



Logistics Use Facilities (AB 98) Quick Reference Guide

Assembly Bill (AB) 98 is a California law signed on September 29, 2024, that establishes new standards for large and small warehousing and distribution facilities, termed “logistics use facilities.” The law is intended to mitigate traffic congestion, as well as air, noise, and light pollution near sensitive receptors including, but not limited to schools, residences, and parks. The requirements of AB 98 are applied in conjunction with the requirements prescribed in the San Bernardino County Development Code for logistics and warehouse facilities.

This reference guide is intended to provide the reader with general informational requirements associated with AB 98 and should not be construed as a substitute for legal or professional advice. You should consult early with the Land Use Services Department to determine the application of AB 98 requirements to project-specific development.

Applicability

Certain requirements of AB 98 may apply to new or expanded logistics use facilities, while other requirements are triggered when a new or expanded logistics use facility is within 500 or 900 feet of a sensitive receptor. AB 98 requires enhanced site and building design features depending on the total square footage of facility proposed and other factors.

Definitions

“Logistics use,” as defined by California Government Code Section 65098(d), means a building in which cargo, goods, or products are moved or stored for later distribution to business or retail customers, or both, that does not predominantly serve retail customers for onsite purchases, and heavy-duty trucks are primarily involved in the movement of the cargo, goods, or products. “Logistics use” does not include any of the following:

- (1) Facilities where food or household goods are sold directly to consumers and are accessible to the public.
- (2) A building primarily served by rail to move cargo goods or product.
- (3) (A) A Strategic Intermodal Facility.
(B) For purposes of this subdivision, “Strategic Intermodal Facility” means a project that satisfies all of the following requirements:

- (i) Logistics facilities, including warehousing and transloading facilities, served by rail.
- (ii) Intermodal freight transport services.
- (iii) All facility structures and related rail operations are located within a single site footprint.

“Sensitive receptor,” as defined by California Government Code Section 65098(e), means one or more of the following:

- (1) A residence, including, but not limited to, a private home, apartment, condominium unit, group home, dormitory unit, or retirement home.
- (2) A school, including, but not limited to, a preschool, prekindergarten, or school maintaining kindergarten or any of grades 1 to 12, inclusive.
- (3) A daycare facility, including, but not limited to, in-home daycare.
- (4) Publicly owned parks, playgrounds, and recreational areas or facilities primarily used by children, unless the development of the park and recreation areas are included as a condition of approval for the development of a logistics use.
- (5) Nursing homes, long-term care facilities, hospices, convalescent facilities, or similar live-in housing.
- (6) Hospitals, as defined in Section 128700 of the Health and Safety Code.

Requirements Applicable to All New or Expanded Logistics Use Facilities

While many of AB 98’s requirements are triggered by the presence of a sensitive receptor within a certain distance of the project or the need for a rezone, the following requirements apply to all new or expanded logistics use facilities:

- Entry gates to the loading truck court must be positioned to allow a minimum of 50-100 feet of available staking depth inside the property line, with an increase in distance if the number of loading bays exceed 50.
- Siting of a facility must be on designated truck routes, subject to specified waiver requirements.
- Anti-idling signs must be installed along entrances and at truck loading bays, as well as navigational signs installed at heavy-duty truck exit driveways.
- Facility operators must prepare and submit a truck routing plan.
- A 2-to-1 affordable housing replacement requirement for a facility that demolishes any housing unit that was occupied within the previous 10 years, as well as rental displacement payments.

Required Development Standards

AB 98 applies different standards based on the size of the proposed structure and whether the underlying zone is industrial or if a zone change is required.

If the project site is zoned industrial and loading bay is within 900 feet of a sensitive receptor, the following will apply depending on the size of the proposed structure.

250,000 square feet and greater	Less than 250,000 square feet
<ul style="list-style-type: none"> • All Tier 1 21st Century Warehouse Standards • 50' buffering and screening area with 10ft berm or wall and drought tolerant landscape • Truck bays oriented away from sensitive receptor if feasible • Truck bays setback 300ft from property line of sensitive receptor • Truck entry, exit, and circulation are oriented away from sensitive receptor • Separate entrance for Heavy Duty Trucks 	<ul style="list-style-type: none"> • 50' buffering and screening area with 10ft berm or wall and drought tolerant landscape • Truck bays oriented away from sensitive receptor if feasible • Truck entry, exit, and circulation are oriented away from sensitive receptor • Complies with CALGreen Building Code • Separate entrance for Heavy Duty Trucks

If the parcel is not zoned industrial and loading bay is within 900 feet of a sensitive receptor, the following will apply depending on the size of the proposed structure.

250,000 square feet and greater	Less than 250,000 square feet
<ul style="list-style-type: none"> • All Tier 1 21st Century Warehouse Standards • 100' buffering and screening area with 10ft berm or wall and drought tolerant landscape • Truck bays oriented away from sensitive receptor if feasible • Truck bays setback 500ft from property line of sensitive receptor • Truck entry, exit, and circulation are oriented away from sensitive receptor • Separate entrance for Heavy Duty Trucks 	<ul style="list-style-type: none"> • All 21st Century Warehouse Standards • 100' buffering and screening area with 10ft berm or wall and drought tolerant landscape • Truck bays oriented away from sensitive receptor if feasible • Truck bays setback 500ft from property line of sensitive receptor • Truck entry, exit, and circulation are oriented away from sensitive receptor • Separate entrance for Heavy Duty Trucks

If the parcel is not zoned industrial and loading bay is NOT within 900 feet of a sensitive receptor, the following will apply depending on the size of the proposed structure.

250,000 square feet and greater	Less than 250,000 square feet
<ul style="list-style-type: none"> • All Tier 1 21st Century Warehouse Standards • 100' buffering and screening area with 10ft berm or wall and drought tolerant landscape • Truck bays oriented away from sensitive receptor if feasible • Truck bays setback 500ft from property line of sensitive receptor • Truck entry, exit, and circulation are oriented away from sensitive receptor • Separate entrance for Heavy Duty Trucks 	<ul style="list-style-type: none"> • All 21st Century Warehouse Standards • 100' buffering and screening area with 10ft berm or wall and drought tolerant landscape • Truck bays oriented away from sensitive receptor if feasible • Truck bays setback 500ft from property line of sensitive receptor • Truck entry, exit, and circulation are oriented away from sensitive receptor • Separate entrance for Heavy Duty Trucks

Frequently Asked Questions

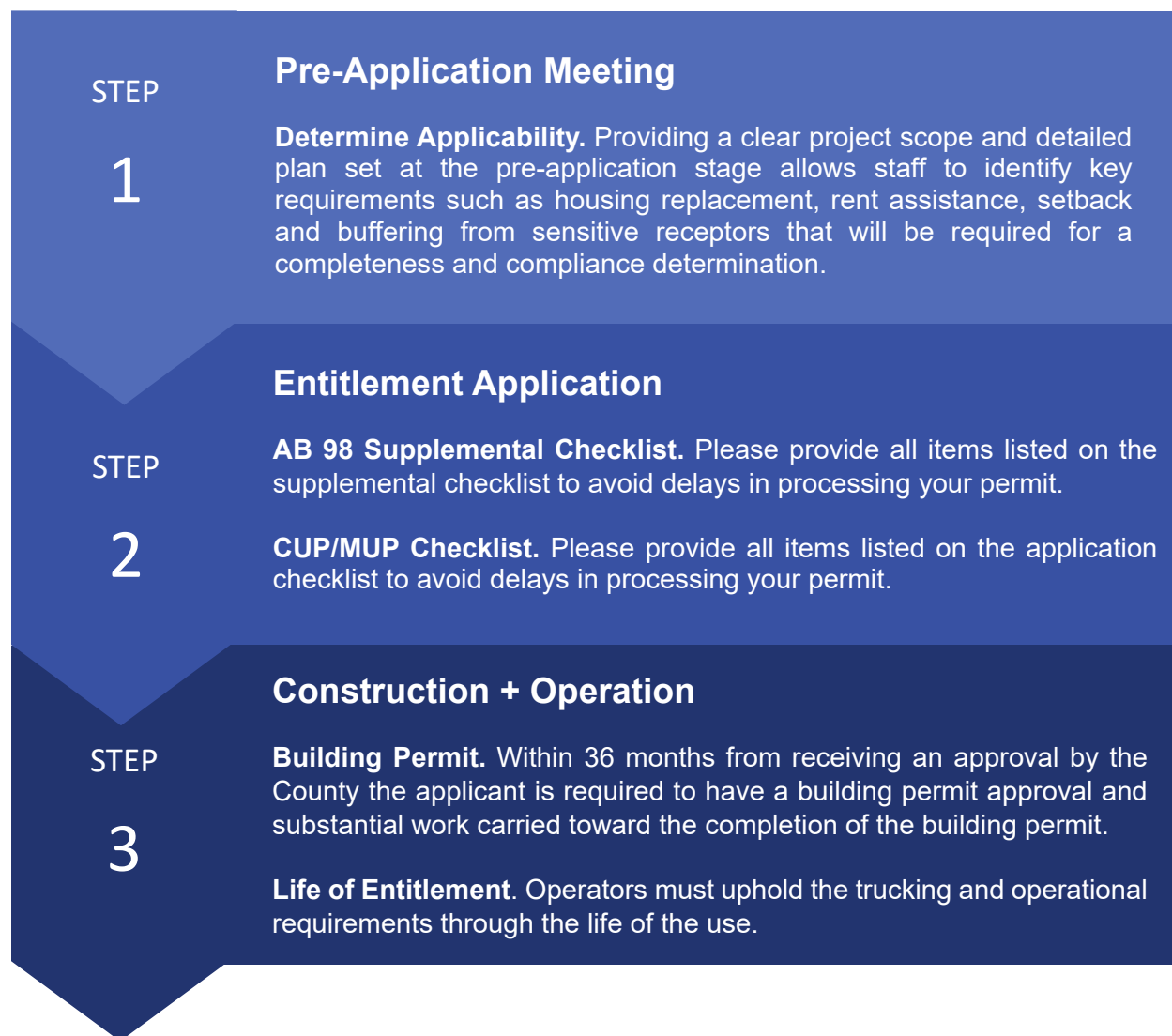
Which projects are exempt from AB 98?	<ul style="list-style-type: none"> • Existing facility expansions of less than 20% floor area, exclusive of office space. • New mixed-use development provided that no sensitive receptors are within 900 feet of a loading bay. • Facilities where food or household goods are sold directly to consumers, intermodal facilities, or facilities served by rail are exempt.¹
How does AB 98 apply current or future entitlement applications?	<p>Prior to September 30, 2024 Active entitlement applications submitted prior to the date above are not subject to AB 98.</p> <p>September 30, 2024 to December 31, 2025 Entitlement applications submitted between the dates above should design an AB 98 compliant facility.</p> <p>January 1, 2026 or After Unless exempt, the standards of AB 98 apply to proposed new or expanded logistics use facility entitlement.</p>

¹ A "Strategic Intermodal Facility" means a project that satisfies all of the following requirements: (i) Logistics facilities, including warehousing and transloading facilities, served by rail; (ii) Intermodal freight transport services; and (iii) All facility structures and related rail operations are located within a single site footprint" (65098(d)(3)).

I have an existing legal nonconforming logistics use facility development that I want to expand, is it affected by AB 98?	A pre-application development review meeting with County Staff is recommended to determine the applicability of AB 98 and local requirements.
Which County standards apply to development projects subject to AB 98?	The full extent of the San Bernardino County Development Code applies to all entitlement applications, unless AB 98 contradicts or supersedes the local requirements. Applicants will be required to meet landscaping, lighting, building code, and other requirements of both the County and AB 98.
Where are AB 98 logistics use facilities permitted?	The logistics use facility and logistics use development is a conditionally permitted use in the County's commercial and industrial zoning districts. Facilities must also front onto an arterial, collector, major thoroughfare, or local road with predominately commercial uses unless a waiver is approved.
What are AB 98-specific building standards?	<p>21st Century Warehouses. Facilities 250,000 square feet or less must meet the current building energy code and provide:</p> <ul style="list-style-type: none"> • PV systems and associated battery storage. • Cool roofing. • Medium- and heavy-duty vehicle charging readiness, light-duty electric vehicle charging readiness and installed charging stations. • Skylights in at least 1% of roof area or equivalent LED efficient lighting. • Conduits and electrical hookups at all loading bays serving cold storage. • High-efficiency heating, ventilation, and air-conditioning. <p>Tier 1 21st Century Warehouse. Facilities over 250,000 square feet must additionally provide:</p> <ul style="list-style-type: none"> • Microgrid-ready switchgear system capable of supporting distributed energy resources. • Advanced smart metering readiness. • 50% of passenger parking must be EV ready and 10% must have charging stations installed.
What are AB 98's operational standards?	<p>A truck routing plan and operational plan must be submitted and upheld throughout the life of the use.</p> <p>All classes of forklifts and small off-road engines used on site must be zero-emission by January 1, 2030.</p>

Does AB 98 address housing displacement?	<p>Yes. If a logistics use facility project displaces housing occupied in the past ten (10) years, developers must:</p> <ul style="list-style-type: none"> • Replace each demolished unit with two affordable units. • Provide displaced tenants with 12 months of rent compensation. <p>Both requirements are typically satisfied as conditions of approval with a fee in-lieu for the housing units and development fee for the rent compensation.</p>
--	--

Getting County Approval



This handout is intended as an informational document only. Please refer to Chapter 2.8, Division 1, Title 7 of the Government Code for state logistics use facilities.