

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1000 (Reyes) – As Amended March 30, 2023

SUBJECT: Qualifying logistics use projects.

SUMMARY: Prohibits local agency approval of a “qualifying logistics use” (e.g., a warehouse of 100,000 or more square feet) within 1,000 feet of a sensitive receptor, as defined, except that a local agency may approve a qualifying logistics use between 750 and 1,000 feet from a sensitive receptor if the local agency conducts an air quality analysis and imposes specified mitigation measures. Specifically, **this bill:**

- 1) Prohibits a local agency from approving the development or expansion of any qualifying logistics use that is within 1,000 feet of a sensitive receptor, except that a local agency may approve such development or expansion that is greater than 750 feet from and within 1,000 feet of a sensitive receptor only if the local agency does all of the following:
 - a) Conducts a cumulative analysis of the air quality impacts of the warehouse development project, as specified, and identifies actions and mitigation plans to address cumulative warehouse impacts.
 - b) Requires all heavy-duty vehicles domiciled onsite to be model year 2014 or later from the start of operations and to expedite a transition to zero emission vehicles (ZEV), with the fleet fully ZEV by December 31, 2025, or when commercially available, as specified, for the intended application, whichever date is later.
 - c) Requires owners, operators, or tenants of the qualifying facilities to utilize a clean fleet of light- and medium-duty vehicles as part of business operations. Requires, for any light- or medium-duty vehicle domiciled onsite, 33% of the fleet to be ZEVs at the start of operations, 65% by 2024, 80% by 2026, and 100% by 2028.
 - d) Requires all onsite equipment used at the warehouse to be zero emission with the necessary charging or fueling stations provided.
 - e) Requires all off-road construction equipment used for the warehouse development project to be zero emission, where available, or hybrid electric-diesel and all diesel-fueled off-road construction equipment to be equipped with California Air Resources Board (CARB) Tier 4 engines.
 - f) Requires zero-emission truck charging or fueling stations proportional to the number of dock doors at the project, running conduit to designated locations for future zero-emission truck charging stations.
 - g) Requires constructing electric plugs for electric transport refrigeration units at every dock door and requires truck operators with transport refrigeration units to use the electric plugs when at loading docks. An owner of a facility is exempt from the requirements of this bill if the owner records a covenant on the title of the underlying property that ensures the property shall not be used to provide refrigerated warehouse space.

- h) Requires installation of solar photovoltaic systems and companion battery storage on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers and designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
 - i) Prohibits trucks onsite from idling for more than three minutes and requires operators to turn off an engine when not in use.
 - j) Prohibits the idling of heavy construction equipment for more than five minutes.
- 2) For a project subject to the bill, requires a local agency to:
- a) Post specified project details and provide specified notices in English and all "threshold" languages.
 - b) Conduct at least one scoping meeting, as specified, to describe the project and its potential environmental impacts, take public comments, and provide translation services upon request.
- 3) Authorizes an affected individual or the Attorney General to bring an action to enjoin a violation of the bill.
- 4) Defines terms for purposes of the bill, including:
- a) "Qualifying logistics use" as any logistics use with 100,000 or more square feet of building space, including, but not limited to, warehouses.
 - b) "Sensitive receptors" as one or more of the following:
 - i) A residence.
 - ii) A school.
 - iii) A daycare.
 - iv) A health care facility.
 - v) A community center.
 - vi) An established community place of worship.
 - vii) An incarceration facility.
 - viii) A public playground, public recreation field, or public recreation center.
- 5) Finds and declares that the provisions of the bill address a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the bill applies to all cities, including charter cities.

- 6) Provides that no reimbursement is required by this bill, pursuant to Section 6 of Article XIII B of the California Constitution, because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill.

EXISTING LAW:

- 1) Requires each city and county to prepare, adopt, and administer a general plan for its jurisdiction, which must include a housing element, to shape the future growth of its community (Government Code § 65300 – 65404).
- 2) Establishes The California Environmental Quality Act (CEQA), which requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA (Public Resources Code § 21000, et seq.).

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Author’s Statement.** According to the author, “Local governments throughout the Inland Empire have been approving large industrial warehouse projects at a rapid rate over the past twenty years. This has been contributing to declining air quality as there are now 4,000 individual warehouses occupying about 1 billion square feet in the region that generate approximately 600,000 truck trips a day which is equivalent to 50 million pounds of carbon dioxide. While CEQA exists to ensure environmental issues are addressed through the planning process, we are seeing projects be approved that still cause environmental and public health issues to our community. In the community of Bloomington, 6 out of the 8 schools are located within 1,000 feet of a warehouse. This is not sustainable land use for the community.

“The Attorney General has sued local governments for failing to meet CEQA and not incorporating mitigation issues when approving warehouse projects. Most recently the City of Fontana in 2021 and the City of Stockton in 2022. The Attorney General has also put out a guidance memo for warehouse development that lists out mitigation measures for developers to consider adopting to align their projects with CEQA. That same memo cites that e-commerce has led to growth in the logistics sector over the past few years and that the Central Valley will likely see a growth in warehouse development over the next few years because of the available land in that area. This is clearly an issue that will continue and requiring additional mitigation measures when these projects are approved is the best way to frontload benefits for communities. A setback is necessary as proximity to pollution is the biggest factor for communities who live near warehouses, mitigation measures ensures that they will be clean if they get sited closer than 1,000 feet.

“AB 1000 establishes the Good Neighbor Policy by requiring local governments to have a 1,000 foot buffer zone when siting warehouses over 100,000 square feet next to schools, homes, healthcare facilities, and other sensitive receptors. It would allow warehouses to be sited 750 feet away from sensitive receptors if the project adopts [ZEV] for all classes of

vehicles, zero-emission energy to power the facility, zero-emission equipment, and restricts idling and queuing for vehicles & equipment.

“We are seeing that warehouses are often sited next to vulnerable communities over the objection of local residents. We have had residents who have had warehouses sited as close as 60 feet away from their homes. There are quality of life issues with having a massive industrial facility that close to homes and schools. It contributes to asthma, heart disease, cancer and other public health issues. [CARB] and the California Attorney General have recommend 1,000 feet as a buffer zone because it reduces exposure to diesel particulate matter by 80%. Warehouses & logistics are a pivotal part of the Inland Empire economy however industry needs to be good neighbors to the community that has to live next to these massive industrial facilities.”

- 2) **Bill Summary.** This bill prohibits local agencies from approving warehouse facilities that are larger than 100,000 square feet within 1,000 feet of a sensitive receptor. However, this bill allows a local agency to approve a warehouse of this size up to 750 feet from a sensitive receptor if it requires the developer to comply with certain environmental criteria. Specifically, a warehouse that is larger than 100,000 square feet may be located within 750-1,000 feet of a sensitive receptor if the local agency complies with all of the following conditions:
 - a) Conducts an air quality analysis, posts information related to the project, and holds specified informational meetings regarding the project.
 - b) Requires the warehouse operator to:
 - i) Comply with electric fleet requirements.
 - ii) Comply with off road construction equipment requirements.
 - iii) Provide access to zero emission truck charging and fueling stations on site.
 - iv) Install solar panels and storage.
 - v) Prohibit idling of trucks and construction equipment.

This bill is sponsored by the Center for Community Action and Environmental Justice.

- 3) **Logistics Development in California.** The proliferation of e-commerce and consumer expectations for rapid shipping contributed to a boom in warehouse development in California. The Environmental Justice Bureau at the Department of Justice (DOJ) notes that in the Inland Empire alone, 150 million square feet of new industrial space was developed from 2009-2019, and that 21 of the largest 100 logistics leases signed in 2019 were located in the Inland Empire.
- 4) **Measuring Warehouses.** This bill and AB 1748 (Ramos) both seek to establish minimum setback requirements on new warehouse developments. While AB 1748 applies only to Riverside and San Bernardino Counties, this bill would apply statewide. The provisions of AB 1748 would affect any proposed warehouse development or expansion in the identified jurisdictions that include more than 400,000 square feet of building space, while this bill

would apply to all warehouses developments and expansions that include more 100,000 square feet of building space.

Researchers at the Redford Conservancy at Pitzer College and Radical Research LLC prepared a database of existing and proposed warehouses located in San Bernardino and Riverside County. The tool can be used to estimate the total number of warehouses in San Bernardino and Riverside County that meet the size criteria of each bill. In order to determine the number of warehouses that meet the criteria of each bill, the tool applies lot coverage (floor area ratio) estimates to parcels developed with warehouses. Lot coverage for warehouses varies, but several jurisdictions in Riverside and San Bernardino assume a warehouse will cover between 50 and 60 percent of the total parcel. This means that a 100,000 square foot warehouse will typically be located on a lot totaling between 165,000 and 200,000 square feet, while a 400,000 square foot warehouse typically requires a lot that is between 670,000 square feet and 800,000 square feet.

The chart below provides an estimate of the total number of warehouses in San Bernardino and Riverside County (5,404) and estimates of how many of those warehouses exceed 100,000 square feet and 400,000 square feet based on assumed lot coverage ratios. The larger lot coverage estimate increases the number of existing warehouses that are assumed to be larger than 100,000 and 400,000 square feet, as it increases the numbers of parcels that can accommodate a development of that size. The inverse is true when the smaller lot coverage is used, as it decreases the number of parcels that can accommodate warehouses of that size.

| Warehouse size | Number of Warehouses | | Total Warehouse area in square feet | |
|--|----------------------|------------------|-------------------------------------|------------------|
| | 50% Lot Coverage | 60% Lot Coverage | 50% Lot Coverage | 60% Lot Coverage |
| Less than 100,000 square feet | 3,164 | 2,794 | 113,000,000 | 95,000,000 |
| Between 100,000 and 400,000 square feet. | 1,757 | 1,987 | 326,000,000 | 370,000,000 |
| More than 400,000 square feet. | 483 | 683 | 355,000,000 | 488,000,000 |

The data suggests that 41 percent to 49 percent of all warehouses built in San Bernardino and Riverside Counties are larger than 100,000 square feet, with those warehouses accounting for 85 percent to 90 percent of all warehouse space located in the two counties. Approximately 9 percent to 12.5 percent of all warehouses built in San Bernardino and Riverside Counties exceed 400,000 square feet in size, but those warehouses account for 44 percent to 51 percent of all warehouse space located in the two counties.¹

¹ Robert Redford Conservancy and Radical Research LLC: Warehouse CITY.
<https://radicalresearch.shinyapps.io/WarehouseCITY/>

- 5) **Best Practices and Mitigation Measures.** DOJ adopted a guidance memo titled *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act*, last updated September 2022. The memo identifies best practices for avoiding and mitigating impacts associated with warehouse development. The memo relies heavily on research prepared by the CARB. Among the recommendations proposed in the memo related to the siting and design of warehouses, the memo notes that a best practice includes “Per CARB guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.” The underlying data the memo cites in support of this recommendation found an 80 percent drop off in the concentration of diesel particulate matter emissions from distribution centers at approximately 1,000 feet. CARB and the South Coast Air Quality Management District analyses indicate that providing a separation of 1,000 feet would substantially reduce diesel particulate matter concentrations and public exposure downwind of a distribution center.²
- 6) **CEQA and Local Approval.** CEQA requires public agencies to study and mitigate, to the extent feasible, the environmental impacts of proposed projects, providing a key protection for the environment and residents of California. Under CEQA, a local agency carrying out a discretionary project must first determine if the project may have a significant effect on the environment. Projects can include jurisdiction-wide efforts such as the update of a general plan, approval of jurisdiction-wide contracts (e.g., waste hauling contracts or water service), and zoning ordinance amendments. A project can also include individual development actions such as the approval of warehouses, stadiums, gas storage facilities, and other types of developments. In the case of any discretionary project, if a local agency finds that the potential for significant environmental impacts exists, CEQA requires the agency to prepare and certify the completion of an environmental impact report (EIR).

CEQA places the burden on the approving agency to affirmatively show that it has considered feasible mitigation and alternatives that can lessen or avoid identified impacts through a statement of findings for each identified significant impact. The CEQA Guidelines provide direction on the content of the statement of the findings, and states that one or more of the following findings must be identified for each impact:

- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

A lead agency may approve a project with unavoidable (unmitigated) adverse environmental impacts. When doing so, CEQA requires the agency to make a statement in the record of its

² Department of Justice: Bureau of Environmental Justice. *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act*. (Updated September 2022).

views on the ultimate balancing of the merits of approving the project despite the environmental impacts in a “statement of overriding considerations.”

Approval of discretionary projects such as warehouse facilities is subject to CEQA and the lead agency must prepare an EIR if the project may have potentially significant environmental impacts. However, CEQA authorizes lead agencies to prepare a statement of overriding considerations and approve a project with unmitigated or unavoidable impacts. In practice, cities and counties may exercise this authority to approve projects that may significantly impact local residents. For example, the City of Perris prepared a Statement of Facts and Findings and Overriding Considerations for a proposed logistics development involving more than 1.7 million square feet of warehouse space. The City found in the Final EIR that the proposed project, located 300 feet from existing residents, would create long-term operational emission and cumulative criteria pollutants that constituted significant and unavoidable impacts. However, the City found such unmitigated effects were acceptable in view of specified overriding considerations. Among the overriding considerations cited were the creation of 685 new jobs and an estimated increase of \$215,000 in additional city tax revenue.

- 7) **Stockton and Fontana Warehouse Settlement Agreements.** In 2022, DOJ reached two separate settlement agreements with the City of Fontana and the City of Stockton relative to their approval of warehouse developments. In both settlements, DOJ intervened during the CEQA process where the city was acting as the lead agency approving a warehouse development. In the City of Fontana, DOJ filed a lawsuit against the city in July of 2021 challenging its approval of the project and arguing that Fontana’s limited environmental review violated CEQA.³ In the City of Stockton, DOJ submitted letters to the city outlining concerns that its environmental review of the proposed warehouse project failed to adopt all feasible mitigation measures as required by CEQA.⁴ In April of 2022, DOJ announced a settlement agreement with the City of Fontana, the warehouse developer, and other litigants in the case. In December of 2022, DOJ announced a settlement agreement with the City of Stockton regarding its approval of warehouse developments.
- 8) **Settlement Agreement Terms.** The settlement agreements between DOJ and each city impose similar mitigation measures relative to warehouse developments and include standards and conditions that are unique to each agreement. Both agreements require each city to adopt a land use ordinance establishing strict standards for citing new warehouse developments within their respective jurisdictions. The City of Fontana adopted a new warehouse-citing ordinance in April 2022. The Stockton Agreement requires Stockton to propose a warehouse ordinance no later than December 31, 2023.

³ *Attorney General Bonta Announces Innovative Settlement with City of Fontana to Address Environmental Injustices in Warehouse Development.* California Department of Justice, April 18, 2022. Bureau of Environmental Justice. <https://oag.ca.gov/news/press-releases/attorney-general-bonta-announces-innovative-settlement-city-fontana-address>.

⁴ *Attorney General Bonta Announces Agreement with City of Stockton to Address Environmental Impacts from Continued Warehouse Development.* California Department of Justice, December 6, 2022. Bureau of Environmental Justice. <https://oag.ca.gov/news/press-releases/attorney-general-bonta-announces-agreement-city-stockton-address-environmental>.

Warehouse siting design requirements are embedded in the Fontana Ordinance. The Stockton Agreement outlines warehouse siting design requirements to be incorporated in the Stockton Ordinance. With respect to siting design, the settlement agreements require both cities to impose standards on new warehouse developments that are adjacent to sensitive receptors via ordinance. The ordinances include or are required to include standards related to:

- a) Minimum setbacks.
- b) Onsite landscaped buffers.
- c) Decorative buffer walls at specified heights.
- d) Entry gate and loading dock orientation.
- e) Vehicle circulation.
- f) Signage relative to truck idling.

The siting design terms in both agreements are largely similar but vary in some key areas. For example, both agreements establish comparable landscaping, truck dock and truck entry orientation, and signage requirements. The Fontana Ordinance applies some of its provisions to warehouses that are 50,000 square feet or larger, some provisions to warehouses that are 200,000 square feet or larger, and other requirements only to warehouses that are 400,000 square feet or larger. With respect to the setback requirements, which are a key provision of this bill and AB 1748 (Ramos), the Fontana Ordinance requires warehouses that are 400,000 square feet or larger to establish a setback of 300 feet from the property line of the nearest sensitive receptor. The Stockton Agreement applies to logistics use projects with a building or buildings totaling 100,000 square feet. The Stockton Agreement requires that logistics uses and their associated loading docks are no closer than 300 feet from sensitive receptors, and requires the City to consider the public health and safety benefits of requiring a larger buffer, up to 1,000 feet. In Fontana, the setbacks are measured from the property line of the sensitive receptor to the nearest dock door at the logistics use facility. In Stockton the agreement stipulates setbacks established by Stockton's ordinance will be measured from the loading dock or any building edge, whichever is closer, to the property line of any nearby sensitive receptors.

The agreements also included a series of requirements that are not related to the warehouse siting and design. The Fontana Agreement imposed 26 separate requirements and sub-requirements directly on the warehouse development that was the subject of DOJ's lawsuit. This includes requirements for electric vehicle fleets, solar power, construction fleets, construction operating hours, and the establishment of a community benefit fund providing amenities to residents and the local school district. The Stockton Agreement requires the city to propose ordinance provisions that are similar to the standards that the Fontana Agreement imposed directly on the operator. The agreement includes a requirement that the proposed ordinance establish requirements for electric vehicle fleets, solar power, construction fleets, and other requirements for new warehouse developments larger than 100,000 square feet.

- 9) **CARB Clean Truck Rules.** In 2020, CARB adopted the Advanced Clean Truck (ACT) regulation to accelerate a large-scale transition to zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8. One component of the regulation is a manufacturer sales

requirement. Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines would be required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% of truck tractor sales.

To further the transition to a zero-emission fleet, at the end of 2020, Governor Newsom issued Executive Order (EO) N-79-20, which requires 100% of medium- and heavy-duty vehicles in the state be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. EO N-79-20 charges CARB with developing and proposing medium- and heavy-duty vehicle regulations requiring increasing volumes of new zero-emission trucks and buses sold and operated in the state towards that goal. CARB is currently in the process of finalizing the Advanced Clean Fleet (ACF) regulation. ACF, as proposed, requires all Class 2b-8 vehicles sold into California must be ZEVs starting in 2036.

- 10) **South Coast Indirect Source Rule (ISR).** In 2021, the South Coast Air Quality Management District (SCAQMD) adopted the Warehouse ISR, which requires warehouses greater than 100,000 square feet to directly reduce nitrogen oxide (NOx) and diesel particulate matter (PM) emissions, or to otherwise reduce emissions and exposure of these pollutants in nearby communities.

According to SCAQMD, warehouses are a key destination for heavy-duty trucks and have other sources of emissions like cargo handling equipment, all of which contribute to local pollution, including toxic emissions, to the communities that live near them. Emissions from sources associated with warehouses account for almost as much NOx emissions as all the refineries, power plants, and other stationary sources in the South Coast Air Basin combined. Those living within a half mile of warehouses are more likely to include communities of color, have higher rates of asthma and heart attacks, and a greater environmental burden.

As part of the rule, warehouse operators will need to earn a specified number of points annually. These points can be earned by completing actions from a menu that includes acquiring and using natural gas near-zero and/or zero-emission on-road trucks, zero-emission cargo handling equipment, solar panels, or zero-emission charging and fueling infrastructure and more. As alternatives to the points system, warehouse operators can prepare and implement a custom plan specific to their site or choose to pay a mitigation fee. Funds from mitigation fees will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities near the warehouse that paid the mitigation fee.

- 11) **Policy Considerations.** The Committee may wish to consider the following:

- a) ***Duplicating Existing Local Agency Review and CEQA.*** The air quality analysis in Section 65098.3, the notice requirements in Section 65098.5 and the meeting requirements in Section 65098.7 of the bill largely duplicate environmental review, noticing, and meeting requirements that are already a part of CEQA. Given this overlap, and the fact that the bill prescribes specific mitigation measures a local agency must adopt, this bill may confuse whether or not CEQA applies to these projects. ***The Committee may wish to*** remove these duplicative provisions and clarify that the bill's provisions do not supersede CEQA.

- b) **Terms and Standards.** Several key terms in the legislation are undefined. Additionally, while the legislation seeks to establish a 1,000 foot buffer, or a 750 foot buffer, it is unclear which two points the buffers will be measured from. *The Committee may wish to* define these terms and standards.
 - c) **Local Land Use Approvals.** The bill requires local agencies to require qualified logistics uses to meet a series of criteria at the approval stage of the development process. Many of the criteria are operating standards that cannot be verified at the approval stage. *The Committee may wish to* recast some of the local approval conditions as requirements on the warehouse owner/operator.
 - d) **Charging Capacity.** The bill establishes strict benchmarks for when the vehicle fleet domiciled at facility the must convert to electric vehicles. The bill also requires warehouse operators to install zero emission truck charging stations, and requires electric plugs for refrigeration units at every dock door. *The Committee may wish to consider* whether these requirements are superfluous given that in order to comply with the bill's electric vehicle targets warehouse operators will already have to install sufficient electric vehicle charging capacity.
 - e) **Solar Requirements.** The bill partially replicates a requirement from the settlement DOJ entered into with the City of Stockton for the inclusion of solar panels at the affected warehouse. As written this bill requires any qualifying logistics use to use solar and battery storage on the project site to generate electricity equal to or greater than the building's projected energy needs, including chargers for electric vehicles. The bill language omits an important aspect of the settlement agreement, which acknowledges that a site may not contain the physical space required to generate the amount of solar power a warehouse facility demands. This is particularly critical in light of the intense power demands of electric vehicle chargers. This requirement, without clarification, could create a de facto ban on new warehouse development if sufficient charging capacity cannot be generated on site. *The Committee may wish to* incorporate provisions of the settlement agreement that provide an off-ramp for facilities that demonstrate all available space for solar generation and storage is used.
- 12) **Amendments.** To address some of the policy considerations noted above, the Committee may wish to consider the following:
- a) **Committee Amendments.** To address some of the concerns identified above the Committee may wish to:
 - i) Remove the air quality analysis, noticing, and meeting provisions that obfuscate the CEQA process and clarify that nothing in the bill supersedes CEQA.
 - ii) Recast the following local approval conditions as operator requirements:
 - (1) The heavy duty vehicle mandate.
 - (2) The clean fleet mandate.
 - (3) The clean off-road construction equipment mandate.

- (4) The zero emission truck charging mandate.
 - (5) The electric plugs for electric transport refrigeration units mandate.
 - (6) The solar generation and storage mandate.
 - (7) The truck idling mandate.
 - (8) The off-road construction equipment mandate.
- iii) Define “Heavy Duty Vehicles” as vehicles weighing more than 26,001 pounds (Class 7 and Class 8 vehicles).
 - iv) Replace “heavy construction equipment” with “off-road construction equipment.”
 - v) Amend the solar generation and storage requirements to include the off-ramps included in the Stockton Agreement.
- b) **Author’s Amendments.** Due to compressed committee referral deadlines, the author was unable to adopt author’s amendments prior to the Committee deadline. The Committee may wish to incorporate the following amendments proposed by the author:
- i) Define the measurement point as from the property line of a sensitive receptor to the property line of the qualifying logistics use.
 - ii) Define “logistics use” to mean any land use for the movement or storage of cargo, goods, or products for later distribution to business and/or retail customers, including any land use serving heavy-duty trucks involved in such movement of cargo, goods, or products.
 - iii) Delete “local agency” and replace it with the term “public agency” which is defined to mean any state agency, board, or commission, any county, city and county, charter city, joint powers authority, regional agency, public district, redevelopment agency, or other political subdivision.
 - iv) Allow warehouse owners and operators to comply with the electric vehicle charging capacity and solar generation and storage capacity requirements through contracts with third-party entities.
 - v) Limit the light- and medium-duty vehicle fleet requirements to medium-duty vehicles.
- 13) **Related Legislation.** AB 1748 (Ramos), requires specified local agencies to impose a 300-foot setback requirement on parcels that are adjacent to sensitive receptors and include a warehouse that is larger than 400,000 square feet unless the local agency adopts specified alternative policies. AB 1748 is pending in this Committee.
- 14) **Previous Legislation.** AB 2840 (Reyes) of 2022, among other provisions, would have prohibited public agencies from siting warehouse developments within 1,000 feet of a sensitive land use. This bill was held in the Senate Governance and Finance Committee.

AB 1547 (Reyes) of 2021, among other provisions, would have prohibited public agencies from siting warehouse developments within 3,000 yards of a sensitive land use. This bill was held in the Natural Resources Committee.

15) **Double-Referral.** This bill is double-referred to the Natural Resources Committee, where it passed on a 8-3 vote on April 17, 2023.

16) **Arguments in Support.** The Greenlining Institute writes in support, “The Inland Empire has seen a warehouse boom over the past decade, which has led to siting of over 4000 warehouses that cover 40 square miles and over one billion square feet. The proliferation of these warehouses comes with enormous truck traffic which generates approximately 600,000 truck trips a day – an equivalent to 50 million pounds of carbon dioxide. Trucks are one of the largest sources of lung-searing, smog-forming pollution in California and the logistics centers where trucks operate are causing unbearable pollution and socio-economic burdens. The environmental and public health impacts of this growth is compounded by the fact that these facilities are being disproportionately sited next to low-income communities of color. These are often working class Latino and Black communities. It is unjust to place the public health burden on historically disadvantaged communities who are already experiencing the economic impacts of racist redlining policies and practices. These communities are seeing a staggering decline in their quality of life when these facilities are sited next to their homes, schools, parks, and other sensitive receptors.

“AB 1000 addresses the impacts currently affecting low-income communities of color by establishing a 1000 foot setback on warehouse or logistics projects from sensitive receptors, and ensuring that these projects meet a set of standards that reflect California’s goals of a just transition.”

17) **Arguments in Opposition.** The California Chamber of Commerce writes in opposition, “This bill goes far beyond the recent Attorney General settlement in the region that applies a buffer of less than a third of AB 1000’s on buildings four times the size. AB 1000 removes authority from local government and is a de facto ban on new facilities in most parts of the state. It will create job losses, stop new housing projects, and push these projects to less urbanized areas of the state inducing greenfield development that will induce more vehicle miles traveled, more greenhouse gases, and more particulate pollution...

“The bill is attempting to address an issue that the [CARB] and regional air boards, such as the [SCAQMD], are already working to resolve and proposes solutions that are not only unworkable, but will push warehouse development further east, unnecessarily increasing VMT/GHG/particulate emissions.

“Under the policies of CARB and SCAQMD in the past three decades, PM2.5 and PM10 have significantly decreased while the warehouse square footage has increased to service the region’s growing population. Policies have required light, medium, and heavy-duty vehicles to be cleaner and emit less, and advances in warehousing and logistics operations and technology make today’s facilities energy efficient, cleaner, and greener than at any time in our history.”

REGISTERED SUPPORT / OPPOSITION:

Support

Center for Community Action and Environmental Justice [SPONSOR]
350 Humboldt: Grass Roots Climate Action
350 Riverside
American Academy of Pediatrics
American Lung Association in California
Amigos De Los Rios
Asian Pacific Environmental Network (APEN)
California Climate Action
California Environmental Justice Alliance (CEJA) Action
California Environmental Voters (formerly Clcv)
California Nurses Association
California Nurses for Environmental Health and Justice
Calstart
Center on Race, Poverty & the Environment
Central California Asthma Collaborative
Cleaneearth4kids.org
Climate Action California
Climate Center; the
Coalition for Clean Air
Coalition for Humane Immigrant Rights (CHIRLA)
Concerned Neighbors of Bloomington
Democratic Club of Claremont
Disability Rights California
Earthjustice
Elders Climate Action, Norcal and Socal Chapters
Environment California
Flo Services USA
Friends Committee on Legislation of California
Greenlining Institute
Grow Fontana
Inland Coalition for Immigrant Justice
Inland Congregations United for Change
Inland Empire United
Inland Equity Partnership
Just San Bernardino
League of United Latin American Citizens (LULAC) of Riverside Council 3190
Let's Green Ca!
Loma Linda University for A Sustainable Future
Natural Resources Defense Council (NRDC)
People's Collective for Environmental Justice
Physicians for Social Responsibility - San Francisco Bay Area Chapter
Pink Panthers
Pomona Economic Opportunity Center
Puente Latino Association
R-now

Redford Conservancy for Southern California Sustainability At Pitzer College
Safe Routes Partnership
San Bernardino County Medical Society
Santa Cruz Climate Action Network
Sierra Club California
Sisterswe Community Gardening Projects
Sunrun INC.
The Climate Center
The Inland Empire Immigrant Youth Collective
Union of Concerned Scientists
United Food and Commercial Workers Local 1167
United Food and Commercial Workers, Western States Council
Voices for Progress
Warehouse Worker Resource Center
Western Center on Law & Poverty

Opposition

Agricultural Council of California
Anaheim Chamber of Commerce
Antelope Valley Chambers of Commerce
Associated General Contractors of California
Association of Western Employers
AV Edge (Antelope Valley Economic Development & Growth Enterprise)
Bay Area Council
BNSF Railway
Boma California
Brea Chamber of Commerce
Building Industry Association of Southern California
Building Owners and Managers Association of California
California Association for Local Economic Development (CALED)
California Building Industry Association
California Business Properties Association
California Business Roundtable
California Chamber of Commerce
California Family Beer Distributors
California Farm Bureau
California Hotel & Lodging Association
California League of Food Producers
California Manufacturers & Technology Association
California Restaurant Association
California Retailers Association
California Short Line Railroad Association
California State Council of Laborers Local 67
California State Council of Laborers Local 73
California State Council of Laborers Local 89
California State Council of Laborers Local 185
California State Council of Laborers Local 220
California State Council of Laborers Local 261

California State Council of Laborers Local 294
California State Council of Laborers Local 300
California State Council of Laborers Local 304
California State Council of Laborers Local 324
California State Council of Laborers Local 345
California State Council of Laborers Local 585
California State Council of Laborers Local 652
California State Council of Laborers Local 724
California State Council of Laborers Local 792
California State Council of Laborers Local 1130
California State Council of Laborers Local 1184
California State Council of Laborers Local 1414
California Taxpayers Association (CALTAX)
California Trucking Association
Can Manufacturers Institute
Carlsbad Chamber of Commerce
Chino Valley Chamber of Commerce
Coalition of California Chambers – Orange County
Corona Chamber of Commerce
District Council of Iron Workers of The State of California and Vicinity
Fontana Chamber of Commerce
Fremont Chamber of Commerce
Garden Grove Chamber of Commerce
Greater Coachella Valley Chamber of Commerce
Greater High Desert Chamber of Commerce
Greater Riverside Chamber of Commerce
Greater San Fernando Valley Chamber of Commerce
Industrial Environmental Association
Inland Empire Chamber Alliance
Inland Empire Economic Partnership (IEEP)
Institute of Real Estate Management (IREM)
LA Canada Flintridge Chamber of Commerce
LA Verne Chamber of Commerce
Lake Elsinore Valley Chamber of Commerce
Livermore Valley Chamber of Commerce
LIUNA! Pacific Southwest Regional Office
Los Angeles Area Chamber of Commerce
Los Angeles County Business Federation (BIZ-FED)
Maersk INC.
Murrieta Wildomar Chamber of Commerce
Naiop of California
Oceanside Chamber of Commerce
Orange County Business Council
Otay Mesa Chamber of Commerce
Otay Mesa Property Owners Association
Palm Desert Area Chamber of Commerce
Palos Verdes Peninsula Chamber of Commerce
Rebuild Social Partnership
Redondo Beach Chamber of Commerce

Rural County Representatives of California (RCRC)
Sacramento Metropolitan Chamber of Commerce
San Bernardino County
San Juan Capistrano Chamber of Commerce
San Manuel Band of Mission Indians
San Pedro Chamber of Commerce
Santa Barbara South Coast Chamber of Commerce
Santa Clarita Valley Chamber of Commerce
Santa Maria Valley Chamber of Commerce
South Bay Association of Chambers of Commerce
Southern California District Council of Laborers
Southern California Leadership Council
Southwest California Legislative Council
State Building and Construction Trades Council of California
The Chamber Newport Beach
Tri County Chamber Alliance
Union Pacific Railroad
United Contractors
Vacaville Chamber of Commerce
Valley Industry and Commerce Association (VICA)
West Ventura County Business Alliance
Western Growers Association
Western States Petroleum Association
Wine Institute
Yorba Linda Chamber of Commerce

Analysis Prepared by: Hank Brady / L. GOV. / (916) 319-3958