

From: [Kelly Wheaton](#)
To: [St. Claire, Linda](#)
Subject: Inglewood Village
Date: Monday, January 09, 2012 4:36:14 PM

Linda,

Thank you for taking the time to talk with us today (I assume you'll be reading this tomorrow). We really appreciate your time and your consideration. I have sent Nate some of the photos we had that illustrate the specific drainage issues we were talking about. I am looking for more in my files.

I also have had a chance to review the letter that Donna Oldford sent to you and Sean Trippi on 14 Oct 2011. Since this letter addresses me, Kelly, specifically and contains many false statements I will prepare a specific response to each point in the letter. It is unbelievable that these assertions are being made when I have written evidence to prove that they are not true. The letter quoted at the beginning of 14 Oct 2011 letter was sent to Steve Lederer 7 Sept 2004 and we immediately responded when we were made aware of it on 4 Oct 2004. I will be providing you with copies of this information. The idea that we knew there was a fourth phase and agreed to it is patently false and is inconsistent with every communication we have made to the County.

Upon my return home I spoke with several neighbors including some quite removed from the project area and they have not received any communication from Donna Oldford or Phil Smith or anyone else connected to the project. The idea that they are reaching out to the neighborhood is again false. There has not been any effort other than Donna's original phone call to me to reach out to any of the adjacent neighbors. I think it is important that the applicants not be allowed to misrepresent the facts.

Sincerely
Kelly and Michael Wheaton
1335 Inglewood Ave.
St. Helena, CA 94574

--

Kelly Wheaton
a4est42@gmail.com

[Wheaton Surname Resources](#)

From: [Kelly Wheaton](#)
To: [St. Claire, Linda](#)
Cc: [fidd@comcast.net](#); [napacommissioner@yahoo.com](#); [heather@vinehillranch.com](#); [tkscottco@aol.com](#); [mattipope@gmail.com](#); [mattpope384@gmail.com](#); [Diane Dillon](#); [McDowell, John](#)
Subject: Inglewood Village Use MOD Continuance
Date: Friday, January 27, 2012 3:37:55 PM

Dear Linda,

We have seen Donna Oldford's request for continuance for the Hearing scheduled for February 1st. re Inglewood Village's Use Permit Modification. We received the notice on Jan 7th and after scrambling to prepare a response we received notice on Jan 25th that the applicant's want a continuance and that those noticed will not be re-noticed.

Seventy-Three (73) neighbors who have signed a petition in opposition of a Fourth Building and Parking Lot at Inglewood Village are certainly willing as Donna's said, " to have these matters addressed in a more informed and comprehensive manner." This is a much better tactic than the "Minor Modification" application and Fast Track decision by December 1st which was originally proposed. **And the promised mailing to all those on the Noticing List** (Aug 16, 2011 Letter of Donna Oldford to Linda St. Claire) **none of whom have received anything from the applicant or their representatives.**

For the record in addressing the reasons for the continuance Donna has mentioned two letters from Ms. Wheaton and Ms. Beltrami: in fact these letters were from Michael AND Kelly Wheaton & Dan AND Diane Beltrami. There have also been several other letters or emails representing other opponents of the removal of Vineyards and neighborhood buffer for more parking lots and a fourth building. We understand that Donna would like to minimize the opposition however *it is quite substantial and we think it important for the record to reflect accurately the current state of the opposition.*

We welcome questions from any Commission member and would be happy to meet with any one regarding these matters.

Michael And Kelly Wheaton
1335 Inglewood Ave
707-963-9609

From: Kelly Wheaton
To: St. Claire, Linda
Subject: Re Letter from my Neighbor
Date: Wednesday, February 01, 2012 10:52:26 AM

Linda,

When I got back from the Commissioner's Meeting I found the letter (directed to you) from my neighbor Melanie Ward. I spoke with her by phone and I believe she unleashed on you her frustration. I apologize for that. I think it is difficult for the Commissioners and others to understand the level of frustration that this neighborhood experiences on a daily basis. This morning Melanie was nearly run over at 6:45 by workers rushing to their work site on Inglewood. When she went to talk with them they sneered and laughed at her.

The email from Pam, Mary Edano's niece, which she printed and gave me a copy was to get immediate attention on the egress/ingress issues from Inglewood Village. They wanted to know who to contact. Should it be Planning, Public Works Road Dept. or Highway Patrol?

In the past week there was a minor fender bender between one of the doctors at Inglewood Village and a resident. There is likely to be an increase in these as the St. Helena Hospital only completely occupied the large building this past week. The level of traffic has increased. The neighborhood has pretty much been in a constant state of construction the past 10 years. The winery which none of us knew about affects us all. Hundreds of cement trucks have gone up and down the lane this past two years. The resurfacing that was supposed to happen on our road was only partially completed do to someone calling to complain because they need to get their grapes to harvest. Then we were off the schedule and it never happened.

People aren't against change or development. They are opposed to constant assaults on their quality of life. The people who have spoke out are each expressing their frustrations in their own way. This is not a NIMBY issue. We have all this in OUR front yards and we are tired of being seen as just a couple of noisy neighbors.

Please pass this along to the appropriate people. Many thanks,
Kelly

--

Kelly Wheaton
a4est42@gmail.com

Wheaton Surname Resources

Sent: Wednesday, March 21, 2012 9:52 PM
To: St. Claire, Linda
Cc: Diane Beltrami
Subject: Inglewood Village

Linda,

Dianne Beltrami has shared with me Donna Oldford's email to you (forwarded by you to Diane) in answer to her letter. She has shared it with me since it makes allegations about my involvement in an agreement. This is another case of lying. It is this pattern of behavior that makes it impossible for meaningful discussion to take place. Please see **our** comments below:

From: Donna Oldford <dboldford@aol.com>
Date: March 20, 2012 5:31:11 PM PDT
To: LINDA.STCLAIRE@countyofnapa.org, juliesmith@softcom.net, diane@sthelenaca.net
Subject: Re: Inglewood Village project

Linda,

Thank you for sending the letter from the Beltramis. Phil Smith and I would be happy to meet with them to answer the questions posed in their letter. I do not have a telephone contact for the Beltramis, nor have they contacted Phil and/or me in response to our letter invitation to meet with them. If you are in contact with the Beltramis, please let them know that we would be willing to meet with them.

Donna had no problem locating our phone number in the past and we, the Beltrami's, Mary Edano and Rose Taylor are all clearly listed in the phone book. It isn't the neighborhood's responsibility to reach out to a developer who insists on forcing another building into an already congested project where 73 residents are opposed to the ripping out of a buffer between the commercial development and the neighboring residences.

There were four individuals involved in the matter of the property owner being willing to rezone from the more intensive CL (Commercial Limited) to CN (Neighborhood Commercial) zoning. That was the purpose of the so-called "agreement" that has been referred to. These four people were Kelly Wheaton, Diane Morris (then Heldfond), Phil Smith and myself.

There was nothing put into writing, just the application made by Phil Smith to the County to down zone the property for a project with less traffic generation. There was no agreement that went beyond that.

I was not involved in any agreement with Diane Morris, Phil Smith and or Donna Oldford. Diane Morris called after she had reached an agreement with Phil Smith to change the color of the THREE buildings and roofs from yellow and green respectively to something more earth toned. She also negotiated a change from retail shops and restaurants to offices. I was never consulted in advance of these negotiations regarding these matters and was informed after the fact of the results. There was never any agreement with me and I had no contact with Donna Oldford during this time. And for the record all negotiations between Phil Smith, were between Phil, my husband, Michael, and me. Not me acting alone. Those agreements were with regard to the wall, vineyard and 3 buildings ONLY and although Phil denies it he stated to us that "there would be no fourth building as long as he was

involved with the project."

So there was NO AGREEMENT AND the 4 parties were actually 3 parties; only one of which was a resident and she only lived here part time.

There was no agreement that the property owner was forfeiting property rights consistent with the new zoning.

No one said they were forfeiting their rights. Phil told us they would not build another building while he was involved. Phil has put in writing on several occasions that they would not build a fourth building without neighborhood support. They have no neighborhood support.

The landscaping for the business park is a condition of approval associated with the use permit, as is required by Napa County for commercial development. However, the vineyard was not part of this landscape plan and was planted later by the property owner. Phil Smith can speak more specifically to this.

This is incorrect and you have in your files an email dated 4 Nov 2004 to Sean Trippi and Phil Smith wherein we reiterate the agreements we made in meeting with Phil Smith on Nov 1st. Item 2 reads:

"Not a part" will be removed from the site plans and any other document to be replaced by the word "vineyard." This area will be planted in vineyard during phase one. There is no agreement on any future buildings or development and even the suggestion of such will result in immediate opposition to the proposed modification of use permit."

Neither my client or I believe any of the neighbors to be any more important than another.

Yet an agreement of one neighbor long ago with Phil is construed to mean whatever Ms. Oldford deems helpful to her client without regard to the facts or the 73 residents in the neighborhood who are clearly opposed to a fourth building.

We sent this letter and the plans out to neighbors on the 300-ft. noticing list, in fact, and did not send to any other neighbors unless they had submitted correspondence to the County or had been in contact with me directly. Anyone who contacts us requesting a meeting will be responded to. I have never stated that I have spoken to every neighbor on Inglewood Avenue, because that is not the case.

Would Ms. Oldford like to state for the record how many residents she has spoken with since filing the Use Permit Modification. We could find only two. One, Diane Morris and the other a personal friend of Ms. Oldford. They both own properties nearly a half mile from the project and one resides out of the area. When last we reviewed the file there were no neighborhood letters of support. Who in the neighborhood supports the project? Why is the developer not keeping their word, in regards to pursuing a fourth building unless they have "neighborhood support?"

I have not talked with the Beltramis because I/we have not been contacted by them. Our invitation to meet stands.

My client remains willing to work with the neighbors to insure that his project is as compatible with

the nearby neighborhood as possible, while still allowing him a fair and reasonable use of his (now down zoned) commercial property on Highway 29 and Inglewood Avenue. I hope that this will be conveyed to neighbors as they continue to contact the County about this matter, since we have not had a single call as a result of the letter that was sent out. Thank you.

Sincerely,

Donna

So we ask what is there to negotiate? The applicants said they won't change the fourth building's location, the buildings are designed, the parking lot is designed, they said they won't build a wall. They said the drainage is adequate. The only thing they might negotiate is landscaping and last time they didn't even put in the required evergreen trees, so what should we negotiate? The neighborhood doesn't want a fourth building---they do---and they are willing to misrepresent the facts repeatedly---and can't understand why their phones aren't ringing.

And if that's not bad enough they don't even want to maintain what they have, they want to turn it all into condos and then have the condo association be responsible for maintenance.

We are sorry Linda but this is not a situation where a compromise is possible. We believe the compromise was what has already been built.

Sincerely,
Michael and Kelly Wheaton

--

Kelly Wheaton
a4est42@gmail.com

Wheaton Surname Resources

From: Kelly Wheaton
To: St. Claire, Linda
Cc: Diane Beltrami
Subject: Re: Inglewood Village
Date: Thursday, March 22, 2012 10:45:35 AM

Linda,

Thanks for trying. Many times it is possible to reach an agreement in advance. As is the case with the project on the corner of Inglewood and Hwy 29 the former Wine Merchants---which will become Vine Cliff Winery Tasting Room. The owner Rob Sweeney first had his Real Estate agent contact neighbors then met with each of us from Anita Brownell, Mary Edano, Rose Taylor and down to us. We had very few concerns which he addressed and we are in support of his project.

Contrast that with Inglewood Village who by there own words "thought" that the neighborhood would agree to a fourth building once they saw the impact of the other three. We have seen the impact and we don't want a fourth building which is clear by the lack of neighborhood support.

We appreciate all your time and consideration. We however do not appreciate the way this has been handled on the developer's end. Bullying and lying are not the way to get people to go along with you. And especially considering the lack of respect and consideration that has been shown.

Sincerely,
Michael & Kelly Wheaton

On Thu, Mar 22, 2012 at 9:45 AM, St. Claire, Linda
<LINDA.STCLAIRE@countyofnapa.org> wrote:

All,

Thanks for responding. At this point it doesn't look like any type of agreement between you all and the developer can be facilitated from my efforts. I am, after all, just the middle man and my job is to process the application as requested. We will let the Planning Commission make their decision and please feel free to make your case at that time.

Best regards,

Linda

From: Kelly Wheaton [<mailto:a4est42@gmail.com>]

From: [Kelly Wheaton](#)
To: [St. Claire, Linda](#)
Subject: FYI re: Inglewood Village
Date: Thursday, March 22, 2012 5:49:43 PM

Linda,

We wanted to bring this to your attention as further proof that the vineyard **was** a condition of approval.

From the Inglewood Village Business Park Conditions of Approval dated December 15, 2004:

"Item 1a replacing the garden center building and nursery with a 4,030 sq. ft office building and **vineyard** as shown on the site plan dated November 8, 2004."

We would appreciate your adding this and our previous communication regarding the repudiation of the Developers allegations to the packet should this come back for Hearing. We are also awaiting the drainage plans we have requested before sending our lengthy comments regarding the two letters that were sent to some of the neighbors. This would be unnecessary if the Developer and his agent would confine their remarks to the facts as shown in the historical record.

Thank you,
Michael & Kelly Wheaton

--

Kelly Wheaton
a4est42@gmail.com

[Wheaton Surname Resources](#)

Drainage & Flooding Issues
(Including original EIR, Minutes of Napa County
hosted Meeting & Condition of Approval)

Subject: Re: Inglewood Village / Hall Winery Drainage Issues

From: Kelly Wheaton <a4est42@sbcglobal.net>

Date: Fri, 06 Jan 2006 17:00:42 -0800

To: "Gitelman, Hillary" <hgitelman@co.napa.ca.us>, Steve Lederer <slederer@co.napa.ca.us>, rpeterso@co.napa.ca.us, Diane Dillon <ddillon@co.napa.ca.us>

CC: Nate Galambos <ngalambo@co.napa.ca.us>, Todd Adams <tadams@co.napa.ca.us>

Hillary Gitelman, Steve Lederer, Bob Peterson, Diane Dillon and other interested parties,

We are writing to express our concern over drainage issues in the Inglewood area. This a long standing issue (excuse the pun). We thought it would be helpful for all of you to have some sense of the chronology of events (attached) that has brought us to where we are today. (We have provided Nate Galambos with copies of some of our earlier correspondence dating back to 1992.) Unfortunately I do not have a log of phone calls, but for every letter you can safely assume that there were at least 5 phone calls associated with it. We have made adjacent property owners, the County and developers aware of the high water table-flooding-drainage issues at every possible turn. No one can say that they didn't know there was a problem. In spite of California Water Rules the County has continued to approve projects in the area without giving appropriate consideration to the existing conditions and failing to protect us from exacerbating existing conditions. Contrary to California Water Rules the County has approved the diversion of water from its natural course adding to flooding and standing water conditions on our property.

We feel the following expectations are reasonable and would like to work with all interested parties to insure a safe, appropriate and viable solution to these issues.

Our EXPECTATIONS for the COUNTY

- 1) Notify property owners' of their legal responsibility regarding modification of natural flow /drainage of surface water and ask them to comply with California Water Rules.
- 2) Not approve additional sources of water be diverted into and already under sized, over taxed system
- 3) Be responsive to citizen's who have been harmed and enforce Use Permit conditions to prevent further harm.
- 4) Scrutinize and/or require more comprehensive studies prior to allowing further changes to existing drainage patterns and review for compliance with California Water Rules.

CHRONOLOGY

Winter 1991: Phone Calls to Mel Varrelman, Public Works and Napa County Road Dept and Michel Perret (vineyard manager for now Del Dotto property)

1-13-1992: Certified Letter to Bill Bickell describing drainage issues asking for help.

1-13-1993: Letter from Don McGrath Villa Helena Winery to Bill Bickell re drainage issues

1993-1998: Innumerable phone calls to County Departments and land owners

7-2-1998: Letter to Jeff Redding and Planning Commissioners regarding Corison Winery Proposal asking that improvements to undersized drainage be a condition of their use permit.

(Ignored.)

9-11-1998: Letter to Wyntress Balcher and Mel Varrelman regarding Inglewood Village including drainage issues.

3-10-2001: Letter to owners of now Del Dotto Property (following up on repeated phone calls) asking for them to maintain their culverts. Copies to Yvonne Rich Main Street Property (who was handling the sale of property).

5-12-2002: Letter to Michael Bloom of Golden State Vintners (now Hall Winery)

2002-2003: Repeated calls to Golden State Vintners to address drainage problems caused by the expansion of wastewater pond and occasional calls about release of red smelly effluent into our drainage ditch.

1-2004c.: Phone calls to Mike Reynolds (Hall Winery) regarding drainage at Inglewood Ave.

6-2004c.: Letter to Steve Lederer regarding drainage issues at Hall Winery at Inglewood Ave.

9-9-2004: Email to Sean Trippi reiterating concerns about drainage at Inglewood Village. Opposition to water being diverted to Inglewood.

10-3-2004: Email to Sean Trippi, Steve Lederer, Bob Fiddaman, and Phil Smith (developer) regarding concerns about drainage for Inglewood Village

10-11-2004: Email to Sean Trippi, Steve Lederer, Bob Fiddaman, and Phil Smith unequivocal statement "We will hold the County responsible for damages if the project is approved without appropriate mitigations."

2004-2005: Meetings with Phil Smith, Mike Reynolds and Paul Bartlett regarding inadequacies of drainage and our concerns that no further water be diverted into system.

2005: Many conversations with Sean Trippi regarding concerns about Inglewood Village and Hall Winery drainage Issues.

12-29-2005: (PRE FLOOD) Call to Sean Trippi regarding Inglewood Village Drainage issues. He refers to Environmental Health Christine Sechelli. Left message her. No return, call back and are told it has been referred to Bill Rowser. Speak with Bill Rowser he refers to Public Works. Gina Piatza sp? extremely helpful. Recommends talking to Todd Adams. Leave message for Todd. Call to Diane Dillon she recommends Todd or Mike Fort.

12-30-2005: Call back and site visit by Todd Adams.

1-5-2005: Follow-up calls & emails to Sean Trippi, Todd Adams. Referral back to Environmental Health regarding discharge of effluent from Hall reaching drainage ditch.

Spoke with Bill Rowser and he sent Darell Choate for site visit. Met with Darell and Mike Reynolds of Hall Winery. Later Todd stopped by with Frank Lucido and Kathy. Call to Nate Galambos.

1-6-2005: Site visit with Nate Galambos.

In light of these issues and the need for further study we respectfully request that the County not move for approval on the Hall Winery Project until these issues are thoroughly investigated and resolved. At the least, we ask that the Hall Winery Project not be allowed to divert any additional water into the drainage ditch on our Property without improvements being made downstream. Anything less is a violation of Water Rules and under the circumstances frankly unconscionable.

In spite of our frustration in getting anyone to acknowledge or address these issues appropriately we must comment on the following County Personnel who have been courteous and extremely helpful within the constraints of their jobs:

Steve Lederer, Sean Trippi, Todd Adams, Nate Galambos, Frank Lucido, Gina Piatza?, and Kathy ? (Public Works) If there is a process for giving a positive citation, all the above deserve our highest praise.



Kelly Wheaton <a4est42@gmail.com>

Inglewood Village Drainage Photos from this AM Saturday January 21 2012

2 messages

Kelly Wheaton <a4est42@gmail.com>

Sat, Jan 21, 2012 at 10:13 AM

To: "Galambos, Nathan" <Nate.galambos@countyofnapa.org>, "St. Claire, Linda" <LINDA.STCLAIRE@countyofnapa.org>, "Trippi, Sean" <Sean.Trippi@countyofnapa.org>, "drew.lander" <Drew.lander@countyofnapa.org>

Nate, Linda, Drew et al.

Please include in packets!

Proof Positive Inglewood Detention Basin DOES NOT WORK

1) Negligible Rainfall prior to this storm in the last month. (Ground not saturated at all)

2) Saturday January 21 2012 8 AM (Photos and data)

Rainfall from SFGATE.com

Saint Helena	0.00	0.28	0.44	2.28	3.60
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So with approximately 3.5" of rain in 24 hours the ONLY water entering the box on Storage Pro (and exiting on to Del Dotto) is from Inglewood Village. OUR drainage ditch—is essentially dry. The only water entering that box is from Inglewood Village—and although very little, it is running. (I'll attach a still photo but I have a video)—so you can see direction of flow.

But with 3.5" of rain the Retention basin is already full (see photos) and water is exiting the pipes from the basin. Nothing is entering from the surface swale on Inglewood Village property. So the only water entering the system is from Inglewood Village and they have **NO RETENTION**. Any subsequent water will simply flow out—as we have already stated in our previous communications. **THERE IS NO RETENTION** from this point forward. And it took less than 4" to exceed its capacity.

This system does not work, has never worked and does not have the ability to work for 3 buildings let alone 4. The culpable parties for us are the Inglewood Village, Bartelt Engineering and the County for approving the system in the first place.

The fact that we have had a very dry winter and then this storm gave us the perfect opportunity to "Prove" what we had always suspected.

Now the small amount of water dribbling out has no current adverse effect. However should we experience a week or so of rain on and off it is clear the water from Inglewood Village will be channeling all towards an overtaxed antiquated drainage ditch with only 12" exit pipe and will cause flooding onto nearby and downstream properties.

Please see attached photos. Additional photos will follow as I can only send a few at a time without them being refused by your server.

We hope the evidence is clear and we can avoid future waffling and pointing of fingers.
Many thanks to all,

Michael & Kelly Wheaton

Photos ending by Number

92 One of the covers accessing Retention basin
104 Water level in Retention Basin (full)
108 A second access pipe showing full Retention Basin

FYI There are at least 3 access points to the drainage basin we only took photos of the water at 2. If there is any question perhaps someone would like to come out and check.

Kelly Wheaton
a4est42@gmail.com

[Wheaton Surname Resources](#)

3 attachments



P1090092 (1 of 6).jpg
482K



P1090104 (5 of 6).jpg
303K



P1090108 (6 of 6).jpg
267K

Kelly Wheaton <a4est42@gmail.com>
To: Joe Wheaton <joe.m.wheaton@gmail.com>

Sat, Jan 21, 2012 at 1:56 PM

FYI

[Quoted text hidden]

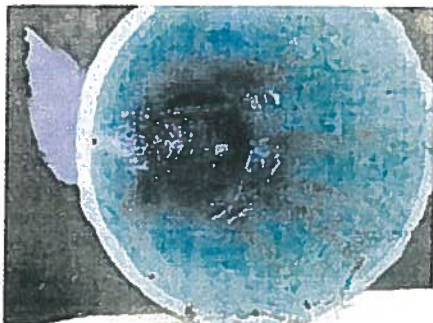
3 attachments



P1090092 (1 of 6).jpg
482K



P1090104 (5 of 6).jpg
303K



P1090108 (6 of 6).jpg
267K



Kelly Wheaton <a4est42@gmail.com>

More photos for inclusion

2 messages

Kelly Wheaton <a4est42@gmail.com>

Sat, Jan 21, 2012 at 10:18 AM

To: "drew.lander" <Drew.lander@countyofnapa.org>, "Galambos, Nathan" <Nate.galambos@countyofnapa.org>, "Trippi, Sean" <Sean.Trippi@countyofnapa.org>, "St. Claire, Linda" <LINDA.STCLAIRE@countyofnapa.org>

Photo ending in

97 Drainage Box on SW corner of Storage pro

99 shows water from 14" Inglewood Village pipe entering box and 14" pipe exiting for Del Dotto's 12" pipe

101 view from Storage box towards Inglewood Ave (no water)

112 view from Drainage ditch looking south towards SW corner of Storage Pro (no water)

Kelly Wheaton

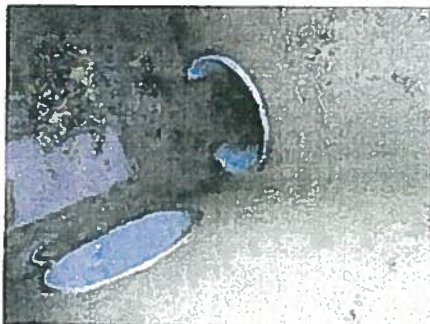
a4est42@gmail.com

[Wheaton Surname Resources](#)

4 attachments



P1090097 (3 of 6).jpg
485K



P1090099 (4 of 6).jpg
318K



P1090101 (1 of 2).jpg
392K



P1090112 (2 of 2).jpg
491K

Kelly Wheaton <a4est42@gmail.com>
To: Joe Wheaton <joe.m.wheaton@gmail.com>

Sat, Jan 21, 2012 at 1:56 PM

More photos

[Quoted text hidden]

4 attachments



P1090097 (3 of 6).jpg
485K



P1090099 (4 of 6).jpg
318K



P1090101 (1 of 2).jpg
392K



P1090112 (2 of 2).jpg
491K



Kelly Wheaton <a4est42@gmail.com>

A couple more photos Inglewood Village

1 message

Kelly Wheaton <a4est42@gmail.com>

Wed, Jan 18, 2012 at 4:44 PM

To: "St. Claire, Linda" <LINDA.STCLAIRE@countyofnapa.org>, "Galambos, Nathan" <Nate.galambos@countyofnapa.org>

Linda,

These are for inclusion in packet. The first two are of our backyard. The last photo shows flooding in our front yard. In spite of allegations to the contrary any additional water does/and will have a significant impact.
Kelly

Kelly Wheaton
a4est42@gmail.com

[Wheaton Surname Resources](#)

3 attachments



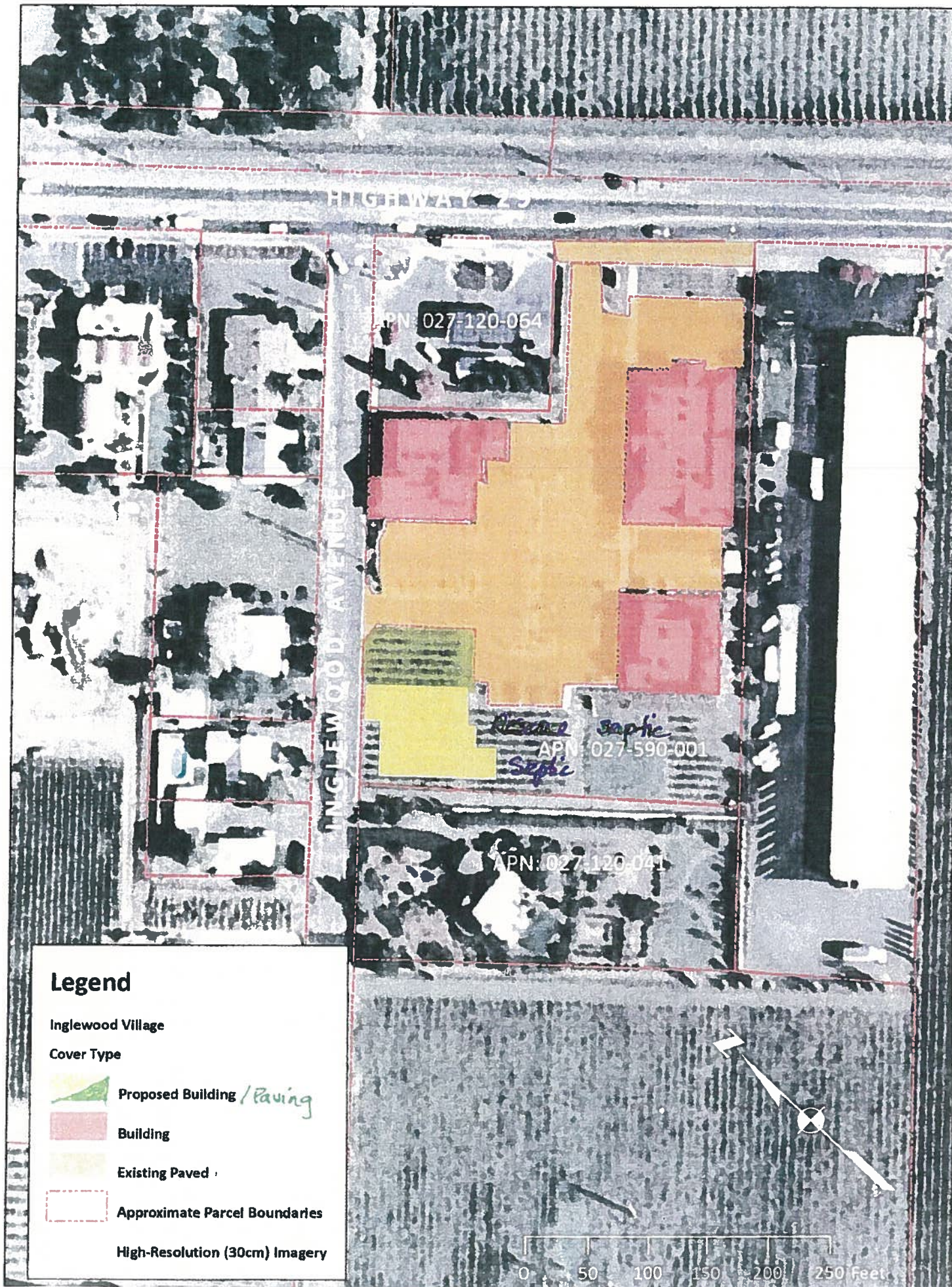
Flood 12-31-05 004.jpg
309K



Flood 12-31-05 006.jpg
404K



Flood 12-31-05 005.jpg
357K



From: Kelly Wheaton [<mailto:a4est42@gmail.com>]
Sent: Friday, January 13, 2012 8:38 AM
To: St. Claire, Linda; Galambos, Nathan; Trippi, Sean
Subject: Response to Inglewood Village Modification P11-00107

Hi Linda,

Attached find our written response for inclusion in the packet for the hearing on February 1st. I will try to provide additional documentation (much of it is already in your files) as I am able. Personal issues are making this difficult to achieve in a timely manner.

All of the immediate neighbors have expressed to me--- without solicitation--- their desire for any possible fourth building to be relocated immediately adjacent the current north entrance as shown as the nursery location during the original proposals long ago. This is explained in more depth in the attached document.

Although I will attempt to provide documentation regarding current feelings of the residents I wish you to be aware of several challenges I face. First, many of the residents are elderly. At least three houses are undergoing remodel and are unoccupied. Several residents have died and their properties have not been sold. And several of the original signatories have moved. However all of the residences along our stretch of Inglewood have signed a new petition in opposition to the project. I collected them yesterday and will continue to contact as many residents as I can. I have only had one person turn me down and not because he wasn't sympathetic (way down Inglewood) and that is a former employee of the owners of the project. I also have had telephone conversations with two people who wish not to be involved due to conflicts of interest.

I hope that my efforts at transparency and full-disclosure will not be used against us by the applicants.

Thanks again for all your assistance,

Michael and Kelly Wheaton.

--
Kelly Wheaton
a4cst42@gmail.com

Wheaton Surname Resources

Neighborhood Response to Inglewood Business Park Use Permit Modification

Kelly & Michael Wheaton
1335 Inglewood Ave.
St. Helena, CA 94574

January 12, 2012
Revised January 22, 2012

Linda St. Claire
Napa County Planning
1195 Third St. Suite 210
Napa, CA 94559

Dear Linda,

After meeting with you on Monday January 9th, 2012 and reviewing the file for Modification of the Inglewood Business Park Use Permit Modification (P11-00107) We have prepared this response to the application and to two letters in the file written by Donna B. Oldford in her capacity as Planning Consultant to Phil Smith, the Developer. We request this letter and supporting documents and photos be added to the packet prepared for the Planning Commissioners. We apologize in advance for the length and tediousness of this letter but these are areas of great concern to the neighborhood.

Neighborhood Response to Inglewood Business Park Use Permit Modification

Let me state for the record that I, Kelly Wheaton, have known Donna Oldford for many years and I have worked with Phil Smith for nearly as long to reach a consensus on his project that would both fulfill his clients desire to profit from their commercial property, and at the same time protect the residential neighborhood in which the project is located.

This is a situation where increasing pressure from commercial developments, irreparably harms our quality of life. The neighbors have continued to act in good faith and support a series of changes to the project from rezoning to leasing to condo conversion all to help the owners secure tenants for their property.

The neighbors fought to eliminate a sidewalk that saved the developer money as well as maintained the rural nature of the neighborhood. This proposal would rip out the vineyard the developer's planted to gain support from the neighborhood and replace it with another 4,000 square foot building and an additional parking lot which by the applicants own admission exceeds what is required or necessary for the project.

Overwhelming opposition to the project is based on on the neighborhood's conviction that removal of the vineyard and green-belt and adding a fourth building and parking lot will substantially change the character of the neighborhood and extend commercial development west down Inglewood Avenue and too close to existing residences. The neighborhood worked in good faith to come up with a compromise. We opposed a 4th building when we became aware of it 5 years ago and oppose it now.

The existing vineyard allows adjacent neighbors and all the residents of Inglewood Ave., Tokay, Stanton and Lydia Lane to enjoy a buffer between Hwy 29 Commercial development and our neighborhood. Specifically adding a fourth building will significantly alter their view and skyline.

The cumulative impact of an additional building IS SIGNIFICANT and will effect the quality of life greatest for the residents living closest to the project, but also for all the residents who must enter and exit via highway 29 at Inglewood. An updated Environmental Impact Report should be required to address Land Use, Traffic, Air Quality, Noise, Hydrology, and Aesthetic and Visual Impacts.

Specifically per CEQA the Inglewood Village Expansion WOULD

IX. HYDROLOGY AND WATER QUALITY.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

I. AESTHETICS.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

In a letter from Phil Smith to Steve Lederer. Phil writes:

"The revised entry would also allow us to return to the County at some future date to seek approval for another small building should the market warrant it and we can again gain the support of the neighborhood."

Subsequent to our letter of Jan 12 2012. I have spoken with over 70 residents of the Inglewood Neighborhood.

And we have over 70 residents' signatures opposed to adding a fourth building and eliminating the vineyard that the neighborhood worked so hard to secure.

Those that were signers of the original petition had received notice of the February 1 hearing and I thank Linda St. Claire for sending notices to them. They all expressed their appreciation, although most will be unable to attend the hearing because they work or are elderly. However, talking with nearly all the current residents and a quite a few of the weekend residents allows me to unequivocally state for

the record that NO written communication from the applicant or their representatives have been received by any of the residents that I spoke with. There were 2 phone calls to friends/associates of Donna Oldford and one to us many months ago. *This is not neighborhood outreach---*

APPLICATION

Phil Smith applied for a "Minor Modification" to the Inglewood Village Business Park on 16 March 2012. The Planning department is to be commended for not accepting this as a Minor Modification for which it clearly is not qualified:

"Minor Modifications...are changes which would not alter a Use Permit's 'overall concept, density, intensity, or environmental impact.' Minor Modifications include noncontroversial changes...."

RESPONSE TO THE PROJECT STATEMENT

As per the project statement the 3 existing buildings would bring the sum total of buildings to 19,295 square feet plus the existing parking areas and walkways would be increased by an additional 7,090 square feet of parking and walkways essentially covering the vast majority of the parcel in impervious surface. At 2.95 acres or 128,502 square feet the ratio of pervious to impervious surfaces will be greatly altered by the elimination of vineyard and the construction of a fourth building and additional unnecessary parking spaces. The following quotes are taken directly from the Project Statement.

"There are large-lot residential parcels located along Inglewood Avenue and other nearby east/west streets, as well as vineyards."

Response: This is true as far as it goes but there are also small-lot residential parcels directly across the street from the project and scattered along Inglewood Ave. The parcels range from less than 1/2 acre and up which is consistent with the rural nature of the neighborhood.

"Land uses in the vicinity includes various tourist serving businesses..."

The commercially zoned properties abut Highway 29 and are not representative of the Inglewood neighborhood. The applicant seems to have forgotten that their project resides in a mixed use area and that their approved project only garnered neighborhood support when it was changed to address neighborhood concerns and be consistent with a mixed use neighborhood.

"In addition to the extensive neighborhood outreach conducted with the first phase of the project development, we will be reaching out to neighbors again about the proposed new building."

Response: After significant canvassing of the neighborhood the extent of known outreach is as follows:

One phone call to us many months ago. And two phone calls to previous clients or friends wherein they were told a letter of support would be drafted by the applicant for their signatures. There have been no phone calls to any of the residents within a 300 foot radius of the project. There have been no written notices or communications to any of the neighborhood to date to which we have been made aware after personally talking to over 70 residents.

The contentions made by the applicant are not backed up by the facts. If it is the applicant's intention to conduct outreach the period for that outreach is long past overdue. The evidence would suggest that the applicants oversight in meeting with neighbors and making them aware of their intentions is purposely designed to eliminate opposition by keeping potential opposition uninformed.

*As is noted by the applicant considerable outreach was initiated by the developer during earlier phases of the project. **There has been a decided change in the applicant's behavior since approval and construction of the Initial Project.***

ENVIRONMENTAL IMPACTS & CEQA

We have been repeatedly assured by the developer, Phil Smith, and their experts that the project would have no adverse effects on the neighborhood beginning with the April 2000 Draft Environmental Impact Report prepared by Nichols-Berman Environmental Planning of San Francisco to the current application filed as a Minor Modification Application however deemed by the County to be worthy of Modification Status. And finally in the Negative CEQA findings that we received on January 11 2012. *This may be the expert opinion of those hired by the applicant and it may be the understanding of the County based on information supplied by the applicant however it is not the experience of those who live here.* An environmental impact report prepared in 2000 (twelve years ago) can hardly address the significant cumulative impact of this project and the many other projects in the area. A few notable examples of significant impacts to date:

- Football field size lighting used in the middle of the night during the pouring of the slab for the largest building and extending 1,000 feet away such that it woke up neighbors and the sheriff was called.
- Construction issues have continued to this year when construction on the large building continues after the construction window of 7 AM to 5 PM. Requirements, recommended by the EIR, that residences be notified in writing have never been adhered to --nor have we been notified in any way.
- **Weekly we are awakened** by garbage vehicles emptying the garbage bins at the Inglewood Village **regularly at 3:30 AM. This is a significant impact to those immediately adjacent the project** and does effect our sleep and quality of life.
- A significant increase in traffic at an already dangerous intersection where those turning south into the gas station regularly cut the corner unaware of traffic coming from Inglewood Ave. There is a significant impact on the neighborhood by the increase in traffic to the project irregardless of the applicants contentions and those of their experts and this is a cumulative impact.
- A drainage system that the original EIR states :

"The Project would increase runoff, but is not expected to exceed the capacity of the State Route 29 drainage system or result in flooding. However, drainage to Inglewood Avenue

could aggravate existing conditions. This would have a significant impact."

The applicants could not secure permission to drain into the Route 29 drainage system so instead constructed a retention basin and tied into a known substandard drainage system such that it has increased flooding in the area.

Furthermore, the retention basin as designed does not work. In clear violation of State Law additional waters are diverted from the Inglewood Village property AND Storage Pro across an easement on the Storage Pro property where they meet excess water from Inglewood Avenue and Hall Winery as well as others with the only exit a 12" pipe that cannot handle the flow.

This is a significant impact that has been demonstrated to cause additional flooding and harm to adjacent properties. Standing water laced with effluent from nearby leach fields periodically sits in the vineyards and drainage ditch for weeks on end and makes it impossible to work the fields in this area.

- Although we requested that the property be posted for no parking especially around the critical entrance and exit on Inglewood Ave. This has not been accomplished and frequent parking and idling of the many limousines that drop customers off at Dean and Delucca or Sattui Winery and keep their limos running for long periods of time **is a significant noise and air quality issue for nearby residences.**
- There is a significant impact to surrounding residences from light pollution. Especially second story lighting on the two story building and a decided increase from parking lot lighting in the project. Low level lighting and emergency lighting are all that are mentioned in the current Use Permit. The addition of a fourth building directly across from residences will have a significant impact from light and glare.
- The vineyard, green-belt and a total of three buildings were negotiated to protect the neighborhood. As stated in the EIR "Overall, the visual change would be noticeable, but not overwhelming." "The lines formed by the roofs of the buildings would interrupt the horizon line formed by the hills to the east, especially the closer the viewer is to the site."

"While the buildings interrupt the horizon, it does not completely block the horizon, and the rooftops are similar in shape to the existing hilltops." [REALLY?]

The addition of a fourth building along Inglewood Avenue would completely block the south view from Rose Taylor's property (It is located directly in front of her living room picture window. It would block the view from Mary Edano's bedroom's of the western hills. It would block the northeast view from the property of Michael and Kelly Wheaton. It would destroy the vineyard and greenbelt and turn the entrance of this residential neighborhood from rural to urban. ***This is a significant visual impact.***

When it is deemed by a negative CEQA declaration that a project has no significant direct or cumulative impact, *it is impossible not to question the process whereby the applicant has months and years to prepare their case and the residents have about 3 weeks to respond.* You may ask why there

are not a raft of complaints in the file? It is because the experience of the residents is that any complaint takes years to resolve. Six years for a temporary storage building to be deemed a permanent structure and covered with lattice at the gas station. Landscaping at Hall Winery that was supposed to cover the south facing wall as a condition of their Use Permit is still not visible from residences along Inglewood Avenue. Aerators that were promised to have sound baffles installed at the Hall's evaporation ponds took years to be installed and took major lobbying efforts by Mary Radu and Rich Auger, who subsequently moved away in utter frustration. Screening that is a condition of the Use permits of area wineries that have yet to be installed nearing a decade from when they were required. Restrictions on signage that have been reported, but have not been removed. *Just because it isn't documented in the Planning Department's files doesn't mean the residents have not been significantly impacted.*

BACKGROUND AND COMMUNITY INVOLVEMENT

The project was originally presented as a four building project with retail stores and restaurants for which there was no community support including no support from the St. Helena Chamber of Commerce who felt it would compete with downtown St. Helena businesses. In the end the neighborhood agreed to a 3 building project of offices to reduce noise, traffic and other local impact from that of the original 4 building retail proposal.

*One of the 3 original buildings was to be a nursery and to be located just west of the current North entrance. When Phil Smith was unable to locate a nursery tenant the building was moved and we were told it was to make the entrance safer. **We were never told that the movement of the building was to make way for a possible fourth building** (although we later learned that this intent had been communicated to Steve Lederer).*

When Phil Smith met with us in our dining room the area where the nursery building had been planned was marked "Not a Part" which we said was unacceptable----he crossed that out and drew in Vineyard. We did not accept "Not a Part" and asked that it be replaced in ALL plans with vineyard. We can provide copies of his map with his notations.

After the project was approved and we saw a water main being stubbed in for a non-existent building we contacted the Planning Department and were informed that a Fourth Building was being considered. The neighborhood communicated quite vociferously to the Planning Department this breach of good faith and change of intent and withdrew our support for the project should a fourth building be included in any way-- now or in the future.

In addition a petition was circulated in December of 2005 and 59 signatories made their opposition to a fourth building known. We also loudly complained that the vineyard and green belt buffer that the developer had agreed to and were conditions of their use permit had not been planted as required by phase one. Subsequently that vineyard was planted and it currently provides an adequate greenbelt and buffer between this commercial enterprise and the adjacent neighbors (across the street and directly next door).

We have personal notes and official letters from Phil over the course of the project's planning and development. The relationship has always been cordial. Imagine our surprise when we received a phone call out of the blue from Donna Oldford who said "the fourth building is being built whether you like it or not and you better work with me so that you can have input into how it is developed." I asked if Phil Smith was still managing the project and she said that he was. It was then that my husband got

on the phone and explained to Donna how Phil had stood with us in our front yard talking about the landscaping. Phil was having a hard time securing tenants and we had just become aware that the owners had deceived the neighbors and had a fourth building waiting in the wings. It was at this point Phil volunteered, "**As long as I am involved in the project there will be no fourth building.**" Donna denied that Phil made this statement--how she knew this is curious at best.

I told Donna I was not prepared to facilitate a community meeting. Furthermore we were explicit in our intent to do everything in our ability to see to it that Phil and the owners be held to their agreements with the neighborhood. I asked her to have Phil give us a call or meet with us. We felt the fact that she had contacted us rather than Phil was an indication of his discomfort with his own breach of faith. In all previous meetings, phone calls, letters etc Phil had always communicated with us directly.

RESPONSE TO CONTENTIONS OF THE APPLICANTS PLANNING CONSULTANT

It is in this context that I would like to address the allegations in Donna Oldford's letters which name me personally. She makes contentions of which she has no first hand knowledge and portrays me in an unprofessional manner and makes statements that are false. I am appalled at her disregard for the truth, especially in light of the fact that the County files have ample evidence to prove her allegations false.

In Donna Oldford's letter to Linda St. Claire dated 16 Aug 2011 pg 2

"The original landscape plan showed fast growing evergreen trees as screening between the business park and the closest neighbor residence of Kelly and Michael Wheaton."

Response: The evergreen trees were a row of trees along our common boundary proposed at the very beginning of the project when the proposal was for Retail and Restaurants. This is before we agreed to a concrete block wall in lieu of the evergreen trees. We never said we did not want evergreen trees and in fact stated that where the wall ends we wanted evergreen screening to continue from the end of the wall to the curb.

"Ms. Wheaton advised that they already had evergreen trees and did not want more."

Response: False. At the terminus of the wall about 100 feet from Inglewood Ave (which we would have preferred to extend to within a few feet of the street) Phil was unwilling to extend it this far and agreed to evergreen trees and shrubs. When we received the Landscape Plan we contacted Phil to tell him the Quercus rubra (Red Oak) as specified were deciduous trees and could he not substitute the trees Quercus agrifolia (Coast Live Oak---which are evergreen) specified for the east of the first building in lieu of those specified for our boundary. We pointed out that we already had 3 of Quercus agrifolia trees along our boundary and they need only replace the three Quercus rubra with Quercus agrifolia. Phil did not make this change so we have 3 deciduous trees where we asked to have evergreen trees. The landscape plan also specified dwarf Escallonia which at maximum height would be no more than 3 feet. These were replanted at our request with a slightly larger growing Escallonia (but planted in 1 gallon size) which even after more than 5 years are barely 2-3 feet high---hardly providing adequate screening. To rectify this situation we erected our own screening and planted larger growing shrubs. In the event that a fourth building is considered we respectfully request that a condition of approval be the continuation of the block wall to terminate at the northwest corner of any additional building.

"Ms. Wheaton is opposed to the addition of a fourth building and has advised me that she does not wish to work with the applicant on landscaping or other issues."

Response: As I have previously mentioned this is not true. I said I would speak directly with Phil Smith and have awaited his communication. Nothing has been forthcoming. We are happy to work with the County, Phil Smith or any other representative to discuss our concerns.

"We have a sketch of the landscaping plan prepared and we trust the County will share this information with the Wheatons when they inquire about the project. They are not inclined to meet with the applicant or any of the applicant's consultants."

Response: Again this is false. In fact today 12 Jan 2012, we met with Paul Bartelt of Bartelt Engineering regarding Drainage issues with the Inglewood project. We await contact directly from Phil Smith or anyone else associated with the project. This is a smokescreen designed to allow the applicant to proceed and claim they acted in good faith when clearly they did not. The two neighbors most directly impacted by the Fourth building are directly across the street and neither have been contacted by anyone associated with the project.

"Neighborhood Outreach. We have been talking with a number of the neighbors and plan a mailing to all on the noticing list in the next few weeks." (16 Aug 2011)

Response: **Of the more than 70 neighbors we have contacted no one has received any letter or outreach.** The only people that we are aware have been contacted are friends or former clients of Donna Oldford. At the time of our visit on Monday there were no letters of support in the file.

In Donna Oldford's letter dated 14 October 2012 and signed by Phil Smith page 1 and on the attachment is a letter from Phil Smith to Steve Lederer. In this letter Phil writes:

"The revised entry would also allow us to return to the County at some future date to seek approval for another small building should the market warrant it and we can again gain the support of the neighborhood."

Response: We were unaware that this was part of the rationale for moving the entrance as we were told that an entrance further from the gas station would be safer. This is another case of the developer telling the neighbors one thing and the County another. When we became aware of this travesty we quickly registered our protest with the county. *We hope that the bolded part of Phil's statement (above) will be seen as the crux of the debate and that the developer will indeed need to prove that he has the neighborhood's support and not just that of a few parties or those with a conflict of interest.* The tenant who wants to occupy a fourth building has other options. They can buy out any of the existing tenants in the Inglewood complex so no matter how worthy the tenant there is no over-riding need to throw the neighborhood under the bus.

"We wish this letter [with the above statement] to be entered into the file due to continued assertions by one of the neighbors that Mr. Smith made a promise to them that there would never be another building at Inglewood Building Center."

Response: As previously stated Phil Smith did not promise there would never be another building; what he did promise is there would not be a fourth building while he was managing the project. If Phil does not remember the conversation that does not mean it did not take place. Part of the reason our anger was so palpable was that a fourth building while Phil was still manager is something we never could have anticipated.

"There is an email in the County files from Ms. Wheaton which indicates they have had no problems with the development in terms of impacts to the neighborhood."

Response: I have written letters of support and letters of complaint and to single out this one email gives a false impression.

"We have several of the neighbors, whose names are actually shown on the petition that Ms. Wheaton submitted to the County, who are writing letters in support of the fourth building."

Response: Since no letters are currently available I can not comment except to say that signatories that live here only a few weeks out of the year or who live a half mile down Inglewood may have been persuaded to change their minds---which is clearly their prerogative. The largest impact is on the neighbors closest to the project and none of those residents favor a fourth building. If none of the original signatories submits letters of support that speaks for itself. *There are several new residents in the neighborhood and at least one family was represented by Donna Oldford in gaining approval for their winery on Inglewood Ave. He signed our petition.* It is unfortunate that Donna made this personal and unfortunate that I am forced to defend myself in this manner.

REQUESTS FOR MITIGATION AND CONDITIONS OF APPROVAL

1. *That the County require the applicant to prove that the Detention Basin as designed and installed is effective in providing the requirements of state law and that Inglewood Village's drainage plan does not add additional flooding to the existing substandard drainage. Subsequent evidence shows that the system is not working. See Drainage Issues and Photos.*
2. *That in the event the County declares that the Detention Basin is operating as designed no further buildings be approved until the drainage pipes across Del Dotto and Corison properties be increased to handle current flows and the addition of waters from Inglewood Village AND that the applicant be required to make improvements to the drainage ditch adjacent the Wheaton/ Arger-Martucci Properties to insure in the event of clog or backup the waters will not flood the Wheaton or Arger-Martucci Properties.*
3. *That in the event the above conditions are met and a fourth building is considered for approval the applicants be required to continue the concrete block wall from its current termination point approximately 100 feet from Inglewood Ave to the northwest corner of any fourth building to shield the Wheaton's property and provide a sound barrier.*
4. *That any fourth building be moved adjacent the current north entrance as originally proposed for the third building and not at the Northwest corner of the property. All three adjacent residences are in agreement in desiring the change in building placement. This would place the building directly across from Mary Edano's property which already has a 6 foot high oleander hedge. If the building is placed as proposed she would lose her view of the western hills from her bedrooms. Rose Taylor would have her front view completely filled by a commercial building instead of a vineyard and the Wheatons would have a commercial building within 10-15 feet of their east boundary. If the building stays as proposed that the applicant be required to provide sound absorbing materials and relocation of sound producing equipment ie: air conditioning units, generators etc. as far as possible from the adjacent residences.*

5. *That the additional parking lot be eliminated, as existing parking is sized for the fourth building and more impervious surfaces are unwarranted and unnecessary.*
6. *That it be required that servicing of the garbage bins be made after 6 AM.*
7. *That street parking immediately adjacent the north entrance/exit be eliminated for safety reasons and additional street parking be posted to warn buses and limousines that this is a residential neighborhood and they must comply with noise and air quality standards.*
8. *That lighting be re-evaluated to provide no more than is necessary for emergencies and safety.*

CONCLUSION

We hope that it is clear from the files and our contact with Sean Trippi, Linda St. Claire, Steve Lederer, Nate Glambos, Drew Lander and many others that we have always gone the extra mile to be complimentary, approachable and reasonable.

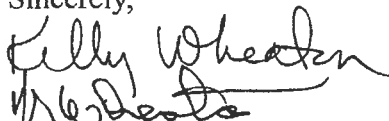
We have worked for over twenty years to secure for ourselves and our neighborhood an equitable balance between the rights of developers to develop their properties and the rights of a community to protect some semblance of quality of life.

Even though the fourth building's prospective tenant, St. Helena Hospital, is a worthy one there are other ways for them to acquire additional square footage including buying out the leases or purchasing the condominium rights of two current identical buildings to the one planned, as well as the opportunity to acquire additional square footage occupied by other entities in the large building that the Woman's Center now occupies.

We would greatly appreciate your viewing these comments in the context of our long standing efforts to work collaboratively with the County, the developers and our community. We appreciate the loss of revenue to the Planning Department and visa Property taxes that a denial of this project entails.

However, it is our sincere belief that, on occasion, it is the responsibility of public officials to act in the best interest of the public. Especially when their interests are so clearly being threatened.

Sincerely,



Kelly Wheaton
Michael Wheaton

Private Communication from Phil Smith

(Shows cordial relationship from 2000-2010,
but we have received no communication to date regarding the proposed expansion)

THE PHILLIP L. SMITH COMPANY, LTD.

Michael & Kelly 9/20/00

Copies of plans and
letter I sent to Donna.
Hearing a Planning
Commission is being
set for October 18, 2000.
Public works is assisting
decomposed granite used
and median. Need to
lobby planning commissioners
and Board. I am trying
to popen up Public Works.
Write Support Letters! JPS

145 W. Jahant Rd. • Acampo, CA • 95220
(209) 368-9732 • FAX (209) 368-9731

THE PHILLIP L. SMITH COMPANY, LTD.

Michael & Kelly 8/30/04

RE: Minor Modification
Englewood Park.

Attached is the revised plan
and Project Statement the
staff is currently reviewing
prior to final contract.

Please take a look at it
and let me know if you
have any comments. We
will be building the wall
and the entire beach field
with Phase I.

Phil

P.O. Box 98 • Acampo, CA • 95220
(209) 368-9732 • FAX (209) 368-9731
Email jsmith8967@aol.com

THE PHILLIP L. SMITH COMPANY

March 25, 2010

Michael Francis & Kelly Wheaton
1335 Inglewood Avenue
St. Helena, CA 94574

Dear Michael & Kelly:

This letter is simply to let you know, in advance, that I have applied for a use permit modification on behalf of Inglewood Village Business Park. The modification will simply allow us to lease the ground floor for medical office use. No other changes are being made.

We felt we were already entitled to lease medical office under our existing use permit, but the Napa County Planning Dept. determined otherwise.

We hope you continue to appreciate the way we have handled the project and will continue to support our efforts. Please contact me at (209) 747-3098 or by emailing me at juliesmith@softcom.net or by mail at P.O. Box 98, Acampo, CA 95220.

Sincerely,



Phillip L. Smith
Project Manager

*Mike & Kelly
Have all our love with you!*

P.O. Box 98 • Acampo • California 95220
Phone: (209) 368-9732 • Fax: (209) 368-9731
Cell Phone: (209) 747-3098

THE PHILLIP L. SMITH COMPANY

July 28, 2008

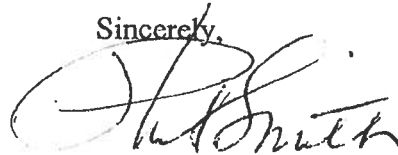
Michael Francis & Kelly Wheaton
1335 Inglewood Avenue
St. Helena, CA 94574

Dear Michael & Kelly:

This letter is simply to let you know, in advance, that Inglewood Village Business Partners, LLC is going to apply for a condominium map on the Inglewood Village Business Park buildings. This will not be to subdivide the land but simply subdividing the air rights within each building for marketing purposes. The map will allow us to sell spaces as well as lease spaces. The land will still be owned by the LLC and the project will still be operated by the LLC. The map just gives us another way of addressing the economy and the down turn in the market place.

You have shown interest in this project in the past and we want to keep you informed. We hope you are reasonably happy with our performance thus far. Please contact me with any questions you may have. It is easiest to reach me by telephone at (209) 747-3098; email at juliesmith@softcom.net or mail at P.O. Box 98, Acampo, CA 95220.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip L. Smith", written over a faint circular stamp.

Phillip L. Smith
Project Manager

P.O. Box 98 • Acampo • California 95220
Phone: (209) 368-9732 • Fax: (209) 368-9731
Cell Phone: (209) 747-3098

THE PHILLIP L. SMITH COMPANY, LTD.

May 7, 2002

Michael Francis & Kelly Wheaton
1335 Inglewood Avenue
St. Helena, CA 94574

Dear Michael and Kelly,

I am long overdue in bringing all of you folks who are affected by the Inglewood Village Office Park up-to-date on its status. As you all know the economy has taken quite a hit in the past year and one-half. The office market has taken an even bigger jolt. And, while Inglewood is a different product than that which has taken such a beating from the collapse of the Dot Com industry, we are not immune. Banks will no longer finance a speculative project of any kind.

We have had tremendous interest from people desiring to locate or relocate their office to Inglewood. However, we have been unable to move that interest to a 65% preleased level. That is the bank's current requirement. In hopes of remedying this situation we have now retained Michael Miller of Keegan and Coppin's Napa office to handle leasing on a local basis in hopes that he can make a difference. The Mori Family is still committed to developing the project.

We finally recorded our Lot Line Adjustment in April 2002. The recording took place two months after our one-year Use Permit expired, but we requested and did receive a one-year extension on the Use Permit. We have all but completed our working drawings and finalized our building permit. We will not complete this process until we can start construction, which means we must have financing in place.

We will however be demolishing the old nursery building and getting rid of all of the debris and dead trees and brush that exist on the site. We have already removed the asbestos bearing sheetrock and tape preparatory to demolition starting. Andrews and Thornley of Napa is the General Contractor we've selected and will be coordinating the demolition work.

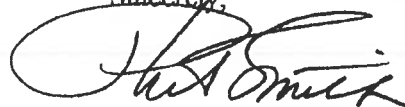
The only major permit hurdle we have not yet gotten over is Caltrans and our Encroachment Permit. Usually this has to do with traffic and access, but in our case it has to do with which ditch we can drain into from the site. Caltrans has refused the County's request that we drain into the ditch along Highway 29. It looks like, after 16 months, we may have to redo all of our site grading, drainage and paving plans (all have been approved by the County) in order to satisfy Caltrans. They are requiring that we drain to the ditch to the west of our site. We can do this by installing a pipe in Inglewood Avenue running from our site to the drain. It will add another increment of cost that will be hard to bear, but it is the only alternative left open to us.

THE PHILLIP L. SMITH COMPANY, LTD.

All of the above is going to take time, and so we have decided to move a temporary tenant back into the metal building. A & J Ag Service is in the business of refabricating vineyard trellis systems. We are also going to let John Montelli resume using the open area of the property. These don't generate much income, but they will pay the taxes while we pursue leasing and financing.

I hope this information is helpful to you. Thank you all for your consideration. If you have any friends, acquaintances or relatives who need office space my phone number is (209) 473-6033.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip L. Smith", written over a horizontal line.

Phillip L. Smith
President
The Phillip L. Smith Co.