

## ZONING REPORT

### Any Restaurant

123 Fake Street  
Some City, California 00000

**REDACTED SAMPLE**

Date of Report: May 4, 2023  
Date of Revision: June 19, 2023; June 25, 2023; June 27, 2023  
Partner Project Number: 23-XXXXXX.96

Prepared for:

**ANY LENDER, A DELAWARE LIMITED LIABILITY COMPANY, AND ITS SUCCESSORS AND ASSIGNS,  
AS ADMINISTRATIVE AGENT FOR THE LENDERS OF A LOAN IN CONNECTION WITH THE PROPERTY  
REFERENCED AND DESCRIBED HEREIN, AND THEIR RESPECTIVE SUCCESSORS, ASSIGNS AND  
PARTICIPANTS,  
C/O ANY LENDER**



May 4, 2023

Any Client  
Cleo Client  
123 Fake Road  
Other City, TX 11111

Subject: Zoning Report  
Any Restaurant  
123 Fake Street  
Some City, California 00000  
Partner Project No. 23-XXXXXX.96

Dear Cleo Client,

Partner Engineering and Science, Inc. (Partner) is pleased to provide with the results of the Zoning Report performed on the above-referenced property.

The Zoning Report was performed utilizing methods and procedures consistent with good commercial or customary practices designed to conform to acceptable industry standards. The independent conclusions represent Partner's best professional judgment based upon existing conditions and the information and data available to us during the course of this assignment.

The Subject Property's use is considered to be Legal Conforming.

The Subject Property's improvements are considered to be Legal Nonconforming.

We appreciate the opportunity to provide these services. If you have any questions concerning this Report, or if we can assist you in any other matter, please contact Summer Gell at [summer@partneresi.com](mailto:summer@partneresi.com) or by phone at (214) 666-6800.

Sincerely,

**Partner Engineering and Science, Inc.**

**SAMPLE**

Natalie Pinion  
Zoning Project Manager

**SAMPLE**

Summer Gell  
National Client Manager

# TABLE OF CONTENTS

---

<b>1.0 Introduction.....</b>	<b>1</b>
1.1 Purpose and Scope.....	1
1.2 Scope and Exceptions .....	1
1.3 Statement of Limitations.....	1
1.4 Client Reliance.....	1
<b>2.0 Property Summary.....</b>	<b>2</b>
<b>3.0 Regulatory Inquiries .....</b>	<b>3</b>
3.1 Regulatory Response Summary .....	3
3.2 Municipal Contacts.....	3
<b>4.0 Zoning Requirements .....</b>	<b>3</b>
4.1 Zoning Regulations .....	3
4.2 Use Conformance.....	4
4.3 Area Regulations .....	5
<b>5.0 Parking .....</b>	<b>6</b>
5.1 Parking Requirements .....	6
5.2 Number of Parking Spaces.....	6
<b>6.0 Conformance and Reconstruction .....</b>	<b>7</b>
6.1 Conformance .....	7
6.2 Nonconforming Characteristics.....	7
6.3 Damage and Reconstruction (For Information Only) .....	7
<b>7.0 Survey Information.....</b>	<b>8</b>
<b>8.0 Additional Zoning Information.....</b>	<b>8</b>
8.1 Other Comments.....	8

## APPENDICES

Appendix A	Site Location Map
Appendix B	Zoning Map
Appendix C	Zoning Letter
Appendix D	Regulatory Responses
Appendix E	Ordinances
Appendix F	ALTA Survey

## **1.0 INTRODUCTION**

---

### **1.1 Purpose and Scope**

The purpose of this Report and related analysis is to assist Any Client (Client) in the evaluation of zoning requirements and/or violations relating to zoning requirements. This Report has been compiled using and interpreting current Building and Zoning requirements of the jurisdiction controlling the Subject Property.

### **1.2 Scope and Exceptions**

This Report is based on the evaluation of local ordinances, codes, and laws of the city where the Subject Property is located, as well as any relevant figures, documents and permits obtained by Partner Engineering and Science, Inc. (Partner) for the purpose of this Report. Local ordinances, codes, and laws are interpreted and evaluated using the figures, documents, and permits to ascertain whether or not the Subject Property is in conformance with these regulations.

In evaluating conformance and compliance with local zoning codes and ordinances, Partner did not perform a physical inspection of this property. If Partner physically inspected the Subject Property to compile any other related or unrelated report, the fact that there may have been a physical inspection for those reports does not necessarily warrant that there was a physical inspection of the Subject Property for the purposes of this Zoning Report.

### **1.3 Statement of Limitations**

This Report represents a statement of conformance with local building and zoning codes, ordinances, and laws based on an analysis of such regulations and related documentation and figures. No part of this Report is warranted to be compiled by way of physical or visual examination of any portion of the Subject Property.

### **1.4 Client Reliance**

This report was prepared for and may be relied upon by (i) Any Lender, a Delaware limited liability company, and Any Lender, a Delaware limited liability company, as applicable, and the affiliates, successors and assigns thereof, in each case, in the capacity as administrative agent for the lender(s) of a loan in connection with the property referenced and described herein, (ii) such lender(s) and the affiliates, successors, assigns and participants thereof, (iii) any prospective lender, co-lender, purchaser, transferee, or participant of such loan, and (iv) any servicer and sub-servicer of such loan.

## 2.0 PROPERTY SUMMARY

The following information was derived from Client provided information and Partner Online Research including the Some County Assessor website.

<b>Property Data</b>	
<b>Name</b>	Any Restaurant
<b>Address</b>	123 Fake Street
<b>City, State and Postal Code</b>	Some City, California 00000
<b>Property Use</b>	Fast Food Restaurant with Drive-Thru Window Service
<b>Parcel Size (Acres)</b>	1.1157
<b>Parcel Size (SF)</b>	48,601
<b>Number of Buildings</b>	1
<b>Number of Stories</b>	1
<b>Year Built</b>	1994
<b>Building Footprint (SF)</b>	4,135 (Per Survey)
<b>Gross Building Area (SF)</b>	4,135 (Per Survey)
<b>Property Jurisdiction</b>	Some County
<b>Zoning Designation</b>	TC Highway Travel Commercial  Per the Some City Zoning Code, adopted July 2015, the TC (Highway Travel Commercial) District is no longer in use; however, the Permitted Uses of the TC District (409-82) still apply while the area regulations defer to those of the LC District.
<b>Abutting Zoning Designations</b>	North: AC, Auto Commercial; LC, Light Commercial South: LC, Light Commercial West: AC, Auto Commercial East: TC, Highway Travel Commercial
<b>County</b>	Some City
<b>Parcel Number</b>	22801930450000
<b>Conformance Status Summary</b>	
<b>Use Conformance Status</b>	The Subject Property's use is considered to be Legal Conforming.
<b>Improvement Conformance Status</b>	The Subject Property's improvements are considered to be Legal Nonconforming.

## 3.0 REGULATORY INQUIRIES

---

### 3.1 Regulatory Response Summary

<i>Regulatory Response Summary</i>	
<b>Zoning Letter</b>	Zoning Verification Letter attached and confirmed the Subject Property is zoned TC.
<b>Certificates of Occupancy</b>	Attached is the Certificate of Occupancy is attached for Restaurant dated July 14, 1994.  Certificates of Occupancy are issued for new construction and change in use.
<b>Zoning Code Violations</b>	No open code violations as confirmed in the Zoning Letter. See Appendix C.
<b>Building Code Violations</b>	No open code violations as confirmed by Brian Foster, Senior Office Assistant. See Appendix D.
<b>Fire/Life Safety Code Violations</b>	No open code violations as all violations found on the Inspection Date of 5/12/2023 shows all violations cleared. See Appendix D.
<b>Public Improvement Projects</b>	There are no planned roadway improvements or condemnation proceedings that will impact the subject property.
<b>Site Plan Review/Approval</b>	Attached is the Site Plan on file with the City dated 12/10/2019. See Appendix D.

### 3.2 Municipal Contacts

<i>Municipal Contacts</i>
Submit a Public Records Act Request / SACDOT Current Projects, <a href="https://sacdot.saccounty.gov">https://sacdot.saccounty.gov</a> / 916-874-6291
Planning & Environmental Review / Jane Doe, Assistant Planner / <a href="mailto:casse@saccounty.gov">casse@saccounty.gov</a> / 916-874-6141
Submit a Public Records Act Request / Online Portal, <a href="https://saccounty.nextrequest.com">https://saccounty.nextrequest.com</a> / 916-874-4227

## 4.0 ZONING REQUIREMENTS

---

### 4.1 Zoning Regulations

<i>Zoning Regulations</i>	
<b>Title of Ordinance</b>	Zoning Code
<b>Date of Most Recent Revision</b>	January 13, 2023
<b>Preparer of Ordinance</b>	Some County

## 4.2 Use Conformance

<b>Use Conformance</b>	
<b>Current Use</b>	Fast Food Restaurant with Drive-Thru Window Service (Restaurant, Carry-out/Drive-through/Sit-down)
<b>Use Permitted</b>	<p>Fast Food Restaurant with Drive-Thru Window Service (Restaurant, Carry-out/Drive-through/Sit-down) Use is Conditionally Permitted within the TC District provided it meets the standards of Section 3.9.3.V in addition to the separation requirements from residential uses listed in Footnote 14.</p> <p>Section 3.9.3.V Drive-Throughs</p> <ol style="list-style-type: none"> <li>1. A drive-through shall comply with the following minimum standards:               <ol style="list-style-type: none"> <li>a. Drive-throughs shall provide at least 180 feet of reservoir space (stacking lane) for each facility, as measured from the service window or unit to the entry point into the drive through lane. Nonfood and non-beverage businesses may reduce the stacking space to a minimum of 60 feet. When multiple lanes are provided, the length of each lane may be counted.</li> <li>b. Entrances and exits to drive-through lane shall be at least 25 feet from driveways entering a public street measured from the back of the public right-of-way.</li> <li>c. When a drive-through lane is adjacent to a public right-of-way, a minimum of 25 feet of landscaping shall be provided between the drive through lane and right-of-way as measured from the back of sidewalk.</li> <li>d. Drive-throughs shall not be considered as justification for reducing the number of required parking spaces.</li> <li>e. Drive-throughs that do not meet the development standards may be permitted subject to the issuance of a Special Development Permit from the Zoning Administrator.</li> <li>f. With approval of a Special Development Permit, the 25-foot landscaped setback may be reduced to no less than 10 feet between the drive through lane and the right-of-way (measured from the back of sidewalk). Additional screening such as low decorative walls or fences, berms, or enhanced landscaping may be required.</li> <li>g. Drive-through lanes shall be a minimum of 12 feet wide and shall be separated from other circulation aisles necessary for ingress or egress, or aisles providing access to any parking space. Each drive-through lane shall be striped, marked, separated with curbs and/or landscape planters, or otherwise distinctly delineated.</li> </ol> </li> </ol> <p>Per John Doe, Assistant Planner, Some County considers the Subject property to be Legal Conforming to the Zoning Code as the TC District and development standards are still legally in effect. Code Section Referenced: 3.2.5 (Table 3.1 &amp; 3.2)</p>

**Use Status: LEGAL CONFORMING**

### 4.3 Area Regulations

The following regulations are in accordance with the Zoning Code.

As confirmed by John Doe, Assistant Planner, the yard and height requirements of the TC District, as per Section 409-89 and 409-85, defer to those of the LC District and are listed below for reference.

Information on this chart was obtained using the Partner ALTA Survey.

<b>Some County LC</b>				
<b>Area Regulation</b>	<b>Code (§)</b>	<b>Requirement</b>	<b>Existing</b>	<b>Status</b>
<b>Minimum Front Yard Setback (With Public Utilities / Public Facilities)</b>	5.5.2.A	75 Feet	Fake Drive: 63.9 Feet	Legal Nonconforming
<b>Minimum Side and Rear Yard Setback Abutting Multifamily or Nonresidential Use</b>	5.5.2.A	Adjacent to Multifamily Use: 20 Feet  Adjacent to Nonresidential Use: 0 Feet  (Subject property is not adjacent to Multifamily Use; 0 Feet Required)	West Property Line: 127.1 Feet  South Property Line: 42.3 Feet	Legal Conforming
<b>Minimum Side and Rear Yard Setback Abutting Freeway or Scenic Corridor</b>	5.5.2.A	15 Feet	Not Applicable	Legal Conforming
<b>Minimum Side and Rear Yard Setback Abutting Single-Family Residential Use</b>	5.5.2.A	1-Story: 25 Feet 2- and 3-Story: 100 Feet  (Subject property is not adjacent to Single-Family Use; 0 Feet Required)	Not Applicable	Legal Conforming
<b>Minimum Side Street Yard Setback (With Public Utilities / Public Facilities)</b>	5.5.2.A	90 Feet	Date Avenue: 85.0 Feet	Legal Nonconforming
<b>Maximum Building Height</b>	5.5.2.A	25 Feet	1 Story; 35.0 Feet	Legal Nonconforming
<b>Minimum Lot Area</b>	5.5.2.A	No Requirement	48,601 Square Feet	Legal Conforming
<b>Minimum Lot Width</b>	5.5.2.A	No Requirement	155.32 Feet	Legal Conforming
<b>Minimum Lot Depth</b>	5.5.2.A	No Requirement	154.14 Feet	Legal Conforming



**Area Regulations Status: LEGAL NONCONFORMING**

## **5.0 PARKING**

---

### **5.1 Parking Requirements**

The following chart is in accordance with the Zoning Code.

Code Section Referenced: 5.9.2.C

<b><i>Parking Requirements</i></b>		
<b><i>Regulation</i></b>	<b><i>Requirement</i></b>	<b><i>Equation</i></b>
<b>For Restaurant, Carry-out/Drive-through Use</b>	One parking space per 3 seats, based on the capacity of fixed and movable seating, as determined under the UBC.	$100 \text{ Seats} / 3 = 33$

### **5.2 Number of Parking Spaces**

Information on this chart was obtained using the Partner ALTA Survey.

<b><i>Number of Parking Spaces</i></b>	
<b>Number of Regular Parking Spaces</b>	<b>34</b>
<b>Number of Handicapped Parking Spaces</b>	<b>2</b>
<b>Total Number of Provided Parking Spaces</b>	<b>36</b>

Total Required Parking Spaces = 33

Total Existing Parking Spaces = 36

**Parking Status: LEGAL CONFORMING**

## **6.0 CONFORMANCE AND RECONSTRUCTION**

---

### **6.1 Conformance**

The Subject Property's use is considered to be Legal Conforming.

The Subject Property's improvements are considered to be Legal Nonconforming.

According to Jessie Shen, Senior Planner, the property was developed in 1994. In 2015 the property underwent a rezoning and there are no variances issued for setbacks or height exceptions. As such, the structure's height exceeds the current zoning regulation for height and is considered pre-existing, and legally nonconforming.

In the event of a casualty, the Subject Property may be rebuilt pursuant to § 1.9.4.D.

### **6.2 Nonconforming Characteristics**

1. The building encroaches within the front yard setback by 11.1 Feet along Fake Drive.
2. The building encroaches within the side yard street setback along the East property line by 5 Feet.
3. The building exceeds the maximum allowable height by 10 Feet.

### **6.3 Damage and Reconstruction**

In accordance with § 1.9.4.D Restoration:

This Section shall apply to all restoration of nonconforming buildings, structures, and bridges with the exception of those located within the Natural Streams zoning district. A nonconforming building or structure which is altered, damaged or partially destroyed to the extent of not more than 50 percent of its value at that time, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial alteration, damage or destruction, may be continued or resumed, provided the total cost of such restoration does not exceed 50 percent of the value of the building or structure at the time of such alteration, damage or destruction and such restoration is started within a period of one year and is diligently prosecuted to completion. Value may be determined using the same criteria to determine replacement cost in Section 1.9.4.A, above. In the event such alteration, damage or destruction exceeds 50 percent of the value of such nonconforming building or structure, no repair or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings. For Single-family Dwellings and Residential Accessory Structures, the criteria for determining the reconstruction of more than 50 percent of a building may include the linear length of all existing walls interior or exterior or square footage of the building.

## 7.0 SURVEY INFORMATION

---

<i>ALTA Survey</i>	
<b>Has ALTA Survey Been Received?</b>	ALTA Survey attached.
<b>Title of Survey</b>	2021 TLAT / NSPS Land Title Survey
<b>Survey Preparer Name</b>	Partner Engineering and Science, Inc.
<b>Date of Last Revision</b>	June 27, 2023

## 8.0 ADDITIONAL ZONING INFORMATION

---

This Zoning Report has been prepared by Meagan Hall, Zoning Specialist. Please contact the Zoning Project Manager, Natalie Pinion, for additional questions at [npinion@partneresi.com](mailto:npinion@partneresi.com).

### 8.1 Other Comments

None.