

AMENDED IN SENATE MARCH 1, 2018

SENATE BILL

No. 827

Introduced by Senator Wiener
(Principal coauthor: Senator Skinner)
(Principal coauthor: Assembly Member Ting)
(Coauthor: Senator Hueso)

January 3, 2018

An act to add ~~Section 65917.7 to~~ *Chapter 4.35 (commencing with Section 65918.5) to Division 1 of Title 7 of the Government Code, relating to land use.*

LEGISLATIVE COUNSEL'S DIGEST

SB 827, as amended, Wiener. Planning and zoning: transit-rich housing bonus.

The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would ~~authorize a~~ *require a local government to, if requested, grant a development proponent of a transit-rich housing project to receive a transit-rich housing bonus: bonus if that development meets specified planning standards, including complying with demolition permit requirements, local inclusionary housing ordinance requirements, preparing a relocation benefits and assistance plan, any locally adopted objective zoning standards, and any locally adopted minimum unit mix*

requirements. The bill would define a transit-rich housing project as a residential development project the parcels of which are all within a ½ mile radius of a major transit stop or a ¼ mile radius of a stop on a high-quality transit corridor, as those terms are further defined. corridor. The bill would exempt a project awarded a housing opportunity bonus an eligible applicant who receives a transit-rich housing bonus from various requirements, including maximum controls on residential density or floor area ratio; density, maximum controls on floor area ratio that are lower than a specified amount, minimum automobile parking requirements, maximum height limitations, and zoning or design standards that restrict the applicant's ability to construct the maximum number of units consistent with any applicable building code, and maximum height limitations, as provided. controls that have the effect of limiting additions onto existing structures or lots that comply with those maximum floor area ratios and height limitations. The bill would require an eligible applicant who receives a transit-rich housing bonus to provide benefits to eligible displaced persons who are displaced by the development, including requiring the applicant to offer a right to remain guarantee to those tenants, and to make payments to eligible displaced persons for moving and related expenses as well as for relocation benefits. The bill would also require an eligible applicant to submit a relocation benefit and assistance plan for approval to the applicable local government to that effect, and to provide specified information and assistance to eligible displaced persons.

The bill would declare that its provisions address a matter of statewide concern and apply equally to all cities and counties in this state, including a charter city.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. The Legislature finds and declares that this act
2 addresses a matter of statewide concern and shall apply equally to
3 all cities and counties in this state, including charter cities.

4 SEC. 2. Chapter 4.35 (commencing with Section 65918.5) is
5 added to Division 1 of Title 7 of the Government Code, immediately
6 following Chapter 4.3, to read:

7

8 CHAPTER 4.35. TRANSIT-RICH HOUSING BONUS

9

10 65918.5. For purposes of this chapter:

11 (a) "Development proponent" means an applicant who submits
12 an application for a transit-rich housing bonus pursuant to this
13 chapter.

14 (b) "Eligible applicant" means a development proponent who
15 receives a transit-rich housing bonus.

16 (c) "FAR" means floor area ratio.

17 (d) "High-quality transit corridor" means a corridor with fixed
18 route bus service that has service intervals of no more than 15
19 minutes during peak commute hours.

20 (e) "Local government" means city, including a charter city, a
21 county, or city and county.

22 (f) "Transit-rich housing project" means a residential
23 development project the parcels of which are all within a one-half
24 mile radius of a major transit stop or a one-quarter mile radius
25 of a stop on a high-quality transit corridor. A residential
26 development project does not qualify as a transit-rich housing
27 project if that project would result in the construction of housing
28 in zoning districts that prohibit the construction of housing as a
29 principal or conditional use, including, but not limited to,
30 exclusively industrial or manufacturing zoning districts. A project
31 shall be deemed to be within a one-half mile radius of a major
32 transit stop or a one-quarter mile radius of a stop on a high-quality
33 transit corridor if both of the following apply:

34 (1) All parcels within the project have no more than 25 percent
35 of their area outside of a one-half mile radius of a major transit
36 stop or a one-quarter mile radius of a stop on a high-quality transit
37 corridor.

1 (2) No more than 10 percent of the residential units or 100 units,
2 whichever is less, of the project are outside of a one-half mile
3 radius of a major transit stop or a one-quarter mile radius of a
4 stop on a high-quality transit corridor.

5 65918.6. (a) Notwithstanding any local ordinance, general
6 plan element, specific plan, charter, or other local law, policy,
7 resolution, or regulation, a local jurisdiction shall, if requested,
8 provide an eligible applicant with a transit-rich housing bonus
9 that shall exempt the project from all of the following:

10 (1) Maximum controls on residential density.

11 (2) Maximum controls on FAR lower than those specified in
12 paragraph (4) of subdivision (c).

13 (3) Minimum automobile parking requirements.

14 (4) Maximum building height limits that are less than those
15 specified in subdivision (b).

16 (5) Zoning or design controls that have the effect of limiting
17 additions onto existing structures or lots if such additions comply
18 with the height and FAR limits established in subdivision (b) or
19 paragraph (4) of subdivision (c).

20 (b) An eligible applicant shall be exempt from local maximum
21 height limits as follows:

22 (1) If the transit-rich housing project is within a one-quarter
23 mile radius of either a major transit stop or a stop on a high-quality
24 transit corridor, the maximum height limitation shall not be less
25 than 85 feet, except in cases where a parcel facing a street that is
26 less than 70 feet wide from property line to property line, in which
27 case the maximum height shall not be less than 55 feet. If the
28 project is exempted from the local maximum height limitation, the
29 maximum height limitation for a transit-rich housing project shall
30 be 85 feet or 55 feet, as provided in this paragraph.

31 (2) If the transit-rich housing project is within one-half mile of
32 a major transit stop, but does not meet the criteria specified in
33 paragraph (1), any maximum height limitation shall not be less
34 than 55 feet, except in cases where a parcel facing a street that is
35 less than 70 feet wide from property line to property line, in which
36 case the maximum height shall not be less than 45 feet. If the
37 project is exempted from the local maximum height limitation, the
38 maximum height limitation for a transit-rich housing project shall
39 be 55 feet or 45 feet, as provided in this paragraph.

1 (3) For purposes of this subdivision, if a parcel has street
2 frontage on two or more different streets, the maximum height
3 limitation pursuant to this subdivision shall be based on the widest
4 street.

5 (c) A development proponent may submit an application for a
6 development to be subject to the transit-rich housing bonus process
7 provided by subdivision (b) if the application satisfies all of the
8 following planning standards:

9 (1) Any demolition permit that is related to an application for
10 a transit-rich housing project is subject to all demolition permit
11 controls, restrictions, and review processes enacted by the
12 applicable local government. Additionally, an applicant shall be
13 ineligible for a transit-rich housing bonus if the housing
14 development is proposed on any property that includes a parcel
15 or parcels on which existing rental units that are subject to any
16 form of rent or price control through a local government's valid
17 exercise of its police power would need to be demolished, unless
18 the local government passes a resolution explicitly authorizing a
19 review process for demolition permit applications.

20 (2) The development complies with any local inclusionary
21 housing ordinances. For purposes of this paragraph, local
22 inclusionary housing ordinances include either of the following:

23 (A) A mandatory requirement, as a condition of the development
24 of residential units, that the development include a certain
25 percentage of residential units affordable to, and occupied by,
26 households with incomes that do not exceed the limits for
27 moderate-income, lower income, very low income, or extremely
28 low income households specified in Sections 50079.5, 50093,
29 50105, and 50106 of the Health and Safety Code. The ordinance
30 may provide alternative means of compliance that may include,
31 but are not limited to, in-lieu fees, land dedication, off-site
32 construction, or acquisition and rehabilitation of existing units. If
33 the ordinance is adopted after January 1, 2018, it shall meet all
34 the requirements of Section 65850.01.

35 (B) For the purposes of this section, if a community does not
36 have a mandatory requirement as described in subparagraph (A),
37 a locally adopted voluntary incentive-based program that grants
38 a range of incentives to developments that include an objective
39 and knowable amount of on-site affordable housing. The knowable
40 amount of on-site affordable housing and number of incentives

1 shall be calculated based on the project's proximity to different
2 types of public transportation, and include proximity to both
3 regular bus lines, bus rapid transit, and rail stations. In the case
4 that a local inclusionary housing ordinance is a voluntary or
5 incentive-based program as described in this subparagraph, on-site
6 affordable housing requirements for a transit-rich housing project
7 shall be calculated based on the height, density, floor area ratio,
8 bulk, and automobile parking included in the final design of the
9 transit-rich housing project.

10 (3) The development proponent prepares and submits to the
11 applicable local government a relocation assistance and benefits
12 plan as described in subdivision (d) of Section 65918.8.

13 (4) Except as specified in subdivision (a), the transit-rich
14 housing project complies with all local objective zoning design
15 standards that were in effect at the time that the applicant submits
16 its first application to the local government pursuant to this section,
17 except as provided in Section 65918.10, provided that those local
18 zoning design standards shall not result in a FAR for the
19 development that received the bonus that is less than the following:

20 (A) 2.5 FAR for lots with a maximum height limit of 45 feet
21 pursuant to this section.

22 (B) 3.25 FAR for lots with a maximum height limit of 55 feet
23 pursuant to this section.

24 (C) 4.5 FAR for lots with a maximum height limit of 85 feet
25 pursuant to this section.

26 (5) Any locally adopted objective zoning standard that involves
27 no personal or subjective judgment by a public official and is
28 uniformly verifiable by reference to an external and uniform
29 benchmark or criterion available and knowable by both the
30 development applicant or proponent and public officials before
31 the application is submitted, including but not limited to essential
32 bulk and FAR requirements, except as specified in paragraph (4),
33 codified design standards, and development fees.

34 (6) Any locally adopted minimum unit mix requirements,
35 provided that those requirements do not have the effect of requiring
36 more than 40 percent of all units in a transit-rich housing project
37 to have two bedrooms or more.

38 (d) An eligible applicant who receives a transit-rich housing
39 bonus pursuant to this section may also apply for a density bonus,
40 incentive or concession, or waiver or reduction, pursuant to Section

1 65915. For purposes of calculating any base development standard,
2 including maximum allowable residential density, for purposes of
3 granting a density bonus, incentive or concession, or a waiver or
4 reduction of a development standard pursuant to that section, any
5 transit-rich housing bonus granted pursuant to this chapter shall
6 be used as that base development standard.

7 (e) An eligible applicant who receives a transit-housing bonus
8 pursuant to this section, and who requests a streamlined,
9 ministerial, approval process pursuant to Section 65913.4, shall
10 be deemed to be in compliance with local zoning requirements for
11 purposes of determining eligibility pursuant to paragraph (5) of
12 subdivision (a) of Section 65913.4, and for purposes of enforcing
13 legal protections for new developments under Section 65589.5.

14 65918.7. In the event that a transit-rich housing project is
15 issued a demolition permit by a local government as described in
16 paragraph (1) of subdivision (c) of Section 65918.6, the project
17 shall comply with any state or local tenant relocation benefit and
18 assistance program or ordinance serving residential tenants living
19 in the units that will be demolished. Moreover, in the event that
20 issuance of a demolition permit would result in the direct
21 displacement of a residential tenant or tenants, the local
22 government may not issue demolition permits for rental housing
23 units as a part of the application for a transit-rich housing project,
24 unless the development proponent complies with relocation benefits
25 and assistance and a right to remain guarantee, as follows:

26 (a) The development proponent prepares and submits a
27 relocation assistance and benefits plan to the jurisdiction as
28 described in subdivision (d) of Section 65918.8.

29 (b) The development proponent offers all eligible displaced
30 persons a right to remain guarantee that is a right of first refusal
31 for a comparable unit in the transit-rich housing project after it
32 finishes construction, and a new lease for that unit at a rate not
33 to exceed the base rent defined in paragraph (2) of subdivision (f)
34 of Section 65918.9.

35 65918.8. (a) An eligible applicant that receives a transit-rich
36 housing bonus shall comply with the procedures and requirements
37 in this section in providing relocation benefits and a right to remain
38 guarantee to any eligible displaced person.

39 (b) For purposes of this chapter, “eligible displaced person”
40 means the following:

1 (1) Any person who occupies property that is located within the
2 development, and who will become displaced by the development.

3 (2) Any person who moves from property located within the
4 boundaries of the development after an application for a
5 development proposal subject to a transit-rich housing bonus is
6 deemed complete.

7 (c) An eligible applicant shall inform all eligible displaced
8 persons regarding the projected date of displacement and,
9 periodically, should inform those persons of any changes in the
10 projected date of displacement.

11 (d) A development proponent shall prepare a detailed relocation
12 benefits and assistance plan, and submit that plan to the applicable
13 local government for approval to determine whether the plan
14 complies with the requirements of this section. That plan shall
15 include all of the following:

16 (1) A diagrammatic sketch of the project area.

17 (2) Projected dates of displacement.

18 (3) A written analysis of the aggregate relocation needs of all
19 eligible displaced persons and a detailed explanation as to how
20 these needs are to be met.

21 (4) A written analysis of relocation housing resources, including
22 vacancy rates of the neighborhood and surrounding areas.

23 (5) A detailed description of relocation payments to be made
24 and a plan for disbursement.

25 (6) A cost estimate for carrying out the plan.

26 (7) A standard information statement to be sent to all eligible
27 displaced persons who will be permanently displaced.

28 (8) Plans for public review and comment on the development
29 project and relocation benefits and assistance plan.

30 (e) A development proponent shall provide notice of the
31 relocation benefits and assistance plan to all eligible displaced
32 persons at least 30 days before submitting the plan to the local
33 government for approval pursuant to subdivision (d).

34 (f) After the applicable local government approves the relocation
35 benefits and assistance plan pursuant to subdivision (d), the eligible
36 applicant shall do all the following:

37 (1) Notify all eligible displaced persons of the following:

38 (A) The availability of relocation benefits and assistance.

39 (B) The eligibility requirements of relocation benefits and
40 assistance.

- 1 (C) *The procedures for obtaining relocation benefits and*
2 *assistance.*
- 3 (2) *Determine the extent of the need of each eligible displaced*
4 *person for relocation benefits and assistance.*
- 5 (3) *Provide the current and continuing information on the*
6 *availability, prices and rentals of comparable sales and rental*
7 *housing, and as to security deposits, closing costs, typical down*
8 *payments, interest rates, and terms for residential property in the*
9 *area to all eligible displaced persons.*
- 10 (4) *Assist each eligible displaced person to complete*
11 *applications for payments and benefits.*
- 12 (5) *Assist each eligible displaced person to obtain and move to*
13 *a comparable replacement dwelling.*
- 14 (6) *Supply to each eligible displaced person information*
15 *concerning federal and state housing programs.*
- 16 (7) *Inform all persons who are expected to be displaced about*
17 *the eviction policies to be pursued in carrying out the project,*
18 *which policies shall be in accordance with the relocation benefits*
19 *and assistance plan approved pursuant to subdivision (d).*
- 20 (g) *An eligible applicant's obligation to provide relocation*
21 *benefits and assistance to an eligible displaced person shall cease*
22 *if any of the following occurs:*
- 23 (1) *An eligible displaced person moves to a comparable*
24 *replacement dwelling and receives all assistance and payments to*
25 *which he or she is entitled.*
- 26 (2) *An eligible displaced person moves to substandard housing,*
27 *refuses reasonable offers of additional assistance in moving to a*
28 *decent, safe and sanitary replacement dwelling, and receives all*
29 *payments to which he or she entitled.*
- 30 (3) *The eligible applicant has failed to trace or locate the*
31 *eligible displaced person after making all reasonable efforts to do*
32 *so.*
- 33 (4) *An eligible displaced person from his or her dwelling refuses,*
34 *in writing, reasonable offers of assistance, payments and*
35 *comparable replacement housing.*
- 36 (h) *An eligible applicant shall not evict an eligible displaced*
37 *person from property, except as a last resort. If an eligible*
38 *displaced person is evicted as a last resort pursuant to this*
39 *subdivision, that eviction in no way affects the eligibility of that*
40 *person for relocation payments.*

1 65918.9. *An eligible applicant that receives a transit-rich*
2 *housing bonus shall make relocation payments to or on behalf of*
3 *eligible displaced persons that otherwise meets all basic eligibility*
4 *conditions set out in Section 65918.8, for all actual reasonable*
5 *expenses incurred for moving and related expenses to move*
6 *themselves, their family, and their personal property, and for*
7 *relocation benefits. In all cases, the amount of payment shall not*
8 *exceed the reasonable cost of accomplishing the activity in*
9 *connection with a claim that has been filed. In making payments*
10 *under this section, the eligible applicant shall comply with all of*
11 *the following:*

12 *(a) For purposes of this section, “moving and related expenses”*
13 *include all of the following:*

14 *(1) Transportation of persons and property, not to exceed a*
15 *distance of 50 miles from the site from which they were displaced,*
16 *except where relocation beyond 50 miles is justified.*

17 *(2) Packing, crating, unpacking and uncrating personal*
18 *property.*

19 *(3) Storage of personal property, for a period not to exceed 12*
20 *months.*

21 *(4) Insurance of personal property while in storage or transit.*

22 *(5) The reasonable replacement value of property lost, stolen*
23 *or damaged (not through the fault or negligence of the displaced*
24 *person, his agent, or employee) in the process of moving, where*
25 *insurance covering such loss, theft or damage is not reasonably*
26 *available. A claim for payment hereunder shall be supported by*
27 *written evidence of loss which may include appraisals, certified*
28 *prices, bills of sale, receipts, canceled checks, copies of*
29 *advertisements, offers to sell, auction records, and other records*
30 *appropriate to support the claim.*

31 *(b) An eligible applicant may pay an eligible displaced person*
32 *for their anticipated moving expenses in advance of the actual*
33 *move. An eligible applicant shall provide advance payment as*
34 *described in this subdivision whenever later payment would result*
35 *in financial hardship to the eligible displaced person. In*
36 *determining financial hardship for purposes of this subdivision,*
37 *particular consideration shall be given to the financial limitations*
38 *and difficulties experienced by low and moderate income persons.*

39 *(c) This section does not preclude an eligible applicant from*
40 *relying upon other reasonable means of relocating an eligible*

1 *displaced person, including contracting to have that eligible*
2 *displaced person moved to satisfy the requirements of this section,*
3 *and arranging for assignment of moving expense payments by*
4 *eligible displaced persons.*

5 *(d) An eligible displaced person who elects to self-move may*
6 *submit a claim for their moving and related expenses to the eligible*
7 *applicant in an amount not to exceed an acceptable low bid or an*
8 *amount acceptable to the displacing entity. An eligible displaced*
9 *person is not required to provide documentation of moving*
10 *expenses actually incurred.*

11 *(e) Except in cases of a displaced person conducting a self-move*
12 *as provided in subdivision (d) above, an eligible displaced person*
13 *who submits a claim for relocation payments under this section*
14 *shall include a bill or other evidence of expenses incurred. An*
15 *eligible applicant may enter into a written arrangement with the*
16 *eligible displaced person and the mover so that the eligible*
17 *displaced person may present to the eligible applicant an unpaid*
18 *moving bill, and the eligible applicant can then pay the mover*
19 *directly for any moving expenses incurred.*

20 *(f) For purposes of this section, “relocation benefits” means a*
21 *payment of an amount necessary to enable that person to lease or*
22 *rent a replacement dwelling for a period not to exceed 42 months,*
23 *as follows:*

24 *(1) The amount of payment necessary to lease or rent a*
25 *comparable replacement dwelling shall be computed by subtracting*
26 *42 times the base monthly rental of the displaced person, from 42*
27 *times the monthly rental for a comparable replacement dwelling,*
28 *provided, that in no case may such amount exceed the difference*
29 *between 42 times the base monthly rental as determined in*
30 *accordance with this subdivision and 42 times the monthly rental*
31 *actually required for the replacement dwelling occupied by the*
32 *eligible displaced person.*

33 *(2) The base monthly rental shall be the lesser of the average*
34 *monthly rental paid by the eligible displaced person for the*
35 *three-month period before the eligible applicant submitted the*
36 *relocation benefits and assistance plan pursuant to subdivision*
37 *(d) of Section 65918.8, or 30 percent of the eligible displaced*
38 *person’s average monthly income.*

39 *(3) A dependent who is residing separate and apart from the*
40 *person or family providing support, whether that residence is*

1 permanent or temporary shall be entitled to payment under this
2 section, but that payment shall be limited to the period during
3 which the displaced dependent resides in the replacement dwelling.
4 At the time the displaced dependent vacates that dwelling, no
5 further payment under this section shall be made to that person.

6 (4) Except where specifically provided otherwise, the eligible
7 applicant may disburse payments for relocation benefits under
8 this section in a lump sum, monthly or at other intervals acceptable
9 to the displaced person.

10 (g) Upon request by an eligible displaced person who has not
11 yet purchased and occupied a replacement dwelling, but who is
12 otherwise eligible for a replacement housing payment, the eligible
13 applicant shall certify to any interested party, financial institution,
14 or lending agency, that the eligible displaced person will be eligible
15 for the payment of a specific sum if they purchase and occupy a
16 dwelling within the time limits prescribed.

17 65918.10. (a) If, on or after January 1, 2018, a local
18 government adopts an ordinance that eliminates residential zoning
19 designations or decreases residential zoning development capacity
20 within an existing zoning district in which the development is
21 located than what was authorized on January 1, 2018, then that
22 development shall be deemed to be consistent with any applicable
23 requirement of this chapter if it complies with zoning designations
24 that were authorized as of January 1, 2018.

25 (b) The Department of Housing and Community Development
26 may, at any time, review any new or revised zoning or design
27 standards after the operative date of the act adding this section to
28 determine if those local standards are consistent with the
29 requirements of this section. If the department determines that
30 those standards are inconsistent, the department shall issue, in a
31 form and manner provided by the department, a finding of
32 inconsistency, and those standards shall be rendered invalid and
33 unenforceable as of the date that finding is issued.

34 SEC. 3. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 a local agency or school district has the authority to levy service
37 charges, fees, or assessments sufficient to pay for the program or
38 level of service mandated by this act, within the meaning of Section
39 17556 of the Government Code.

1 SEC. 2.— Section 65917.7 is added to the Government Code, to
2 read:

3 65917.7. (a) As used in this section, the following definitions
4 shall apply:

5 (1) “Block” has the same meaning as defined in subdivision (a)
6 of Section 5870 of the Streets and Highways Code.

7 (2) “High-quality transit corridor” means a corridor with fixed
8 route bus service that has service intervals of no more than 15
9 minutes during peak commute hours.

10 (3) “Transit-rich housing project” means a residential
11 development project the parcels of which are all within a one-half
12 mile radius of a major transit stop or a one-quarter mile radius of
13 a high-quality transit corridor. A project shall be deemed to be
14 within a one-half mile radius of a major transit stop or a one-quarter
15 mile radius of a high-quality transit corridor if both of the following
16 apply:

17 (A) All parcels within the project have no more than 25 percent
18 of their area outside of a one-half mile radius of a major transit
19 stop or a one-quarter mile radius of a high-quality transit corridor.

20 (B) No more than 10 percent of the residential units or 100 units,
21 whichever is less, of the project are outside of a one-half mile
22 radius of a major transit stop or a one-quarter mile radius of a
23 high-quality transit corridor.

24 (4) “Major transit stop” has the same meaning as defined in
25 Section 21064.3 of the Public Resources Code.

26 (b) Notwithstanding any local ordinance, general plan element,
27 specific plan, charter, or other local law, policy, resolution, or
28 regulation, a transit-rich housing project shall receive a transit-rich
29 housing bonus which shall exempt the project from all of the
30 following:

31 (1) Maximum controls on residential density or floor area ratio.

32 (2) Minimum automobile parking requirements.

33 (3) Any design standard that restricts the applicant’s ability to
34 construct the maximum number of units consistent with any
35 applicable building code.

36 (4) (A) If the transit-rich housing project is within either a
37 one-quarter mile radius of a high-quality transit corridor or within
38 one block of a major transit stop, any maximum height limitation
39 that is less than 85 feet, except in cases where a parcel facing a
40 street that is less than 45 feet wide from curb to curb, in which

1 case the maximum height shall not be less than 55 feet. If the
2 project is exempted from the local maximum height limitation, the
3 governing height limitation for a transit-rich housing project shall
4 be 85 feet or 55 feet, as provided in this subparagraph.

5 (B) If the transit-rich housing project is within one-half mile of
6 a major transit stop, but does not meet the criteria specified in
7 subparagraph (A), any maximum height limitation that is less than
8 55 feet, except in cases where a parcel facing a street that is less
9 than 45 feet wide from curb to curb, in which case the maximum
10 height shall not be less than 45 feet. If the project is exempted
11 from the local maximum height limitation, the governing height
12 limitation for a transit-rich housing project shall be 55 feet or 45
13 feet, as provided in this subparagraph.

14 (C) For purposes of this paragraph, if a parcel has street frontage
15 on two or more different streets, the height maximum pursuant to
16 this paragraph shall be based on the widest street.

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 a local agency or school district has the authority to levy service
20 charges, fees, or assessments sufficient to pay for the program or
21 level of service mandated by this act, within the meaning of Section
22 17556 of the Government Code.