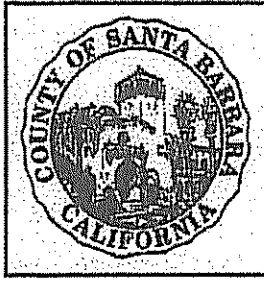


NOTICE OF FINAL APPROVAL/INTENT TO ISSUE A LAND USE PERMIT



Case No. OSJLP-0000-00820
Case Name: Cook Residence
Address: 1451 Orange Grove Avenue
APN: 023-031-013
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Planning & Development (P&D) grants final approval and intent to issue this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

FINAL APPROVAL DATE: February 13, 2007
POSTING DATE/APPEAL PERIOD BEGINS: February 14, 2007
APPEAL PERIOD ENDS: February 28, 2007

DATES OF PERMIT ISSUANCE: (If no appeal filed)

NOTE: This final approval may be appealed to the Planning Commission by the applicant, owner, or any interested person adversely affected by such decision. This appeal must be filed in writing and identified with the appropriate appeal fees to P&D at 423 East Annapolis Street, Santa Barbara, CA 93101 or 624 W. Pepper Road, Santa Barbara, CA 93106, within 15 calendar days following the Final Approval Date identified above. (See 2002-2003 and 2004-2005. If you have questions regarding this permit please contact the planner at 805-0300 or 268-2000.)

PROJECT DESCRIPTION SUMMARY: New P&D

PROJECT SPECIFIC CONDITIONS: See Attached

ASSOCIATED CASE NUMBERS: OSBAR-0000-00188, OSJLP-0000-00040 (also processed concurrently with OSJLP-0000-00821, OSJLP-0000-00822)

TERMS OF PERMIT ISSUANCE:

1. Posting Notice: A written notice of this Notice/Permit, with Attachments, shall be posted by the Applicant in three (3) conspicuous places along the perimeter of the subject property. At least one notice shall be visible from the nearest street. Each copy of this Notice shall be posted on the Applicant's Posting Date and shall remain posted for a minimum of ten (10) consecutive calendar days. (See 2002-2003 and 2004-2005.)

2. Work Prohibited Prior to Permit Issuance: No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). WARNING: THIS IS NOT A BUILDING/GRADING PERMIT.

3. Date of Permit Issuance: This Permit shall be deemed effective and issued on the Date of Permit Issuance as identified above, provided the following conditions are met:

a. All terms and conditions including the requirement to post notice must be met and this Notice/Permit has been signed,
b. The Affidavit of Posting Notice was returned to P&D prior to the expiration of the Appeal Period. Failure to submit the affidavit by such date shall render the approval null and void, and
c. No appeal has been filed.

4. Time Limit: Failure to obtain a required construction/development or grading permit and to lawfully commence development within two (2) years of permit issuance shall render this Land Use Permit null and void. A Land Use Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires unless the FDP expiration date is within two years of the Land Use Permit issuance, unless substantial physical construction has been completed.

NOTE: This Notice of Final Approval/Intent to Issue a Land Use Permit serves as the Approval and the Land Use Permit once the permit is deemed effective and issued. Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions nor shall it be construed to be an approval of a violation of any provisions of any County Policy, Ordinance or other governmental regulation.

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

Print Name Signature Date

Planning & Development Issuance by: Planner Date

OSJLP/P&D/PLN/DES/Permit/Intent/Issue/LLP/DOO

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ATTACHMENT A

CONDITIONS OF APPROVAL

1. This Land Use Permit is based upon and limited to compliance with the project description, the building, landscape and lighting plans approved by the BAR on December 8, 2006 (OSBAR-0000-00188) and the roadway and drainage improvement designs dated January 31, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

Proposal by David Burke, agent for the owners, Paul and Claudia Cook, to construct a one-story addition of approximately 650 square feet to the existing one-story historic adobe residence, demolish the existing two-car garage, and construct a garage of approximately 260 square feet and a trellis covered parking space. The total building footprint will be approximately 3,183 square feet. The following structures currently exist on the parcel: an adobe residence of approximately 1,765 square feet and attached garage and storage room of approximately 110 square feet. The proposed project will require approximately 427 cubic yards of cut and approximately 192 cubic yards of fill on-site. Waste service will be provided by the City of Santa Barbara and wastewater disposal will be provided by a private septic system.

Installation of a private septic system was previously approved pursuant to OSJLP-0000-00040. Access will be a shared driveway (serving 3 homes) off of Orange Grove Avenue.

Pursuant to Fire Department requirements, the project also involves road widening along Orange Grove Avenue (Orange Grove Avenue Street Widening Plan dated 1-31-07) and drainage improvements along Orange Grove Avenue and Tunnel Road. The road widening location and design have been negotiated with the affected neighbors along Orange Grove Avenue. Drainage improvements will convey on-site runoff along Orange Grove Avenue and Tunnel Road and ultimately down to Mission Creek. New drop-inlets will be installed along Orange Grove and Tunnel Road. Runoff water will empty into a new above ground pipe, located on Tunnel Road, which will run along the steep slope from Tunnel Road down to the debris basin in Mission Creek. This above ground pipe will be placed on land owned by the County. No trees or other significant vegetation will be removed as a result of planting and maintaining this aboveground pipe between Tunnel Road and Mission Creek. In addition, the runoff will spill from this pipe onto existing rock in the creek and will drain to the up-gradient side of the County Flood Control debris basin in this location. The drainage design will avoid scouring of the creek banks and creek bottom.

Although the grading and design have not changed since the January 31st version, the plans have since been updated, simply to specify tree protection measures that will be required for this work. Per 120005 Final BAR approved plans for OSBAR-0000-00188.

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The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the standards and conditions of approval below, including the project plan. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved plans and conditions of approval herein. All plans shall be implemented as approved by the County.

2. Prior to final building permit inspection, all development impact mitigation fees shall be paid in accordance with the ordinance and resolutions in effect when paid.

3. During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. The location(s) of the washout area(s) shall be clearly noted on the construction site with signs. Plan Requirements: The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. Timing: The wash off area shall be designated on all plans prior to issuance of Land Use Permits. The washout area(s) shall be in place and maintained throughout construction.

MONITORING: P&D staff shall check plans prior to issuance of Land Use Permits and compliance shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

4. Best available erosion and sediment control measures shall be implemented during grading and construction. Best available erosion and sediment control measures may include but are not limited to: use of sediment basins, gravel bags, silt fences, geo-bags or gravel and geo-textile fabric berms, erosion control blankets, rock rolls, jute mat, and straw bales. Storm drain inlets shall be protected from sediment-laden waters by use of inlet protection devices such as gravel bag barriers, filter fabric fences, mock and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structure, long-term erosion control measures or landscaping. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed as soon as they are tracked using dry cleaning methods. Plan Requirements: Erosion and sediment control measures shall be graphically shown and submitted to and approved by P&D and Flood Control prior to issuance of Land Use Permits. The plan shall be designed to address erosion and sediment control during all phases of development of the site. Timing: The plan shall be implemented prior to the commencement of grading/construction.

MONITORING: P&D staff shall perform site inspections throughout the construction phase.

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5. To minimize pollutants impacting downstream waterbodies or habitat, storm drain filters/inlets, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The filters/inlets shall be maintained in working order. Plan Requirements: Prior to issuance of Land Use Permits for grading, the applicant shall identify the type and location of filters/inlets on the grading and construction plans for review and approval. The location of such filters/inlets shall be noted on grading and building plans. Timing: Filters/inlets shall be installed at the earliest practical time in the development plans and shall be cleaned using approved methods at least twice a year, once immediately prior to November 1 (a. before the start of the rainy season) and once in January. (Additional maintenance/cleaning may be required by P&D.)

MONITORING: P&D shall site inspect periodically throughout the construction phase to ensure proper installation. Records of maintenance shall be maintained by the owner(s).

6. This project (in conjunction with related LLJs OSJLP-0000-00820 and OSJLP-0000-00822) shall comply with all requirements of the tree protection measures recommended by the project arborist, Bill Spivack, pursuant to his report, including figures showing trees and proposed fencing, dated October 11, 2006 and February 5, 2007. No ground disturbance including grading for buildings, accessways, easements, subsurface grading, sewage disposal and well placement shall occur within the critical root zone of any native tree unless specifically allowed pursuant to the grading and building plans approved as part of this Land Use Permit. Whenever practical, the requirements in the arborist reports (e.g., fencing, requirement for arborist to be present during specific activities, etc.) shall be shown graphically or with notes on the grading plan to clearly facilitate implementation of tree protection measures by grading and construction workers during artwork and construction activities on the individual residential lot(s) as well as during activities associated with the road widening and drainage improvements along Orange Grove Avenue and Tunnel Road. The tree protection and replacement plan shall include the following:

a. Tree protection measures shall be discussed at a pre-construction meeting with construction prior to any construction activities.

b. Tree Protection Zones (TPZs): Fencing of all trees to be protected. Fencing shall be positioned as close to the edge of the critical root zone (CRZ) between the tree and the construction site, or at the outside edge of the work zone. With regard to the work proposed along Orange Grove Avenue and Tunnel Road, fencing shall be installed along the edge of the work zone/edge of the road, adjacent to the trees. Fencing shall be at least 4 feet in height of chain link or other material acceptable to P&D and shall be staked every 6 feet. The applicant shall place signs stating "Tree protection area" at 15-foot intervals on the fence. Staked fencing and signs shall be shown on a tree protection exhibit or on the grading and construction plans. The fencing and signs shall be installed prior to the pre-construction meeting with P&D. Compliance staff and shall remain in place throughout all grading and construction activities. The exhibit shall contain (in writing) that all required fencing and signage has been installed prior to the pre-construction meeting with P&D. Compliance staff shall attend the pre-construction meeting to indicate/discuss the protective fencing installation.

c. Construction equipment staging and storage areas shall be located outside of the Tree Protection Zones (TPZs) and shall be depicted on project plans prior to issuance of land use clearance. No construction equipment shall be parked, stored or operated within the TPZs. No fill soil, rock or construction materials shall be stored or placed within the TPZs.

d. The project arborist shall monitor activities within CRZs during the initial demolition and grading and periodically throughout the project to insure that tree protection zones are maintained as recommended. This specifically includes monitoring during work around trees #5, 9, 10, 14, 16, and 20 as shown in the arborist report dated October 2006 as well as where road widening and drainage improvement work will be occurring near existing trees along Orange Grove Avenue and Tunnel Road.

e. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.

f. Any proposed tree wells or retaining walls shall be shown on the tree protection plan exhibit or on grading and construction plans and shall be located outside of the critical root zone of all protected trees unless specifically accounted for in the arborist report(s).

g. Any encroachment within the critical root zone of native trees shall adhere to the following standards:

i. Any paving shall be of previous material (gravel, brick without mortar or turf blocks) unless this is deemed to be unacceptable by the Building & Safety Division due to soils and geology constraints and/or engineering concerns.

ii. Any trenching required within the critical root zone of a protected tree shall be done by hand. However, no trenching for light or irrigation is allowed within the CRZ of protected oaks.

iii. Any roots encountered during grading and construction activities, within the critical root zones of trees, even if outside of the tree protection zones, should be clearly cut to an undisturbed portion of the root. In areas where roots are cut, the soil profile should be irrigated to reduce drying of newly exposed soil and subsequently, damage to remaining roots in that profile. The amount, area and frequency of irrigation are dependent on damage and weather, and should be determined by the project arborist. Repeated irrigations will likely be necessary.

In addition, for work along Orange Grove Avenue and Tunnel Road, closely cut any roots that are greater than 1/2 inch in diameter. If large roots greater than 2 inches are encountered next to trees, then either an asphalt curb shall be utilized or this small section shall bridge over the root in that limited location (subject to Fire Department concurrence).

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h. Hand excavation shall be required where the curbs for the road widening are to be installed adjacent to the oak trees on Orange Grove Avenue.

i. A permethrin-based pesticide (e.g., Aftro) should be applied to the lower six feet of oak trunks (measured from root cutting) in the spring and in late summer or early fall to reduce the risk of attack by fatal oak bark beetles. This may need to be repeated for several years.

j. All trees located within 25 feet of buildings shall be protected from staccos and/or paint during construction.

k. Landscape design within the CRZ of oaks should be limited to plants compatible with oaks.

l. Oaks should be pruned to remove deadwood and improve structure. Pruning operations should conform to ISA Best Management Practices and shall be supervised by a qualified arborist.

m. To help ensure the long-term survival of oaks, no permanent irrigation systems are permitted within the critical root zone of oak trees. Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

n. Only trees designated for removal shall be removed. The project plans and arborist reports identify which trees are proposed for removal.

o. Five oak trees (between OSJLP-0000-00820, -00821, and -00822) will be removed as a result of the project as well as a number of non-native trees, including pines, cypripeds, azaleas, and pittosporum. Five additional oak trees will be impacted by project grading and construction activities.

i. The oak trees proposed for removal shall be replaced with five new, 24-inch boxed specimen oak trees, grown from seed obtained from the same watershed as the project site (unless these are unavailable).

ii. Five additional oak trees that are proposed to be retained, but which will be impacted by the proximity of development within their critical root zone, shall be protected to the maximum extent feasible during construction and monitored during construction. In addition, saplings shall be planted within the drip-lines of these trees prior to occupancy clearance, as part of the landscape plan installation, to allow for younger trees to eventually replace these older trees if they are ultimately lost as a result of construction activities (perhaps years later).

iii. Any unanticipated damage to additional trees or sensitive habitats from construction activities shall be mitigated to a manner approved by P&D. This mitigation shall include but is not limited to tree replacement, posting of a performance security, and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring on-site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation and maintenance.

Plan Requirements: Prior to approval of a Land Use Permit, the applicant shall submit grading plans, building plans, including associated tree protection and replacement plan measures to P&D for review and approval. All aspects of the plan shall be implemented as approved. All requirements shall be included on the project plans prior to issuance of Land Use Permits. Timing: On each measure shall be stated where applicable, where not otherwise stated, all measures must be in place throughout all grading and construction activities.

MONITORING: P&D shall conduct site inspections throughout all phases of development to ensure compliance with and to evaluate all tree protection and replacement measures. Release of any performance security requires P&D staff signature.

7. The project landscaping, lighting and structural development shall be consistent with the December 8, 2007 Final BAR Approved plans for OSBAR-0000-00188, including BAR comments on approval to:

a. Require placement of a cap on top of proposed exterior light fixtures that are mounted on the buildings to prevent up-lighting.

b. Use of permeable surfaces shall be maximized, including for the driveway, unless this is determined to be unacceptable to the Fire Department for their access purposes or if Building & Safety determines that this will be unacceptable from an engineering standpoint.

c. No gates shall be allowed at the project entrance drive.

Plan Requirements & Timing: P&D staff shall confirm project plans are consistent with the BAR Final approval prior to issuance of Land Use Permits.

MONITORING: P&D shall conduct site inspections throughout all phases of development to ensure development compliance with the approved plans.

Replacing any involve replacement with saplings size saplings grown from seed obtained from the same watershed as the project site (unless these are unavailable). A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained (five years). The planting shall be protected from predators by wild and domestic animals, and from human interference by the use of stakes, chain link fencing and poplar fencing during the maintenance period.

The may also involve constructing 18 inch by 30 inch bands in the driveway and down installing pervious pavers if acceptable to Fire Department and Building & Safety.

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8. Noisy construction/grading activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. through 7:00 p.m. on weekdays. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Plan Requirements: A sign stating these restrictions shall be provided by the applicant and posted on site. Timing: Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

MONITORING: Building Inspector and Permit Compliance shall spot check and respond to complaints.

9. Landscape Requirements: Screening landscaping shall be maintained for the life of the project.

10. Mitigation Monitoring requires: The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:

a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.

b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel, the project contractor, engineer and arborist, and any other key construction personnel.

c. Pay fees prior to issuance of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. (The Permit Compliance monitoring fee-Max is currently \$500.00). In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

11. Use of the septic system authorized by Conditional Use Permits OSJLP-0000-00040 shall immediately cease upon expiration or revocation of the CUP. Any Land Use Permits issued pursuant to this CUP shall expire upon expiration or revocation of the CUP. CUP renewals must be applied for prior to expiration of the CUP. A CUP shall become null and void and automatically revoked if the use permitted by the CUP is discontinued for more than one year.

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12. Upon issuance of a Land Use Permit involving a septic system (OSJLP-0000-00040) shall be void. The Land Use Permit shall be obtained within eighteen months of the effective date of OSJLP-0000-00040 (April 20, 2007). However, all time limits may be extended by the Zoning Administrator for good cause shown, provided a written request, including a statement of reasons for the time limit extension request, is filed with the Planning and Development prior to the expiration date.

13. The applicant's acceptance of the permit and/or commencement of construction and/or operations under the permit shall be deemed to be accepted by the Permittee of all conditions of the permit.

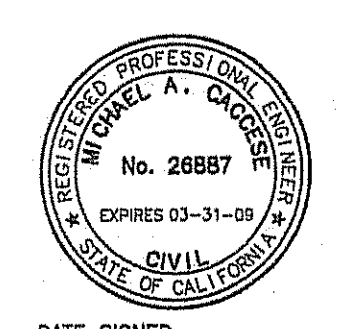
14. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to settle, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or final resolution of such action, the expiration of the limitation period applicable to such action, or final resolution of such action, if any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

15. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsor in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended, pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

OSJLP-0000-00820-0000-00820-0000-00820.doc

ZONING APPROVED
FEB 13 2007
PLANNER: [Signature]
S.B. COUNTY PLANNING DEVELOPMENT

JOB COPY OF PLANS
SHEET NO. 5 OF 25 SHEETS
THESE PLANS TO BE ON JOB AT ALL TIMES
COUNTY OF SANTA BARBARA
Building Department



DATE SIGNED

Table with columns: NO., DATE, REVISION, APPD.
Row 1: 1, 12-17-07, FIRST PLAN CHECK, [Signature]
Row 2: 2, 1-10-08, 2ND PLAN CHECK, [Signature]

DESIGN: MAC CHECKED: [Signature]
DRAWN: TLA
MAC Design Associates
CIVIL ENGINEERING \* LAND PLANNING \* BRIDGE DESIGN
1202 CUP DRIVE SUITE 4, SANTA BARBARA, CALIF. 93101 (805) 973-0746
R.C.E. 26887 (EXP. 3-31-08)

CONDITIONS OF APPROVAL
1451 ORANGE GROVE AVENUE
A.P.N. 023-031-013
COUNTY OF SANTA BARBARA
SHEET A-2.0
S.B. COUNTY FILE NO.

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