

# TAB 1 — EXECUTIVE SUMMARY & REQUESTED ACTION

## 1.1 Project Overview

The appellant, **Willaim Hale**, submits this appeal regarding **PROJ-2024-00030 (Maverik Gas Station)** located at the southeast corner of **Oasis Road and State Route 138** in Pinon Hills, California. The project proposes a 24-hour fueling station, diesel truck fueling, a convenience store, and associated site improvements in a rural, low-density community.

Over the past two months, extensive review of the administrative record, Planning Commission hearing materials, and technical documents have revealed **significant procedural, analytical, and factual defects** in the Initial Study/Mitigated Negative Declaration (IS/MND) and the project approval process.

These defects are substantial, material, and legally consequential under CEQA and County Development Code requirements.

## 1.2 Summary of Appeal Grounds

This appeal is based on **seven major categories of defects**, each of which independently requires the Board of Supervisors to grant the appeal, vacate the Planning Commission approval deny the project.

### 1. Procedural Defects (CEQA & Due Process)

The County relied on **multiple conflicting site plans** (See Exhibit A), failed to disclose Traffic Division's rejected plans (See Exhibit 21 A, B & C), introduced a **new site plan at the hearing** (See Exhibit 11), and conducted a Planning Commission hearing that did not comply with County procedures. These issues prevented meaningful public review and violated CEQA's transparency requirements.

### 2. Traffic, Circulation & School Safety Deficiencies

The IS/MND contains **no traffic study for Oasis Road**, misclassifies the project as a "local-serving gas station," (See Exhibit B) and fails to analyze circulation conflicts with the Post Office (See Exhibit N & O), Buckthorne Road (See Exhibit P), emergency access, and **Pinon Hills Elementary School**. (See Exhibits Q, R, & S)

### **3. Noise Impacts & Study Errors**

The Noise Study contains **baseline measurement defects**, missing calibration and weather data, ANSI non-compliance, and **no documentation of Sensitive Receptor locations**. Operational noise from diesel fueling, canopy activity, and truck circulation is underestimated. (See Exhibits T, U, & V)

### **4. Lighting & Visual Impacts**

The project's 24-hour canopy lighting and illuminated signage are incompatible with rural nighttime conditions and were not properly analyzed. (See Exhibits L & M)

### **5. Findings Cannot Be Made**

The project fails all three required findings:

- **General Plan consistency**
- **No harm to public health/safety**
- **CEQA compliance** (See Findings Analysis)

### **6. Incomplete & Inaccurate Technical Studies**

Key technical documents were missing, incomplete, or inconsistent, including:

- Traffic Division's "DO NOT RELEASE APPROVAL" memo
- Multiple unreviewed site plans
- Noise Study lacking required ANSI documentation
- No Oasis Road traffic analysis See Technical Study Defects.

### **7. New Information Requiring CEQA Recirculation**

New site plans, new circulation patterns, and new operational details were introduced **after** the IS/MND was circulated, triggering CEQA Guidelines §15088.5. See CEQA Recirculation.

## **1.3 Requested Action**

The appellant respectfully requests that the **San Bernardino County Board of Supervisors** take the following actions:

## 1. Grant the Appeal

Based on the substantial evidence of procedural, analytical, and factual defects.

## 2. Vacate the Planning Commission's Approval

The approval was based on incomplete, inaccurate, and undisclosed information.

## 3. Deny the Project

### 1.4 Basis for Board Authority

Under County Development Code §86.08.010 and CEQA Guidelines §15088.5, the Board has full authority to:

- Grant appeals
- Vacate approvals
- And deny the project

The defects identified in this appeal fall squarely within the Board's jurisdiction and responsibility.

### 1.5 Summary Statement

The project, as approved, is based on:

- Incomplete technical studies
- Missing traffic analysis
- Inaccurate noise modeling
- Undisclosed site plans
- Procedural irregularities
- CEQA violations
- Findings that cannot be supported

For these reasons, the appellant respectfully requests that the Board **grant the appeal, vacate the approval, and deny the project.**

# TAB 2 — PROCEDURAL DEFECTS (CEQA & DUE PROCESS)

## 2.1 Overview

This section identifies the **procedural failures, CEQA violations, and due-process defects** that occurred during the review and approval of **PROJ-2024-00030 (Maverik Gas Station)**. These defects prevented meaningful public participation, undermined the integrity of the environmental review process, and require the Board of Supervisors to grant the appeal.

The defects fall into six major categories:

- **Multiple conflicting site plans**
- **Failure to disclose Traffic Division's rejected plans**
- **Introduction of a new site plan at the hearing**
- **Missing or incomplete technical studies**
- **Planning Commission hearing misconduct**
- **CEQA procedural violations**

Each defect independently requires correction and recirculation under CEQA Guidelines §15088.5.

### 2.1.1 Traffic Division Evidence

#### TRAFFIC DIVISION REVIEW MEMO (SEPTEMBER 20, 2024)

**Traffic Division Review Memo (September 20, 2024) Subject:** Initial Traffic Review — Not Approved (See Exhibit F )

**Summary:** This memorandum, issued by the County Traffic Division on **September 20, 2024**, documents the **first formal review** of the project's circulation and driveway design. The memo identifies multiple **safety deficiencies**, including inadequate turning radii, improper driveway spacing, and conflicts with STAA truck movements. The memo clearly indicates that the site plan was **not approved** and required substantial revisions.

**Relevance to Appeal:** This memo demonstrates that the County relied on a **non-approved site plan** during preparation of the IS/MND. The deficiencies identified in this memo were **not corrected** in the versions of the site plan included in the CEQA document. This establishes that the IS/MND analyzed an **inaccurate and incomplete project description**, violating CEQA Guidelines §15124.

**CEQA Compliance Statement:** CEQA requires disclosure of all documents relied upon by the lead agency. This memo was **not included** in the IS/MND or the public record during the review period. Its absence deprived the public of meaningful review and constitutes a **procedural defect** under CEQA Guidelines §§15072, 15087, and 15148.

### **TRAFFIC DIVISION REVIEW MEMO (APRIL 23, 2025)**

**Traffic Division Review Memo (April 23, 2025) Subject:** Second Traffic Review — Not Approved / Outstanding Corrections. (See Exhibit G)

**Summary:** This memorandum, issued on **April 23, 2025**, documents the **second Traffic Division review** of the project. The memo identifies **unresolved safety hazards**, including:

- STAA truck turning conflicts
- Insufficient driveway spacing
- Unsafe circulation patterns
- Conflicts with Oasis Road traffic
- Inadequate sight-distance analysis

The memo again indicates the plan was **not approved** and required further corrections. This is the version most closely associated with the internal **“Do Not Release Approval”** directive referenced in County correspondence.

**Relevance to Appeal:** This memo proves that the County continued to rely on a **rejected site plan** during CEQA preparation. The IS/MND does not incorporate the corrections required by Traffic Division, nor does it disclose the existence of this memo. The Planning Commission was not provided this information, and the public was not given an opportunity to review it.

**CEQA Compliance Statement:** The County’s failure to disclose this memo violates CEQA’s requirement for transparency and full disclosure of technical materials relied upon by the lead agency. The IS/MND’s reliance on a **rejected plan** renders the project description **unstable and inaccurate**, requiring denial of the project or preparation of a new CEQA document.

## TRAFFIC DIVISION APPROVAL MEMO (NOVEMBER 13, 2025)

**Traffic Division Approval Memo (November 13, 2025) Subject:** Final Traffic Approval — 11/10/2025 Site Plan (See Exhibit H)

**Summary:** This memorandum, issued by **Traffic Engineer Anthony Pham** on **November 13, 2025**, documents the **final approval** of the project's circulation plan. The memo references the **11/10/2025 site plan**, which differs substantially from the earlier versions analyzed in the IS/MND. This is the **only** site plan formally approved by Traffic Division.

**Relevance to Appeal:** The IS/MND and Planning Commission staff report **did not analyze or disclose** the 11/10/2025 approved plan. Instead, they relied on earlier, rejected plans. The public never had the opportunity to review the actual approved circulation plan, and the Planning Commission was presented with a **different plan** at the hearing. This violates CEQA's requirement for a **stable, accurate, and finite project description**.

**CEQA Compliance Statement:** CEQA requires that the **actual approved project** be circulated for public review. Because the 11/10/2025 plan was never included in the IS/MND, the CEQA document is legally inadequate. This defect cannot be cured through conditions of approval and requires **denial of the project**.

## 2.2 Multiple Conflicting Site Plans in the Administrative Record

The administrative record contains **at least seven different site plans**, each showing different:

- Driveway locations
- Truck circulation paths
- Fueling station configurations
- Parking layouts
- Setbacks
- Access points
- Traffic control devices

These plans include:

- Early conceptual plans

- Traffic Division-marked plans
- Applicant-submitted revisions
- Undisclosed internal drafts
- The “surprise” plan introduced at the Planning Commission hearing

This violates CEQA’s requirement for a **stable, accurate, and finite project description**.

### **CEQA Requirement**

A project description must be:

- **Accurate**
- **Internally consistent**
- **Stable**
- **Finite**

(CEQA Guidelines §15124)

### **Defect**

The County relied on **multiple inconsistent project descriptions**, preventing the public from understanding what was actually being approved.

(See Exhibit A)

## **2.3 Failure to Disclose Traffic Division’s Rejected Plans**

The Traffic Division reviewed several site plans and issued a “**DO NOT RELEASE APPROVAL**” directive due to:

- Unsafe truck turning radii
- Conflicts with Oasis Road traffic
- Conflicts with Post Office circulation
- STAA truck incompatibility
- Insufficient driveway spacing

These rejected plans were **not disclosed** to the public or the Planning Commission.

### **CEQA Requirement**

All documents relied upon by the lead agency must be:

- **Available for public review**
- **Provided prior to the hearing**
- **Included in the administrative record**

(CEQA Guidelines §15072, §15087)

### **Defect**

The County withheld critical traffic documents, preventing meaningful public review.

(See Exhibits F & G)

## **2.4 Introduction of a New Site Plan at the Planning Commission Hearing**

At the Planning Commission hearing, staff introduced a **new, previously unseen site plan** that:

- Was not included in the IS/MND
- Was not reviewed by Traffic Division
- Was not disclosed to the public
- Was not part of the circulated CEQA document

This plan changed:

- Driveway locations
- Truck circulation
- Fueling station layout
- Access to Oasis Road
- Conflicts with the Post Office

### **CEQA Requirement**

New information that deprives the public of meaningful review requires **recirculation**.

(CEQA Guidelines §15088.5)

### **Defect**

The public was denied the opportunity to review and comment on the actual project being approved. (See Exhibit 11)

## **2.5 Missing or Incomplete Technical Studies**

Several required technical studies were missing, incomplete, or inconsistent:

### **2.5.1 No Traffic Study for Oasis Road**

The IS/MND contains **no analysis** of:

- Oasis Road traffic volumes
- School circulation
- Post Office conflicts
- STAA truck movements
- Driveway spacing
- Sight distance

This violates CEQA Guidelines §15064.3.

(See Exhibits N,O, P, Q, R & S)

### **2.5.2 Noise Study Missing Required Documentation**

The Noise Study omitted:

- Weather conditions
- Calibration level
- Calibration frequency
- Microphone height
- Sensitive Receptor photographs
- Receptor coordinates

This violates ANSI S1.4-2014 and CEQA Guidelines §15151.

(See Exhibit E)

### **2.5.3 Undisclosed Traffic Division Comments**

Traffic Division's internal comments were not included in the IS/MND or the staff report.

(See Exhibits F & G)

### **2.5.4 Inconsistent Project Description**

Different documents describe:

- Different numbers of diesel pumps
- Different truck circulation paths
- Different driveway widths
- Different turning radii

This violates CEQA's requirement for a stable project description.

(See Exhibit A)

## **2.6 Planning Commission Hearing Misconduct**

The Planning Commission hearing contained several procedural irregularities:

Sarcasm towards appellant's engineering-based truck turning analysis.

(See Exhibit 27)

### **2.6.1 Commissioners Not Seated at the Dais**

Two commissioners were seated in the audience, not at the dais, during the hearing.

### **2.6.2 Commissioner Coaching the Applicant**

Commissioner Slowik provided **guidance and coaching** to the applicant during deliberations.

(See Exhibit 23)

### **2.6.3 Surprise Site Plan Introduced**

A new site plan was introduced without prior disclosure.

(See Exhibit 11 & 26)

## **2.6.4 Only Three Commissioners Voted**

The project was approved **3-0**, with only **three of five** commissioners present.

## **2.6.5 Public Was Not Allowed to Review New Materials**

The public was not given access to the new site plan or Traffic Division comments.

(See Exhibits F, G & 28)

### **Due Process Requirement**

The public must be given:

- **Notice**
- **Access to materials**
- **A fair hearing**

These conditions were not met.

## **2.7 CEQA Procedural Violations**

### **2.7.1 Failure to Disclose Key Documents**

CEQA requires all referenced documents to be available for public review.

### **2.7.2 Inadequate Project Description**

Multiple conflicting site plans violate CEQA Guidelines §15124.

(See Exhibit A)

### **2.7.3 New Information Requiring Recirculation**

The new site plan introduced at the hearing triggers CEQA Guidelines §15088.5.

(See Exhibits 24, 25 & 26)

### **2.7.4 Failure to Analyze Reasonably Foreseeable Impacts**

Missing traffic and noise analyses violate CEQA Guidelines §15064.

### **2.7.5 Failure to Respond to Substantial Evidence**

Public comments identifying significant impacts were not addressed.

## **2.8 Conclusion — Procedural Defects Require Granting the Appeal**

The procedural defects identified in this section:

- Prevented meaningful public participation
- Violated CEQA's transparency requirements
- Undermined the integrity of the environmental review
- Rendered the IS/MND legally inadequate
- Require recirculation under CEQA Guidelines §15088.5

For these reasons, the Board must:

- **Grant the appeal**
- **Vacate the Planning Commission approval**
- **And deny the project**

### **TAB 3 — TRAFFIC, CIRCULATION & SCHOOL SAFETY**

## **3.1 Overview**

This section identifies the **traffic, circulation, access, and school-safety deficiencies** in the IS/MND and the project approval process for **PROJ-2024-00030 (Maverik Gas Station)**. These deficiencies are significant, foreseeable, and legally consequential under CEQA.

The IS/MND contains **no traffic study for Oasis Road**, misclassifies the project as a “local-serving gas station,” and fails to analyze circulation conflicts with the Post Office, Buckthorne Road, emergency access, and **Pinon Hills Elementary School**.

Each of these defects independently requires recirculation under CEQA Guidelines §15088.5.

### **3.2 No Traffic Study for Oasis Road**

The IS/MND contains **no traffic analysis whatsoever** for Oasis Road, despite the following facts:

- Oasis Road is the **primary access route** to the project
- Oasis Road is the **school circulation route** for Pinon Hills Elementary
- Oasis Road carries **mail truck traffic** to and from the Post Office
- Oasis Road is used by **STAA trucks** accessing SR-138
- Oasis Road has **no sidewalks, no shoulders, and no turn lanes**

#### **CEQA Requirement**

CEQA Guidelines §15064.3 requires analysis of:

- Vehicle miles traveled
- Safety impacts
- Circulation hazards
- Conflicts with existing uses

#### **Defect**

The IS/MND contains **zero analysis** of:

- Traffic volumes
- Peak-hour conditions
- School drop-off/pick-up
- Mail truck circulation
- STAA truck turning movements
- Driveway spacing

- Sight distance
- Queuing

This is a **foundational CEQA failure**.

(See TJW Maverik Fueling Station Traffic Impact Analysis, Exhibit B, J, 18A, 18B, & 19)

### **3.3 Misclassification as a “Local-Serving Gas Station”**

The IS/MND classifies the project as a “**local-serving gas station**” to avoid preparing a Traffic Impact Study.

This classification is **incorrect** and contradicted by:

- The presence of **diesel fueling**
- The presence of **multiple truck fueling positions**
- The applicant’s own statements
- The circulation design
- The site’s location on a state highway
- The lack of nearby population density

#### **Why the classification is wrong**

A “local-serving” gas station:

- Serves nearby residents
- Generates short trips
- Does not attract regional traffic
- Does not serve trucks

This project:

- Includes **diesel fueling**
- Includes **truck fueling**
- Is located on **SR-138**, a regional truck corridor
- Is designed for **pass-through traffic**
- Will attract **regional and interregional trips**

## **CEQA Consequence**

Misclassification resulted in:

- No Traffic Impact Study
- No analysis of truck traffic
- No analysis of Oasis Road
- No analysis of school circulation
- No analysis of Post Office conflicts

This violates CEQA Guidelines §15064.

(See TJW Engineering Appendix H.2- VMT Screening & Exhibit C)

## **3.4 Post Office Circulation Conflicts**

The project driveway is located directly adjacent to the **Pinon Hills Post Office**, which generates:

- Mail truck circulation
- Customer parking turnover
- Backing movements
- Peak-hour congestion

The IS/MND contains **no analysis** of:

- Conflicts between mail trucks and fuel-station traffic
- Conflicts between customers backing out and entering traffic
- Queuing at the project driveway
- Sight-distance limitations
- Combined peak-hour conditions

### **Observed Conditions**

Mail trucks:

- Back into the circulation lane

- Swing wide into Oasis Road
- Queue during peak periods

The project adds:

- Fuel-station traffic
- Truck circulation
- Left-turn movements
- Right-turn movements
- Peak-hour congestion

### **CEQA Requirement**

CEQA requires analysis of **hazardous design features** and **conflicts with existing uses**.

(CEQA Guidelines §15064.3)

### **Defect**

The IS/MND contains **no analysis** of Post Office conflicts.

(See Exhibit N & Exhibit O)

## **3.5 Buckthorne Road “No Outlet” Trap**

Buckthorne Road is a **dead-end residential street** with:

- No outlet
- No turnaround
- No shoulders
- No sidewalks
- Children walking to school

The IS/MND contains **no analysis** of:

- Fuel-station traffic mistakenly entering Buckthorne
- Trucks entering Buckthorne
- U-turns in residential driveways
- Congestion at the dead end

- Pedestrian conflicts

### **CEQA Requirement**

CEQA requires analysis of **circulation hazards** and **unsafe conditions**.

### **Defect**

The IS/MND ignores foreseeable hazards created by the project.

(See Exhibit X)

## **3.6 Emergency Access Conflicts**

The project driveway configuration creates conflicts with:

- Fire apparatus turning radii
- Emergency response times
- Access to Buckthorne Road
- Access to the Post Office
- Access to SR-138

The IS/MND contains **no analysis** of:

- Fire Department access requirements
- Emergency vehicle turning templates
- Driveway obstruction during peak periods
- Congestion impacts on response times

This violates CEQA Guidelines §15064.

## **3.7 STAA Truck Driveway Incompatibility**

The project is located on **SR-138**, a designated **STAA truck route**.

STAA trucks require:

- 55-foot turning radii from a dead stop
- 67-foot turning radius if moving forward
- Wide driveway throats

- Adequate sight distance
- Adequate queue storage

The Traffic Division previously rejected site plans due to:

- Insufficient turning radii
- Conflicts with Oasis Road traffic
- Conflicts with Post Office circulation
- Unsafe truck movements

These rejected plans were **not disclosed** to the public.

### **CEQA Requirement**

CEQA requires analysis of **hazardous design features**.

### **Defect**

The IS/MND contains **no analysis** of STAA truck movements.

(See Exhibit Y, Z & 5)

## **3.8 School Safety Impacts (Pinon Hills Elementary)**

Pinon Hills Elementary is located less than one mile from the project. Oasis Road is the **primary school circulation route**.

The IS/MND contains **no analysis** of:

- School drop-off/pick-up traffic
- Children walking along Oasis Road
- Children crossing Oasis Road
- Increased traffic volumes
- Increased truck traffic
- Increased turning movements
- Increased conflict points

### **Observed Conditions**

During school hours:

- Vehicles queue along Oasis Road
- Parents make U-turns
- Children walk along the shoulder
- Traffic backs up to SR-138

The project adds:

- Fuel-station traffic
- Truck traffic
- Left-turn movements
- Right-turn movements
- Peak-hour congestion

### **CEQA Requirement**

CEQA requires analysis of **safety impacts near schools**.

(CEQA Guidelines Appendix G)

### **Defect**

The IS/MND contains **no school-safety analysis**.

(See Exhibits Q, R & S)

## **3.9 Combined Effects Not Analyzed**

The IS/MND fails to analyze the **combined effects** of:

- Fuel-station traffic
- Truck traffic
- School traffic
- Post Office traffic
- Residential traffic
- STAA truck movements
- SR-138 traffic

CEQA requires analysis of **cumulative impacts**.

(CEQA Guidelines §15130)

The IS/MND contains **no cumulative traffic analysis**.

(See Exhibit J)

### **3.10 Conclusion — Traffic Defects Require Recirculation**

The traffic, circulation, and school-safety defects identified in this section:

- Are substantial
- Are foreseeable
- Are unaddressed
- Create safety hazards
- Violate CEQA
- Require recirculation

(See Exhibits 18A,18B & 19)

For these reasons, the Board must:

- **Grant the appeal**
- **Vacate the Planning Commission approval**
- **Deny the project**

## **TAB 4 — NOISE IMPACTS & STUDY ERRORS**

## 4.1 Overview

This section identifies the noise analysis defects, methodological errors, and CEQA violations in the Noise and Vibration Impact Analysis prepared by Urban Crossroads for PROJ 2024-00030 (Maverik Gas Station).

The Noise Study is the foundation of the IS/MND's noise conclusions. However, the study contains:

- Missing baseline documentation
- Missing calibration data
- Missing weather conditions
- Missing microphone height
- Missing Sensitive Receptor photographs
- ANSI non-compliance
- Incorrect operational noise assumptions
- Underestimated diesel and truck noise
- Incorrect pump configuration (4 diesel pumps = 5 fueling stations)
- No analysis of nighttime canopy activity
- No analysis of truck idling
- No analysis of STAA truck circulation

Each of these defects independently renders the Noise Study not supported by substantial evidence under CEQA Guidelines §15151.

(See Exhibit 3A, 3B, T, U & V)

## 4.2 Baseline Noise Measurement Defects

The Noise Study claims compliance with ANSI S1.4-2014 / IEC 61672-1:2013, but omits several mandatory elements required for valid baseline measurements.

Appellant's field measurements (Exhibit I) include full weather, calibration, and timestamp documentation, demonstrating the deficiencies in the consultant's baseline data.

### 4.2.1 Missing Weather Conditions

The study does not report:

- Wind speed
- Wind direction
- Temperature
- Humidity

- Cloud cover

These variables can change measured noise levels by 3–10 dB, especially in rural desert environments.

## **4.2.2 Missing Calibration Level and Frequency**

The study states that a Larson Davis CAL 150 calibrator was used, but does not report:

- Calibration level (dB)
- Calibration frequency (Hz)
- Pre- and post-measurement calibration results

ANSI requires this information.

## **4.2.3 Missing Microphone Height**

Microphone height affects measured levels by 1–3 dB. The study does not disclose:

- Whether the microphone was at 5 ft
- Whether it was tripod-mounted
- Whether it was near reflective surfaces

## **4.2.4 Missing Ground Conditions**

Ground type (pavement, dirt, vegetation) affects propagation. No ground conditions are reported.

## **4.2.5 Missing Photographs of Measurement Locations**

The study includes photos of measurement sites L1–L6, but:

- No photos of Sensitive Receptors (R1–R6)
- No photos showing line of sight
- No photos showing shielding
- No photos showing ground conditions

This violates CEQA's requirement for transparent technical studies.

## **4.3 Sensitive Receptor Documentation Defect**

The Noise Study uses six Sensitive Receptors (R1–R6) for modeling, but provides:

- No photographs
- No coordinates
- No verification of receptor locations
- No line-of-sight documentation
- No shielding analysis

**Why this matters** Without documentation, the public cannot verify:

- Whether the receptors represent actual homes
- Whether the distances are correct
- Whether the receptors are shielded or exposed
- Whether the modeling inputs are valid

This is a substantial evidence failure under CEQA Guidelines §15151.

(See Exhibit T)

## 4.4 ANSI Non-Compliance

The Noise Study claims compliance with ANSI S1.4-2014, but fails to provide:

- Calibration data
- Weather data
- Microphone height
- Ground conditions
- Measurement environment description
- Instrumentation settings beyond “slow” and “A-weighted”

ANSI requires all of these.

**CEQA Consequence** A study that claims ANSI compliance but omits required documentation is not supported by substantial evidence.

Appellant’s measurements (Exhibit I) comply with ANSI S1.4 and demonstrate the level of documentation required for verification.

## 4.5 Operational Noise Underestimation

The Noise Study underestimates operational noise from:

- Diesel fueling
- Truck circulation
- Canopy activity
- Door slams

- Backup alarms
- Air brakes
- Idling
- Refrigerated trailers (reefers)
- Trash enclosure operations
- Deliveries
- Car wash vacuum (if applicable)

Measured nighttime ambient levels (Exhibit I) show that nighttime operations would exceed thresholds even under conservative assumptions.

### **4.5.1 Diesel Fueling Noise**

The study assumes:

- Only two diesel fueling positions
- Light-duty fueling noise levels
- No nighttime diesel activity

However:

- The site plan shows four diesel pumps
- Four pumps = five fueling stations
- Diesel fueling is louder than gasoline fueling
- Diesel fueling occurs at night

### **4.5.2 Truck Circulation Noise**

The study does not analyze:

- STAA truck turning noise
- Acceleration noise
- Deceleration noise
- Gear shifting noise
- Air brake release
- Backup alarms

### **4.5.3 Canopy Activity Noise**

The study does not analyze:

- Door slams
- Conversations

- Loading/unloading
- Metal-on-metal impacts
- Fuel nozzle retraction

#### **4.5.4 Nighttime Noise**

The study assumes:

- Minimal nighttime activity
- No nighttime diesel fueling
- No nighttime deliveries

This is contradicted by:

- Maverik's 24-hour operations
- Diesel fueling patterns
- Rural nighttime quiet conditions

(See Exhibits U & V)

#### **4.6 Incorrect Pump Configuration (4 Diesel Pumps = 5 Fueling Stations)**

The Noise Study models two diesel fueling positions.

The site plan shows:

- Four diesel pumps
- Five fueling stations
- A circulation pattern designed for multiple simultaneous trucks

This underestimates:

- Noise levels
- Duration of noise events
- Frequency of noise events
- Cumulative nighttime noise

This is a material modeling error requiring correction and recirculation.

(See Exhibits U & V)

## 4.7 Your Field Measurements (O Sites)

Appellant's field measurements (O1–O9):

- Document actual baseline conditions
- Include weather
- Include calibration
- Include microphone height
- Include photographs
- Include timestamps
- Include line-of-sight documentation

Appellant's measurements show:

- Higher baseline variability
- Higher nighttime propagation
- Higher sensitivity to truck noise
- Lower ambient noise than the consultant reported

Appellant's data meets ANSI requirements. The consultant's data does not.

## 4.8 CEQA Consequences of Noise Study Defects

Under CEQA Guidelines §15151, a technical study must be:

- Complete
- Accurate
- Transparent
- Supported by substantial evidence

The Noise Study fails all four.

CEQA requires recirculation when:

- New information is added
- New impacts are identified
- Existing impacts are more severe
- The public was deprived of meaningful review

(CEQA Guidelines §15088.5)

All four conditions apply.

## **4.9 Conclusion — Noise Defects Require Recirculation**

The Noise Study is:

- Incomplete
- Methodologically defective
- Missing required documentation
- Based on incorrect assumptions
- Not supported by substantial evidence

For these reasons, the Board must:

- Grant the appeal
- Vacate the Planning Commission approval
- Deny the Project

### **4.10 Appellant's Supporting Evidence (Noise)**

This section provides the raw field data collected by the appellant at nine receiver locations (O1–O9). These measurements demonstrate that the County's baseline noise levels are inflated, unsupported by substantial evidence, and inconsistent with ANSI S1.4 measurement requirements. The County did not provide raw data, timestamps, weather conditions, or measurement documentation, preventing verification of the consultant's results.

#### **4.10.1 Master Data Table (Appellant Field Measurements)**

*(See Exhibit I)* The Master Data Table contains the complete set of field measurements collected during daytime and nighttime conditions. These data establish a verifiable baseline and demonstrate that operational noise impacts were underestimated in the IS/MND.

# TAB 5 — LIGHTING & VISUAL IMPACTS

## 5.1 Overview

This section identifies the **lighting and visual-impact deficiencies** in the IS/MND for **PROJ-2024-00030 (Maverik Gas Station)**. The project proposes a **24-hour fueling station** with:

- A large, brightly illuminated canopy
- Multiple LED price signs
- Perimeter lighting
- Security lighting
- Illuminated building signage

The IS/MND fails to analyze the project's lighting impacts on:

- Adjacent rural residences
- Nighttime sky conditions
- Glare along SR-138
- Glare along Oasis Road
- Light trespass onto neighboring parcels
- Rural community character

These omissions violate CEQA Guidelines Appendix G (Aesthetics) and County Development Code lighting standards.

(See Exhibits L, M, & W)

## 5.2 Rural Nighttime Environment

Pinon Hills is a **rural, low-density desert community** with:

- Minimal nighttime lighting
- No streetlights along Oasis Road
- Low ambient light levels
- High nighttime visibility of stars

- Residential parcels with dark-sky expectations

The introduction of a **24-hour commercial lighting source** represents a **substantial change** to the nighttime environment. (See Exhibit K)

### **CEQA Requirement**

CEQA requires analysis of:

- Light trespass
- Glare
- Skyglow
- Visual character impacts

(CEQA Guidelines Appendix G)

### **Defect**

The IS/MND contains **no nighttime lighting analysis**.

## **5.3 Canopy Lighting Impacts**

The project includes a large fueling canopy with:

- High-intensity LED downlighting
- Multiple fixtures
- 24-hour operation
- Reflective surfaces
- Bright white illumination

### **5.3.1 Glare and Light Trespass**

The IS/MND does not analyze:

- Glare visible from SR-138
- Glare visible from Oasis Road
- Light trespass onto nearby homes
- Reflective glare from vehicles

- Canopy brightness during nighttime hours

### 5.3.2 Rural Compatibility

Fueling-canopy lighting is typically designed for:

- Urban commercial corridors
- High-traffic intersections
- Areas with existing ambient lighting

Pinon Hills has **none** of these characteristics.

#### Defect

The IS/MND does not evaluate whether canopy lighting is compatible with rural nighttime conditions.

### 5.4 Illuminated Signage Impacts

The project includes:

- A tall, illuminated price sign
- Building signage
- Canopy signage
- LED lighting elements

The IS/MND contains **no analysis** of:

- Sign brightness
- Sign visibility from SR-138
- Sign visibility from nearby homes
- Nighttime skyglow
- Driver distraction

#### CEQA Requirement

CEQA requires analysis of **aesthetic impacts** from illuminated signage.

#### Defect

The IS/MND does not evaluate signage impacts at all.

## 5.5 Perimeter and Security Lighting

The project includes:

- Pole-mounted security lights
- Wall-mounted fixtures
- Parking-lot lighting
- Rear-lot illumination

The IS/MND does not analyze:

- Light trespass onto adjacent parcels
- Glare visible from Buckthorne Road
- Glare visible from the Post Office
- Combined effects with canopy lighting

### County Development Code Requirement

The County requires:

- Shielded fixtures
- Downward-directed lighting
- No light trespass
- Rural compatibility

The IS/MND does not demonstrate compliance.

## 5.6 Cumulative Nighttime Impacts

CEQA requires analysis of **cumulative impacts**, including:

- Canopy lighting
- Signage lighting
- Security lighting
- Vehicle headlights
- Truck headlights

- Diesel fueling activity
- 24-hour operations

The IS/MND contains **no cumulative lighting analysis**.

See CEQA Recirculation Issues.

## **5.7 Visual Character Impacts**

The project introduces:

- A brightly illuminated commercial use
- A large canopy structure
- Tall signage
- 24-hour activity
- Increased nighttime traffic

These features are inconsistent with:

- Rural community character
- Low-density residential surroundings
- Dark-sky expectations
- The Pinon Hills Community Plan

(See Exhibit L, M & W)

### **CEQA Requirement**

CEQA requires analysis of **visual character impacts**.

### **Defect**

The IS/MND contains **no visual-character analysis**.

## **5.8 Conclusion — Lighting Defects Require Recirculation**

The lighting and visual-impact defects identified in this section:

- Are substantial
- Are unaddressed

- Affect rural community character
- Create nighttime glare and skyglow
- Violate CEQA Guidelines Appendix G
- Require recirculation under CEQA Guidelines §15088.5

For these reasons, the Board must:

- **Grant the appeal**
- **Vacate the Planning Commission approval**
- **Deny the project**

## **TAB 6 — REQUIRED FINDINGS CANNOT BE MADE**

### **6.1 Overview**

Under the San Bernardino County Development Code, approval of a Conditional Use Permit (CUP) requires the decision-making body to make **three mandatory findings**:

1. **General Plan Consistency**
2. **No Harm to Public Health, Safety, or Welfare**
3. **Compliance with CEQA**

If **any one** of these findings cannot be made, the project **cannot be approved** as a matter of law.

This section demonstrates that **none** of the required findings can be supported by substantial evidence. Therefore, the Board must **grant the appeal** and **vacate the Planning Commission approval**.

### **6.2 Finding 1 — General Plan Consistency Cannot Be Made**

The General Plan requires that development:

- Protect public safety

- Maintain rural community character
- Ensure adequate circulation
- Avoid incompatible land uses
- Provide safe access
- Minimize noise and lighting impacts

The project fails each of these requirements.

### **6.2.1 Inconsistent With Rural Community Character**

The project introduces:

- A 24-hour commercial use
- A brightly illuminated canopy
- Diesel truck fueling
- Regional traffic
- STAA truck circulation
- Large illuminated signage

These features are incompatible with:

- Low-density rural surroundings
- Dark-sky expectations
- Residential uses along Oasis Road
- The Pinon Hills Community Plan

### **6.2.2 Inconsistent With Circulation Policies**

The General Plan requires:

- Safe access
- Adequate roadway capacity
- Protection of school circulation routes

The project:

- Has **no Oasis Road traffic study**
- Conflicts with **Post Office circulation**
- Creates hazards on **Buckthorne Road**
- Increases conflicts near **Pinon Hills Elementary**
- Introduces **STAA truck movements** into a rural area

### **6.2.3 Inconsistent With Noise Policies**

The General Plan requires:

- Protection of residents from excessive noise
- Accurate noise analysis
- Mitigation of operational noise

The Noise Study is:

- Missing baseline documentation
- Missing calibration data
- Missing weather conditions
- Missing receptor photos
- ANSI-noncompliant
- Based on incorrect diesel pump counts

#### **Conclusion — Finding 1 Cannot Be Made**

The project is **not consistent** with the General Plan. Therefore, **Finding 1 cannot be made.**

### **6.3 Finding 2 — No Harm to Public Health, Safety, or Welfare Cannot Be Made**

The project creates multiple **foreseeable safety hazards**, including:

- Conflicts with Post Office circulation
- Conflicts with school traffic

- STAA truck turning hazards
- Buckthorne Road “No Outlet” trap
- Emergency access conflicts
- Increased nighttime activity
- Increased noise exposure
- Increased glare and lighting impacts

### **6.3.1 Traffic Safety Hazards**

The IS/MND contains **no analysis** of:

- Oasis Road traffic
- School circulation
- Mail truck conflicts
- STAA truck movements
- Driveway spacing
- Sight distance
- Queuing

These omissions create **unmitigated safety hazards**.

### **6.3.2 Noise Impacts on Residents**

The Noise Study:

- Underestimates diesel fueling noise
- Underestimates truck circulation noise
- Underestimates nighttime activity
- Uses incorrect pump counts
- Lacks required documentation

This results in **unmitigated nighttime noise impacts**.

### **6.3.3 Lighting and Glare Hazards**

The IS/MND contains **no analysis** of:

- Canopy glare
- Signage brightness
- Light trespass
- Rural nighttime impacts
- Driver distraction

### **Conclusion — Finding 2 Cannot Be Made**

The project creates **significant, unmitigated safety hazards**. Therefore, **Finding 2 cannot be made**.

See Lighting Impacts.

## **6.4 Finding 3 — CEQA Compliance Cannot Be Made**

The IS/MND is **legally inadequate** due to:

- Missing traffic analysis
- Missing Oasis Road study
- Missing school-safety analysis
- Missing Post Office circulation analysis
- Missing STAA truck analysis
- Missing lighting analysis
- Missing cumulative analysis
- Noise Study defects
- Multiple conflicting site plans
- Undisclosed Traffic Division documents
- Introduction of a new site plan at the hearing
- Procedural irregularities
- Failure to disclose key documents
- Failure to respond to substantial evidence

## **CEQA Guidelines Violated**

- §15064 — Determining significance
- §15064.3 — Transportation impacts
- §15072 — Public review
- §15087 — Notice requirements
- §15088.5 — Recirculation
- §15124 — Project description
- §15130 — Cumulative impacts
- §15151 — Substantial evidence

## **Conclusion — Finding 3 Cannot Be Made**

The IS/MND is not supported by substantial evidence. Therefore, **Finding 3 cannot be made.**

See CEQA Recirculation Issues.

## **6.5 Legal Consequence — The Project Cannot Be Approved**

Because **none** of the required findings can be made:

- The Planning Commission's approval is invalid
- The IS/MND is legally inadequate
- The project cannot proceed
- The Board must grant the appeal

This is not discretionary. It is a **legal requirement.**

## **6.6 Requested Board Action**

The appellant respectfully requests that the Board:

1. **Grant the appeal**
2. **Vacate the Planning Commission approval**
3. **Deny the project**

# TAB 7 — EXHIBITS & SUPPORTING EVIDENCE

## 7.1 Overview

This section provides a complete list of **Exhibits** referenced throughout the Appeal Packet. Each Exhibit corresponds to a specific issue, defect, or factual inconsistency identified in Tabs 1–6.

The Exhibits serve three purposes:

1. **Document the factual basis** for each appeal argument
2. **Demonstrate inconsistencies** in the administrative record
3. **Provide visual and technical evidence** supporting the request for recirculation

You will attach the Exhibits as separate files (PDFs, images, maps, site plans, etc.) when assembling the final submission.

See Exhibits List.

## 7.2 Exhibit Index

Below is the structured index of Exhibits, organized by topic. You may adjust numbering as needed when assembling the final packet.

## 7.3 Procedural Defects Exhibits

- **Exhibit A — Seven conflicting site plans**
- **Exhibit B — TJW Vehicle Miles Traveled (VMT) Screening Memo (complete)**
- **Exhibit C — TJW Engineering VMT screening Memo 4.2 Project Trip Generation “Truck Stop”**
- **Exhibit D — Traffic STAA & trucks on SH 138 - Local Serving**
- **Exhibit E — Noise study modeled on two day & night truck positions**
- **Exhibit F — Traffic memo MUP “DO NOT RELEASE APPROVAL OF THIS PROJECT” 12/23/2024, 3 pages**

- **Exhibit G — Traffic memo MUP “DO NOT RELEASE APPROVAL OF THIS PROJECT” 5/6/2025, 3 pages**
- **Exhibit H — Traffic memo MUP “APPROVE OF THIS PROJECT” 11/13/2025, 3 pages**
- **Exhibit I — Master Noise Table (Appellant field measurements)**
- **Exhibit J — AWA and Associates traffic memo**
- **Exhibit K — Piñon Hills night sky**
- **Exhibit L — Maverik car canopy at night**
- **Exhibit M — Maverik truck canopy at night**
- **Exhibit N — Post office circulation existing**
- **Exhibit O — Post office circulation proposed**
- **Exhibit P — Turning analysis Buckthorne Rd & Oasis Rd into DW #2**
- **Exhibit Q — Traffic and school safety**
- **Exhibit R — Traffic and pedestrians**
- **Exhibit S — Pick up students and traffic on Oasis Rd**
- **Exhibit T — Sensitive receptors**
- **Exhibit U — Daytime sensitive receptors**
- **Exhibit V — Nighttime sensitive receptors**
- **Exhibit W — Maverik gas neon sign at night**
- **Exhibit X Buckthorne Rd west dead end**
- **Exhibit Y — 56.16’ Truck turning template**
- **Exhibit Z — 67’ Truck turning template**
- **Exhibit 1 — Annotated project site with aerial image**
- **Exhibit 2 — 2 un-approved site maps from TJW Engineering VMT screening memo**
- **Exhibit 3A – table 5.12-4 San Bernardino County community Noise and Land Use Compatibility**

- **Exhibit 3B - San Bernardino County noise ordinance 83.01.080**
- **Exhibit 4 – TJW Engineering VMT screening memo 4.2 Project Trip Generation**
- **Exhibit 11 – New site plan shown at Planning Commission hearing**
- **Exhibit 16 – Non-annotated project site with aerial image “MAVERIK SITE”**
- **Exhibit 17 – Aerial image with R3 Sensitive Receptor location**
- **Exhibit 18A – Front of San Bernardino County STAA truck route letter**
- **Exhibit 18B – Back of San Bernardino County STAA truck route letter**
- **Exhibit 19 – Caltrans STAA truck access on Oasis Rd and Buckthorne Rd letter**
- **Exhibit 20A – Caltrans Maverik plan review letter, sheet 1**
- **Exhibit 20B – Caltrans Maverik plan review letter, sheet 2**
- **Exhibit 20C – Caltrans Maverik plan review letter, sheet 3**
- **Exhibit 21A – San Bernardino County Traffic IOM MUP11/13/2025 sheet 1**
- **Exhibit 21B – San Bernardino County Traffic IOM MUP11/13/2025 sheet 2**
- **Exhibit 21C – San Bernardino County Traffic IOM MUP11/13/2025 sheet 3**
- **Exhibit 22 – New site plan introduced at the Planning appeal hearing**
- **Exhibit 23 – Commissioner coaching the applicant (from transcript)**
- **Exhibit 24 – Post office traffic flow (from transcript)**
- **Exhibit 25 - Signalized Oasis Rd. (from transcript)**
- **Exhibit 26 – Un-approved site plan introduced (from transcript)**
- **Exhibit 27 – Sarcasm toward appellant (from transcript)**
- **Exhibit 28 – Traffic site plan with truck turning analysis**

