



City of Westmoreland

Downtown Overlay Zone

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Prepared for:

City of Westmoreland, Planning, Building & Engineering Department

Prepared by:



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Article 3. Zones

Section 3.08 Downtown Overlay (-DO) Zone

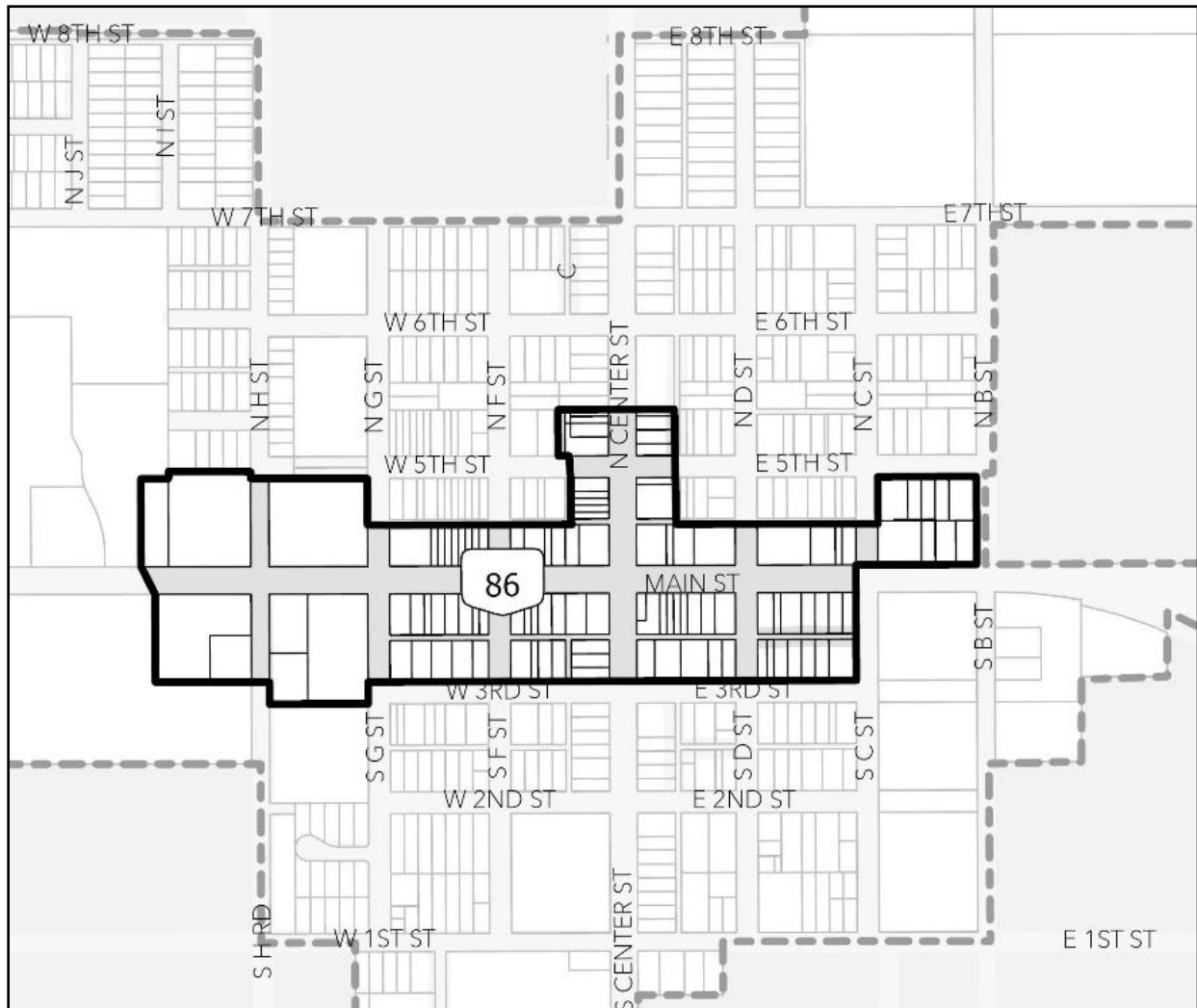
- (a) **Purpose and Intent.** The Downtown Overlay Zone ("DO") is established to expand housing and economic opportunity in Downtown Westmorland. The Downtown Overlay Zone provides a clear, streamlined path for development that supports a mix of uses, strengthens local services and street activity, improves pedestrian comfort, and reflects Downtown's character through predictable, objective standards consistent with State law. Projects that utilize the Downtown Overlay Zone benefit from development standards designed to make quality infill development feasible and encourage reinvestment in the heart of the community. Wherever the Downtown Overlay Zone designation is placed on the official zoning map, the designation – DO shall be indicated after the zoning area over which it is placed (e.g., C-DO).
- (b) **Objective.** The specific objectives of the Downtown Overlay Zone are to:
- i. Support a mix of retail, food, service, civic, and community-serving uses alongside housing to meet the daily needs of Westmorland residents and sustain consistent activity along Downtown's main streets.
 - ii. Allow residential and mixed-use development, including multifamily formats, that increases housing opportunity in Downtown Westmorland and complements commercial activity.
 - iii. Establish objective, checklist-based standards that give property owners, developers, and City staff a clear and predictable path to approval consistent with State law.
 - iv. Remove regulatory barriers and simplify processes to make infill and mixed-use investment in Downtown Westmorland achievable, including for small-scale and phased projects.
 - v. Promote pedestrian-oriented design, shade, and frontage improvements that address Westmorland's extreme heat conditions and make Downtown a more comfortable place to walk and gather.
 - vi. Encourage building form and site design that reinforce a cohesive Downtown Westmorland identity.
- (c) **Definitions.** Unless otherwise defined in this Section, the definitions set forth in Section 1.03 (Definitions) of this Code shall apply. Definitions included in this Section are also

Note to Reviewers: The definitions below are provided for reference purposes only and will not appear in the final overlay document. They are being incorporated into Section 1.03 of the Zoning Code.

- **Assembly uses:** A building or portion thereof used for the gathering of people for civic, social, cultural, religious, educational, entertainment, or similar purposes, including but not limited to religious facilities, banquet halls, wedding and event venues, private clubs, fraternal lodges, community centers, meeting halls, and similar places of public or private assembly.
- **Auto Wrecking/Salvage:** A facility used for the dismantling, storage, and/or sale of used or wrecked vehicles or vehicle parts.
- **Brewery/Tasting Room:** A facility licensed to produce beer, wine, or spirits where the primary use is manufacturing, with an accessory retail or tasting component open to the public.
- **Bar/Tavern:** An establishment whose primary use is the sale and on-site consumption of alcoholic beverages, which may include limited food service and entertainment as an accessory use.

- **Food and Beverage Service:** An establishment primarily engaged in the preparation and sale of food and beverages for on- or off-site consumption, including restaurants, cafes, bakeries, coffee shops, and similar uses, with or without outdoor dining.
- **Live/Work:** A building or space designed and intended for combined residential occupancy and non-residential work activity, where the work component is the primary use and the residential component provides accommodations for the occupant conducting that work.
- **Mixed-Use:** A project that combines residential and non-residential uses within a single building or integrated development site.
- **Outdoor Storage Yard.** An area used for the open-air storage of materials, equipment, vehicles, or merchandise as a primary use.
- **Personal Services:** An establishment primarily engaged in providing non-medical services to individuals, including but not limited to hair salons, barbershops, nail salons, laundromats, dry cleaners, tailors, and pet grooming.
- **Public Utility Structure:** A facility owned or operated by a public or private utility for the generation, transmission, distribution, or storage of water, electricity, gas, or communications services.
- **Small-Scale Food Manufacturing or Artisan Food Production:** A facility engaged in the small-batch production, processing, and/or packaging of food or beverage products, including but not limited to honey production, baked goods, and specialty foods.
- **Supportive Housing:** Housing with no limit on length of stay that is linked to on-site or off-site supportive services for residents, as defined in California Health and Safety Code Section 50675.2. Supportive housing is a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zone.
- **Temporary and Seasonal Uses:** Short-term or recurring uses that do not involve permanent structures or site improvements, including outdoor markets, farmers markets, pop-up retail, food vendors, seasonal sales, outdoor events and festivals, temporary outdoor dining, and art installations. See Section 3.08 (j)(x) for applicable standards and notification requirements.
- **Tow Company Storage Yard:** A facility used for the storage, impound, or staging of towed, abandoned, or impounded vehicles, whether operated independently or in conjunction with a towing service. Includes outdoor vehicle storage areas, dispatch operations, and accessory office uses.
- **Transitional Housing:** Temporary housing intended to facilitate the movement of individuals and families into permanent housing, as defined in California Health and Safety Code Section 50675.2. Transitional housing is a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zone.
- **Transportation Terminal.** A facility used primarily for the loading, unloading, transfer, or dispatch of freight, cargo, or passengers, including truck terminals and freight depots.
- **Wholesale Distribution.** A use primarily engaged in the storage and distribution of goods to retailers or other businesses rather than direct sale to the general public.

FIGURE 3.08-1: DOWNTOWN OVERLAY ZONE



- (d) **Applicability of the Downtown Overlay Zone.** The Downtown Overlay Zone applies to properties within the Downtown area as shown in Figure 3.08-1 and on the official Zoning Map.
- i. Development within the Downtown Overlay Zone may proceed under either:
 - 1. The regulations of the underlying base zoning district; or
 - 2. The regulations of the Downtown Overlay Zone.
 - ii. When a project applicant elects to utilize the Downtown Overlay Zone, all applicable development and Objective Design Standards of the Downtown Overlay Zone shall apply in lieu of the corresponding standards of the base zoning district. See the Objective Design Standards on file with the Planning, Building & Engineering Department.
 - iii. Whenever a use is permitted in the Downtown Overlay Zone, that use shall be permitted in addition to the uses otherwise allowed in the base zone.

- iv. Where a conflict in regulations between the base zone and the Downtown Overlay Zone occurs, the regulations of the base zone shall apply unless the provisions of this Section 3.08 expressly state otherwise.
- v. Prohibited Uses. Notwithstanding any provision of the base zone, the following uses shall not be permitted within the Downtown Overlay Zone regardless of whether such uses are permitted or conditionally permitted in the base zone:
 - 1. Auto wrecking/salvage
 - 2. Outdoor storage yards
 - 3. Tire shops
 - 4. Tow company storage yard
 - 5. Transportation terminals
 - 6. Wholesale storage and/or distribution

(e) **Permit Procedures.** Unless otherwise specified in this Section, the following standard permit procedures of this Code shall apply to development within the Downtown Overlay Zone:

Reference	
Classification of Use	Section 5.01
Conditional Use Permit	Section 5.02
Nonconforming Uses	Section 5.03
Variations	Section 5.04

If a proposed use is not expressly listed in this Section 3.08 but is similar in nature to a permitted use, the applicant may request a Classification of Use per Section 5.01. Uses not listed and not found to be substantially similar to a listed use shall be prohibited.

- (f) **Administrative Relief.** This Section provides a process to allow minor deviations from certain numeric standards of the Downtown Overlay Zone to accommodate development on small, irregularly shaped, or otherwise physically constrained sites while maintaining the intent of the Downtown Overlay Zone.
 - i. Authority: The City Inspector may approve an Administrative Adjustment of up to fifteen percent (15%) from any numeric development or design standard of the Downtown Overlay Zone, except where otherwise prohibited.
 - ii. Eligibility: An Administrative Adjustment may be granted only when all the following findings can be made:
 - 1. Strict application of the standard would unreasonably constrain development due to site size, configuration, or existing conditions.
 - 2. The adjustment maintains the overall intent and purpose of the Downtown Overlay Zone.
 - 3. The adjustment does not materially reduce pedestrian safety, required shade provisions, or required street-facing entrances.
 - iii. Limitations: Administrative Adjustments shall not be granted for:
 - 1. Permitted or prohibited uses;
 - 2. Maximum building height;
 - 3. Required street-facing entrances; or
 - 4. Required shade elements along primary street frontages.

- iv. Review Process: Administrative Adjustments shall be reviewed ministerially and approved, conditionally approved, or denied by the City Inspector.

(g) Use Regulations

- i. Base Zone Uses. Uses permitted in the underlying base zone remain allowed within the Downtown Overlay Zone unless expressly prohibited or subject to different standards under this Section Article III (Zones) of this Code establishes the list of permitted uses for base zones.
- ii. Use Table: Table 3.08-1 identifies uses that are permitted or permitted under different standards within the Downtown Overlay Zone. Uses permitted in the base zones are not repeated here and remain allowed per Article III. Where a use is listed in Table 3.08-1 as a prohibited use, this prohibition shall apply to any property with the -DO designation regardless of the base zone land use regulations.

P: Permitted C: Conditional Use Permit X: Prohibited

Table 3.08-1: Use Regulations

Use	Downtown Overlay Zone (-DO)
Residential	
Dwelling, Single-Family	P ¹
Dwelling, Multi-Family	P ¹ ; see Dwelling, Two or More Units definition (Section 1.03)
Live/Work	P
Dwelling, Accessory Unit (ADU)/ Junior Accessory Dwelling Units (JADU)	Accessory Dwelling Units and Junior Accessory Dwelling Units are permitted in all residential and mixed-use zones consistent with state law. See Section 6.01.
Low-Barrier Navigation Centers	P; see Section 3.08(g)(i) (<i>Use-Specific Standards</i>)
Mixed-Use	P ²
Supportive/Transitional Housing	P; see Section 3.08(g)(iii) (<i>Use-Specific Standards</i>)
Commercial/Office/Services	
Food and Beverage Service (including outdoor dining)	P; see Section 3.08(j) (<i>Use-Specific Standards</i>) for Drive Through Facilities, Alcoholic Beverage Sales and Service, and Outdoor Dining.
Brewery/Tasting Room	P
Bar/Tavern	C; see Section 3.08(j) (<i>Use-Specific Standards</i>) for Alcoholic Beverage Sales and Service.
Small-Scale Food Manufacturing or Artisan Food Production (e.g., bakery production, honey production, specialty food manufacturing)	P; see Section 3.08(j) (<i>Use-Specific Standards</i>)
Personal Services (salon, barber, etc.)	P
Indoor Recreation Facility (e.g., gym, dance, martial arts)	P
Civic/Community	
Assembly Use	P; see Section 3.08(j) (<i>Use-Specific Standards</i>)
Industrial	
Outdoor Storage Yards	X
Public Utility Structure	C
Transportation Terminal	X
Wholesale Storage and/or Distribution	X
Auto Wrecking/Salvage	X
Tow Company Storage Yard	X
Other	
Temporary and Seasonal Uses	P: see Section 3.08(k) Temporary and Seasonal Uses
Notes:	

Table 3.08-1: Use Regulations

Use	Downtown Overlay Zone (-DO)
1: Stand-alone residential development shall not be permitted on parcels with Main Street frontage where the underlying base zone is non-residential. All residential development on such parcels shall include a non-residential ground-floor component at the street frontage consistent with the standards of this Section. See Section 3.08(f) (Use-Specific Standards) 2: For mixed-use development on parcels with Main Street frontage and a non-residential base zone designation, a commercial frontage requirement applies. See Section 3.08(j), Use-Specific Standards.	

- iii. **Low-Barrier Navigation Center:** Pursuant to Government Code Sections 65660–65668, Low Barrier Navigation Centers (see Section 1.03 for definition) shall be permitted in any zone where mixed-use or nonresidential uses are permitted and shall be subject only to objective standards. Such uses shall not require discretionary approval.
- iv. **Dwelling, Single-Family and Multi-Family Development:** Stand-alone residential development shall not be permitted on parcels with Main Street frontage where the underlying base zone is non-residential. On such parcels, residential development shall only be permitted where a non-residential use occupies the ground-floor street frontage consistent with the standards of this Section. This may be satisfied through either vertical mixed-use, where residential uses are located above ground-floor commercial, or horizontal mixed-use, where a commercial building fronts Main Street and residential development is located behind it on the same parcel. This restriction shall not apply to parcels with a residential base zone designation, which may develop with residential uses without restriction.
- v. **Supportive and Transitional Housing:** Pursuant to Government Code Section 65582(h) and codified in Section 6.05 of this code, transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.

(h) **Property Development Standards.** The following property development standards apply to development within the Downtown Overlay Zone and are intended to provide site design flexibility and support a mix of uses. Table 3.08-2 establishes the applicable standards for building placement, intensity, and site design. Where a standard is not addressed in this Section, the requirements of the underlying zone shall apply.

Table 3.08-2: Downtown Overlay Zone Property Development Standards

Standard	Single-Family Dwellings	Multi-Family Dwellings	Mixed-Use
Density	up to 8 du/ac	10-30 du/ac	15-30 du/ac
Lot Area Minimum	3,000 sf	6,000 sf	6,000 sf
Lot Area Maximum	6,000 sf	None	None
Lot Width Minimum¹	40 ft	60 ft	60 ft
Lot Depth Minimum	60 ft	None	None
Front Setback	15 ft. maximum; 20 ft maximum to front of garage	Minimum 10 ft./Maximum 20 ft.	Minimum 10 ft. /Maximum 20 ft.
Side Setback	5 ft interior; 0 ft/10 ft zero lot line option 8 ft street side (corner lots) 10 ft where adjacent to Main Street	5 ft interior 8 ft street side (corner lots) 10 ft where adjacent to Main Street	5 ft interior (abutting a residential zone or use only; none required otherwise)
Rear Setback	15 ft.	15 ft.	15 ft.
Building Height Maximum	35 ft.	35 ft.	45 ft. (Main Street frontage) 35 ft. (all other locations)
Lot Coverage Maximum	None	None	None

Table 3.08-2: Downtown Overlay Zone Property Development Standards

Standard	Single-Family Dwellings	Multi-Family Dwellings	Mixed-Use
Off-Street Parking Requirements²	Minimum 1 space per dwelling unit	Minimum 1 space per dwelling unit	Minimum 1 space per dwelling unit; 1 space per 500 sf of ground-floor commercial
Driveways	All driveway access points serving properties on Main Street shall be designed and constructed in conformance with the driveway spacing, separation, and width standards set forth in the Caltrans Highway Design Manual (HDM), Chapter 200, Index 205, as may be amended from time to time. Where local standards are more restrictive, the more restrictive standard shall apply. Existing driveways serving existing uses that were lawfully established prior to the adoption of this Downtown Overlay Zone may remain as legal nonconforming access points and are not required to be brought into conformance unless new development, redevelopment, or a change of use is proposed.		
Fences, Walls and Hedges	Per Section 4.07	Per Section 4.07	Per Section 4.07
Signs	Per Section 4.08	Per Section 4.08	Per Section 4.08
Off-Street Loading Requirements	None	None	Per Section 4.06
Private Open Space	200 sf minimum	60 sf per unit	60 sf per unit
Common Open Space	None	100 sf per unit	None
Landscape Coverage Minimum	15%	15%	15%
Shade - Building Frontage	None	30% of street-facing facade	50% of street-facing facade
Shade - Parking Areas	1 tree per 6 spaces	1 tree per 4 spaces	1 tree per 4 spaces
Abbreviations ac = acre du = dwelling unit ft. = feet sf – square feet Notes: 1: Minimum lot widths of 40 feet (single-family) and 60 feet (multi-family and mixed use) apply to newly created lots. Existing lots that do not meet the minimum lot width standard may be developed in conformance with all other applicable development standards. 2: Parking requirements may be further reduced or waived pursuant to state law, including but not limited to density bonus law (Government Code Section 65915), affordable housing provisions, or any other applicable state mandate in effect at the time of application.			

(i) **Open Space Standards.** Open space requirements are intended to ensure residents have access to usable outdoor space that provides relief from the built environment and Westmorland's extreme heat conditions.

i. Private Open Space. Required private open space shall meet the following standards:

1. Shall be directly accessible from the dwelling unit it serves.
2. Shall have a minimum dimension of ten (10) feet in at least one direction for ground-floor private outdoor space and six (6) feet in any direction for upper-floor private outdoor space.
3. Shall be covered or shaded to provide relief from direct sun. Uncovered, unshaded surfaces shall not count toward the private open space requirement.
4. May be provided as a balcony, patio, covered porch, or courtyard.
5. Shall not include driveways, parking areas, or required setback or landscaped areas.

ii. Common Open Space (Multi-Family). Required common open space shall meet the following standards:

1. Shall be accessible to all residents of the development.
 2. Shall have a minimum dimension of twenty (20) feet in any direction.
 3. Shall include seating and shade elements.
 4. Shall not include driveways, parking areas, or required setback or landscaped areas.
- iii. **Mixed-Use Development.** Open space requirements apply to the residential component only. No open space is required for the non-residential component of a mixed-use development.
- iv. **Landscaping Standards**
1. **Required Landscaping.** A minimum of 15% of the total site area shall be landscaped as set forth in this Section. Required landscaping shall consist of climate-appropriate living plant material, including trees, shrubs, and ground cover, combined with complementary hardscape elements such as decomposed granite or decorative gravel. Hardscape alone shall not satisfy the landscaping requirement.
 2. **Plant Material.** All plant material shall be drought-tolerant and appropriate for the desert climate. Turf and high-water-use plants are prohibited.
 3. **Main Street Frontage.** Landscaping along Main Street shall include a minimum of one shade tree per thirty (30) linear feet of street frontage. Shrubs and ground cover shall be provided between the building and the right-of-way. Bare gravel, dirt, or unplanted areas at the street frontage are not permitted.
 4. **Parking Areas.** A minimum of one shade tree shall be provided for every four (4) parking spaces to reduce heat island effects.
 5. **Maintenance.** All required landscaping shall be maintained in a healthy and living condition at all times. Dead or dying plant material shall be replaced within 60 days of identification by City staff as requiring replacement.
- (j) **Use-Specific Standards.** The following standards apply to all uses within the Downtown Overlay Zone, including uses permitted in the base zone, and shall apply regardless of the permit type required. Where these standards conflict with the standards of the base zone, the standards of this Downtown Overlay Zone shall prevail. Where a use is subject to Site Plan Review or a Conditional Use Permit, these standards apply in addition to any conditions of approval.
- i. **Drive-Through Facilities.** Drive-through facilities are permitted only on parcels with frontage on Main Street. Drive-through facilities shall comply with the Objective Design Standards to minimize conflicts with pedestrian activity on cross streets. See the Objective Design Standards on file with the Planning, Building & Engineering Department.
 - ii. **Alcoholic Beverage Sales and Service.** Establishments serving or manufacturing alcoholic beverages shall obtain and maintain all required licenses from the California Department of Alcoholic Beverage Control and any applicable federal permits.
 - iii. **Assembly Uses.** Assembly uses on parcels whose only street frontage is on streets not classified as Arterial or Collector streets in the General Plan Circulation Element shall demonstrate that hours of operation, parking, and site design will not create adverse impacts on adjacent residential uses. All assembly uses, including religious institutions, are subject to the same permit requirements and standards regardless of the religious or secular nature of the use.
 - iv. **Mixed-Use Development.** For development on parcels with a non-residential base zone and frontage on Main Street, ground-floor space along the primary street frontage shall be devoted to commercial uses. The commercial frontage shall extend a minimum of forty (40) feet in depth from the street-facing facade. On smaller parcels where a 40-foot depth is not feasible, a single commercial tenant space of any depth shall satisfy this requirement. Residential uses may occupy the remainder of the ground floor, all upper floors, and the rear portion of the parcel. This includes horizontal mixed-use arrangements where a commercial building fronts Main Street and residential development,

- including stand-alone multi-family, is located behind it on the same parcel. This requirement shall not apply to parcels with a residential base zone, which may develop with residential uses at the ground floor without restriction.
- v. **Outdoor Dining.** Outdoor dining areas shall not obstruct required pedestrian pathways or access to building entrances and shall comply with applicable health department requirements.
 - vi. **Small-Scale Food Production and Agricultural Processing.** Outdoor storage associated with these uses shall be fully screened from public rights-of-way and adjacent properties in accordance with the Objective Design Standards. See the Objective Design Standards on file with the Planning, Building & Engineering Department.
- (k) **Temporary and Seasonal Uses.** Temporary and seasonal uses are allowed within the Downtown Overlay Zone as a low-barrier way to activate vacant land, support local entrepreneurship, and build Downtown Westmorland's identity as a gathering place.
- i. **Notification Requirements.** A Temporary Use Notification shall be submitted to the City no less than thirty (30) business days prior to commencement of the use and shall include:
 - 1. Name and contact information of the operator
 - 2. Description of the proposed use and activities
 - 3. Location and site plan showing placement of structures, vehicles, and equipment
 - 4. Proposed dates and hours of operation
 - 5. Confirmation of any required health department or fire/police approvals
 - ii. **Time Limits.** Temporary uses shall not operate for more than forty-five (45) consecutive days or more than forty-five (45) total days per calendar year on any single parcel, unless renewed pursuant to the Renewal subsection below.
 - iii. **Renewal.** Recurring temporary uses, such as weekly markets or regular food truck operations, may apply for [an Annual Temporary Use Authorization], allowing operation for up to (180) days per calendar year upon a single filing. Renewal shall be processed administratively and shall not require a public hearing.
 - iv. **Vacant Parcel Activation.** Vacant parcels may be used for temporary activation, including markets, food trucks, outdoor seating, and community events, without triggering full site development requirements, provided no permanent structures are constructed and the site is restored to its original condition upon cessation of the use.
 - v. **Exemptions from Site Standards.** Temporary uses authorized under this section shall be exempt from parking calculations, landscaping requirements, and permanent improvement standards of this Downtown Overlay Zone.
 - vi. **Food and Beverage Sales.** Operators selling food or beverages shall obtain all required permits prior to operation. Proof of permits shall be submitted to the City no less than five (5) business days prior to the first day of operation.
 - vii. **Alcohol Sales.** Sale or service of alcohol requires a valid ABC license and written approval from the Westmorland Police and Fire Departments prior to operation. Proof of all approvals shall be submitted to the City before the event.
 - viii. **Amusement Devices and Rides.** Operators providing inflatable structures, rides, or similar amusement devices at events open to the general public shall submit proof of general liability insurance of not less than \$1,000,000 per occurrence, naming the City of Westmorland as an additional insured. Insurance shall be carried by the operator or event organizer directly. Proof shall be submitted no less than five (5) business days prior to the event. The City Manager may waive or reduce this requirement for small-scale community events upon a finding that the scope of the event does not warrant standard coverage.

- ix. Location and Traffic Standards. Temporary uses, including food trucks, vendor stalls, and event activities, shall be located and operated so as not to obstruct vehicular traffic, emergency access, or pedestrian circulation. The following standards apply:
 - x. Temporary uses shall not be located on City-owned property. Uses within or adjacent to the public right-of-way are permitted provided they do not obstruct travel lanes or emergency vehicle access and are approved in advance by the City.
 - xi. Operators shall maintain a minimum five (5) foot clear pedestrian path on all adjacent sidewalks at all times during operation. Queuing areas shall not spill into the travel lane or block pedestrian access.
 - xii. A minimum clear pedestrian path of five (5) feet shall be maintained on all sidewalks at all times during operation.
 - 1. Prohibited Activities. Temporary uses shall not involve permanent structures, grading, or site improvements that would trigger full development review under this Downtown Overlay Zone or the base zone.
- (l) **Objective Design Standards.** Residential and mixed-use development is subject to Objective Design Standards, which are adopted by resolution and maintained as a separate administrative document. These standards are incorporated by reference and have the same force as this Code. The City may update the Objective Design Standards from time to time without a Code amendment. The Objective Design Standards are adopted by resolution of the City Council and maintained as a separate administrative document by the Planning, Building & Engineering Department. The most current version shall apply.
- (m) **Development Incentives.** To encourage reinvestment and new development in Downtown Westmorland, the following incentives are available to projects utilizing the Downtown Overlay Zone standards:
- i. By-Right Approval. Projects that meet all applicable objective development and design standards of this Downtown Overlay Zone shall be processed ministerially and shall not require a public hearing or discretionary approval.
 - ii. Lot Assembly, Merger, and Unified Development Sites: To encourage consolidated development and reduce regulatory barriers to infill investment in Downtown Westmorland:
 - 1. Lot mergers for projects utilizing the Downtown Overlay Zone standards shall be processed ministerially and shall not require a public hearing, provided the resulting parcel conforms to applicable development standards.
 - 2. Adjacent parcels under common ownership or subject to a recorded development agreement may be treated as a single unified development site for the purpose of calculating density, intensity, lot coverage, setbacks, and open space requirements. Vehicular access, parking, and open space may be shared across parcels under a recorded covenant running with the land. A formal lot merger is not required prior to project approval, provided that merger or lot tie conditions are recorded concurrent with or prior to issuance of building permits.
 - 3. Nothing in this Section shall be construed to supersede the requirements of Government Code Section 66499.20 et seq., which governs the merger of adjacent parcels under common ownership under the California Subdivision Map Act.