

## Tom Robinson

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**From:** Tom Robinson  
**Sent:** Wednesday, September 18, 2013 11:23 AM  
**To:** 'sarahr@ci.woodinville.wa.us'  
**Subject:** FW: Conditional Use for I-Ball

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**From:** Tom Robinson  
**Sent:** Wednesday, September 18, 2013 11:21 AM  
**To:** 'sarahr@ci.woodinville.wa.us.'  
**Cc:** Home  
**Subject:** Conditional Use for I-Ball

File # CUP 13004, SEP 13022

To: Sarah Ruether, Project Manager

We are responding to the condition use permit for the subject property listed above.

We own the building in this business park located at 14207 NE 193<sup>rd</sup> Place, Woodinville, WA 98011. We operate Kirkwood Industries, Inc. located at the same address.

Our primary concern regarding the conditional use permit for i-Ball is the impact it may have on the primary road NE 193<sup>rd</sup> Place that is the only access road into the entire business park. All access to the subject property is directly on NE 193<sup>rd</sup> Place.

We manufacture and distribute steel products. Many trucks servicing ourselves and other tenants in this business park travel down the entire length of NE 193<sup>rd</sup> Place. We ship and receive materials via large 60' long semi-trucks and assorted delivery trucks and vans. Trucks are loaded and unloaded by fork lifts.

According to the i-Ball website, i-Ball provides basketball training to children. The potential for accident and injury mixing children and industrial trucks in a business park is our primary concern.

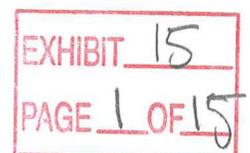
There are other conditional use permits issued to some other business in this business park. None of the other conditional use business are accessed directly on NE 193<sup>rd</sup> Place.

We will send a few photos tomorrow by email for you review. If you need any additional information or have any questions, please contact us.

Thank you for your attention to this matter.

Regards,

  
Thomas F. Robinson  
Chairman & CEO



File # CUP 13004, SEP 13022

To: Sarah Ruether, Project Manager

10/16/13  
Brought to a  
PC meeting

We are responding to the condition use permit for the subject property listed above.

We own the building in this business park located at 14207 NE 193<sup>rd</sup> Place, Woodinville, WA 98072. We operate Kirkwood Industries, Inc. located at the same address.

Our primary concern regarding the conditional use permit for i-Ball is the impact it may have on the primary road NE 193<sup>rd</sup> Place that is the only access road into the entire business park. All access to the subject property is directly on NE 193<sup>rd</sup> Place.

We manufacture and distribute steel products. Many trucks servicing ourselves and other tenants in this business park travel down the entire length of NE 193<sup>rd</sup> Place. We ship and receive materials via large 75' long semi-trucks and assorted delivery trucks and vans. Trucks are loaded and unloaded by fork lifts.

According to the i-Ball website, i-Ball provides basketball training to children. The potential for accident and injury mixing children and industrial trucks in a business park is our primary concern.

There are other conditional use permits issued to some other business in this business park. None of the other conditional use business are accessed directly on NE 193<sup>rd</sup> Place.

We will send a few photos tomorrow by email for you review. If you need any additional information or have any questions, please contact us.

Thank you for your attention to this matter.

Regards,

Thomas F. Robinson  
Chairman & CEO



Kirkwood Industries, Inc.  
Kirkwood Partners, LLC  
14207 NE 193rd Place  
Woodinville, WA 98072 USA  
Ph: 425.485.9786  
Fx: 425.487.6401  
Cph: 206.793.0841

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This electronic message transmission contains information from Kirkwood Industries, Inc./Kirkwood Steel, Ltd. which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this electronic

# NORTHWOOD INDUSTRIAL PARK NORTH

**A**

Kirkwood Ind., Inc.

A & I Stone

**B**

CRU Selections  
Northshore Sports Complex

**C**

RainCity Exhibits & Design

**D**

Skoffo Industries, Inc.

Construction Group Int'l LLC

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WOOD



**Sarah Ruether**

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**From:** Lory Swan [lory@raincityexhibits.com]  
**Sent:** Friday, October 18, 2013 10:08 AM  
**To:** Sarah Ruether  
**Subject:** i-Ball Conditional Use Permit

Dear Ms. Ruether,

We would like to comment on the use of the complex for an i-Ball sports club. This is a very industrial area. Many large trucks, as well as forklifts, move through here all day long. Having to watch out for children running around in the parking lot is not a good idea. In addition, it would impact those of us who have businesses here negatively, as this is not a place for children to play. This is not a safe environment for children. We do not believe this is an appropriate place to have such a club.

Best regards,

Lory Swan



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RainCity Exhibits & Design, Inc.  
14350 NE 193rd Place - Building C  
Woodinville, WA 98072  
425-408-0302 phone  
425-408-0117 fax

[lory@raincityexhibits.com](mailto:lory@raincityexhibits.com)  
[www.raincityexhibits.com](http://www.raincityexhibits.com)



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10/21/2013

# ARAMBURU & EUSTIS, LLP

Attorneys at Law

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October 21, 2013

Sarah Ruether  
Project Manager  
City of Woodinville Development Services  
17301 133rd Avenue N.E.  
Woodinville, WA 98072

*sarahr@ci.woodinville.wa.us*

Re: i-Ball Conditional Use Permit  
City of Woodinville CUP13004 / SEP13022

Dear Ms. Ruether:

This office represents Kirkwood Industries, Inc. and Kirkwood Partners, LLC. Kirkwood Partners, LLC owns the property located at 14307 N.E. 193rd Place, Woodinville, WA 98072. Kirkwood Industries, Inc. operates the business at the same address. Tom Robinson is an owner of both entities. Mr. Robinson has asked me to provide comments concerning the application of i-Ball for a conditional use permit in the Northwood Industrial Park, including consistency with SEPA.

i-Ball ("which is a sports club that coaches kids in basketball" according to city notices) has requested a conditional use approval to establish a basketball instruction facility in an 11,340 square foot portion of a larger building ("Building A") located at 14304 N.E. 193rd Place in Woodinville in the Northwood Industrial Park. Building A is located on a separate lot (Parcel 2) created by King County Short Plat 787036 in November 1988. The Kirkwood property is located on the south side of N.E. 193<sup>rd</sup> Place from Parcel 2; both properties are zoned "Industrial" or "I" by the City of Woodinville.

I write today to comment on the proposed use, its environmental impacts and its consistency with the Woodinville Zoning Code (WZC) and Woodinville Comprehensive Plan.

The i-Ball operation is a "sports and recreational instruction" use under the terms of Section 21.08.050 of the WZC and as such requires a conditional use permit in this

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Industrial zone. As stated on its website, the facility provides basketball instruction to children from the ages of 6-16.

The i-Ball use will be located in an industrial area that is served by a single deadend street, N.E. 193<sup>rd</sup> Place. The properties served by N.E. 193<sup>rd</sup> are zoned Industrial and that is their primary use. As expected in an Industrial area, there is a significant amount of large truck traffic that uses 193<sup>rd</sup> and the adjacent private easements.

This letter will address three principal impacts from the i-Ball use: traffic, comprehensive plan consistency and parking.

**1. TRAFFIC IMPACTS AND NON-INDUSTRIAL USES UNDER THE COMPREHENSIVE PLAN.**

Most of the uses in the Northwood Industrial Park and adjacent areas, including the Kirkwood use, are Industrial uses. The buildings and access areas were designed and constructed to facilitate these activities, with large buildings with variable size interior spaces. There are frequent truck deliveries, including deliveries by large vehicles such as flatbeds and closed container tractor-trailers. Maneuvering is required for many of these vehicles and visibility is limited for these trucks.

The i-Ball use will interject passenger vehicles bringing parents, children and employees to this industrial area. In addition, as described below, traffic and parking impacts will result from a gymnastics school use of about the same size as i-ball located in an adjacent portion of the same building; an additional non-Industrial use, likely occurring at the same time. Given the narrow streets and parking areas, there is a likelihood for conflicts with existing industrial uses. The proposal should include a traffic impact analysis that considers all new proposed non-industrial uses.<sup>1</sup>

The Woodinville Comprehensive Plan, in its Economic Development chapter, makes clear the policy of the city regarding industrial properties:

GOAL ED-3: To address the potential increasing shortage of commercial and industrial land within the City's current boundaries.

Included as a "Policy" to carry out this Goal:

ED-3.2 Increase the intensity of commercial and industrial areas by encouraging redevelopment and infill development.

ED-3.3 Preserve the amount of land in the Comprehensive Plan designated for commercial and industrial development.

The current proposals will convert manufacturing and industrial uses to other uses and thus make designated industrial areas, with their employment potential, unavailable for

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<sup>1</sup> The only possible way that this use could be considered would be if its hours of operation were distinctly separate from those of the surrounding industrial uses, i.e. that no activity be allowed until after 6 p.m. or on the weekends.

continuing industrial uses.<sup>2</sup> In addition, the noise, traffic, occasional fumes and sometimes unsightly nature of industrial activity may conflict with the perceptions of the owners/users of non-industrial activity, such as sports instructional schools. It is likely that such uses will discourage living wage industrial jobs and industrial investment that are intended to exist in industrial parks and have no other options for relocation in the City of Woodinville.

In summary, the traffic impact and activity is contrary to the existing and designed uses and is contrary to the criteria for a conditional use permit under WZC 21.44.050. The current proposal should be denied.

## 2. **PARKING.**

i-Ball has provided a parking analysis of its proposed use. That analysis correctly indicates that the WZC requires one parking space for each 300 square feet. For the i-Ball use, the minimum parking required is 38 spaces based on its 11,340 square foot size.

i-Ball claims that it has 65 parking stalls available to meet its needs. According to its "Parking Analysis" these available stalls are based on the total number of spaces adjacent to Building A around its perimeter. This calculation is incorrect for two reasons.

### A. Assigned Parking.

As noted on the parking stalls adjacent to Building A, each business in that building has parking stalls assigned for its use. These stalls are assigned based on the perimeter frontage of space in the building; i.e. a tenant can use the parking stalls adjacent to its use. Overall, there are 65 spaces adjacent to Building A. Reserving 38 stalls for the i-Ball use would reduce the use of other portions of the building for industrial or other uses because it would commit 58% of the parking while occupying only 33.55% of the building space.

The landlord (Benton & Sollitt, LLC) has recently painted parking stalls to be assigned to each use. i-Ball has been allocated only 19 spaces, with the remaining spaces assigned to other tenants in Building A. As such, i-Ball's available parking is only 50% of that required under the WZC. As such, the proposed use cannot be permitted.

### B. Addition of Gymnastics School Use.

The "Parking Analysis" provided by i-Ball indicates that a nearly identically sized space in the northwest portion of Building A is used for manufacturing (10,266 square feet of manufacturing activity with a 950 square foot office). This parking analysis provides that the office requires 3.1 parking stalls (one space per 300 square feet) and the manufacturing use requires 9.2 stalls (.9 spaces for each 1000 square feet) for a total of 12.3 required stalls. However, my client is aware that a gymnastics school has, or is about to, submit an application for a conditional use permit to occupy that

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<sup>2</sup> Additionally, it appears that interior changes and improvements are already well underway in both areas of Building A.

northwest corner of 11,216 square feet of Building A. "Gymnastics Schools" are another "General Services" land use and also require one stall for each 300 square feet. This gymnastics use will require another 37.4 of Building A's parking stalls, but it has only 14 stalls assigned.

In considering any use such as i-Ball under SEPA, the responsible official should consider "similar actions" that have "common aspects that provide a basis for evaluating their environmental consequences together, such as common timing, types of impacts, alternatives or geography." WAC 197-11-060(3)(c)(I) and WMC 14.04.020. Accordingly, environmental review of the i-Ball and contemporaneous gymnastic school use must be combined.

In summary, the i-Ball proposal does not meet minimum parking standards under the terms of the Woodinville Zoning Ordinance and accordingly the proposal should be denied.

Overall, the proposal involves clear conflicts with traffic activity in this industrial park, is contrary to the intent of the Woodinville Comprehensive Plan and violates minimum parking requirements. As such the i-Ball proposal should be denied.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Mr. Tom Robinson  
David Kuhl, Woodinville Development Services Director

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City of Woodinville

ARAMBURU & EUSTIS, LLP

Attorneys at Law

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December 9, 2013

Sarah Ruether  
Project Manager  
City of Woodinville Development Services  
17301 133rd Avenue N.E.  
Woodinville, Washington 98072

Re: i-Ball Conditional Use Permit File Nos. C.U.P. 13004, S.E.P. 13022

Dear Ms. Ruether:

On October 21, 2013, I wrote you concerning the above entitled project on behalf of my client Kirkwood Industries, which is located at 14307 N.E. 193rd Place in Woodinville. In that letter I addressed several issues, including whether there was sufficient parking to meet the i-Ball use. A copy of this correspondence is attached.

In my letter, I noted that given the assigned parking for Building A, the i-Ball use would not meet the Woodinville code requirement for a minimum of 38 stalls.

Since my letter, the building owner, and prospective landlord for i-Ball, has submitted a revised site plan to address the parking deficiencies pointed out in my October 21 letter. The new plan states as follows:

REMOVE ALL TENANT IDENTIFICATION FROM PARKING STALLS.  
ALL PARKING STALLS ARE AVAILABLE TO TENANTS.

Under this revision, the applicant claims that parking requirements of the code will be met for the i-Ball operations. i-Ball admits it is a "sports and recreational instruction" operation within the meaning of Section 21.18.030, requiring one parking space for each 300 square feet. For i-Ball's proposed 11,340 square foot space, 38 parking spaces are required.

The applicant now claims that because "tenant identification" markings are removed from the parking spaces there is no longer assigned parking and all spaces will be

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available for all building tenants. However, with or without markings on the stalls, the stalls at the east end of Building A are already committed by tenant leases to the existing tenants. Indeed, one of those tenants is Kirkwood industries, which leases a 5000 square foot space from the owner, Benton and Sollitt, at the northeast corner of Building A. The lease between Benton and Sollitt and Kirkwood provides:

Parking is available along the north side of Building "A" immediately adjacent to the tenant's space. There are also seven parking spaces along the east side of the building allotted to the tenant and labeled as such.

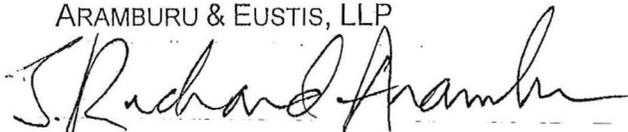
Under the lease, Kirkwood is also permitted to store reinforcing steel in the north side parking areas. Kirkwood understands that the tenant at the southeast corner of Building A has similar provisions in its lease that allocate to it the parking spaces adjacent to its leased space.

Accordingly, if the spaces for Kirkwood and the tenants at the southeast corner of Building A are removed because of their prior allocation under their leases, there would be only 35 spaces available for the i-Ball use on the west end of the building. These 35 spaces are insufficient to meet the code requirements for i-Ball of 38 stalls. This is even without meeting parking requirements for the other 11,000 square foot space at the northwest corner of the building. If that space was used only for manufacturing and limited office use it would require 12 spaces. As such, the parking that would be available to i-Ball is only 23 spaces, well below the Woodinville code requirements for that use.

The revised parking plan does not demonstrate that i-Ball will be able to supply the minimum number of parking spaces required by the Woodinville code. As such, the application should be returned to the applicant because of the failure to meet threshold code requirements.

Sincerely yours,

ARAMBURU & EUSTIS, LLP

  
J. Richard Aramburu

JRA:cc  
cc: Clients

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# ARAMBURU & EUSTIS, LLP

Attorneys at Law

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January 24, 2014

Sarah Ruether  
Project Planner  
City of Woodinville  
17301 133<sup>rd</sup> Avenue N.E.  
Woodinville, Washington 98072

*sarahr@ci.woodinville.wa.us*

Re: Parking Analysis for i-Ball (Conditional Use Permit 13004 / SEP13022)

Dear Ms. Ruether:

Back on October 21, 2013, I sent you a comment letter on the conditional use permit application for the i-Ball activity to be located at 14304 N.E. 193<sup>rd</sup> Place. In that letter, I noted that there was insufficient parking at the site to meet Woodinville code requirements because individual parking stalls were assigned to various existing tenants in this building (see page 2).

On January 13, 2014, the applicant (through his architect) submitted supplemental materials and a "Parking Analysis" for the entire, four building Northwood Industrial Park. The parking analysis claims there are more than 200 stalls available in the larger business park that are available for use by i-Ball. This analysis is incorrect.

To begin within, the i-Ball use is intended for Building A in the Northwood park, a separate lot created by a short plat. Any proposal to satisfy parking should be limited to the lot on which the proposed use will be located.

Over the years, individual tenants in the Northwood Industrial Park have been assigned parking stalls adjacent to their tenancies; these parking stalls have been painted with the name of the tenant. These parking stalls are assigned to the tenant by the terms of individual leases with each tenant. Indeed, my client Kirkwood Industries leases space in the same building that is proposed for the conditional use permit for i-Ball and provisions in its lease include assigned parking spaces. On checking with other tenants, it appears that many of their leases have similar provisions, i.e. parking stalls dedicated under the terms of their leases. Accordingly, most of the parking

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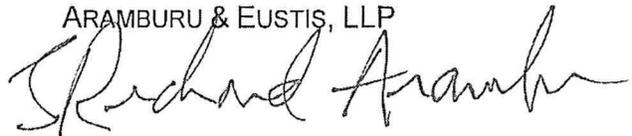
spaces within the business park are already allocated to existing tenants. Accordingly these parking spaces are not available for i-Ball use.

The applicant has failed to demonstrate that it has sufficient parking to meet requirements of the City of Woodinville codes for minimum parking requirements. The application should be returned to the applicant.

Should you have any further questions please contact the undersigned. Thank you in advance for your consideration of this correspondence.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc  
cc: Clients

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