

**April 9, 2024**

**To :** Hearings Examiner

**From:** Clark and Caryn Vitek

**RE:** Comments on Revised Traffic Impact Analysis submitted by applicant  
(Response to CUP24-1001 Exhibit 71)

## **SUMMARY**

- The applicant's continued claim of "Zero net new PM Peak Hour trips" is not supported by the evidence presented in the application, and can not be derived from any common sense understanding of the facts. The applicant has the burden to show this statement is reasonably correct, and has not done so.
- A realistic estimate of proposed project's Daily trip and PM Peak Hour trip generation is an essential consideration for evaluating the project's commercial use compatibility with the surrounding use of a high school.
- Based on the hours of public operation now submitted by the applicant, new traffic generation due to commercial operations on the school campus can be expected to negatively impact student safety compared to the existing conditions. This is especially true during the PM Peak hours of 4-6 PM.
- The applicant has been provided two opportunities to revise its analysis and has failed to arrive at any credible conclusions with respect to the question of "net new PM Peak hour trips." As a result, the applicant is precluding meaningful assessment of the compatibility of the proposed commercial use with the existing high school use, with respect to the potential for negative traffic impacts on campus safety.
- Based on these considerations, we believe this application should be denied.

## **RESPONSE DETAILS**

The applicant's engineer is correct that we are not licensed traffic engineers in the State of Washington. In a public hearing, professional certification is not a requirement to offer testimony. We trust the Hearings Examiner will weigh our presentations along with our stated experience and qualifications as a tennis facility developer and operator, fairly and without bias, against the traffic engineer's stated qualifications, experience and opinions. Ultimately, as in any quasi-judicial proceeding, the evidence accepted as facts carries the most weight. Therefore, we offer this response by appealing only to the issues that we believe can be readily be accepted as facts, even by a non-expert or "layman" observer.

In 2013-2014 we developed a commercial tennis facility in the City of Camas, satisfying all land use requirements. We became familiar with all applicable codes as they apply to tennis facilities, including traffic generation analysis. Due to the noted limitations in the ITE manual of using data related to land use Code 490 “tennis courts”, and through consultation with the City Engineer, we presented our own traffic impact analysis in November 2013 based on code 491 “tennis club”, along with data from other similar facilities and studies. We previously provided the reasons why we believe that Code 490 is also not appropriate for this project, and suggested Code 525 “High School” is likely most appropriate for the existing use, with code 491 “tennis club” as the most appropriate code for the proposed commercial use (see CUP24-1001, exhibits 35 and 38). We made our observations and suggestions solely based on our personal knowledge and past experience as developers of a similar tennis facility in the City of Camas.

We opened our tennis facility in 2014 and have operated it continuously. All services we offer are available to the general public and substantially similar to the services that are planned to be offered by the applicant’s tenant under the conditional use that is subject of this proceeding. Because we are the owners and direct operators, we have had the opportunity to observe traffic every day, every hour, every season, at our own tennis facility for the past 10 years. We operate with court reservation software, which is a system we can consult to tell us how much traffic is coming or going, and why. All use is programmed, reserved or scheduled in advance at our indoor tennis facility, as is typical. Traffic generation is not random as it might be for tennis courts at a city park (for example). All traffic happens for reasons that can be understood, past or future, by reviewing the court reservation system. We know based on first hand experience that the applicant’s proposed tenant operates its other indoor facilities in a similar way as ours and uses similar reservation systems. Since 2020, we have served on the Board of Directors of the Washington State Tennis Club Association ([www.wstca.org](http://www.wstca.org)), an industry organization of over 26 indoor tennis clubs in Washington State, furthering our understanding of other tennis facility operations throughout our state.

Based on these above stated qualifications and experience, we present the following as proposed facts for the Hearings Examiner’s consideration:

1. The project conditional use as an indoor commercial tennis center is a different land use from the existing outdoor courts’ use as a high school athletic facility. Otherwise, as a layman might suggest, a conditional use permit would not be required.
2. The high school does not need a conditional use permit to support its own non-commercial uses, which could include covering its courts with any type of building code approved structure, such as a weather-protected pavilion cover.
3. The conditional use permit is only required to support the commercial operations of the applicant’s proposed tenant on a school campus, in a residential overlay zone.
4. The most appropriate land use description of the applicant’s entire subject property is currently “High School”.
5. The existing outdoor tennis courts are part of the high school property and primarily used for high school athletics.

6. The existing outdoor tennis courts are not currently used by the school or the general public on foul weather days.
7. Existing weekday PM Peak hour use of the outdoor tennis courts by the general public is unscheduled drop-in use, and only occurs during good weather.
8. The applicant submitted no data confirming any level of existing PM Peak Hour public use of the outdoor tennis courts.
9. The applicant assumed all new PM Peak Hour trips to the indoor facility will be offset by existing use of the outdoor tennis courts, without any adjustments for loss of existing use on foul weather days, and without any presumed higher occupant load due to programmed, marketed and scheduled operations typical of a commercial indoor tennis center.
10. According to the submitted “operating hours” by the applicant (CUP24-1001, Exhibit 70), commercial use will be limited during the PM Peak Hours of 4-6 PM only during the boys and girls tennis seasons.
11. For the rest of the year, the submitted “operating hours” will be open to the general public during the PM Peak Hours of 4-6 PM.
12. Because of the weather, indoor tennis courts can be used significantly more days of the year than outdoor tennis courts. This statement includes during the PM Peak hours of 4-6 PM.
13. The most appropriate description for the proposed commercial use will be an indoor “Tennis Center.”
14. The applicant’s proposed tenant is a private corporation that sells memberships, rents court time, and markets tennis instruction to the general public at its Vancouver Tennis Center location.
15. Tennis Centers open to the public typically program junior instruction during the after-school hours, which includes 4-6 PM.
16. The Vancouver Tennis Center markets junior tennis instruction during the 4-6 PM time frame. (See Attachment A for a sample of proposed tenant’s existing junior programs at the Vancouver Tennis Center between 4-6 PM).
17. Based on the stated operating hours, the proposed tenant can be expected to program and market junior tennis instruction at the proposed new tennis center during the weekdays 4-6 PM, outside of the high school tennis seasons.
18. Programmed and marketed junior instruction creates a higher occupant load per court than tennis play. Instruction is typically programmed at 6 juniors per court plus instructor. This contrasts with 2-4 players per court for singles or doubles tennis play.

19. In addition to higher occupants per court, programmed junior instruction generates more traffic trips than tennis play. Parents often drop off their junior at the lesson start (2 trips = in/out), then pickup after the lesson (total of 4 trips each junior). By contrast, tennis players generally drive in, play, and drive out (2 trips each player).
20. Between the hours of 4-6 PM, the remaining students on the high school campus are often moving to/from the existing parking lot or athletic fields to engage in extracurricular activities. This includes various sports and extra-curricular activity participants. (See Attachment B for picture of the marching band practice in the parking lot).
21. In the after school hours of 4-6 PM, students will be crossing the traffic route of the proposed commercial operation in order to access the athletic fields and facilities and return to the parking lot.
22. Based on the “operating hours” recently stated (CUP24-1001, exhibit 70), the PM Peak hours of 4-6 PM (during the off-season for high school tennis) are now when there will be maximum potential for pedestrian and vehicle conflicts on campus that could be attributed to the new proposed commercial operations.
23. In order to assess compatibility with the existing use of the high school, for safety, it is essential to properly quantify the PM Peak hour trip generation of the proposed project.
24. Applicant has not fully considered all factors of the existing use with regard to safety, such as students still on campus between the hours of 4-6 PM, and other sports and activities use of the fields and parking lot.
25. Applicant has not considered the additional trip generation that will result from marketed junior instruction with starting or ending session times during the hours of 4-6 PM.
26. The applicant’s engineer uses the ITE manual use code 490 “tennis courts”, for both the existing and proposed revised analysis, even though this code is cautioned in the ITE Manual for weak supporting data.
27. ITE Code 490 is not representative of the existing courts use as a “high school” athletic facility.
28. ITE code 490 is not representative of PM Peak hour trip generation for programmed and marketed indoor tennis instruction.

Based on the above non-expert “layman” considerations, there is simply no credible way to support the applicant’s conclusion of “Zero net new PM Peak hour trips”. A common sense understanding of the above facts, as accepted, can lead only to a conclusion that the commercial indoor tennis center will generate more “PM Peak Hour” trips than the existing outdoor tennis courts’ use.

The revised analysis erroneously still relies on assumed and unconfirmed existing trips on the outdoor courts to offset all the proposed new trips during the PM Peak hours. The applicant does not consider the associated higher occupant load per court and increased drop-off/pick-up trip generation that results from junior instruction, yet junior instruction is most likely what will be offered by the proposed tenant during the PM Peak Hours, when possible.

We present that these deficiencies are not trivial, but impact the core consideration of compatibility with the existing surrounding use of a high school. Many students remain on campus after the final bell rings to participate in after-school activities and sports. Due to increased traffic from the proposed commercial operations, potentially hundreds of additional trips, in the after school hours of 4-6 PM, there is the potential for materially negative impacts on the existing student safety during the PM Peak Hours, which the applicant has yet to credibly quantify and present for review. As a result, this application to permit commercial use of a tennis center open to the general public *on a high school campus*, has not sufficiently demonstrated compatible use with the existing surrounding use of a *high school*.

Given that the applicant had two opportunities on redirect to improve upon the above-noted deficiencies in its original analysis, but still arrives at the same specious conclusion of “Zero net new PM Peak hour trips”, we have little expectation that another redirect will properly address the concerns raised.

For the reasons stated herein, and others we have provided separately, this CUP application should be denied.

Signed,



Caryn Vitek

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## ATTACHMENT A

**WEEKDAY PM PEAK HOUR JUNIOR INSTRUCTIONAL OFFERINGS  
BY PROPOSED TENANT AT VANCOUVER TENNIS CENTER  
(TYPICAL SAMPLE SCREENSHOT TAKEN ON APRIL 6, 2025)**

The screenshot shows the 'PROGRAMS' page on the website [https://pnwtennis.clubautomation.com/calendar/programs?facilities\[\]=2&time\\_from=16:00:00&time\\_to=18:00:00&Monday=1&Tuesday=1&Wednesday=1&Thursday=1&Friday=1](https://pnwtennis.clubautomation.com/calendar/programs?facilities[]=2&time_from=16:00:00&time_to=18:00:00&Monday=1&Tuesday=1&Wednesday=1&Thursday=1&Friday=1). The page displays a list of programs for Vancouver, filtered by the specified time and days.

**PROGRAMS**

Search by program name:  All Categories:  Vancouver (1)

Event time:  to  ☐ Sun ☒ Mon ☒ Tue ☒ Wed ☒ Thu ☒ Fri ☐ Sat

Search by Age: From  to

Program Name	Location	Department	Days of Week	
VTC - Academy 1.0	Vancouver		Mon, Wed, Fri	<a href="#">View</a>
VTC - Academy 2.0	Vancouver		Tue, Thu	<a href="#">View</a>
VTC - Academy 2.0 & 3.0	Vancouver		Fri	<a href="#">View</a>
VTC - Green Ball 1.0	Vancouver		Mon, Wed, Fri	<a href="#">View</a>
VTC - Green Ball 2.0	Vancouver		Mon, Wed	<a href="#">View</a>
VTC - High School 2.0 - 3.0	Vancouver		Tue, Thu	<a href="#">View</a>
VTC - High School 3.0	Vancouver		Fri	<a href="#">View</a>
VTC - Love Serving Autism - Ages 11-18	Vancouver		Fri	<a href="#">View</a>
VTC - Love Serving Autism - Ages 5-10	Vancouver		Fri	<a href="#">View</a>
VTC - Orange Ball 1.0	Vancouver		Mon, Wed, Fri	<a href="#">View</a>
VTC - Red Ball 1.0	Vancouver		Mon, Wed	<a href="#">View</a>

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source: [https://pnwtennis.clubautomation.com/calendar/programs?facilities\[\]=2&time\\_from=16:00:00&time\\_to=18:00:00&Monday=1&Tuesday=1&Wednesday=1&Thursday=1&Friday=1](https://pnwtennis.clubautomation.com/calendar/programs?facilities[]=2&time_from=16:00:00&time_to=18:00:00&Monday=1&Tuesday=1&Wednesday=1&Thursday=1&Friday=1)

**ATTACHMENT B**

**EXAMPLE AFTER SCHOOL ACTIVITY IN PARKING LOT:  
MARCHING BAND PRACTICE**



(PHOTO TAKEN MARCH 27, 2025)