

ORDINANCE 25-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, APPROVING ZONING CODE AMENDMENT (ZCA) 25-2, AMENDING CHAPTER 17.04 DEFINITIONS AND CHAPTER 17.54 M-1 LIGHT MANUFACTURING ZONE OF TITLE 17 (ZONING) OF THE COVINA MUNICIPAL CODE, TO ADD A DEFINITION OF BATTERY ENERGY STORAGE SYSTEM FACILITY AND AS A CONDITIONALLY PERMITTED USE IN M-1 ZONE, REPEALING ORDINANCE 25-04 A MORATORIUM ON BATTERY ENERGY STORAGE SYSTEM FACILITY, AND MAKING A DETERMINATION OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City is responsible for adopting and implementing land use regulations within its boundaries. The proposed Zoning Code Amendment (ZCA) 25-2, amending Chapters 17.04 and 17.54 of Title 17 of the Covina Municipal Code (“CMC”), is necessary in order to add new land use regulations to address the current economic trend; and

WHEREAS, there is a growing demand for Battery Energy Storage Systems (“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, on May 6, 2025, the City Council of Covina determined that the lack of City’s land use policies or standards and the potential of health hazards as evidenced by a major fire at an existing BESS facility in the unincorporated community of Moss Landing that prompted evacuations and highway closures in Monterey County, pose 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. The City Council adopted Urgency Ordinance 25-01 on May 6, 2025, and established an interim moratorium for BESS facilities. Subsequently on June 17, 2025, the City Council adopted Urgency Ordinance 25-04 extended the interim moratorium for 10 months and 15 days; and

WHEREAS, 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. BESS facilities is a small-scale 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. A large grid-scale facilities including large-scale energy generation and storage facilities like power plants, wind farms, solar parks, and large-scale energy storage systems are prohibited; and

WHEREAS, the standards set forth in this Ordinance are intended to protect the health, welfare, safety, and quality of life for the general public, to ensure compatible land uses in the

areas affected by BESS facilities and to mitigate the impacts of BESS facilities on the environment; and,

WHEREAS, CMC Chapter 17.80 provides the procedures and proceedings for any amendment to the text of Title 17 (Zoning) of the CMC; and

WHEREAS, Government Code Section 65855 requires that at the hearing, the Planning Commission render its decision in the form of a written recommendation to the City Council, and transmit the recommendation in such form and manner as specified by the City Council; and

WHEREAS, CMC Section 17.80.050 further provides that any recommendation by the Planning Commission for an amendment shall require an affirmative vote of not less than two-thirds of the total voting members after at least one public hearing and must be filed with the City Council, together with a report of findings, hearings, and other supporting data, within thirty (30) days after the conclusion of the public hearing; and

WHEREAS, CMC Section 17.80.070 provides that the City Council must hold a public hearing on the date and at the time and place specified in the notice. Further, the City Council may adopt by Ordinance the amendment recommended by the Planning Commission after holding at least one public hearing thereon. The City Council may modify the amendment recommended by the Planning Commission, provided the proposed modification has been referred back to the Planning Commission for a report, pursuant to CMC Sections 17.80.070.C and D; and

WHEREAS, on July 22 and continue to August 12, 2025, the Planning Commission conducted a public hearing at which time the oral and written evidence, along with written recommendations from the Planning Division, were presented to the Planning Commission. Following consideration of the entire record of information received at the public hearing and due consideration of the proposed Zoning Code Amendment (ZCA) 25-2, the Planning Commission closed the public hearing on August 12, 2025 and adopted Resolution 2025-018 PC, by a 5-0-0 vote, recommending that the City Council approve the proposed Zoning Code Amendment (ZCA) 25-2 and adopt this proposed Ordinance; and

WHEREAS, on September 2, 2025, the City Council of the City of Covina held a duly noticed public hearing as prescribed by law to consider the proposed Zoning Code Amendment (ZCA) 25-2 and any comments received prior to or at the public hearing, at which time staff presented its report, and interested persons had an opportunity to and did testify either in support or in opposition to proposed Zoning Code Amendment (ZCA) 25-2. Following consideration of the entire record of information received at the public hearing and due consideration of the proposed Zoning Code Amendment (ZCA) 25-2, the City Council closed the public hearing on that same date; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

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

SECTION 1. Recitals. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Ordinance.

SECTION 2. Findings for Approval of Zoning Code Amendment (ZCA) 25-2. Based on the evidence in the record, the City Council of the City of Covina finds that the proposed Zoning Code Amendment (ZCA) 25-2 is in compliance with State law and is consistent with the following General Plan Objectives, in that it is consistent with the Program/Implementation Measures No. B.12 of the Land Use Element of the City of Covina General Plan because the proposed Zoning Code Amendment (ZCA) 25-2 will address current land use issues that warrant modification to the Zoning Code.

SECTION 3. California Environmental Quality Act Findings. Community Development Department staff determined that the proposed Zoning Code Amendment would not result in, or have a potential for resulting in, either a direct or indirect physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, accordingly, is exempt from the California Environmental Quality Act (“CEQA”) (Cal. Pub. Resources Code, Section 21000 *et. seq.*) pursuant to the CEQA Guidelines (Cal. Code Regs., tit. 14, Section 15000 *et. seq.*) Section 15061 (b) (3). The proposed Zoning Code Amendment is an administration of the Zoning Code in that a land use category (battery energy storage system facility) including a definition is proposed to be added as a conditionally permitted use in the M-1 Light Manufacturing Zone. The proposed Zoning Code Amendment does not approve any new physical development activity; any new physical development activity will require compliance with the CEQA Guidelines. Therefore, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The City Council has reviewed the administrative record concerning the proposed ZCA 25-2 and the proposed CEQA determination, and based on its own independent judgement, finds that ZCA 25-2 set forth in Ordinance 25-10 is not subject to the requirements of CEQA and the CEQA Guidelines pursuant to CEQA Guidelines Section 15061 (b) (3).

SECTION 4. Title 17 (Zoning) of the Covina Municipal Code, Chapter 17.04 Definitions and Standards is hereby amended to add “Battery Energy Storage System Facility” and to read as follows, with all other provisions of Chapter 17.04 remain unchanged:

“Section 17.04.088 Battery Energy Storage System (BESS) Facility. A battery energy storage system 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. Small-scale battery energy storage facilities are stationary storage systems less than 5 acres that are connected to the distribution system. Large grid-scale battery energy storage facilities, comprising more than 5 acres, developed in combination with energy generation facilities such as power plants, wind farms, or solar parks are prohibited.”

SECTION 5. Title 17 (Zoning) of the Covina Municipal Code, Chapter 17.54 M-1 Light Manufacturing Zone, Section 17.54.030 Uses permitted subject to conditional use permit is hereby amended to add “Battery Energy Storage System Facility” and to read as follows, with all other provisions of Section 17.54 unchanged, except that the paragraphs shall be re-lettered under alphabetical order:

“Battery Energy Storage System and Facility. In addition to the requirements of CMC 17.62.050 through 17.62.120, the conditional use permit shall not be approved unless the

Battery Energy Storage System and Facility application addresses operational standards necessary to protect the public health, safety and general welfare, including, but not limited to: (i) a Commissioning Plan to document and verify that the system and its associated controls and safety systems are in proper working conditions, (ii) Fire Safety Compliance Plan, (iii) Operation and Maintenance Manual, (iv) Emergency Operations Plan, (v) Noise Study, (vi) Decommissioning Plan, and (vii) Procedural manual for safe shutdown and safe start-up following cessation of emergency conditions. Except for a Noise Study, the above listed plans shall be reviewed and approved by the Los Angeles County Fire Department.”

SECTION 6. Repeal of Ordinance 25-04. The adoption of Ordinance 25-10 approving a Zoning Code Amendment (ZCA) 25-2 that establishes a new definition for the battery energy storage system facility and requires a conditional use permit for developing such facility will address the public health, welfare, and safety, and quality of life for the general public. Therefore the moratorium for battery energy storage system facility is not necessary and the Urgency Ordinance 25-04 is hereby repealed in its entirety.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 8. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City or within the territory comprising the City, shall in any manner affect the prosecution for the violation of any ordinance, which violation was committed prior to the effective date of this Ordinance, nor be construed as a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinances.

SECTION 9. Effective Date. This Ordinance shall become effective within thirty (30) days after its adoption.

SECTION 10. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

PASSED, APPROVED and ADOPTED

City Council of Covina, California

BY: 

VICTOR LINARES, Mayor

ATTEST:


FABIAN VELEZ, Chief Deputy City Clerk

APPROVED AS TO FORM:


KEVIN ENNIS, City Attorney

CERTIFICATION

I, Fabian Velez, Chief Deputy City Clerk of the City of Covina, do hereby certify that Ordinance 25-10 was introduced for first reading at a regular meeting on the 2nd day of September 2025 by the following vote:

AYES: COUNCIL MEMBERS: ALLEN, KING, LINARES
NOES: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: CORTEZ, DELGADO

Thereafter, said Ordinance was duly approved and adopted at a regular meeting of said City Council on the 16th day of September 2025, by the following vote:

AYES: COUNCIL MEMBERS: ALLEN, CORTEZ, KING, DELGADO, LINARES
NOES: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

Dated: September 17, 2025


FABIAN VELEZ, Chief Deputy City Clerk