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*Comment Received From: Andrew Perea  
Submitted On: 6/10/2025  
Docket Number: 24-OPT-02*

**Notice of Preparation - Compass Energy Project SJC**

*Additional submitted attachment is included below.*

*I attempted to deliver this letter via email at [dockets@energy.ca.gov](mailto:dockets@energy.ca.gov) on June 4, 2025 as the California Energy Commission's (CEC) Docket submittal system was not in operation on the last day to submit comments on Notice of Preparation for the Environmental Impact Report for the Compass Energy – San Juan Capistrano project. I subsequently received an email replay stating that the email could not be delivered. Please accept this letter with my comments regarding the Notice of Preparation for the Compass Energy Project, San Juan Capistrano.*

June 4, 2025

David Hochschild, Chair  
California Energy Commission  
715 P Street  
Sacramento, CA 95814

RE: Notice of Preparation – Compass Energy Project, San Juan Capistrano

Dear Chairman Hochschild:

I am submitting comments to the Notice of Preparation for the proposed Compass Energy Project located in the City of San Juan Capistrano. The proposed project consists of a 250-megawatt Battery Energy Storage System (BESS) on 12.4 acres on a 40+ acre parcel. The site is currently owned by Saddleback Church. The Saddleback Church campus is located on the north end of the City of San Juan Capistrano and is adjacent to the City of Laguna Niguel. The site is within approximately 800 ft of single-family homes and is near Trabuco Creek, Amtrak and Metrolink rail lines, the I-5 freeway, several schools, and Mission Hospital. I live in the Concord Hill community, located on the bluff above the Saddleback Church site.

My comments to the Notice of Preparation for the proposed project are as follows:

Land Use - The subject parcel is in a planned community zone. The planned community zone does not permit BESS facilities per the City of San Juan Capistrano's general plan or zoning code. It should be noted that Saddleback Church entered into escrow with Compass/Engie at a time when the City of San Juan Capistrano had the authority to review and consider such uses. The city said NO to the zone change that Compass was requesting. State law was subsequently changed usurping local land use authority. Saddleback Church chose to sell their land for a use that was inconsistent with local land use and zoning laws and has the potential to create significant adverse impacts to the surrounding community. They chose to put profits above the safety of the surrounding community.

The Draft Environmental Impact Report (DEIR) should analyze the project's compatibility/incompatibility with the site's existing general plan and zoning designations. Also, it should also look at how this project will impact existing and future land uses on sites surrounding the BESS.

Culture Resources – Indigenous people settled in this area several hundred years ago. The local Acjachemen Nation has a cultural center located to the south of this site. The DEIR should 1) analyze what impact the BESS will have to the history and culture of the indigenous community; and 2) what outreach efforts have been done incorporated to concerns and interests of the indigenous community?

Fire Impact – In March of 2025, Cal Fire designated this site as well as the Concord Hill tract as a High Fire Hazard zone. The area on the west side of the proposed BESS is a steep, undeveloped bluff covered with dry brush and California Oak trees. Our community is located on top of this bluff. As we have seen in Otay Mesa, Santa Ana, Moss Landing, and Escondido, these facilities are prone to thermal runaway fires. The recent fire in Moss Landing resulted in the evacuation of homes and businesses located within an 8 square mile of the BESS. Should a fire breakout at the subject site, evacuations could impact the I-5 freeway, Amtrak and Metrolink transportation, Mission Hospital, Capistrano High School and many other sensitive uses.

At the local CEC meeting on May, 29, 2025, the project applicant showed several photos of other existing BESS facilities. My takeaway from those photos was that none of the sites shown were located near sensitive uses and none were located adjacent to a dry, steep hillside.

A representative for the applicant at the May 29<sup>th</sup> meeting stated that should a fire breakout at the site, impacts from smoke and toxins should be minimal as the smoke and toxins will rise and dissipate. As several hundred homes are located on the bluff above the subject site, a hazardous smoke and toxins analysis should be done at ground level *and* from the community located above the site.

The DEIR should look at other BESS facilities to determine if any in existence are 1) located within a Cal Fire designated **High Fire** zone; 2) located near a topography similar to the subject site, adjacent to a dry brush hillside; and 3) the DEIR should evaluate traffic and safety impacts at Capistrano High School and J Serra High School should evacuations be ordered as students and staff will need to evacuate towards the BESS fire. The transportation analysis should also examine transportation and commerce impacts resulting from the potential closure of I-5, Amtrak, and Metrolink corridors should evacuation orders be issued.

Open Space – At the May 29<sup>th</sup> meeting, the developer indicated that they will be acquiring 40+ acres and propose to develop 12.4 acres of the site with the proposed BESS. They added that the remaining 28 acres will be set aside as open space. What type of covenant or guarantee will Compass/Engie provide to ensure the remaining 28 acres will be maintained as open space as the applicant stated? Or does Compass/Engie plan to return to the CEC in the future to expand the BESS or develop additional energy projects on the remaining land if they receive approval of this project?

Soils and Topography – The subject site is near the Trabuco and San Juan Creek corridors. During high flow scenarios, the south end of the site is subject to erosion. What mitigation measures will the applicant undertake to minimize erosion and runoff into the adjacent creek? Also, what mitigation measure will be incorporated to eliminate potential toxic runoff into the adjacent creek?

Noise – The applicant states that the batteries will be stored in exterior modules that will be cooled with air conditioners. These air conditioners will need to run continuously. What will be the noise impacts to the nearby homes from the BESS and air conditioning units?

Aesthetics – The applicant has offered to plant trees around the BESS. However, the DEIR should also evaluate the visual impacts from the homes and recreational trails located above the site. How does the applicant propose to mitigate this impact? The DEIR should also look at the aesthetics from Camino Capistrano. Will there be landscaped setbacks along Camino Capistrano to minimize the visual impacts along the public street?

Safety – As previously noted, this site is located within, and adjacent to, a High Fire Zone as determined by Cal Fire. How does this project comply with the provisions of Cal Fires standards for High Fire zones? There is also only one point of access across the railroad tract. Will this crossing be able to accommodate traffic, including construction and emergency vehicles, to the site? Does the Orange County Fire Authority have the capability and equipment to combat a major fire like the one that happened at Moss Landing.

The Concord Hill tract is comprised of over 100 homes. The tract is served by only one point of ingress and egress into the tract. This single access works for our community as neighbors leave and arrive at different times of the day. If a fire was to breakout at the BESS facility and evacuation orders issued, will this one point of egress be able to accommodate all of the community if we needed to immediately evacuate?

Project Alternatives – The DEIR should examine the No Project alternative, a project alternative consistent with the existing land use and general plan of the site, a residential alternative that is compatible with the surrounding land uses, and alternative location evaluations.

I understand the need for green energy initiatives, but the placement of battery energy storage systems must be done without creating significant and long-term impacts to the surrounding community. Battery energy storage is a rapidly evolving technology. In a recent article in a green energy trade publication called Canary Media titled *“Why we Don’t Need to Worry too Much About the Latest Grid Battery Fire”* (Moss Landing), it states that technology from 5 years ago is now obsolete. It adds that the batteries used today are different than the batteries used in Moss Landing. But how do we know that today’s technology will not become obsolete in 5 years and result in another catastrophe similar to Moss Landing? The Canary Media article states that the storage industry has “matured through a process of **TRIAL AND ERROR** that has resulted in several high-profile fires”. It adds that **“NONE OF THESE (fires) HAS KILLED ANYONE, but a pivotal battery explosion in Arizona in 2019 injured four emergency responders...”**

**Please don’t let our community be a testing ground for BESS industry.** It is time to put a pause on the BESS facilities statewide and develop siting standards, with public and industry input, that provides for the green energy goals of the state while protecting the health and safety of the surrounding community.

I look forward to having the opportunity to review the Draft Environmental Impact Report for this project.

Sincerely,

Andrew Perea

4 Crested Butte Circle, Laguna Niguel