

Carey Certo

From: Clark Vitek <clark@theviteks.com>
Sent: Wednesday, March 19, 2025 3:57 PM
To: Community Development Email
Cc: Yvette Sennewald; Caryn
Subject: Opposition to CUP24-1001
Attachments: Vitek_Comments_March19_CUP24-1001.pdf

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Please see attached written comments for the hearings examiner in opposition to CUP24-1001.

We will attend in person to present brief additional oral comments.

Note that the attached comments were made necessary in addition to our previous comments (agenda packet 28) due to changes in the applicant's traffic impact analysis. The updated traffic analysis was only made public last Friday with release of the agenda packet. As such our attached comments supersede our earlier comments contained in exhibit 29 of the packet. The attached comments address the revised analysis provided by the applicant on March 4 (exhibit 29).

It would be understandable to not post the revised analysis to the public portal if it was merely a response to our earlier comments and the applicant was simply defending their original submission. But in fact they completely changed the assumptions, analysis and conclusions and it also appears that staff has not updated its staff report or conclusions based on the revised analysis provided by the applicant. The staff report still makes reference to the original analysis conclusions, not the updated analysis conclusions.

Regarding our Exhibit 31 comments, some public statements were made by the applicant's representative Jasen McEathren in the local press (Columbian, March 12) regarding the occupancy and use of the proposed structure. These statements required further updating our previous comments related to agenda exhibit 31.

Thank you and we'll see you tomorrow

Clark Vitek

March 19, 2025

To: Hearings Examiner
City of Camas

From: Clark and Caryn Vitek, owners
Evergreen Tennis
Camas, WA

RE: CUP24-1001 Opposition

Introduction

Schools in residential zones are NOT an appropriate location for commercial businesses. The city of Camas has several available parcels appropriately zoned for the commercial use proposed in CUP24-1001. We question why the city (or school) would want to introduce a commercial operation “open to the general public” onto a school campus during the school day. The only access to this proposed commercial development is through the school’s driveway and parking lot, while children are present.

A supplemental traffic analysis dated March 4, 2025 was released in the agenda packet on March 14, 2025, leading us to new comments below detailing errors in the applicant’s estimates of the traffic impact. We further note that the proposed hours of commercial use have yet to be clearly defined by the applicant and were not detailed in any materials previously available for public review, such as the project narrative. In addition, the applicant has not sufficiently detailed the occupancy type and occupant load of the proposed structures in order to determine compliance with development standards including parking, site plan and setbacks, and traffic impact.

Summary of Traffic Impact concerns

- The original application and submitted SEPA questionnaire response stated “56 average new weekday trips and zero peak hour trips”. This conclusion was based in part on analysis that assumed hours of commercial operation only after 6pm.
- The original analysis included credits (reductions) in anticipated trip counts for assumed current public use of the eight existing outdoor courts.
- The applicant’s March 4, 2025 supplemental analysis added 9am-2:30pm hours for commercial operations on school days, and stated a revised trip count of “290 net new daily trips.” (exhibit 29, page 490 last paragraph and page 491 table 2). This is an increase of over 500% from the widely circulated and publicly quoted value in the local press of “only 56 net new weekday trips,” taken from the original application and SEPA questionnaire response.
- Staff appears to have missed the update to “290 trips” and incorrectly concludes that this is less than 200 trips that would require a full TIA/TIS. (see agenda packet staff report page 11 second paragraph, which still references the “56 trip” conclusion of the original study, not the updated study submitted on March 4, 2025, exhibit item 29).
- The applicant’s March 4, 2025 supplemental traffic analysis was made available for public review for the first time on March 14 and still contains significant errors and assumptions that grossly understate the traffic impact of this project:
 1. The calculations do not include any increase in traffic for public use outside of the high school tennis seasons, approximately 8 months of the year. Accounting for this would

- increase the average daily trip count and result in some PM peak hour trips for which the applicant would be responsible for traffic impact fees.
2. The supplemental analysis still reduces the trip counts based on credits for assumed existing public use of the courts. The school superintendent and business services manager both have stated to us that the existing outdoor tennis courts are “not open to the public.” In addition, the existing outdoor tennis courts can not be used on 170-200 inclement weather days per year. All public use in the new covered facility on inclement weather days would result in new trip generation. The applicant has not provided any supporting evidence for the assumed reductions (trip credits) based on existing use of the 8 outdoor courts by the public.
 - To assess traffic impact for a proposed commercial use in residential zone, and allow the public to review and comment on the impact to the surrounding residential district, including the school where their children are in attendance, the applicant should be required to fully state the anticipated traffic generation by hour, day of the week, and week of the year. Traffic impact for a conditional use proposal is not only intended to analyze peak impacts on the adjacent roadway for infrastructure capacity, but also to quantify traffic generated at times that the current use does not generate (such as after dark, new days of week, or different times of year) so the public can be informed and comment on the full potential for increased noise, nuisance and safety concerns that the proposed commercial use will introduce.

Traffic Impact concern details

The study provided with the original application concluded there would be “56 average weekday trips and zero peak hour trips.” We raised the concern that this conclusion was based on incomplete or incorrect information regarding the operating hours for planned commercial use by the general public. The applicant then provided a supplemental analysis dated March 4, 2025 (agenda packet item 29). This amended analysis provided a new but soft statement of the proposed commercial operating hours (“subject to change”) of “9 AM - 2:30 PM” and “after 6 PM.” The amended analysis concludes “the proposed USTA/CSD facility is expected to generate 0 net new AM and PM peak hour trips, and 290 net new daily trips.” (reference: agenda packet page 490 last paragraph). We note that the staff report provided (agenda packet, page 10 and 11 “Traffic Impact Analysis”) still contains a reference to the original submitted conclusion of “56 trips per day” but makes no reference to the new analysis conclusion of “290 net new daily trips” provided by the applicant on March 4, 2025. As a result staff incorrectly concludes the proposed development “will not exceed an additional 200 average daily trips (ADTs) that would trigger a TIA/TIS, therefore a transportation impact analysis (TIA/TIS) is not required.” This conclusion is not supported by the updated analysis provided by the applicant on March 4. Table 2 of the updated analysis (page 491 of the agenda packet) which clearly shows the applicant is no longer claiming “56 trips” but “290 net new trips” by their revised analysis method. We believe this value is still incorrect for the reasons that follow.

The first error is that the new traffic analysis provided only accounts for public hours of use during spring and fall, about 4 months of the year when the high school teams are active with practices and competitions. The other 8 months of the year, based on applicant’s statement that hours are “subject to change,” it is expected that the USTA PNW will utilize the facility for commercial operations at all possible hours. For example, we note that the USTA PNW currently operates its Vancouver Tennis Center for 14 hours per day, using 90 minute session times. Avoiding congestion at the bell times at Camas High School, when the students arrive and depart from the parking lot, can be easily arranged with staggered scheduling of the start of the 90 minute sessions (e.g. start 60 minutes before and end 30 minutes after the bell times). So there is no reason to assume public use cannot start until 9:30am.

The Vancouver Tennis Center hours are generally 7:30am – 9:30pm, open 14 hours per day to the public, generating trips during the adjacent roadway AM and PM peak hours.

The applicant's traffic analysis does not account for any trips generated in the tennis "off season" months, when the hours of use would not be restricted by HS tennis teams use, and would therefore expand use by the public. This would include trip generation during the hours presently excluded in the analysis, including the peak PM hour.

It should be assumed in the provided calculations that that the courts will be fully utilized by the general public outside of the school tennis seasons, for 8 months of the year, 14 hours per day, requiring an updated trip generation calculation including AM and PM peak times trip counts. The second error is that the applicant's engineer uses an incorrect assumption about existing public use of the outdoor tennis courts, stating that the use of indoor courts does not increase trip generation because the number of courts available for use by the USTA, the Camas School District, or the general public "does not change" (page 490). The net new trip generation provided is then reduced by the applicant's analysis as a result of credits for the assumed existing trips vs. proposed new commercial use trip generation.

Existing use of the courts by the public is an incorrect assumption:

- The courts are not available now for use by the general public during school hours. In a phone call with John Anzalone, Caryn Vitek was told that the outdoor courts are "technically not open to the general public". In a follow up meeting on December 4, 2024 with John Anzalone, Jasen McEathren and Tracey Malone, the statement that the public is not allowed on courts during school hours was repeated. As a practical observation, the courts are not used during school hours by the public because there is a lack of parking available for public use of the courts when school is in session, and all visitors to the school are required to check in at the school entrance, which is a restriction on access to the campus for security reasons. The applicant's engineer provided no evidence or traffic counts supporting that there is any existing public use of the tennis courts on school days and during school hours, yet erroneously assumed the courts are fully utilized by the public in the provided reduction credits to trip generation calculations and the conclusion of "zero trips during PM peak hour".
- The outdoor courts are not available now for use by the general public due to inclement weather for approximately 170-200 days per year that the weather is unsuitable for outdoor use. The construction of new weather-protected indoor courts will yield significant new potential for increased average daily trip generation at all hours of operation vs. existing use of outdoor courts just based on the number of inclement weather days.

Based on the above considerations, the traffic analysis provided is in error to provide reductions in the estimated trip generation based on assumed existing public use of the outdoor courts. There is no significant existing public use of the outdoor courts. The outdoor courts can only be used in good weather and on weekends/non-school days. The operation of a commercial tennis center that is fully weather protected, marketed to the public for all available hours and will include USTA instructional programs, court rentals, competitive play events such as adult city leagues and USTA tournaments will generate significant new traffic onto the high school campus. The new commercial use should be considered an entirely new use by the public with no comparable (or conforming) existing public use with respect to trip generation.

The applicant should be required to provide a new traffic impact analysis that clearly states the hours of proposed operation as a commercial tennis center per day of the week and by week of year based on an executed shared use agreement with the school, with no reduction credits applied for existing public use. The stated hours of commercial operations should be conditioned and the applicant required to revise its conditional use permit by new application to alter the conditioned hours in the future.

“Subject to change” is not an acceptable statement for a conditional use approval, the hours for commercial operations in a residential zone should be clearly stated and conditioned. Since a correct and complete traffic impact analysis will certainly include some PM peak hour trips, the project should be conditioned to pay traffic impact fees as other commercial applicants have been required to pay in the past for very similar projects (e.g. Evergreen Tennis). Based on the available information in both submissions by the applicant, and standard industry practice, we request to condition this project to calculate the traffic impact utilizing the applicant’s study result of 55 trips per day per court. For eight courts, the applicant’s revised submission would result in 440 average daily trips with 54 trips in the PM peak hour subject to transportation impact fees (TIF). Alternatively, as suggested previously the ITE trip generation value of 3.8 trips per court, for eight courts, for 14 hours/day would result in 426 daily trips with 31 PM peak hours trips. These values may need to be increased further based on additional planned uses for the facility including USTA marketed programs and tournaments that require spectator accommodation and do not occur at the study facility.

There is a potential due process concern given that the applicant provided the incorrect low number of “56 trips and none during the peak hour” in its original application. This value was repeated in the local press during the SEPA review period, and is materially altered now (500% higher) based on the applicant’s March 4 submission, and further incorrect if the conditions we propose above are accepted. The original traffic analysis provided by the applicant, along with several other application materials, were not made available in the city system for public review until February 13, 2025, almost a month after the SEPA comment period had closed on January 16, 2025. We believe that the public, including those concerned about the impact of traffic on the environment, should have the opportunity to fully understand and comment on the potential traffic impact of this project based on a correct and complete statement of the potential trip generation. As such the applicant should be required to revise its SEPA questionnaire response based on the final corrected trip generation analysis, and the SEPA review period should be re-opened for public comment for 30 days. The public may feel differently about 500 or more trips per day than they did about the incorrectly stated and publicized value of “only 56”. Public and proper staff review has been denied in this case due to the applicant withholding the actual planned hours of use in its original application and traffic analysis. The issue that the city’s software system was not providing public access to the underlying application documents until after the comment period had closed is not the applicant’s fault, but completely impaired the ability for public access to review and comment on the veracity of the original application materials during the SEPA public comment period. By revision of its analysis on March 4, the applicant admits to significant error and incomplete disclosure of traffic impact in its initial application and SEPA response.

Occupancy Type and Use, Occupant Load, and Parking Calculations

We raised the concern in a letter to city staff that the applicant did not provide sufficient details to understand the IBC occupancy use type and occupant load for the proposed 59,000 square foot air supported structure. We suggested that it is not possible to assess the site plan provided without at least some of these details. The building official response (agenda packet item 31) suggests that the fire, life safety concerns will be addressed at building approval stage. However, the site plan, traffic impact analysis, and parking calculations under review now for conditional use permit depend upon this information. Some statement of IBC occupancy type and the proposed occupant load (max occupancy)

is needed for evaluation of the proposed conditional use as a commercial business on a school campus. As an example, in response to our observation to the school board that the existing spectator areas are outside the footprint of the proposed “bubble”, and therefore would no longer be usable, Jason McEathren, the applicant’s business services manager, responded to the Columbian newspaper (print edition front page, March 12, 2025) that the plan is to move the current spectator areas “inside” the bubble. This would imply that in addition to the typical presumed occupancy class of A-3 for tennis participants, there is some component of A-4 occupancy planned (spectator viewing area). However, nothing in the project narrative or site plans details the existing vs. proposed spectator areas or their expected occupant load. With respect to CMC 18.11.130 “parking” under review for this hearing, this difference is noted as a “tennis courts/club” (3 per court based on participants), which was used for the parking calculations submitted, vs. “Stadium/sports arena” (based on spectator area size and type of seating or accommodation). The amount of space within the 59,000 square foot facility dedicated to playing area vs. spectator area determines the parking requirements, and as of March 12 the applicant has publicly stated that the spectator areas will be located inside the proposed structure. Similarly, for traffic generation analysis, since the USTA has publicly announced plans to market tournaments and competitions, the amount and type of spectator areas provided is a factor to include in the potential trip generation. We note that the facility used for the applicant’s traffic study (Evergreen Tennis) does not host any USTA marketed tournaments. There is no analysis provided based on occupant load to determine if the lobby and bathrooms proposed can support the building occupancy proposed (and resulting impacts on site plan, utilities plan, stormwater, etc) because the occupant types and loads are not defined or estimated anywhere in the application. Our suggestion (Agenda packet item 31) was to require the applicant to submit an architectural code review prior to approval of a conditional use permit. Waiting until building permit application stage will likely result in necessary changes to the site plan and related requirements for conditional use due to incomplete disclosure by the applicant of the full intended use and occupancy of the proposed structure. This will necessitate future changes to parking, traffic analysis, and other plans that are intended to be inclusive now in the conditional use review.

Signed,



Caryn Vitek

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