

AMENDED IN SENATE APRIL 18, 2001

**SENATE BILL**

**No. 497**

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**Introduced by Senator Sher**

February 22, 2001

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An act to amend Sections 65850.5, 66473.1, 66475.1, and 66475.2 of the Government Code, relating to energy conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 497, as amended, Sher. Energy conservation.

(1) Existing law prohibits the legislative body of any city or county from enacting an ordinance that prohibits or unreasonably restricts the use of solar energy systems other than for the preservation or protection of the public health and safety.

This bill would make technical, nonsubstantive changes to this provision.

(2) The Subdivision Map Act requires the design of a subdivision for which a tentative map is required to provide, to the extent feasible, for future passive natural heating or cooling opportunities in the subdivision.

This bill would make technical changes to this provision.

(3) The Subdivision Map Act also requires the subdivider of a subdivision that, as shown on the final map thereof, contains 200 or more parcels, to dedicate additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents. A local ordinance may require land within a subdivision, except a subdivision that consists of the subdivision of airspace, to be dedicated or irrevocably offered for dedication for local transit facilities that directly benefit the subdivision residents if the subdivision has the potential for 200 or more dwelling units and the local governing body

finds that transit services are or will be made available to the subdivision within a reasonable time.

This bill would require all subdividers to dedicate additional land as may be necessary and feasible to provide bicycle paths for the residents. It would also authorize a local ordinance to require land within any subdivision to be dedicated or irrevocably offered for dedication for local transit facilities, *except as specified*.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65850.5 of the Government Code is  
2 amended to read:

3 65850.5. (a) The legislative body of any city or county shall  
4 not enact an ordinance that has the effect of prohibiting or of  
5 unreasonably restricting the use of solar energy systems other than  
6 for the preservation or protection of the public health or safety.  
7 This prohibition shall be applicable to charter cities because the  
8 promotion of the use of nonfossil fuel sources of energy, including  
9 solar energy and energy conservation measures, is a matter of  
10 statewide concern.

11 (b) This section shall not apply to ordinances that impose  
12 reasonable restrictions on solar energy systems. However, it is the  
13 policy of the state to promote and encourage the use of solar energy  
14 systems and to remove obstacles thereto. Accordingly, reasonable  
15 restrictions on a solar energy system are those restrictions that do  
16 not significantly increase the cost of the system or significantly  
17 decrease its efficiency, or that allow for an alternative system of  
18 comparable cost and efficiency.

19 (c) For the purposes of this section, “solar energy system”  
20 shall have the same meaning as set forth in Section 801.5 of the  
21 Civil Code.

22 SEC. 2. Section 66473.1 of the Government Code is amended  
23 to read:

24 66473.1. (a) The design of a subdivision for which a tentative  
25 map is required pursuant to Section 66426 shall provide, to the  
26 extent feasible, for future passive or natural heating or cooling  
27 opportunities in the subdivision.



1 (b) (1) Examples of passive or natural heating opportunities in  
2 subdivision design, include design of lot size and configuration to  
3 permit orientation of a structure in an east-west alignment for  
4 southern exposure.

5 (2) Examples of passive or natural cooling opportunities in  
6 subdivision design include design of lot size and configuration to  
7 permit orientation of a structure to take advantage of shade or  
8 prevailing breezes.

9 (c) In providing for future passive or natural heating or cooling  
10 opportunities in the design of a subdivision, consideration shall be  
11 given to local climate, to contour, to configuration of the parcel to  
12 be divided, and to other design and improvement requirements,  
13 and that provision shall not result in reducing allowable densities  
14 or the percentage of a lot that may be occupied by a building or  
15 structure under applicable planning and zoning in effect at the time  
16 the tentative map is filed.

17 (d) The requirements of this section do not apply to  
18 condominium projects which consist of the subdivision of airspace  
19 in an existing building when no new structures are added.

20 (e) For the purposes of this section, “feasible” means capable  
21 of being accomplished in a successful manner within a reasonable  
22 period of time, taking into account economic, environmental,  
23 social and technological factors.

24 SEC. 3. Section 66475.1 of the Government Code is amended  
25 to read:

26 66475.1. Whenever a subdivider is required pursuant to  
27 Section 66475 to dedicate roadways to the public, the subdivider  
28 may also be required to dedicate additional land as may be  
29 necessary and feasible to provide bicycle paths for the use and  
30 safety of the residents of the subdivision.

31 SEC. 4. Section 66475.2 of the Government Code is amended  
32 to read:

33 66475.2. (a) There may be imposed by local ordinance a  
34 requirement of dedication or irrevocable offer of dedication of  
35 land within the subdivision for local transit facilities such as bus  
36 turnouts, benches, shelters, landing pads and similar items that  
37 directly benefit the residents of a subdivision. The irrevocable  
38 offers may be terminated as provided in subdivisions (c) and (d)  
39 of Section 66477.2.



1     *(b) Only the payment of fees in lieu of the dedication of land*  
2     *may be required in subdivisions that consist of the subdivision of*  
3     *airspace in existing buildings into condominium projects, stock*  
4     *cooperatives, or community apartment projects, as those terms are*  
5     *defined in Section 1351 of the Civil Code.*

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