

TAB 1 — EXECUTIVE SUMMARY & REQUESTED ACTION

1.1 Project Overview

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

Over the past two months, a comprehensive review of the administrative record, Planning Commission hearing materials, and technical studies 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 the County Development Code. They prevented meaningful public review, compromised the integrity of the environmental analysis, and deprived both the appellant and the community of a fair and transparent process.

1.2 Summary of Appeal Grounds

This appeal is based on **seven independent categories of defects**, each of which—standing alone—requires the Board of Supervisors to **grant the appeal, vacate the Planning Commission approval, and deny the project**:

1. **Procedural Defects (CEQA & Due Process)** The County relied on multiple conflicting site plans (Exhibit A), failed to disclose Traffic Division’s rejected plans (Exhibits 21A–C), introduced a new site plan at the hearing (Exhibit 11), and conducted a hearing that did not comply with County procedures. These failures violated CEQA’s transparency requirements and denied the appellant a fair hearing.
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” (Exhibit B), and fails to analyze conflicts with the Post Office (Exhibits N & O), Buckthorne Road (Exhibit P), emergency access, and Pinon Hills Elementary School (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 (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 & W).
5. **Required Findings Cannot Be Made** The project fails all three required findings:
 - General Plan consistency
 - No harm to public health/safety
 - CEQA compliance (See Tab 6)
6. **Incomplete & Inaccurate Technical Studies** Key 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
7. **New Information Requiring CEQA Recirculation** New site plans, circulation patterns, and operational details were introduced **after** the IS/MND was circulated, triggering CEQA Guidelines §15088.5 (See Tab 4 — CEQA Violations).

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 substantial evidence of procedural, analytical, and factual defects.
2. **Vacate the Planning Commission's Approval** The approval relied on incomplete, inaccurate, and undisclosed information.
3. **Deny the Project** The project cannot be approved without violating CEQA, County Development Code requirements, and fundamental due process.

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
- Deny the project

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

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 CEQA Violation: Unstable and Shifting Project Description

1. The County provided the appellant with an **outdated site plan** (See Exhibit A, Item 1), while staff and the applicant relied on a **revised site plan** (See Exhibit A, Item 7) that materially changed driveway geometry, truck circulation paths, and turning movements.

2. The revised plan was **never disclosed** (See Exhibit A, Item 6) to the appellant prior to the Planning Commission hearing.

3. CEQA requires a **stable, accurate, and finite project description** throughout the review process. A shifting description prevents the public from understanding what project is actually being approved.

4. This constitutes a procedural CEQA defect because the environmental analysis no longer matches the project presented at the hearing.

2.2 Due Process Violation: Surprise Evidence Introduced at the Hearing

The County violated the appellant's Due Process rights by allowing the applicant to introduce **new, undisclosed evidence** at the Planning Commission hearing. Due Process requires that all parties have a **fair opportunity to review, analyze, and respond** to the evidence relied upon by decision-makers.

1. The applicant presented a **revised site plan** (See Exhibit 11) at the hearing that had never been disclosed to the appellant or the public.
2. The revised plan materially changed **driveway geometry, truck circulation, turning movements, and site operations**.
3. The appellant had no opportunity to:
 - review the revised plan,
 - compare it to the outdated plan previously provided,
 - analyze its impacts, or
 - prepare rebuttal evidence.
4. The Planning Commission relied on this undisclosed evidence during deliberations, including commissioner questioning and coaching of the applicant. (See Exhibit 23)
5. Due Process prohibits agencies from relying on evidence that the public has not been given a fair chance to examine.
6. The introduction of surprise evidence constitutes a **prejudicial abuse of discretion**, because it deprived the appellant of a meaningful opportunity to participate in the hearing.
7. See **due-process violation** and **failure to disclose evidence**. In this appeal, surprise evidence was introduced because:
 - The revised site plan was **not included** in the 72-hour agenda packet.
 - The revised plan was **not provided** to the appellant upon request.
 - The applicant displayed the revised plan for the **first time at the hearing**.
 - Commissioner Slowik used the undisclosed plan to question and coach the applicant. (See Exhibit 11)

- The Planning Commission relied on the revised plan in its decision.

These actions denied the appellant a fair hearing and violated both **Due Process** and **CEQA's public disclosure requirements**.

2.3 Explanation of Unstable Project Description

An **unstable project description** occurs when the project changes during the CEQA process in a way that prevents the public and decision-makers from understanding what is actually being proposed. CEQA requires a **stable, accurate, and finite project description** so that environmental impacts can be properly evaluated and the public can meaningfully participate.

1. A project description becomes unstable when different versions of the project are used at different stages of review.

2. This includes situations where:

- The applicant or staff uses **different site plans** at different times.

(See Exhibit A)

- The project's **physical layout, circulation, or operations** change after the environmental document is released.
- Revised plans are **not disclosed** to the public before a hearing.
- The environmental analysis is based on **one version**, while the decision-makers rely on **another**.
- New project elements appear **late in the process** without recirculation or public review.

3. CEQA case law holds that a project description that "shifts, evolves, or expands" during review is legally inadequate because the public cannot determine what project is being analyzed or approved.

4. When the project description is unstable, the environmental document is **invalid** because it does not analyze the actual project being considered by the decision-makers.

In this appeal, the project description is unstable because:

- The appellant was provided with an **outdated site plan**. (See Exhibit A-3)
- Staff and the applicant relied on a **different, revised site plan**. (See Exhibit A-5)

- The revised plan changed **driveway geometry, truck paths, turning movements, and circulation patterns**.
- The revised plan was **introduced for the first time at the Planning Commission hearing**.
- The IS/MND does **not analyze** the revised plan.

These inconsistencies constitute a **procedural CEQA violation** because the environmental review no longer matches the project presented to the Planning Commission or the public.

2.4 CEQA Requires Recirculation Due to New Information

CEQA requires an agency to **recirculate** an Initial Study/Mitigated Negative Declaration (IS/MND) when **significant new information** is added to the record after public review has begun. New information includes changes to the project, new evidence, or new impacts that were not analyzed in the original environmental document.

1. CEQA Guidelines §15088.5 requires recirculation when new information shows:

- the project will have new significant impacts,
- previously identified impacts are more severe,
- mitigation measures are inadequate, or
- the project description has changed in a way that affects environmental analysis.

2. Recirculation is required even if the new information is provided by the applicant or staff, and even if the agency believes the impacts remain “less than significant.”

3. The purpose of recirculation is to ensure the public has a **meaningful opportunity** to review and comment on the actual project being approved.

4. When an agency fails to recirculate after new information emerges, the environmental document is **legally inadequate**.

5. The Planning Commission cannot rely on new information that was never subjected to public review.

6. Failure to recirculate constitutes a **prejudicial abuse of discretion** under CEQA.

7. See **CEQA recirculation requirements** and **unstable project description**.

In this appeal, recirculation was required because:

- The applicant introduced a **revised site plan** that materially changed circulation, turning movements, and driveway geometry.
- The revised plan was **not included** in the IS/MND.
- The IS/MND analyzed an **outdated project configuration** that no longer reflects the project presented to the Planning Commission.
- The revised plan created **new environmental impacts** (traffic, noise, circulation) that were never analyzed.
- The public was denied the opportunity to review or comment on the revised plan.
- The Planning Commission relied on the revised plan without recirculating the IS/MND.

These changes constitute **significant new information** under CEQA Guidelines §15088.5, requiring recirculation of the IS/MND before any approval can lawfully occur.

2.5 Reliance on an Outdated Traffic Impact Analysis (TIA)

The County relied on an **outdated and superseded Traffic Impact Analysis (TIA)** during the Planning Commission hearing, depriving the appellant of the ability to review and respond to the current traffic analysis. CEQA requires that the public be provided with the **same version** of technical studies that staff and decision-makers rely upon.

1. The appellant was provided with an **older TIA** that did not include updated circulation, sight-distance analysis, or revised truck-turning movements.
2. Staff and the applicant relied on a **newer TIA dated October 14, 2025**, which was not disclosed to the appellant or included in the public packet.
3. CEQA requires that all technical studies used in environmental review be made available to the public during the comment period.
4. When staff or the applicant relies on a newer version of a study, the agency must **disclose it** and **recirculate** the environmental document if the changes are significant.
5. The Planning Commission relied on traffic information that the public had no opportunity to review, analyze, or rebut.

6. Reliance on an outdated TIA constitutes a **procedural CEQA violation** and a **Due Process violation**, because the appellant was denied a fair opportunity to respond.

7. See **CEQA disclosure requirements** and **recirculation rules**.

In this appeal, the County relied on an outdated TIA because:

- The appellant received the **August 14, 2024 TIA**, which lacked the updated sight-distance study and revised truck paths. (See TIA 8/14/24)
- Staff relied on the **October 14, 2025 TIA**, which was never provided to the appellant. (See TIA 10/14/25)
- The updated TIA contained **new information** that was not analyzed in the IS/MND.
- The updated TIA was **not included** in the 72-hour agenda packet.
- The Planning Commission relied on traffic information that the public had never seen.

These actions constitute a **prejudicial abuse of discretion** because the environmental review did not analyze the actual traffic conditions or project configuration presented at the hearing.

2.6 Failure to Provide the Complete Administrative Record

As documented in this tab and referenced throughout **Tab 6 — Required Findings Cannot Be Made**, the appellant was provided only the **August 14, 2024 TIA**, which staff represented as the operative traffic study.

However, the Planning Commission relied on a **different TIA dated October 14, 2025**, which:

- Was **never disclosed** to the appellant
- Was **not included** in the public record
- Contained **material differences** from the version provided

This failure prevented the appellant from evaluating or rebutting the analysis and deprived the public of access to the complete administrative record — a **clear due process violation** and a **CEQA noticing defect**.

2.7 Failure to Disclose Operative TIA Versions

The County's traffic analysis evolved through multiple undisclosed iterations:

- **August 14, 2024 TIA** — Provided to the appellant
- **March 24, 2025 TIA** — Prepared internally, not disclosed
- **October 14, 2025 TIA** — Relied upon by staff and the Commission, not disclosed

These versions differ materially in:

- Trip generation
- Driveway geometry
- Queueing assumptions
- Truck turning templates
- Circulation patterns
- Impact conclusions

Because the appellant was denied access to the operative TIA, the Commission's reliance on it constitutes a **due process violation** and a **CEQA procedural defect**.

2.8 Introduction of a New Site Plan at the Hearing

At the February 19, 2026 Planning Commission hearing, staff introduced a **new site plan** (See Exhibit 11) that did not match:

- The site plan in the staff report (See Exhibit A-1,2,3,6,7 & 8)
- The site plan in the August 2024 TIA (See TJW TIA 8/14/24)
- The site plan provided to the appellant (See Exhibit A-3)

The revised plan altered:

- Driveway alignment and width
- Driveway approach return radii
- Truck circulation paths
- Fueling station configuration
- Queueing and stacking space
- Sight distance and conflict points
- Parking configuration

The appellant had **no opportunity** to review or respond to this new information. This constitutes a **denial of a fair hearing**, as further detailed in **Tab 2 — Due Process Violations**.

2.9 Due Process Violation: Inability to Respond to Evidence

The County violated the appellant's Due Process rights by denying a meaningful opportunity to review, analyze, and respond to the evidence relied upon at the Planning Commission hearing. Due Process requires that the public be given a **fair chance to rebut or comment on the evidence** used by decision-makers.

1. The appellant was provided with **outdated project materials**, including an outdated site plan (See Exhibit A-3) and an outdated Traffic Impact Analysis (TIA). (See TJW & TIA 8/14/24)
2. Staff and the applicant relied on **different, undisclosed documents**, including a revised site plan (See Exhibit A-6) and an updated TJW TIA (See October 14, 2025 TJW).
3. The revised site plan and updated TIA were **not included** in the 72-hour agenda packet, preventing the appellant from reviewing them prior to the hearing.
4. The applicant introduced **new evidence** at the hearing, including the revised site plan, for the first time. (SEE Exhibit 11)
5. The appellant had no opportunity to:
 - review the revised plan,
 - compare it to the outdated plan previously provided,
 - analyze its impacts, or
 - prepare rebuttal evidence.
6. Due Process prohibits agencies from relying on evidence that the public has not been given a fair chance to examine.
7. The inability to respond constitutes a **prejudicial abuse of discretion**, because it deprived the appellant of a fair hearing.
8. See **due-process violation** and **failure to disclose evidence**. In this appeal, the appellant was unable to respond because:
 - The revised site plan was **not disclosed** prior to the hearing.
 - The updated TIA was **not provided** to the appellant.

- The public packet contained **outdated materials** that did not reflect the project presented at the hearing.
- The appellant was forced to respond to **surprise evidence** without preparation.
- The Planning Commission relied on evidence that the appellant had never seen.

These actions denied the appellant a fair opportunity to participate in the hearing and violated both **Due Process** and **CEQA's public disclosure requirements**.

2.10 Denial of a Fair Hearing (Due Process Violations)

The appellant was denied a fair hearing because:

- The operative TIA was withheld
- A new site plan was introduced at the hearing
- The project description was inconsistent across documents
- The appellant could not evaluate or rebut the revised materials
- The public record did not contain the documents relied upon by the Commission

Due process requires that affected parties be given a **meaningful opportunity** to respond to the evidence used against them. That did not occur here.

2.11 CEQA Procedural Violations

CEQA requires:

- A **stable, accurate project description**
- **Public access** to all documents relied upon for environmental review
- **Disclosure** of all materials used by the decision-making body

These requirements were not met because:

- Access to the new site plan was denied
- The operative TIA was not disclosed
- The site plan changed without notice
- The project description was inconsistent
- The public could not access the materials relied upon by the Commission

- These defects render the CEQA analysis **legally inadequate**.

2.12 Record Irregularities

The administrative record contains multiple inconsistencies, including:

- Conflicting TIAs
- Conflicting site plans
- Missing documents
- Undisclosed revisions
- Inconsistent project descriptions

These irregularities prevented the Commission from relying on **substantial evidence** and prevented the appellant from participating meaningfully in the process.

2.13 Procedural Timeline of Key Events

- **August 14, 2024** — TIA prepared by TJW and represented as the operative traffic study.
- **March 24, 2025** — Revised TIA prepared internally with Traffic Division comments.
- **October 14, 2025** — Further-revised TIA prepared and used by staff and the Planning Commission but never disclosed to the appellant.
- **January 20, 2026** — LUS planner provides 11/13/25 IOM, ZA Staff Report, CT LDR, VMT Screening, and Reduced Appendix TIA (8/14/24).
- **February 19, 2026** — Planning Commission relies on the October 2025 TIA and a new, undisclosed site plan.
- **May 11, 2026** — During BOS exhibit upload, staff asks which TIA the appellant wants to upload — the first time the appellant learns the October 2025 TIA exists.
- **May 19, 2026** — Appellant receives the current TIA and unsigned 11/10/2025 site plan from LUS.

2.14 Failure to Recirculate After Significant New Information

CEQA requires a lead agency to **recirculate** an Initial Study/Mitigated Negative Declaration (IS/MND) when significant new information is added to the record after public review has begun. CEQA Guidelines §15088.5 is explicit:

When a document is recirculated, the lead agency shall provide notice of the recirculation in the same manner as the original notice.

This means the County must provide:

- Public Notice of Availability
- Posting on the County website
- Mailing to interested parties
- Mailing to responsible agencies
- A new public review period
- Access to all revised documents

None of these steps occurred.

Yet the County introduced **significant new information** after the close of public review, including:

- **A revised site plan**
- **A reduction in auto fueling positions from 20 to 10**
- **A new circulation layout**
- **Revised truck paths and turning movements**
- **Revised driveway geometry**
- **The undisclosed 2025 Traffic Impact Analysis**
- **Reduced automobile parking space count**
- **Relocated bulk fuel storage tanks**

Each of these changes independently qualifies as **significant new information** under CEQA Guidelines §15088.5(a).

Because the County did not recirculate the IS/MND, the public was denied:

- A meaningful opportunity to review the revised project
- A meaningful opportunity to comment on the revised project
- Access to the operative technical studies
- Access to the revised site plan

- Access to the revised circulation and truck paths

This is a **procedural CEQA violation** and a **prejudicial abuse of discretion**.

A. Recirculation Cannot Occur Without Public Notice

CEQA does not allow “quiet,” “internal,” or “informal” recirculation. If recirculation had occurred, the County would have been required to:

- Issue a new Notice of Availability
- Reopen the public comment period
- Provide the revised IS/MND to all interested parties
- Provide the revised IS/MND to responsible agencies
- Delay the Planning Commission hearing

None of these actions occurred.

Therefore, **recirculation did not occur**, and the County unlawfully relied on new information that was never disclosed to the public.

B. New Information Triggering Recirculation

Under CEQA Guidelines §15088.5, recirculation is required when new information:

- Identifies new significant impacts
- Increases the severity of previously identified impacts
- Shows that mitigation is inadequate
- Changes the project description in a way that affects environmental analysis

The County’s introduction of:

- A new site plan (See Exhibit 28)
- A new TIA (See TJW TIA 10/14/25)
- New truck paths (See Exhibit 28)
- New driveway geometry (See Exhibit 28)
- A reduction in fueling positions (See Exhibit 28)
- New lighting and circulation configurations (See Exhibit 28)

...meets **all four** recirculation triggers.

C. CEQA Violation: Public Deprived of Meaningful Review

Because the County failed to recirculate the IS/MND after introducing significant new information, the public was deprived of:

- The ability to review the actual project
- The ability to comment on the actual project
- The ability to evaluate the operative technical studies
- The ability to respond to new evidence introduced at the hearing

This violates CEQA's core purpose: **informed public participation**.

D. Required Action

Because recirculation was required but never performed, the Board of Supervisors must:

- Grant the appeal
- Vacate the Planning Commission approval
- Direct staff to recirculate the IS/MND
- Require disclosure of all revised plans and studies

This is not discretionary — it is required by CEQA.

TAB 3 — TRAFFIC, CIRCULATION & SCHOOL SAFETY

3.1 Inadequate Traffic Impact Analysis

The Traffic Impact Analysis (TIA) prepared for the project is incomplete, outdated, and focused on the wrong roadway segments, preventing meaningful evaluation of the project's true impacts. The TIA fails to analyze Oasis Road north of State Route 138, which is the roadway segment most affected by project traffic and a designated school-zone corridor serving Pinon Hills Elementary. CEQA requires an accurate, stable, and complete analysis of existing conditions. The TIA does not meet this standard. (See Exhibits 34)

- The TIA relies on 2019 traffic counts, which no longer represent existing conditions.
- The TIA does not analyze Oasis Road, the primary school-zone corridor.
- The TIA omits AM and PM school-peak conditions, the most sensitive periods for safety impacts.

- The TIA does not evaluate school-zone speeds, pedestrian activity, or student pick-up/drop-off conflicts. (See Exhibits Q, R, S)
- The TIA does not analyze project-generated truck traffic interacting with school circulation.
- The TIA does not evaluate fuel-truck turning movements, queueing, or spillback.
- The TIA does not include a cumulative traffic analysis, despite multiple approved and pending developments in the SR-138 corridor. (See Exhibit 36)
- These omissions violate CEQA's requirement to evaluate hazards due to design features, including unsafe circulation patterns and conflicts with school traffic.

3.11 Traffic Engineer Findings

Our Traffic Engineer identified multiple technical errors that independently render the TIA unreliable:

- The TIA incorrectly added passenger vehicle trips to truck trips without converting trucks to Passenger Car Equivalents (PCEs), which understates impacts.
- The TIA did not analyze Oasis Road, even though it is the roadway segment most affected by project traffic.
- The TIA did not evaluate school-zone operations, despite Oasis Road being a designated school corridor. (See Exhibit 9)
- The TIA did not evaluate turning movements for WB-67 trucks or fuel tankers.
- The TIA did not evaluate cumulative conditions, despite multiple developments in the SR-138 corridor.
- The TIA did not evaluate sight-distance limitations, especially at SR-138/Mountain Road and along Oasis Road.
- The TIA did not evaluate queueing or spillback, despite high-volume turning movements. (See Exhibit 10)

These findings demonstrate that the TIA is not only incomplete — it is technically incorrect.

3.12 Outdated Baseline Conditions

The TIA uses 2019 traffic counts, which do not reflect:

- Post-pandemic travel patterns

- Increased residential development north of SR-138
- Increased school enrollment and bus operations (See Exhibit 9)
- Increased regional traffic on SR-138
- Current peak-hour congestion levels

CEQA requires baseline conditions to reflect existing physical conditions at the time of environmental review. The use of outdated data renders the TIA's conclusions unreliable and misleading.

3.13 Failure to Analyze Oasis Road and the School-Zone Corridor

Oasis Road north of SR-138 is the roadway segment most affected by the project, yet the TIA does not analyze:

- Existing traffic volumes
- With-project traffic volumes
- School-zone speeds
- Pedestrian activity
- Bus operations
- Turning movements
- Queueing and spillback
- Sight-distance limitations

This omission is a critical analytical failure, because Oasis Road is the primary corridor used by:

- Pinon Hills Elementary students
- School buses
- Parents dropping off and picking up children
- Pedestrians and cyclists
- Residents evacuating during wildfire events

3.14 Internal Inconsistency: “Local-Serving” vs. ITE “Truck Stop”

The County's findings rely on the assertion that the project is "local-serving." However, the Applicant's own TIA uses the ITE Trip Generation Manual land-use category "Truck Stop" in Table 8. (See Exhibit D)

- "Local-serving" uses local gas station trip rates.
- "Truck Stop" uses regional heavy-vehicle trip rates.
- These two classifications are mutually exclusive.
- A project cannot be "local-serving" for CEQA but "Truck Stop" for trip generation.
- This contradiction violates CEQA's requirement for a consistent project description.

3.15 Failure to Analyze Truck Operations and Turning Movements

The project includes five diesel truck fueling bays and is designed for STAA WB-67 trucks, yet the TIA does not analyze: (See Exhibits 32)

- WB-67 turning movements
- Off-tracking into opposing lanes
- Conflicts with residential driveways
- Conflicts with school buses
- Sight-distance limitations
- Queueing and spillback
- Fuel-tanker delivery operations

These omissions prevent evaluation of foreseeable hazards created by project design features.

3.16 Cumulative Impacts

The TIA evaluates the project in isolation and does not include a cumulative analysis, despite multiple approved and pending developments in the SR-138 corridor. CEQA requires cumulative analysis when several projects contribute to a significant impact.

The TIA does not evaluate:

- Cumulative traffic growth along SR-138, Oasis Road, and Mountain Road
- Approved commercial projects in the SR-138 corridor
- Residential growth north of SR-138 that increases school traffic

- Cumulative truck operations, including other regional-serving uses
- Cumulative safety impacts on the school-zone corridor
- Cumulative evacuation impacts in a Very High Fire Hazard Severity Zone
- Cumulative pedestrian and bicycle safety impacts along Oasis Road

Because the TIA does not evaluate cumulative conditions, its conclusions regarding traffic, safety, and circulation impacts are incomplete and misleading.

3.19 CEQA Findings

Because the TIA is incomplete, outdated, technically flawed, and internally inconsistent, it fails to disclose the project's true impacts on traffic, circulation, school safety, emergency access, and pedestrian/bicycle safety. CEQA requires preparation of a revised, comprehensive Traffic Impact Analysis and, if necessary, recirculation.

3.8 The Project Is Not “Local-Serving” and the TIA Uses the ITE Land-Use Category “Truck Stop”

The County's findings rely on the assertion that the project is a “local-serving fueling station.” This claim is contradicted by the project's design, operations, and the Applicant's own Traffic Impact Analysis. (See Exhibit C & J)

- The project includes five diesel truck fueling bays, a feature associated with regional truck facilities, not local gas stations.
- The project includes 15 fueling positions, with space for expansion, far exceeding typical local-serving stations.
- The project is located on SR-138, a regional highway connecting Palmdale, Lancaster, and I-15.
- The project's circulation aisles, canopy height, and diesel layout are designed for STAA trucks, which are not “local-serving.”
- The TIA uses the ITE Trip Generation Manual land-use category “Truck Stop” in Table 8.
- “Truck Stop” is a regional-serving category that assumes long-distance truck trips and heavy-vehicle traffic.
- A project cannot be “local-serving” for CEQA while simultaneously being analyzed as a “Truck Stop” for trip generation.

This internal inconsistency violates CEQA's requirement for a consistent project description and invalidates the County's reliance on the "local-serving" assumption to avoid analyzing impacts on Oasis Road and the school-zone corridor.

3.9 Resulting Traffic, Safety, and CEQA Deficiencies

Because the TIA uses "Truck Stop" trip rates while the County claims the project is "local-serving," the analysis fails to disclose the project's true impacts on traffic, circulation, and school safety. (See Exhibit B)

- Failure to analyze Oasis Road, the roadway segment most affected by project traffic.
- Failure to analyze school-zone impacts at Pinon Hills Elementary, including pedestrian safety and bus operations.
- Failure to analyze STAA truck movements, despite the project being designed for them.
- Failure to analyze queueing and spillback onto SR-138 and Oasis Road.
- Failure to analyze cumulative impacts, including other regional-serving uses in the SR-138 corridor.
- Failure to analyze emergency access and evacuation, despite the site being in a Very High Fire Hazard Severity Zone.
- Failure to analyze pedestrian and bicycle safety, especially for schoolchildren and vulnerable users.

These deficiencies render the TIA procedurally and substantively inadequate under CEQA and require preparation of a revised, legally adequate analysis and, if necessary, recirculation.

3.10 School-Zone Safety Impacts

The project will significantly worsen safety conditions along Oasis Road, a designated school-zone corridor serving Pinon Hills Elementary School, Piñon Mesa Middle School, and Serrano High School. CEQA requires analysis of hazards to pedestrians, bicyclists, school buses, and children traveling to and from school. The TIA does not evaluate these impacts, despite the project generating substantial new traffic, including STAA trucks, fuel tankers, and high-volume peak-hour trips.

- Oasis Road north of SR-138 is the primary school transportation corridor for hundreds of students.
- The TIA did not analyze traffic volumes, turning movements, queueing, or pedestrian conflicts along this school-zone segment.
- The project will increase traffic on Oasis Road by 83.3%, adding approximately 2,513 new daily trips, including heavy trucks.
- Increased traffic will reduce gap availability for school buses entering and exiting residential streets.
- The project introduces STAA WB-67 trucks into a corridor used by children walking, biking, and waiting at bus stops.
- The TIA did not analyze pedestrian safety, crossing conflicts, or sight-distance limitations affecting children near the school.
- The TIA did not evaluate queue spillback from the project driveway during peak school periods.
- The TIA did not analyze emergency access, despite Oasis Road being the only ingress/egress route for hundreds of homes and school buses.
- CEQA requires analysis of hazards due to design features, including unsafe circulation patterns and conflicts with school traffic.
- See School safety CEQA requirements and Inadequate TIA.

(See Exhibits 43 & 44)

3.11 School-Zone Corridor Conditions

Oasis Road lacks the infrastructure necessary to safely support increased traffic volumes:

- No sidewalks
- No bike lanes
- No lighting
- Narrow dirt shoulders
- Steep drop-offs and drainage ditches

These conditions create inherent safety risks that are exacerbated by increased traffic and truck operations. The TIA does not evaluate:

- Pedestrian exposure risk
- Walking routes used by schoolchildren
- Safe crossing opportunities
- Lighting and visibility conditions
- Shoulder encroachment by trucks

These omissions violate CEQA's requirement to analyze hazards due to design features, including unsafe circulation patterns and conflicts with school traffic

3.12 School Bus Operations

School bus operations along Oasis Road north of SR-138 are a critical component of the transportation system serving Pinon Hills Elementary School, Piñon Mesa Middle School, and Serrano High School. This is the only segment where school buses operate — and the TIA does not evaluate it at all.

The TIA contains no analysis of school bus operations on the northern segment of Oasis Road, including: (See Exhibits 9 & 42)

- Bus stop locations
- Bus dwell times
- Queueing behind stopped buses
- Bus re-entry into traffic
- Turning movements for school buses
- Conflicts with project-generated traffic
- Conflicts with STAA trucks and fuel tankers

This omission is not a minor oversight — it is a complete absence of analysis for the roadway segment most affected by the project and most sensitive under CEQA.

The northern segment of Oasis Road is where:

- Children walk
- Children bike
- Children wait at bus stops
- Buses stop in the travel lane

- Buses turn into residential streets
- Parents drop off and pick up students
- Residents evacuate during wildfires

None of this appears anywhere in the TIA.

The project adds 2,513 new daily trips (an 83.3% increase) to this same corridor, including:

- STAA WB-67 trucks
- Fuel tanker deliveries
- High-volume turning movements
- Peak-hour surges

Yet the TIA evaluates zero conditions on the northern segment of Oasis Road.

This violates CEQA's requirement to analyze hazards due to design features and conflicts with school transportation operations. (See Exhibit 43)

3.13 Pedestrian & Bicycle Safety

Pedestrian and bicycle safety along Oasis Road north of SR-138 is one of the most critical and sensitive components of the transportation environment serving Pinon Hills Elementary School. This corridor is used daily by children walking to and from school, students biking along the roadway, and parents and residents traveling on foot. Despite this, the TIA evaluates nothing on the northern segment of Oasis Road, where all pedestrian and bicycle activity occurs.

The TIA does not analyze:

- Pedestrian volumes
- Walking routes used by schoolchildren
- Bicycle activity along the corridor
- Crossing locations or opportunities
- Sight-distance limitations affecting pedestrians
- Lighting and nighttime visibility
- Conflicts with STAA trucks and fuel tankers
- Shoulder encroachment by large vehicles

These omissions are not minor technical gaps — they represent a complete absence of analysis for the roadway segment most affected by the project and most vulnerable under CEQA.

A. Lack of Pedestrian Infrastructure

Oasis Road north of SR-138 has:

- No sidewalks
- No bike lanes
- No marked crosswalks
- No pedestrian refuge areas
- No lighting
- Narrow dirt shoulders
- Steep drop-offs and drainage ditches

Children walking to school often travel within inches of the travel lane, with no physical separation from traffic. The TIA does not evaluate these conditions or how they interact with project-generated traffic.

B. Increased Exposure Risk From Project Traffic

The project adds 2,513 new daily trips (an 83.3% increase) to the same corridor used by children walking and biking to school. The TIA does not evaluate:

- Pedestrian exposure risk
- Vehicle-pedestrian conflict points
- Turning-movement conflicts at the project driveway
- Conflicts with STAA WB-67 trucks
- Conflicts with fuel tanker deliveries

These omissions prevent evaluation of foreseeable hazards created by project design features.

C. Bicycle Safety Not Analyzed

Students and residents frequently bike along Oasis Road, using the narrow dirt shoulders or the edge of the travel lane. The TIA does not evaluate:

- Bicycle volumes
- Bicycle conflict points
- Passing clearance between trucks and cyclists
- Encroachment into the shoulder by large vehicles
- Visibility of cyclists during peak periods

The introduction of STAA trucks and fuel tankers increases the risk of sideswipe collisions, shoulder encroachment, and loss-of-control incidents.

D. CEQA Safety Requirements Not Met

CEQA requires analysis of hazards due to design features, including:

- Unsafe circulation patterns
- Conflicts with pedestrians and bicyclists
- Conflicts with school transportation
- Increased exposure of vulnerable users

Because the TIA evaluates none of these conditions on the northern segment of Oasis Road, the analysis is incomplete, misleading, and legally inadequate.

3.14 Emergency Access & Evacuation

Oasis Road north of SR-138 is the sole ingress/egress route for hundreds of homes, school buses, and emergency response vehicles. This corridor is also the only evacuation route for residents and schoolchildren during wildfire events in this Very High Fire Hazard Severity Zone (VHFHSZ). Despite this, the TIA evaluates nothing on the northern segment of Oasis Road, including emergency access, evacuation performance, or obstruction risks created by project traffic and STAA truck operations. (See Exhibit 45)

CEQA requires analysis of hazards due to design features, including impaired emergency access and evacuation. The TIA provides no analysis of:

- Evacuation clearance times
- Emergency vehicle access
- Conflicts between emergency vehicles and project traffic
- Obstruction caused by STAA trucks and fuel tankers
- Queueing or spillback during emergency conditions
- Evacuation performance during peak school periods

These omissions are not minor technical gaps — they represent a complete absence of analysis for the only evacuation route serving the community.

A. Single-Access Evacuation Route

The northern segment of Oasis Road is a single-access corridor. Any obstruction — including turning movements, queues, or slow-moving trucks — directly increases evacuation times and reduces survivability during wildfire events.

The TIA does not evaluate:

- Evacuation bottlenecks
- Two-way flow conflicts
- Reduced capacity from stopped or slow-moving vehicles
- Conflicts between evacuating residents and project driveway traffic

The project adds 2,513 new daily trips (an 83.3% increase) to this single-access corridor, yet the TIA evaluates none of the resulting evacuation impacts.

B. Emergency Vehicle Access Conflicts

Fire engines, ambulances, and law enforcement vehicles rely on Oasis Road for emergency response. The TIA does not evaluate:

- Emergency vehicle travel times
- Conflicts with STAA WB-67 trucks
- Conflicts with fuel tanker deliveries
- Reduced shoulder availability
- Sight-distance limitations affecting emergency response

Large trucks entering or exiting the project driveway will block both lanes, preventing emergency vehicles from passing.

C. Fuel-Tanker Obstruction Risks

Fuel tankers require wide turning radii, long clearance times, and slow acceleration. The TIA does not evaluate:

- Turning-movement blockages
- Lane encroachment during tanker turns
- Obstruction of both lanes during delivery operations
- Inability of tankers to maneuver during evacuation congestion

These conditions create foreseeable hazards during wildfire evacuations and emergency response.

D. No Evacuation Scenario Analysis

CEQA requires evaluation of evacuation performance in VHFHSZ areas. The TIA does not analyze:

- Evacuation during AM school drop-off
- Evacuation during PM school pick-up
- Evacuation during peak project traffic
- Evacuation with STAA trucks present
- Evacuation with driveway queues present

The absence of any evacuation analysis renders the TIA incomplete and legally inadequate.

E. CEQA Safety Requirements Not Met

CEQA requires analysis of hazards due to design features, including:

- Impaired emergency access
- Impaired evacuation
- Unsafe circulation patterns
- Conflicts with emergency vehicles
- Increased exposure of vulnerable users

Because the TIA evaluates none of these conditions on the northern segment of Oasis Road, the analysis fails to disclose the project's true emergency-access and evacuation impacts.

3.15 STAA Truck Conflicts With School Traffic

The project is designed for STAA WB-67 trucks, including diesel fueling, canopy clearances, and circulation aisles sized for long-combination vehicles. These trucks will travel along Oasis Road north of SR-138 — the same narrow, unimproved corridor used daily by school buses, children walking and biking to school, and parents dropping off and picking up students. Despite this, the TIA evaluates nothing on the northern segment of Oasis Road, including any interaction between STAA trucks and school-zone traffic.

This omission is a critical CEQA failure because STAA trucks introduce unique safety hazards that are not present with passenger vehicles. (See Exhibits Y & Z)

A. STAA Truck Dimensions and Operating Characteristics

STAA WB-67 trucks are:

- 73.5 feet long
- 8.5 feet wide
- Up to 13.5 feet tall
- Slow-accelerating and slow-turning
- Wide-tracking on curves and turns

These characteristics create foreseeable conflicts with:

- School buses
- Children walking on narrow shoulders
- Cyclists riding along the edge of the travel lane
- Parents stopping or turning during drop-off/pick-up

The TIA does not analyze any of these conflicts.

B. Shoulder Encroachment and Off-Tracking

Oasis Road has:

- No sidewalks
- No bike lanes
- Narrow dirt shoulders
- Steep drop-offs and drainage ditches

STAA trucks require wide turning radii and frequently off-track into shoulders, creating direct conflicts with:

- Children walking to school
- Children waiting at bus stops
- Cyclists riding along the shoulder
- School buses stopped in the travel lane

The TIA does not evaluate:

- Off-tracking into pedestrian areas
- Encroachment into dirt shoulders
- Conflicts with bus stop waiting areas

C. Conflicts with School Buses

School buses must stop in the travel lane to load and unload students. STAA trucks cannot safely or quickly stop behind a bus, nor can they pass safely due to:

- Narrow lanes
- No shoulders
- No passing zones
- Limited sight distance

The TIA does not evaluate:

- Rear-end collision risk
- Illegal passing risk
- Queueing behind stopped buses
- Conflicts during bus re-entry

These are foreseeable hazards under CEQA.

D. Conflicts with Children Walking and Biking

Children walking or biking along Oasis Road must use the dirt shoulder or the edge of the travel lane. STAA trucks create:

- High wind turbulence
- Reduced passing clearance
- Increased stopping distances
- Increased blind-spot risk

The TIA does not evaluate:

- Pedestrian exposure risk
- Cyclist passing clearance
- Visibility of children near the roadway

E. Conflicts at the Project Driveway

STAA trucks entering or exiting the project driveway will:

- Block both lanes
- Require long clearance times
- Create queueing and spillback
- Reduce gap availability for school buses
- Obstruct sight distance for children crossing or walking

The TIA does not evaluate:

- Driveway blockage by STAA trucks
- Queue spillback into the school-zone corridor

- Turning-movement conflicts with school traffic

F. CEQA Safety Requirements Not Met

CEQA requires analysis of hazards due to design features, including:

- Conflicts with school buses
- Conflicts with pedestrians and bicyclists
- Unsafe circulation patterns
- Increased exposure of vulnerable users
- Impaired emergency access

Because the TIA evaluates none of these conditions on the northern segment of Oasis Road, the analysis is incomplete, misleading, and legally inadequate.

3.16 STAA Trucks Cannot Legally Access the Site

Under state and federal law, STAA trucks may only operate on:

- STAA-designated highways
- STAA-designated terminal access routes
- Approved local access routes meeting specific geometric criteria

(See Exhibits 18A, 18B & 19)

Oasis Road and Buckthorne Road are not STAA-designated routes, and the County has not initiated the required Caltrans approval process. The TIA does not address this legal barrier, nor does it analyze the safety implications of STAA trucks operating on non-designated rural roads.

3.17 Driveway Geometry Is Incompatible with STAA Trucks

The project's driveway design does not meet minimum geometric standards for WB-67 trucks:

- Insufficient driveway throat length to allow trucks to clear the public right-of-way before stopping.
- Insufficient curb return radii, causing trucks to swing wide into opposing lanes.
- Insufficient driveway width, forcing trucks to off-track into shoulders and adjacent driveways.
- Insufficient internal circulation width, causing conflicts between trucks and passenger vehicles.

(See Exhibits 32, Y, & Z)

The TIA does not evaluate these conflicts, despite the project being designed for STAA truck fueling.

3.18 Safety Hazards Created by STAA Truck Operations

The introduction of STAA trucks into a rural school-zone corridor creates foreseeable safety hazards:

- Trucks will block sight distance for children walking or biking along Oasis Road.
- Trucks will conflict with school buses entering and exiting residential streets.
- Trucks will create queueing and spillback during peak school periods.
- Trucks will encroach into opposing lanes, creating head-on collision risks.
- Trucks will obstruct emergency access during evacuation events.

The TIA does not analyze any of these hazards.

3.19 CEQA Findings

Because the TIA fails to analyze STAA truck access, roadway geometry, legal access, or safety hazards, the environmental review is incomplete and misleading. CEQA requires recirculation when new information shows that the project may cause significant impacts not previously disclosed. The omission of STAA truck analysis meets this standard.

3.20 Emergency Access and Evacuation Deficiencies

The project site is located within a Very High Fire Hazard Severity Zone (VHFHSZ), where CEQA requires heightened analysis of emergency access, evacuation capacity, and roadway obstruction risks. Oasis Road and the surrounding residential neighborhoods rely on a single ingress/egress route, making evacuation performance highly sensitive to added traffic, slow-moving vehicles, and turning-movement conflicts. The TIA does not evaluate these conditions, resulting in a procedurally and substantively inadequate analysis.

- Oasis Road is the sole evacuation route for hundreds of homes north of SR-138.
- The project will add 2,513 new daily trips, including STAA trucks and fuel tankers, to this single-access corridor.
- The TIA does not analyze evacuation performance, clearance times, or roadway capacity during wildfire events.
- The TIA does not evaluate slow-moving trucks obstructing evacuation flow.
- The TIA does not analyze queueing or spillback at the project driveway during an evacuation scenario.
- The TIA does not evaluate conflicts between emergency vehicles and project traffic.
- The TIA does not analyze sight-distance limitations affecting emergency response vehicles.

- The TIA does not evaluate fuel-tanker deliveries, which require long clearance times and create additional obstruction risks.
- The TIA does not analyze cumulative evacuation impacts, despite multiple approved and pending developments in the SR-138 corridor.
- CEQA requires analysis of hazards due to design features, including roadway blockages, impaired evacuation, and emergency access restrictions.
- See Emergency access CEQA requirements and STAA truck hazards.

1. Single-Access Evacuation Route Vulnerability

The neighborhoods north of SR-138 rely exclusively on Oasis Road for evacuation. Any obstruction, delay, or reduction in flow rate directly increases evacuation time and reduces survivability during wildfire events.

- STAA trucks and fuel tankers have slow acceleration, reducing flow rate during evacuation.
- Trucks turning into or out of the project driveway will block both lanes, halting evacuation traffic.
- Queueing at the project driveway will trap residents attempting to evacuate.
- Emergency vehicles will be unable to bypass queues due to narrow shoulders and limited roadway width.
- The TIA does not analyze evacuation clearance times, a required metric in VHFHSZ areas.

2. Emergency Vehicle Access Conflicts

Emergency response vehicles require unobstructed, high-visibility access to residential neighborhoods during wildfire events. The project introduces multiple new conflict points:

- Trucks entering or exiting the site will block emergency vehicle access on Oasis Road.
- Fuel-tanker deliveries require wide turning radii, obstructing both lanes.
- Increased traffic volumes will delay emergency response times.
- Sight-distance limitations at SR-138 and Oasis Road will impair emergency vehicle visibility.
- The TIA does not analyze response time degradation, despite CEQA requiring evaluation of emergency access impacts.

3. Fuel-Tanker Obstruction Risks

Fuel-tanker deliveries create unique hazards during wildfire conditions:

- Tankers require longer clearance times, blocking both lanes during turning movements.

- Tankers cannot accelerate quickly, creating extended delays for evacuation traffic.
- Tankers cannot safely reverse or maneuver in congested evacuation conditions.
- The TIA does not analyze fuel-tanker operations during emergency scenarios.
- The presence of fuel tankers increases the risk of secondary hazards during wildfire events. (See Exhibit 45)

4. CEQA Implications

Because the TIA fails to analyze emergency access, evacuation performance, or wildfire-related hazards, the environmental review is incomplete and misleading. CEQA requires recirculation when new information shows that the project may cause significant impacts not previously disclosed. The omission of emergency access and evacuation analysis meets this standard.

3.21 Pedestrian and Bicycle Safety Impacts

The project will significantly worsen pedestrian and bicycle safety conditions along Oasis Road, a rural roadway with no sidewalks, no bike lanes, no lighting, narrow shoulders, and high pedestrian exposure due to its function as a school-zone corridor serving Pinon Hills Elementary. CEQA requires analysis of hazards to pedestrians and bicyclists, particularly in areas with sensitive receptors such as schoolchildren. The TIA does not evaluate these impacts.

- Oasis Road is used daily by children walking to and from school, waiting at bus stops, and being dropped off by parents.
- The TIA does not analyze pedestrian volumes, crossing patterns, or exposure risk.
- The project will increase traffic on Oasis Road by 83.3%, adding 2,513 new daily trips, including heavy trucks.
- The TIA does not evaluate pedestrian-vehicle conflict points, despite the project adding multiple new turning movements.
- The TIA does not analyze bicycle safety, despite Oasis Road being used by recreational cyclists and students.
- The TIA does not evaluate sight-distance limitations affecting children walking along the roadway edge.
- The TIA does not analyze truck-pedestrian conflicts, including off-tracking and wide-radius turns.
- The TIA does not evaluate lighting deficiencies, despite early-morning and winter school traffic occurring in low-light conditions.
- The TIA does not analyze ADA accessibility, despite CEQA requiring evaluation of safe access for all users.
- The TIA does not evaluate cumulative pedestrian safety impacts, despite multiple developments increasing traffic in the SR-138 corridor.
- See Pedestrian safety CEQA requirements and School-zone safety impacts.

1. Lack of Sidewalks, Lighting, and Safe Walking Routes

Oasis Road lacks basic pedestrian infrastructure:

- No sidewalks
- No bike lanes
- No street lighting
- Narrow, uneven dirt shoulders
- Steep drop-offs and drainage ditches

These conditions create inherent safety risks that are exacerbated by increased traffic volumes and truck operations.

The TIA does not evaluate:

- Pedestrian exposure risk
- Walking routes used by schoolchildren
- Safe crossing opportunities
- Lighting and visibility conditions
- Shoulder encroachment by trucks

These omissions violate CEQA's requirement to analyze hazards due to design features.

2. Increased Conflict Points Created by Project Driveways

The project introduces new conflict points along Oasis Road and SR-138:

- Trucks turning into the site will block both lanes, forcing pedestrians to navigate around stopped vehicles.
- Trucks exiting the site will encroach into opposing lanes, reducing pedestrian refuge areas.
- Passenger vehicles entering/exiting the site will create multiple new turning movements across pedestrian paths.
- The TIA does not analyze vehicle-pedestrian conflict diagrams, a standard requirement for safety analysis.

These conflicts are foreseeable and should have been evaluated.

3. STAA Truck and Fuel-Tanker Hazards to Pedestrians and Cyclists

STAA WB-67 trucks and fuel tankers create unique hazards:

- Wide turning radii cause off-tracking into shoulders used by pedestrians.
- Large blind spots increase the risk of pedestrian non-detection.

- Slow acceleration reduces gap availability for pedestrians crossing the roadway.
- Trucks obstruct sight distance, hiding children from oncoming traffic.
- The TIA does not analyze truck-pedestrian interaction, despite the project being designed for STAA trucks.

These omissions are significant because the project introduces truck types not currently present in the school-zone corridor.

4. CEQA Implications

Because the TIA fails to analyze pedestrian and bicycle safety impacts — particularly in a school-zone corridor — the environmental review is incomplete, misleading, and legally inadequate. CEQA requires recirculation when new information shows that the project may cause significant impacts not previously disclosed. The omission of pedestrian and bicycle safety analysis meets this standard.

3.22 Summary and Findings

The Traffic Impact Analysis (TIA) prepared for the project is procedurally defective, substantively incomplete, and internally inconsistent, preventing the County from making informed findings regarding traffic, circulation, school safety, emergency access, and pedestrian/bicycle safety. CEQA requires an accurate, stable, and complete analysis of environmental impacts. The TIA fails to meet this standard.

- The TIA relies on outdated 2019 traffic counts, which do not reflect existing conditions or current traffic volumes on SR-138 or Oasis Road.
- The TIA fails to analyze Oasis Road, the roadway segment most affected by the project and the primary school-zone corridor serving Pinon Hills Elementary.
- The County’s assertion that the project is “local-serving” is contradicted by the Applicant’s use of the ITE “Truck Stop” land-use category in the TIA, creating an internal inconsistency in the project description.
- The project is designed for STAA WB-67 trucks, yet the TIA does not analyze legal access, turning movements, off-tracking, or roadway geometry conflicts.
- The TIA does not evaluate school-zone safety impacts, including pedestrian exposure, bus operations, crossing conflicts, or peak-hour school traffic.
- The TIA does not analyze emergency access or wildfire evacuation, despite the site being located in a Very High Fire Hazard Severity Zone with a single-access evacuation route.
- The TIA does not evaluate pedestrian or bicycle safety, despite the absence of sidewalks, lighting, or safe walking routes along Oasis Road.
- The TIA does not analyze cumulative impacts, despite multiple approved and pending developments in the SR-138 corridor.

- These omissions violate CEQA's requirement to evaluate hazards due to design features, including unsafe circulation patterns, roadway blockages, and conflicts with school traffic.

Based on the evidence presented in Sections 3.1 through 3.7, the Board of Supervisors cannot rely on the TIA as a legally adequate disclosure document. The analysis fails to identify, quantify, or mitigate significant impacts to:

- Traffic and circulation
- School-zone safety
- STAA truck operations
- Emergency access and evacuation
- Pedestrian and bicycle safety
- Cumulative corridor impacts

Finding: Because the TIA is incomplete, outdated, and internally inconsistent, the environmental review is legally inadequate. CEQA requires preparation of a revised, comprehensive Traffic Impact Analysis that evaluates existing conditions, school-zone safety, STAA truck operations, emergency access, pedestrian and bicycle safety, and cumulative impacts. If the revised analysis identifies new or more severe impacts, recirculation is required to ensure full public disclosure.

3.23 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 Exhibits J, N, O, 5, 6, 30, 31, 33)

3.24 Buckthorne Road West “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 Exhibits X, 37, 38)

3.25 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.

(See Exhibits X, 37, 38)

3.26 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

(See Exhibits 32, Y & Z)

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 Exhibits 5, 18A, 18B, 19, 31, 32, 33, Y & Z)

3.27 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 7, Q, R & S)

3.28 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**.

3.29 Conclusion — Traffic Defects Require Recirculation

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

- Are substantial
- Are foreseeable
- Are un-addressed
- Create safety hazards
- Violate CEQA
- Require recirculation

(See Exhibits J, 10, 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 Inadequate Noise Study (Overview)

The Noise Study prepared for the project is incomplete, undocumented, and technically unreliable, preventing meaningful evaluation of the project's true noise impacts. CEQA requires an accurate, stable, and complete description of baseline noise conditions and full analysis of all reasonably foreseeable operational noise sources. The Study fails to meet these requirements.

The Noise Study:

- Does not document baseline noise measurements, including dates, times, weather, calibration, or equipment specifications.
- Does not analyze operational noise from diesel trucks, fuel-tanker deliveries, refrigeration units, nighttime fueling, or circulation along Oasis Road.
- Does not evaluate nighttime noise, despite 24-hour operations.
- Does not analyze noise impacts to sensitive receptors, including homes and schoolchildren along the school-zone corridor.

- Does not evaluate cumulative noise impacts, despite multiple commercial projects in the SR-138 corridor.
- Claims compliance with ANSI S1.4-2014 / IEC 61672-1:2013 yet omits the mandatory documentation required under those standards.

Because the Noise Study omits baseline documentation, operational noise sources, nighttime impacts, and cumulative conditions, it does not provide a legally adequate foundation for CEQA findings. A revised, comprehensive Noise Study is required.

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

4.2 Baseline Noise Deficiencies

The Noise Study does not provide the minimum baseline documentation required under ANSI S1.4-2014, IEC 61672-1:2013, or CEQA Guidelines §15125. Without complete baseline information, the Study's conclusions cannot be verified, reproduced, or relied upon for environmental review. CEQA requires that baseline conditions be described with sufficient detail to allow meaningful comparison to project impacts. The Noise Study fails this requirement.

The Study omits all of the following mandatory baseline elements:

- Measurement dates and times, preventing verification of whether measurements occurred during representative conditions.
- Weather conditions, including temperature, humidity, and barometric pressure, which directly affect sound propagation.
- Wind speed and direction, required under ANSI S1.4 to ensure measurements are not distorted by wind-induced microphone noise.
- Calibration records, including pre- and post-measurement calibration levels, required to confirm instrument accuracy.
- Microphone height, which affects measured sound levels and is required for ANSI compliance.
- Equipment model and serial number, preventing verification of whether the device meets Type 1 or Type 2 accuracy standards.
- Photographs of measurement locations required to confirm microphone placement and shielding conditions.

- GPS coordinates, needed to verify that measurements were taken at the stated receptor locations.
- Ground surface conditions, which influence sound reflection and absorption.
- Obstructions or reflective surfaces, which can artificially inflate or deflate measured levels.

Because none of these elements are documented, the baseline noise levels reported in the Study cannot be validated.

4.3 Failure to Demonstrate ANSI / IEC Compliance

The Noise Study claims compliance with ANSI S1.4-2014 and IEC 61672-1:2013, yet omits the documentation required under both standards, including:

- Calibration logs
- Instrument specifications
- Environmental conditions
- Microphone height
- Measurement duration
- Measurement intervals
- Field notes

A study cannot claim ANSI/IEC compliance without providing the documentation required to demonstrate it. The absence of this information renders the Study's baseline measurements non-compliant and unverifiable.

4.4 Baseline Measurements Are Inconsistent with Field Conditions

Our independently collected baseline measurements show:

- Lower ambient noise levels than those reported in the Noise Study
- Significant nighttime quiet periods not reflected in the Study
- No evidence of the elevated baseline levels claimed by the consultant

Because the Study does not provide raw data, timestamps, or environmental conditions, it is impossible to determine whether:

- The consultant measured at the correct locations
- Measurements were taken during representative conditions
- Measurements were influenced by transient noise events
- Measurements were taken during periods of elevated traffic or wind

This lack of transparency violates CEQA's requirement for a stable and accurate baseline.

(See Exhibits I, 13, 14, 15, 39, 40, 41, 46, 47)

4.5 CEQA Implications

Because the Noise Study does not document baseline conditions, does not demonstrate ANSI/IEC compliance, and reports baseline levels inconsistent with independently collected field data, the Study cannot serve as the basis for CEQA findings. A revised baseline analysis is required before operational noise impacts can be meaningfully evaluated.

4.6 Nighttime Noise Impacts

Nighttime noise impacts are not evaluated in the Noise Study, despite the project operating 24 hours per day and generating its highest-intensity noise during nighttime hours.

Nighttime is the most sensitive period under County standards because ambient noise levels drop significantly, and sound propagates more efficiently due to stable atmospheric conditions. The Study's omission of nighttime analysis results in a systematic underestimation of project noise impacts and prevents meaningful evaluation of exceedances at nearby homes and along the school-zone corridor.

The Noise Study does not analyze nighttime fueling activity, nighttime fuel-tanker deliveries, nighttime truck circulation, nighttime idling or staging, nighttime refrigeration-unit operation, or nighttime acceleration and braking at the project driveways. Because nighttime ambient levels are lower, these sources produce greater relative impacts than during daytime hours.

Nighttime atmospheric conditions cause sound to travel farther and louder at receptor locations. This includes stable air layers, temperature inversions that bend sound downward, reduced background noise, and lower wind speeds. Field measurements confirm that nighttime ambient levels fall into the low 30s and 40s dBA, meaning diesel

truck noise, air-brake releases, and high-torque maneuvering would be more intrusive and propagate farther than the Study predicts.

Nighttime noise is particularly important for homes along Oasis Road and Buckthorne Road, outdoor living areas, school-zone residences, and sleep-disturbance impacts. CEQA requires evaluation of maximum noise levels, single-event noise, repeated nighttime events, and low-frequency diesel noise. The Study does not evaluate any of these metrics.

San Bernardino County's nighttime exterior noise standard is 45 dBA Leq. Field data show that nighttime ambient levels are often below 40 dBA, while diesel truck fueling events exceed 60–70 dBA at short distances. Propagated nighttime levels at receptors would exceed the 45 dBA threshold, but the Study does not model nighttime operations and therefore does not disclose these exceedances.

Because the Noise Study omits nighttime noise analysis, it fails to evaluate the worst-case operating period, underestimates project noise impacts, fails to evaluate exceedances of the 45 dBA nighttime standard, and does not analyze sleep disturbance or nighttime truck and tanker activity. CEQA requires a revised Noise Study that includes full nighttime modeling and evaluation of all nighttime operational sources.

(See Exhibits I, 12, 13, 14, 15, 39 & 40)

4.7 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. (See Exhibit 41)

4.8 Sensitive Receptor Impacts

Sensitive receptors located along Oasis Road, Buckthorne Road, and within the school-zone corridor are not adequately evaluated in the Noise Study. These receptors experience the greatest exposure to project-related noise due to their proximity to the fueling bays, circulation paths, diesel truck activity, and nighttime operations. The Study does not analyze receptor-specific conditions, does not model receptor-specific distances, and does not evaluate the unique sensitivity of residential outdoor living areas, nighttime sleeping environments, or school-adjacent homes. As a result, the Study fails to disclose the magnitude of noise increases at the locations most affected by the project.

The Study does not evaluate the project's impact on receptors located down-canyon or down-slope from the site, where sound propagation is enhanced by topography and nighttime atmospheric conditions. These receptors experience lower ambient noise levels and greater nighttime sound travel, yet the Study applies uniform daytime assumptions that do not reflect actual field conditions. This results in underestimation of noise levels at the most vulnerable homes.

The Study also fails to evaluate the cumulative effect of multiple noise sources acting simultaneously at sensitive receptors. Diesel fueling, tanker deliveries, circulation noise, idling, refrigeration units, and vehicle acceleration events can overlap, producing combined noise levels that exceed County thresholds even when individual sources do not. CEQA requires evaluation of combined operational noise at each receptor, but the Study evaluates sources in isolation and does not calculate cumulative Leq values at any receptor location.

Sensitive receptors along Oasis Road and Buckthorne Road are also subject to repeated single-event noise impacts from diesel trucks, air-brake releases, and high-torque maneuvering. These events can exceed 60–70 dBA at short distances and are particularly disruptive during nighttime hours when ambient levels fall into the 30s and 40s dBA. The Study does not evaluate single-event noise, does not analyze Lmax values, and does not address sleep-disturbance impacts, despite CEQA's requirement to evaluate these effects at residential receptors.

Because the Noise Study does not evaluate receptor-specific distances, does not model nighttime conditions, does not analyze cumulative noise, and does not assess single-event impacts, it fails to disclose the project's true noise effects on the most vulnerable homes.

CEQA requires a revised Noise Study that includes full receptor-specific modeling, nighttime analysis, cumulative Leq calculations, and evaluation of single-event noise at all sensitive receptor locations.

4.9 Cumulative Noise Impacts

Cumulative noise impacts are not evaluated in the Noise Study, even though CEQA requires analysis of the combined effect of all project-related noise sources operating together, as well as the interaction between project noise and existing ambient conditions. The Study evaluates each noise source in isolation and does not calculate cumulative Leq values at any receptor location. This omission results in a substantial underestimation of total noise exposure at nearby homes, particularly those along Oasis Road and Buckthorne Road. Diesel fueling, tanker deliveries, circulation noise, idling, refrigeration units, and vehicle acceleration events can overlap, producing combined noise levels that exceed County thresholds even when individual sources do not.

The Study also fails to evaluate cumulative nighttime noise impacts, despite the project operating 24 hours per day and generating its highest-intensity noise during nighttime hours. Nighttime ambient levels fall into the low 30s and 40s dBA, meaning that overlapping diesel truck events, air-brake releases, and high-torque maneuvering produce significantly greater relative impacts than during daytime conditions. CEQA requires evaluation of the worst-case operating period, but the Study does not analyze nighttime cumulative noise or the enhanced propagation conditions that occur under stable nighttime atmospheres.

Cumulative impacts are further underestimated because the Study does not account for existing traffic noise, existing truck activity, or other environmental noise sources that already affect the community. CEQA requires evaluation of the incremental increase above existing conditions, but the Study uses artificially elevated baseline values and does not calculate the combined effect of project noise added to actual field-measured ambient levels. This results in a failure to disclose the true magnitude of noise increases at sensitive receptors.

The Study also does not evaluate cumulative single-event noise impacts, including repeated diesel truck pass-bys, air-brake releases, and nighttime fueling events. These events can exceed 60–70 dBA at short distances and produce sleep-disturbance impacts when combined with other nighttime noise sources. CEQA requires analysis of both Leq and Lmax values for cumulative conditions, but the Study does not evaluate either metric for nighttime operations.

Because the Noise Study does not evaluate cumulative Leq values, does not analyze nighttime cumulative noise, does not assess cumulative single-event impacts, and does not compare project noise to actual field-measured ambient conditions, it fails to disclose the project's true cumulative noise effects. CEQA requires a revised Noise Study that includes full cumulative modeling, nighttime analysis, receptor-specific cumulative Leq calculations, and evaluation of cumulative single-event noise at all sensitive receptor locations.

4.10 Project Generated Traffic Noise

Project-generated traffic noise is not evaluated in the Noise Study, despite the project introducing new vehicle trips, diesel truck movements, and heavy-duty truck circulation patterns that will increase roadway noise levels along Oasis Road, Buckthorne Road, and the school-zone corridor. CEQA requires evaluation of roadway noise increases resulting from project-related traffic, but the Study does not calculate traffic-generated Leq values, does not evaluate peak-hour noise increases, and does not assess the incremental change in noise exposure at sensitive receptors. This omission prevents disclosure of traffic-related noise impacts and understates the project's overall noise contribution.

The Study does not evaluate the noise generated by diesel trucks accelerating from a stop at the project driveways, despite these events producing some of the highest single-event noise levels associated with roadway traffic. Diesel truck acceleration, high-torque maneuvering, and gear-shifting events can exceed 60–70 dBA at short distances and produce repeated single-event noise impacts at nearby homes. CEQA requires evaluation of both Leq and Lmax values for roadway noise, but the Study does not analyze either metric for project-generated traffic.

The Study also does not evaluate the cumulative effect of project-generated traffic combined with existing roadway noise. Oasis Road and Buckthorne Road already experience elevated noise levels from existing truck activity, and the addition of project-related traffic will increase both average and peak noise levels. CEQA requires evaluation of the incremental increase above existing conditions, but the Study uses generalized assumptions and does not calculate the actual change in noise exposure at receptor locations. This results in a failure to disclose the true magnitude of traffic-related noise impacts.

The Study further omits analysis of nighttime traffic noise, despite the project operating 24 hours per day and generating nighttime truck trips, tanker deliveries, and circulation events. Nighttime ambient noise levels fall into the low 30s and 40s dBA, meaning that even modest increases in traffic noise can produce significant relative impacts. CEQA

requires evaluation of the worst-case operating period, but the Study does not analyze nighttime traffic noise or the enhanced propagation conditions that occur under stable nighttime atmospheres.

Because the Noise Study does not evaluate project-generated traffic noise, does not analyze diesel truck acceleration events, does not calculate incremental increases above existing roadway noise, and does not assess nighttime traffic impacts, it fails to disclose the project's true traffic-related noise effects. CEQA requires a revised Noise Study that includes full roadway noise modeling, receptor-specific Leq and Lmax calculations, nighttime analysis, and evaluation of incremental noise increases at all sensitive receptor locations.

4.12 Fuel Tanker Delivery Noise

Fuel-tanker delivery noise is not evaluated in the Noise Study, even though tanker deliveries are among the loudest and most intrusive operational noise sources associated with a 24-hour fueling station. Tanker trucks generate high noise levels during arrival, slow-speed maneuvering, idling, pumping operations, venting, hose connection and disconnection, and departure. These events can last 20–40 minutes and produce repeated single-event noise spikes that exceed County thresholds at nearby homes. CEQA requires evaluation of all reasonably foreseeable operational noise sources, but the Study does not analyze tanker delivery noise under any operating condition.

The Study does not evaluate the noise generated by tanker trucks entering and exiting the site, despite these events producing high-torque acceleration, braking, and gear-shifting noise. Diesel tanker trucks can exceed 60–75 dBA at short distances during low-speed maneuvering, and these levels propagate farther at night due to stable atmospheric conditions. The Study does not model tanker truck circulation paths, does not calculate Leq or Lmax values for delivery events, and does not evaluate nighttime delivery noise, even though nighttime deliveries are common at 24-hour fueling stations.

The Study also omits analysis of pumping and unloading noise, including the operation of the tanker's transfer pump, tank venting, and pressure equalization events. These sources produce low-frequency noise and tonal components that travel farther than mid-frequency noise and are more disruptive to sleep. CEQA requires evaluation of low-frequency noise and single-event noise at sensitive receptors, but the Study does not analyze either metric for tanker deliveries.

Cumulative tanker delivery noise is also not evaluated. Diesel fueling, truck circulation, refrigeration units, and tanker unloading can overlap, producing combined noise levels that

exceed County thresholds even when individual sources do not. The Study evaluates each source in isolation and does not calculate cumulative Leq values for delivery periods. This results in a substantial underestimation of noise exposure at nearby homes, particularly those along Oasis Road and Buckthorne Road.

Because the Noise Study does not evaluate tanker truck arrival noise, maneuvering noise, pumping and unloading noise, venting noise, low-frequency noise, nighttime delivery noise, or cumulative delivery noise, it fails to disclose the project's true operational noise impacts. CEQA requires a revised Noise Study that includes full modeling of tanker delivery events, nighttime analysis, receptor-specific Leq and Lmax calculations, and evaluation of low-frequency and cumulative noise at all sensitive receptor locations.

4.13 Diesel Idling and Refrigeration Unit Noise

Diesel idling and refrigeration-unit noise are not evaluated in the Noise Study, even though these sources represent some of the most persistent and intrusive operational noise associated with a 24-hour fueling station. Diesel trucks routinely idle while fueling, staging, waiting for pumps to open, or preparing to depart. Refrigerated trailers ("reefers") operate continuously to maintain cargo temperature and can run for extended periods, including during nighttime hours when ambient noise levels are lowest. CEQA requires evaluation of all reasonably foreseeable operational noise sources, but the Study does not analyze idling noise, reefer noise, or the combined effect of multiple trucks idling simultaneously.

The Study does not evaluate the noise generated by diesel engines operating at low RPM, despite idling producing strong low-frequency noise that propagates farther than mid-frequency noise and is more disruptive to sleep. Field measurements confirm that diesel idling can exceed 60–65 dBA at short distances, with low-frequency components traveling even farther under nighttime atmospheric conditions. The Study does not model idling events, does not calculate Leq or Lmax values for idling periods, and does not evaluate nighttime idling noise, even though nighttime idling is common at 24-hour fueling stations.

Refrigeration-unit noise is also omitted from the analysis. Reefers generate continuous tonal noise that can exceed 65–70 dBA at close range and operate independently of the truck's engine. These units often run for long durations, including during nighttime hours when ambient noise levels fall into the low 30s and 40s dBA. CEQA requires evaluation of tonal noise, low-frequency noise, and nighttime operational noise, but the Study does not analyze any of these metrics for refrigeration-unit operation. (See Exhibits I, 40, 41)

The Study further fails to evaluate cumulative idling and reefer noise. Multiple trucks idling or operating refrigeration units simultaneously can produce combined noise levels that exceed County thresholds even when individual sources do not. CEQA requires evaluation of cumulative operational noise, but the Study evaluates each source in isolation and does not calculate cumulative Leq values for idling or reefer periods. This results in a substantial underestimation of noise exposure to nearby homes, particularly those along Oasis Road and Buckthorne Road.

Because the Noise Study does not evaluate diesel idling noise, refrigeration-unit noise, low-frequency noise, tonal noise, nighttime idling, or cumulative idling and reefer noise, it fails to disclose the project's true operational noise impacts. CEQA requires a revised Noise Study that includes full modeling of idling and reefer events, nighttime analysis, receptor-specific Leq and Lmax calculations, and evaluation of low-frequency and cumulative noise at all sensitive receptor locations.

4.14 CEQA Findings

CEQA Findings in the Noise Study are not supported by substantial evidence because the Study omits analysis of multiple required noise sources, fails to evaluate nighttime conditions, and does not assess impacts at sensitive receptors. CEQA requires that findings be based on a complete and accurate environmental analysis, but the Study excludes nighttime operations, diesel idling, refrigeration-unit noise, tanker delivery noise, cumulative noise, and project-generated traffic noise. Without evaluating these sources, the Study cannot provide a factual basis for concluding that noise impacts are less than significant.

The Findings rely on generalized assumptions rather than receptor-specific modeling. CEQA requires evaluation of actual field conditions and site-specific impacts, but the Study uses uniform daytime assumptions, elevated baseline values, and incomplete modeling inputs that do not reflect the real noise environment along Oasis Road, Buckthorne Road, or the school-zone corridor. As a result, the Findings do not disclose the magnitude of noise increases at the locations most affected by the project.

The Findings also fail to address nighttime noise impacts, despite the project operating 24 hours per day and generating its highest-intensity noise during nighttime hours. Nighttime ambient levels fall into the low 30s and 40s dBA, meaning that diesel truck activity, tanker deliveries, idling, and refrigeration-unit operation produce significantly greater relative impacts than during daytime conditions. CEQA requires evaluation of the worst-case operating period, but the Study does not analyze nighttime noise or the enhanced propagation conditions that occur under stable nighttime atmospheres.

The Findings further omit analysis of cumulative noise impacts. CEQA requires evaluation of the combined effect of all project-related noise sources operating together, as well as the incremental increase above existing conditions. The Study evaluates each source in isolation and does not calculate cumulative Leq values at any receptor location. This omission prevents disclosure of the project's true noise exposure and results in unsupported conclusions regarding significance.

Because the Noise Study does not evaluate required noise sources, does not analyze nighttime conditions, does not assess sensitive receptors, and does not calculate cumulative noise impacts, the CEQA Findings are not supported by substantial evidence. CEQA requires revised Findings based on a complete Noise Study that includes full operational modeling, nighttime analysis, receptor-specific evaluation, cumulative Leq calculations, and assessment of single-event noise at all sensitive receptor locations.

4.15 Required Corrections and Revisions

The Noise Study requires substantial corrections and revisions to comply with CEQA and to provide a complete, accurate, and evidence-based evaluation of the project's noise impacts. The Study omits multiple required operational noise sources, including nighttime operations, diesel idling, refrigeration-unit noise, tanker delivery noise, and project-generated traffic noise. These omissions prevent disclosure of the project's true noise exposure and result in unsupported conclusions regarding significance. A revised Noise Study must evaluate all reasonably foreseeable operational noise sources under both daytime and nighttime conditions.

The Study must incorporate actual field-measured ambient noise levels rather than generalized or elevated baseline assumptions. Field data confirm that nighttime ambient levels fall into the low 30s and 40s dBA, meaning that diesel truck activity, tanker deliveries, and idling events produce significantly greater relative impacts than the Study acknowledges. CEQA requires evaluation of the worst-case operating period, but the Study does not analyze nighttime noise or the enhanced propagation conditions that occur under stable nighttime atmospheres. A revised Study must include full nighttime modeling and receptor-specific analysis.

The Study must also evaluate cumulative noise impacts, including the combined effect of all project-related noise sources operating simultaneously and the incremental increase above existing conditions. CEQA requires cumulative Leq calculations at each sensitive receptor, but the Study evaluates sources in isolation and does not calculate cumulative

noise levels. A revised Study must include cumulative modeling, receptor-specific Leq and Lmax calculations, and evaluation of overlapping operational noise sources.

Receptor-specific analysis is also required. The Study does not evaluate impacts at homes along Oasis Road, Buckthorne Road, or the school-zone corridor, despite these locations experiencing the greatest exposure to project-related noise. CEQA requires evaluation of sensitive receptors, outdoor living areas, nighttime sleeping environments, and school-adjacent homes. A revised Study must include receptor-specific distances, nighttime analysis, and evaluation of single-event noise at all sensitive receptor locations.

Finally, the Study must correct its methodological deficiencies, including failure to demonstrate ANSI/IEC compliance, inconsistent baseline measurements, incomplete modeling inputs, and omission of required noise metrics. CEQA requires substantial evidence and a complete analytical foundation for all findings. A revised Noise Study must correct these deficiencies, incorporate accurate field data, evaluate all operational noise sources, and provide a complete and transparent analysis of noise impacts

4.16 Summary of Noise Study Deficiencies

The Noise Study contains numerous deficiencies that prevent it from serving as a reliable basis for CEQA findings. The Study omits analysis of multiple required operational noise sources, including nighttime operations, diesel idling, refrigeration-unit noise, tanker delivery noise, and project-generated traffic noise. These omissions result in a systematic underestimation of project noise impacts and prevent disclosure of the true noise environment at nearby homes. CEQA requires evaluation of all reasonably foreseeable operational noise sources, but the Study evaluates only a limited subset and excludes the loudest and most intrusive activities associated with a 24-hour fueling station.

The Study also fails to evaluate nighttime noise impacts, despite the project operating continuously and generating its highest-intensity noise during nighttime hours. Nighttime ambient levels fall into the low 30s and 40s dBA, meaning that diesel truck activity, tanker deliveries, idling, and refrigeration-unit operation produce significantly greater relative impacts than during daytime conditions. CEQA requires evaluation of the worst-case operating period, but the Study does not analyze nighttime noise or the enhanced propagation conditions that occur under stable nighttime atmospheres.

Receptor-specific analysis is also missing. The Study does not evaluate impacts at homes along Oasis Road, Buckthorne Road, or the school-zone corridor, despite these locations experiencing the greatest exposure to project-related noise. CEQA requires evaluation of sensitive receptors, outdoor living areas, nighttime sleeping environments, and school-adjacent homes. The Study uses generalized assumptions rather than

receptor-specific modeling and does not calculate Leq or Lmax values at any receptor location.

Cumulative noise impacts are not evaluated. CEQA requires analysis of the combined effect of all project-related noise sources operating simultaneously and the incremental increase above existing conditions. The Study evaluates each source in isolation and does not calculate cumulative Leq values, resulting in a substantial underestimation of total noise exposure at nearby homes. The Study also fails to evaluate cumulative nighttime noise, cumulative single-event noise, or the combined effect of overlapping operational noise sources.

Finally, the Study contains methodological deficiencies, including failure to demonstrate ANSI/IEC compliance, inconsistent baseline measurements, incomplete modeling inputs, and omission of required noise metrics. These deficiencies undermine the reliability of the Study's conclusions and prevent the County from making CEQA findings supported by substantial evidence. A revised Noise Study is required to correct these deficiencies, incorporate accurate field data, evaluate all operational noise sources, and provide a complete and transparent analysis of noise impacts.

4.17 Conclusion

The Noise Study, as submitted, does not provide the level of analysis required under CEQA and cannot support findings of less-than-significant noise impacts. The Study omits evaluation of multiple key operational noise sources, including nighttime operations, diesel idling, refrigeration-unit noise, tanker delivery noise, and project-generated traffic noise. These omissions result in a systematic underestimation of project noise exposure and prevent disclosure of the true noise environment at nearby homes. CEQA requires a complete and evidence-based analysis, but the Study evaluates only a limited subset of project activities and excludes the loudest and most intrusive sources associated with a 24-hour fueling station.

The Study also fails to evaluate nighttime noise impacts, despite the project operating continuously and generating its highest-intensity noise during nighttime hours. Nighttime ambient levels fall into the low 30s and 40s dBA, meaning that diesel truck activity, tanker deliveries, idling, and refrigeration-unit operation produce significantly greater relative impacts than during daytime conditions. CEQA requires evaluation of the worst-case operating period, but the Study does not analyze nighttime noise or the enhanced propagation conditions that occur under stable nighttime atmospheres.

Receptor-specific analysis is missing throughout the Study. Homes along Oasis Road, Buckthorne Road, and the school-zone corridor experience the greatest exposure to

project-related noise, yet the Study does not evaluate impacts at these locations. CEQA requires analysis of sensitive receptors, outdoor living areas, nighttime sleeping environments, and school-adjacent homes. The Study uses generalized assumptions rather than receptor-specific modeling and does not calculate Leq or Lmax values at any receptor location.

Cumulative noise impacts are also not evaluated. CEQA requires analysis of the combined effect of all project-related noise sources operating simultaneously and the incremental increase above existing conditions. The Study evaluates each source in isolation and does not calculate cumulative Leq values, resulting in a substantial underestimation of total noise exposure at nearby homes. The Study further omits cumulative nighttime noise, cumulative single-event noise, and the combined effect of overlapping operational noise sources.

Because the Noise Study does not evaluate required noise sources, does not analyze nighttime conditions, does not assess sensitive receptors, and does not calculate cumulative noise impacts, it does not provide substantial evidence to support CEQA findings. A revised Noise Study is required to correct these deficiencies, incorporate accurate field data, evaluate all operational noise sources, and provide a complete and transparent analysis of noise impacts. Only with a comprehensive and methodologically sound Noise Study can the County make findings that comply with CEQA and accurately reflect the project's environmental effects.

Closing statement

The Noise Study does not provide a legally adequate basis for CEQA findings and cannot support a conclusion of less-than-significant noise impacts. Across all subsections of this analysis, the Study repeatedly omits required operational noise sources, fails to evaluate nighttime conditions, does not assess sensitive receptors, and does not calculate cumulative noise exposure. These omissions are not minor technical issues; they are fundamental analytical failures that prevent disclosure of the project's true noise impacts on the surrounding community.

The Study excludes nighttime operations, despite the project operating 24 hours per day and generating its highest-intensity noise during nighttime hours. Nighttime ambient levels fall into the low 30s and 40s dBA, meaning that diesel truck activity, tanker deliveries, idling, and refrigeration-unit operation produce significantly greater relative impacts than during daytime conditions. CEQA requires evaluation of the worst-case operating period, but the Study does not analyze nighttime noise or the enhanced propagation conditions that occur under stable nighttime atmospheres.

The Study also fails to evaluate impacts at sensitive receptors, including homes along Oasis Road, Buckthorne Road, and the school-zone corridor. These locations experience the greatest exposure to project-related noise, yet the Study relies on generalized assumptions rather than receptor-specific modeling. CEQA requires analysis of sensitive receptors, outdoor living areas, night-time sleeping environments, and school-adjacent homes, but the Study does not calculate Leq or Lmax values at any receptor location.

Cumulative noise impacts are not evaluated. CEQA requires analysis of the combined effect of all project-related noise sources operating simultaneously and the incremental increase above existing conditions. The Study evaluates each source in isolation and does not calculate cumulative Leq values, resulting in a substantial underestimation of total noise exposure at nearby homes. The Study further omits cumulative nighttime noise, cumulative single-event noise, and the combined effect of overlapping operational noise sources.

Methodological deficiencies further undermine the Study's reliability. These include failure to demonstrate ANSI/IEC compliance, inconsistent baseline measurements, incomplete modeling inputs, and omission of required noise metrics. These errors prevent the Study from providing substantial evidence and do not meet CEQA's requirement for a complete, accurate, and transparent analysis.

For these reasons, the Noise Study must be revised and recirculated. A legally adequate analysis must include full operational modeling, nighttime evaluation, receptor-specific analysis, cumulative Leq and Lmax calculations, and assessment of all reasonably foreseeable noise sources associated with a 24-hour fueling station. Only with a complete and methodologically sound Noise Study can the County make CEQA findings supported by substantial evidence and accurately disclose the project's environmental impacts.

4.18 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

4.19 Truck Circulation Noise

The study does not analyze:

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

4.20 Canopy Activity Noise

The study does not analyze:

- Door slams
- Conversations
- Loading/unloading
- Metal-on-metal impacts
- Fuel nozzle retraction

4.21 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)

4.22 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)

4.23 Appellant's 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

The 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.

(See Exhibits 40, 41, 46 & 47)

4.24 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.

4.25 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

4.26 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.

4.27 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. (See Exhibits E & I)

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's lighting impacts remain unstudied and undisclosed, even after the applicant revised the site plan to reduce the number of automobile fueling positions from 20 to 10. This change affects canopy size, fixture count, illumination patterns, and nighttime visual massing — yet **no updated lighting analysis was ever prepared**.

This reinforces the central CEQA failure: **The County approved a project with no lighting study, no photometric data, and no analysis of nighttime impacts in a rural dark-sky community.**

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.

5.2 Rural Nighttime Environment

Pinon Hills is a rural, low-density desert community characterized by:

- 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 night-time environment. (See Exhibit K)

CEQA Requirement

CEQA requires analysis of:

- Light trespass
- Glare
- Skyglow
- Visual character impacts

(CEQA 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 Glare and Light Trespass

The IS/MND does not analyze:

- Glare visible from SR-138
- Glare visible from Oasis Road
- Light trespasses onto nearby homes
- Reflective glare from vehicles
- Canopy brightness during nighttime hours

(Glare Analysis)

5.4 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**.

5.5 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**.

5.6 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.

5.7 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.

5.8 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 Exhibits L, M & W)

CEQA Requirement

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

Defect

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

5.9 Undisclosed Reduction in Auto Fueling Positions (20 → 10)

In the final site plan revision, the applicant reduced the number of **automobiles fueling positions from 20 to 10**. This change was never disclosed in the IS/MND and never analyzed for lighting or visual impacts.

This revision affects:

- Canopy lighting intensity
- Fixture spacing and glare angles
- Illuminated surface area
- Nighttime skyglow footprint
- Visual massing from SR-138 and Oasis Road
- Vehicle activity levels under the canopy

Yet the IS/MND contains **no updated lighting analysis** reflecting this change.

This omission supports:

- Unstable project description
- Failure to disclose significant new information
- Failure to recirculate

The County approved a lighting-intensive commercial project without ever analyzing the lighting of the actual project.

5.10 No Photometric Analysis for Revised Canopy Layout

The reduction in fueling positions necessarily changes:

- Canopy dimensions
- Fixture count
- Fixture spacing
- Lumen distribution
- Glare angles
- Spillover patterns

But the County never required:

- A revised photometric plan
- Updated BUG ratings
- Updated IES files
- Updated fixture specifications
- Updated spillover diagrams

This violates CEQA's requirement to analyze the **actual project**, not an outdated version.

5.11 Visual Character Impacts Not Updated

The revised canopy layout changes the project's:

- Nighttime massing
- Horizontal illumination footprint
- Vertical illumination profile
- Visibility from SR-138
- Visibility from Oasis Road
- Visibility from adjacent homes

But the IS/MND contains **no updated visual simulations** or **nighttime renderings**.

This is a CEQA disclosure failure.

5.12 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

(See Exhibits K, L, M & W)

TAB 6 — REQUIRED FINDINGS CANNOT BE MADE

6.1 Overview

The Required Findings for approval cannot be made because the record before the Planning Commission was incomplete, inconsistent, and procedurally defective. As documented in Tab 2 — Procedural Defects, Land Use Services staff provided the appellant with an obsolete Traffic Impact Analysis (TIA) dated August 14, 2024, while the Planning Commission relied on a different, undisclosed TIA dated October 14, 2025.

The Commission also relied on a new site plan introduced for the first time at the hearing, which did not match the site plans in the staff report, the TIA provided to the appellant, or the project description circulated for public review.

Because the Commission's decision was based on incomplete, inaccurate, and undisclosed information, the findings required under the County Development Code cannot be supported by substantial evidence, and the project cannot be lawfully approved.

6.2 Required Findings Under County Development Code §86.06.660

To approve the project, the County must make **all three** of the following findings:

1. The project is consistent with the General Plan and applicable community plans.
2. The project will not have a substantial adverse effect on public health, safety, or welfare.
3. The project complies with CEQA.

The record demonstrates that **none** of these findings can be made.

6.3 Finding 1 — General Plan Consistency Cannot Be Made

The project is **not consistent** with the General Plan or the Pinon Hills Community Plan because:

- The project introduces **24-hour commercial activity** into a rural, low-density residential area.
- The project generates **regional truck traffic**, inconsistent with local-serving commercial uses envisioned for the area.
- The project creates **significant circulation hazards** along Oasis Road, a substandard rural roadway.
- The project's lighting, noise, and operational characteristics are **incompatible with rural community character**.

The General Plan requires that development be **compatible with surrounding land uses** and **protect public safety**. The project fails both requirements.

Because the IS/MND did not analyze the project's actual operational characteristics — including diesel fueling, truck circulation, nighttime activity, and lighting — the County cannot make a finding of General Plan consistency.

6.4 Finding 2 — No Harm to Public Health, Safety, or Welfare

This finding cannot be made because the project creates **significant, unmitigated safety hazards**, including:

- **No traffic study for Oasis Road**, despite its role as the primary access route and school circulation corridor.
- **Conflicts with Post Office operations**, including mail-truck backing movements and peak-hour congestion.

- **Hazards on Buckthorne Road**, a dead-end residential street with no turnaround.
- **STAA truck turning conflicts** at the project driveway and along Oasis Road.
- **Emergency-access conflicts** affecting fire apparatus and response times.
- **School-safety hazards** for children walking along Oasis Road and crossing near the project.

These hazards were **not analyzed** in the IS/MND and remain **unmitigated**.

A project that increases collision risk, impairs emergency access, and creates foreseeable hazards for schoolchildren **cannot** be found to protect public health and safety.

6.5 Finding 3 — CEQA Compliance Cannot Be Made

The project does **not** comply with CEQA because:

- The County relied on **multiple conflicting site plans**.
- The operative TIA was **withheld** from the appellant and the public.
- A **new site plan** was introduced at the hearing without prior disclosure.
- The IS/MND contains **no traffic study for Oasis Road**.
- The Noise Study contains **methodological defects** and **missing required documentation**.
- The lighting and visual analysis is **incomplete**.
- New information was introduced **after** public circulation, requiring **recirculation** under CEQA Guidelines §15088.5.

CEQA requires a **stable, accurate project description** and **public access** to all documents relied upon by the decision-making body. These requirements were not met.

Because the environmental analysis is **incomplete, inaccurate, and procedurally defective**, the County cannot make a finding of CEQA compliance.

6.6 Conclusion — Required Findings Cannot Be Made

The project fails **all three** required findings:

- It is **not consistent** with the General Plan.
- It **creates significant, unmitigated safety hazards**.
- It **does not comply** with CEQA.

Because the findings cannot be supported by substantial evidence, the Board must:

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

This is the only action consistent with CEQA, the County Development Code, and the County's obligation to protect public health, safety, and community character.