

Revised Framework for Missing Middle Interim Ordinance

Note: Based on community input received and further analysis conducted by staff, several revisions have been made to the proposed framework that was presented at the May 9th Planning & Design Commission meeting. These revisions specifically focus on single-unit and duplex dwelling (R-1, R-1A, R-1B, and R-2) zoned sites within a half-mile walking distance of high-frequency transit where the 2040 General Plan allows for increased development intensity (maximum Floor Area Ratio of 2). The revisions are shown in the [redline text](#) below. Please also see page 7 for the revised adoption hearing schedule.

The uncodified interim ordinance will update the City's planning and development standards to broaden the range of housing types allowed by-right within the single-unit and duplex dwelling residential zones by allowing neighborhood-scale multi-unit dwellings and small single-unit dwellings on significantly reduced lot sizes in the R-1, R-1A, R-1B, and R-2 zones. The interim ordinance will regulate the building form and scale rather than the number of units in the building using the 2040 General Plan's floor area ratios (FARs) and objective standards related to bulk control, height, ~~lot coverage~~, lot dimensions, and setbacks. Below is the proposed framework of this interim ordinance.

Objectives:

The interim ordinance will contain a set of unique development standards and requirements, directly informed by the [final recommendations](#) of the MMH Study, that are intended to—

- Address existing zoning barriers to multi-unit development within the R-1, R-1A, R-1B, and R-2 zones.
- Increase entry-level ownership opportunities by allowing small single-unit dwellings on significantly reduced lot sizes.
- Ensure compatible form and scale with existing neighborhoods by promoting human-scale building design.
- Incentivize shared open space areas designed with tree shading for residents to passively recreate in.
- Require new tree planting along the public right of way to provide shade for the street and sidewalk.
- Encourage the preservation of existing mature trees as well as the planting of large shade trees.

Where the interim ordinance applies and what it does:

- The interim ordinance will apply to all sites zoned R-1, R-1A, R-1B, and R-2, except for sites located within an area regulated by an Airport Land Use Plan that limits the number of dwelling units per site.
- The minimum lot size within these four zones will be 1,200 square feet.
- Duplex and multi-unit dwellings will be allowed by-right.
- Development of duplex and multi-unit dwellings on lots of any size within these four zones must comply with the new development standards, except for duplex dwellings approved under SB9.

- Development of single-unit dwellings on lots between 1,200 and 2,899 square feet must comply with the new development standards.
- The developer of single-unit dwellings on lots of 2,900 square feet or more may elect to follow the new development standards.

Built Form Standards

Below is a summary of the built form standards that will help to ensure compatible neighborhood scale. Standards that are noteworthy in terms of significance and innovation are marked with an “*”.

1. **Height:** The current limit is 35 feet and will remain the same.
2. **Density:** No maximum density limit, however, minimum density is established by Map LUP-8 in the 2040 General Plan.
3. ***Floor Area Ratio (FAR):** No minimum FAR requirement. The maximum FAR is established by Map LUP-6 and Figure LUP-5 (Sliding FAR Scale) in the 2040 General Plan. See *page 10* for an excerpt of the 2040 General Plan showing Figure LUP-5 and related policies.
4. **Lot coverage:** No maximum lot coverage. The setback and open space requirements will ensure adequate open space on the site. The maximum lot coverage will be 50% or 800 square feet, whichever is greater; however, in the Central City Special Planning District, the maximum lot coverage will be 60% or 800 square feet, whichever is greater.
5. **Street side-yard setback:** The current requirement of 12.5 feet will remain the same, except:
 - a. In the Central City Special Planning District, where the minimum will be 3 feet, and
 - b. On sites designated in the General Plan with a maximum FAR of 2 or greater (and not located in the Central City Special Planning District), where the minimum will be 5 feet.
6. **Interior side-yard setback:** If the project is proposed adjacent to an existing detached single-unit dwelling, then the current requirement of 5 feet (or 3 feet if the lot width is less than 52 feet) will remain the same; otherwise, there is no minimum requirement.
7. **Rear-yard setback:** The current requirement of 15 feet will remain the same, except:
 - a. When the parcel is less than 2,900 square feet or when abutting a public alley, then a setback of 4 feet will apply, or
 - b. On sites designated in the General Plan with a maximum FAR of 2 or greater, where the minimum will be 10 feet.
8. **Front-yard setback:**
 - a. On sites designated by the General Plan for a maximum FAR of 1:
 - i. The current requirement is to match the setback of existing adjacent buildings, which will remain the same. If no adjacent buildings exist, a minimum of 12.5 feet will apply, ~~except in the Central City Special Planning District, where the minimum will be 8 feet.~~
 - b. On sites designated in the General Plan with a maximum FAR of 2 or greater, the setback shall be the lesser of the following:

- i. Match the setback of existing adjacent buildings.
- ii. 12.5 feet, or
- iii. 8 feet, if located in the Central City Special Planning District.

9. ***Allowed projections into front-yard setback (and street-side setback for corner lots):** If the proposed dwelling contains a front porch measuring at least 6 feet in depth and 8 feet in width:

- a. Interior lot: The first and second floor may project into the front-yard setback up to 40% of the required setback depth, or 5 feet, whichever is greater; the width of the projection may be up to 50% of the width of the building’s front façade.
- b. Corner lot: The same requirements apply, but the projection is allowed in *both* the front-yard and street-side setbacks.
- c. Additional requirements on the building projection:
 - i. Must contain at least one opening (e.g. window or door) per floor.
 - ii. Must be covered by a roof.
 - iii. Must not contain a garage or carport.

10. **Bulk and building massing control:** To help maintain the neighborhood scale or “house-scale” appearance, the bulk control standards require that the building must be contained within a “base building envelope,” a 3-dimensional air space that is defined by imagined, invisible *front and side planes* that rise vertically from the ground to a specified height before angling inward at a 45-degree angle until they intersect one another or reach a height of 35 feet, whichever is shorter. Projects with 3 or more primary dwelling units on a lot must be contained within the following planes:

- a. The **side planes** of the envelope begin at each of the side property lines and rise vertically to a height of 16 feet, at which point, the planes continue inwards from each side at a 45-degree angle to form the roofline planes.
- b. The **front plane** of the envelope begins at a line equal to the primary front façade of the building and rises vertically to a height of 20 feet, at which point the plane continues inwards at 45-degree angle.
- c. ***Dormers and other extensions*** outside of the roofline planes are allowed on each side of a building, subject to the following requirements:
 - i. The aggregate length of all dormers and other extensions that extend beyond a roofline plane must not exceed 60% of the width of the building façade below that roofline plane. On sites designated in the General Plan with a maximum FAR of 2 or greater, there is no restriction on the aggregate length of dormers and other extensions.
 - ii. The side wall of all dormers and other extensions must be set back at least 4 feet from the edge of the building wall below that typically forms the gable end (the triangular shaped part of the exterior wall found at the end of a gable roof).
 - iii. The face of the dormers and other extensions must be set back at least one foot from the building’s main wall below.

- iv. The roof pitch of dormers and other extensions must be at a 3:12 pitch minimum.
 - v. The aggregate area of all windows, including trim, on a dormer or other extension must be at least 50% of the area of the front wall of the dormer or other extension.
- d. Additionally, for a street-facing building, no part of the building located within 40 feet of the front property line may be wider than the width of adjacent buildings, or 55 feet, whichever is greater.

Provisions Related to Trees and Open Space

Please note that the existing city code provisions regarding private protected trees *will continue to be enforced*. Any potential updates to the city's tree ordinances will occur as a subsequent action of the Urban Forest Plan. The provisions below are intended to facilitate new tree plantings, incentivize the preservation of existing trees, and encourage functional open space areas for residents to enjoy.

1. ***Tree planting requirement:** At a minimum, one 15-gallon city-approved tree must be planted in the front-yard setback, and on corner lots, an additional 15-gallon city-approved tree must be planted in the street-side setback. Several exemptions are provided as summarized below, however, outside of these exemptions, a director-level public hearing would be required to approve a deviation request.
 - a. There are existing private protected trees, as defined in section 12.56.020 of the city code, in the front and/or street-side setbacks.
 - b. One new or existing tree planted for every 40 feet of street frontage in an adjacent street planter may count towards this requirement.
 - c. The property does not abut a sidewalk or public right-of-way, excluding alleys.
 - d. One or more existing private protected trees located in the rear-yard or interior side-yard setback is being preserved.
 - e. The city determines that the sidewalk and street adjacent to the lot is adequately shaded by existing city street trees.
2. ***Allowed building encroachment into setback to facilitate tree preservation:** If the preservation and long-term survival of one or more existing private protected trees, as defined in section 12.56.020 of the city code, can be facilitated by allowing the building footprint to encroach into the rear-yard, front-yard, or street-side setbacks:
 - a. The building may encroach up to 5 feet.
 - b. If the tree has a diameter at standard height of 32 inches or more, as defined by section 12.56.020 of the city code, the building may encroach up to 10 feet.
3. ***Allowed building encroachment into rear-yard setback to incentivize large shade trees:** If the planting and long-term survival of a large city-approved tree to shade the sidewalk and street can be facilitated by allowing the building footprint to encroach into the rear-yard setback:

- a. The building may encroach up to 5 feet if the tree has a mature canopy diameter of 40 feet or more.
 - b. The building may encroach up to 10 feet if the tree has a mature canopy diameter of 45 feet or more.
4. ***Open space requirement and an incentive for functional, shared open space areas with tree shading:** ~~Projects must provide common open space at a ratio of 125 square feet for each dwelling unit beyond the first two primary dwelling units, and shall not be located within any of the required setback areas, unless the common open space area meets the following criteria:~~
- a. Projects shall provide common open space as follows:
 - i. In the Central City Special Planning District, the open space ratios found in Section 17.444.050.B shall apply.
 - ii. On sites with a General Plan maximum FAR of 1: Open space will not be required on a lot with only one dwelling unit. On lots with two or more primary dwelling units, common open space will be required at a ratio of 125 square feet per unit or 400 square feet, whichever is greater.
 - iii. On sites with a General Plan maximum FAR of 2 or greater (and not located in the Central City Special Planning District): Open space will not be required on a lot with only one dwelling unit. On lots with two or more primary dwelling units, common open space will be required at a ratio of 75 square feet per dwelling unit or 400 square feet, whichever is greater.
 - b. Common open space shall not be located within any of the required setback areas, unless the open space area meets the following criteria:
 - i. Area measures at least ~~1510~~ feet in width and depth ~~wide and 20 feet long~~;
 - ii. Shading is provided by at least one new or existing city-approved tree;
 - iii. Connects with a pedestrian walkway to an entrance of one or more dwellings;
 - iv. Visible from the entrances and windows of adjacent dwellings;
 - v. Improved with seating and drought-tolerant and climate-appropriate trees, shrubs, or living ground cover; and
 - vi. Located outdoors and open to the sky, though small shade structures may be provided.

Provisions that Encourage Attainability, Promote Ownership Opportunities, and Address Potential Displacement

Analysis shows that Missing Middle Housing types are more attainable when compared to the housing produced by the status quo. However, increasing housing supply may also increase development pressure in the most vulnerable communities. The City has a number of strategies already in place to protect tenants and preserve both subsidized and naturally occurring affordable housing, which are generally older housing stock often owned by local residents. Please see *Attachment 7* Displacement

Assessment Toolkit for a more thorough discussion. The provisions below are intended to preserve existing affordable housing, increase entry-level ownership opportunities, encourage attainability, and incentivize deed-restricted affordable units.

1. ***Additional required findings for project approval to help preserve existing affordable housing and protect vulnerable residents:** The development must not result in any of the following:
 - a. Fewer dwelling units than existed on the site prior to project approval;
 - b. The demolition of one or more existing dwelling units subject to a rental agreement or lease effective within the prior 365 days; and
 - c. The demolition of one or more dwelling units that is subject to an affordable housing regulatory agreement.

2. ***Reduced lot dimensional requirements to increase entry-level ownership opportunities:** Currently, the minimum lot size is 5,200 square feet in the R-1 and R-2 zones; 2,900 square feet in R-1A; and 3,200 square feet in R-1B. The minimum lot size will be significantly reduced to 1,200 square feet. Currently in the R-1 zone, the minimum interior lot width is 52 feet, and the minimum corner lot width is 62 feet. Under the proposed ordinance, the minimum corner lot width will be 31 feet; the minimum interior lot width will be 16 feet but will increase by 4 feet on each side that abuts a detached single-unit dwelling.

3. ***Sliding Floor Area Ratio (FAR) Scale** (see *page 10*): The sliding FAR scale is tied to the number of units that are produced, with additional FAR granted for each housing unit constructed on the lot. This helps to incentivize the production of smaller units that are more attainable to more residents of Sacramento.

Revised Adoption Schedule for Missing Middle Interim Ordinance

	Milestone	Date
1	Release of remaining two reports of MMH Study (Displacement Assessment Toolkit and Final MMH Recommendations) and proposed ordinance framework for public review	May 8
2	Planning & Design Commission: Conclude MMH Study and Review Proposed Interim Ordinance Framework	May 9
3	Planning & Design Commission: Recommendation to City Council for approval of Interim Ordinance	June 27 <u>August 8</u>
4	Law & Legislation: Recommendation to City Council for approval of Interim Ordinance	July 23 <u>August 20</u>
5	City Council: Public Hearing and Adoption of the Interim Ordinance	Aug 27 <u>September 17</u>
6	Proposed Effective Date of Interim Ordinance	Sept 26 <u>October 17</u>

Proposed Long-Term Strategies for Future Implementation

As an ordinance intended to be an interim step for a longer-term comprehensive update of the Planning and Development Code (Title 17 of the Sacramento City Code) as directed by the 2040 General Plan Implementing Action LUP-A.8, the interim ordinance will not be able to address all the recommendations of the MMH Study. Below is a list of longer-term strategies identified by the Study that the City will study, explore, and potentially implement in future efforts.

1. **Bonus incentives for affordable Missing Middle Housing (priority strategy to be implemented shortly after adoption of MM Interim Ordinance):** A local bonus program to encourage the production of deed-restricted affordable units within housing developments of 4 or less primary dwelling units that would not qualify under the state density bonus law (CA Govt Code Sections 65915-65918). City staff will explore the feasibility of a local bonus program that would provide the following: for each primary or accessory dwelling unit (ADU) that is subject to a 10-year deed restriction at the affordability levels described below, the development would receive a +0.1 FAR bonus ~~and a +5% lot coverage bonus, up to a maximum of 10% additional lot coverage~~. The affordable unit(s) used to qualify for the bonus must be at least 400 square feet in floor area and be deed-restricted for a **10-year term** at:
 - a. **60% of Area Median Income** (AMI) or below if the unit is 749 square feet in floor area or less, and
 - b. **80% of AMI** or below if the unit is 750 square feet in floor area or greater.
2. **Update driveway requirements:** Existing standards require a 24-foot-wide driveway for three or more primary units on a parcel, but most infill lots are not wide enough to fit such a driveway alongside a house-scale MMH dwelling. The Study recommends that the City:
 - a. Redefine residential/commercial driveways based on number of on-site parking spaces rather than number of housing units.
 - b. Allow a "residential driveway" for small MMH types and explores ways to reduce required minimum driveway width for larger MMH types.
3. **Study Assembly Bill 1033:** Assembly Bill 1033 (AB 1033) enables jurisdictions to allow the sale of ADUs separately from primary residences, much like a condominium. Opting into this new law can expand homeownership opportunities for a broad range of household types, from young singles to retirees on fixed incomes. Since condominiums share ownership of land, they tend to be less expensive than homes on private lots. City staff is currently studying the feasibility and challenges of implementing AB 1033 to allow ADU "condominiums" to be sold separately from the primary residence.
4. **Review and update Condominium Conversion Ordinance:** Through City Code section 17.716.050, the City currently allows rental units to be converted to for-sale condominiums but with constraints to protect renters. Condominium conversions could provide both traditional and rent-to-own homeownership opportunities, allowing a broader range of households to build wealth through homeownership. As directed by Program H35 of the Housing Element, the City

shall review and modify the Condominium Conversion Ordinance to make the process and regulations clearer to staff, applicants, and affected tenants, while maintaining oversight in order to avoid adverse impacts to the rental housing stock and tenants.

5. **Expand Impact Fee Deferral Program:** The City currently allows projects with 5 or more units to participate in an impact fee deferral program that allows builders to pay impact fees near the end of the construction process as opposed to at the time of building permit issuance. Expanding this program to include projects with 3 or 4 units could provide an important benefit to small-scale builders of MMH.

GOAL AND POLICIES

LUP-3

Flexible development standards to promote revitalization in corridors and centers.

LUP-3.1 Maximum FAR. The City shall regulate maximum building intensity using floor area ratio (FAR) standards consistent with **Map LUP-6** and **Figure LUP-5**, which applies to residential uses in the single-unit and duplex zones. Maximum FAR standards shown in **Map LUP-6** apply to both residential and non-residential uses.

LUP-3.2 Sliding Floor Area Ratio Scale. Additional building area may increase proportionally to the number of units proposed on a lot, consistent with **Figure LUP-5**, up to the maximum FAR established by **Map LUP-6**.

LUP-3.3 Allowed Net Building Area. The City shall permit up to 2,000 square feet of net building area per lot or the maximum allowed by the Sliding FAR Scale (**Figure LUP-5**), whichever is greater.

LUP-3.4 Exemption from Sliding Floor Area Ratio Scale for Remodels and Additions. Remodels and additions to existing single-unit, duplex, and neighborhood-scale multi-unit dwellings are exempt from the limits established by the Sliding Floor Area Ratio Scale (**Figure LUP-5**).

LUP-3.5 Flexibility for Multi-Parcel Developments.

Where a developer proposes a development project on multiple parcels and some or all of the parcels have different General Plan residential densities or floor area ratios (FARs), the City may, at the discretion of the Community Development Director, calculate the net General Plan density or FAR range and apply that net density or FAR range to the net developable area of the entire project site. Some individual parcels may be zoned for densities/FARs that exceed the maximum allowed FAR under this policy, provided that the net density/FAR of the project as a whole is within the allowed range.

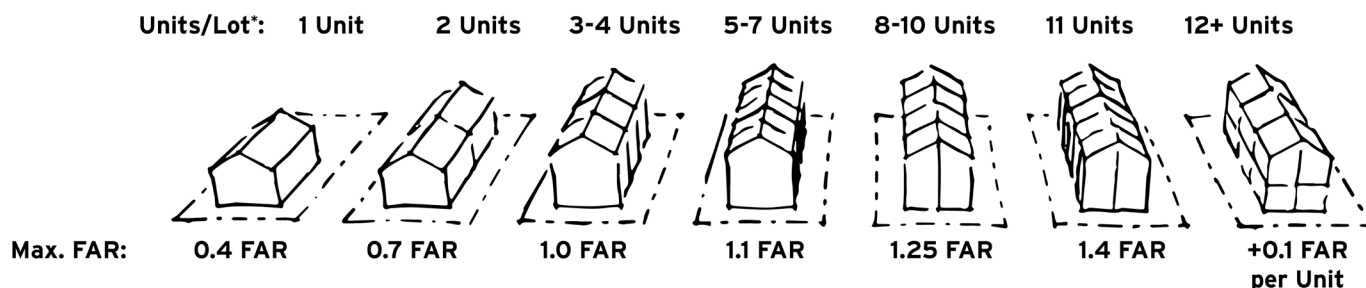
LUP-3.6 Minimum FAR. The City shall regulate minimum building intensity using floor area ratio (FAR) standards consistent with **Map LUP-7**. Minimum FAR standards apply to new mixed-use and non-residential development.

LUP-3.7 Minimum Density. City shall regulate minimum density standards using **Map LUP-8**. Minimum density standards apply to new standalone residential development.

LUP-3.8 Development Intensity at Less than the Minimum FAR. A development with a floor area ratio (FAR) at less than the required minimum may be deemed consistent with the General Plan if the City finds any of the following:

1. The use involves no building or by its nature normally conducts a substantial amount of its operations outdoors;

Figure LUP-5
Sliding FAR Scale



*Units per lot does not include ADUs.