
Sec. 29.10.020. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

...

Dwelling, single-family means a detached building containing but one (1) kitchen and designed and used to house not more than one (1) family, including domestic employees of such family ~~– and manufactured homes pursuant to Section 65852.3 of the Government Code.~~

...

Sec. 29.10.065. Recreational open space for residential condominiums.

The following standards apply to all residential condominiums in all zones. Higher standards may be imposed during the zoning approval process when the welfare of the occupants requires.

(1) *Private open space.* Each ground floor dwelling unit shall have a minimum of ~~two hundred one hundred and twenty (200 120)~~ square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. Each dwelling unit above the ground floor shall have ~~one hundred twenty sixty (120 60)~~ square feet of outdoor usable open space in the form of a balcony. ~~Where multiple balconies are provided for a single unit, the 60-square foot minimum can be an aggregate of all balconies, provide each balcony meets the requirements for minimum horizontal dimensions.~~ For purposes of this section, a multiple floor unit with the lower floor on the ground level ~~can choose to either provide 120 square feet of open space in the form of a single enclosed patio or deck or provide 60 square feet of open space in the form of a balcony, is treated as a ground floor unit. The minimum horizontal dimension is six feet in any direction. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit. The minimum horizontal dimension for a patio is ten (10) feet and for a balcony is six (6) feet.~~ Private open space shall be suitably screened for privacy of the occupant. Location and screening is subject to review by the deciding body.

(2) *Community recreation space.* ~~The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum of 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature. In addition to the private open space required by part (1), there shall be a total community recreation area of at least one hundred (100) square feet for each dwelling unit. This area is in addition to that required for yards. The deciding body shall determine whether the location and amount of community recreation space and facilities provided are appropriate for the anticipated residents of the project.~~

- i. ~~Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.~~
- ii. ~~Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.~~
- iii. ~~A project with four or fewer residential units is exempt from community recreation space requirements.~~

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Sec. 29.20.150. Considerations in review of applications.

The deciding body shall consider all relevant matter including, but not limited to, the following:

...

- (4) *Considerations relating to site layout.* The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the ~~character of the~~ neighborhood; and the appearance ~~and harmony~~ of the buildings with adjacent development. Buildings ~~shall should~~ strengthen the form of the neighborhood (e.g. downtown, Los Gatos Boulevard, etc.). Buildings should maximize preservation of solar access. In the downtown, mid-block pedestrian arcades linking Santa Cruz Avenue with existing and new parking facilities shall be encouraged, and shall include such crime prevention elements as good sight lines and lighting systems.

...

- (6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape, and exterior construction and design of buildings and structures as such factors relate to the existing and future ~~character of the~~ neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings, and other details.

...

Sec. 29.20.190. Findings and decision.

- (a) The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of this chapter if it finds that:
- (1) The proposed uses of the property are essential ~~or desirable~~ to the public convenience or welfare;
 - (2) The proposed uses will not impair the existing uses ~~integrity and character~~ of the zone;

...

Sec. 29.40.660. Recreational open space for multiple-family dwellings.

~~For multiple-family dwellings other than residential condominiums there shall be a total open space area of two hundred (200) square feet for each dwelling unit, usable for outdoor activities. This area is in addition to required yards, is a minimum requirement, shall be composed of private area, community areas or both, and may be in the form of balconies or decks, all as determined by the deciding body. Any areas intended to serve as private open space shall be screened for privacy of the occupant as required by the deciding body.~~

The following standards apply to multiple-family dwellings other than residential condominiums.

- (1) Private open space. Each ground floor dwelling unit shall have a minimum of one hundred and twenty (120) square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. Each dwelling unit above the ground floor shall have sixty (60) square feet of outdoor usable open space in the form of a balcony. Where multiple balconies are provided for a single unit, the 60-square foot minimum can be an aggregate of all balconies, provide each balcony meets the requirements for minimum horizontal dimensions. For purposes of this section, a multiple floor unit with the lower floor on the ground level can choose to either provide 120 square feet of open space in the form of a single enclosed patio or deck or provide 60 square feet of open space in the form of a balcony. The minimum horizontal dimension is six feet in any direction. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible

from the residential unit. Private open space shall be suitably screened for privacy of the occupant. Location and screening is subject to review by the deciding body.

(2) Community recreation space. The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum of 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.

i. Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.

ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.

iii. A project with four or fewer residential units is exempt from community recreation space requirements.

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