

# WHITE APPEAL

## Ventura County Planning Commission

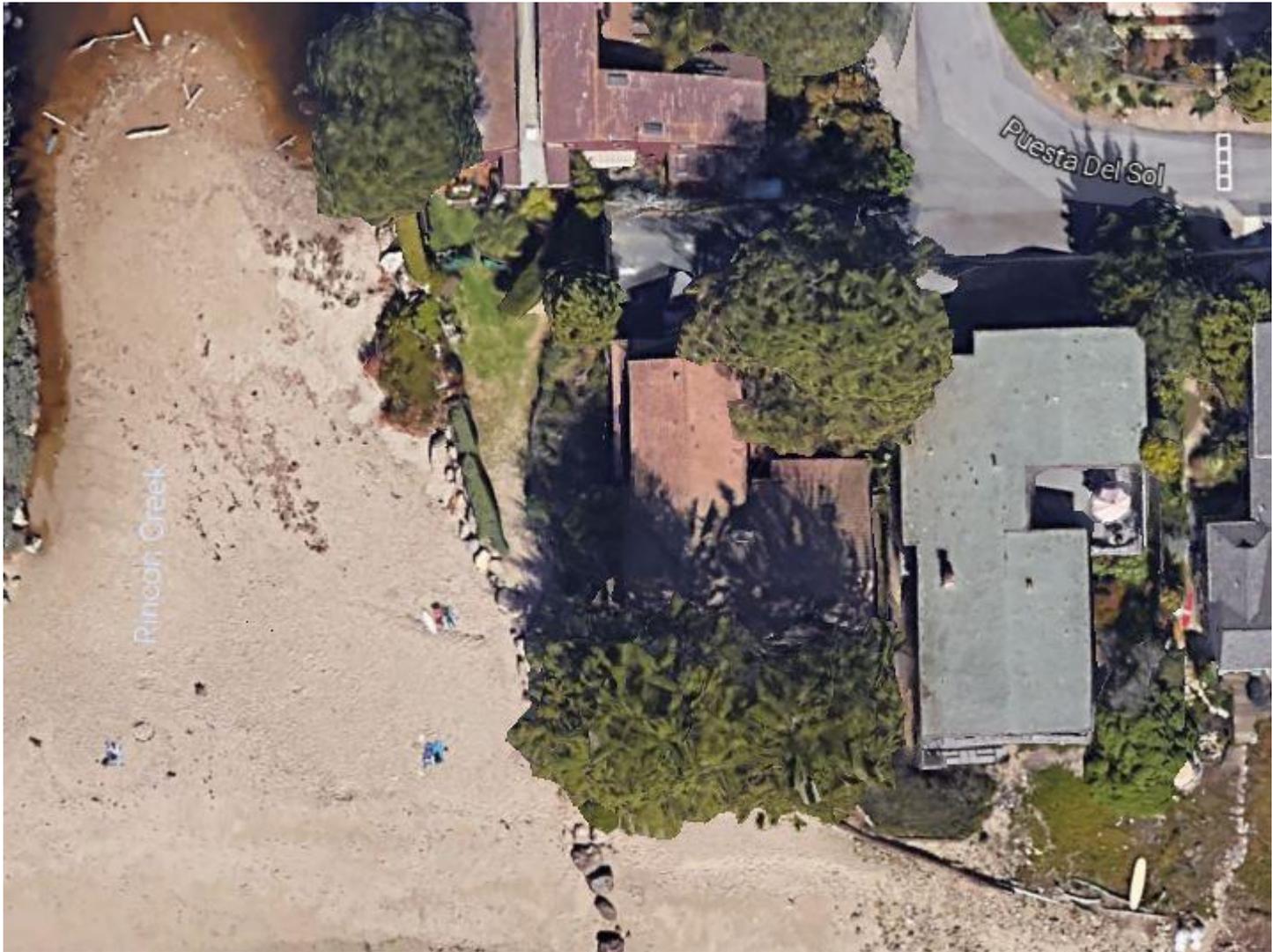
May 5, 2022

Presented by:  
Susan F. Petrovich  
Attorney at Law



# ESHA, 100-FOOT BUFFER, HABITAT PROTECTION

- Elliot and White properties are part of a natural and precious coastal resource – Rincon Creek, its inundation area, wildlife corridor and vegetation.
- Heritage trees are an important part of this habitat.
- All of Elliot property runoff runs right to the creek.









# PROTECTED TREES

- These magnificent heritage trees engulf both the White and Elliot properties
- Their root systems extend under the Elliot property particularly house and driveway.
- The County's root protection regulations demonstrate the protected tree root area and the photo will show a large root extending under the Elliot house.
- The pavement change will disturb those roots by going over 9" deep and compacting native soil, all in violation of County setback.







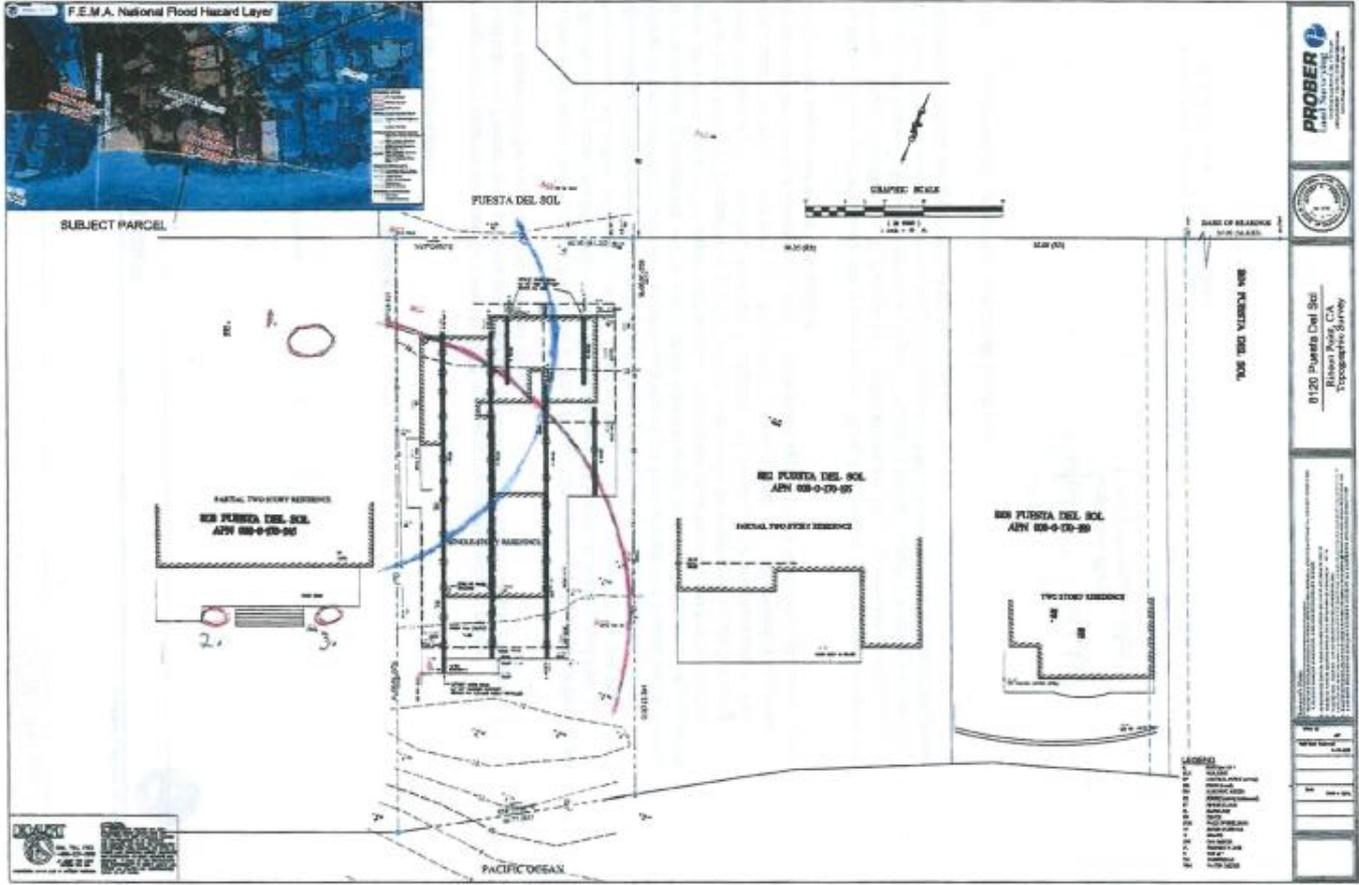








Attachment #2



**PROPOSED PROJECT  
ENCROACHES UPON AND IMPAIRS  
WHITES' 40-FOOT WIDE ACCESS  
EASEMENT (PUESTA DEL SOL).  
NOT ENOUGH PARKING AVAILABLE.**



BOOK 2909 PAGE 254  
87793  
RECORDED AT REQUEST OF  
TITLE INSURANCE & TRUST CO.  
AT 8:00 A.M.  
OFFICIAL RECORDS VENTURA COUNTY  
DEC 9 - 1985  
BOOK 2909 PAGE 254  
Rochelle K. ... RECORDER

Mail tax statements to:

I R. S. \$38.50

Donald P. White  
3015 E. California Blvd.  
Pasadena, Calif.

GRANT DEED

FEE \$ 8.40

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **HERBERT S. HAZELTINE, JR. and FRANCES SUE HAZELTINE** hereby grant to **DONALD P. WHITE, HELEN W. WHITE and DOUGLAS M. WHITE**, as joint tenants, the property hereinafter described as Parcels I, II and III, situated in the County of Ventura, State of California, to wit:

**PARCEL I:**

A part of that certain portion of Rancho El Rincon, in the county of Ventura, state of California, designated "Not a part of this Subdivision" upon that certain map entitled "Rincon Del Mar Tract 1, etc." recorded in book 18 page 19 of Maps, in the office of the county recorder of said county, described as follows:

Beginning at a point in the southerly side line of a private road 40 feet wide, hereinafter called "West Puerta Del Sol" at the northwesterly corner of that certain parcel of land conveyed to Herbert S. Hazeltine, Jr. and Frances Sue Hazeltine, recorded in book 1685 page 262 of Official Records, in the office of the county recorder of said Ventura County; thence from said point of beginning,

1st: South 22° 36' East 151.85 feet along the westerly line of said land of Herbert S. Hazeltine, Jr. et ux., to the southwestery corner thereof; thence

2nd: South 69° 41' West 60.04 feet; thence,

3rd: North 22° 36' West 149.46 feet along a line parallel with said westerly line to a point in the westerly prolongation of the southerly side line of said "West Puerta Del Sol"; thence along said prolongation,

4th: North 67° 24' East 60.00 feet to the point of beginning.

Except any portion of said land lying below the mean high tide line of the Pacific Ocean.



MAIL TAX STATEMENTS AS DIRECTED ABOVE

Also with an easement for road purposes 15 feet wide lying adjacent to and immediately northwesterly of the 4th course and distance as hereinabove described.

Reserving an easement in over and across a strip of land 5 feet in equal width adjacent to and bounded by the northwesterly boundary line of said Parcel I, together with the right of ingress and egress for the purpose of erecting, installing, maintaining and replacing light, power and telephone poles (including such additional aerial space for overhead wires and cross arms as may be necessary) water and gas mains, and other public utilities.

**PARCEL II:**

A non-exclusive easement appurtenant to Parcel I for recreational purposes, for use in connection with said Parcel I, in that certain strip of land lying between the line of ordinary high tide of the Pacific Ocean and the line described as follows:

Beginning at the Southeast corner of "Parcel 1" as said "Parcel 1" is described in the deed to R. S. Haseltine, et ux. dated November 30, 1937, and recorded in the office of the County Recorder of Ventura County, California, in Book 547 at page 291 of Official Records; thence

- 1st: South 76° 29' West 50.64 feet to the southwest corner of said Parcel 1 to a point; thence,
- 2nd: South 71° 58' West 100.32 feet to a point; thence,
- 3rd: South 65° 07' West 50.04 feet to a point; thence,
- 4th: South 50° 19' West 101.28 feet to a point; thence,
- 5th: South 69° 41' West 60.00 feet to a point; the easterly and westerly boundaries of said strip of land each having a bearing of South 22° 36' East.

**PARCEL III:**

A non-exclusive easement for road purposes appurtenant to and for use only in connection with Parcel I over the following described property:

- (a) A strip of land 40.00 feet wide lying 20.00 feet on each side of the following described center line, and being portions of Rincon del Mar Tract No. 1, in the County of Ventura, State of California, as per















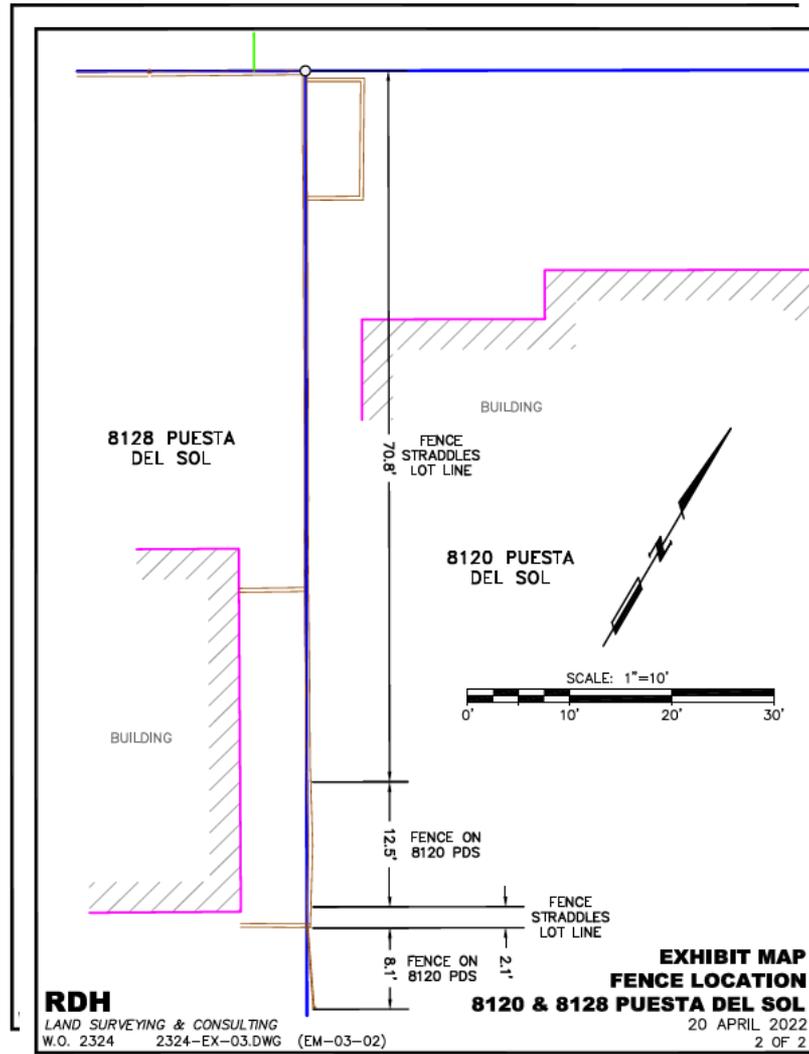


# FENCE STRADDLES SHARED LOTLINE EXCEPT IN NORTHERLY THIRTY FEET (30')

- The fence is serviceable as is. Elliots simply want their own fence but its installation will affect the tree roots.
- The posts largely are on White property and Elliots want to replace some or all.
- **The northerly 30 feet of fence is entirely on White property.** The Whites oppose height reduction and don't agree with fence replacement so it cannot be part of this project.
- Whites would allow Elliots to hang light-weight fencing on their side.

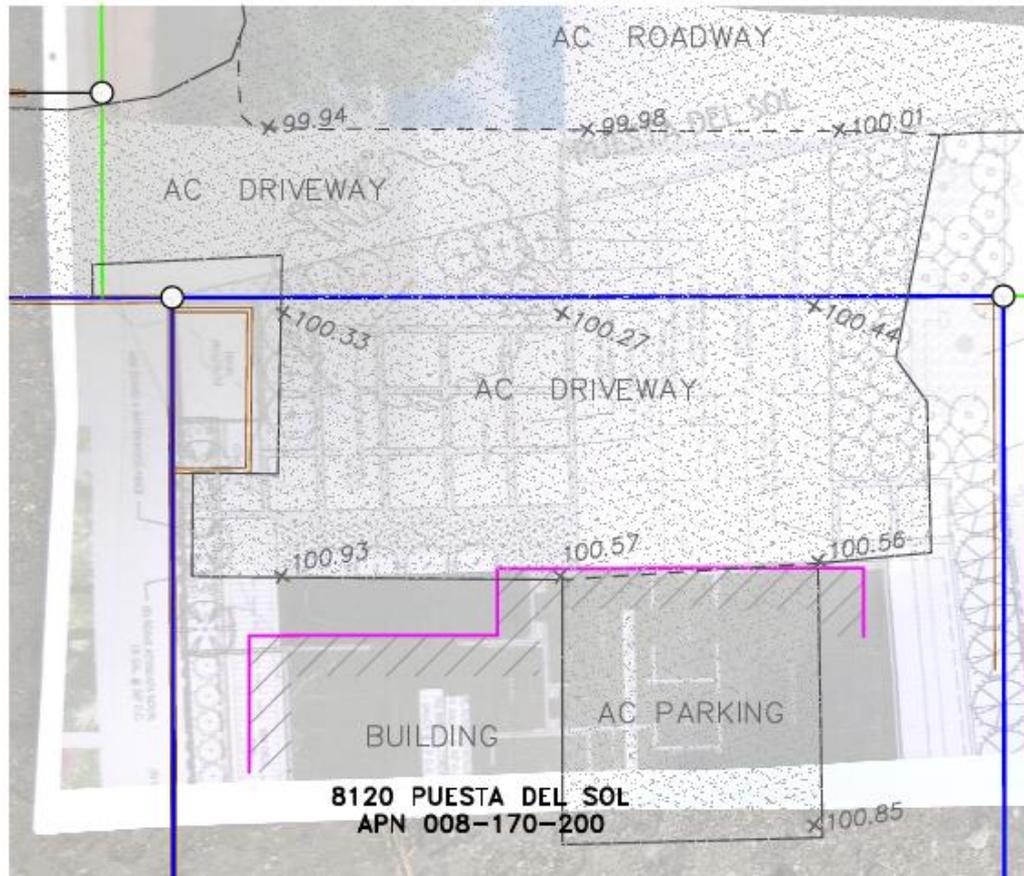






# PROPOSED LOOSE STONES WILL CLOG DRAIN

- Elliots' application misstates the drainage from their property.
- Public Works letter 4/14/2021 analyzing application – Elliot project drains to ocean so no direct connection to Rincon Creek and ESHA – wrong.
- Plan arrows & survey demonstrate that site slopes to north.
- Drain across Puesta Del Sol is only drain in this part of the neighborhood. Loose stones will block drain.
- Creek backs up into these properties and water ponds here.



8120 PUESTA DEL SOL  
 APN 008-170-200



*[Signature]*

20 APRIL 2022



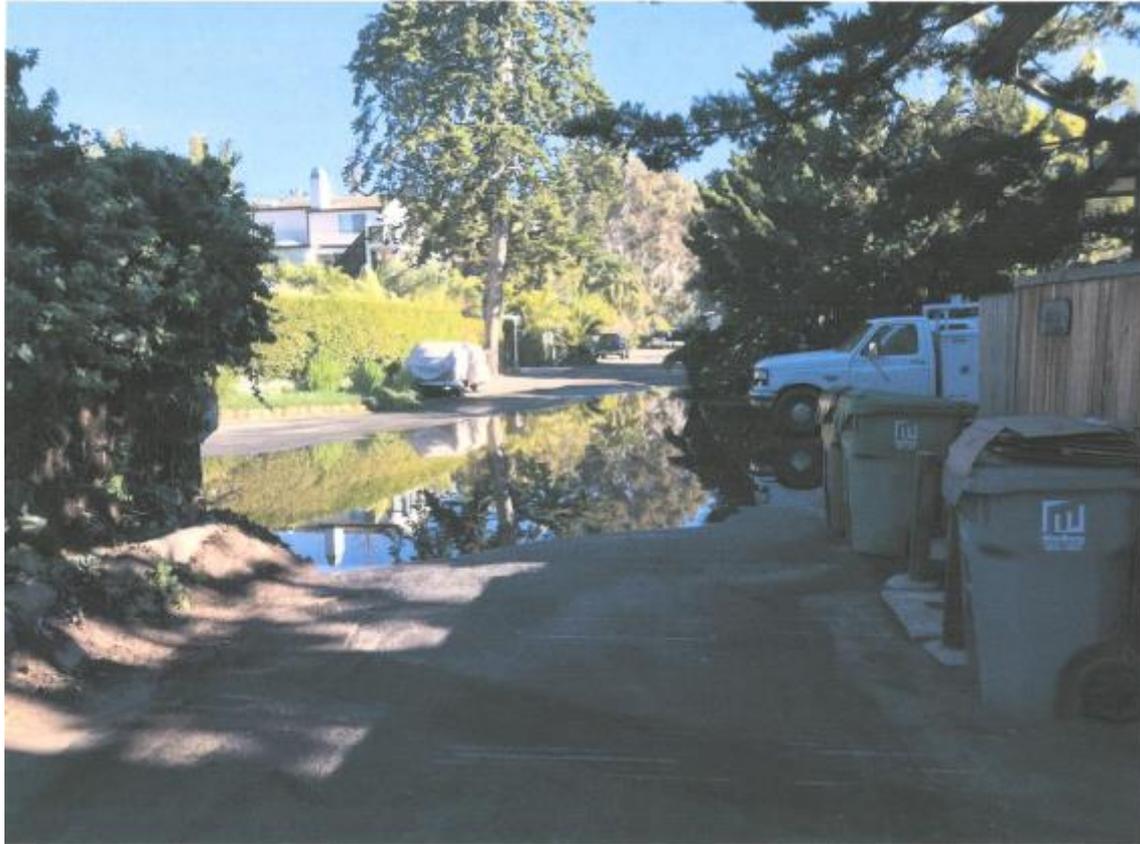
SCALE: 1"=10'



**EXHIBIT MAP**  
**LANDSCAPE PLAN OVERLAY**

8120 & 8128 PUESTA DEL SOL













# CONCLUSION

- Project is unnecessary and adversely affects White property and ESHA.
- Elliot property is partially in ESHA protected area and creek water at high tide or during rains flows onto the Elliot property.
- Elliots already have piled tons of Mexican stone on their property – now they want to push it out into Puesta Del Sol.
- Elliots have directed all site runoff toward drain – not toward ocean.
- Drain is small and easily clogged by loose stones washed there by the tide.