



EXHIBIT 20  
PAGE 1 OF 13

February 28, 2014

Sarah Ruether  
Project Planner  
City of Woodinville  
17301 133<sup>rd</sup> Ave NE  
Woodinville, WA 98072

**RE: Conditional Use Permit – New Exhibits from Hearing for i-Ball (CUP  
13004/SEP13022) Location: 14304 NE 193<sup>rd</sup> Place and Parcel No. 0326059083**

Dear Sarah,

We are in receipt of the new exhibits provided at the hearing for i-Ball. We are responding to exhibits 16, 17, and 18. Below are the comments and our responses to each item.

Exhibit 16 pg 1: Paragraph 2 describes the uses as being separated by only a 40 foot access easement that serves both Kirkwood and Building A.

**It is worth pointing out that the buildings themselves are approximately 80 feet apart. A shared drive easement is between the properties.**

Exhibit 16 pg 2: Paragraph 3 expresses concern over industrial zoning be protected against incompatible uses.

**The City of Woodinville zoning per 21.08.040 Recreational / cultural land uses – ‘Sports club’ is an allowed use subject to the conditional use review procedures specified in Chapters 17.07-17. On a larger scale, the City of Seattle has similar zoning. Safeco Field and Century Link Field are both in IC (industrial commercial zones). There are several examples nearby of ‘sports club’ CUP’s that are well integrated into this zone. North Shore Sports batting cages are adjacent to the northwest of this location. Kirkwood Industries was landlord to a Gymnastics user for several years inside their current facility.**

Exhibit 16 pg 2: The last paragraph identifies Goal LU-1.1 provides that we limit non-industrial uses of industrial land to uses which are complementary to industrial activities, and do not create potential land use conflict with industrial activities.

**The goal is to limit, not eliminate. The use is allowed per the zoning code. The high ceilings and large column free interior spans are perfect for sports club uses. The hours of operation also complement the industrial use. Construction is primarily a 6:30 to 3:30 activity. The industrial companies that support the construction industry also do their primary shipping during these construction hours. The business offices are typically open 8 to 5.**

Exhibit 16 pg 3: The 21.04.130 industrial zone is reiterated. ‘in fact, i-Ball does not support in any manner, the industrial activities conducted by Kirkwood or other industrial companies in this industrial park.

**i-Ball is in the basketball industry. Meriam Webster has defined industry as:**

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p. 1

CITY OF WOODINVILLE  
DEVELOPMENT SERVICES



- 1: diligence in an employment or pursuit; especially : steady or habitual effort  
2a : systematic labor especially for some useful purpose or the creation of something of value  
b : a department or branch of a craft, art, business, or manufacture; especially : one that employs a large personnel and capital especially in manufacturing  
c : a distinct group of productive or profit-making enterprises <the banking industry>  
3: work devoted to the study of a particular subject or author <the Shakespeare industry>

The main reason i-Ball is able to find industrial space to rent is that there is space available to rent. The current landlord has had several vacancies for an extended period of time. To keep an area vibrant, it is critical to have all spaces rented. I-Ball is benefiting the industrial area by paying rent and taxes to the City of Woodinville.

Exhibit 16 pg 4: Paragraph 5. 'Moving the use to the northwest portion of Building 'A' will reduce potential impacts by separating these uses.'

**The current i-Ball location is approximately 80' from the Kirkwood Industries building. The location recommended would sharing a common demising wall to the east with Kirkwood Industries. It would seem preferable to have 80' of separation across a private road than being the neighbor of Kirkwood.**

Exhibit 16 pg 4: Paragraph 7. (2) the location, size and height of buildings, structures, walls and fences and screening vegetation for the conditional use shall not hinder neighborhood circulation or discharge the permitted development of use of neighboring properties.

**The building is existing. There is no change to the existing building, structure, or wall. There is no new fence. There is no new screening vegetation.**

Exhibit 16 pg 4: Paragraph 9. This use should be designed to reduce traffic and pedestrian impacts. Conditions should be imposed to separate operating hours of the sport club from those of the industrial users. The use should be relocated in the empty space at the northwest corner of Building "A. " In addition , conditions should be imposed to keep kids inside and not be loose in the parking areas, especially where there are a variety of attractive nuisances for young children.

**We have added drop off parking and signage directly adjacent to the entrance door into the i-Ball office. All children are signed in and stay inside during the lessons. We are happy to provide language in the member agreement that requires the parent or guardian to walk the child to the check in. The main operating hours of the i-Ball operations complement the industrial users. Relocation is not an option. The lease is signed, and all items exempt from permitting have already been completed.**

Exhibit 16 pg 5: Conditions suggested: 1. Require i-Ball to be located in the northwest corner of Building A.

**As mentioned above, the lease is signed, and interior painting, and court preparation is complete. The proposed location is actually adjacent to Kirkwood Industries second**



location. The current i-Ball location is over 80' from their building to the south and separated by NE 193<sup>rd</sup> place:

Condition suggested: 2. Separate the operating hours of i-Ball from the industrial working hours:

**The after school coaching programs begin at 3:30. The primary industrial and construction activity is complete by this 3:30 time. The short overlap with office uses has worked successfully in this industrial center with the North Shore batting cages, and the previous Gymnastics tenant.**

Condition suggested: 3. Require that all operations of i-Ball be indoors.  
**All operations of i-Ball are indoors.**

Exhibit 17 pg 1            The photo depicts a flatbed semi parked in the middle of the easement.

**The zoning code requires a minimum number of loading areas for industrial uses. See attached Chapter 21.18.070 'Loading Spaces'**

**Kirkwood Industries is not operating their receiving as required by zoning code.**

**The City of Woodinville has specific requirements of Fire Access around all buildings. Chapter 10.12 'FIRE LANES – Vehicle Obstruction and Impoundment. A copy is attached.**

Parking and unloading in the center of a fire lane is a violation of this ordinance.

Exhibit 17 pg 2            The photo shows a fork lift on the north side of the flatbed trailer.

**This photo would appear to shows the forklift trespassing onto Benton & Sollitt property. How do other tenants of the center maneuver their semi-tractor trailers while Kirkwood Industries blocks access during their loading operations?**

Exhibit 17 pg 5            The photo shows a fork lift with a wide load of material driving around the back of the semi.

**This photo also shows the semi blocking a fire lane. The fork lift and load appear to be using Benton & Sollitt property to facilitate their loading operation. It would not matter what the use of the i-Ball space with the method that Kirkwood Industries practices with their shipping receiving department.**

Exhibit 18 pg 2            This is why many local governments such as Woodinville have strong policies in place to both protect industrial zones, but also to prevent other non-industrial users from incompatible uses.

**The sports Club is an allowed use in the Industrial zone in the City of Woodinville.**

Exhibit 18 pg 2            The conditions listed match the Aramburu letter dated 2/24 and are addressed above.



Exhibit 19 pg 2            1.9 Parking. Parking is available along the south side and east side of the building immediately adjacent to the tenant's space. No parking is allowed in the marked fire lanes. No outside storage is allowed in the parking areas or any other outside area.  
**The lease agreement does not say that the parking spaces are for their 'exclusive use'. The parking matrix as calculated includes all specific users in this complex. There is a surplus of parking available. The cross parking agreement that will be recorded is compatible with the lease agreement.**

The i-Ball use is a small portion of the primarily heavier industrial uses in the complex. Other similar uses including Gymnastics Connection in the past, and North Shore Sports Complex have successfully operated in this center. Kirkwood Industries was able to accommodate their own gymnastics tenant for years. This should clearly demonstrate that the conditional use is a good fit for this center.

Please do not hesitate to call with any questions on this submittal.

Sincerely,  
**Partners Architectural Design Group, Inc.**

Eric E. Koch  
Principal

Encl    Chapter 21.18.070 Loading Spaces  
          Chapter 10.12 Fire lanes Woodinville  
          Exhibit 17 page 1-5

Cc:     Erin Martindale, AICP, City of Woodinville  
          J. Richard Aramburu, Aramburu & Eustis LLP  
          Sandy Guinn, City of Woodinville

**21.18.050 Exceptions for community residential facilities (CRF's).**

- (1) The requirement of one off-street parking space per two (2) bedrooms may be reduced to no less than one space for every four (4) bedrooms, as determined by the Development Services Director based on the following considerations:
  - (a) Availability of private, convenient transportation services to meet the needs of the CRF residents;
  - (b) Accessibility to and frequency of public transportation; and
  - (c) Pedestrian access to health, medical, and shopping facilities;
- (2) If a CRF facility is no longer used for such purposes, additional off-street parking spaces shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy.

**21.18.060 Handicapped parking requirements.** Off-street parking and access for physically handicapped persons shall be provided in accordance with Section 7503 of the regulations adopted pursuant to RCW 19.27, State International Building Code, and RCW 70.92, Public Buildings - Provisions for Aged and Handicapped.

**21.18.070 Loading space requirements.**

- (1) Every non-residential building engaged in retail, wholesale, manufacturing or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below.

Gross Floor Area				Required Number of Loading Spaces
10,000	to	16,000	square feet	1
16,001	to	40,000	square feet	2
40,001	to	64,000	square feet	3
64,001	to	96,000	square feet	4
96,001	to	128,000	square feet	5
128,001	to	160,000	square feet	6
160,001	to	196,000	square feet	7
For each additional 140,000 square feet				1 additional

## Chapter 10.12 FIRE LANES – VEHICLE OBSTRUCTION AND IMPOUNDMENT



Sections:

- 10.12.010 Establishment of fire lanes.
- 10.12.020 Definition of fire lanes.
- 10.12.030 Marking of fire lanes.
- 10.12.040 Obstruction of fire lanes prohibited.
- 10.12.050 Alternate materials and methods.
- 10.12.060 Exemption to sign requirements/ existing fire lane signs and markings.
- 10.12.070 Maintenance.
- 10.12.080 Towing notification.
- 10.12.090 Property owner responsibility.
- 10.12.100 Violation – Infraction – Penalty.
- 10.12.110 Impoundment.

### **10.12.010 Establishment of fire lanes.**

Fire lanes in conformance with this code shall be established by the Building Official for the City, or his or her duly authorized representative, and in conjunction with the Fire Chief. These lanes shall be referred to as "Designated Fire Lanes" in this title. (Ord. 93 § 14, 1994)

### **10.12.020 Definition of fire lanes.**

The area within any public right-of-way, easement or private property designated for fire trucks and other fire fighting or emergency equipment to use, travel upon and/or park. (Ord. 93 § 14(A), 1994)

### **10.12.030 Marking of fire lanes.**

All designated fire lanes to be marked from this date forward, shall be clearly marked in one of the following manners:

(1) Vertical curbs six inches in height shall be painted yellow on the top and side, extending the length of the designated fire lane. The pavement adjacent to the painted curbs shall be marked with block lettering a minimum of 18 inches in height and with a three-inch brush stroke reading: "NO PARKING – FIRE LANE." Lettering shall be yellow and spaced at no more than 50-foot intervals; or

(2) Rolled curbs or surface without curbs shall have a yellow six-inch wide stripe painted, extending the length of the designated fire lane. The surface adjacent to the strip shall be marked with block lettering a minimum of 18 inches in height and with a minimum three-inch brush stroke reading: "NO PARKING – FIRE LANE." Lettering shall be in yellow and spaced at no more than 50-foot intervals; or

(3) Fire lane signs which shall be as follows:

- (a) Reflective in nature;
- (b) Use red letters on white background;
- (c) Use three-inch lettering, to read "No Parking, Fire Lane";
- (d) A minimum of 12 inches wide by 18 inches tall;
- (e) Spaced no more than 50 feet apart and posted on or immediately next to the curb or side of the road;

(f) Placed at a height that conforms with the City of Woodinville's Transportation and Infrastructure Standards and Specifications, as they may be adopted or amended from time to time;

(g) Signs may be placed on a building when approved by the Building Official in coordination with the Fire Chief;

(h) When posts are required for signs, they shall be a minimum of two-inch galvanized steel or four-inch by four-inch pressure treated wood;

(i) Signs are to be placed so they face the direction of vehicular travel. (Ord. 468 § 1, 2008; Ord. 93 § 14 (B), 1994)



#### **10.12.040 Obstruction of fire lanes prohibited.**

The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic and fire hazard as defined in State law and the Uniform Fire Code and be an immediate hazard to life and property. (Ord. 93 § 14(C), 1994)

#### **10.12.050 Alternate materials and methods.**

The Building Official, in coordination with the Fire Chief may modify any of the provisions herein, where practical difficulties may exist. The particulars of a modification shall be decided by the Building Official and shall be entered into the records of the Fire Department, local Police Agency and the Building Department. (Ord. 93 § 14(D), 1994)

#### **10.12.060 Exemption to sign requirements/ existing fire lane signs and markings.**

(1) Previously existing signs posted prior to this date, will be allowed to remain until there is a need for replacement. When replaced, the new sign must then meet the requirements as set forth in this chapter.

(2) Previously existing markings will be allowed to remain until there is a need for repainting. When repainted, the new markings must then meet the requirements as set forth in this chapter. (Ord. 93 § 14(E), 1994)

#### **10.12.070 Maintenance.**

Fire lane markings shall be maintained at the expense of the property owner(s) as often as is deemed necessary to clearly identify the designated area as a fire lane. (Ord. 93 § 14(F), 1994)

#### **10.12.080 Towing notification.**

Directly adjacent to where fire lanes have been designated, signs shall be posted as set forth in this chapter, in a clear, conspicuous location and shall clearly state "vehicles parked in fire lanes may be impounded." They shall also state the name, telephone number and address of the towing company where the vehicle may be redeemed. There shall be at least one sign per designated zone. (Ord. 93 § 14(G), 1994)

#### **10.12.090 Property owner responsibility.**

The owner, manager, or person in charge of any property upon which designated fire lanes have been established, shall be responsible for, and not allow, vehicles or other objects to park in such fire lanes. (Ord. 93 § 14(H), 1994)

#### **10.12.100 Violation – Infraction – Penalty.**

Any person who fails to mark or maintain the marking of a designated fire lane as prescribed in this title, or who parks a vehicle in, allows the parking of a vehicle in, obstructs or allows the obstruction of a designated fire lane is guilty of an infraction. The maximum penalty for failing to mark or maintain the marking of a designated fire

lane shall be not more than a fine of \$350.00. The maximum penalty for parking a vehicle in, allowing the parking of a vehicle in, obstructing, or allowing the obstruction of a designated fire lane, shall be not more than a fine of \$350.00. (Ord. 93 § 14(I), 1994)

EXHIBIT 20  
PAGE 8 OF 13

#### **10.12.110 Impoundment.**

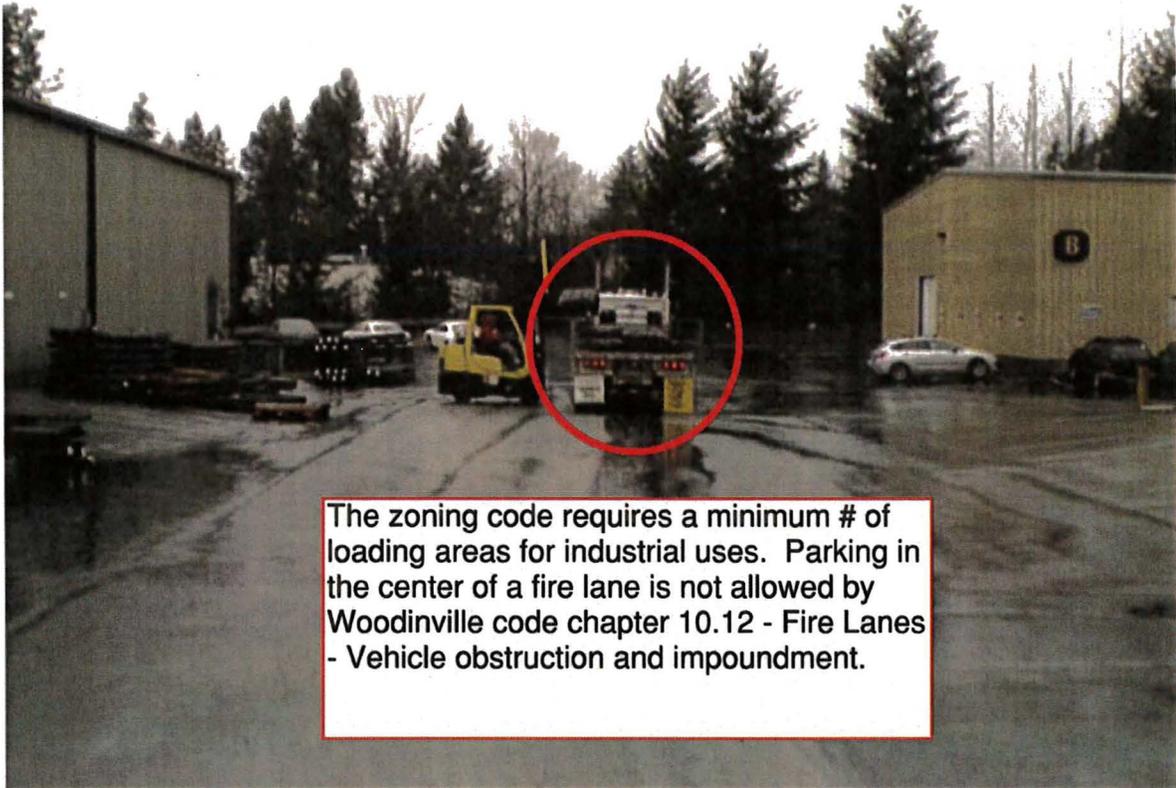
Any vehicle or object obstructing a designated fire lane is hereby declared a traffic and fire hazard and may be immediately impounded pursuant to the applicable State law, and Uniform Fire Code, without prior notification to its owner. Also, pursuant to State law, the owner may be held responsible for all impound fees. (Ord. 93 § 14 (J), 1994)

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**The Woodinville Municipal Code is current through Ordinance 583, passed February 4, 2014.**

Disclaimer: The City Clerk's Office has the official version of the Woodinville Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Kirkwood Industries



Unloading from driver's side of flatbed

Video frame - within 00 second mark  
IMG0008.mov.00.pdf

Re: 12-25-14 58  
Tom Robinson  
J. Richard Aramburu



Unloading from passenger side of flatbed

Video frame - within 30 second mark  
EXHIBIT IMG0008.mov.30.pdf



i-Ball Entry

Forklift at passenger side of flatbed

Video frame - within 43 second mark  
EXHIBIT IMG0008.mov.43.pdf

EXHIBIT 20  
PAGE 12 OF 13

EXHIBIT 17  
PAGE 4 OF 5

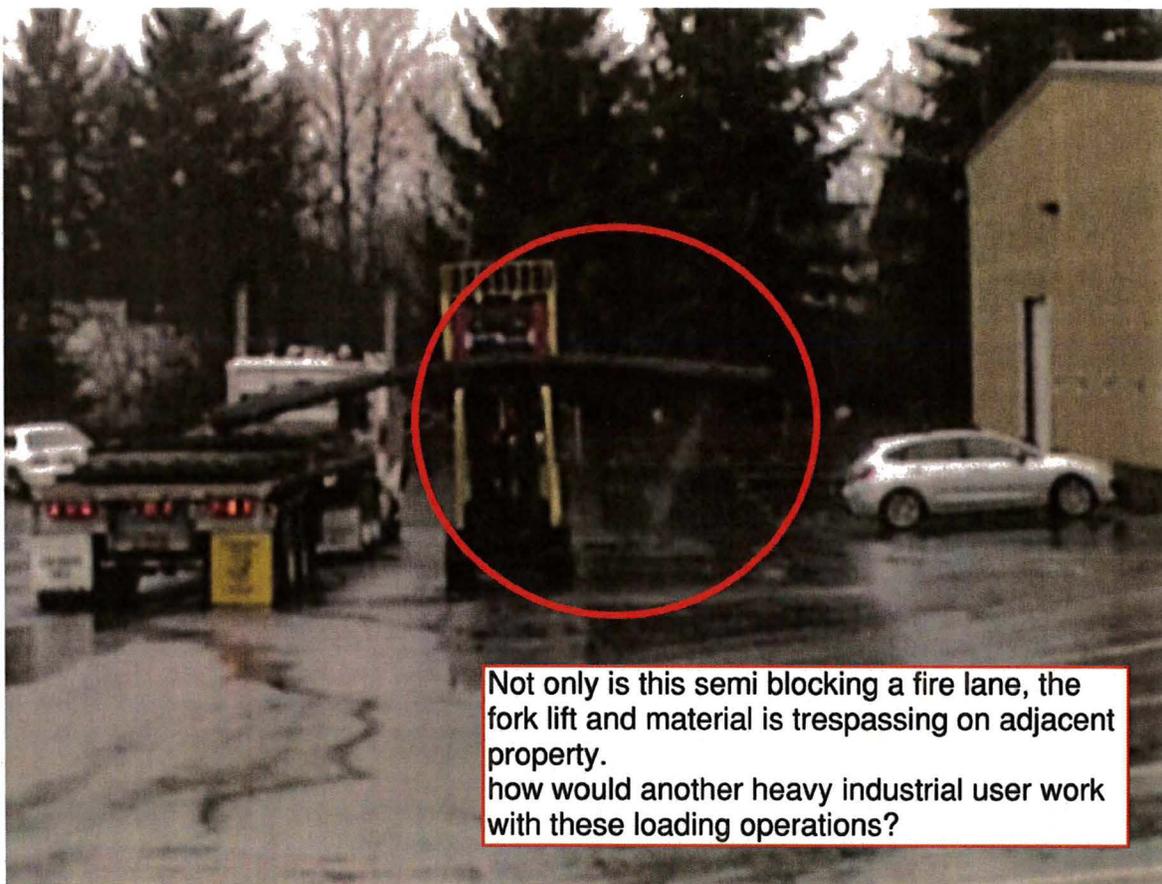


Unloading from passenger side of flatbed

Video frame - within 55 second mark  
EXHIBIT IMG0008.mov.55.pdf

EXHIBIT 20  
PAGE 13 OF 13

EXHIBIT 17  
PAGE 5 OF 5



Wide load from passenger side of flatbed

Video frame - within 1:02 second mark  
EXHIBIT IMG0008.mov.102.pdf