



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Betsy Dirks  
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District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

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**Item Number: 4.31**

**MEETING DATE:** 12/13/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Victor Tafoya

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY – A. PRADO, ASSISTANT DIRECTOR PLANNING AND BUILDING**

Adopt Resolution to authorize the County Planning Director to sign and accept, on behalf of the County, the deed restriction required as a condition of approval for the approved building permit BLD22-00572, for a detached 1,286 sq. ft. garage space with loft space located at 2830 Ty Drive (APN 021-130-072) in the unincorporated area of San Benito County west of Hollister.

SBC File Number 790

Resolution No.:2022-160

**AGENDA SECTION:**

CONSENT AGENDA

**BACKGROUND/SUMMARY:**

The County requests, as part of the approved building permit BLD22-00572, for a detached 1,286 sq. ft. garage space with loft space located at 2830 Ty Drive (APN 021-130-072). San Benito County Ordinance 1043 (Zoning) Section 25.07.006 (G) requires that where an attached or detached accessory structure is designed, arranged, or may be occupied for use as a residence or business, (i.e., contains more than one room, bath, and/or wet bar), a deed restriction must be recorded that states that the building shall not be subsequently altered or used as a dwelling unit or business without obtaining county approval.

Planning staff has prepared this deed restriction document, and the property owners have signed the document with notary public acknowledgment.

This declaration requires Board approval. The attached deed restriction text includes the declaration that "Grantors [property owners] irrevocably covenant with County that the [stated] restrictions on the use and

enjoyment of the subject property be created and be attached to, and become part of the deed to the subject property.” The deed restriction therefore grants the County an interest in real property, and accepting this interest requires Board authorization.

To complete this deed restriction, the Board will need to authorize the Planning Director (or current equivalent, the Assistant Director of Planning and Building) to sign the deed restriction on the County’s behalf. Planning staff would then give the property owners the document to record with the County Recorder’s office.

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

Yes

**CONTRACT NEEDED FOR THIS ITEM:**

No

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

**STATE IF THIS IS A NEW CONTRACT/ HOW MANY PAST AMENDED CONTRACTS/ OR N/A:**

N/A

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

Yes

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

No

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends that the Board of Supervisors adopt the resolution to authorize the County Planning Director to sign and accept, on behalf of the Board, the deed restriction required under San Benito County Ordinance 1043 (Zoning) Section 25.07.006 (G) for building permit BLD22-00572.

**ATTACHMENTS:**

[BOS DEED RESTRICTION 2830 TY DRIVE RESOLUTION](#) je edited and signed  
[ATT A Ty Deed Restriction](#)