September 17, 2026

Lorraine Acuna
County of Los Angeles Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012

Comments on the scope and content of the Los Angeles County Renewable Energy Ordinance Update Draft Environmental Impact Report

Dear Ms. Acuna,

We write today to express our strong opposition to the Department of Regional Planning's (DRP) Draft Renewable Energy Ordinance Update (REO Update), and to request that the DRP's forthcoming draft Environmental Impact Report (EIR) robustly evaluate alternatives that would allow for greater renewable energy production on unincorporated County land.

On behalf of our thousands of supporters, the undersigned organizations advocate for policies and regulations that will rapidly and equitably accelerate solutions to the climate crisis. Many supporters of Climate Action California (CAC) are Los Angeles County residents, and those who are not are also tracking this REO process closely for the precedent that it will set for land use decision-making in other counties.

The draft REO Update contains severe land use restrictions that will significantly decrease the quantity and size of renewable energy projects that could be built in the County over the course of the next decade. As such, this draft REO Update is inconsistent with the County's goals to mitigate climate change, improve air quality, and address the affordability of electricity.

We particularly object to the provisions that would:

- Mandate a 300 foot setback between battery energy storage (BESS) facilities and sites with sensitive uses
- Enforce a blanket prohibition on utility-scale BESS facilities of 125 megawatts/500 megawatt-hours or above within the Very High Fire Hazard Severity Zone, and all utility-scale BESS in Significant Ecological Areas (SEAs), flood hazard zones, Antelope Valley Area Plan Agricultural Resource Areas (ARAs), and other farmland. Rather, the

ordinance should allow consideration of some utility-scale BESS in those locations with strict review criteria and mitigation.

- Extend the existing ban on utility-scale wind energy facilities on all unincorporated land in the County.

These restrictions go far beyond the requirements of SB 283 (Laird 2025), the recent state law based on national and international understanding regarding the safety of BESS facilities and the siting and permitting requirements necessary to mitigate fire risk. Yet the draft REO Update and corresponding technical study provide no scientific evidence or expert analysis to explain why DRP believes that these more stringent proposed regulations, unique to Los Angeles County, are necessary to protect human health or the environment. DRP must defend its proposed restrictions in the draft EIR.

Sections of the EIR that address the risk of fire at BESS facilities should be based on comprehensive science and real-life data. The rate of BESS failure incidents including fires has dropped remarkably in recent years thanks to technological innovation and enhanced regulatory oversight,[1] and this trend is likely to continue as global BESS capacity continues to rapidly increase. The County's updated REO should reflect these low failure rates.

The draft EIR must evaluate at least one project alternative in which none of the three restrictions listed above are present,[2] and it must do so robustly enough—with a sufficient level of detail regarding which parcels of land would be open to BESS and wind energy facilities, and what potential environmental impacts could occur on these parcels—that it could ultimately serve as an alternative project that the DRP could choose to recommend for Board of Supervisor approval, or that the Supervisors could select as the final version of the REO Update.

Most of all, in addition to evaluating the potential negative environmental impacts of building renewable energy infrastructure, the draft EIR must evaluate the negative environmental impacts of the REO Update making it more difficult to develop renewable energy facilities in the County, because ***not*** *building* renewable energy infrastructure will prolong utilities' reliance on combustion-based energy production such as gas-fired peaker plants and backup generators.

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[1] According to the Electric Power Research Institute (EPRI), the number of global battery storage failure incidents per global GWh of battery storage capacity deployed has decreased 99% from 2018 to 2025. In 2025, there were 24 failure incidents across approximately 670 GWh deployed.

[2] Instead of a 300 foot setback for BESS facilities, alternative ordinances in the draft EIR could include a 100 foot setback, which is the distance recommended by national safety experts as well as the Los Angeles County Fire Department. Instead of a total prohibition on BESS facilities of 125 MW/500 MWh or greater in the Very High Fire Hazard Severity Zone and a prohibition on BESS facilities in proximity to all sensitive sites, the draft EIR should analyze alternatives that allow such BESS facilities with appropriate mitigation to reduce fire risks, in locations where mitigation is feasible.

How many tons of carbon dioxide and nitrogen oxides will the current draft REO Update produce by slowing down the renewable energy transition? What other pollutants will be generated in greater amounts as a result of the REO Update's limitations on BESS and wind facilities? What are the impacts of those emissions on human health and the environment? These are the crucial questions that must guide DRP's decision-making. The draft EIR must include analysis of these impacts within its scope.

We hope that the EIR process will include the necessary environmental analysis to allow for adoption of an updated ordinance that says **yes**, rather than **no**, to the renewable energy infrastructure that our County so desperately needs.

Sincerely,

Stephen Rosenblum
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Climate Action California

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Advocacy Team Lead
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