

1 **Chapter 25.35 BMU (BAYSWATER MIXED USE) DISTRICT REGULATIONS**

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17 25.35.010 Scope of regulations.

18 The Bayswater Mixed Use District is centered on Bayswater Avenue between El Camino Real  
19 and Park Road. Development should be consistent with the existing neighborhood scale of small streets  
20 and varied commercial and residential buildings. New development shall maintain the existing pattern at  
21 a scale consistent with the adjacent residential areas, to serve as a buffer between the downtown  
22 commercial district and the residential neighborhoods to the south and east. The following regulations  
23 shall apply to all properties within the BMU district.

24 25.35.020 Permitted uses.

25 The following uses are permitted in the BMU district:

- 26 (a) Personal services, such as barber and beauty shops, photographic studios, shoe repair  
27 and laundry and dry cleaning services which do not include on-site processing.  
28 (b) Business services, such as printing services, mailing services and post office box  
29 services.  
30 (c) Travel agencies.  
31 (d) Government agencies.  
32 (e) Financial Institutions.

1 (f) Multi-family residential uses, including live/work, with an average maximum unit size of  
2 1250 square feet. Average maximum unit size is defined as the maximum value allowed when averaging  
3 the square footage of gross floor areas of all residential units in a project.

4 25.35.030 Conditional uses requiring a conditional use permit.

5 The following are conditional uses requiring a conditional use permit in the BMU District:

6 (a) Offices, including health services and real estate offices.

7 (b) Religious facility.

8 (c) In association with a religious facility or nonprofit institution, provisions of any use or  
9 activity which is not directly related to providing religious services by the religious organization including  
10 leasing of premises for instructional uses or non-religious based counseling services;

11 (d) In association with a religious facility or nonprofit institution, provision of temporary  
12 shelter for homeless individuals or families, provided that the facility is located within a transportation  
13 corridor and the use does not occur continuously at any one location for more than six (6) months of any  
14 twelve (12) month period.

15 (e) Schools, public and private.

16 (f) Commercial recreation use.

17 (g) Any building or structure which is more than thirty-five (35) feet in height.

18 (h) Limited Corner Store Retail, subject to the following standards:

19 (1) There shall be no more than 2000 square feet of gross floor area devoted to the limited  
20 corner store retail use.

21 (2) Limited corner store retail may sell food products, household items, hardware,  
22 newspapers and magazines.

23 (3) The limited corner store retail may offer freshly prepared foods for on-site consumption or  
24 take-out, but the food preparation and dining space shall not exceed twenty (20) percent of the store's  
25 gross floor area.

26 (4) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.

27 (5) No permanently installed security bars shall be allowed, only retractable or removable  
28 security features may be used.

29 25.35.035 Prohibited uses.

30 Uses not listed as permitted or conditional shall be prohibited and in particular, but not limited to  
31 the following:  
32

1 (a) Uses of any industrial nature, including, but not limited to junkyards and automobile  
2 wrecking establishments.

3 (b) Massage, bathing or similar establishments, unless licensed by the California Massage  
4 Therapy Council (CAMTC) pursuant to Chapter 10.5 of the California Business and Professions Code  
5 (Section 4600 et seq), which requires that CAMTC licensed massage establishments shall be considered  
6 a personal service.

7 (c) Adult-oriented businesses as defined in Chapter 25.76.

8 (d) Warehouses for storage of furniture, household, personal, or other similar articles or  
9 outdoor commercial storage.

10 25.35.040 Additional requirements for health services, beauty shops, barbershop, health studio,  
11 tanning facilities.

12 A health service, beauty shop, barbershop, health studio, or tanning facility in any location in any  
13 BMU district shall be limited to the hours of 7:00 a.m. to 9:00 p.m. unless a conditional use permit is  
14 approved by the planning commission pursuant to Chapter 25.52 to allow use outside those hours. The  
15 hours limitation imposed by this section does not apply to an occasional medical emergency at a health  
16 service use.

17 25.35.045 Design review.

18 Construction and alterations as designated in Chapter 25.57 shall be subject to design review  
19 under that chapter. When any part of a commercial or mixed use structure is subject to design review,  
20 any awnings on the structure shall be included in the design review.

21 25.35.050 Minimum lot size and street frontage.

22 Each lot in this district shall have an area of at least five thousand (5,000) square feet and a  
23 street frontage of at least fifty (50) feet.

24 25.35.055 Building height.

25 No building or structure shall be constructed in the BMU district which exceeds fifty-five (55) feet  
26 in height. A conditional use permit is required for any building or structure which exceeds thirty-five (35)  
27 feet in height (refer to Section 25.35.030(c)).

28 25.35.060 Setbacks.

29 (a) El Camino Real setback. There shall be a minimum twenty (20) foot setback along El  
30 Camino Real.

31 (b) Front. With the exception of properties with El Camino Real frontage, there shall be a  
32 minimum front setback of ten (10) feet.

1 (c) Side. There shall be no minimum side setback.

2 (d) Rear. There shall be a rear setback of 20 feet.

3 25.35.065 Lot coverage.

4 The maximum lot coverage for all buildings and structures, including balconies, stairs, roof  
5 overhangs exceeding twenty-four (24) inches, trellises and improvements exceeding thirty (30) inches in  
6 height, shall be seventy-five (75) percent of the lot area.

7 25.35.070 Landscape requirements.

8 A minimum of ten (10) percent of the front setback shall be landscaped.

9 25.35.075 Exceptions allowed with a special permit.

10 The following exception shall be allowed in the district with a special permit:

11 (a) Architectural features in excess of the maximum building height which do not extend  
12 more than ten feet above the maximum height and do not occupy more than ten (10) percent of the roof  
13 area. The architectural features shall enhance the design of the building and shall be reviewed as a part  
14 of the Design Review process as outlined in Chapter 25.57 of this code.