



**Item No. 4
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: DECEMBER 2, 2020

**SUBJECT: SPECIAL EVENT PERMIT TO ALLOW TEMPORARY LIGHTS AT
MENLO SCHOOL FOR ATHLETIC PRACTICE**

RECOMMENDATION

It is recommended that the City Council approve the Special Event Permit to allow temporary lights at Menlo School for athletic practice from December 14, 2020 through December 17, 2020 and from January 4, 2021 through March 14, 2021, Monday through Friday from 3:45 pm until 6:15 pm.

BACKGROUND

Menlo School started its school year in a distance learning mode due to the COVID-19 pandemic. The students were recently able to return to campus under State and County guidelines. Students will resume the distance learning mode from the Thanksgiving break until two weeks after the winter break. They plan to have students return to school on January 19, 2021. Due to the COVID-19 pandemic, all high school athletic programs were suspended.

Menlo School submitted a request (Attachment 1) to allow temporary low-level lighting on its athletic fields to allow for football practice during Daylight Savings time. Due to the COVID-19 pandemic, high school football season, that normally takes place in the fall, was postponed until December 14, after Daylight savings time. The football team practices weekdays after school from 3:45pm until 6:00 pm. For most of the practice times, it will be getting dark around 5:00 pm. Menlo School requests temporary lights until 6:15 pm to allow practices and time for cleanup.

Menlo School proposes to place the lights at Cartan Feld for the majority of practices with the option to utilize Wunderlich Field (artificial turf) if Cartan Field is not usable due to weather

conditions. Cartan Athletic Field is located at the corner of El Camino Real and Alejandra Avenue and Wunderlich Field is located along Alejandra Avenue (see map Attachment 2).

Cartan Field is governed by a Conditional Use Permit issued by the City Council in 1965. Condition #1 states: “there shall be no illumination, nor shall there be any activities thereon, between sunset and sunrise”. 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. 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. 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 or Wunderlich Field from December 14, 2020 through December 17, 2020 and from January 4, 2021 through March 14, 2021, Monday through Friday from 3:45 pm until 6:15 pm to accommodate team practices.

Sacred Heart School has submitted a similar request due to COVID-19 and 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 describes the lights it proposes to utilize as “low level lights” and not large game level lights that would have light spillage outside the field. The light towers are diesel powered and extend to a maximum of 30 feet (see graphic on Attachment 1).

Menlo School requires anyone coming to campus to test for COVID-19 weekly. The testing is available on campus to make it easier and assist with contact tracing. Menlo School notes that they will continue to comply with COVID-19 guidelines and will follow any future State and County guidelines relating to football practice. In addition to the weekly testing, they require temperature checks upon entering the facility, will sanitize all equipment, wear masks and stay physically distant.

Menlo School informed its neighbors of this request and Staff mailed the public notice of the Special Event Permit request and of this public hearing to all property owners within 500’ of the property on November 20, 2020. The public notice was also posted on the Town’s bulletin boards and published in the Almanac on November 20, 2020.

The Special Event Permit as requested is limited in duration, ending on March 14, and limited in time, with lights shutting off at 6:15 pm. The limited time duration of the practices will not result in a significant negative impact to adjacent residential properties and will not result in additional traffic as the request does not include games with fans. 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. In addition, the Town published the notice in the Almanac.

FORMAL MOTION

I move that the City Council approve the Special Event Permit to allow temporary lights at Menlo School's Cartan field and Wunderlich field for athletic practice from December 14, 2020 through December 17, 2020 and from January 4, 2021 through March 14, 2021, Monday through Friday from 3:45 pm until 6:15 pm.

ATTACHMENTS

1. Special Event Application
2. Map of Facilities



ATTACHMENT 1

Earl Koberlein, Director of Athletics

To the Atherton City Council,

Please find attached, a special event permit request by Menlo School to utilize low level lighting on football practice fields to allow for football practice during Daylight Savings.

Because of COVID-19, the high school football season that normally takes place in fall, was postponed until Dec. 14 after Daylight Savings. Therefore, during most of the season this upcoming year it will be getting dark around 5pm. Normally this is not a problem because the football season is typically over before Daylight Savings. Our practices are weekdays afterschool from 3:45-6:00pm and since our fields do not have lights we would need to light the fields from approximately 5-6:15pm in order to hold a full practice and allow a few minutes for cleanup.

We are asking for permission to use low level lights (not large game level lights that have light spillage outside the field) to provide light on the fields to allow our team to practice until 6:00pm on weekdays. We still need to be given the approval by the County to hold football practices, but in case we do ultimately get permission we would like to be able to hold full practices for the safety and enjoyment of our student-athletes. We are asking to light Cartan Field for the majority of practices with the option to light Wunderlich Field, which is artificial turf, if Cartan gets to wet because of rain.

We will most likely be using diesel light towers like the one in the photo attached. They can extend to a maximum of 30 feet.

We have notified our neighbors of our situation and that we would be making this request to the City Council. I have included the letter that was mailed to our neighbors.

Of course, we would continue our very stringent compliance with COVID-19 guidelines and would follow the County guidelines that will be in place if we are allowed to practice football. Currently, we require every student, coach and staff member to have a negative COVID-19 test every week and we take their temperature upon entering the facility. We sanitize all equipment, wear masks and stay physically distant.

This year has been hard on all of us. We do know that participating in athletics is very good for the physical and mental health of our children. If we have the opportunity to provide an outlet and release for our football student-athletes to get out on the field and experience the joy of working for a common goal, exercising, competing, goal-setting and learning countless invaluable life lessons we would appreciate the ability to do that and the student-athletes would be forever grateful. We thank you for entertaining our request.



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 football practice

Date(s) of event: Dec. 14 - Dec 17, 2020 + Jan. 4 - March 14, 2021 M-F

Hours of the event: 3:45 - 6:15 pm
(If different each day, please note)

Location(s) of the event in Atherton: Cartan Field (Wunderlich Field if wet)

Type of Event: PROCESSION WALK-A-THON BIKE-A-THON HOUSE TOUR
OTHER practice

SPONSOR OF EVENT AND CONTACT PERSON:

Contact Person: Earl Koberlein

Phone Number: 650-279-6700 Fax Number: 650-330-2005

Email: ekoberlein@menloschool.org

Name of organization: Menlo School

Mailing address: 50 Valparaiso Ave., Atherton CA 94027

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

Phone Number: 650-759-4754 Fax Number: 650-330-2005

PLEASE ANSWER THE FOLLOWING QUESTIONS:

Total number of participants and visitors expected per day: 80 (players + coaches)

Description of activities: football practice

Parking plan (if applicable): Normal practice parking plan -
parent pick up or parking in school lots

Type of advertising do you plan to do: None

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.

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: Nothing

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: Earl Koberle Date: 11/12/20

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

Voluntary Participation

1. I, Earl Koberlein [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 football practice

[describe event]
to be held on Dec 14 - Mar 14, 2020, 2021 [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:
EK

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 Atherton, California, on 11/12/20 [date].

RELEASOR

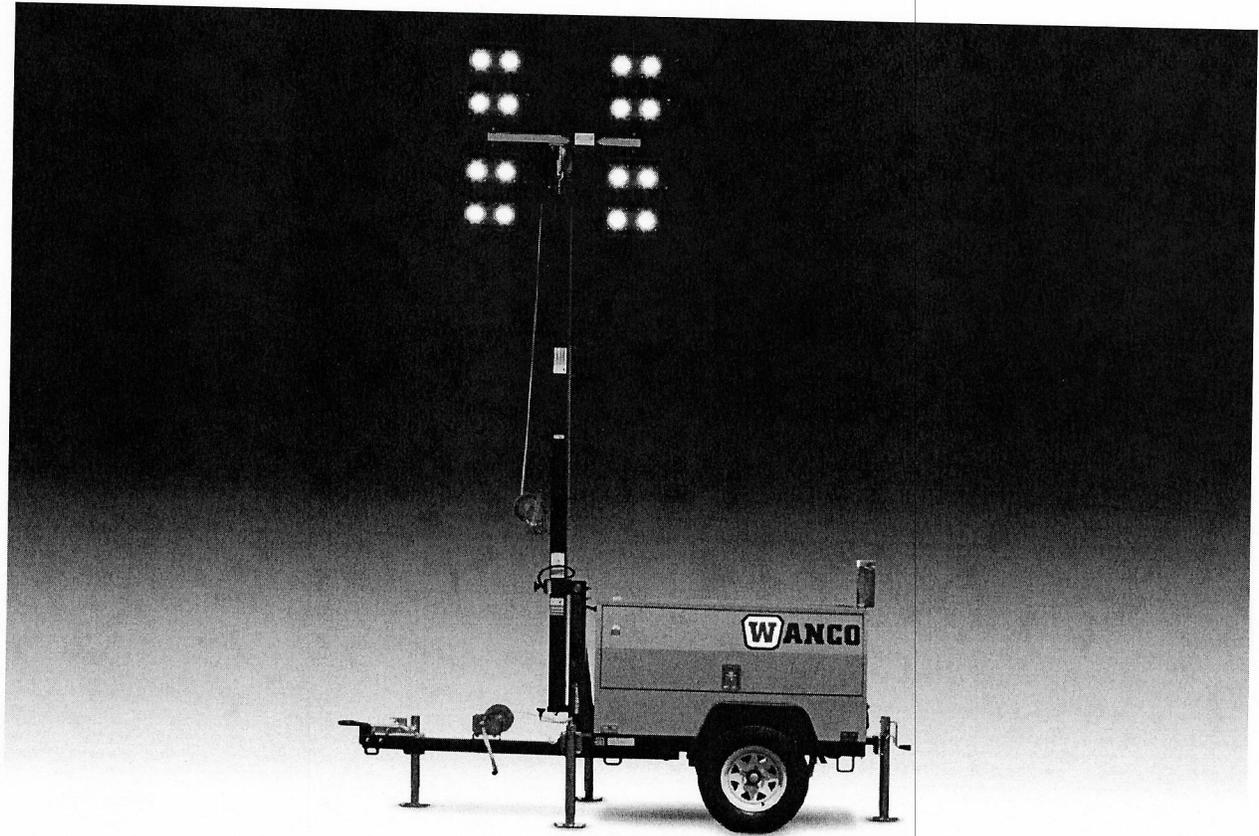
Earl Koberlein [signature of releasor]
Earl Koberlein
[typed name]

Declaration of Witness

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

Executed at Atherton, California, on 11/13/2020 [date].

Stephanie Swan [signature of witness]
Stephanie Swan [typed name]
50 Valparaiso Ave [street address]
Atherton, 94027 [city, zip code]



Dear Menlo School Neighbor,

I trust that this letter finds you well: healthy, safe, and finding creative new ways to continue during this chapter in our collective lives. Things here at the school are progressing in exciting ways. As you may know, we started the school year learning in distance mode due to County guidelines that prevented schools from opening their campuses to students. As the County has moved into the “Red” and then “Orange” tiers, we gained the ability to petition the County to bring students back in a safe, progressive way, and we have done so. This week will represent the third week we have had students back on campus, a quarter of the student body at a time. We will have our fourth group of students just before the week of Thanksgiving and then give everyone the entirety of the Thanksgiving week off. Between Thanksgiving and the winter holidays, we will return to full distance learning mode in anticipation of the need for quarantine for those who traveled or who welcomed visitors from out of town and because we know of the possibility of an increased infection rate during this time. Two weeks after the winter break, following the Martin Luther King, Jr. holiday, we hope to return to campus with an increased percentage of our student body. We require anyone coming to campus to test weekly—including the week following their time on campus—to better meet any contact tracing needs that may arise. As of last week, we have brought that testing onto our campus to make it easier for all involved. In short, things are going well, though we continue to proceed with caution and conservatism.

Another piece of excellent news is that our construction work on the new Spieker Center for the Arts is largely completed and construction crews have vacated the campus. While there are a few odds and ends still lingering, you should see much less construction traffic on and around our campus. The building has turned out better than we could have imagined and we are excited to offer tours (socially distanced and masked) for all of you in the new year if you are interested. Some of you may see some continuing activity on the roofs of some of our larger buildings as Tesla installs solar arrays that will allow us to generate a significant portion of our electricity via renewable energy, which we are excited about. We do not project this activity to last long, and in fact, they are nearly done with that project already. You will be relieved to know that with the completion of the Performing Arts building we have wrapped up nearly 20 years of reconstructing our main campus—a fact that is worthy of celebration for all of us!

I also write today to discuss our athletics program and to alert you to a request we intend to make to the Town of Atherton. As you may know, starting last March when we closed the school for COVID, we also suspended our athletics program. This fall, while we have been allowed to engage students in outdoor socially distanced conditioning, we have not been able to compete against other schools or run

normal practices for our teams. The California Interscholastic Federation (CIF), the entity that oversees high school athletics in California, has postponed the fall sports seasons (football, volleyball, etc.) until winter. If we are ultimately allowed to practice and play these sports this year, the start date would be December 14 and run through March. Football, which is normally played in fall, will now be in the winter. The challenge with this change is the diminished amount of daylight after school and before sunset because of Daylight Savings. Not having lights severely limits the ability to hold outdoor practices on weekdays. What this means is that we face the choice of effectively eliminating our athletics programming for students—a significant loss to their physical, social, and psychological health—or find new ways to expand the usable hours of our fields. As such, we intend to ask the Town of Atherton to allow temporary dispensation for the use of portable lights on Cartan and Wunderlich fields between December 15, 2020, and March 15, 2021. Lights would be turned on around 4:45 pm and have a hard stop at 7:30 pm, if not earlier. These lights would provide a low level of light to allow us to run drills and practice; they will not be the big lights that illuminate the field for games. We do not intend to pursue further use of this approach in the future unless, of course, we find ourselves in a similar circumstance vis-a-vis our inability to use our indoor facilities.

We are hopeful that we can count on your support of this request and that you will join us in doing what we can to support children at this challenging time for all of us. If you have questions or concerns about this proposal, we would love to talk with you. Please feel free to contact me at thealy@menloschool.org or our Athletics Director Earl Koberlein at ekoberlein@menloschool.org.

Thank you in advance for your partnership and support and please stay well,



