

November 7, 2022

**RE: Response to LAFD “Energy Storage System (ESS) on R3 occupancy building” Memo**

Dear Mayor Garcetti and Chief Crowley:

I write on behalf of the California Energy Storage Alliance (CESA),<sup>1</sup> the voice of energy storage in California focused on ensuring energy storage solutions are a robust and cost-effective part of our grid ‘tool-kit’ to support a more affordable, efficient, reliable, safe, and sustainable electric power system for all Californians. Residential energy storage is poised to provide valuable capacity in the near-term and unnecessary barriers to deployment should be avoided. Therefore, **CESA requests that the LA Fire Department (LAFD) suspend implementation of its memo “Energy Storage System (ESS) on R3 occupancy building” released on October 3, 2022.**

On October 3, 2022, LAFD released guidelines for a new streamlined review process for battery energy storage systems (BESS) being installed in R3 residential buildings. Applications for BESS meeting seven additional guidelines, beyond the applicable codes and standards, would be processed by the LA Dept. of Building and Safety (LADBS) without additional fire review.

As highlighted by industry members, the guidelines and requirements laid out by LAFD in the memo are not supported by research or best practice standards (*e.g.*, NFPA 855), would be ineffective in improving safety,<sup>2</sup> and can even be contradictory to state requirements.<sup>3</sup> These requirements will make most residential projects go through fire department review, adding to the workload of LAFD and LADBS and halting energy storage installations. This comes at a time when the state is looking for as much additional electric capacity as possible and customers face growing reliability and energy security challenges.<sup>4</sup>

On the other hand, the California Fire Code requirements for energy storage incorporate international best practices, including requirements from the most recent edition of International Fire Code and UL 9540 and 9540A. These codes and standards are developed with extensive

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<sup>1</sup> CESA is comprised of approximately 120 energy storage industry members and stakeholders. The views expressed in this letter are those of CESA and do not necessarily reflect the views of all individual CESA members. (<http://storagealliance.org>).

<sup>2</sup> See Tesla Response at p.3: “Underfloor ventilation openings are not prone to fire ingress, fire does not spread downwards. There are no operational situations which would cause such downward fire spread.” Comment in response to Memo requirement #3: “Surfaces of ESS unit(s) to be greater than 3’ from any openings (*e.g.*, windows, doors, attic vents, dryer vents, kitchen exhaust, under floor openings, etc.)”

<sup>3</sup> California Electrical Code requires AC disconnect to be installed within 5 feet of the ESS unit. However, Memo requirement #5 states: “ESS disconnect to be no closer than 5’ from ESS and no further than the line of sight. Proper signage(s) shall read ‘ENERGY STORAGE SYSTEM AC DISCONNECT’”

<sup>4</sup> The California Energy Commission estimates that California facing 600MW of capacity shortfall in 2023, growing to 2,700 MW in 2024. See “2022 Summer Stack Analysis” presentation on May 20, 2022 workshop in CEC Docket No. 21-ESR-01 at Slide 21.

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=243173&DocumentContentId=76874>

stakeholder input and collaboration from government, fire departments, fire protection engineers, safety researchers, and industry members to incorporate new fire research and learnings.

CESA appreciates the initiative taken by LAFD to think of ways to streamline the permitting process to reduce burden of application review on the fire service while allowing LA citizens to install BESS in their homes. Streamlined permitting in the residential sector is particularly fruitful given the larger numbers of residential applications, relatively small size of BESS being installed, and standardized installations.

Under SB 379, passed by the Legislature in 2022, LA is required to implement automated permitting for residential solar and storage by September 2023. Under this new law, permits must be issued in real time for all residential solar and storage jobs less than 38.4 kW AC in size, which encompasses the vast majority of residential installations.<sup>5</sup> While streamlining is important, requirements for qualification for any streamlined process should be meaningfully developed with the stakeholders impacted. Instead, the memo released in October came out of the blue, without any notice to or input from the important industry stakeholders.

If LA deems it necessary to add additional requirements beyond code to qualify for a streamlined process without Fire Dept. review, CESA encourages LAFD and LADBS to work with external stakeholders, including BESS manufacturers, installers, and other subject matter experts to collaboratively develop meaningful streamlined guidelines. These guidelines should reduce safety risks from BESS but should also allow common installation configurations to qualify for a shortened process to reduce the burden on LAFD and LADBS of permit application review. CESA is confident that stakeholder engagement could be done in a timely manner and that LA can establish an automated process by September 2023 to comply with SB 379.

Therefore, CESA recommends that the LAFD suspend the requirements in the memo immediately, and instead begin a process to accept comments and feedback from stakeholders to revise the memo requirements. Thank you very much for your consideration.

Sincerely,



Alex J. Morris  
Executive Director  
California Energy Storage Alliance (CESA)

CC: Mayor Garcetti's Office of Sustainability and Office of Public Safety

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<sup>5</sup> In Southern California Edison territory, the average size of residential solar and storage projects installed this year (January – September 2022) is 8.1 kW AC, with 95% of residential projects sized less than 12.8 kW AC. Data from [www.californiadgstats.ca.gov](http://www.californiadgstats.ca.gov)