PUBLIC REQUEST TO ADDRESS
THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, CALIFORNIA

MEMBERS OF THE BOARD

HILDA L. SOLIS
HOLLY J. MITCHELL
LINDSEY P. HORVATH
JANICE HAHN
KATHRYN BARGER

Correspondence Received

			The following individuals submitted comments on agenda item:	
Agenda #	**Relate To**	**Position**	**Name**	**Comments**
2.		**Favor**	Jacqueline Ayer	Save Our Rural Town Supports the appeal. The attached letter addressing the appeal was submitted to the Board of Supervisors in November, 2025. Please add this letter to the evidentiary record of the appeal.
			Jacqueline Ayer	Save Our Rural Town supports the appeal and offers the attached comment letter
		Item Total	**2**	
Grand Total			**2**	

As of: 1/27/2026 11:00:08 AM

SAVE OUR RURAL TOWN

January 22, 2026

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012
Electronic transmission of a 5 page letter & 4 Attachments to:
PublicComments@bos.lacounty.gov

Subject: Supplemental Comments Offered by Save Our Rural Town.

References: Appeal of Regional Planning Commission Approval of Project No. PRJ 2023-002405-(5) and Application No. RPPL2023005137.
Board of Supervisors Hearing Scheduled for January 27, 2026.

Dear Supervisors:

Save Our Rural Town (SORT) respectfully offers the following comments to supplement the appeal filed pursuant to County Code Chapter 22.240 pertaining to the referenced approval of a Battery Energy Storage System (BESS) as an Accessory Use to a utility scale solar development on agriculturally zoned property. These comments are prompted by recent activities undertaken by Los Angeles County firefighting professionals and the California Legislature which SORT believes are relevant to the referenced project and in particular, to the BESS component of the project.

RECENT ACTIONS BY THE LOS ANGELES COUNTY FIREFIGHTERS UNION UNDERSCORE THE FIRE DANGER AND TOXICITY CONCERNS POSED BY LITHIUM-BASED BESS FACILITIES.

Two weeks ago, the Los Angeles County Firefighters Union (Local 1014) issued a "Cease and Desist" Order (Order) to Chief Anthony Marrone of the Los Angeles County Fire Department (LACFD) which demanded that the Los Angeles County Fire District, the Fire Prevention Bureau, the Fire Marshal's Office, and subordinate authorities immediately cease and desist from any consideration, review, approval, conditional approval, or facilitation of a BESS facility that utilizes a lithium-based chemistry if it is proposed to be located near residential occupancies within Los Angeles County. The Order is provided in Attachment 1.

Local 1014 represents Los Angeles County firefighters, and it issued the Cease and Desist Order because the Union recognized that Lithium BESS facilities are high-hazard industrial installations that present uniquely severe risks, including but not limited to thermal runaway and cascading battery failure, deflagration and explosive overpressure events, release of highly toxic gases (including hydrogen fluoride), and delayed ignition and re-ignition without warning. Importantly, the Order explicitly acknowledges that Lithium BESS facilities "pose an existential threat to public health and safety when located near residential homes, schools, or neighborhoods. Civilians-including children, seniors, and medically vulnerable populations-have no ability to mitigate or respond to [B]ESS failures involving toxic gas release, explosion, or long-duration fire events. Local 1014 does not oppose energy storage technology in principle. However, *such facilities must be sited only in remote, nonresidential areas of Los Angeles County, where failure does not endanger the public or emergency responders*" (emphasis added).

The members of Local 1014 are **Subject Matter Experts** on issues pertaining to public safety, fire, and toxic release response; accordingly, their definitive statements pertaining to the public safety, fire, and toxic emission risks created by the placement of Lithium BESS facilities near residential areas *must* be accorded great weight and *substantially inform* the Board of Supervisor's decision regarding the pending appeal.

SORT has expended hundreds of hours in the preparation and submittal of comments to the County that address the numerous and substantial impacts created by lithium BESS projects proposed for North Los Angeles County; these impacts include, but are not limited to, substantially increased wildfire, public safety, and toxic emission risks. Now, we offer the attached Order issued by Local 1014 as substantial evidence to corroborate our previous comments, and note that it explicitly highlights the fire, toxic emission, and public safety risks posed by BESS and the imperative that "such facilities must be sited only in remote, non-residential areas of Los Angeles County, where failure does not endanger the public or emergency responders". SORT urges the Board to carefully consider the attached Order and factor it into the appeal decision.

RECENT LEGISLATION UNDERSCORES THE FIRE DANGER AND TOXICITY CONCERNS POSED BY LITHIUM-BASED BESS FACILITIES.

SORT is aware that energy developers and their agents have barraged the County with claims that Lithium BESS pose no wildfire or public safety or toxic emission concerns; however, recent California Legislation controverts such claims:

SB 283 was signed by Governor Newsom on October 6, 2025 because both the Legislature and the Governor recognize that Lithium-based BESS systems are prone to "violent cell venting, explosion, smoke, and fire" and that placing a BESS battery "near or next to another" can "set off a chain reaction, making an already tough fire to fight even worse" and "burn for hours or even days as lithium-ion fires are prone to re-ignition due to the self-oxidizing nature of lithium salts in the battery"[1]. Lawmakers further acknowledge that BESS deflagrations and explosions can be initiated for a number of reasons, including "Internal failures (such as manufacturing defects, the use of lower-quality materials, or degradation over time) and external conditions (such as overcharging, water ingress, physical damage to the system, or excessive external heat)[2]". Fire safety is at the forefront of SB 283, and the Author of SB 283 acknowledges that, in the past, BESS fires have "prompted evacuations and *raised serious concerns within the community about toxic smoke, heavy metals, and ash*" (emphasis added). The Author also explains that California "must prioritize safety at every step and ensure that new battery storage facilities do not move ahead without being safe for first responders and *the people who live and work around them*" (emphasis added)[3]. SB 283 clearly acknowledges the extant dangers of Lithium BESS systems, and that is why it requires all applicants in the "Opt In" permit process managed by the California Energy Commission (Commission) to consult with local agencies that have fire suppression jurisdiction over the project *before* submitting an application.

AB 841 was also signed by Governor Newsom on October 6, 2025 in recognition of the fact that the frequent deflagrations caused by Lithium batteries emit highly toxic compounds (including heavy metals and PFAS substances such as bis-perfluoroalkyl sulfonimides) and as a result, firefighters "are exposed to toxic metals and semi-volatile organic compounds, exposing them to cancer and other serious health risks"[4]. According to the Author of AB 841, Lithium BESS fires are "becoming more common", but the current Personal Protective Equipment (PPE) and decontamination procedures utilized by firefighters who respond to BESS deflagration events "have not been updated with this new form of fire"; therefore, AB 841 was introduced to expedite "urgently need[ed] updated PPE and more effective decontamination procedures"[5]. The

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[1] Senate Floor Analysis of SB 283 provided in Attachment 2 and found here: https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260SB283#and

[2] Assembly Floor Analysis of SB 283 provided in Attachment 3 and found here: https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260SB283#

[3] Id.

[4] Assembly Floor Analysis of AB 841 provided in Attachment 4 and found here: https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260AB841#

[5] Id.

California Professional Firefighters commented to the Legislature that "There has been a recent spate of incidents involving lithium-ion batteries and energy storage systems (ESS). These incidents have been increasing in frequency and severity and have resulted in *widespread community impacts*, severe toxic exposures, and the injuries of our members as they respond to try and mitigate the damage. It is necessary to take a critical look at the standards surrounding firefighter health and safety issues when responding to these fires. *The dangers of lithium-ion battery fires cannot be understated, both to the safety personnel responding to them* ***as well as to the surrounding communities***"[6] (emphasis added).

SB 283 and AB 841 constitute legislative actions which incontrovertibly demonstrate that Lithium BESS facilities pose significant and unmitigable wildfire, public safety and toxic emission risks to the Communities in which they are located. Community members know this to be true. Firefighters know this to be true. Even the California Legislature knows this to be true. It is thus essential that the Board of Supervisors recognize this truth and factor it into the appeal decision.

THE WILDFIRE, TOXIC EMISSIONS, AND PUBLIC SAFETY RISKS POSED BY LITHIUM BESS DEVELOPMENTS CANNOT BE MITIGATED.

Since 2023, SORT has heard many energy developers and their representatives claim that the wildfire, toxic emission, and public safety dangers posed by Lithium BESS can be mitigated to a level that is "less than significant" by the explosion control systems and gas detection systems that are installed at BESS facilities. However, these claims are baseless and not supported by substantial evidence because BESS explosion control systems and gas detection systems are *intrinsically incapable* of either preventing thermal runaway or suppressing the ensuing flames and toxic emissions that thermal runaway creates. The reason is simple; *BESS explosion control and gas detection systems do not activate until* ***after*** *thermal runaway and BESS ignition occurs:*

- BESS "explosion control" systems merely consist of vent hatches and ventilation systems which direct flames and toxics out into the environment *after* a BESS ignites. This fact was recently confirmed by an energy developer applying to the California Energy Commission (Commission) for approval of the "Prairie Song" BESS project (previously known as the "Angeleno" BESS project) in Acton. Specifically, the energy developer filed a data request response with the Commission[7] which explains that each BESS unit has "a two-tiered explosion

[6] Id.
[7] See "Data Request Response 2_Part 1". Pages 33-35. Found here: https://efiling.energy.ca.gov/GetDocument.aspx?tn=266610&DocumentContentId=103661.

control system": the first tier is "six deflagration vents" that open when the ongoing fire in the BESS container causes the pressure to reach 0.01 Mpa; the second tier is an "emergency ventilation system" with a fan to "exhaust concentrating gases" that are a result of the ongoing BESS ignition[8]. The sole purpose of the "deflagration vents" and "ventilation system" is to force the flames and toxic emissions generated by the ongoing BESS ignition out into the environment. These facts clearly prove that BESS "explosion control" systems ***do not*** mitigate the public safety, fire, and toxic emission risks posed by Lithium BESS. To the contrary, BESS "explosion control" systems merely ensure that flames and toxic emissions are directed out into the environment where they endanger surrounding areas.

- BESS "gas detection" systems merely detect vapors that are emitted during a BESS ignition *after* thermal runaway is initiated. In fact, a recent data request response from the "Prairie Song" developer to the Commission explains that the vapors which are monitored by BESS "gas detection" systems are hydrogen, carbon monoxide, volatile organic compounds, and electrolyte vapors[9]; SORT observes that these constituents are simply byproducts of BESS ignitions and are released after thermal runaway is initiated[10]. Therefore, BESS "gas detection" systems merely indicate that BESS ignition has occurred; ***they do not*** mitigate public safety, fire, and toxic emission risks because their primary purpose is to warn the operator that the BESS is in a deflagration state and that flames and toxic emissions will quickly ensue.

The "explosion control" and "gas detection" systems that are so lauded by energy developers ***do not*** avoid the significant wildfire, toxic emission, and public safety impacts created by Lithium BESS fires because these systems are incapable of either suppressing a BESS ignition or controlling its ensuing flames and toxic emissions.

SORT trusts that this information will be useful to you as you contemplate the proper course of action on the appeal. If you have questions or wish to discuss matters presented herein, please do not hesitate to contact me at SORTActon@gmail.com.

Respectfully submitted;

/S/Jacqueline Ayer
Jacqueline Ayer, Director
Save Our Rural Town

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[8] Ibid.
[9] Id. at 36.
[10] Bugryniec, P. et al; Review *of Gas Emissions From Lithium-Ion Battery Thermal Runaway Failure — Considering Toxic And Flammable Compounds*. Journal of Energy Storage. Volume 87. May 15, 2024. https://www.sciencedirect.com/science/article/pii/S2352152X24008739

ATTACHMENT 1.

"CEASE AND DESIST ORDER" ISSUED BY THE LOS ANGELES COUNTY FIREFIGHTERS UNION TO CHIEF ANTHONY MARRONE OF THE LOS ANGELES COUNTY FIRE DEPARTMENT.

LOS ANGELES COUNTY FIRE FIGHTERS LOCAL 1014

3460 FLETCHER AVE. • EL MONTE, CA 91731 • (310) 639-1014 • FAX (310) 639-5314

January 2, 2026

Anthony Marrone, Fire Chief
Los Angeles County Fire Fighters Local 1014
1320 N. Eastern Avenue
Los Angeles, CA 90063

CEASE AND DESIST NOTICE: Consideration or Approval of Energy Storage System (ESS) Facilities Adjacent to Fire Station 43 or Residential Occupancies

Dear Chief Marrone:

This correspondence serves as a formal **CEASE AND DESIST NOTICE** on behalf of the Los Angeles County Firefighters, IAFF Local 1014.

IAFF Local 1014 hereby demands that the Los Angeles County Fire District, Fire Prevention Bureau, Fire Marshal's Office, and any subordinate authority immediately cease and desist from any consideration, review, approval, conditional approval, or facilitation of an Energy Storage System (ESS) facility proposed to be located adjacent to Los Angeles County Fire Station 43, or in proximity to residential occupancies within Los Angeles County.

NOTICE OF UNACCEPTABLE AND FORESEEABLE DANGER

The siting of an ESS facility next to an occupied fire station—where firefighters work and reside twenty-four (24) hours per day—constitutes an unacceptable, unsafe, and indefensible action that directly contradicts established fire protection engineering principles, firefighter safety standards, and the intent of applicable codes. ESS facilities are recognized as high-hazard industrial installations that present uniquely severe risks, including but not limited to:

- Thermal runaway and cascading battery failure
- Deflagration and explosive overpressure events
- Release of highly toxic gases, including hydrogen fluoride (HF)
- Delayed ignition and re-ignition without warning

Fire stations are mixed-use facilities containing residential occupancies under the California Building Code, California Fire Code, and Los Angeles County amendments. Firefighters live, eat, and sleep within these facilities. Placing an ESS facility adjacent to such an occupancy would never be permitted for traditional residential housing and is equally impermissible here.

KNOWN AND DOCUMENTED FIRE SERVICE INJURY HISTORY

Lithium-ion battery incidents, using the same technology deployed in ESS facilities, have already caused serious firefighter injuries and long-term health consequences.

In April 2025, four Sacramento Fire Department firefighters were hospitalized following exposure to toxic off-gassing during a Tesla electric vehicle battery thermal runaway event. No explosion occurred, yet all four suffered significant inhalation injuries from hydrogen fluoride and related byproducts, with reports indicating potential permanent disability and inability to return to duty.

This incident directly prompted the advancement of **SB 283 (Laird) and AB 841 (Patel)**, which formally recognizes the serious occupational hazards posed by lithium-ion battery fires and the need for enhanced firefighter protections against toxic exposure, cancer risk, respiratory disease, and neurological harm.

DAVE GILLOTTE, President KURT KOBLER, 1st Vice President TONY CARCIOPPOLO, 2nd Vice President MATTHEW DUHAMELL, Treasurer

EXECUTIVE BOARD MEMBERS: CHRIS CULLEN JASON GREEN AARON KATON CHRIS READE CHRISTIAN REYNOSO DEREK URWIN

REPRESENTING PROFESSIONAL FIREFIGHTERS IN 60 CITIES AND THE COUNTY OF LOS ANGELES

Affiliated with ... International Association of Fire Fighters, AFL-CIO • California Professional Firefighters, AFL-CIO
California Labor Federation, AFL-CIO • L.A. County Federation of Labor, AFL-CIO

Large-scale ESS incidents—including the Moss Landing BESS fire (2025), Gateway Energy Storage fire (San Diego County), and the McMicken ESS explosion—further confirm that these facilities can catastrophically fail without warning and require strictly defensive firefighting tactics, exclusion zones, and evacuation to prevent injury or loss of life.

These realities alone establish that ESS facilities do not belong near occupied fire stations or residential communities.

RESIDENTIAL COMMUNITY SAFETY

IAFF Local 1014's opposition is not limited to fire stations. ESS facilities pose an existential threat to public health and safety when located near residential homes, schools, or neighborhoods. Civilians—including children, seniors, and medically vulnerable populations—have no ability to mitigate or respond to ESS failures involving toxic gas release, explosion, or long-duration fire events.

Local 1014 does not oppose energy storage technology in principle. However, such facilities must be sited only in remote, non-residential areas of Los Angeles County, where failure does not endanger the public or emergency responders.

DEMAND TO CEASE AND DESIST

Accordingly, IAFF Local 1014 hereby demands that you:

1. Immediately cease and desist from any further consideration, review, or approval of an ESS facility adjacent to Fire Station 43.
2. Cease and desist from approving ESS facilities in proximity to residential occupancies within Los Angeles County.
3. Confirm that no permits, conditional approvals, variances, or discretionary actions will be granted for such siting.

NOTICE OF ESCALATION AND LIABILITY

Should Local 1014 become aware that Fire Prevention personnel or the Fire Marshal's Office has approved or intends to approve ESS facilities near fire stations or residential communities, this matter will be immediately escalated to the Los Angeles County Board of Supervisors. California Professional Firefighters (CPF), the state union representing over 30,000 firefighters, is fully aware of this issue and stands in full support of Local 1014.

Any future injury, long-term health impact, or loss of life resulting from an ESS incident approved despite this notice will rest solely with:

- The Los Angeles County Fire District
- The Fire Marshal and Fire Prevention Division
- The County of Los Angeles and all approving authorities

The dangers are known, foreseeable, and preventable.

You are hereby directed to provide a **formal written response within five (5) business days** confirming that this proposal has been rejected and removed from further departmental or County consideration. Failure to do so will be interpreted as a refusal to comply with this notice and will result in immediate escalation.

Vice President Tony Carcioppolo will be handling this issue for Local 1014, please contact him with any questions you may have and with your response.

Respectfully,



DAVID GILLOTTE
President
Los Angeles County Firefighters
IAFF Local 1014

ATTACHMENT 2.

SENATE FLOOR ANALYSIS OF SB 283.

Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

UNFINISHED BUSINESS

Bill No: SB 283
Author: Laird (D), et al.
Amended: 9/5/25
Vote: 21

SENATE ENERGY, U. & C. COMMITTEE: 16-0, 4/21/25
AYES: Becker, Allen, Archuleta, Arreguín, Ashby, Caballero, Dahle, Gonzalez, Grayson, Grove, Limón, McNerney, Rubio, Stern, Strickland, Wahab
NO VOTE RECORDED: Ochoa Bogh

SENATE LOCAL GOVERNMENT COMMITTEE: 7-0, 4/30/25
AYES: Durazo, Choi, Arreguín, Cabaldon, Laird, Seyarto, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/28/25
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 61-0, 9/9/25 – Roll call vote not available.

SUBJECT: Energy storage systems

SOURCE: California Professional Firefighters
California State Association of Electrical Workers
Coalition of California Utility Employees

DIGEST: This bill establishes the Clean Energy Safety Act of 2025 and requires various provisions to address fire safety standards for energy storage systems permitted by the California Energy Commission (CEC) or by local jurisdictions.

Assembly Amendments delete specific reference to a specified fire code standard; adds requirements by when local fire authorities must inspect energy storage facilities; defines energy storage systems to be those that are capable of storing 10 megawatthours (MWh) or more of energy; and makes additional clarifying and conforming changes.

ANALYSIS:

Existing law:

1) Establishes the California Building Standards Commission (CBSC) within the Government Operations Agency, the California Building Standards Law, and sets forth its powers and duties, including approval and adoption of building standards and codification of those standards into the California Building Standards Code. (Health and Safety Code §18901 *et seq*.)

2) Requires the Office of the State Fire Marshal (OSFM), before the next triennial edition of the California Building Standards Code adopted after January 1, 2025, to propose to the CBSC updates to the fire standards relating to requirements for lithium-based battery systems. (Health and Safety Code §13110.3)

3) Requires the California Public Utilities Commission (CPUC), as part of the Public Utilities Act, to implement and enforce standards for the maintenance and operation of facilities for the generation and storage of electricity owned by an electrical corporation or located in the state to ensure their reliable operation. (Public Utilities Code §761.3)

4) Authorizes a person proposing an eligible facility, including an energy storage system that is capable of storing 200 MWh or more of energy, to file with the CEC an application for certification for the site and related facility, commonly referred to as the "AB 205 Opt-in Certification." Provides that the certification issued by the CEC is in lieu of any permit, certificate, or similar document required by a state, local, or regional agency for the use of the site and related facility. (Public Resources Code §25545 *et seq.*)

This bill:

1) Defines "energy storage system" to mean a stationary electrical energy storage system, as defined within the California Building Standards Code, that is capable of storing 10 MWh or more of energy [largely intended to capture utility-scale energy storage facilities].

2) Requires that an application submitted to the CEC after January 1, 2026, in accordance with the AB 205 Opt-In certification of facilities by the CEC, and an application submitted to a local jurisdiction, as defined, for an energy storage system, include the applicant's certification that at least 30 days before submitting the application, the applicant met and conferred with the authority that has jurisdiction over fire suppression in the area where the energy storage system is proposed.

3) Prohibits the approval of applications for battery energy storage facilities unless the local jurisdiction requires as a condition of approval that after installation is complete, but before commencing operations or use of the batteries, the energy storage system is inspected by the authority that has jurisdiction over fire suppression, and that the applicant bear the cost of the inspection, as specified.

4) Requires, as part of the next update to the California Building Standards Code considered after July 1, 2026, the OSFM to review and consider proposing provisions that restrict the location of energy storage systems to dedicated-use noncombustible buildings or outdoor installations, as provided.

5) Imposes a state-mandated local program by imposing additional duties on local officers.

6) Includes findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

7) Provides that with regard to certain mandates no reimbursement is required by this act because a local agency has the authority to levy fees, charges, or assessments. Provides that, with regard to any other mandates, if the Commission on State Mandates determines that this bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions.

Background

Growth in battery energy storage. California is increasingly relying on new and emerging energy storage technologies to support electric service reliability and help achieve the state's ambitions greenhouse gas reduction goals. Energy storage technology offers opportunities for balancing increasing volumes of intermittent renewable energy (such as solar and wind energy), allowing for the storage of energy during times when production is high but demand is lower, and discharging during times when production from renewable resources is more limited or not available. In particular, lithium-ion stationary battery energy storage development in California is accelerating rapidly. The technology is fast-tracked in utility procurements due to its ability to support the state's clean energy and reliability goals cost-effectively. According to the CEC, in 2019, there was 250 megawatt (MW) of utility-scale lithium-ion battery systems operating and participating in the state's wholesale power markets, which has grown to nearly 12,000 MW. In 2024, California made historic progress in clean energy deployment including bringing online over 4,000 MW of new battery storage. According to the CPUC, the installed battery storage capacity is now over 20% of the state's peak demand and the state's projected need for battery storage capacity is estimated at 52,000 MW by 2045.

Thermal runaway. One of the primary risks related to lithium-ion batteries is thermal runaway, which is a phenomenon in which the lithium-ion cell enters an uncontrollable, self-heating state. Thermal runaway can result in extremely high temperatures, violent cell venting, explosion, smoke, and fire. Internal failures and external conditions can result in a thermal runaway. Lithium-ion battery fire and explosion are triggered by the thermal runaway reactions inside the cell. Lithium-ion batteries stored near or next to another battery or batteries can set off a chain reaction, making an already tough fire to fight even worse. When they reach thermal runaway, lithium-ion battery fires can burn for hours or even days as lithium-ion fires are prone to re-ignition due to the self-oxidizing nature of lithium salts in the battery.

Safety incidents at battery energy storage facilities. There have been a number of recent safety incidents at battery facilities, including four incidents at the Moss Landing Harbor location in Monterey County, involving two separately owned battery energy storage facilities, which occupies one of the largest battery energy storage systems. The first incident was in September 2021 and the most recent event occurred in January of this year. These incidents involved evacuations of nearby residents and businesses, and fires that took hours to suppress.

Recent bills have expanded safety oversight of battery energy storage facilities. SB 1383 (Hueso, Chapter 725, Statutes of 2022) expanded the CPUC operation and maintenance standards contained in General Order (GO) 167-B to oversight of energy storage systems, including systems owned by third-parties. Under GO 167-B, CPUC safety staff conduct in-person audits at CPUC-jurisdictional electric generation and storage facilities throughout the state and requires these facilities to comply with existing laws and statutes, including those related to ensuring protection of life and limb. SB 38 (Laird, Chapter 377, Statutes of 2023) further expanded on the requirements of SB 1383 to explicitly require each battery energy storage facility subject to the CPUC safety requirements to have an emergency response plan and emergency action plan that covers the premises of the battery energy storage facility. Earlier this year, the CPUC adopted changes to GO 167-B to implement the requirements of both SB 1383 and SB 38.

Building Standards Code 2024 Triennial Code Adoption Cycle. The California Building Standards Code is the building code for California, and Title 24 of the California Code of Regulations and maintained by the CBSC, pursuant to California Building Standards Law and published in a triennial cycle with supplemental information published during other years. Changes made to each edition are based on proposals made by state agencies. Proposals are presented to the CBSC and must provide thorough justification for proposed changes. Chapter 12 (commencing with Section 1201.1) of Part 9 of Title 24 of the California Code of Regulations is the section of the California Fire Code related to energy systems. Chapter 12 was added to address standby and emergency power, portable generators, photovoltaic systems, fuel cell energy systems, and energy storage systems. The fire code includes more stringent requirements for lithium-based chemistries (fire containment and suppression, explosion protection, etc.) because they present a higher fire risk than lead-acid and nickel-cadmium. The author and sponsors of the bill report that the most recently updated California Fire Code, published on July 1, 2025, and to be effective on January 1, 2026, now includes the NPFA 855, *Standard for the Installation of Stationary Energy Storage Systems*., which aims to ensure the safety and proper installation of energy storage systems, including batteries. NFPA 855 provides guidelines and requirements for design, construction, installation, and operation of energy storage systems, focusing on preventing fires and explosions, especially those using lithium-ion batteries. This standard also addresses the specific needs of different technologies used in energy storage.

AB 205 (Committee on Budget, Chapter 61, Statutes of 2022). Among its many provisions, AB 205 established the CEC's Opt-in certification program for siting

of solar, wind and energy storage facilities that meet certain criteria. This opt-in permitting process offers developers an optional pathway to submit project applications for the specified resources, intended to facilitate faster deployment of renewable technologies. Under AB 205, the CEC is the lead California Environmental Quality Act (CEQA) agency for environmental review and permitting for any facility that elects to opt into the CEC's jurisdiction. The CEC has at least eight active project applications, with one recently approved by the agency. The AB 205 process is an optional certification program whereas, generally (and the vast majority), these projects are sited and approved by local jurisdictions.

Comments

Need for this bill. The author notes: "The fire at the Moss Landing battery storage was a tragedy for the local community and region when it prompted evacuations and raised serious concerns within the community about toxic smoke, heavy metals, and ash. As California expands battery storage to meet its clean energy goals, we must prioritize safety at every step and ensure that new battery storage facilities do not move ahead without being safe for first responders and the people who live and work around them. Fortunately, advancements in battery storage technology since the approval of the Moss Landing facility have provided critical insights into safer battery compositions and configurations. It is essential that we apply these lessons to prevent future disasters so that California can continue to build a cleaner, more resilient future."

Fire safety at forefront of bill's provisions. This bill requires a project developer to consult with local fire authorities prior to the siting of any facility, and requires a facility to be inspected by fire authorities within specified times prior to any project going online, at the cost of the developer. The bill provides that if a local fire authority does not inspect the facility by the given timeline (90 days) the CEC must make findings regarding compliance with the requirements of fire safety. The bill also requires the State Fire Marshal to review and consider proposing provisions that restrict the location of energy storage systems to dedicated-use noncombustible buildings or outdoor installations. These requirements are intended to address concerns about previous installations and whether future energy storage facilities should be limited to specific buildings and locations.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee, no state costs. CEC already incorporates NFPA standards in its process of reviewing energy storage

system applications. To the extent the bill creates costs for inspections by either the Fire Marshal or for local fire departments, this committee assumes those costs will be borne by the energy storage system applicant.

SUPPORT: (Verified 9/8/25)

California Professional Firefighters (Co-source)
California State Association of Electrical Workers (Co-source)
Coalition of California Utility Employees (Co-source)
American Clean Power- California
Ava Community Energy Authority
California Community Choice Association
California Energy Storage Alliance
California State Association of Counties
City of Goleta
Clean Power Alliance
Climate Action California
Comite Civico del Valle
County of Monterey
County of Orange
County of San Luis Obispo
County of Santa Barbara
County of Stanta Cruz
Democrats of Rossmoor
Fluence
Independent Energy Producers Association
International Union of Painters and Allied Trades, District Council 16
International Union of Painters and Allied Trades, District Council 36
League of California Cities
Orange County Fire Authority
Pacific Gas and Electric Company
Rural County Representatives of California
San Diego Community Power
San Diego Gas and Electric Company
San Diego Regional Chamber of Commerce
Santa Cruz Climate Action Network
Sierra Club California
Southern California Edison
Tri-County Chamber Alliance

OPPOSITION: (Verified 9/8/25)

None received

ARGUMENTS IN SUPPORT: The California State Association of Electrical Workers and the Coalition of California Utility Employees, two of this bill's co-sponsors state: "By setting clear, consistent safety standards for energy storage systems, SB 283 will help protect workers, first responders, and communities while facilitating the responsible expansion of energy storage infrastructure."

Prepared by: Nidia Bautista / E., U. & C. / (916) 651-4107
9/9/25 12:37:02

****** END ******

ATTACHMENT 3.

ASSEMBLY FLOOR ANALYSIS OF SB 283.

SENATE THIRD READING
SB 283 (Laird)
As Amended July 17, 2025
Majority vote

SUMMARY

Establishes new fire safety requirements applicable to battery energy storage systems authorized by the California Energy Commission (CEC) or a local jurisdiction.

Major Provisions

1) Requires the California Building Standards Commission (CBSC) and the Office of the State Fire Marshall to adopt, as part of the next update of the California Building Standards Code adopted after July 1, 2026, provisions that are at least as protective as the most recently published edition of the National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems (NFPA 885).

2) Provides this bill is applicable to an energy storage system capable of storing 200 megawatts or more of energy.

3) Requires an applicant to the CEC or a local jurisdiction to construct an energy storage system to certify that it is designed to comply with NFPA 885, and that, at least 30 days before submitting the application, the applicant met and conferred with the local fire department responsible for fire suppression in the area where the energy storage system is proposed and discussed the system's design and safety issues, with documentation of the discussion submitted with the application.

4) Provides CEC or a local jurisdiction shall not certify or approve any application submitted after January 1, 2026, to either entity for the construction of an energy storage system unless both of the following apply: a) the energy storage system will be constructed, installed, commissioned, operated, maintained and decommissioned to comply with NFPA 855, and (b) after installation is complete, but before commencing operations, the energy storage system will be inspected by the local fire department responsible for fire suppression where the system is located or by a representative or designee of the State Fire Marshal.

5) Requires the applicant to bear the costs of inspection by the local fire department or by the State Fire Marshall, and requires the applicant provide the inspector a copy of documentation of the initial fire official consultation submitted with the application.

6) Provides a manufacturer or energy storage system owner may voluntarily design the energy storage system to comply with a more-recent edition of NFPA 855 before its operative date, if compliance with all applicable listing and testing requirements is demonstrated.

7) Provides that a state or local entity may approve the construction of an energy storage system if it is located in a dedicated-use, noncombustible building or is an outdoor installation.

8) Provides that this bill does not prevent a city or county from adopting and enforcing laws consistent with or more protective than this bill.

9) Includes findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

10) Imposes a state-mandated local program by imposing additional duties on local officers, but provides that no reimbursement is required by this bill because a local agency has the authority to levy fees, charges, or assessments.

COMMENTS

Recent Updates. This bill, to take effect January 1, 2026, requires the CBSC and the Office of the State Fire Marshall to adopt NFPA 885 into the California Building Standards Code. The author reports, however, that the updated California Fire Code published on July 1, 2025, to be made effective on January 1, 2026, now includes NFPA 855, with state amendments. As a result of this intervening action, the requirement to adopt NFPA 855 and related provisions from this bill may no longer be necessary.

Growth of BESS. Driven by California climate and clean energy goals, the state's mix of electricity generation sources includes increasing amounts of intermittent renewable energy, such as solar and wind energy. Because power is not generated when the sun is not shining or the wind is not blowing, the state is increasingly relying on energy storage systems to capture energy from these resources for use at later time. Many of these are battery energy storage systems (BESS), which rely on interconnected banks of batteries, generally using lithium ion technology. Deployment of BESS powered by large lithium-ion batteries is rapidly increasing in California. The CPUC reports statewide BESS capacity has surged from approximately 500 megawatts (MW) in 2019 to over 13,300 MW in 2024. California's current installed battery storage capacity is over 20% of California's peak demand. The state is projected to need 52,000 MW of BESS by 2045.

State and Local Permits. Current law provides that a BESS may be permitted through either a local government or the CEC, provided the project meets certain requirements. Most large projects require "discretionary" approvals from local governments. This process requires hearings by the local planning commission and public notice and may require additional approvals. Unlike projects that are subject only to ministerial review, projects that require discretionary approval are subject to California Environmental Quality Act (CEQA). AB 205 (Committee on Budget), Chapter 61, Statutes of 2022, granted authority to the CEC to oversee the permitting of clean and renewable energy facilities, including energy storage systems capable of storing 200 MWh or more. Known as the Opt-In Certification Program, this permitting process offers developers an optional pathway to submit project applications until June 30, 2029. Under AB 205, the CEC is the lead CEQA agency for environmental review and permitting for any facility that elects to opt into the CEC's jurisdiction. In addition, state law directs the CPUC to implement and enforce standards for the maintenance and operation of facilities for generation and storage of electricity owned by an electrical corporation or located within the corporation's territory.

Fire Dangers. Lithium-ion batteries offer advantages over other types of batteries due to their comparatively low maintenance, high energy densities, and no need for scheduled cycling to maintain their battery life. However, they come with the risk of "thermal runaway," a phenomenon in which the battery enters an uncontrollable, self-heating state that can result in extremely high temperatures, explosion, smoke, and fire. Internal failures (such as manufacturing defects, the use of lower-quality materials, or degradation over time) and external conditions

(such as overcharging, water ingress, physical damage to the system, or excessive external heat) can result in a thermal runaway. Lithium-ion batteries stored near or next to another battery or batteries can set off a chain reaction, making an already tough fire to fight even worse. When they reach thermal runaway, lithium-ion battery fires can burn for hours or days.

The CPUC has identified at least 10 safety incidents related to BESS facilities in recent years, including four distinct incidents at two separately owned BESS facilities at the Moss Landing Harbor location in Monterey County, which occupies one of the largest battery energy storage systems. Most recently, on January 16, 2025, a large fire broke out at Vistra's Moss Landing BESS facility, leading to the evacuation of around 1,200 residents. The fire was contained to one building housing LG Energy Solution lithium-ion batteries. All battery facilities at the site are currently offline, and the cause of the fire is under investigation. Debris removal, soil testing, and monitoring for environmental contamination are ongoing.

According to the Author
According to the author: "The fire at the Moss Landing battery storage was a tragedy for the local community and region when it prompted evacuations and raised serious concerns within the community about toxic smoke, heavy metals, and ash. As California expands battery storage to meet its clean energy goals, we must prioritize safety at every step and ensure that new battery storage facilities do not move ahead without being safe for first responders and the people who live and work around them. Fortunately, advancements in battery storage technology since the approval of the Moss Landing facility have provided critical insights into safer battery compositions and configurations. Senate Bill 283 provides a crucial tool and safeguard to ensure battery storage facilities are built and maintained with the highest level of safety and oversight by our local fire officials.SB 283 requires adoption of the [NFPA 855] standards, which are widely recognized as the strongest standards for safety and hazard mitigation of battery storage facilities, and requires fire authority inspection and consultation at various stages before a facility goes online. The bill also prohibits the development of battery storage facilities in combustible buildings that were not constructed for the dedicated use of housing battery storage. SB 283 ensures that future battery storage facilities adhere to the highest fire safety standards, protecting first responders, local communities, and the integrity of our renewable energy transition."

Arguments in Support
This bill is supported by a long list that includes industry group, electrical utilities, the Sierra Club and the California Association of Professional Firefighters, the latter of which writes: "Currently, BESS facilities can be permitted locally and there are no coherent guidelines for fire safety to mitigate the risks posed a fire of any scale. Additionally, there are no requirements for coordination with local fire departments or routine safety inspections, increasing the likelihood of faults or failures going unnoticed until they result in disaster. SB 283 recognizes the role that BESS facilities play in adapting our energy grid and integrating new solutions, while ensuring that these facilities are held to strict safety standards."

Arguments in Opposition
This bill has no registered opposition.

FISCAL COMMENTS

According to the Assembly Appropriations Committee: "This bill creates no state costs. CEC already incorporates NFPA standards in its process of reviewing energy storage system applications. To the extent the bill creates costs for inspections by either the Fire Marshal or for

local fire departments, this committee assumes those costs will be borne by the energy storage system applicant."

VOTES

SENATE FLOOR: 38-0-2
YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
ABS, ABST OR NV: Limón, Reyes

ASM UTILITIES AND ENERGY: 18-0-0
YES: Petrie-Norris, Patterson, Boerner, Calderon, Chen, Davies, Mark González, Harabedian, Hart, Irwin, Kalra, Papan, Rogers, Schiavo, Schultz, Ta, Wallis, Zbur

ASM LOCAL GOVERNMENT: 10-0-0
YES: Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASM APPROPRIATIONS: 15-0-0
YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Jeff Gonzalez, Solache, Ta, Tangipa

UPDATED

VERSION: July 17, 2025

CONSULTANT: Jackie Kinney / U. & E. / (916) 319-2083 FN: 0001222

ATTACHMENT 4.
ASSEMBLY FLOOR ANALYSIS OF AB 841.

CONCURRENCE IN SENATE AMENDMENTS
CSA1 Bill Id:AB 841¶Author:(Patel)
As Amended Ver:August 29, 2025
Majority vote

SUMMARY

1) Requires the State Fire Marshal (SFM) to develop, in consultation with the Division of Occupational Safety and Health (Cal/OSHA), a working group to make recommendations regarding personal protective equipment used in responding to lithium-ion batteries.

2) Requires the working group to include members of the State Board of Fire Services (Board), academia, health and safety experts, a representative from Cal/OSHA, and a labor organization representing the utility workforce, as determined by the SFM.

3) Requires the working group to review and, for the purposes of making recommendations, to consider specified equipment, technology, and practices, as defined.

4) Requires the recommendations developed pursuant to this bill be delivered to the Legislature no later than September 1, 2026, as specified.

5) Includes a repeal date on the above reporting requirement of January 1, 2030, and includes a repeal date for this statute of January 1, 2031.

Senate Amendments

1) Adds a sunset date for this statute and associated reported requirement.

2) Adds a representative from Cal/OSHA to the working group.

3) Modifies legislative findings and declarations related to lithium-ion battery fires in Orange County in 2021 and Otay Mesa in 2024.

COMMENTS

Firefighting remains one of the Nation's most hazardous professions: According to the Administrator of the United States Fire Administration, "Fire is a public health and safety problem of great proportions, and firefighting remains one of the Nation's most hazardous professions. On average there are more than 1.2 million structure fires, nearly 3,000 deaths, thousands of injuries, and scores of individuals displaced annually from fires. Although disasters such as fires can affect everyone, fires can also exacerbate pre-existing challenges in underserved communities across the country. These impacts are further compounded by poor implementation and enforcement of national building codes and fire risks associated with technology that make fires more common, more intense, and more destructive. These challenges pose heightened risks to the public and to first responders who safeguard our communities, and the challenge continues to evolve. For example, emerging technologies like Lithium-ion (Li-ion) powered devices and harmful chemicals including polyfluoroalkyl substances (PFAS) introduce new and continued risks to our communities and firefighters."

Lithium-ion Batteries and Risk of Thermal Runaway: One of the primary risks related to lithium-ion batteries is thermal runaway. Thermal runaway is a phenomenon in which the lithium-ion cell enters an uncontrollable, self-heating state. Thermal runaway can result in extremely high temperatures, violent cell venting, smoke, and fire. Faults in a lithium-ion cell can result in a thermal runaway, and these faults can be caused by internal failure or external conditions. Lithium-ion battery fires and explosions are triggered by the thermal runaway reactions inside the cell and, when stored near or next to another battery or batteries, can set off a chain reaction, making an already tough fire to fight even worse. When they reach thermal runaway, lithium-ion battery fires can burn for hours or even days, until all the flammable chemicals in the battery have been consumed by the combustion reaction.

One such example occurred in Rancho Cordova in June of 2022, when a Tesla Model S, which had been badly damaged in a collision was sitting in a wrecking yard and suddenly erupted in flames. When firefighters arrived the car was engulfed, according to the Sacramento Metropolitan Fire District, "[e]very time the blaze was momentarily extinguished, the car's battery compartment reignited." Eventually, the firefighters used a tractor to create a pit in the dirt, were able to get the car inside, and then filled the hole with water. That allowed the firefighters to suffocate the battery pack and ultimately extinguish the fire, which burned hotter than 3,000 degrees and took more than an hour and 4,500 gallons of water to extinguish.

Lithium-ion batteries and PFAS: Lithium-ion batteries are used globally as a key component of clean and sustainable energy infrastructure, and emerging Lithium-ion battery technologies have incorporated a class of per- and polyfluoroalkyl substances (PFAS) known as bis-perfluoroalkyl sulfonimides (bis-FASIs). PFAS are recognized internationally as recalcitrant contaminants, a subset of which are known to be mobile and toxic, but little is known about environmental impacts of bis-FASIs released during Lithium-ion battery manufacture, use, and disposal.

Growth of Battery Storage in California and Projected Need: Over the past several years, the deployment of battery storage systems has grown significantly in California, growing from 500 megawatts (MW) in 2019 to over 13,300 MW statewide in 2024. According to the CPUC, "Battery storage systems are one of the key technologies California relies on to enhance reliability and reduce dependency on polluting fossil fuel plants. Battery storage systems soak up clean energy in the daytime when the sun is shining, store that electricity, and then export it to the grid in the evening hours when the sun is down. In 2024, California made historic progress in clean energy deployment. The state brought more than 7,000 MW online—the largest amount in a single year in California's history. This includes over 4,000 MW of new battery storage. California's current installed battery storage capacity is over 20% of California's peak demand. The state's projected need for battery storage capacity is estimated at 52,000 MW by 2045."

The Vistra Fire Incident at Moss Landing Power Plant: On January 16, 2025, a fire started at the Vistra Battery Energy Storage Facility and soon engulfed the Phase 1 battery energy storage building on the grounds of the Moss Landing Power Plant. The massive fire and thermal runaway event burned for days, destroyed tens of thousands of lithium-ion batteries, and resulted in shelter-in place and evacuation orders. Prior to the Vistra Fire, there had been three safety incidents at separately owned battery energy storage facilities located at the Moss Landing Power Plant, which occupies one of the largest battery energy storage systems.

According to the Author
Our state has made great strides toward utilizing electricity and batteries over fossil fuels. As such, lithium-ion battery storage systems have proliferated and California has the most amount of utility-scale battery storage facilities and electric cars, second only to China. While positive in many ways, this battery expansion has also come with unintended consequences, as the recent fire in Moss Landing—among others—demonstrated. Our firefighters are there to fight the fire to the best of their ability and keep our communities safe from further spread. But their current Personal Protective Equipment (PPE) and decontamination procedures have not been updated with this new form of fire that is becoming more common. As a result, they are exposed to toxic metals and semi-volatile organic compounds, exposing them to cancer and other serious health risks. To safeguard firefighters' health amid the rapid expansion of lithium-ion battery use, California urgently needs updated PPE and more effective decontamination procedures.

Arguments in Support
The California Professional Firefighters write, "There has been a recent spate of incidents involving lithium-ion batteries and energy storage systems (ESS). These incidents have been increasing in frequency and severity and have resulted in widespread community impacts, severe toxic exposures, and the injuries of our members as they respond to try and mitigate the damage. It is necessary to take a critical look at the standards surrounding firefighter health and safety issues when responding to these fires. The dangers of lithium-ion battery fires cannot be understated, both to the safety personnel responding to them as well as to the surrounding communities."

Arguments in Opposition
None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, "the Department of Industrial Relations, which houses OSHA, notes costs of approximately $169,000 in the first year and $157,000 ongoing to consult with the SFM and participate in the working group (Occupational Safety and Health Fund). The California Department of Forestry and Fire Protection, which houses the SFM, anticipates the fiscal impact to convene the working group to be absorbable."

VOTES:

ASM EMERGENCY MANAGEMENT: 7-0-0
YES: Ransom, Hadwick, Arambula, Bains, Bennett, Calderon, DeMaio

ASM LABOR AND EMPLOYMENT: 7-0-0
YES: Ortega, Flora, Chen, Elhawary, Kalra, Lee, Ward

ASM APPROPRIATIONS: 14-0-1
YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa
ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 79-0-0

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

UPDATED

VERSION: August 29, 2025

CONSULTANT: Mike Dayton / E.M. / (916) 319-3802 FN: 0001550

SAVE OUR RURAL TOWN

November 7, 2025

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012
Electronic transmission of one 3 page letter & 2 Attachments to:
firstdistrict@bos.lacounty.gov
HollyJMitchell@bos.lacounty.gov
ThirdDistrict@bos.lacounty.gov
FourthDistrict@bos.lacounty.gov
kathryn@bos.lacounty.gov.

Subject: Supplemental Comments Offered by Save Our Rural Town Pertaining to A Pending Zoning Appeal.

References: Regional Planning Commission Approval of Project No. PRJ 2023-002405-(5) and Application No. RPPL2023005137.
Board of Supervisors Hearing Scheduled for December 16, 2025.

Dear Supervisors:

Save Our Rural Town (SORT) respectfully offers the following comments to supplement the appeal filed pursuant to County Code Chapter 22.240 pertaining to the referenced approval of a Battery Energy Storage System (BESS) as an Accessory Use to a utility scale solar development on agriculturally zoned property. These comments pertain expressly to testimony offered to the Regional Planning Commission (RPC) by a staff member from the Department of Regional Planning (Planning). Specifically, the staff member informed the RPC that the BESS "is considered an Accessory Use to the proposed utility scale solar project" and that "as an Accessory, it is considered as part of the project and that's why we are authorizing, you know, through the CUP with the solar" [time stamp 45.41]. The staff member also testified that, if the BESS were "standalone" (i.e. a Principal Use without the solar component), it "would still require a CUP in the zone per our current policy as it's considered similar to the electrical distribution substation which currently requires a CUP in A2 zone". In this letter, SORT deconstructs and analyzes this testimony to demonstrate the extent to which the referenced project approval violates the County Zoning Code.

First, Planning's decision to approve the BESS as "an accessory use to the proposed utility scale solar project" violates Section 22.16.030.C.2 of the Zoning Code which identifies all uses that are permitted as Accessory Uses in agricultural zones: because Section 22.16.030-C.2 does not explicitly identify "BESS" as a permissible "Accessory Use", the County is barred by the Zoning Code from approving a BESS as an "Accessory Use". This was clarified in a recent Court Decision which explained that the exclusion of any reference in the Los Angeles County Zoning Code to additional uses permitted in a particular zone means the Zoning Code "excludes any unlisted uses from being permitted" in that particular zone[1] (Citing Gikas v. Zolin (1998) 6 Cal.4th 841, 852 ["*Expressio unius est exclusio alterius*. The expression of some things in a statute necessarily means the exclusion of other things not expressed"]). This Court Decision (provided in Attachment 1) definitively establishes that Planning violated the County Zoning Code when it approved a BESS as an "Accessory Use" in an agricultural zone because the Zoning Code does not list BESS as an allowed "Accessory Use". Planning's approval of the BESS as an Accessory Use will not withstand judicial review.

Second, Planning's position that the BESS could be approved as a Principal Use with a CUP based on current Planning Policy also violates the County Code because Section 22.16.030.C.1 expressly prohibits "energy storage devices" as a Principal Use in all agricultural zones. The policy referred to by Staff is set forth in *Subdivision And Zoning Ordinance Interpretation No. 2021-03 – Battery Electric Storage Systems* (referred to hereafter as the "Interpretation") which was issued by the Planning Director on October 18, 2021 (see Attachment 2[2]). However, the County is barred from applying this Interpretation in a manner that is contrary to the plain language of the Zoning Code and as such, Planning could *never* approve a BESS as a Principal Use in any agricultural zone because BESS are expressly prohibited as a Principal Use in all agricultural zones. This fact was affirmed in a recent Court Decision which held that Planning Director interpretations "cannot be used in such a way as to violate the provisions of the Zoning Code"[3]. This Court Decision (provided in Attachment 1) definitively establishes that Planning Staff's testimony to the Planning Commission was inaccurate and provided an erroneous assessment of the applicability of the Interpretation.

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[1] Case No. 23STCP034222 page 8, paragraph 2. The case pertains to a BESS that the County approved in a light industrial (M-1) zone even though the Zoning Code does not list BESS as a permitted use in the M-1 zone. This principal also applies to agricultural zones and is therefore relevant here.

[2] The Interpretation states that "the use most closely associated with them [BESS] shall be EDS [electrical distribution substations]" and that electrical distribution substation standards "shall apply to BESS". The Planning Department has applied the Interpretation to approve BESS developments in Heavy Industrial zones (the Cald Project), Light Industrial Zones (the Humidor Project), and Commercial Zones (the Castaic Projects).

[3] Case No. 23STCP034222 page 8, paragraph 3. The Decision is provided in Attachment 1.

SORT urges the Board of Supervisors to carefully consider the facts presented above, and based thereon, remand the referenced project back to the Planning Commission with directions to remove the BESS component from the project approval. SORT understands that the applicant does not object to removing the BESS from the project[4], so implementing this course of action will allow the project to move forward as expeditiously as possible.

Sincerely;

/S/ Jacqueline Ayer
Jacqueline Ayer, Director
Save Our Rural Town

cc: Kathy Park, Deputy County Counsel [KPark@counsel.lacounty.gov]
Ariel Torres Socarras, Planning and Development Deputy [ATSocarras@bos.lacounty.gov]

[4] This was confirmed in a conversation with Ryan Nyberg, the developer's agent, on September 2, 2025.

ATTACHMENT 1

COURT DECISION ISSUED IN CASE NO. 23STCP034222.

FILED
Superior Court of California
County of Los Angeles
OCT 14 2025
David W. Slayton, Executive Officer/Clerk of Court
By: M. Mort, Deputy

Superior Court of California
County of Los Angeles

SAVE OUR RUAL TOWN, Petitioner, vs. COUNTY OF LOS ANGELES, *et al.*, Respondents.	Case No. 23STCP03422 **RULING ON PETITION FOR WRIT OF MANDATE** Dept. 86 (Hon. Curtis A. Kin)
HECATE GRID HUMIDOR STORAGE 1 LLC, *et al.*, Real Parties in Interest.	

This matter concerns Los Angeles County's approval for real party in interest Hecate Energy, LLC ("Hecate") to construct a Battery Energy Storage System ("BESS") in the rural community of Acton, California, known as the Humidor BESS, as well as the County's approval of a Franchise Ordinance for a Transmission Line to serve the Humidor BESS.

Petitioner Save Our Rural Town seeks a writ of mandate directing respondents County of Los Angeles and its Board of Supervisors (collectively "County") to vacate and set aside: (1) the County Planning Director's Memorandum, dated October 18, 2021, entitled Subdivision And Zoning Ordinance Interpretation No. 2021-03—Battery Electric Storage Systems; (2) the approval of the Humidor BESS and Transmission Line Franchise Ordinance; and (3) the CEQA Notices of Exemption (the "NOEs") for the Humidor BESS and Franchise Ordinance. Petitioner also seeks to require the County to prepare and certify an Environmental Impact Report in accordance with CEQA before the Humidor BESS project may proceed.

For the reasons that follow, the Court GRANTS the petition.

10/14/2025

I. BACKGROUND

A. Overview of the Project and its Location

Petitioner Save Our Rural Town holds itself out as a non-profit organization formed to assist communities in maintaining their rural character. (Pet. Br. at 10.) Acton is an unincorporated rural community within Los Angeles County with its zoning and development subject to the 2015 Antelope Valley Area Plan ("AV Plan"). (AR 11046.) The AV Plan employs a "rural preservation strategy" to protect residents from hazards. (AR 11050-51.)

In April 2021, real party in interest Hecate applied for a Conditional Use Permit ("CUP") to construct the Humidor BESS in east Acton. (AR 8580-89, 9164.) The original plan had the proposed site split between two different zones as defined under the County's Zoning Code, with a portion of the site built in a Light Industrial M-1 Zone and the remainder built in an Agricultural A-2 Zone. (AR 9428, 16749-50, 22036.) The plan was later revised to be located exclusively in an M-1 Zone. (*See* AR 24954.) County and real parties in interest describe the Humidor BESS project as follows:

> [T]he BESS will be located on approximately 12 acres of a 25.6-acre site. (AR 3334, 9424.) It will include 440 enclosed battery cabinets, each 20' long, 8' wide and 9'6" tall, and will store up to 400 MW. (AR 3334, 9424, 9585–87, 9735–36.) The cabinets will be placed on concrete pads along with other infrastructure, forming rows of low-profile structures. (AR 3334.) The site is flat, highly disturbed, with a paintball facility and truck parking area. (AR 3337, 3342–48, 9426.) Construction will be limited to grading, building foundations and a perimeter wall, and installing utilities and equipment. (AR 3334.) The site will be landscaped for visual screening and to provide a fire protective buffer. (AR 3336, AR3342–48.)

(Opp. Br. at 10 [parentheses added].) The Humidor BESS would operate under a Large Scale Interconnection Agreement between Hecate, California Independent System Operator ("CAISO"), and Southern California Edison. (AR 139.)

The purpose of the Humidor BESS would be to store electricity before being dispatched onto a transmission grid by CAISO via a 230-kV Transmission Line constructed by Hecate. (AR 17, 9360-61, 19304, 10350, 19255, 21785.) Due to its location within a County right-of-way, approval of a Franchise Ordinance by the Los Angeles County Board of Supervisors ("County Board") was required for the Transmission Line. (AR 9360.)

10/14/2025

B. Planning Director's October 18, 2021 Memorandum

BESS facilities are not explicitly listed as permissible land uses in the County's Zoning Code. (AR 8.) On October 18, 2021, the Director of the County's Department of Regional Planning ("Department") issued a memorandum to Department staff, entitled Subdivision and Zoning Ordinance Interpretation No. 2021-03—Battery Electric Storge Systems ("Interpretation"). (AR 7992-93.) The Interpretation states that it is the Department's official interpretation for all parcels within unincorporated Los Angeles County regarding the definition of utility-scale energy storage devices until such time as the Department issues a subsequent interpretation or the County's Zoning Code, specifically, Title 22 (Planning and Zoning) of the County Code, is amended. (AR 7992.)

The Interpretation notes that Section 22.14.050 of the Zoning Code defines both Electric Distribution Substation ("EDS") and Electric Transmission Substation ("ETS") and concludes that "[f]or purposes of defining energy storage devices as a land use, energy storage devices shall be considered most similar to EDS." (AR 7992.) Specifically, for a BESS, the Interpretation states that "BESS devices are similar in size, bulk, and use to EDS" and concludes that "BESS are more similar to EDS" than ETS for zoning purposes. (AR 7993.) Thus, the Interpretation concludes:

> In conclusion, to regulate these facilities in a consistent manner and to properly regulate them for community computability, the use most closely associated with them shall be EDS. Development standards for EDS, Section 22.140.200, shall apply to BESS.

(AR 7993.)

C. Approvals for the Humidor BESS Project

On August 8, 2022, in light of the Interpretation and based on the understanding that the Humidor BESS would be located in an M-1 Zone only, the Department ministerially approved Hecate's BESS plan. (AR 8596-603, 16815, 16692.) In accordance with the Zoning Code's requirements for approval of an EDS in an M-1 Zone, the Department used a ministerial Site Plan Review ("SPR") as the approval process for the BESS. (AR 8428.) Due to such ministerial approval of the Humidor BESS, the Department filed a CEQA Notice of Exemption for the project on August 10, 2022. (AR 8604.) On January 10, 2023, the County Board approved the Franchise Ordinance for the Transmission Line. (AR 12373.)

On or about December 20, 2022, a Department supervisor learned that the Humidor BESS project was not limited to an M-1 Zone and would also occupy an Agricultural A-2 zone. (AR 22036.) Under the Zoning Code, industrial zones and agricultural zones have different approval requirements for particular uses.

10/14/2025

(*Compare* LACC § 22.22.030 [land use regulations for industrial zones] *with* LACC § 22.16.030 [land use regulations for agricultural zones].) On February 3, 2023, Hecate submitted a revised site plan for the Humidor BESS project, changing the project's location to be solely in an M-1 Zone. (AR 24954, 25262.)

On February 9, 2023, the Department informed Hecate that its approval of the original site plan for the Humidor BESS was rescinded, explaining that the Department had received correspondence from the Acton Town Council causing the Department to determine the Humidor BESS was inconsistent with the definition of an EDS under the Zoning Code. (AR 26139, 26140.) Further, the Department explained that, due to the rescission, Hecate's revised site plan could not be considered. (AR 26140.) Due to the Department's action, the Franchise Ordinance for the Transmission Line was also referred back from the County Board to the Department of Public Works. (AR 26055, 26173.)

Ultimately, on August 1, 2023, the Department approved the revised site plan for the Humidor BESS. (AR 3334.) In its letter to the Acton Town Council regarding its decision, the Department explained that Hecate had submitted a new SPR application for the project that relocated development for the Humidor BESS such that it was no longer located within the A-2 Zone for agriculture. (AR 10.) The Department also explained its belief that, because BESS is not expressly listed as an allowed use in the Zoning Code, the Department "reviews allowable uses identified in the Zoning Code to determine whether there is an allowable use most similar to the proposed used." (AR 8.) The Department noted that the Interpretation was the Department's "official interpretation" for the definition of utility-scale energy storage devices and that the Interpretation "determined the use most similar to a BESS to be an electric distribution substation ('EDS'), as described in County Code Section 22.14.050." (AR 8.) The Department affirmed the Interpretation, concluding: "LA County Planning has determined the Humidor BESS project is more closely associated with an EDS and may be approved through the SPR process." (AR 9.)

On August 16, 2023, the Department filed an NOE for the revised Humidor BESS project, indicating its exemption from CEQA due to the ministerial SPR approval of the project. (AR 36584.) On August 25, 2023, petitioner appealed the Department's NOE to the County Board. (AR 12-27.) On December 19, 2023, the County Board denied petitioner's appeal and upheld the Department's determination that the project was exempt from CEQA due to its ministerial approval. (AR 964-1003, 2874.)

On October 8, 2024, the County Board adopted a Resolution of Intent to grant Hecate the Franchise Ordinance for the Transmission Line. (AR 9359-611, 11924.) On November 26, 2024, over the protest of petitioner (AR 10322-420), the County Board approved the Franchise Ordinance (AR 9691-92.) The Department filed a CEQA NOE for the ordinance on November 27, 2024. (AR 9286-88.)

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D. **The Petition for Writ of Mandamus**

On September 15, 2023, petitioner filed a Verified Petition for Writ of Mandate. Through stipulation, the operative Third Amended Verified Petition and Complaint ("TAP") was deemed filed on December 27, 2024. On March 27, 2025, respondents filed their answer to the TAP. On the same day, real parties in interest filed their answer to the TAP.

On May 2, 2025, petitioner filed an opening brief. On June 2, 2025, respondents and real parties in interest filed a joint opposition, to which petitioner filed a reply on June 17, 2025. The Court has received an electronic copy of the administrative record and a hard copy of the joint appendix.

II. STANDARD OF REVIEW

CCP § 1085(a) provides: "A writ of mandate may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person."

"When a party seeks review of an administrative decision pursuant to Code of Civil Procedure section 1085, judicial review is limited to examining the agency proceedings to ascertain whether the agency's action has been arbitrary, capricious or lacking entirely in evidentiary support, or whether the agency failed to follow the proper procedure and give notices required by law. And, where the case involves the interpretation of a statute or ordinance, our review of the trial court's decision is de novo." (*Ideal Boat & Camper Storage v. County of Alameda* (2012) 208 Cal.App.4th 301, 311, citing *Pomona Police Officers' Assn. v. City of Pomona* (1997) 58 Cal.App.4th 578, 584.) In independently reviewing legal questions, "[a]n administrative agency's interpretation does not bind judicial review but it is entitled to consideration and respect." (*Housing Partners I, Inc. v. Duncan* (2012) 206 Cal.App.4th 1335, 1343.)

In a CCP § 1085 writ petition, the petitioner generally bears the burden of proof. (*California Correctional Peace Officers Assn. v. State Personnel Bd.* (1995) 10 Cal.4th 1133, 1154.)

III. DISCUSSION

As a preliminary matter, the Court GRANTS respondents and real parties' request for judicial notice, pursuant to Evidence Code § 452(b). Relatedly, the Court OVERRULES petitioner's evidentiary objections to Exhibits B and C to respondents and real parties' request for judicial notice.

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On the merits, the Court finds that the County's approval for Hecate's Humidor BESS Project in an M-1 Zone was arbitrary and capricious, as so doing was contrary to the County's Zoning Code. The Court, however, first turns to respondents and real parties' claim that petitioner has brought its claims untimely.

A. Petitioner's Challenge is Timely

Respondents and real parties contend that the underlying petition is time-barred under Government Code § 65009(c)(1)(E). Government Code § 65009 establishes a short time frame (*i.e.*, 90 days) within which actions challenging various local planning and zoning decisions must be filed and served. Specifically, Government Code § 65009(c)(1)(E) provides, in pertinent part:

> [N]o action or proceeding shall be maintained in any of the following cases by any person unless the action or proceeding is commenced and service is made on the legislative body within 90 days after the legislative body's decision .... (E) to attack, review set aside, void, or annul any decision on the matters listed in Section 65901 . . . .

Section 65901 concerns decisions of a board of zoning adjustment or zoning administrator regarding application for conditional uses or other permits, as well as their "exercise of any other power granted by local ordinance." (Gov. Code § 65901(a).) The 90-day limitations period of section 65009(c)(1) applies to decisions of a city planning director empowered to review development projects, which is the case here. (*See Stockton Citizens for Sensible Planning v. City of Stockton* (2012) 210 Cal.App.4th 1481, 1492-93.)

Here, the Department completed its SPR and approved Hecate's revised site plan for the Humidor BESS on August 1, 2023. (AR 3334.) Petitioner challenges that determination (as well as use of the Interpretation to do so) by having filed the instant petition on September 15, 2023, which was within 90 days of the August 1, 2023 SPR approval. Accordingly, petitioner's challenge is timely.[1] (*Hensler v. City of Glendale* (1994) 8 Cal.4th 1, 22 ["[I]f the challenge is to the application of the

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[1] Respondents and real parties' characterization of the petition as solely making an untimely facial challenge to the October 18, 2021 Interpretation is unconvincing, as petitioner clearly challenges the August 1, 2023 approval of the Humidor BESS and application of the Interpretation. (*See* TAP ¶¶ 7-8 & Prayer ¶ 1(b)-(f); Pet. Br. at 7, 29.) Moreover, if respondents and real parties were correct that this is purely a facial challenge to the Interpretation standing alone, then it would appear the three-year statute of limitations under Code of Civil Procedure section 338 whould apply, thereby rendering the petition timely in any event. (*See Venice Town Council, Inc. v. City of Los Angeles* (1996) 47 Cal.App.4th 1547, 1567-68.)

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regulation to a specific piece of property, the statute of limitations for initiating a judicial challenge to the administrative action runs from the date of the final adjudicatory administrative decision"].)

B. The Zoning Code Does Not Permit the Department's Approval of the Humidor BESS

Chapter 22.22 of the Zoning Code for the County concerns Industrial Zones. (AR 8382-451.) In section 22.22.020 Table A, the Zoning Code identifies particular Industrial Zones used in the code, including Zone M-1 for "Light Manufacturing," Zone M-1.5 for "Restricted Heavy Manufacturing," and Zone M-2 for "Heavy Manufacturing." (AR 8383 [LACC § 22.22.020, Table A].) Table B of section 22.22.030.C sets forth the type of permit or review (*e.g.*, ministerial site plan review ("SPR") or conditional use permit ("CUP")) required for a particular principal land use (*e.g.*, industrial use, recreational use, or retail/commercial use) in any particular industrial zone (*e.g.*, M-1 or M-2). (AR 8384 [LACC § 22.22.030.C].) For the principal land use category of "Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses," Table B lists both EDS and ETS and identifies the particular permit or review required for such use in a particular zone type (*e.g.*, SPR approval for an EDS in an M-1 Zone). (AR 8428 [LACC § 22.22.030.C, Table B].)

It is undisputed that BESS is not listed as one of the principal land uses identified in Table B of subsection C. Where a particular use is not identified, subsection D states that "[a]ny use not listed in Subsection C . . . may be permitted" in three specific instances: (1) with an SPR in Zone M-1.5 for other uses "similar to" any use permitted with a ministerial review in Zone M-1.5 as identified in subsection C; (2) with an SPR in Zone M-2 for other uses "similar to" any use permitted with a ministerial review in Zone M-2 as identified in subsection C; and (3) with a CUP in Zone M-2 "for any other industrial uses not listed in subsection C."[2] (AR 8443 [LACC § 22.22.030.D].) Subsection D provides no exception for uses in an M-1 Zone that are not listed in subsection C, even if such use may be "similar to" another use listed in subsection C. Thus, an unlisted use such as BESS may only be implemented within Zones M-1.5 and M-2 (if "similar to" a listed use for those zones), but not in an M-1 Zone.[3] Accordingly, the Zoning Code does not permit the Department's approval of the Humidor BESS in an M-1 Zone.

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[2] Subsection D also states that the additional use cannot be a prohibited use listed in subsection E. (*See* AR 8443 [LACC § 22.22.030.D & E].) It is undisputed that BESS is not listed in subsection E.

[3] Such straightforward interpretation makes sense, as there may be good reason for the Zoning Code to be more restrictive about expanding permissible uses in an M-1 Zone, as opposed to other industrial zones. M-1 refers to "light industry, repair, wholesale, and packaging, including the manufacture, assembly, distribution, and storage of goods that have low nuisance impacts . . . ." (AR 8382

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Respondents and real parties nonetheless contend that the Interpretation allows for BESS approval in an M-1 Zone. They reason that, because an EDS is permitted in an M-1 Zone (AR 8428) and because the Interpretation states the Zoning Code development standards for EDS "shall apply to BESS" (AR 7993), this must mean that "if the Code permits EDS in the M-1 zone, it permits BESS, too." (Opp. Br. at 17.) Such expansive use of the Interpretation runs contrary to the Zoning Code itself.

While it is true the Zoning Code states the Director of the Department "may issue a written interpretation" regarding the "meaning or applicability of any provision" of the Zoning Code, such interpretive authority is limited to provisions that are "subject to interpretation." (AR 8469 [LACC § 22.234.020].) Subsections D.1 and D.2 of section 22.22.030 state that unlisted uses in M-1.5 and M-2 zones that are "similar to" listed uses in such zones may be permitted. Thus, the Director would have authority to interpret which unlisted uses were "similar to" enumerated uses in those zones. By contrast, the exclusion of any reference in subsection D to any additional uses permitted in an M-1 Zone means the Zoning Code excludes any unlisted uses from being permitted in an M-1 Zone, which means there is no need or authority for the Director to render an interpretation regarding unlisted uses "similar to" permissible uses in an M-1 Zone. (*Gikas v. Zolin* (1993) 6 Cal.4th 841, 852 ["*Expressio unius est exclusio alterius.* The expression of some things in a statute necessarily means the exclusion of other things not expressed"].)

Consequently, respondents and real parties' reliance on the existence of other interpretive memos and guidance by the Director is beside the point. (*See, e.g.,* RJN Ex. B [interpretation for fitness centers]; RJN Ex. C [guidance for wireless facilities].) There is no dispute the Director has authority to issue memos and interpretations for Zoning Code provisions subject to interpretation (*see* RJN Ex. D [Department webpage for "Memos and Interpretations"]), but, as discussed above, such authority cannot be used in such a way as to violate the provisions of the Zoning Code.

Accordingly, notwithstanding what the Interpretation may conclude with respect to the similarity of use between BESS and EDS, the Department's approval of Hecate's Humidor BESS project in an M-1 Zone was arbitrary and capricious because the Zoning Code does not permit any unlisted uses such as BESS in an M-1 Zone.

[LACC § 22.22.010(B)(1)].) By contrast, Zones M-1.5 and M-2 are designated for Restricted Heavy Manufacturing and Heavy Manufacturing, respectively, which allow for greater "nuisance impacts." (AR 8382 [LACC § 22.22.010(B)(2)-(3)].)

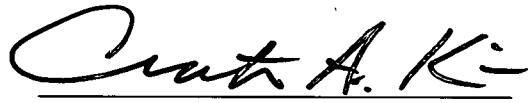
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IV. CONCLUSION

The petition is GRANTED. Respondents' ministerial approval of the Humidor BESS project and related NOE shall be set aside and vacated. As noted by the parties during the July 17, 2025 hearing in this matter, because the Court's finding that a BESS could not be approved in an M-1 Zone is dispositive, this Court need not reach petitioner's additional contentions that the Interpretation is facially invalid, that CEQA was not complied with, or that the project was inconsistent with the AV Plan. Further, per petitioner's concession at the hearing, the Court need not address petitioner's challenges to the Franchise Ordinance for the Transmission Line in light of this ruling.

Pursuant to Local Rule 3.231(n), petitioner shall prepare, serve, and ultimately file a proposed judgment and form of writ in accordance herewith.

Date: October 14, 2025



HON. CURTIS A. KIN

10/14/2025

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 18, 2021

TO: Staff

FROM: Amy J. Bodek, AICP
Director of Regional Planning

SUBDIVISION AND ZONING ORDINANCE INTERPRETATION NO. 2021-03 – BATTERY ELECTRIC STORAGE SYSTEMS

PURPOSE

This memorandum provides an official interpretation of the Department of Regional Planning regarding the definition of utility-scale energy storage devices (Energy Storage Devices). This memorandum is intended to serve as interim guidance for staff until such interpretation is superseded by subsequent interpretations or is incorporated into Title 22 (Planning and Zoning) of the the Los Angeles County Code (County Code).

APPLICABILITY

This memorandum is applicable to all parcels within unincorporated Los Angeles County and is effective as of the date of this memo.

INTERPRETATION

County Code Section 22.14.050 defines "Electric Distribution Substation (EDS)" and "Electric Transmission Substation (ETS)." The primary difference between these uses pertains to the conveyance of energy to users, with ETS typically being larger in volume than EDS. For purposes of defining energy storage devices as a land use, energy storage devices shall be considered most similar to EDS.

BACKGROUND

With the recent growth in renewable energy production, particularly utility-scale solar and wind resources, there has been an increased need in the development and deployment

of Battery Electric Storage Systems (BESS). These devices are essentially large battery systems with appurtenant equipment that store energy typically produced by renewable energy sources such as sunlight or wind. This energy is then released to the electrical grid during evening or peak periods, and can help even out imbalances that occur between the production and consumption of renewable energy.

BESS devices are similar in size, bulk, and use to EDS. These utility-like devices are typically comprised of 40-foot-by-8-foot steel containers on concrete pads to house battery systems, pad-mounted transformers, and switchgear.

JUSTIFICATION

EDS are allowed in all zones with either a Site Plan Review (SPR) or a Conditional Use Permit (CUP), except the Mixed Use Development Zone where it is prohibited. ETS are allowed only in commercial and industrial zones with a CUP and SPR respectively and in Open Space and Watershed Zones with an SPR. Unlike the conduit nature of transmission substations, BESS are more similar to EDS.

In conclusion, to regulate these facilities in a consistent manner and to properly regulate them for community compatibility, the use most closely associated with them shall be EDS. Development standards for EDSs, Section 22.140.200, shall apply to BESS.

AJB:DJD:MG:SD:lm

C: Starr Coleman, Assistant County Counsel
Elaine Lemke, Assistant County Counsel/Chief Advisor

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