



August 28, 2024

Assemblymember Juan Carrillo
1021 O Street, Ste. 4320
Sacramento, CA 95814

Assemblymember Eloise Reyes
1021 O Street, Ste. 4510
Sacramento, CA 95814

SUBJECT: AB 98, as amended 8/28/24, Planning and zoning: logistics use: truck routes. OPPOSE

Dear Assemblymember Carrillo and Assemblymember Reyes,

The American Planning Association, California Chapter (APA California), must regrettably oppose your AB 98, as amended August 28, 2024. This bill would create statewide limitations on new or expanded logistics use developments and warehouses on existing and rezoned industrial sites within 900 feet of sensitive receptors, unless specific standards are met. The bill also requires all local jurisdictions to update the circulation element of their General Plan and would authorize the Attorney General to fine local jurisdictions if they are not in compliance.

APA California is a non-profit organization made up of practicing planners, citizens and public officials committed to advancing the practice of local, regional, and statewide planning throughout urban, suburban, and rural California. As adopted in APA California's Legislative Platform, *Plan California*, our organization supports community design and a mix of uses at the neighborhood scale that enhances public health and safety and provides economic stability, while also supporting development practices that are environmentally responsible.

Our organization understands the broader intent of the bill and is supportive of efforts to address disproportionate health burdens, particularly in disadvantaged and low-income communities, and to further environmental justice. That is why APA California worked to support SB 1000 (Leyva, 2016), which requires local jurisdictions containing disadvantaged communities to adopt an environmental justice element or equivalent as a part of the General Plan. As planners, we have a duty and are well positioned to work within communities to balance to needs of both economic development and access to goods, while also protecting the health and safety of residents.

Concerns with Implementation

Given the late introduction of AB 98 and having not had an opportunity to participate in bill's development, we are concerned with the impacts and potential unintended consequences that this expansive bill could have on local communities. We are also concerned with potentially unworkable provisions that planning agencies would be required to implement, and if done incorrectly, fined for. **Among the most concerning are the overly prescriptive, one-size-fits-all requirements to update the circulation element**, many of which do not fit within the General Plan. We are also concerned with how terms and definitions could be interpreted, and how standards prescribed in the bill would be applied and enforced more generally.

Lack of Resources and Tools and Impacts on Small Jurisdictions

APA California is also concerned with the new mandate that this bill creates, in addition to other bills moving in the Legislature that will require a substantial amount of work to update several other elements of the General Plan. Planners are attempting to keep pace with the level and scale of new planning-related laws that are passed year over year, however many jurisdictions simply lack resources, both in terms of funding and staff capacity, to keep up with the cumulative burden imposed by these new mandates, absent state resources. **We ask that the Legislature consider the cumulative impacts to local agencies and continue to look at tangible ways, absent funding, to support local governments in implementation. Support can come in the form of guidance and other resources to implement this bill, should it become law. Allowing more time for smaller jurisdictions to update the circulation element, especially those jurisdictions who lack robust planning staff, would also help to ensure that adequate time and resources are in place to fund compliance.**



American Planning Association
California Chapter

Creating Great Communities for All

Should this bill pass the Legislature before the end of session, we ask that our organization be part of conversations on implementation and potential clean up legislation in 2025 to ensure that planners are at the table and are able to meet the spirit of the law.

For all these reasons, APA California we must respectfully oppose AB 98. If you have any questions, please contact our lobbyist, Lauren De Valencia, with Stefan/George Associates at lauren@stefangeorge.com.

Sincerely,

A handwritten signature in blue ink, appearing to be 'ED'.

Erik de Kok, AICP
Vice President Policy and Legislation
APA California

cc: Katie Kolitsos, Policy Consultant, Assembly Speaker Robert Rivas' Policy Office
Misa Lennox, Consultant, Senate Pro Tem Mike McGuire's Policy Office
Linda Rios, Consultant, Assembly Local Government Committee
Anton Favorini-Csorba, Chief Consultant, Senate Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
Ryan Eisberg, Policy Consultant, Senate Republican Caucus