

PART ONE: BASIC PROVISIONS

1110 DEFINITIONS (B).

Battery Energy Storage System (BESS): See Energy Storage System (ESS) below. BESS is a chemical energy storage system utilizing electrochemical cells, or batteries, to store and discharge electrical energy.

- a. Battery: One or more cells connected electrically in a series, parallel, or both, to provide the required operating voltage and current levels.
- b. Battery Chemistry: The specific materials in a BESS used to store and release energy, such as a positive electrode (cathode), a negative electrode (anode), and the substance allowing ion flow (electrolyte). Examples include, but are not limited to, lithium ion, lithium iron phosphate, or lead-acid.
- c. BESS Facility: A site where one or more BESS are installed and operated, either indoors within a building or structure, or an outdoor installation, including all associated equipment and infrastructure. The project boundary of a BESS Facility is the acreage within the boundary of the permit associated with BESS and includes any on- or off-site generation tie (gen-tie) line easements.
- d. Energy Storage System (ESS): One or more devices assembled together and capable of storing energy to supply electrical energy at a future time. An ESS may include batteries, control systems, inverters, safety systems, metering, and other associated components.
- e. Generation Tie (gen-tie): A transmission or distribution line that connects a BESS Facility to the electrical grid, enabling the transfer of stored or generated energy to off-site locations.
- f. Outdoor BESS Installation: A BESS that is not located within a building. Examples include but are not limited to rooftops, open parking garages, and standalone units such as shipping containers.

USE CLASSIFICATIONS

GENERAL CLASSIFICATION RULES

1205 LISTING OF USE CLASSIFICATIONS.

- b. Civic Use Types.

Battery Energy Storage System (BESS) “27” (see Section 6955)

CIVIC USE TYPES

1376 BATTERY ENERGY STORAGE SYSTEM.

The Battery Energy Storage System (BESS) use type refers to an indoor or outdoor installation of a chemical energy storage system utilizing batteries to store and discharge electrical energy. Typical uses include but are not limited to standalone BESS Facilities, BESS Facilities located on the same site as an energy generation facility or electric utility infrastructure, or BESS supporting operation of a large industrial or commercial use.

PART TWO: USE REGULATIONS

SUPPLEMENTAL LIMITATIONS ON USES.

2980 LIMITATIONS ON PERMITTED USES.

“27” Battery Energy Storage Systems: Allowed subject to the provisions of Section 6955.

USE MATRIX

2990 USE MATRIX.

USE & ENCLOSURE MATRIX

[See next page]

THE ZONING ORDINANCE - COUNTY OF SAN DIEGO

USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

USE TYPES		RESIDENTIAL										CIVIC										COMMERCIAL										INDUSTRIAL										AGRICULTURAL										SPECIAL PURPOSE																																																									
		Family Residential					Group Residential					Low Barrier Navigation Centers					Mobilehome Residential					Enclosed					Open					Drive-in					Administrative Services					Ambulance Services (see Sec. 6900)					Clinic Services					Community Recreation					Cultural Exhibits and Library Services					Child Care Center					Emergency Shelters (see Sec. 6911)					Fire Protection Services (see Sec. 6905)					Law Enforcement Services					Civic, Fraternal or Religious Assembly					Major Impact Services and Utilities					Minor Impact Services					Postal Services					Small Schools					Battery Energy Storage System		
1250	1260	1265	6913	1280	1300	See Section 6816	1310	1315	1320	1325	1330	1332	1334	1335	1340	1345	1346	1348	1350	1355	1360	1365	1375	1376	Use Regulations																																																																																				
																									RESIDENTIAL																																																																																				
RS	●				18		●	●			M		M	M	M	M		●	S	M		M	M	m	M	M	m	RS	Single-Family Residential																																																																																
RD	●				18		●	●			M		M	M	M	M		●	S	M		M	M	m	M	M	m	RD	Duplex/Two-Family Residential																																																																																
RM	●				18		●	●			M		M	M	M	M		●	S	M		M	M	m	M	M	m	RM	Multi-Family Residential																																																																																
RV					18		●	●			M		M	M	M	M		●	S	M		M	M	m	M	M	m	RV	Variable Family Residential																																																																																
RU	●	●			18		●	●			M	M	M	M	m	M		●	S	M		M	M	m	M	M	m	RU	Urban Residential																																																																																
RMH					18		●	●			M		M	M	M	M		●	S	M		M	M	m	M	M	m	RMH	Mobilehome Residential																																																																																
RR	●	●	M		18		●	●	m		M	M	M	M	M	M		●	S	M	M	M	m	M	M	m	RR	Rural Residential																																																																																	
RRO*	●	●	M		18		●	●	m		M	M	M	M	M	M		●	S			M	m	M	M	m	RRO*	Recreation-Oriented Residential																																																																																	
RC	●	●		25	18		●	●			M	M		●	●		●	S			●	M	m	M	M	●	RC	Residential-Commercial																																																																																	
																									COMMERCIAL																																																																																				
C30							●	●			●	●	●	M	●	●		●	S			●	M	M	m	●	M	●	27	C30	Office-Professional																																																																														
C31	●	●		25			●	●			●	●	●	M	●	●		●	S	●		M	M	M	m	●	M	●	27	C31	Residential/Office Professional																																																																														
C32	1			25			●	●			M	M	M	M	M	●		●	S			●	M	M	m	M	M	●	27	C32	Convenience Commercial																																																																														
C34*		●	●	25			●	●			●	●	●	●	●	●		●	S	●	●	●	M	m	●	●	●	27	C34*	Gen. Commercial/Residential																																																																															
C35	M			25			●	●			●	●	●	●	●	●		●	S	●	●	●	M	m	●	●	●	27	C35	Gen. Comm./Ltd. Residential																																																																															
C36	1	M		25			●	●			●	●	●	●	●	●		●	S		●	●	●	M	●	●	●	27	C36	General Commercial																																																																															
C37	1	M		25			●	●	●		●	●	●	●	●	●		●	S	●	●	●	M	●	●	●	●	27	C37	Heavy Commercial																																																																															
C38	1			25			●	●	●		●	●	●	●	●	●		●	S		●	●	M	M	m	●	●	●	27	C38	Service Commercial																																																																														
C40	1			25			●	●	●		●	●	●	●	●	●		●	S		●	●	M	m	●	●	●	27	C40	Rural Commercial																																																																															
C42*	20			25			●	●										●					m	●			27	C42*	Visitor Serving Commercial																																																																																
C44							●	●	●		M	M	M	M	M	●		●	S			●	M	M	m	M	M	●	27	C44	Freeway Commercial																																																																														
C46*							●	●			M	M	●	M	M	●		●	S	●	●	●	M	M	m	●	M	●	27	C46*	Medical Center																																																																														
																									INDUSTRIAL																																																																																				
M50							●	●			M	●	M	●	M	M	●	●	S			●	M	M	m	●	●	m	27	M50	Basic Industrial																																																																														
M52							●	●			M	●	M	●	M	M	●	●	S			●	M	M	m	●	●	m	27	M52	Limited Impact Industrial																																																																														
M54							●	●			M	●	M	●	M	M	●	●	S			●	M	M	m	●	●	m	27	M54	General Impact Industrial																																																																														
M56+							●	●			M	●	M	●	M	M	●	●	S			●	M	M	●	●	●	m	27	M56+	Mixed Industrial																																																																														
M58							●	●			M	●	M	●	M	M	●	●	S			●	M	M	●	●	●	m	27	M58	High Impact Industrial																																																																														
																									AGRICULTURAL																																																																																				
A70	●	●	M		18		●	●	m		M	M	M	M	M	M		●	S	M	m	M	M	m	M	M	m	27	A70	Limited Agriculture																																																																															
A72	●	●	M		18		●	●	m		M	M	M	M	M	M		●	S	M	S	M	M	m	M	M	m	27	A72	General Agriculture																																																																															
																									SPECIAL PURPOSE																																																																																				
S80*	●						●	●			M	M	M	M	M	M		●	S			M	M	m	M	M	m	27	S80*	Open Space																																																																															
S81							●	●							O			O										27	S81	Ecological Resource Area																																																																															
S82							●	●			M	M	M	M	M			●	S		m	M	M	m	M	M		27	S82	Extractive																																																																															
S86							●	●										●	S		m		M	m	m	●		27	S86	Parking																																																																															
S88+	●						●	●	●									●	S		m			m				27	S88+	Specific Plan Area																																																																															
S90+	●	●	M				●	●	m		M	M	M	M	M	M		●	S	M	m	M	M	m	M	M	m	27	S90+	Holding Area																																																																															
S92	●	●	M				●	●	m		M	M	M	M	M	M		●	S	M	S	M	M	m	M	M	m	27	S92	General Rural																																																																															
S94+							●	●	m		M	M		M	M			●	S		m		M	m	m	M		27	S94+	Transportation & Utility Corridor																																																																															
SWF							●	●																●				27	SWF	Solid Waste Facility																																																																															

MATRIX
LEGEND

- Permitted
- A Permitted by Administrative Permit
- S Permitted by Site Plan
- m Permitted by Minor Use Permit
- M Permitted by Major Use Permit
- P Permitted Only Within Planned Developments of 20 Acres or Larger

- 1-27 Subject to Limitations (See Section 2980)
- * May Be Subject to Site Plan Approval
- + Other Uses Not Shown on Matrix May Be Permitted (See Text of Use Regulations)
- O Subject to Limitations (See Sections 2812 and 2818)
- E Exceptions to Enclosure Matrix (See Section 6814)

PART SIX: GENERAL REGULATIONS GENERAL PROVISIONS

MISCELLANEOUS GENERAL REGULATIONS

6955 BATTERY ENERGY STORAGE SYSTEMS

The provisions of Section 6955 shall be known as the Battery Energy Storage System (BESS) Ordinance.

a. Purpose

The purpose of this Section is to protect the public safety and welfare of communities in the unincorporated area of the County of San Diego by establishing land use regulations for the installation and use of BESS.

b. Applicability

The provisions of this Section apply to any projects that include BESS with energy storage capacity exceeding 600 kilowatt-hours (kWh).

c. Conformance with Applicable Regulations

All BESS must comply with all relevant federal and State laws, applicable California Environmental Quality Act (CEQA) requirements, the San Diego County General Plan, and any applicable specific plans and master plans, as well as all applicable zoning and regulatory standards at the time of application submittal. The project must demonstrate compliance with the most up-to-date National Fire Protection Association (NFPA) standards relevant to BESS, California Fire Code, County Consolidated Fire Code, and San Diego County Fire Protection Guidelines for BESS Facilities applicable at the time of application submittal and prior to operation commencement, subject to the discretion of the fire authority having jurisdiction.

d. BESS Tiers

A BESS Facility, as defined in Section 1110, shall be classified into the following tiers based on the facility's total energy storage capacity and project boundary.

Tier Criteria	Tier 1	Tier 2	Tier 3
Total energy storage capacity	More than 600 kWh, up to and including 80 MWh	More than 80 MWh, up to and including 400 MWh	More than 400 MW
Project boundary (including acreage of on-site/off-site gen-tie easements)	5 acres or less	More than 5 acres but less than 10 acres	10 acres or more

Table Summary: This table contains four columns. The first column lists criteria for each tier classification, including total energy storage capacity and project boundary. The second column shows Tier 1 classification. The third column shows Tier 2 classification. The fourth column shows Tier 3 classification.

1. Tier 1 BESS Facilities are those with a total energy storage capacity that exceeds 600 kilowatt-hours (kWh), up to and including 80 megawatt-hours (MWh), and/or a project boundary of 5 acres or less.
2. Tier 2 BESS Facilities are those with a total energy storage capacity greater than 80 MWh, up to and including 400 MWh, and/or a project boundary greater than 5 acres but not more than 10 acres.
3. Tier 3 BESS Facilities are those with a total energy storage capacity greater than 400 MWh and/or a project boundary greater than 10 acres.

e. Development Standards

1. Setbacks

- i. Buildings or Structures Containing Batteries. All buildings or structures containing one or more batteries, as defined in Section 1110, shall maintain a minimum setback of 100 feet from all lot lines or the setback required by the San Diego County Fire Protection District or the fire authority having jurisdiction, whichever distance is greater.
- ii. Buildings or Structures that Do Not Contain Batteries. Setbacks shall comply with the applicable setback requirements of the zone.

2. Height. The heights of all buildings and structures on the site shall comply with the applicable height requirements of the zone in which the facility is located. Ancillary or accessory equipment on the roof of an Outdoor BESS Installation, as defined in Section 1110, shall be considered part of the structure height.

3. Screening. BESS Facilities must comply with Section 6700 et seq. (Fencing and Screening Regulations) and any applicable community design guidelines or standards, with the following exceptions:
 - i. Required Fences and Walls. All BESS Facilities shall comply with all applicable physical security requirements, including but not limited to fences and walls, as specified in NFPA 855, the California Code of Regulations, and County Consolidated Fire Code.
 - ii. Screening of Outdoor BESS Installations. All BESS Facilities containing Outdoor BESS Installations, as defined in Section 1110, shall be entirely enclosed at its exterior boundaries by a view-obscuring fence, wall, decorative screening, or landscaping plants and/or materials in accordance with Section 86.701 et seq. (Water Conservation in Landscaping) of the San Diego County Code of Regulatory Ordinances and fuel modification requirements of the County Consolidated Fire Code, as applicable.
 4. Signage. Safety signage shall comply with NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems), County Consolidated Fire Code, California Fire Code, and any other applicable federal or State requirements. All other signage shall comply with Section 6250 et seq. (On-Premise Sign Regulations) and any applicable community design guidelines or standards.
- f. Performance Standards
1. Noise. All operations, including but not limited to equipment such as switchgears, transformers, inverters, and cooling and heating systems, shall comply with the provisions of Section 36.401 et seq. (Noise Abatement and Control) of the San Diego County Code of Regulatory Ordinances. Noise barriers shall be installed around any noise-generating equipment if necessary to meet the required limitations.
 2. Lighting. Exterior lighting shall comply with the outdoor lighting regulations in Section 6324(g) (Dark Skies Ordinance) and Section 51.201 et seq. (Light Pollution) of the San Diego County Code of Regulatory Ordinances relating to light pollution. In addition, all exterior lighting shall be operational, fully cut-off, shielded, downward facing, and motion-sensor activated, unless otherwise required to meet minimum security lighting standards. Lighting shall not spill over onto other properties, structures, or the night sky. All

lighting for indoor/enclosed spaces shall utilize light-emitting diode (LED) bulbs, or equivalent or more energy-efficient technology.

3. Decommissioning Plan. Prior to issuance of any construction-related permit for any component of a BESS, the applicant and/or operator shall provide a decommissioning plan addressing how the facility will be dismantled and removed, and the site restored to a condition reasonably similar to its original state and/or viable for use consistent with the underlying zone, once the facility has reached the end of its useful life or is otherwise no longer in operation for a continuous period of 12 months. The decommissioning plan shall comply with all applicable provisions of NFPA 855, the requirements of the California Fire Code and County Consolidated Fire Code.

- i. Contents of a Decommissioning Plan

- a) An overview of the decommissioning process developed specifically for the BESS that is to be decommissioned, including when the decommissioning process will be triggered, items to be removed upon decommissioning, hazardous materials management, and site restoration.
- b) The time and schedule required to decommission and remove the BESS and any ancillary and accessory structures.
- c) A detailed description of each activity to be conducted during the decommissioning process, including who will perform the activity and when it will be performed, general permitting requirements, grading activities for remediation, and procedures to be used in documenting the decommissioning of the BESS and all associated structures, equipment, and infrastructure. The condition of decommissioned components, including whether they have been damaged by a fire or other event, shall be included in the documentation of decommissioning.
- d) A recycling and disposal plan for facility components, including but not limited to battery cells.
- e) A site restoration plan, including mitigation of any environmental impacts, to restore the site to a condition reasonably similar to its original state, and/or viable for use consistent with the underlying zone.

- f) A cost estimate for implementing the decommissioning plan and financial assurances for facility removal and site restoration. The cost estimate shall include contingencies for increasing costs over time during the duration of the term of the permit.
 - ii. Financial Assurance for Decommissioning. Financial assurance shall be in a form approved by the Director, typically including a surety bond, irrevocable letter of credit, or trust funds. Financial assurance shall be posted in full prior to issuance of any construction-related permit and remain in effect for the entire time that the BESS Facility is operational and for any additional time until the decommissioning has been completed in accordance with the decommissioning plan. The financial assurance should include contingencies for increasing costs over time during the duration of the term of the permit. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the facility, after deducting salvage or recycling value, as calculated by a third party with decommissioning expertise, which the County has the discretion to select and which shall be paid for by the owner/applicant. Once the BESS Facility has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the financial assurance may be released to the operator of the BESS.
 - iii. Notification of Decommissioning. The BESS owner shall notify the Director in writing prior to beginning decommissioning.
- g. Permitting and Approvals. The provisions of this section apply to BESS permits. Applications for a BESS Facility may be subject to the requirements of other associated permits and approvals to be processed concurrently with the BESS permit.
 - 1. New Facility. A new BESS Facility shall require either a Site Plan Review pursuant to Section 7150 or a Use Permit pursuant to Section 7350, and shall be permitted as follows:
 - i. Tier 1 BESS Facilities in C36, C37, C38, M50, M52, M54, M56, and M58 zones shall be permitted with a Site Plan.

- ii. Tier 1 BESS Facilities in C30, C31, C32, C34, C35, C40, C42, C44, C46, A70, A72, S80, S82, S86, S90, S92, and S94 zones shall be permitted with a Minor Use Permit.
 - iii. Tier 1 BESS Facilities in S88 zone shall be permitted as Minor Impact Utilities in accordance with the underlying zoning regulations and the allowed uses in the applicable Specific Plan.
 - iv. Tier 2 BESS Facilities in C36, C37, C38, M50, M52, M54, M56, and M58 zones shall be permitted with a Minor Use Permit.
 - v. Tier 2 BESS Facilities in C30, C31, C32, C34, C35, C40, C44, C46, A70, A72, S80, S82, S90, S92, and S94 zones shall be permitted with a Major Use Permit.
 - vi. Tier 2 BESS Facilities in S88 zone shall be permitted as Major Impact Utilities in accordance with the underlying zoning regulations and the allowed uses in the applicable Specific Plan.
 - vii. Tier 3 BESS Facilities in C30, C31, C32, C34, C35, C36, C37, C38, C40, C44, C46, M50, M52, M54, M56, M58, A70, A72, S80, S82, S90, S92, and S94 zones shall be permitted with a Major Use Permit.
 - viii. Tier 3 BESS Facilities in S88 zone shall be permitted as Major Impact Utilities in accordance with the underlying zoning regulations and the allowed uses in the applicable Specific Plan.
 - ix. Required Decommissioning Plan. Before any construction-related permit is issued for a BESS Facility, the owner shall provide a decommissioning plan that complies with the provisions of Section 6955(f)(3).
2. Changes to an Existing Permit. Changes to an existing permit for a new BESS use may be approved by the Director in accordance with Section 7378 (Application for Modification of a Use Permit), Section 7609 (Minor Deviation from Plan), or Section 7169 (Application for Modification of a Site Plan) except for the following limitations:
- i. Any change in battery type or chemistry shall require a new or updated review and approval by the San Diego County Fire Protection District or the fire protection district having jurisdiction.

- ii. All changes to an existing BESS Facility or addition of BESS to an existing permit shall comply with requirements of the California Fire Code, County Consolidated Fire Code, County Fire Protection Guidelines for BESS Facilities, and the specific NFPA 855 standards referenced in this Section.
 - iii. The applicable findings provided in Sections 6955(g)(3) and 6955(g)(4) are required prior to approval of a Modification of a Site Plan or a Use Permit.
 - iv. Prior to final approval of any changes to an existing permit for a new BESS use, a new or updated Decommissioning Plan shall be submitted consistent with Section 6955(f)(3) and shall include revised cost estimates and financial assurances necessary to reflect the scope of the addition of BESS to the satisfaction of the Director.
- 3. Site Plan Findings. Findings for a Site Plan are required pursuant to Section 7160.
- 4. Use Permit Findings. Before any Minor or Major Use Permit may be granted or modified, it shall be found:
 - i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - a) Harmony in scale, bulk, coverage and density;
 - b) The availability of public facilities, services and utilities;
 - c) The harmful effect, if any, upon desirable neighborhood character;
 - d) The generation of traffic and the capacity and physical character of surrounding streets;
 - e) The suitability of the site for the type and intensity of use or development which is proposed; and to
 - f) Any other relevant impact of the proposed use.
 - ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

- iii. That the requirements of the California Environmental Quality Act have been complied with.
- iv. That the BESS Facility meets all of the setback requirements as provided in Section 6955(e)(1).
- v. That the BESS Facility meets the following measures to minimize the visual impact of the project:
 - a) Removal of existing vegetation shall be minimized except as required by the County Consolidated Fire Code.
 - b) Internal roads shall be graded for minimal size and disruption.
 - c) Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.
- vi. That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the BESS is authorized to use the property for a BESS, unless the operator owns the land upon which the BESS will be located.