

Dear Atherton Town Council,

We met at the last special meeting about football lights. I think it is important to talk again tonight. At the last meeting, I presented legal and factual problems with Menlo's SEP application. My arguments were dismissed and the permit was granted. It took a talk with the town attorney, three letters to the mayor, and the guarantee of filing for a writ of mandamus the next day before the town admitted they were wrong.

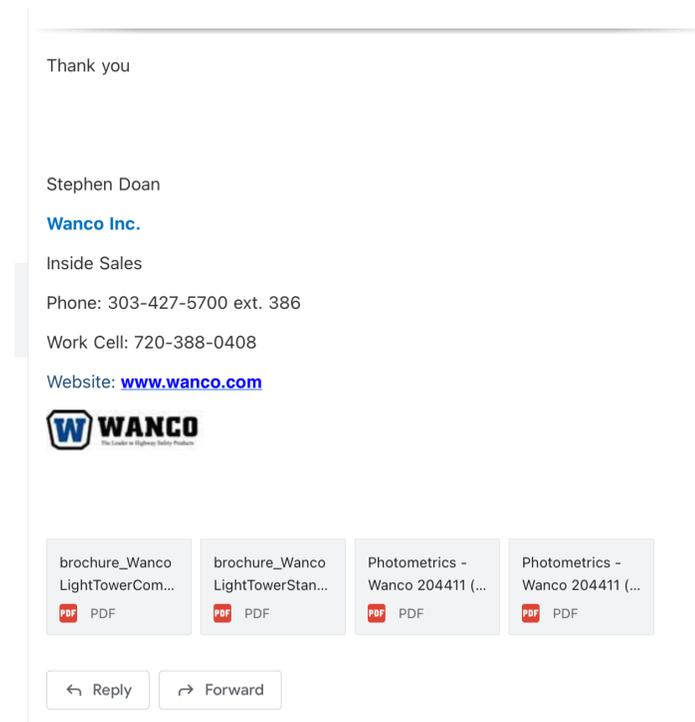
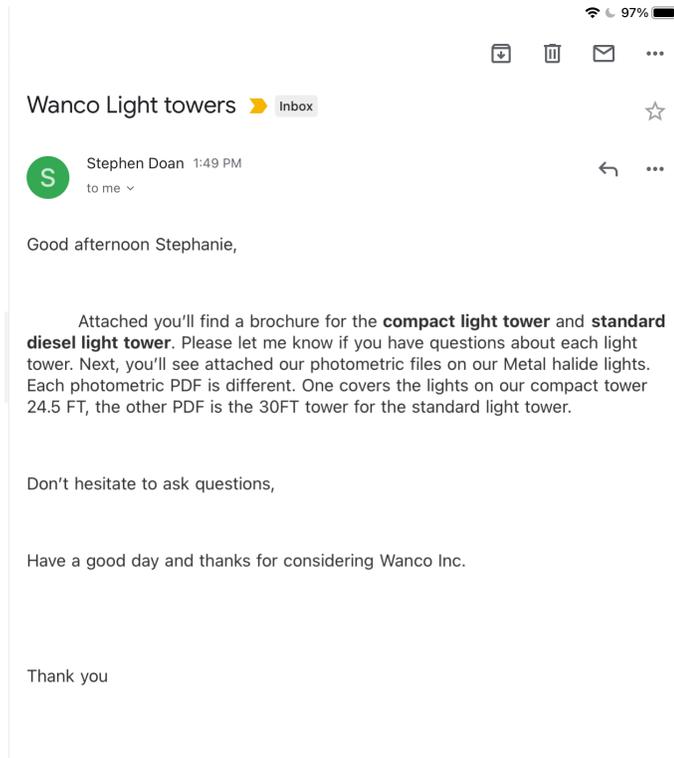
I am raising this issue tonight because the citizens should not be forced to pay lawyers and court costs to be protected under the laws of our town. We need your help.

**Incorrect Law and Incorrect Facts**

It was an incorrect reading of the law that voided Menlo's previous permits. However, you received incorrect facts in that meeting as well. Absolutely, the lights Menlo has proposed to this point are well over the noise ordinance. I called Wanco three times and got the same answer every single time. Each time, Wanco informed me there are two types of diesel lights that will light a football field. The next page is an email, to follow up on our conversation, where Wanco sends me brochures on the two diesel lights that will light a football field.

#1

I made three separate calls to Wanco. Each time, a different rep told me the same thing, There are two diesel light models that will light a football field.



You can use the compact light tower  
that emits 68 dB ....

#2

# Compact Light Towers

## LED/Metal Halide/LED Balloon



**W**ANCO® Power & Light

800-972-0755  
www.wanco.com

# The ingenious compact light tower our customers asked for

- Up to 18 units on a single truck
- Aim lights from the ground
- Heavy gauge all-steel body
- Tallest of all compact light towers
- Largest fuel tank and longest run time in its class

Wanco Compact Light Towers are all about size and efficiency. They save you money right from the start by fitting more units on a truck, then save you even more with features that include an extra-large fuel tank and lights you can adjust without a step.

When you order a fleet of new Wanco Compact Light Towers—up to 18 units—it fits on a single 53-foot truck, giving you more units for the same shipping cost. A small footprint and fold-up tow bar make this light tower extremely compact for storage as well, so it takes up less space both on the job-site and in your yard.

Its small size doesn't sacrifice performance, though. When paired with the largest fuel tank in its class, its robust industrial-grade power plant provides the longest run time of any compact light tower available—about 240 hours before refueling.

Wanco Compact Light Towers are equipped with state-of-the-art technology to achieve superior illumination whether you choose LED or metal halide lights. Our LEDs are the most powerful you'll find on any LED light tower in any class, and our HIDs use a highly reflective fixture design that puts maximum light on the job for longer, increasing productivity and safety, saving you time and money. Balloon lights are also available.

Efficiency and safety continue with durable components that will last, and thoughtful design features that may surprise you. Rental houses will love the industrial-grade leveling jacks and the only all-steel cabinet available in a compact model. Users can aim the lights while standing on the ground, before raising the tower—no ladder needed, no need to climb the trailer—and the always vertical tower is easy to raise and lower with a dual-handle manual winch or a power winch.

Compact and efficient, cost-effective to own and operate, the unique Wanco Compact Light Tower is impressively unlike any other.

To see or order one today, call **800.972.0755** or visit **wanco.com**.



## Brief specifications

### Physical

Deployed footprint	129 × 111 in (327 × 281cm), L × W	
Operating height	Max. 24½ ft (7.5m) Min. 7¾ ft (2.4m)	
Travel height	93 in (237cm)	
Weight	Operating	Approx. 1965 lb (891kg)
	Shipping	Approx. 1580 lb (717kg)
Tongue weight	Dry	80 lb (36kg)

### Lights

	480-watt LEDs	350-watt LEDs	Metal halides
Lamps*	Four 480W fixtures	Four 350W fixtures	Four 1000W lamps
Luminosity**	57,800 lm per fixture 231,200 lm total	49,000 lm per fixture 196,000 lm total	110,000 lm per lamp 440,000 lm total

### Power system

Engine type	Tier 4 Final diesel, 3-cylinder, 4-cycle	
Engine speed*	1800 rpm @ 60 Hz or 1500 rpm @ 50 Hz	
Generator type	Brushless, class H	
Sound level	68 dB @ 23 ft (7m) at max. load	
Battery	Maintenance-free AGM, 12 Vdc, 550 CCA	

	Kubota® D1005	Mitsubishi® L3E
Maximum power output*	13.1 hp (9.8 kW)	12.2 hp (9.1 kW)
Displacement*	61.08 in³ (1001cm³)	58.09 in³ (952cm³)
Fuel tank capacity	60 gal (227L)	60 gal (227L)

	480-watt LEDs	350-watt LEDs	Metal halides
Fuel consumption*	0.31 gal/hr (1.17L/h)	0.25 gal/hr (0.096L/h)	0.49 gal/hr (1.86L/h)
Runtime before refueling*	Approx. 190 hrs	Approx. 240 hrs	Approx. 120 hrs

### Output power

Output*	6 kW or 8 kW
Voltage*	120 Vac or 240 Vac
Amperage	50 A @ 120V, 25 A @ 240V
Frequency*	60 Hz or 50 Hz
Voltage regulation	±6%, no load to full load

\*Depending on model \*\*Continuous intensity for LEDs, initial intensity for metal halides

*Atherton  
≤ 55 dB for  
steady hum  
(section 8.16)*

that emits 68 dB



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#3

or you can use the laydown towers that emit 71 dB.

# Laydown Light Towers

## LED/Metal Halide/LED Balloon



# Robust and reliable with unique features for enhanced performance

- High-output light fixtures
- Telescoping tower rotates nearly 360 degrees
- Multiple low-speed engine options
- Heavy gauge all-steel body
- Unobstructed engine accessibility



Not just another light tower, Wanco Laydown Light Towers use state-of-the-art technology for superior illumination, shining a uniform light pattern across the entire job site and exceeding government regulations for worksite illumination.

For fast job-site setup and less downtime, each light fixture can be aimed independently without the use of tools—and the fixtures stay in place once positioned. Choose either LED or metal halide lights when specifying your light tower. Wanco's proprietary LED fixtures are the brightest available on any portable light tower, and Wanco's metal halide fixtures feature high-intensity parabolic reflectors that increase illumination. Balloon lights are also available.

The telescoping tower stows securely in a travel cradle when it is horizontal, then extends vertically to 30 feet when deployed. While upright, the tower rotates nearly 360 degrees and the lights operate at any height, eliminating the need to move the trailer frequently. Two winches raise and extend the tower easily. Manual winches are standard and power winches are optional.

A choice of industrial diesel engines and four-pole generators ensure reliable performance. The high-efficiency engine and 30-gallon fuel tank provide extended run times between refuelings—up to 120 hours with Wanco's exclusive LED light fixtures. Performance enhancing options include an automated dusk-to-dawn start/stop system and cold-weather start package.

For system maintenance, Wanco's exclusive hinged top panel provides unimpeded access to the engine, generator and electrical components. The equipment bay is a rugged all-steel cabinet with gull-wing doors that can be locked closed to protect against unauthorized access.

Wanco Laydown Light Towers boast trouble-free performance and exceptional longevity—hallmarks of the Wanco brand.

To order one today, call **800.972.0755** or visit **wanco.com**.

## Brief specifications

### Physical

Deployed footprint	127 × 112 in. (321 × 285 cm), L × W
Operating height	Max. 30 ft (9.14m) Min. 12½ ft (3.81m)
Travel height	66 in (168cm)
Weight	Operating Approx. 1800 lb (815kg) Shipping Approx. 1550 lb (703kg)

### Lights

	480-watt LEDs	350-watt LEDs	Metal halides
Lamps*	Four 480W fixtures	Four 350W fixtures	Four 1000W lamps
Luminosity**	57,800 lm per fixture 231,200 lm total	49,000 lm per fixture 196,000 lm total	110,000 lm per lamp 440,000 lm total

### Power system

Engine type	Tier 4 Final diesel, 3-cylinder, 4-cycle
Engine speed*	1800 rpm @ 60 Hz or 1500 rpm @ 50 Hz
Generator type	Brushless, class H
Sound level	71 dB @ 23 ft (7m) at max. load
Battery	12 Vdc, 550 CCA

**Atherton**  
≤ 55 dB.

	Kubota® D1005	Mitsubishi® L3E	Kohler® KD1003
Maximum power output*	13.1 hp (9.8 kW)	15.4 hp (11.5 kW)	23.7 hp (17.7 kW)
Displacement*	61.08 in³ (1001cm³)	68.53 in³ (1123cm³)	62.7 in³ (1028cm³)
Fuel tank capacity	30 gal (114L)	30 gal (114L)	30 gal (114L)
Fuel consumption*	0.31 gal/hr (1.17L/h)	0.25 gal/hr (0.096L/h)	0.49 gal/hr (1.86L/h)
Runtime before refueling*	Approx. 97 hrs	Approx. 120 hrs	Approx. 62 hrs

	480-watt LEDs	350-watt LEDs	Metal halides
Output*	6 kW or 8 kW		
Voltage*	120 Vac or 240 Vac		
Amperage	50 A @ 120V, 25 A @ 240V		
Frequency*	60 Hz or 50 Hz		
Voltage regulation	±6%, no load to full load		

\*Depending on model \*\*Continuous intensity for LEDs, initial intensity for metal halides



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**Any other information you heard about the lights emitting fewer dBs was just incorrect. I think a town employee supplied alternate information about noise. Why?**

**The burden should have been on Menlo to complete their application. Menlo's application should have proved how permission for lights will comply with town ordinances, as is required by Atherton law. Yet, the town didn't ask Menlo to do that.**

**To complete their application, Menlo also should have been required to include a plan for how the lights would be used on Wunderlich Field, proving the light would not shine into kitchen windows at dinner time. This was also left out of their application. When a council member asked Menlo how they would use the lights on Wunderlich, the school did not provide an answer. They should not have been given permission without showing, on paper first, the possibility of complying with town law.**

**There is another issue about the permit and the lights. Atherton law requires the lights are down lit. The next visual shows you this law.**

## SCHOOL EVENT GUIDELINES

### GUIDELINES FOR SPECIAL EVENTS HELD AT PRIVATE OR PUBLIC SCHOOLS AND COUNTRY CLUBS WITHIN THE TOWN OF ATHERTON

Generally, events held at private or public schools and events held at country clubs will not require a special event permit from the Town. The Town has established the following guidelines for events held at private or public schools and at country clubs. Provided that the events comply with the following guidelines and do not require the assistance of the Town for traffic control, public safety services or response, extraordinary parking control measures or other mitigation measures due to the event – no special event permit will be required.

The Town of Atherton requires that public or private schools and country clubs enforce the following special events guidelines with regards to events held on property within the Town of Atherton:

- Monday through Friday, field use and outdoor functions shall be limited to the hours of 8:00 a.m. until 7:00 p.m. unless further limited by the responsible party. Field use shall include setup, breakdown, warm-up, and practice sessions. Field use and outdoor functions shall be limited to the hours of 9:00 a.m. until 6:00 p.m. on Saturdays and 10:00 a.m. until 5:00 p.m. on Sundays and Federal holidays, excluding non-coach/player interactions.
- Noise associated with any special event (indoor or outdoor) shall comply with the Town's Noise Ordinance.
- Any lighting associated with field or outdoor functions use, where light presently do not exist, shall be shielded or down lit so the source of light shall not shine onto adjacent properties. Temporary lighting may not be added without a special event permit.
- Parking shall be limited to on-site parking.
- There shall be no off-site signage.
- A responsible venue contact person shall be made available to immediately enforce any violation of the above-listed guidelines.

**Even if given a special permit, the lights shall (must) be down lit - so the source of light shall not shine onto adjacent properties**

Events that are planned to occur outside of the above-listed guidelines (i.e.; earlier/later than the specified hours, anticipated noise in excess of the Town's Noise Ordinance, spill over lighting, off-site parking, off-site signage, etc.) are required to obtain a special events permit pursuant to sections 8.16 and 17.56 of the Atherton Municipal Code.

In the event of noise in excess of the Town's Noise Ordinance requirements, such permits may be denied at the time of application based upon a balancing of the interests of the applicant against those of the surrounding residents, to include consideration of duration of the permit, frequency of occurrence, number of persons benefit by the activity, and other similar factors.

**If only read to be required to “not shine onto other properties,” there is an enforcement issue.**

The town told me they will be interpreting the “down lit” requirement to mean the light does not spill on to residential properties.

I asked how the town would know light was spilling over. **The town told me it is incumbent on the neighbors to prove the lights are shining on their property by recording the light and bringing proof to the town.** Not only is the town changing the law, they plan to ask the neighbors to enforce the law.

Even if this was constitutional, it won't work. Neither the town nor the police is holding Menlo responsible for the laws.

**The neighbors have called the police several times about noise on Wunderlich field. The police will not enforce the noise ordinance. Neighbors will begin journaling dates and times.**

**As a result of no enforcement, Menlo stores large speakers on Wunderlich field to amplify their PA system.**

**RESULT: MENLO STORES PA SYSTEM AND LARGE SPEAKERS RIGHT ON WUNDERLICH FIELD BECAUSE THEY KNOW THE POLICE WILL NOT STOP THEM FROM USING THE ILLEGAL AMPLIFICATION.**

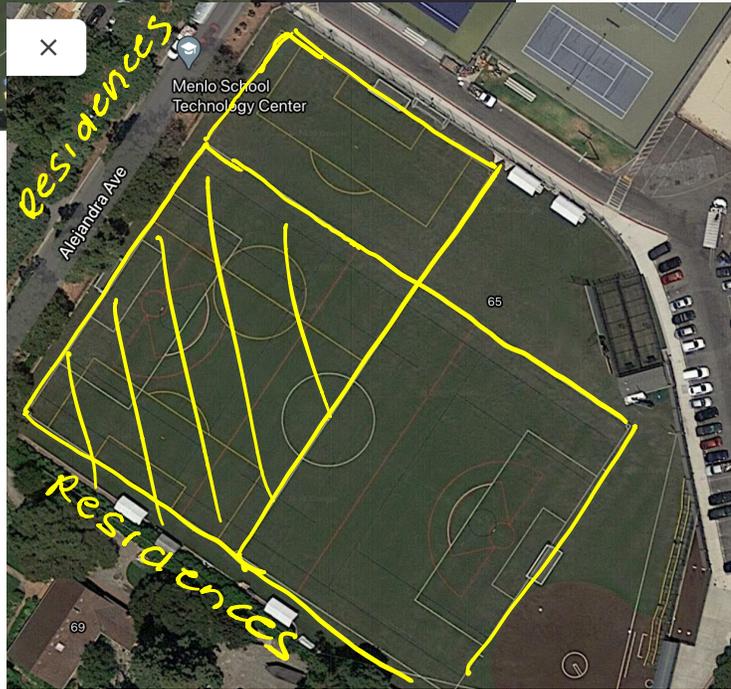
Menlo did not complete their SEP application because they are used to being granted permission as a matter of course.

#5

ALSO:

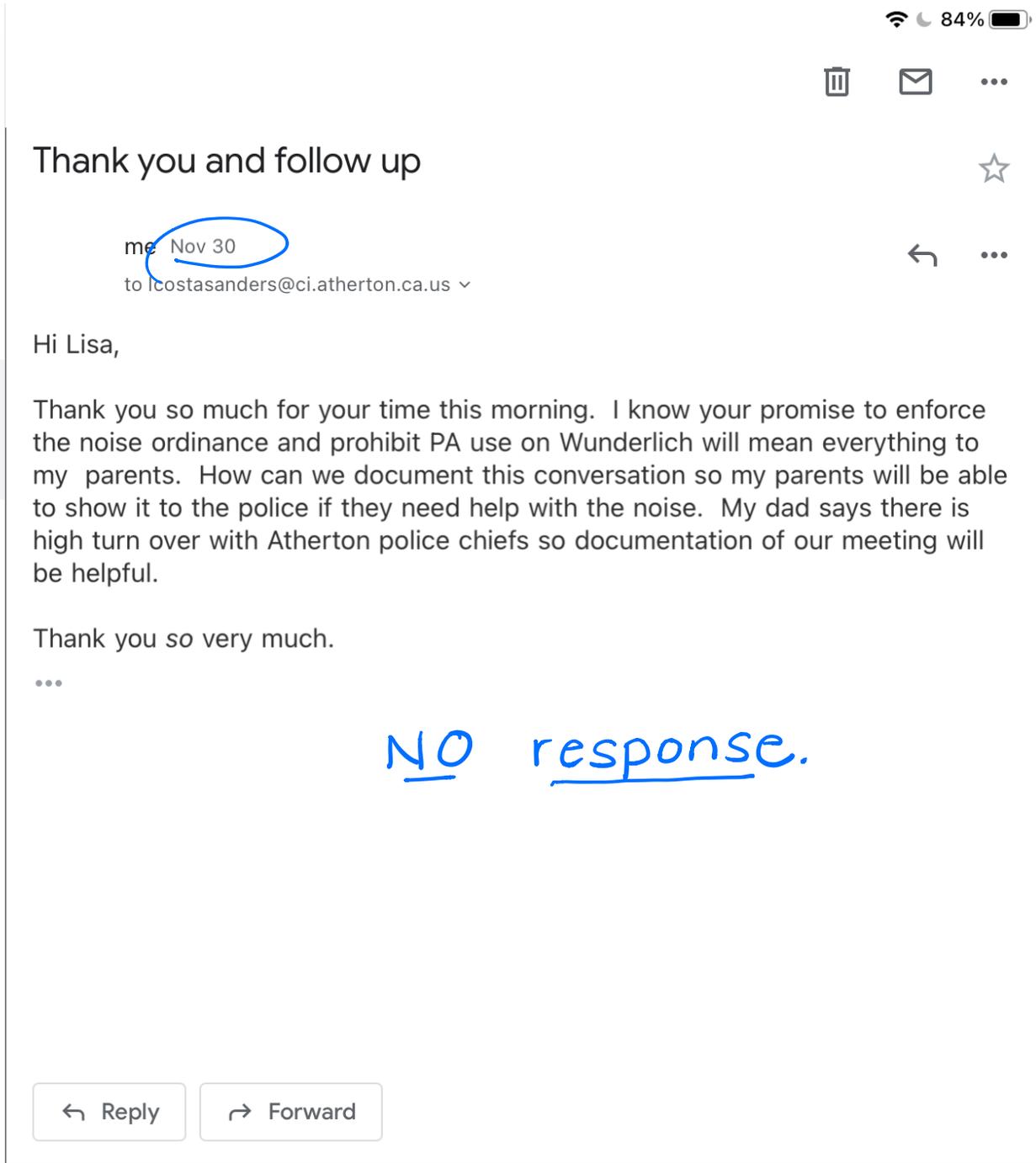
**As I pointed out in the last meeting, Wunderlich field is illegal; they forgot to honor the 60 foot minimum required setbacks on two residential sides AND the field is designed**

**to support a maximum number of athletes at one time, and with the greatest impact felt by the residents.**



The slipped in redesign/ build completed three years ago is **NOT grandfathered in**. Athletic fields are buildings that require set backs in Atherton (by 2015). This new field was built in 2017.

If the field was grandfathered in, planning would respond. I spoke with Lisa Costas right after Thanksgiving about Wunderlich. I followed up our conversation with two emails that have been ignored.



#7

ec 11



me Dec 7  
to Lisa v



ec 7

Hi Lisa,



I spoke with you a week ago concerning Wunderlich field at Menlo.

ec 3

First, you promised to talk with the police chief to ensure the noise ordinance is enforced. I am very appreciative. Please, can you document this in writing so we can show it to police when you are not available



ec 2

Second, you promised to talk to the college and ensure the PA system is not used on the field. Again, thank you. Can we please have documentation so we can also enforce this. Our neighbor tells us the college stores speakers on the field and those should be removed. Please, can you also document that.



ec 2

Third, you thought Wunderlich might be a legal non conforming use and you were going to get back to me on the dates of the last construction and the dates of the ordinance. It looks to me like athletic fields became construction at least by 2014. I believe you will find Menlo reconstructed their field to take OUT the set backs, that were mostly previously in place, in 2017. Therefore, they have an illegal non conforming field and the field is unquestionably burdensome.



ec 2

Furthermore, I would like to know if Menlo's redesign was approved by the town.



ec 2

When can we talk again to confirm what is happening on Wunderlich and move toward solving the present untenable situation there? I *sincerely* appreciate your time and attention to this matter.



ec 1

Sincerely, [REDACTED]

**No response**  
**?**

**Applications must show they can be carried out within the law. As the town has shown us, the residents will be forced to take the town to court just to enforce their rights under the law.**



### **Unsafe Streets**

**Menlo's neighbors are not being unreasonable. The way SHP, Menlo and Menlo College have been allowed to grow has more than changed the character of the neighborhood; it has made our streets unsafe for pedestrians. The schools have more than doubled, and in some cases tripled, in size since our family moved to the neighborhood.**

**I went to Menlo and dearly loved every minute of going to high school there. However, when I was at Menlo, they didn't use Wunderlich the way they do now, and it wasn't dangerous to walk your dog on Alejandra after 2:30. You have to draw the line somewhere. Our neighbor's dog was killed while she was walking the dog on Alejandra. Starting at 2:30 pm, residents have to jump out of the way of students speeding down the street.**



### Number of Residents Affected

How many boys are on the football team at Menlo? Compare that to the number of houses that border Menlo fields. If you put 4 or 5 people in each house and multiply it by the number of houses affected by Menlo, the number of boys benefitting from special privileges on the field will be less than the number of people affected. Property values will also continue to decline. Dinner hours are affected by lights emitting freight train decibel noise. The character of the neighborhood is changed. Lights and large schools run as a business dissolve the charm of Atherton, create dangerous roads, and absolutely contradict Atherton's Master Plan.

### What time do the football players get out of school?

Menlo students are out of class on Tuesday and Thursday at 1:45. Practice can start by 2:15 at the latest. There is no need to start practice at 3:45.

It is worth knowing how many Varsity football players have a class during D period on MWF. Every student has a free period at some time during the day on MWF. Please, check the football players schedules to see what time these boys are actually out of school on MWF.

# Menlo High School Schedule 2021

	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10
8:30-9:00	Teacher Meetings/Office Hours									
9:00-10:00	A	E	A	E	A	E	A	E	A	E
10:00-10:20	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial
10:20-10:35	BREAK									
10:35-11:35	B	F	B	F	B	F	B	F	B	F
11:35-11:55	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial
12:00-12:45	LUNCH									
12:45-1:45	C	G	C	G	C	G	C	G	C	G
1:45-2:05	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial	Tutorial
2:10-3:10	D	Student Life (2:10-2:50)	D	Student Life (2:10-2:50)	D	Student Life (2:10-2:50)	D	Tutorial	D	Student Life (2:10-2:50)
3:10-3:30	Tutorial	Tutorial (2:50-3:30)	Tutorial	Tutorial (2:50-3:30)	Tutorial	Tutorial (2:50-3:30)	Tutorial		Tutorial	Tutorial

**11:35 - 12:45: 70 minute lunch break.**

**The students are out of school at 1:45 on Tuesday and Thursday. Practice can start at 2:00 instead of 3:45**

**This schedule blocks out for 8 classes. There is an additional hour of free time for each student. Now I went to Menlo and almost no one had class during the last period of the day. How many of the football players have D period classes? This is very relevant because it may mean they get out of school at 2:10 on M W F. Practice could start at 2:30 instead of 3:45.**

- I know high school baseball teams leave school at 2:00 twice a week before day light savings.**

### **Menlo Atherton**

**Finally Menlo wants to compare themselves to MA.**

**Menlo High School 573**

**Menlo Atherton 2,450**

**As you know, MA is a public school; their fields are also open to the public. As a public school, MA is not subject to zoning rules. MA serves 2,450 students. Scheduling field use is a serious business. Some MA teams cannot practice directly after school because the fields are shared by several teams, and in constant use. The same is true of their gyms. MA students are in class all day. Depending on the day, MA students have 25 or 35 minutes for lunch. Only MA seniors have the possibility of a free period. No time can be cut out of MAs school day. Still, MA fields are in constant use. Menlo is not comparable to MA. Menlo does NOT need lights.**

### **Conclusion**

**To summarize, the Council was provided with an incomplete SEP application. You were given an incorrect interpretation of the law and incorrect facts. The town only admitted they were wrong when it was clear the residents would file in civil court. Also, the town intends to ignore the law on down lighting, and as a result will require the residents to police and prove light spill over. I don't think they can do that, and I don't think they explained that to you. Laws are not being enforced where Menlo is concerned, to the extreme detriment of neighbors. It is up to the Council to insist on all the facts and think through how any future permissions affect residents and how they affect current laws, and how they affect neighborhood safety. Uncurbed growth in student population brought a business to our rural neighborhood, a town that takes pride in not having businesses or retail. The growing schools have also made our streets unsafe. Because the town seems curiously partial to the school over the residents, the residents are especially dependent on the integrity of the Town Council. The Council should not have to ascertain facts and law for themselves. Residents should not have to pay lawyers to enforce their rights. At this moment, these are unfortunate truths. The residents need your deepest most critical questioning and consideration in future evaluations regarding Menlo School and College. Thank you for your time.**

December 28, 2020

Per the state, football cannot begin until late January. Practically all the neighbors will be out of town, many in places with spotty internet at best. Is it unreasonable to postpone the application to the new year?