

CITY OF MILPITAS
455 E. CALAVERAS BOULEVARD
MILPITAS, CA 95035

MAR 23 2009

ENTERTAINMENT EVENT PERMIT
(Per Chapter 5, Title III, Milpitas Municipal Code)

1. Applicant, all sponsors and promoters of the event and all proprietary owners, partners and officers and directors of Applicant and said sponsors and promoters:

Name: Todd Flesner
Company/Organization Milpitas Rotary Club
Address: P.O. Box 360167 Milpitas, CA 95036
City: _____ State: _____ Zip Code: _____
Office Phone: (650) 322-7277 Home: 408-942-0771 Cell: 408-921-0669 Fax: 650-322-2074
E-Mail: toddular@aol.com or todd@sternmortgage.com
(Use separate sheet for additional sponsors)

2. Proposed event location in Milpitas: 1535 Landess Ave. (Old Home Depot parking lot)

3. All owners of real property where event is proposed to be held:

<u>Name</u>	<u>Address</u>	<u>City/State/Zip Code</u>
<u>AY-GB Milpitas LLC</u>		
<i>(Use separate sheet for additional names)</i>		

4. Days, dates, times of event: Thur. 6/11/09 4 PM - 10 PM; Fri. 6/12 4 PM - 11 PM
Sat. 6/13 11 AM - 11 PM; Sun 6/14/09 11 AM - 11 PM

5. Nature and type of event performances: Carnival: Midway style rides, food & games

6. Intended Performers:

<u>Name/Group</u>	<u>Nature of Participation</u>
<u>Butler Amusement</u>	<u>Carnival Operator/Vendor</u>
<i>(Use separate sheet for additional names)</i>	

SUBMIT COMPLETED FORM TO CITY CLERK

7. Estimated Number: Spectators: 500 - 1000
 Participants: 25 - 40
 Workers: 25 - 40
 Attendance Each Day: 500 - 2500
 Media: 2
8. Method for determining number in actual attendance and basis for estimate: _____
estimated attendance from past events
9. Proposed facilities for furnishing drinking water (justify adequacy): _____
Concession booths run by carnival vendor
10. Proposed sanitary facilities (justify adequacy): _____
8 portable toilets located temp. on site
1 large dumpster (40 yrd+) for trash disposal, 33 gal trash cans
11. Description of real property where event will occur (justify adequacy): _____
Parking lot at 1535 Landess (Old Home Depot)
Approx. 200 x 160 ft. (see diagram)
12. Description of parking facilities, including compliance with ADA, parking attendants at entrances, exits and within area (justify adequacy): parking stalls in parking lot. Parking coordinated with tenants and traffic control by Rotary Club members.
13. Description of interior access ways (attach map or diagram and justify adequacy): _____
See site diagram. Traffic managed by carnival operator and Rotary members on site during event.
14. Description of composition and construction of structure, seating arrangements and supports (justify adequacy): All rides/attractions inspected and certified annually. Fire Dept. safety inspection conducted prior to public opening.
15. Description of availability and location of ambulances, fire, police and other emergency vehicles: _____
EMS access via cell phone. Carnival operator maintains on-site management office during event operation.
16. Description of interior private police or security protection proposed (justify adequacy): _____
Private security contracted with Advanced Security
2 guards Thurs. & Fri., 1 guard Sat & Sun open til 6 pm , 2 guards 6pm -on Carnival personnel and Rotary Members closely monitor attendees during event to ensure adequet security.

17. Description of provision for fire safety (justify adequacy): Pre-event inspection by Fire Dept.
Fire extinguisher at each ride, signage toward exits.
18. Location, nature and type of medical and first aid facilities (justify adequacy):
First aid station at on-site carnival office. EMS via cell phone 911.
19. Description of proposed electrical wiring, lighting and location of all light standards and electrical switches:
Gernator power supplied by carnival operator. All wiring shielded and grounded.
Electrical inspection conducted prior to event opening to public.
20. Description of manner of acquiring, handling, preparing and disposing of food, drink, confectionery and condiment and all substance and ingredients used in their preparation:
Carnival operator provides food service using their own commercial quality mobile units. All facilities health dept. inspected and certified
21. Description of manner of cleanup of the premises during and after the conclusion of the entertainment event and for the removal of garbage, refuse and waste:
Trash bins located throughout venue. inspected and dumped hourly (as needed)
1 large dumpster on-site for collection and storage of waste during event
22. Any additional helpful information useful to process your permit:
This is the 7th year the Rotary Club has sponsored this event with Butler Amusement as our vendor. Funds raised support philanthropic efforts of Rotary in the community. A fee waiver is requested for Stand-by Fire personnel and other city imposed fees.

I declare under penalty of perjury that the above statements and any accompanying statements and documents have been examined by me and are true and correct. I have read Chapter 5, Title III of the Milpitas Municipal Code and agree to comply with the provisions of said Chapter 5, Title III, the permit, the conditions thereof and the laws of the City and State.

Executed at Milpitas, California, on MARCH 23, 2009
 (Date)

Signed: [Signature]

Title: MILPITAS ROTARY

Date: 3/23/09

Received By: M. Lavelle

\$15.00 fee paid 3/23/09

Permit Approved By City Council: _____

Date: _____

Permit Denied: _____

Date: _____

AYALAFIL (U.S.) CO., INC.
255 Shoreline Drive Suite 428
Redwood City California 94065 USA
Tel (650) 598 3125
Mobile (650) 740 1160
Fax (650) 508 8988
dbayangos@ayala-america.com

March 23, 2009

www.ayala.com.ph

Milpitas Rotary Club
c/o Ms. Colleen Noll
President
Calaveras Montessori School
Main Street, Milpitas, CA

Re: Rotary Carnival at 1535 Landess Avenue

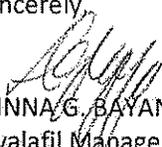
Dear Colleen,

Upon your request, we are providing you with an Authorization for the Use of the property along Landess Avenue for the purpose of filing a permit with the City.

We will subsequently provide you with documents that we need to execute covering the terms and conditions on use of the property. We will also need a copy of umbrella liability policy and relevant permits from the City of Milpitas.

Thank you.

Sincerely,


DINNA G. BAYANGOS
Ayalafil Management LLC



Authorization for Use of Property

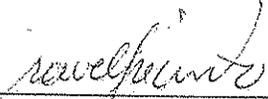
This letter is provided as authorization for the Milpitas Rotary Club to utilize the parking lot located at 1535 Landess Avenue in Milpitas, CA for a carnival to be held June 11-14, 2009.

The purpose of the event is to provide a safe, family-friendly event for the community as a fund raiser supporting the Milpitas Rotary Club's philanthropic efforts. Following summarizes the understanding of the parties.

- Milpitas Rotary Club and Butler Amusements (carnival vender) will be responsible for obtaining and complying with all permits and applicable laws required for the operation of said event.
 - The event shall be conducted as described and approved in the Entertainment Event Permit submitted to the City of Milpitas.
 - Milpitas Rotary Club and Butler Amusements will comply with all guidelines that will be imposed by AY-GB Milpitas LLC covering the usage of the property during the event.
 - Milpitas Rotary Club and Butler Amusements will comply with the terms and conditions of the Reciprocal and Easement agreement covering the subject property and the two retail buildings within the Center.
 - Milpitas Rotary and Butler Amusement will each provide an umbrella liability policy in the amount of \$5,000,000 with the property owner as additional insured. The umbrella liability policy will cover all property damages and personal injuries caused by Milpitas Rotary and Butler Amusement themselves or by third parties such as visitors and merchants. An auto one way liability insurance would not be acceptable.
 - Butler Amusement will provide a written Hold Harmless Agreement specific to this event in the name of the property owners. The agreement shall include attorneys' fees and costs.
- 

- The property will be restored to its original condition (no trash, debris, or damage) at the end of each day of the event and at the conclusion of the event.
- Milpitas Rotary and Butler Amusement will work with tenants in the Center to ensure the event does not interfere with their operations.
- In support of the philanthropic purpose of the event, there shall be no rent charged for the use of the space.

By: AY-GB MILPITAS LLC



J. ROWELL L. RECINTO
Chief Executive Officer

Signed on : March 23, 2009

BUTLER AMUSEMENTS, INC.

CLEANEST SHOW IN THE WEST

Booking and Promotion Office

P.O. Box 2210
Fairfield, CA 94533-0220
(707) 429-4788
Fax (707) 429-4787

Office Locations:
1006 Travis Boulevard
Fairfield, CA 94533-4920

TELEFAX COVER SHEET

FROM: Richard Byrum, Vice President
Butler Amusements, Inc.

TO: Todd

FAX # 650-322-2074

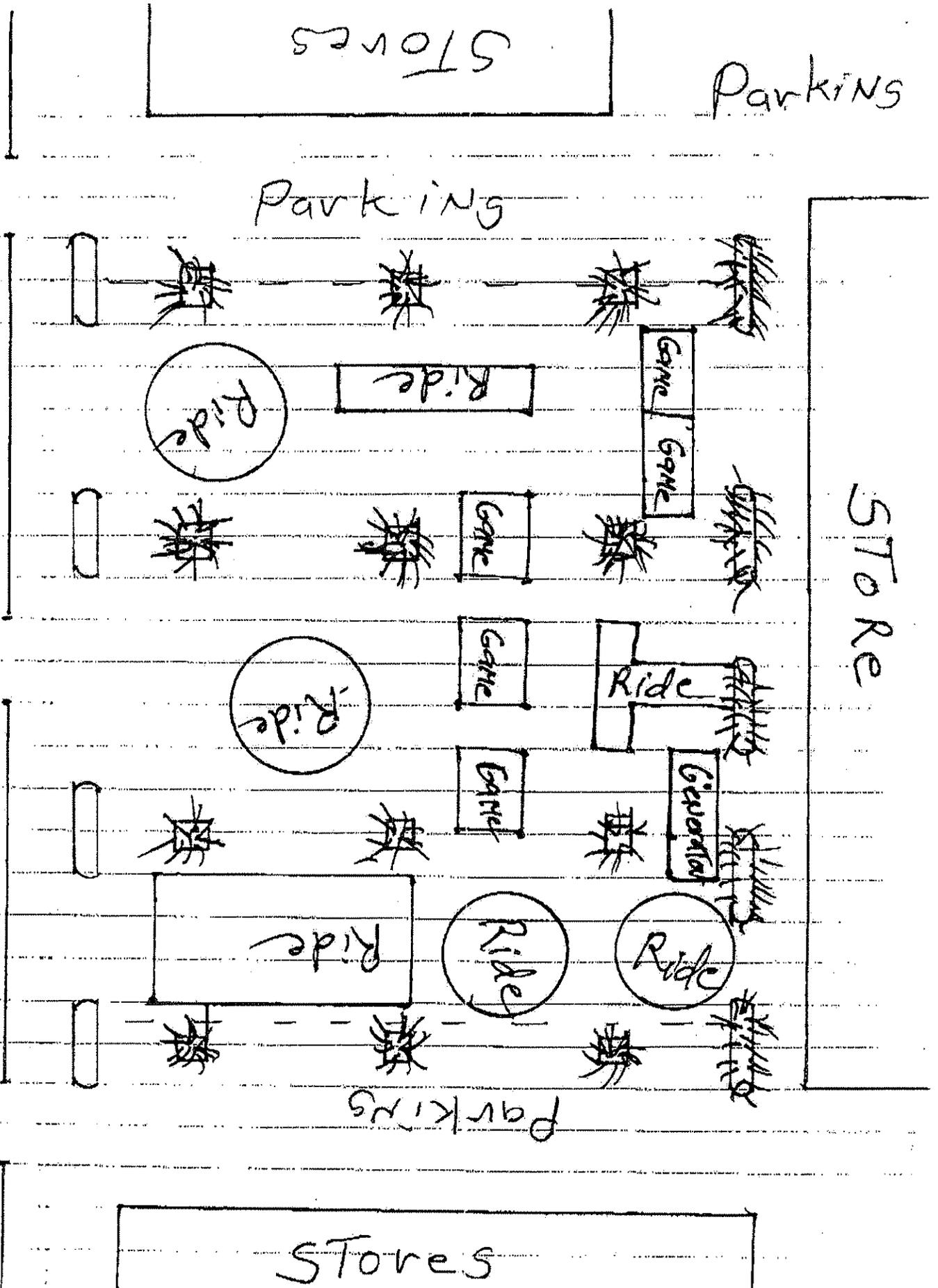
RE: Layent diagram for Carnival

Number of pages including this page 2

If you did not receive all pages clearly please call 707-429-4788

DATE: 3/24/09

REMARKS:



City Clerk's Office

MAR 27 2009

RECEIVED

Milpitas Rotary Club

March 25, 2009

Ms. Mary Lavalle
City Clerk
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Dear Ms. Lavalle:

The Milpitas Rotary Club in partnership with Butler Amusement, Inc., is planning to host a community carnival on June 11-14, 2009. The event is scheduled to take place at 1535 Landess Avenue, in Milpitas.

I am requesting that the City Council waive all specifically identified fees, such as Fire Department, site inspection, and electrical generator permit fee.

The request on behalf of the Milpitas Rotary Club and Butler Amusement, Inc. will help to decrease expenses, thus increasing the amount of money raised for the Milpitas community.

Thank you,



Karl N. Black, Ed.D.
Rotary President
1331 E. Calaveras Blvd.
Milpitas, CA 95035
(408) 635-2616

ROTARY CARNIVAL

For Office Use Only

APPROVED	DEPARTMENT	BY (Name & Phone Ext.)	DATE
✓ w/conditions	Building	Keyvan Irannejad (408) 586-3244	4-6-09
_____	City Manager	_____	_____
_____	Engineering	_____	_____
_____	Finance	_____	_____
_____	Fire Marshal	_____	_____
_____	Planning	_____	_____
_____	Police	_____	_____

If not approved by any department, explain why not, and what conditions applicant could change to receive department approval for the event: _____

_____ obtain electrical Permit. total \$125.05 Per generator.

Provide Accessible Parking stalls at shortest distance to the entertainment areas.

Provide accessible restroom for each sex for people with disabilities.

Please feel free to call me @ 408-586-3244 if you

have any questions.
cc: City Council

Thanks
Keyvan Irannejad
Chief Building official

ROTARY CARNIVAL

For Office Use Only

<u>APPROVED</u>	<u>DEPARTMENT</u>	<u>BY (Name & Phone Ext.)</u>	<u>DATE</u>
_____	<u>Building</u>	_____	_____
_____	<u>City Manager</u>	_____	_____
JK	<u>Engineering</u>	Jaime Rodriguez	4-13-09
EW	<u>Finance</u>	EMMA BARLEN X 3145	4/1/09
_____	<u>Fire Marshal</u>	_____	_____
_____	<u>Planning</u>	_____	_____
_____	<u>Police</u>	_____	_____

If not approved by any department, explain why not, and what conditions applicant could change to receive department approval for the event: _____

The city of Milpitas, its officers and employees must be named as additional insured by either Rotary or Barlen. The attached form is a request form only.

cc: City Council

For Office Use Only

<u>APPROVED</u>	<u>DEPARTMENT</u>	<u>BY (Name & Phone Ext.)</u>	<u>DATE</u>
	<u>Building</u>	_____	_____
	<u>City Manager</u>	_____	_____
	<u>Engineering</u>	_____	_____
	<u>Finance</u>	_____	_____
<u>YES</u>	<u>Fire Marshal</u>	<u>J. GARCIA x 3369</u>	<u>4/7/09</u>
	<u>Planning</u>	_____	_____
	<u>Police</u>	_____	_____

If not approved by any department, explain why not, and what conditions applicant could change to receive department approval for the event: _____

FIRE DEPT. FEES:

- TENT PERMIT (5 OR MORE) \$ 512.00
- ARCHIVE FEE 25.00
TOTAL \$ 537.00

cc: City Council

RE: ROTARY CLUB CARNIVAL JUNE 2009



**MILPITAS FIRE DEPARTMENT
BUREAU OF FIRE PREVENTION**

455 E. Calaveras Blvd., Milpitas, CA 95035 (408) 586-3365, FAX (408) 586-3378

MEMORANDUM

DATE: April 7, 2009
TO: Mary Lavelle, City Clerk
FROM: Jaime Garcia
Cc: Patricia Joki, Albert Zamora
SUBJECT: ROTARY CLUB CARNIVAL
BY BUTLER AMUSEMENTS INC. (June 11, 2009 – June 14, 2009)
AT 1535 LANDESS AVE

NOTES TO APPLICANT

GENERAL REQUIREMENTS

1. Submitted information and drawings are not reviewed nor approved for fire permit(s). These notes are provided to assist with the Fire Department permit process.
2. A separate and independent permit is required from the Fire Department for each event. The permits shall be filed with the Milpitas Fire Prevention Division a minimum of two weeks prior to the event. A Fire Prevention Division application and the appropriate drawings (three sets) shall be filed with each application. International Fire Code, Appendix 1, Section 105.6.4
3. Plan review and inspection fees will apply for the fire permit process.
Exception: City Council may choose to waive the permit fees
4. No approval for Hazardous Materials (use or handling) under this permit.
5. Fire apparatus access road with an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided. Provide a minimum of 20 feet clear between ride setups/aisles. CFC Section 2403.8.1
6. Temporary membrane structures, tents and canopies shall not be located within 20 feet of lot lines, buildings, other tents, canopies, or membrane structures, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure, tent or canopy. CFC Section 2403.8.2

Exception: Separation distance between temporary membrane structures, tents and canopies, not used for cooking, is not required when the aggregate floor area does not exceed 15,000 square feet.

7. Temporary membrane structures, tents, and canopies and their appurtenances shall be adequately braced and anchored to prevent weather-related collapse. Documentation of structural stability shall be furnished to the fire code official upon request. CFC Section 2403.9
8. Provide fire extinguishers as follows (CFC 2404.12):
One fire extinguisher (2-A:10-B:C) per 3,000 square feet or within 75 feet travel distance from any-point within event area.
9. Cooking and heating equipment shall not be located with 10 feet of exit or combustible materials. CFC Section 2404.15.3
10. Tents where cooking is performed shall be separated from temporary membrane structures, other tents and canopies by a minimum of 20 feet. CFC Section 2404.15.5
11. Outdoor cooking that produces sparks or grease-laden vapors shall not be performed within 20 feet from a temporary membrane structure, tent or canopy. CFC Section 2404.15.6
12. LP-gas containers shall be located outside of tents. Safety release valves shall be pointed away from the tent, canopy or membrane structure. CFC 2404.16.2
13. Flammable-liquid-fuel equipment shall not be used in temporary membrane structures, tents, canopies or in the event area. CFC Section 2404.17.1
14. Flammable and combustible liquids shall be stored outside in an approved manner not less than 50 feet from temporary membrane structures, tents, canopies, or event area. Storage shall be in accordance with Chapter 34. CFC Section 2404.17.2
15. Generator(s) and other internal combustion power sources shall be separated from temporary membrane structures, tents and canopies by a minimum of 20 feet and be isolated from contact with the public by fencing, enclosure or other approved means. Provide a fire extinguisher (minimum 40B:C rating) at each generator location. CFC Section 2404.19
16. For cooking tents or canopies, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the tents; canopies and membrane structures and their appurtenances; sidewalls, drops and tarpaulins; floor covering, bunting and combustible decorative materials and effects, including sawdust when used on floors or passageways, shall be composed of material meeting the flame propagation performance criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of NFPA 701, and that such flame propagation performance criteria are effective for the period specified by the permit. CFC 2404.2

17. Smoking shall not be permitted in any temporary membrane structure, tent or canopy, or in any adjacent areas where hay, straw, or any other combustible materials are stored or used unless approved by the fire code official. Approved "NO SMOKING" signs shall be conspicuously posted. CFC Section 2404.6
18. Vehicles (or any other internal combustion engines, exception for generators that are part of permit) are not permitted within the event area.
19. Candles or other open flame shall be not be used within the event area. California Fire Code 308.
20. All exits from the event area shall provide clear and unobstructed access to a public way.
21. Fire equipment and appliances (hydrants, fire department connection valves, etc) shall remain clear and unobstructed. California Fire Code 508.5.4

For Office Use Only

<u>APPROVED</u>	<u>DEPARTMENT</u>	<u>BY (Name & Phone Ext.)</u>	<u>DATE</u>
_____	<u>Building</u>	_____	_____
_____	<u>City Manager</u>	_____	_____
_____	<u>Engineering</u>	_____	_____
_____	<u>Finance</u>	_____	_____
_____	<u>Fire Marshal</u>	_____	_____
<u>OK</u>	<u>Planning</u>	<u>CINDY HOM x 3284</u>	<u>4/10/09</u>
_____	<u>Police</u>	_____	_____

If not approved by any department, explain why not, and what conditions applicant could change to receive department approval for the event: See attached conditions of approval.

cc: City Council

MEMORANDUM

Planning Division



To: City Clerk
Through: James Lindsay, Sheldon Ah Sing
From: Cindy Hom, Assistant Planner
Date: April 10, 2009
Subject: Rotary Club Carnival

The Planning Division has reviewed the Entertainment Permit for the Rotary Club Carnival in the parking field at the vacant Home Depot Pro Store at 1535 Landess Avenue. This event is approved subject to the following conditions:

1. The carnival is permitted to occur from June 11, 2009 – June 14, 2009 during the following hours:
 - Thursday 4:00PM – 10:00PM
 - Friday 4:00PM-11:00PM
 - Saturday 11:00AM – 11:00PM
 - Sunday 11:00AM – 10:00PM pursuant to Milpitas Noise Ordinance (MMC V-213-3)
2. The event setup is approved to begin on Monday, June 8, 2009 and tear down to be completed by June 15, 2009 where all area and properties involved shall be restored to their previous condition.
3. The approved event area is limited to parking lot as depicted on the site plan on Exhibit 1.
4. Event area shall be cordoned off with safety barricades to provide a physical separation from the driveway and parking spaces for the retail pad building located at the southeast and southwest portion of the parcel.
5. The applicant shall install temporary signs to designate Event Parking Areas.
6. The event shall be conducted in a manner that pedestrian traffic or vehicular traffic does not impede the normal and customary use of the driveways, designated walkways and parking areas adjacent to event area. Handicapped parking facilities, access and pathways outside the event area shall be kept clear and unobstructed.
7. Booths, stages, seats and other structures shall not obstruct pedestrian access and pathways within the enclosed event area.
8. Trash and recycling receptacles shall be provided and maintained throughout the event area. The applicant must contact Allied Waste at (408) 432-1234 for temporary trash and recycling services and bins for the duration of the event. The bins shall be located at the rear of the event site, not visible from public view and not within any pedestrian or vehicular paths. The applicant may need to contact a Shopping Center representative in order to establish a temporary Allied Waste account on the property.
9. Applicant shall protect storm drains from accidental discharges by providing site sweeping and clean up on an on-going basis during all hours of operation by the event operator and its

- employees (Butler Entertainment) and the property owners of 1535 Landess Avenue site, including refuse, debris, spills, and trash pick up by Allied Waste.
10. No off site signage is permitted. Any onsite signage associated with the event shall be limited to carnival booth signs and traffic/pedestrian directional signage. Upon cessation the event all associated signage shall be removed and properly disposed of.
 11. Appropriate directional signage shall be posted to aid event patrons to and from the event area.
 12. The use of generators and other noise generating equipment such as but not limited to music and amplified sounds shall be kept at minimum levels. Generators shall be enclosed in a shelter. When the carnival is not in use, generators and/or other noise sources shall be shut down.
 13. Two weeks prior to the event, the applicant shall provide Planning Staff written consent from adjacent tenants within the shopping center regarding the proposed event.
 14. The project shall adhere to all local, state and federal regulations.

For Office Use Only

<u>APPROVED</u>	<u>DEPARTMENT</u>	<u>BY (Name & Phone Ext.)</u>	<u>DATE</u>
_____	<u>Building</u>	_____	_____
_____	<u>City Manager</u>	_____	_____
_____	<u>Engineering</u>	_____	_____
_____	<u>Finance</u>	_____	_____
_____	<u>Fire Marshal</u>	_____	_____
_____	<u>Planning</u>	_____	_____
✓ (SEE ATTACHED)	<u>Police</u>	<u>O. Parry #165 x2432</u>	<u>4-10-09</u>

If not approved by any department, explain why not, and what conditions applicant could change to receive department approval for the event: _____

Memo requires Traffic Handling Plan to be submitted.

cc: City Council

Date: April 1, 2009
To: Commander Charlotte Pang
From: Lieutenant Henry Kwong 
Subject: **Application for Entertainment Permit for
Milpitas Rotary Club Carnival
June 11-14, 2009**



*Dennis Graham
Chief of Police*

The Milpitas Rotary Club has applied for an entertainment permit to host their annual carnival at the former Home Depot shopping center at 1535 Landess Avenue on June 11-14, 2009. The club has contracted with Butler Amusements, Inc. to operate the carnival. In past years; the carnival has been held in May at the Great Mall of the Bay Area and at the Serra Shopping Center. This year's carnival will be the first at the former Home Depot shopping center.

The hours of operation are similar to previous years, but there is a residential development directly north of the shopping center. The on-site management should have a plan to address any noise complaints, especially after 10 p.m.

The one-page diagram of the carnival layout indicates the carnival will encompass almost the entire front parking lot of the shopping center. Some of the existing businesses will likely remain open during the carnival, so the management needs to specifically address how parking for patrons of the businesses will be made available while also accommodating event parking. The diagram depicts some parking in the northwest section of the shopping center, and if that area is intended for event parking, then adequate signage would be advisable. The parking and traffic concerns should be remedied by the event organizers and/or management submitting a Traffic Handling Plan (THP) that meets the approval of the City Traffic Engineer.

The application indicates all emergency services would be called upon by dialing 9-1-1 from a cell phone, which might be routed to the California Highway Patrol in Vallejo. The on-site management and security personnel might not be from the City of Milpitas, so they should be directed to program 1-408-263-1212 into their cell phones for emergencies in Milpitas and should be advised to call 1-408-586-2400 for non-emergency police matters.

*② Pang #165
4-10-09*