



## Item No. 16 Town of Atherton

### **CITY COUNCIL STAFF REPORT – PUBLIC HEARING**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**THROUGH: GEORGE RODERICKS, CITY MANAGER**

**FROM: LISA COSTA SANDERS, TOWN PLANNER**

**DATE: JULY 17, 2019**

**SUBJECT: SPECIAL EVENT PERMIT TO ALLOW TEMPORARY LIGHTS FOR MENLO SCHOOL'S HOMECOMING FOOTBALL GAME AT CARTAN ATHLETIC FIELD, 30 ALEJANDRA AVENUE**

#### **RECOMMENDATION**

It is recommended that the City Council approve the Special Event Permit to allow temporary lights for Menlo School's Homecoming football game at Cartan Athletic Field on October 11, 2019 from 5:30 p.m. until 9:00 p.m.

#### **BACKGROUND**

Cartan Athletic Field is located at the corner of El Camino Real and Alejandra Avenue. The field is jointly owned and utilized by Menlo School and Menlo College. The Athletic field includes two baseball fields along the western portion of the property, a football field, track and bleachers along the eastern portion of the property, and tennis courts and parking area along the southeastern portion of the property.

The site is governed by a Conditional Use Permit issued by the City Council in 1965 (Attachment 3). Condition #1 states: "there shall be no illumination, nor shall there be any activities thereon, between sunset and sunrise".

Menlo School submittal a request (Attachment 1) to allow temporary lights for its homecoming football game on October 11, 2019 from 5:30 p.m. until 9:00 p.m. The event will not include use of amplified sound and all other homecoming activities will take place on the main campus including event parking.

Atherton Municipal Code Chapter 17.56 provides the process for the Town to issue Special Event Permits to regulate events on private and public property that are not typically permitted.

**Special Event Permit – Menlo School**

**July 17, 2019**

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The City Manager is responsible for enforcement of the Special Event regulations and is authorized to issue Special Event Permits. The City Manager may refer items to the City Council when the public interest would be better served by public review at a public meeting. As the Cartan Field Conditional Use Permit includes a limitation on lighting and nighttime events, the City Manager has referred this request to the City Council.

**ANALYSIS**

As discussed above, Menlo School requests a Special Event Permit to utilize temporary lights on the football field at Cartan Athletic Field for one evening on October 11, 2019 for its homecoming football game. Sacred Heart has previously obtained a similar Special Event Permit to host lighted homecoming football games at its football field located along Valparaiso Avenue. Staff understands those events were well attended by the community and staff did not receive any complaints relating to the event. Menlo-Atherton (M/A) High School has a lighted football field. As a public school, M/A is exempt from Town regulations for school related facilities and activities.

Menlo School's football games are scheduled on Fridays, with home games typically starting at 3:00 p.m. and 4:00 p.m. in the afternoons and away games starting at 7:00 p.m. in the evening. Menlo School is scheduled to play its homecoming football game against Carlmont High School on October 11, 2019 at Cartan Athletic Field. Menlo School requests the use of temporary lights for the event to occur from 5:30 p.m. until 9:00 p.m. All other homecoming activities will occur on the main campus including parking. Amplified music and sound will not be utilized.

Menlo College cancelled its football program in 2015 and as such, no longer utilizes the field for football games.

Staff mailed notice of the Special Event Permit request and of this public hearing to all property owners within 500' of the property on July 3, 2019. As of the preparation of this staff report, staff has received one public comment (Attachment 2). Mr. Getty expresses concern that exceptions to the CUP can establish precedents that can erode and compromise the general welfare, safety and community benefits of all Atherton homeowners and that Town officials must remain vigilant to promote and maintain the rural heritage of the Town.

The Special Event Permit as requested is limited to one event on one evening (lasting 3.5 hours) at Cartan Athletic Field. The issuance of this Permit does not change the conditions within the 1965 Conditional Use Permit and does not establish a precedent for other events. Any future event will require consideration of a separate Special Event Permit or amendment to the 1965 Conditional Use Permit.

**POLICY ISSUES**

The request for a Special Event Permit should be considered specific for this property and event; and, is not precedent setting.

### **FISCAL IMPACT**

The applicants pay for all costs covering the processing of this application.

### **ENVIRONMENTAL IMPACT**

This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1, relating to use of existing facilities.

### **PUBLIC NOTICE**

Public notification was achieved by posting the City Council agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power and sewer), and regional elected officials.

Notice was also provided pursuant to the Town's Public Hearing provisions, which includes mailing to all property owners within 500' of the subject site and posting at Town bulletin boards at least 10 days prior to the public hearing.

### **ATTACHMENTS**

1. Special Event Application
2. Email from Paul Getty
3. 1965 Conditional Use Permit



## SPECIAL EVENT APPLICATION

91 ASHFIELD ROAD, ATHERTON, CA 94027  
PH 650-752-0500 FAX 650-688-6528

**\$75 nonrefundable fee**

**Note:** Applications should be submitted a minimum of 60 days before the event to allow adequate time to process, should it be necessary to go to the planning commission.

Title of Event: MENLO SCHOOL'S 2019 HOMECOMING

Date(s) of event: OCTOBER 11, 2019

Hours of the event: 5:30 PM - 9:00 PM  
(If different each day, please note)

Location(s) of the event in Atherton: 30 ALEJANDRA AVENUE

Type of Event: PROCESSION  WALK-A-THON  BIKE-A-THON  HOUSE TOUR   
OTHER FOOTBALL GAME W/ TEMPORARY LIGHTS

SPONSOR OF EVENT AND CONTACT PERSON:

Contact Person: LOREN ARMS

Phone Number: 650.330.2001 x 2564 Fax Number: 650.330.2015

Email: larmscmenloschool.org

Name of organization: MENLO SCHOOL

Mailing address: 50 VALPARAISO AVENUE

Contact person day of event (if different than above): SAME

Phone Number: 408.592.4325 (CELL) Fax Number: \_\_\_\_\_

PLEASE ANSWER THE FOLLOWING QUESTIONS:

Total number of participants and visitors expected per day: 500 (ESTIMATED)

Description of activities: HOMECOMING FOOTBALL GAME UNDER LIGHTS AT CARTAN FIELD. OTHER EVENTS ON MAIN CAMPUS.

Parking plan (if applicable): MAJORITY OF PARKING WILL BE ON MAIN CAMPUS - NO DIFFERENT THAN NORMAL FOOTBALL GAMES

Type of advertising do you plan to do: DIGITAL COMMUNICATIONS - EMAIL  
AND SOCIAL MEDIA.

If this is a procession event, please attach route showing all locations in Atherton of sign postings, monitor locations, rest stops, etc.

Will there be a need for directional signs?  yes  no  
If yes, attach a map with proposed locations.

Will there be a tent over 700 sq. ft installed?  yes  no  
If yes, a Tent Permit is required and can be obtained with the Menlo Park Fire District.

Will there be a need for security or traffic control?  yes  no  
If yes, attach a description of what is needed and how you propose to meet the need.

If the event is on public property, attach certificate of insurance and for the event in the amount of at least \$2,000,000 naming the Town of Atherton as additional insured.

Will there be amplified music or voice?  yes  no  
If yes, indicated when and where. The Town has strict restrictions on amplified sound. Please check the regulations to ensure that your event is in compliance. *WE EXPECT TO BE IN FULL COMPLIANCE WITH ATHERTON'S NOISE ORDINANCES.*

Will there be a need for town services?  yes  no  
(There may be extra charges for these services.)

Street barricades?  yes  no      Police protection?  yes  no

Traffic control?  yes  no      Other?  yes  no

Describe what you need and when: TO OUR KNOWLEDGE, THE ONLY ITEM  
TRIGGERING A SPECIAL EVENTS PERMIT IS THE DESIRE  
TO BRING IN TEMPORARY LIGHTING FOR THE  
EVENING FOOTBALL GAME.

On the basis of this application, your event may be approved by the building official, or it may require review by the Planning Commission. If it is eligible for staff approval, the cost for the application is \$75.00. Applications should be submitted a minimum of 60 days before the event to allow adequate time to process, should it be necessary to go to the planning commission.

On behalf of MENLO SCHOOL, I guarantee that we will conduct this event in accordance with the laws of the town of Atherton. I certify that I have received and read ordinance 499 regulating special events, which covers the basic laws and rules that apply to special events within the Town of Atherton.

Signature: [Signature] Date: 5/30/19

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**FOR STAFF REVIEW ONLY:**

DATE APPLICATION RECEIVED: \_\_\_\_\_

APPLICATION RECEIVED BY: \_\_\_\_\_

ATTACHED FEE: \$75.00 PAID: \_\_\_\_\_YES \_\_\_\_\_NO

EVIDENCE OF INSURANCE /HOLD HARMLESS AGREEMENT ATTACHED \_\_\_\_\_YES \_\_\_\_\_NO

DEPOSIT FOR TOWN SERVICES RECEIVED (IF APPLICABLE)? \_\_\_\_\_

**APPROVAL:**

POLICE REVIEWED: \_\_\_\_\_

PUBLIC WORKS REVIEWED: \_\_\_\_\_

BUILDING DEPARTMENT REVIEWED: \_\_\_\_\_

PLANNING DEPT. REVIEW: \_\_\_\_\_

MENLO PARK FIRE DISTRICT: \_\_\_\_\_

SPECIAL CONDITIONS OF APPROVAL: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE APPLICATION APPROVED: \_\_\_\_\_ BY: \_\_\_\_\_

**CITY MANAGER**

DISTRIBUTION OF COMPLETED FORM: 1) ADMINISTRATION OFFICE, 2) APPROVAL 3) PROOF OF INSURANCE AND DEPOSIT CHECK  
4) SEND APPROVAL LETTER TO APPLICANT

AGREEMENT AND RELEASE FROM LIABILITY

**Voluntary Participation**

1. I, \_\_\_\_\_ [name of releasor] acknowledge that I have voluntarily applied to the Town of Atherton for a special event for non-profit organization. The event is a \_\_\_\_\_ [describe event] to be held on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_ [date of event] in the Town of Atherton.

**Assumption of Risk**

2. **I AM AWARE THAT THE ACTIVITY DESCRIBED ABOVE IN WHICH I AM ENGAGING MAY INVOLVE SOME RISK OF INJURY TO ME OR TO MY PERSONAL PROPERTY. I AM VOLUNTARILY PARTICIPATING IN THESE ACTIVITIES WITH KNOWLEDGE OF THE DANGER INVOLVED, HEREBY AGREE TO ACCEPT ANY AND ALL RISKS OF INJURY, DEATH, OR PROPERTY DAMAGE AND VERIFY THIS STATEMENT BY PLACING MY INITIALS HERE:**  
\_\_\_\_\_.

**Release**

3. As consideration for being permitted by the Town of Atherton to participate in these activities and use their facilities, I hereby agree that I, my assignees, heirs, distributees, guardians, and legal representatives will not make a claim against or sue the Town of Atherton or any of its elected officials, employees, agents or attorneys for injury or damage resulting from the negligence or other acts, howsoever caused, by any elected official, employee, agent, attorney or contractor of the Town of Atherton as a result of my participation in the activity described above. I hereby release the Town of Atherton, its elected officials, employees, agents, attorneys or contractors from all actions, claims or demands that I, my assignees, heirs, distributees, guardians and legal representatives now have or may hereafter have for injury or damage resulting from my participation in the above described activity.

**Knowing and Voluntary Execution**

4. **I HAVE CAREFULLY READ THIS AGREEMENT AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE OF LIABILITY AND A CONTRACT BETWEEN MYSELF AND THE TOWN OF ATHERTON AND SIGN IT OF MY OWN FREE WILL.**

Executed at \_\_\_\_\_, California, on \_\_\_\_\_ [date].

RELEASOR

\_\_\_\_\_ [signature of releasor]

\_\_\_\_\_ [typed name]

**Declaration of Witness**

I certify that \_\_\_\_\_ [name of releasor] acknowledged in my presence that \_\_\_\_\_ [he or she] had read and fully understood the meaning and consequences of the foregoing release, and signed it in my presence.

Executed at \_\_\_\_\_, California, on \_\_\_\_\_ [date].

\_\_\_\_\_ [signature of witness]  
\_\_\_\_\_ [typed name]  
\_\_\_\_\_ [street address]  
\_\_\_\_\_ [city, zip code]

# Notice of Public Hearing on July 17, 2019

Paul Getty <pgetty@firstguardiangroup.com>

Mon 7/8/2019 9:37 AM

To: Lisa Costa Sanders <lcostasanders@ci.atherton.ca.us>;

Cc: Jeff Hiller <jhiller@medexpert.com>; Stuart Rosenberg <stuartrosenberg1@gmail.com>; Council <Council@ci.atherton.ca.us>; smrdzr@aol.com <smrdzr@aol.com>; mhgreenberg@yahoo.com <mhgreenberg@yahoo.com>; avvio@attglobal.net <avvio@attglobal.net>; emtiswan@comcast.net <emtiswan@comcast.net>; sccgaw@aol.com <sccgaw@aol.com>; rhauaia@aol.com <rhauaia@aol.com>; JohnBraskamp@gmail.com <JohnBraskamp@gmail.com>; kenckim@gmail.com <kenckim@gmail.com>; jmurray@gcasavvian.com <jmurray@gcasavvian.com>; penelopemurray@gmail.com <penelopemurray@gmail.com>; suescheid@gmail.com <suescheid@gmail.com>; scheidjoe@gmail.com <scheidjoe@gmail.com>; jodyhorowitz@comcast.net <jodyhorowitz@comcast.net>; kstevens@its.jnj.com <kstevens@its.jnj.com>; jrthesing@sbcglobal.net <jrthesing@sbcglobal.net>; Elizmick@aol.com <Elizmick@aol.com>; englert@eesclaw.com <englert@eesclaw.com>;

 2 attachments (1 MB)

Cartan Field 1965 CUP.pdf; Notice of Public Hearing July 17 2019.pdf;

Hi Lisa,

Hope all is well.

I received the attached Notice of Public Hearing scheduled for July 17, 2019 regarding a request for a one-day Special Event Permit to allow lighting for a Menlo School's evening event.

I would like to formally declare my opposition to this request for the following reasons:

- Per the current CUP for Cartan Field (attached) “*1. There shall be no illumination, nor shall there be any activities thereon, between sunset and sunrise.*”
- Exceptions to the CUP can establish precedents that can be erode and compromise the general welfare, safety, and community benefits of all Atherton homeowners – and not just those in the vicinity of Cartan Field. Any exceptions to the Cartan CUP are very likely to be cited by other groups who wish to seek exceptions to prohibited uses throughout the Town.
- Town officials must remain vigilant to protect and maintain the rural heritage of our Town and resist efforts by those who wish to compromise established community standards or negatively impact the peaceful enjoyment of our properties.

Sincerely,

Paul Getty  
[6 Brittany Meadows](#)  
[Atherton, CA 94027](#)

ORIGINAL  
OFFICE CO

GRANTED 1/25/65  
SIGNED 2/23/65

MENLO SCHOOL AND COLLEGE  
CONDITIONAL USE PERMIT

RECITALS:

Heretofore MENLO SCHOOL AND COLLEGE, a nonprofit corporation, herein called "the School," has applied for a conditional use permit pursuant to the provisions of Section 12-8 of the Zoning Ordinance of the Town of Atherton, accompanied by a plan and other information.

Public hearings have been held thereon before the Planning Commission and the City Council and affected members of the public have been heard and their desires given careful consideration.

It has been determined by the Planning Commission, and is hereby determined by the City Council:

(a) That from the facts presented good cause has been shown and that it appears reasonably necessary for the general welfare of the residents of the Town of Atherton and the community and that it is in accordance with the comprehensive zoning plans of the Town of Atherton that the application be granted.

(b) That adequate provisions for driveways, facilities and parking, together with sufficient agreements to enforce the carrying out of such plans and this permit exist.

(c) That the property involved is of sufficient size to provide for the general welfare and safety of the community and that no unnecessary traffic hazards will be created.

(d) That the plans conform to all other regulations set forth in said ordinance.

NOW, THEREFORE, a conditional use permit is hereby granted for the parcel of land covered by said plans and more particularly described in the schedule hereto attached, marked Exhibit A, in the Town of Atherton, County of San Mateo, State of California, permitting purchase of said land by School for use in connection with said private school, subject to and upon the following conditions:

1. There shall be no illumination, nor shall there be any activities thereon, between sunset and sunrise.

2. There shall be no organized games or other organized group activities on Sundays.

3. A 6-inch wide nonaccess strip along El Camino Real for the full length of the property shall be transferred to the Town by grant deed.

4. Suitable landscaping, as approved by the City Council, shall be planted and maintained along the El Camino Real frontage and along the southwesterly property line.

5. A 6-foot high fence equal to or better than the existing fence along El Camino Real shall be maintained around the entire property with the only openings therein to be three gates located on Alejandra Avenue, as shown on said plan on file with the Town:

(a) A service entrance gate which shall be locked at all times except when service vehicles are passing through.

(b) One pedestrian gate - two 4-foot wide sections with a permanent post in center of the opening. This gate shall be locked at sundown each day and remain locked all night.

(c) A main entrance gate located about 380 feet from El Camino Real for use by visitors at times of competitive games.

6. There shall not be any formal nor improved parking area on this property.

7. The pedestrian traffic shall be restricted to crossing Alejandra Avenue at only one crosswalk to be located at the pedestrian gate.

8. The School shall maintain reasonable control of the daily pedestrian traffic and provide its own policing of the automobile traffic and parking for athletic events.

9. Any bleachers are to be portable, with the height subject to control by the City Council.

10. Fee title to the land on which the water well is located shall go with the abutting land being traded to Gilmore. The School may retain the ownership of the well water and have an easement 28 x 28 feet around the well site and over a 10-foot wide strip of land from its property to the well for the purpose of maintaining the underground facilities.

11. The pump, tanks and all equipment located on the aforementioned easement shall be placed underground.

12. There shall be no public address system unless and until the same shall have been approved in writing by the City Council.

13. One existing building, indicated on the plan submitted, may remain as requested to be used for storage of athletic equipment, irrigation pipe, and other equipment necessary to maintain the grounds.

*-10 amended by  
document 4/26/47  
J. M. Brown*

14. Paragraphs 3 and 10 shall be fully complied with not later than the date of the acquisition of said land. Paragraphs 4, 5 and 11 shall be fully complied with prior to June 30, 1966.

15. Should the School fail or neglect at any time to do or perform any act or things provided herein to be done or performed, and should such failure continue for a period of thirty (30) days after written notice from the Town specifying the nature of the act or thing to be done or performed, then and in such event, this permit, at the option of the Town to be exercised by written notice, shall be terminated and revoked at the expiration of said 30-day period; or in lieu of such revocation and termination, the Town may, but shall not be required to, do or perform or cause to be done or performed such act or thing (entering upon the premises for such purpose, if the Town shall so elect), and the Town shall not be held liable or in any way responsible for any loss, inconvenience, annoyance or damage resulting to School on account thereof, and School shall repay to Town upon demand the entire cost and expenses thereof including compensation to the agents and servants of the Town.

16. In the event suit is filed by the Town to enforce any obligation of School hereunder, School agrees to pay a reasonable fee for the services of the Town's attorneys in prosecuting such suit.

17. School agrees to perform and be bound by all of the conditions and provisions of this conditional use permit

and the same shall be binding upon the heirs, assignees and transferees of School.

IN WITNESS WHEREOF, the Town has executed this permit on FEBRUARY 23, 1965, and the School has approved and agreed thereto.

TOWN OF ATHERTON, a Municipal Corporation

By [Signature]  
Mayor

APPROVED AND AGREED TO:

MS MENLO SCHOOL AND COLLEGE

By [Signature]  
Chairman of the Board

By [Signature]  
Secretary of the Board