cost from the standard.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance. The proposed alternative represents no impact to the aesthetic appearance from the standard.

The deviation meets the design intent and purpose of the ECM standards.

The deviation meets the design intent and purpose of the ECM standards as the intent of the standard is to maintain safety and circulation throughout the network. The deviation will reduce conflicts on site as well as across Constitution Avenue.

The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.

The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.

**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

This request has been determined to have met the criteria for approval. A deviation from Section \_\_\_\_\_ of the ECM is hereby granted based on the justification provided.

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**Denied by the ECM Administrator**

This request has been determined not to have met criteria for approval. A deviation from Section \_\_\_\_\_ of the ECM is hereby denied.

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**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**

## **1.1. PURPOSE**

The purpose of this resource is to provide a form for documenting the findings and decision by the ECM Administrator concerning a deviation request. The form is used to document the review and decision concerning a requested deviation. The request and decision concerning each deviation from a specific section of the ECM shall be recorded on a separate form.

## **1.2. BACKGROUND**

A deviation is a critical aspect of the review process and needs to be documented to ensure that the deviations granted are applied to a specific development application in conformance with the criteria for approval and that the action is documented as such requests can point to potential needed revisions to the ECM.

## **1.3. APPLICABLE STATUTES AND REGULATIONS**

Section 5.8 of the ECM establishes a mechanism whereby an engineering design standard can be modified when if strictly adhered to, would cause unnecessary hardship or unsafe design because of topographical or other conditions particular to the site, and that a departure may be made without destroying the intent of such provision.

## **1.4. APPLICABILITY**

All provisions of the ECM are subject to deviation by the ECM Administrator provided that one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

## **1.5. TECHNICAL GUIDANCE**

The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

## **1.6. LIMITS OF APPROVAL**

Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

## **1.7. REVIEW FEES**

A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.