



Anticipated Gut-and-Amend AB 98 (Carrillo, Reyes) Warehouse Design and Build Standards

OPPOSE

ACTION

AB 98 was gutted-and-amended and swiftly heard on the Senate Floor. **AB 98** would propose stringent warehouse and logistic use standards and mandate setbacks, buffer zones, and trucking routes. The bill would also require a circulation element update with enforcement measures and thrust additional fines on local governments.

Voice your opposition to **AB 98** by requesting that the Governor VETO AB 98. A sample letter is also attached.

I will be sending a veto request letter on our division letterhead on Friday.

Background: In 2023, AB 1000 (Reyes) and AB 1748 (Ramos) were introduced to circumvent local development rules and establish statewide standards — including mandated setback distances from sensitive receptors — on qualifying logistics use projects. These bills were held in January 2024, and Speaker Rivas tasked Assembly Member Juan Carrillo (Chair of the Assembly Local Government Committee) with forming a working group of stakeholders to develop a new framework for a bill this year. The working group excluded local governments and other key stakeholders from the policymaking process, and negotiated a deal behind closed doors.

What does AB 98 propose to do?

The bill would limit new or expanded logistics use developments and warehouses on existing and rezoned industrial sites within 900 feet of sensitive receptors (including homes, hospitals, schools, and public recreational areas) by requiring a 300-to-500-foot setback, 50-to-100-foot buffer zones, and required trucking routes.

The bill would also require all local governments to update their circulation elements to include truck routes, signage, parking, and idling, and would authorize the Attorney General to fine local jurisdictions \$50,000 every six months if they are not in compliance.

The bill imposes specific air quality monitoring requirements within San Bernardino and Riverside Counties.

Talking points:

We ask you to **VETO AB 98**.

The warehouse bill was negotiated behind closed doors and excluded key stakeholders, including cities and counties.

The policy presented in the warehouse bill goes far beyond previous legislative efforts, including AB 1000 (Reyes) from earlier this year. Not only is the legislation far-reaching, but it has not been fully vetted through the legislative process.

No policy committee has deliberated on this bill. Only hand-picked stakeholders were able to have their positions heard. There have been zero public hearings or opportunities for public comment on this substantial policy matter that forces a "one-size-fits-all" approach on communities.

The warehouse bill takes local community-based solutions completely off the table.

The measure limits a city's ability to site a new or expanded use of a logistic use development or warehouse.

Local decision-making is essential to ensuring zoning regulations are tailored to the unique needs and concerns of our communities.

Cities and counties have good neighbor policies and local ordinances that make them better equipped to determine appropriate setback requirements and conditions for logistic use developments.

The warehouse bill creates an uneven playing field for local governments by creating winners and losers based on geography, hampering employment opportunities, and limiting future economic growth.

The bill's tiered framework applies different setback requirements and warehouse conditions depending on existing industrial or re-zoned sites across the state.

This uneven playing field will benefit certain local governments to the detriment of others — in some cases solely based on geographic differences — and hinder the ability of cities and counties to provide future job opportunities for their communities.

The warehouse bill proposes a cart-before-the-horse approach that lacks science-based evidence for the standards imposed.

It is pre-emptive to require such stringent standards — including setback distances — when sound scientific data is not available to justify such prescriptive requirements.

Without evidence backing the need for additional requirements, the warehouse bill would simply provide greater constraints that will hurt local communities.

Cities are already complying with existing regulatory frameworks to addressing environmental impacts in their communities.

The required circulation element update is extensive and must be completed within one to two years depending on your region of the state.

The bill thrusts extensive and costly circulation element update provisions onto local governments with no regard to the actual development of logistic uses and warehouses in their communities.

The warehouse bill would also conflict with existing circulation element statutes. The bill would trigger the deadlines in this bill to apply to existing statutory requirements to update bicycle and pedestrian safety measures in the circulation element. This is problematic as it is not germane to the warehouse bill issues but would impose additional updates in an unreasonable timeline.

The bill imposes costly, unfunded mandates for local governments.

The bill sets new, complicated, and unreasonable requirements without including a mechanism for local governments to be reimbursed for the mandated costs.

The enforcement provisions are overly harsh and punish all local governments.

The warehouse bill would authorize the Attorney General to impose a fine of \$50,000 every six months on local jurisdictions that do not complete their circulation element updates.

With a 'no-questions-asked' approach to enforcement, local governments are being targeted with this punitive provision.

Sincerely,
Stephen Qualls

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