

**DONNA B. OLDFORD****PLANS4WINE****2620 PINOT WAY****ST. HELENA, CA 94574****TELEPHONE (707)963-5822****E-MAIL: DBOldford@aol.com**

April 23, 2012

Mr. Michael Basayne, Chairman  
And Napa County Planning Commissioners  
1195 Third Street, Suite 210  
Napa, CA 94559

**SUBJECT: INGLEWOOD BUSINESS CENTER USE PERMIT MINOR MOD**

Dear Chairman Basayne and Member of the Commission:

On Wednesday, May 2 the Planning Commission will consider a request to modify the use permit for the Inglewood Business Center office complex located south of the intersection of Highway 29 and Inglewood Avenue. This project was down zoned from Commercial Limited (visitor-serving commercial) to Neighborhood Commercial almost twelve years ago, as a result of a compromise reached with several representatives of the Inglewood Avenue residential neighborhood. In addition to the applicant's demonstration of "good faith" in redesigning the project to be consistent with this less intensive zoning, the developer agreed to a number of measures requested by the neighbors. These are outlined in the attached letter from the developer to Wyntress Balcher (then County planner) dated August 14, 2000.

We forward this letter to you because there exists a difference of opinion between the developer and one of the neighbors who were party to that agreement, Kelly and Michael Wheaton, the neighbor closest to the business center property. While we do not wish to invalidate the Wheatons' concerns about commercial development close to their home, the petition that was circulated gives the impression that the developer agreed there would not be a fourth building as part of the complex. The point of view of the applicant, and the other two persons who were party to this agreement, differs. There is a letter to this effect in the project file from the fourth party to that agreement, Ms. Diane Morris.

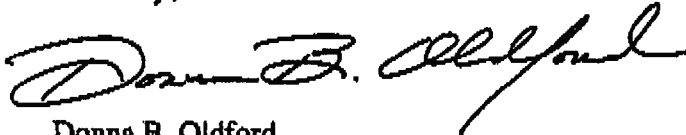
Mr. Smith and the property owners, who have owned this commercial property for more than 70 years, have not broken faith with their agreement with the neighborhood as is implied in a petition circulated throughout Inglewood Avenue residents. Phil Smith moved ahead to rezone the property, developed it consistent with that zoning at a significantly lessened value from the original visitor-serving zoning, and followed through with the measures reflected in the attached letter, as well as others.

The applicant remains willing to work with the closest neighbors to effectively landscape the proposed building four, which is a one-story 4,092-sq. ft. structure designed in the same agricultural barn-style wood and stone façade as the existing project and this is reflective of the design theme requested during the original neighborhood discussions.

We have not been contacted by any of the Inglewood Avenue neighbors as a result of the February 15, 2012 mailing of project materials and invitation to meet and answer questions. It is notable that there has not been a single nuisance complaint about the Inglewood Business Center since the original project was built. The applicant's objective is to continue proving a good neighbor along this commercial corridor of Highway 29, one that is close to the residential uses along Inglewood Avenue. The property owners have already made significant concessions, at a considerable cost and delay, to demonstrate sensitivity to their neighbors. They simply wish to complete their neighborhood commercial project with building number four, in order to finally secure their permanent financing. This will allow this applicant to receive a fair return on their investment in this property. It will also provide administrative office space that is in demand for important local-serving and essential services businesses in Napa County.

Thank you for this opportunity to clarify the nature of the interactions of this applicant with the Inglewood Avenue neighborhood and the history of their performance on the project as reflected in those agreements.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna B. Oldford", written in a cursive style.

Donna B. Oldford  
Planning Consultant

Enclosure: Letter from Phil Smith dated August 14, 2000

# THE PHILLIP L. SMITH COMPANY, LTD.

August 14, 2000

Wyntress Chatman Balcher  
Conservation Development and Planning Department  
1185 3<sup>rd</sup> Street, Room 210  
Napa, California 94558

Re: **Inglewood Village Office Park**  
**Highway 29 & Inglewood Ave.**  
**Napa County, California**

**RECEIVED**

**AUG 17 2000**

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Dear Wyntress:

Last week I gave you a copy of notes that were taken by Donna Oldford at my last meeting with the Inglewood neighborhood. This letter will serve as a statement of the agreements we have now reached, in order to mitigate the neighbor's reasonable concerns about the effect the project will have on their immediate environment. It also responds to various concerns raised in the environmental document.

I am submitting to you a revised site plan and a revised landscape plan. The revisions detail agreements and reflect the results of further engineering studies as well as a recognition of zoning requirements.

## 1. Agreements:

- a. We have agreed with the neighborhood that the general hours of operation will be 7 A.M. to 8 P.M.
- b. We have agreed that we will install a short median at the intersection of Inglewood and Highway 29 in order that the drive movement now occurring with the Beacon, Inglewood driveway will not be possible. This will not block the Wine Shop egress and is reflected on the revised site plan. The plan must be approved by Public Works and Caltrans.
- c. The neighbors have requested that we install a decomposed granite pathway, with redwood header, along the Inglewood frontage of our project, in place of concrete curb, gutter and sidewalk. We have agreed subject to Public Works' approval.
- d. We have agreed to eliminate the onsite access between Beacon and our site. The neighborhood felt it would cause conflicts and confusion. The revised site plan reflects this change.
- e. We have modified the color scheme for the project after further thought, discussion with the neighborhood and evaluation of the surroundings. A colored rendering is presented with this letter.
- f. The neighborhood has reviewed the new colors and heartily endorses them as well as the sign program presented in the rendering. We are working on actuals.
- g. Michael and Kelly Wheaton have requested that we erect a solid masonry wall along the property line between our property and their home. We have agreed to do so. The wall will

145 E. Jahant Road • Acampo • California 95220  
Phone: (209) 368-9732 or (209) 473-8033  
Fax: (209) 368-9731 or (209) 473-474-7795

Receipt #98494 8/17/00  
\$650.00 W Balcher

● Page 2

August 14, 2000

stop several feet short of Inglewood Avenue in order to save three existing cottonwood trees and one existing cherry tree, but it will come well beyond their home. This change is reflected on the revised site plan.

2. Environmental Responses:

- a. We have secured approval by the St. Helena City Council of an agreement to use 1476 gallons per day of City water. The agreement stipulates that we will use our well for all landscape irrigation purposes including the nursery.
- b. We have been told by the St. Helena Engineering Department that we can secure an agreement to use the fire service already available at the site. This agreement is in process.

Both of the above agreements will be recorded when our Lot Line Adjustment is complete. It has been applied for and agreed to by Beacon. Documents between Beacon and the Morts for the Lot Line Adjustment and the new septic system are in process.

- c. We have now completed our preliminary engineering which, among other things, includes a preliminary grading and drainage plan. The plan responds to the environmental constraint of drainage of all onsite water to Highway 29. It can be done, and a copy of the plan is enclosed for your reference.
- d. In response to EIR comments and alternatives, we have changed the Highway 29 driveway configuration to right in and right out only. Therefore conflicts with left turns out will be eliminated. Those movements will take place at the established intersection via the Inglewood driveway. This revision is reflected in the revised site plan.

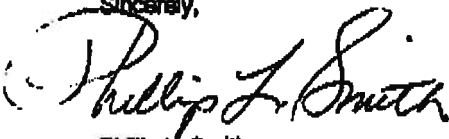
3. Zoning Considerations:

As a result of proceeding with our preliminary engineering and our Lot Line Adjustment our engineer, Paul Bartlett, determined that we must leave Beacon with a one-half acre site since it is the zoning minimum. Therefore we have adjusted the lot lines to reflect this change. We will continue to lease that portion of the property and are simply going to plant it with trees in order to make the gas station go away from our view.

The changes this and the drainage study have occasioned are reflected in the revised site and landscape plans.

The process has worked well. I hope you agreed. I expect full support from the Inglewood neighbors that have chosen to be involved in producing something good for both of us. I hope the County Staff, Planning Commission and Board of Supervisors agree. Please schedule the project for hearing.

Sincerely,



Phillip L. Smith  
Applicant for the Owners.

PLS:js

**From:** [Donna Oldford](#)  
**To:** [St. Claire, Linda](#)  
**Subject:** Re: Inglewood correspondence  
**Date:** Monday, January 23, 2012 4:30:11 PM

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Linda,

This is a lot of information, submitted with an interpretation of facts that differs from my client's recollections. Also, please be advised that several of the people whose names have been used on this "new" petition advise that they did not sign it. I have confirmed this already with six of those being so represented, including Diane Morris, who has always been the person who spearheads any neighborhood consensus on development projects on behalf of the Inglewood neighborhood. Some of the people on this petition are no longer living or have moved away. We are not going to get into qualifying every person so represented on this "new" petition, but I thought you should be aware that there are discrepancies. The petition isn't the issue. We are working on the drainage solution, which is the issue. Thanks.

Best,  
Donna

-----Original Message-----

From: St. Claire, Linda <LINDA.STCLAIRE@countyofnapa.org>  
To: 'Donna Oldford' <dboldford@aol.com>  
Sent: Mon, Jan 23, 2012 10:16 am  
Subject: Inglewood correspondence

**From:** [Donna Oldford](#)  
**To:** [St. Claire, Linda](#)  
**Subject:** Re: Inglewood correspondence  
**Date:** Monday, January 23, 2012 6:51:54 PM

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Linda,

Thank you for forwarding this information submitted by Kelly Wheaton. I have sent it on to Phil Smith.

FYI, I have contacted five of the persons represented in a "new" petition opposing the project and they are not at all happy about this. Two of those are writing a short letter to clarify that their thoughts are not accurately represented with this petition. While we don't want to turn this into a donnybrook, I think it is important to point out that the petition is somewhat misleading in that some of the people claim they have signed no recent petition, some are no longer living, some are no longer living on Inglewood (moved), and at least one was a visitor in someone else's home. This is the problem with petitions, of course, that the names are not qualified and yet an impression can be given on the strength of them. We don't wish to turn this into a major issue, but you will be receiving a couple of letters to the contrary.

While I have had time for only a cursory review of all this information, one matter concerns me, the assertion that the existing project is "out of compliance." This is not correct. The applicant has performed all the mitigation measures and conditions of approval required for his final occupancy permit. The fact that off-site drainage conditions have cumulatively resulted in excess drainage to properties along Inglewood Avenue (including that of my client) does not translate into an absence of compliance, as you know. Again, this conveys a very negative impression that is, in this case, undeserved as well as erroneous.

We will get through all these issues, of course. Our challenge is that of responding to so many of them, many of which are simply misrepresented. It is not our intention and never has been to try and invalidate the concerns of this neighbor. However, both the County and we have the obligation to create a record that is accurate for purposes of the hearings. Thank you for your time and attention to this.

Best,  
Donna

-----Original Message-----

From: St. Claire, Linda <[LINDA.STCLAIRE@countyofnapa.org](mailto:LINDA.STCLAIRE@countyofnapa.org)>  
To: 'Donna Oldford' <[dboldford@aol.com](mailto:dboldford@aol.com)>  
Sent: Mon, Jan 23, 2012 10:16 am  
Subject: Inglewood correspondence

**DONNA B. OLDFORD**  
**PLANS4WINE**  
**2020 PINOT WAY**  
**ST. HELENA, CALIFORNIA 94574**

TELEPHONE 707963-5832  
E-MAIL: DBOldford@aol.com

October 14, 2011

TO: LINDA ST. CLAIRE AND SEAN TRIPPI, NAPA COUNTY DCDP  
FR: DONNA OLDFORD, PLANS4WINE *DB*  
RE: HISTORY OF FOURTH BUILDING @ INGLEWOOD BUSINESS CENTE

Please note the attached letter from Phil Smith to Steve Lederer dated September 7, 2004, wherein Phil indicates this applicant's long-range objective of adding a fourth small office building to the project. On page one, paragraph four of the letter, Mr. Smith states:

*"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."*

We wish for this letter 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 Business Center. Mr. Smith maintains that he, as the property owners' representative, did not make this statement. I am unable to comment one way or another, because I wasn't present. But I think the letter from 2004 says it best.

The property owners now have a single user who wishes to lease the entire fourth building as soon as it is ready for occupancy. So clearly, there is now a market for the fourth building. I would also like to point out that there have been no complaints about Inglewood Business Center that we are aware of to date. There is an e-mail in the County files from Ms. Kelly Wheaton which indicates that they have no problems with the development in terms of impacts to the neighborhood. We have several of the neighbors, whose names are actually shown on the petition that Ms. Wheaton submitted to the County, who are writing in support of the fourth building and this applicant's efforts.

My client has every indication of providing effective landscaping to screen the fourth building from view for the closest neighbors, Kelly and Michael Wheaton. We have offered to work with them, which Ms. Wheaton has declined. However, we will proceed with providing a responsible and effective landscape plan for the building which will minimize its visibility on the western elevation.

As you know, this project was built as an alternative to the original project that included a number of visitor-oriented commercial uses. That decision was the result of meetings with the Inglewood Avenue neighborhood and their specific request that this project be approved as an "environmentally superior" alternative to the original project.

THE PHILLIP L. SMITH COMPANY, LTD

P.O. Box 88  
Acampo, CA 95220

Due to the minor nature of the revisions in this request, we are hopeful that the County staff can approve this minor mod request. The Business Park has always had neighbor support and we have no reason to feel that is not the case with this request, as well.

Please feel free to contact me at (209) 747-3098, should you have any questions related to this minor mod request. Thank you.

Sincerely,



Phil Smith,  
Owners Representative

Enclosures: Project Statement and Site Plan (revised)  
Original Site Plan  
Fee check for Minor Modification to Use Permit 99077-UO

PLS: gw



RECEIVED

Julie Smith

SEP 1 2011

**From:** Kelly Wheaton [a4est42@gmail.com]

**Sent:** Tuesday, March 30, 2010 8:43 AM

**To:** juliesmith@softcom.net

**Subject:** RE: Inglewood Village

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Hi Phil,

Just wanted to let you know that we have no problem with medical offices on the ground floor as long as hours and all other conditions of the current Use Permit remain the same. Please feel free to forward this to the appropriate County Officials.

< So far the Inglewood Business Park has been a good fit with the neighborhood and I have heard no complaints. >

We are well and expecting another grandchild this Spring. Hope all is well with you and yours. Happy Easter.

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

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Kelly Wheaton  
[a4est42@gmail.com](mailto:a4est42@gmail.com)

3/30/2010

**RECEIVED**

**MAR 05 2012**

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

**DONNA B. OLDFORD**  
PLANS4WINE  
2620 PINOT WAY  
ST. HELENA, CALIFORNIA 94574

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TELEPHONE (707)963-5832  
E-MAIL: DBOldford@aol.com

February 15, 2012

Dear Inglewood Avenue neighbors:

I am writing on behalf of the Mori family, owners of the property known as Inglewood Business Center, and their representative, Phil Smith, to advise you that the applicant has requested a continuance on the project hearing until sometime in early May. The reason for this continuance is to allow our project design team the opportunity to study drainage issues that were presented to the Napa County by one of the neighbors about two weeks before the previously scheduled hearing. We also wanted to reach out to share with those on the property noticing list and others who have expressed interest in letters to share the details of the proposed fourth building. Plans and renderings are included with this letter. We also wish to explain how building four fits within the context of the agreement that was reached between the developer and some of the neighbors some years back, when the project was initially approved by the County.

The drainage issue is a problem that was created when the drainage ditch on two nearby vineyard properties was filled in and replaced with an 8-inch drainage pipe. This results in storm water being diverted onto nearby properties when there is a significant storm event that an 8-inch pipe is inadequate to accommodate. This is not a drainage problem that is caused by Inglewood Business Center, as Napa County Public Works has confirmed. Nonetheless, our engineer is looking at some way of helping to mitigate the problem until such time as the vineyard owners can be required to rectify this problem.

Second is the matter of a fourth building being consistent with the agreement reached with some of the neighbors when Inglewood Business Center was initially proposed. The nature of that agreement, reached amongst four people at that time, was that the applicant would withdraw his plans for a visitor-serving commercial center (CL) and rezone the property to Neighborhood Commercial (CN) with an overlay allowing the development of administrative offices. This change represented a project with a lesser degree of impact from the standpoint of traffic. The agreement did not stipulate that the fourth building would never be developed, but that it would be delayed until sometime in the future, hopefully when the developer had demonstrated that there were no significant impacts or nuisance factors associated with this less intensive use. The enclosed letter from the developer expresses his intent, that he would build the project of lesser impact, do what he said he would in terms of quality building and low impacts, and then come back at a future date with the fourth building once the market improved. During that interval, the developer elected to plant a small vineyard to provide screening for the nearest residence.

During the ensuing years, the County has not received a single nuisance complaint about the Inglewood Business Center. The drainage complaint and photos were submitted only the minor mod for building four was filed. The fourth building is 4,092 sq. ft. in a single-story structure that is the same design as the other buildings on the site, and is entirely consistent with the zoning of the property. Intensive landscaping will be installed at the northwest corner of the project in order to screen it from views of nearby residents.

If you have questions about the building proposal, we are available to meet with you to answer those questions. As some of you know, we did reach out to every person who was involved in the original agreement with the developer, albeit it not to everyone living on Inglewood Avenue or on the streets that intersect Inglewood further to the west. In fairness to the developer and property owners, the impression was that since there had been no complaints about the project over the years and the Planning Commission had been so complimentary and enthusiastic when approving the project originally, that completing the project with the fourth building would not be met with opposition. The developer has done everything he said that he would, and more. And still wishes to work with the neighbors who stand to be most effected by building four to see that it is screened from view and represents no nuisance impacts, as has apparently been the case with the existing buildings at Inglewood Business Center now and in the past decade.

Enclosed are the following materials that may be of interest to you:

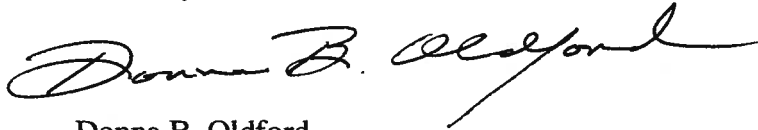
- (1) Site Plan;
- (2) Elevations for building four;
- (2) Rendering of the proposed landscaping at the northwest corner of building four and along Inglewood Avenue frontage; and
- (4) Phil Smith letter.

Thank you for taking the time to hear both sides of the story about the owners' proposal to complete Inglewood Business Center. The Mori family has owned this property for more than 70 years and wishes only to realize a fair return on their investment, having agreed upon a less intensive commercial project at the location. We believe that their flexibility in agreeing to change the nature of the commercial development on the property speaks to their good intentions of developing a project that will be in keeping with the commercial uses along Highway 29, but which also represents a quality and low-impact project to the residential neighbors along Inglewood Avenue.

I can be reached at the numbers on the previous page if you have any further questions, or if you would like to schedule a meeting to discuss the proposal. Mr. Phil Smith is out of the country between now and mid-March. So if anyone wants to specifically speak with Phil, the meeting must be scheduled at a time when he has returned. That will be well in advance of the May hearing that we anticipate.

When the hearing has been rescheduled, all persons within 300 feet of the property line will be noticed, as is the policy of Napa County. So this is certainly not the only notice you will receive of the hearing. However, if you are not within 300 feet of the property line and wish to be notified of the hearing, you should call the County planner, Linda St. Claire and request notification of the continued hearing date.

Sincerely,

A handwritten signature in black ink, reading "Donna B. Oldford". The signature is fluid and cursive, with the first name "Donna" being the most prominent.

Donna B. Oldford  
Planning Consultant

Attachments

**From:** Julie Smith <juliesmith@softcom.net>  
**To:** Donna Oldford <dboldford@aol.com>  
**Subject:** Inglewood Village Business Park  
**Date:** Tue, Jan 24, 2012 3:30 pm

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Linda St. Claire  
Napa County Planning  
1193 Third Street, Suite 210  
Napa, CA 94559

Linda:

I have tried to stay on the sidelines during the processing of our Use Permit Modification request for a fourth and final building at Inglewood Village Business Park. I retained Donna Oldford to represent us for two reasons. The first reason was because in all my previous dealings with Donna as a representative of neighbors along Inglewood she was straight forward and fair and seemed to have a good report with the neighborhood. Secondly, I have been working on trying to complete this project for twenty years. I just turned 75 years old and don't have the energy to do all of the contact work myself.

That said I feel it is necessary for me to respond to some of the points raised in Kelly Wheaton's letter to you. I will try to be brief. I believe my response will also address some of the points raised in the Beltrami letter. I will go paragraph by paragraph in Mrs. Wheaton's letter.

This property was zoned commercial long before either the Wheaton's or the Beltrami's purchased their property. The Inglewood frontage was occupied by a corrugated metal building housing an automotive repair shop, and next to it and the Wheaton's was a dilapidated old garden center with accompanying park lots. We have not tried to ever expand the zoning, only to use what is there.

We will be removing a portion of the grape vines that we planted voluntarily. I agreed to defer the fourth building until the other three buildings were built in the hope that once the neighbors could see what an improvement the project was for the neighborhood and that all the impacts were mitigated and in fact were far less than projected, they would feel that we had earned the right to complete the development. And since we were committed to building the project one building at a time as we leased the buildings, I knew it would take a while. Therefore I volunteered to plant the vineyard so the neighbors would not have to look at a weed patch, and we would get a little revenue off of it. It turns out we get about \$3,500.00 for all the grapes, which does not cover the cultural costs, but the property is well maintained, and we are fully leased and occupied.

The project is well planned and meets and in some cases exceeds the County's standards. This fourth building is a mirror image of the first building we built, which is occupied by Dean & DeLuca. We have had nothing but compliments on that building. We do feel it is necessary to park office complexes at five parking spaces per 1000 square feet of tenantable building. All of this was planned for originally and is taken into consideration in all of the studies that have been done on the project. We have spent in excess of \$150,000.00 to mitigate drainage issues. We retain our storm drain water in a bladder tank that meters out the flow. I am now led to believe that the County has changed their criteria and that we may have to adjust to it. Suffice it to say that the improvements we have installed are working just as they are supposed to work. We are not the problem when it comes to drainage.

Maybe we took for granted all of the compliments we have received on the project and have not reached

out to the neighbors as we should have. We will correct that as we can. There has been no change in the applicant's behavior as evidenced by the way the project is maintained. Only his energy level has changed.

The Environmental Impact Report was done by the County, and I have never said anything about impacts other than we would comply with any necessary mitigation measures. Some desires of the neighborhood were not allowed by the County. The neighbors have not been permitted by the County.

My response to the "Requests for Mitigation and Conditions of Approval" is as follows:

1. We have spent roughly \$150,000.00 on special features in order to mitigate the effects on drainage.
2. These improvements are the County's responsibility.
3. We see no reason to extend the block wall. The building will provide a sound barrier.
4. We are not agreeable to relocating the building, nor would it make sense to do so from a functionality perspective. We will take care with equipment.
5. We will not eliminate parking adjacent to the building. It would make the building unleaseable.
6. We have no control over the garbage collection hours.
7. Street parking is under the control of the County. We will implement whatever is requested within reason.

Finally, the timing of the process will likely jeopardize the existing interest we have by tenants. However, with an approval we will be able to successfully market the space. We will not build the final phase until we have it substantially leased.

This not about politics. It is about return on investment. The Mori family has owned the property for over seventy years. They are entitled to use their property to the best of their ability while doing a quality job with the development. And they have done so.

Phil Smith