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AB-2840 Qualifying logistics use projects. (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 2840

**Introduced by Assembly Member Reyes
(Coauthor: Assembly Member Robert Rivas)**

February 18, 2022

An act to add Chapter 2.8 (commencing with Section 65098) to Division 1 of Title 7 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2840, as amended, Reyes. Qualifying logistics use projects.

Existing law, the Planning and Zoning Law, sets forth various requirements relating to the review of development project permit applications and the issuance of development permits for specified classes of development projects.

This bill would prohibit ~~a local agency~~ *the County of Riverside, the County of San Bernardino, and any of the cities within those counties* from approving the development or expansion of any qualifying logistics use, as defined, that is adjacent to sensitive receptors, as defined, unless the local agency imposes a minimum setback on the qualifying logistics use of 1,000 feet or imposes alternative measures that will reduce the project's impact on the public health and safety in a comparable manner, as specified. The bill would require a local agency, before approving a qualifying logistics use, to require the project applicant to develop a prescribed written construction careers agreement that requires all construction work for the qualifying logistics use project to use a skilled and trained workforce, and that requires a set percentage of jobs created by the qualifying logistics use project to go to local residents. By imposing new requirements on local agencies, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Riverside and San Bernardino and the cities located within those counties.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 2.8 (commencing with Section 65098) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 2.8. Qualifying Logistics Use Projects

65098. (a) For purposes of this section:

(1) "Development or expansion of any qualifying logistics use" means any of the following:

(A) The development of any qualifying logistics use.

(B) The expansion of any existing qualifying logistics use.

(C) The expansion of any existing logistics use, where the logistics use after the expansion would be a qualifying logistics use.

(2) "Local agency" means ~~a city, including a charter city, county, or a city and county.~~ *any of the following:*

(A) The County of Riverside.

(B) The County of San Bernardino.

(C) Any city located within the County of Riverside or the County of San Bernardino.

(3) "Qualifying logistics use" means any logistics use with 100,000 or more square feet of building space, including, but not limited to, warehouses.

(4) "Sensitive receptors" means one or more of the following:

(A) A residence, including, but not limited to, a private home, apartment, condominium unit, group home, dormitory unit, retirement home, or shelter.

(B) A school, including, but not limited to, preschool, prekindergarten, or school maintaining kindergarten or any of grades 1 to 12, inclusive.

(C) A daycare facility, including, but not limited to, in-home daycare.

(D) A health care facility, including, but not limited to, any hospital, medical clinic, community clinic, medical center, nursing home, long-term care facility, hospices, convalescent facility, or similar live-in housing.

(E) A community center.

(F) An established community place of worship.

(G) An incarceration facility, including, but not limited to, a prison or jail.

(H) A public playground, public recreation field, or public recreation center.

(b) A local agency shall not approve the development or expansion of any qualifying logistics use that is adjacent to a sensitive receptor unless the local agency does either of the following:

(1) Imposes a minimum setback on the qualifying logistics use of 1,000 feet.

(2) Imposes alternative measures on the qualifying logistics use that will reduce the project's impacts to public health and safety in a manner comparable to imposing the minimum setback described in paragraph (1). A

local agency that chooses to comply with this paragraph shall make written findings based upon substantial evidence in the record that the alternative measures imposed by the local agency on the project will comparably reduce the projects impacts to public health and safety compared to the setback described in paragraph (1).

(c) Prior to approving a qualifying logistics use, a local agency shall require the project applicant to develop a written construction careers agreement that specifies both of the following:

(1) All construction work for the qualifying logistics use project, including repairs and renovations to the qualifying logistics use after completion of the project, shall use a skilled and trained workforce, as defined in Section 2601 of the Public Contract Code.

(2) A set percentage of jobs created by the qualifying logistics use project shall go to local residents.

SEC. 2. The Legislature finds and declares that Section 1 of this act adding Chapter 2.8 (commencing with Section 65098) to Division 1 of Title 7 of the Government Code addresses 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, Section 1 of this act applies to all ~~cities~~, *cities within the Counties of Riverside and San Bernardino*, including charter cities.

SEC. 3. *The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the significant need to protect homes, schools, daycare facilities, and other sensitive receptors in the Counties of Riverside and San Bernardino, and in the cities located within those counties, from the potential harm created by large warehouses and other logistics uses.*

~~SEC. 3.~~**SEC. 4.** No reimbursement is required by this act 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 act, within the meaning of Section 17556 of the Government Code.