



CITY OF LAGUNA NIGUEL

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CITY COUNCIL

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January 29, 2025

The Honorable Dawn Addis
California State Assembly, 30th District
1021 O Street, Suite 5350
Sacramento, CA 94249

SUBJECT: AB 303 (Addis) Battery Energy Safety & Accountability Act
Notice of Support If Amended (As Introduced January 23, 2025)

Dear Assemblymember Addis,

The City of Laguna Niguel is pleased to offer this letter of **support if amended for AB 303 (Addis)**. AB 303 restores local land use control on proposed battery energy storage systems (BESS) projects. Under current law, a project applicant proposing an energy storage system capable of storing 200 megawatt-hours or more of energy can usurp local control by electing to participate in the opt-in certification process conducted by the California Energy Commission (CEC) under the passage of AB 205 (2022).

AB 303 would prohibit the authorization of a development project that includes a battery energy storage system capable of storing 200 megawatt-hours or more of energy if the development project is located within 3,200 feet of a sensitive receptor (ex: homes, schools, assisted living facilities) or on an environmentally sensitive site. As introduced, AB 303 takes initial steps to rectify the shortcomings of the opt-in certification process conducted by the CEC but fails to consider the disastrous impacts on BESS projects of all sizes by leaving developers with a pathway through the opt-in process.

The [City of Laguna Niguel](#) is facing this issue with the [Compass Energy Storage Project](#), which is currently pending CEC's Determination of Complete Application. The proposed 250 megawatt-hours project is located in the City of San Juan Capistrano, bordering Laguna Niguel's eastern City limits, less than 1,500 feet from Laguna Niguel homes.

In December 2021, Compass Energy Storage submitted an entitlement application for the project to the City of San Juan Capistrano to initiate the permit process. On November 1, 2022, the San Juan Capistrano City Council denied the application. In early 2023, Compass Energy Storage informed the City of San Juan Capistrano of its intention to forgo the City's review process and utilize the opt-in certification process.

As introduced, AB 303 would return local land use control to the City of San Juan Capistrano, contingent upon Compass Energy Storage not reducing its project size by 50 megawatt-hours to 200 megawatt-hours. Should Energy Storage modify its proposal, it would retain the right to utilize the opt-in certification process, circumventing local control. Furthermore, this issue is not

unique to the Compass Energy Storage Project and may present a concern in Solano County with the [Corby BESS project](#).

The City of Laguna Niguel appreciates the introduction of AB 303 to improve safety standards and restore local oversight for energy storage facilities in California. **We cordially request AB 303 be amended to account for all proposed BESS projects, regardless of size, that fall within 3,200 feet of a sensitive receptor or on an environmentally sensitive site.**

Should you have any questions about our position, please contact Kevin O'Connor, Management Assistant, at koconnor@cityoflagunaniguel.org.

Sincerely,



Ray Gennawey
Mayor

Cc: California State Senator Steven Choi, 37th District
California State Senator Catherine Blakespear, 38th District
Assemblymember Laurie Davies, 74th District
Assembly Committee on Utilities and Energy
Laguna Niguel City Council
City of San Juan Capistrano