

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SANTA MARIA, CALIFORNIA,  
AMENDING TITLE 12, TO ADD A NEW DEFINITION FOR BATTERY ENERGY  
STORAGE SYSTEMS (“BESS”) TO CHAPTER 12-2, LIMITING THEIR LOCATION TO  
THE CITY’S GENERAL MANUFACTURING DISTRICT CONTAINED IN CHAPTER  
12-17 WITH A CONDITIONAL USE PERMIT AND/OR PLANNED DEVELOPMENT  
PERMIT, AND ESTABLISHING SPECIFIC DEVELOPMENT STANDARDS FOR  
CERTAIN BESS USES**

**WHEREAS**, the City of Santa Maria is a California municipal corporation and charter City (“City”); 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**, the City Municipal Code does not have definitions, land use policies or standards in place to regulate the location and operation of BESS facilities within City limits, which would address compatibility with surrounding uses and safety, among other issues; and

**WHEREAS**, on October 7, 2023, the Governor of California signed into law Senate Bill (“SB 38”), which amends the California Public Utilities Code Section 761.3 to address safety concerns with BESS projects. SB 38 requires every BESS facility in California to establish an emergency response and emergency action plan for the facility to protect surrounding residents, neighboring properties, emergency responders, and the environment. The BESS facility owner or operator must coordinate with local emergency management agencies, unified program agencies, and local first responders to develop the plan, and submit the plan to the county where the facility is located; and

**WHEREAS**, SB 38 recognizes the many hazards that BESS facilities can create 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; and

**WHEREAS**, there have been several recent fires at BESS facilities both in California and nationwide. 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**, on January 16, 2025, a major fire broke out at an existing BESS facility in the unincorporated community of Moss Landing, forcing 1,200 area residents to

evacuate, caused highway closures, and released smoke plumes that could pose a health threat to humans and wildlife in Monterey County; and

**WHEREAS**, the City seeks to adopt appropriate development guidelines for BESS projects in order to ensure the public's health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED** by the City Council of the City of Santa Maria, State of California, as follows:

**SECTION 1.** A new Section 18A, of Chapter 12-2, of Title 12 of the Santa Maria Municipal Code is hereby added to read as follows:

**“Section 12-2.18A Battery Energy Storage Systems.**  
“Battery Energy Storage Systems” (“BESS”) means a facility in part consisting of rechargeable electro-chemical storage batteries, battery chargers, controls and associated electrical equipment designed to collect energy from the grid or an associated distributed generation system and then discharge that energy at a later time to provide electricity or other grid services when needed.”

**SECTION 2.** A new Subsection (j) is added to Section 05, of Chapter 12-17, of Title 12 of the Santa Maria Municipal Code, to read as follows:

**“(j)** Battery Energy Storage Systems (“BESS”) as a primary or ancillary use, that are a “Front-of-the-Meter” facility, meaning the energy storage collection systems are connected to the distribution system on the utility side of the meter. (For the purposes of this Title, BESS is a unique use from a Substation, Utility Substation, Electrical Substation, Public Utility Structures, Distribution Plant, Utility Distribution Station, Utility Yard, Public Service Facility, or any other Public or Private utility use cited in this Title);”

**SECTION 3.** A new Section 15, of Chapter 12-17, of Title 12 of the Santa Maria Municipal Code is hereby added to read as follows:

**“Section 12-17.15 Battery Energy Storage Systems Standards.**  
The following are special standards for the development of Battery Energy Storage Systems (BESS) facilities as defined in Section 12-17.05(j) above:

- (a) The BESS project owner shall work with the City Fire and Police Departments to develop an Emergency Response and Emergency Action Plan in conformance with the provisions of Section 761.3(g) of the Public Utilities Code and Section 3220 of Title 8 of the California Code of Regulations. Additionally, the plan must:
  - a. Consider responses to potential offsite impacts, including, but not limited to, poor air quality, threats to municipal water supplies, water runoff, and threats to natural waterways; and

- b. Include procedures for the local emergency response agency to establish shelter-in-place orders and road closure notifications when appropriate.

The Plan's provisions shall be to the satisfaction of the City, and a copy of the completed plan provided to the City prior to the commencement of facility operation.

- (b) BESS facilities shall not be located within 1,320 feet (1/4 mile) of a residential district and/or mixed-use residential district, or school, or hospital, as measured from the BESS property boundary.
- (c) Any public hearing for a proposed BESS facility shall provide written notice to properties located within 1,760 feet (1/3 mile) of the proposed BESS facility property."

**SECTION 4.** This Ordinance has been reviewed for compliance with the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.), and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's environmental procedures. Pursuant to CEQA Guidelines Section 15060(c)(2), the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. Additionally or alternatively, this Ordinance is exempt from CEQA under CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment, Section 15307 (Class 7, categorical exemption for regulatory activity to assure the protection of natural resources), and Section 15308 (Class 8, categorical exemption for regulatory activity to assure the protection of the environment).

**SECTION 5.** 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 6.** Clerical Errors. The Chief Deputy City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the Chief Deputy City Clerk shall consult with the City Manager and City Attorney concerning any changes deemed necessary.

**SECTION 7.** Publication. This Ordinance shall be in full force and effect thirty days after its passage. Within fifteen days following its passage, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in accordance with State Law; or when deemed necessary due to the length or complexity of the Ordinance, cause a summary of the Ordinance to be prepared and published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted. If a summary is

published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted, then within 15 days after adoption of the Ordinance the City Clerk shall publish a summary of the Ordinance with the names of those City Council Members voting for and against the Ordinance and shall post a certified copy of the full text of such adopted Ordinance along with the names of those City Council Members voting for and against the Ordinance.

**INTRODUCED** at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2025, and **PASSED AND ADOPTED** at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2025, by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
City Manager