



AGENDA NO: 7.g

MEETING DATE: February 11, 2025

Staff Report

TO: Honorable Mayor and City Council

DATE: February 6, 2025

**FROM: Yvonne Kimball, City Manager
Spencer Street, Townsend Public Affairs**

SUBJECT: Receive and file letter of support for Assembly Bill 303 (Addis)

RECOMMENDED ACTION

Receive and file letter of support for proposed legislation Assembly Bill (AB) 303, the Battery Energy Safety and Accountability Act (Addis).

ALTERNATIVES

No alternatives are recommended.

FISCAL IMPACT

None.

BACKGROUND

AB 303 was introduced by Assemblymember Dawn Addis following the fire at Vistra’s Moss Landing BESS facility. In its current form, the proposed legislation, among other things, seeks to create siting requirements for potentially hazardous battery energy storage system (BESS) facilities.

Briefly, the bill:

1. Eliminates the authority of the Energy Commission to approve any pending or future battery energy storage system (BESS) projects that seek opt-in certification created by AB 205, and returns certification authority to local jurisdictions.
2. Creates new setback requirements for any BESS project which prohibit any BESS from being sited within 3,200 feet of a sensitive receptor (e.g., residences, schools, community centers, health care facilities) or on an environmentally sensitive site.
3. Contains an urgency clause, meaning the bill would go into effect immediately upon being signed into law.

AB 303 in its current form is consistent with the City’s legislative platform to preserve local control on local issues. It would essentially expand local government’s access to plan and process clean energy projects. AB 303 would effectively return certification and siting authority to local governments like Morro Bay. The bill also enhances siting requirements by prohibiting the development of battery energy storage system projects within 3,200 feet of a sensitive receptor. Additionally, City recently

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adopted Ordinance No. 668, an urgency ordinance to impose a prohibition on application, acceptance approval, commencement establishment operation, relocation or expansion of BESS within the city limits. Ord. 668 aligns with AB 303's broad objectives to restore local control and enhance siting requirements for BESS projects.

The City's letter of support is provided as Attachment 1, further information and the current version of the proposed legislation are provided as Attachments 2 and 3, respectively.

ATTACHMENTS

1. AB 303 (Addis) City Letter of support
2. AB 303 Fact Sheet provided by the Office of Assemblymember Addis
3. AB 303 Proposed Legislation (version showing changes to existing Gov code)