



**City Council/Successor Agency/Public
Financing Authority/Housing Authority
Regular Meeting
June 17, 2025**

Attached is a revised document related to Public Hearing Item PH 1: *Adoption of Urgency Ordinance Extending Ordinance 25-01, Establishing a Moratorium on Battery Energy Storage Systems (BESS) Facilities within City Limits for a Period of 10 Months and 15 Days*, which was received following the posting and distribution of the June 17, 2025, Agenda:

- Attachment C – Ordinance 25-04
 - Section 7 revised to include the following language: The Ordinance and moratorium shall be in effect until May 5, 2026, unless earlier repealed by the City Council or extended in accordance with the provisions set forth in California Government Code Section 65858.

ORDINANCE 25-04

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, EXTENDING URGENCY ORDINANCE 25-01, ESTABLISHING A MORATORIUM ON ACCEPTING AND PROCESSING ANY NEW ENTITLEMENT APPLICATIONS AND/OR ISSUING ANY PERMITS FOR NEW BATTERY ENERGY STORAGE SYSTEMS (BESS) WITHIN THE CITY LIMITS FOR A PERIOD OF 10 MONTHS AND 15 DAYS

WHEREAS, the City of Covina, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, on May 6, 2025, the City Council adopted Urgency Ordinance 25-01 with a 5-0-0 vote to enact the urgency ordinance for a period of 45 days with the possibility to extend for a period of 10 months and 15 days for the purpose of accepting and processing any new entitlement applications and/or issuing any permits for new battery energy storage systems (BESS) within city limits; and

WHEREAS, on June 5, 2025, a public notice was published for the June 17, 2025, City Council meeting to consider extending the Urgency Ordinance; and

WHEREAS, in general, a Battery Energy Storage Systems (“BESS”) facility collects energy from the grid, stores it, and then discharges that energy later to provide electricity or other grid services when needed, typically at times of high demand; and

WHEREAS, there is a growing demand for BESS facilities in the state of California due to increased demand for renewable electricity to reach the State’s clean energy goals and mechanisms to ensure reliability of the State’s electric system, among other things; and

WHEREAS, the City does not have land use policies or standards in place to regulate the location and operation of BESS facilities within the City limits which would address compatibility with surrounding uses and safety among other issues; and

WHEREAS, there have been several recent fires at BESS facilities both in California and nationwide. For example, on January 16, 2025, a major fire broke out at an existing BESS facility in the unincorporated community of Moss Landing, prompting evacuations and highway closures in Monterey County; and

WHEREAS, BESS facilities that use lithium-ion batteries create particularly unique fire and explosion hazards. Information suggests that lithium-ion batteries are potentially safe and stable when installed properly, however certain conditions elevate the risk of fire and thermal runaways, such as impact, puncture, or mechanical damage, overcharging, overheating, and/or short circuits; and

WHEREAS, the City of Covina is primarily developed with dense residential and commercial areas. The proposed site would be in close proximity to residential townhomes,

commercial establishments, light manufacturing operations, and a Metrolink Railway. This situation makes the city particularly vulnerable to hazards such as major fires, explosions, and toxic smoke plumes; and

WHEREAS, given the fairly new technology, lack of long-term study of the performance and risk associated with these facilities, as well as the ever-increasing megawatt capacity of these projects, the City has not had an adequate opportunity to undertake a comprehensive study of the developing technologies and designs such that it can publish appropriate development guidelines for these projects to ensure the public's welfare and safety; and

WHEREAS, the potential for the development of new BESS facilities in the City limits without adequate land use policies and standards in place to implement SB 38 presents a current and immediate threat to the public's safety and welfare, and the approval of land use entitlements for such a use would result in that threat to public safety and welfare because BESS facilities could result in potentially catastrophic environmental, safety, and economic impacts; and

WHEREAS, California Government Code Section 65858 provides that, without following the procedures otherwise required prior to the adoption of a zoning ordinance, an urgency measure in the form of an interim ordinance may be adopted by a four-fifths vote of the City Council to protect the public from a current and immediate threat to the public health, safety, or welfare resulting from a contemplated zoning proposal. Government Code Section 65858 further provides that such an urgency measure shall be effective for only 45 days following its adoption, but may be extended beyond the initial 45-day period, following compliance with that Section, for up to an additional 22 months and 15 days; and

WHEREAS, the City Council finds that an extension to the Urgency Ordinance is necessary to allow staff time to research best practices, continue engagement with the LACFD, and consider appropriate policies to address safety concerns while ensuring responsible energy infrastructure planning.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council of the City of Covina finds that all Recitals are true and correct and incorporated herein by reference.

SECTION 2. Urgency Findings. The City Council of Covina hereby finds that there is a current and immediate threat to the public health, safety, and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency measure, which finding is based upon the facts stated in the Recitals above, and in the staff reports dated June 17, 2025 and May 6, 2025, as well as any oral and written testimony at the June 17, 2025 and May 6, 2025 City Council meetings.

SECTION 3. Interim Moratorium on Grid-Scale Battery Energy Storage Systems.

A. Definition of Battery Energy Storage System:

For purposes of this interim ordinance, a Battery Energy Storage System (BESS) facility is an electrochemical device that charges or collects energy from the grid or a distributed

generation system (e.g., power plant) and then discharges that energy at a later time to provide electricity or other grid services when needed.

- i. BESS facilities can be small-scale “Behind-the-Meter” facilities that are customer-sited stationary storage systems that are connected to the distribution system on the customer’s side of the utility’s service meter.
- ii. In contrast, larger grid-scale “Front-of-the-Meter” facilities are on the utility side of the meter. “Front-of-the-Meter” facilities typically include large-scale energy generation and storage facilities like power plants, wind farms, solar parks, and large-scale energy storage systems.

B. Prohibition on grid-scale “Front-of-the-Meter” BESS facilities:

From and after the date of enactment of the interim ordinance, the establishment, construction, and operation of Battery Energy Storage Systems is prohibited within the city limits of the City of Covina, and no new use permit, variance, building permit, business license, or any other entitlement for this type of use shall be approved or issued for the establishment, construction, or operation of a BESS facility for any location or property, public or private, within the city limits of the City of Covina.

SECTION 4. Exclusions. The provisions of this interim ordinance shall not apply to individually owned single-family residential battery storage, multifamily residential battery storage, or otherwise ancillary battery storage uses that are “Behind-the-Meter” primarily used to meet single customer onsite energy storage needs.

SECTION 5. Compliance with the California Environmental Quality Act (CEQA). The ordinance was reviewed in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.) The interim ordinance is not subject to CEQA as it prohibits the use and development of BESS facilities in the City while the City studies appropriate regulations and is therefore not expected to lead to any direct or reasonably foreseeable indirect physical changes in the environment. CEQA Guidelines Section 15060(c)(2). Furthermore, this Interim Ordinance exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) [it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment] and CEQA Guidelines Section 15269(c) [exemption for specific actions necessary to prevent or mitigate an emergency]. This ordinance addresses a clear and imminent danger, precluding specified development of BESS facilities in the City to protect life, health, property, and essential public services until appropriate regulations are adopted.

SECTION 6. Severability. If any sections, subsections, sentences, clauses, phrases, or portions of this Ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase, or clause of this Ordinance whether or not any one or more sections, subsections, phrases, or clauses may be declared invalid or unconstitutional on their face as applied.

SECTION 7. Term and Effect. This Ordinance is urgently needed for the immediate preservation of the public health, safety or welfare, and shall become effective immediately upon its adoption upon a four-fifths vote of the City Council. The Ordinance and moratorium shall be

in effect until May 5, 2026, unless earlier repealed by the City Council or extended in accordance with the provisions set forth in California Government Code Section 65858.

SECTION 8. Publication and Posting. The City Clerk shall certify to the passage and adoption of this Urgency Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

PASSED, APPROVED and ADOPTED this 17th day of June, 2025.

City of Covina, California

BY: _____
VICTOR LINARES, Mayor

ATTEST:

FABIAN VELEZ, Chief Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

CERTIFICATION

I, Fabian Velez, Chief Deputy City Clerk of the City of Covina, California, do hereby certify that Urgency Ordinance 25-04 was duly approved and adopted at a regular meeting of the City Council on the 17th day of June, 2025, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Dated:

FABIAN VELEZ, Chief Deputy City Clerk