



## **Logistics Use Facilities (AB 98) Supplemental Checklist**

### **I. General Information**

AB 98 is a California Assembly Bill law signed into law September 29, 2024, codified under California Government Code [Section 65302.02](#) and Health and Safety Code Sections 40458.5 and 40522.7. The bill establishes new site and building development standards, separation requirements, and traffic management requirements for large footprint facilities that house large quantities of goods typically imported and distributed internationally. The bill defines this type of large-scale distribution as a “logistics use.” Its building, siting, separation, and operational standards are intended to mitigate the negative impacts of traffic congestion, air pollution, and light pollution on neighboring residents, or “sensitive receptors.”

### **II. Fees**

Fees are assessed as part of the Conditional Use Permit or Minor Use Permit Application. For more information, please see the CUP/MUP fees or contact the Current Planning Division by email at [luscustomerservice@lus.sbcounty.gov](mailto:luscustomerservice@lus.sbcounty.gov) or by telephone at 909.387.8311.

### **III. AB 98 Procedures**

A logistics use facility requires a Conditional Use Permit or Minor Use Permit. Please refer to CUP/MUP guidance for typical review times.

- a. Review the County guidance and submittal checklist and complete the application requirements for AB 98 and a CUP or MUP.
- b. Attend a pre-application meeting with County Staff to discuss the project proposal and receive an initial assessment of AB 98 applicability, and other requirements. Following Staff guidance, prepare and submit the application.
- c. Create an EZOP account, complete the required fields, upload your completed forms and plans, and pay your permit fees at [EZ Online Permitting](#). Track the progress of your permits, which fees are due, and

whether there has been any review activity on the permit at [EZ Online Permitting](#).

- d. Once the application is deemed complete and compliant, the project is prepared for hearing before the Planning Commission. Public notice is sent. At the hearing, staff presents the project proposal to the Planning Commission. If Planning Commission approves and no appeals are made, the project moves to the building permit stage.
- e. The applicant has 36 months from Planning Commission approval to obtain a building permit and carry out substantial work toward the completion of the permit.

Once construction is complete, please call the Building and Safety Division to schedule the required inspections at [luscustomerservice@lus.sbcounty.gov](mailto:luscustomerservice@lus.sbcounty.gov) or by telephone at 909.387.8311.

#### **IV. Key Provisions**

This section provides a summary of key provisions typically applicable to AB 98 projects. Please consult with LUS staff for additional insight and guidance on a comprehensive summary of applicability regulations.

- a. Siting is permitted only on identified truck routes, and provides limited provisions for a waiver from this requirement (65098.2.7)
- b. Siting within 900 feet of a sensitive receptor requires enhanced site and building design features to mitigate negative impacts (65098.1; 65098.2; 65098.9)
- c. Facilities over 250,000 sf require enhanced site and building development features (65098.1.(a), (b) & (c))
- d. All facilities subject to enhanced building and operational standards for enhanced energy efficiency and transition to clean energy infrastructure (65098.1)
- e. A truck route and operational plan are required as part of entitlement review along with ongoing monitoring of compliance with these plans (65098.4)

**V. AB 98 Submittal Requirements**

AB 98 guidance can be found at: [us.sbcounty.gov/planning-home/ab98/](https://us.sbcounty.gov/planning-home/ab98/). An application for a new or expanded logistics use facility triggering AB 98 requires the following items:

AIR QUALITY MANAGEMENT DISTRICT PERMIT	
<input type="checkbox"/>	Mojave Desert Air Pollution Management District Permit
<input type="checkbox"/>	South Coast Air Quality Management District Permit
<i>Properties located in one of the two districts need only submit a permit for that district.</i>	

SENSITIVE RECEPTOR PROJECT LOCATION MAP	
<input type="checkbox"/>	Project parcel(s) lot lines
<input type="checkbox"/>	Blocks and streets 1500 ft from project parcel(s) lot lines
<input type="checkbox"/>	Sensitive receptor parcel(s) lot lines
<input type="checkbox"/>	Annotated sensitive receptor type (e.g. residence, school, etc.)
<input type="checkbox"/>	Annotated sensitive receptor address

## TRUCK ROUTING PLAN

<input type="checkbox"/>	Queuing analysis.
<input type="checkbox"/>	Location map showing proposed truck routing plan to and from the state highway system based on the latest truck route map of the city, county, or city and county.
<input type="checkbox"/>	Map to identify any sensitive receptors within 900 ft of subject property and/or proposed truck route.
<input type="checkbox"/>	Annotated road types on location map
<input type="checkbox"/>	Location map showing location of all existing and proposed truck route signage

## SIGN PLAN

<input type="checkbox"/>	Site plan showing location of all proposed signage on site
<input type="checkbox"/>	Annotate sign type (e.g. anti-idling, no truck parking, building sign, pavement markings, etc.)
<input type="checkbox"/>	Sign elevation showing size, type, and text of all proposed signage
<input type="checkbox"/>	Authorization letter or encroachment permit from for occupying ROW

## LUMENS BUILDING PLAN

<input type="checkbox"/>	Interior Floor Plan(s)
<input type="checkbox"/>	Location and size of skylights
<input type="checkbox"/>	Location and type of light fixture(s)
<input type="checkbox"/>	Candle levels on floor plan showing illumination level
<input type="checkbox"/>	Table showing skylight, LED, non-LED fixture counts

## ADDITIONAL FORMS

<input type="checkbox"/>	Truck Route Plan Form*
<input type="checkbox"/>	Site Operations Form*
<input type="checkbox"/>	Road Access Waiver Request Form**
<input type="checkbox"/>	Rental Rate Declaration Form***
<input type="checkbox"/>	10-Year Tenancy Declaration Form***

\* *Always Required*

\*\* *Only required if requesting a waiver*

\*\*\* *Only required if existing dwelling units are proposed for demolition*

## TRUCK ROUTING PLAN FORM

65098.4	Please describe how proposed on-site queuing areas are appropriately sized to accommodate proposed peak operational periods.	
	Please describe how the proposed truck routing to and from the facility to designated truck routes avoid passing sensitive receptors to the greatest extent feasible.	
	Please describe any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.	
	Please describe the proposed enforcement plan for preventing truck queuing, circling, stopping, and parking on public streets. Please include proposed penalties and compliance measures, including signage and pavement markings.	
	Please state proposed hours of operation. Please include normal hours of operation, holiday and other special hours, any access restrictions, truck appointment times, and work shifts including periods where shifts change over.	
	Please state proposed types of items to be stored within the building(s).	
	Please provide the name and direct contact information of the facility operator responsible for enforcement of the truck routing plan.	

**Property Owner Signature:**

**Date:**

*This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Agreement. The parties shall be entitled to sign and transmit an electronic signature of this Agreement (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Agreement upon request.*

*This form incorporates use of e-signature(s) in accordance with the San Bernardino County Policy #03-12 and Standard Practice 1.*

## ROAD ACCESS WAIVER REQUEST FORM

65098.2.7.(c)	Please describe how the proposed project site is impractical due to unique geographic, economic, or infrastructure-related reasons	
65098.2.7.(c) (1)	Please describe how there is no feasible alternative site that exists within the designated roadways.	
65098.2.7.(c)(2)	Please briefly state how the traffic analysis provided supports granting a waiver.	
65098.2.7.(c)(3)	Please state the proposed project site's zone district. <i>(Must be an existing industrial zone to be eligible for a waiver)</i>	
65098.2.7.(c)(4)	Please describe how the proposed site will incorporate mitigations to minimize traffic and environmental impacts on residential areas to the greatest extent feasible.	

<b>Property Owner Signature:</b>	<b>Date:</b>
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## SITE OPERATIONS FORM

65098(a)(5)	Please describe emissions of all classes of forklifts proposed for use on site.	
65098(a)(6)	Please describe all small off-road engines proposed for use on site.	
65098(a)(6)	Please describe all small off-road engines proposed for use on site.	

**Property Owner Signature:**

**Date:**

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## RENTAL RATE DECLARATION FORM

<input type="checkbox"/>	Copy of Sign Lease Agreement(s)
<input type="checkbox"/>	Bank records showing deposits by tenant(s)
<input type="checkbox"/>	Tenant bank deposit slips or signed receipt of funds

**Property Owner Signature:**

**Date:**

*This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Agreement. The parties shall be entitled to sign and transmit an electronic signature of this Agreement (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Agreement upon request.*

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## 10 YEAR TENANCY DECLARATION FORM

Tenant First Name	Tenant Last Name	Tenancy Start Date	Tenancy End Date
<b>Property Owner Signature:</b>			<b>Date:</b>

*This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Agreement. The parties shall be entitled to sign and transmit an electronic signature of this Agreement (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Agreement upon request.*

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