



ADDENDUM TO PARK PERMIT # 18109

**THE FOLLOWING ADDITIONAL TERMS AND CONDITIONS SHALL APPLY TO THE USE OF ED LEVIN PARK
UNDER THE PARK USE PERMIT ISSUED TO: Wings of Rogallo**

1. With regard to the use of Ed R. Levin County Park (the "Park"), all permittee's and park users must comply with all local, state and federal rules, regulations and laws, including but not limited to Santa Clara County ordinances, rules, policies and procedures pertaining to Parks (collectively, and each, referred to herein as "Laws"). Failure to comply with all Laws can result in citations which may be issued at any time by Park Rangers, arrests, other claims and/or suspension or revocation of your permit.
2. All operators, pilots and student pilots of ultralight vehicles, hang gliders and related equipment or paragliders and related equipment (collectively and each referred to herein as the "Equipment") must operate all such Equipment in accordance with all applicable Laws, including but not limited to Federal Aviation Administration ("FAA") statutes, codes, rules, regulations, guidelines, recommendations, policies, procedures, advisories, manuals and opinions ("FAA Standards") that are or may be applicable or pertaining to any Equipment or use thereof, training or flight instructors. By way of example, but not limitation, the following FAA Standards shall apply: Part 103 of Title 14 of the Federal Aviation Regulations (14 CFR Part 103) and other applicable provisions of the FARs ("FARs") and FAA Advisory Circular ("AC") 103-7, as may be amended from time to time.
3. All instructors involved in the training or use of any Equipment (as defined above) must first demonstrate to the satisfaction of the Director, or designee, that said instructor(s) has/have the appropriate, current and valid insurance coverage to engage in such activities and have all appropriate, current and valid authorizations, training and certificates from, or as required by, the FARs or the FAA to engage in any tandem operations, to instruct or to train.
4. Permittee and park users agrees that use of the park shall be non-exclusive and must be compatible with all other uses or activities at the park, including but not limited to other hang glider uses, paraglider uses, ultralight vehicle uses, grazing, equestrian, hiking and biking. No permit holder has exclusive rights to parkland.
5. The Director reserves the right, but not the obligation, to impose and enforce alternative schedules, limited or restricted hours of operation or such other requirements as he may determine appropriate, in order to address over-use, over-crowding, abuse, conflicting or competing uses, or other issues.
6. This permit is valid for use of and/or instruction in the use of the Equipment only. Any other uses, including but not limited to the sale or offering for sale of any products, foods or liquids, must first be approved by the Director (or designee) in advance of any such activity, and may be subject to additional requirements, regulations, restrictions, fees or charges.
7. All requirements stated herein shall also apply to the Permittee's agents, representatives, employees, members, students, staff, officers, directors and affiliates. However, only individuals identified (listed) on the Permit (or on a subsequent list provided by permittee and accepted by Director) shall enjoy any use, instructor or school privileges granted by the Permit, subject to compliance with all terms, conditions and restrictions pertaining to such use. Additional restrictions, requirements or waivers are as follows:
 - a. All instructors planned to operate under their membership with Wings of Rogallo must be named in a list including their level of certification for instruction. List must be provided by an approved agent or representative of Wings of Rogallo prior to issuance of a final permit. New members may be added through the term of this permit by emailing notification to parkpermits@prk.sccgov.org.
 - b. Instruction, training and lessons while allowed under this permit may not charge a fee or require payment to the permit holder for said services.

- c. Any instructor (or any entity with whom said instructor is affiliated) who charges or intend to charge a fee for any lesson, training, assistance or instruction given at the Park must first obtain a Valid Permit for concession pertaining to said instructor. All permit conditions and concessionaire requirements will apply.
8. If a permittee has multiple instructors, then all such instructors must be identified in advance on the permit application and on the Valid Permit if such permit is granted.
9. Helmets must be worn at all time during flying and instruction for safety, no exceptions will be made.
10. A Santa Clara County Waiver and Release of Liability Form ("SCC Waivers") must be executed by the permittee, by all individuals and entities listed on the Valid Permit and by all individuals who are accessing or using the Park under permissions or privileges granted in the Valid Permit. No individual shall enter or use the Park for the purposes of using or participating in the use or relating to any Equipment, unless and until an SCC Waiver has first been executed by said individual and received by the Director (or designee) in advance of any entry into the Park, regardless of the existence or prior issuance of a Valid Permit.
11. Individuals who intend to use or enter the Park for the purposes of using or participating in the use or relating to any Equipment, must be at least 18 years of age or older.
12. All valid permit holders, named agents approved to participate and instructors participating in hang gliding and/or paragliding activities must have a valid Santa Clara County Parks hang gliding/paragliding sticker ("SCC Park Sticker") visible and displayed on their helmets.
 - a. SCC Park Stickers will be issued to the permit holder by the Santa Clara County Parks Permits Department after issuance of the Valid Permit and receipt of a signed Santa Clara County Parks and Recreation Department Waiver.
 - b. Santa Clara County Parks may issue a supply of SCC Park Stickers to permit holders who qualify for such distribution after issuance of the Valid Permit and receipt of a signed Santa Clara County Parks and Recreation Department Waiver is received for each member.
 - c. Santa Clara County Parks Valid Permit Holders for Concession activity of instruction are allotted recreational flying privileges under their permit for named instructors of their organization only.
 - d. All students following certifications or completing of lessons who wish to fly individually for recreational purposes at Ed Levin Park must obtain a valid park permit or be named as a member of a permitted organization with SCC Parks and Recreation Department.
13. While in the Park, all permit holders must have in their immediate possession a valid SCC Park Permit or valid authorization from a permitted organization with SCC Parks and Recreation Department and an official State or Federal Identification Card ("ID") immediately available for review by any Parks Ranger or other Parks staff, upon request.
14. Permittee shall not require any individual outside of their organization, who is participating in flight training, hang gliding and/or paragliding, to first join or become a member of permittee's organization, club or other entity. If a permit holder has questions or concerns regarding an individual's authorization for use of the area they must direct inquires to a Park Ranger.
15. Permittee shall establish and enforce rules and site procedures for safety and operation by individuals who are authorized to participating in hang gliding and/or paragliding activities under their valid permit.
16. Permittee shall not deny access to the Park or any location within the Park to any individual not operating under their valid permit. Permittee shall not deny anyone not operating under their permit from access to any hang gliding and/or paragliding launch or landing location within the Park and shall not exclude anyone not operating under said permit from access to any hang gliding or paragliding location.
17. Permittee is required to ensure that all individuals operating with or participating in hang gliding and/or paragliding activities under the privileges granted by the Valid Permit, shall comply at all times with all requirements, laws and regulations stated in this permit. If permittee reasonably believes or suspects that any

requirements, laws or regulations are being violated, permittee should immediately report the suspected individual to the Senior Park Ranger or his/her designee.

18. No Discrimination Allowed. Permittee shall, and shall cause all permittee employees, agents, representatives, instructors, students, park users, contractors, subcontractors, members, officers, directors and assigns (collectively and each the "Permittee Representatives") to, comply with all applicable Federal, State, and local laws and regulations including Santa Clara County's policies concerning nondiscrimination and equal opportunity in contracting. Such laws include but are not limited to the following: Title VII of the Civil Rights Act of 1964 as amended; Americans with Disabilities Act of 1990; The Rehabilitation Act of 1973 (Sections 503 and 504); California Fair Employment and Housing Act (Government Code sections 12900 et seq.); and California Labor Code sections 1101 and 1102. In relation to the use or intended use of the Valid Permit or any use or intended use of the Park, Permittee shall not, and shall ensure that the Permittee Representatives do not, discriminate against any park user, student, instructor, member, subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex/gender, gender identity, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status. Any breach of these requirements shall be cause for immediate revocation or suspension of the Valid Permit, as solely determined by the Director or designee or as otherwise determined by the County of Santa Clara or any of its designees.
19. The use of alcohol is strictly prohibited at all times.
20. Smoking and vaping is prohibited at all times.
21. No improvements or modifications shall be made to park property or facilities without the prior written permission of the Director.
22. Permittee shall ensure that all authorized individuals including permit holder do not, conduct any stripping of site vegetation that may create bare ground or that may potentially cause erosion or soil de-stabilization within the park.
23. Permittee is required to obtain a separate Special Event Permit for any event or activity outside of what was approved or listed on your current valid permit, if your event exceeds 20 participants or any event requiring extended hours or advance setup arrangements. Special Event applications can be submitted up to twelve months in advance. An applicant will be informed as to whether or not the permit request has been granted or denied.
24. The Ed Levin Park areas designated for use pursuant to this permit are limited to the hours of 8:00 a.m. to one hour before sunset, unless otherwise modified by the Director (or designee). All gates close at sunset, so all park users must be out of the park before the gates close. All requests for use outside of these hours must be submitted through a special event permit application.
25. The Director (or designee) reserves the right to restrict or prohibit at any time any landings or take-offs from any areas where nesting birds are found.
26. The Director (or designee) reserves the right to alter or prohibit the use or the access of specific trails, launch areas, or vehicle access to those areas, for an extended period of time due to weather conditions or other public, health or safety concerns.
27. Permittee and all authorized individuals must comply with all posted sign restrictions, warning or requirements, including but not limited to those relating to vehicle access, closed roads or closed trails.
28. All drivers must hold a valid driver's license and all vehicles must have vehicle insurance that meets State of California requirements, or any other additional requirements as solely determined by the Director (or designee).
29. Vehicles must only park in Ed Levin parking areas or in the unpaved triangular area near the north walkover to the landing area as marked on the map (map available upon request). Parking is limited to one row of vehicles only. Parking behind another vehicle is prohibited. Loading of Equipment on the paved road inside the landing area is permitted. Vehicles must remain on the paved road, shall not block traffic and must be attended by the driver at all

times when stopping in the landing area to load or unload Equipment. Vehicles must not load past the Calera Creek Gate/Summit Point Golf Course gate. Vehicles shall not park on horseback riding trails.

30. The Director (or designee) reserves the right to limit or restrict the number of persons allowed to the launch or to land on any landing areas at any time for any safety, health, environmental or other concerns. Roads, parking areas, launch areas or landing areas may be closed at any time, within the sole discretion of the Director (or designee), regardless of the existence of a Valid Permit,
31. Vehicles are strictly prohibited within landing areas and in launch areas.
32. All vehicles (including vendors) must pay applicable vehicle entrance fees. Parking fees are \$6.00 per day per vehicle. Annual passes are also available for purchase at park kiosks or by calling Reservations at 408-355-2201.
33. For permittee vehicle entry, one County-issued combination lock will be placed on the gate. The combination to this lock, may be changed at any time, within the sole discretion of the Director (or designee) and is currently scheduled to change at least every six months. Park Rangers will notify all current permit holders by email when the combination is changed.
34. Permittee is allowed vehicle use of Monument Peak Road (Trail) in order to access the 1750' launch site. Monument Peak Road is considered a trail that crosses other trails and is only accessible under Valid Permit. The trail is not available for use by any other motorists. All authorized vehicles under Valid Permit must yield to all trail users and abide by all traffic limits and speed limits.
35. Permittee and all authorized individuals under the Valid Permit will cooperate with each other to pool vehicles to minimize road traffic on Monument Peak Trail/Road. For safety reasons, as well as the protection of the tread and/or surface of the trail system, all vehicles authorized under a Valid Permit shall be four-wheel drive (4X4) vehicles and must be four-wheel system engaged while operating on dirt surfaces.
36. To minimize damage to roads, a 15-mph maximum speed limit shall be observed when going up or down hills. Vehicles must also reduce speed to 5-mph near all farmhouses and other structures.
37. All landings within the park are restricted to designated landing areas, except in emergencies. Pilots may "top land" on any launch, provided no pilot is prepared to launch.
38. Pilots shall not land on private property or fenced off areas adjacent to or in the park. Landing in the designated training areas is reserved for Equipment operating from the training launches. Any pilot using these training areas must set out highly visible markers for the training area boundaries.
39. Pilots must check immediately after landing for other approaching gliders and pilots must move their own glider to clear the landing zone for the approaching glider.
40. Pilots shall not fly over the multi-use picnic area or at lower than 600-ft altitude for any reason. Landings or aerobatics at any altitude on or over these areas are prohibited.
41. All pilots should have cell phones available for use at any time during set up, instruction, before launch, and after landing for emergency response purposes.
42. Permittee is responsible for the safety of anyone accessing the Park under the privileges granted in the Valid Permit, including but not limited to students, instructors and spectators.
43. Launch and landing areas may be closed at any time by Park staff when conditions are deemed to be unsafe.
44. A permittee shall have in place an Emergency Action Plan regarding flight and instruction and such plan shall be included as an attachment to the permit application. A Valid Permit will not be issued without the Emergency Action Plan having first been reviewed by the Director (or designee). All Emergency Action Plans and other safety procedures and precautions shall at all times be as or more stringent than applicable Laws, including those laws pertaining to safety, health or the environment.

45. Permittee shall ensure that an appropriately stocked first aid kit is easily accessible and available to all authorized individuals at all times during all uses of the Park.
46. With respect to the permittees authorized use, Permittee is responsible and liable for complying with the Americans with Disabilities Act, a federal law codified at 42 U.S.C. 12101 et seq., including, but not limited to Title III thereof, all regulations and guidelines related thereto and all requirements of Title 24 of the State of California (collectively, the "ADA").
47. Permittee shall at all times ensure that all activities, uses, operations and conduct is fully compliant with all applicable fire codes and any and all directives or requirements of the fire marshal for Santa Clara County.
48. Permittee shall ensure that all conduct, uses, operations and activities on, in or about the Park do not create waste, nuisance or unreasonable annoyance (including, without limitation, emission of objectionable odors, noise or light).

Emergency Procedures:

In case of an injury, illness, death, accident, medical emergency or other health or safety incident requiring first aid or medical attention, **call 911** (and call 408-299-2311-- ask that a Park Ranger be dispatched). A pay telephone is located outside the gate entrance to the landing area at the Park. If a Park Ranger is unavailable to take an accident report, the accident victim or an eyewitness must call the Park ranger's office at 408-262-6980 within 24 hours and provide (leave) a message with all of the following information: the victim's name, the victim's telephone number, the telephone number of the person calling, and a brief accident summary of what happened.

The following additional steps should be taken:

1. When an instructor is conducting instruction, there must be at least one person in attendance at the instruction on site at all times who is trained and certified to administer CPR and first aid in the State of California in accordance with applicable Laws.
2. Inform a Park ranger.
3. Leave someone in charge to preserve the accident site for investigation.
4. Submit a Park Incident Report form to the Park Ranger (see contact below) and email the report to the Parks and Recreation Department at parkpermits@prk.sccgov.org within **24 hours for any major incident, and 48 hours for minor incidents**. Eyewitnesses as well as accident victims should complete and submit a report as well.
5. Within the discretion of the Director, an on-site accident investigation may be initiated as soon as practicable by the Park Ranger, including inspection of the location and/or the Equipment, and the collection of other pertinent information and documentation regarding the incident, weather conditions, wind, damage, injury, claims, witnesses, etc. The Parks and Recreation Department may take photographs of the general area, the Equipment and any other relevant images. Eyewitness names, phone numbers, and statements may be obtained. In major accidents, do not remove the Equipment from the scene of accident until authorized to do so by the Park Ranger or emergency response personnel (e.g., fire, police, sheriff).

Park Staff Contacts:

Senior Ranger: Steve Famalett phone:408-262-6980 email: Steve.Famalett@PRK.SCCGOV.ORG

Senior Maintenance: Angel Macatiag Phone: 408-236-4622 email: Angel.Macatiag@PRK.SCCGOV.ORG

Park and Recreation Permits Division: Phone:408-355-2201email: ParkPermits@PRK.SCCGOV.ORG

Basis for Denial, Suspension or Revocation of Valid Permits:

- a. As allowed under County Ordinance Code provisions or other applicable Laws.

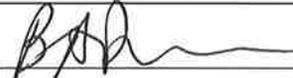
- b. Any past or current violation or alleged violation of any provision of a Valid Permit or any terms, conditions or requirements pertaining thereto.
- c. In the event, after warning by County personnel, Permittee continues to fail to perform any term, condition or other requirement of a Valid Permit, the Director may, solely within his discretion, suspend or revoke the Permit, whereupon the permittee shall immediately terminate the activity or event and cause all participants to promptly remove all Equipment or other personal property from the Park.
- d. The Director, within his discretion, may cancel or postpone any or all permitted activities or events as authorized under County Ordinance Code provisions or other applicable Laws. Permittee shall inform all participants of the cancellation or postponement.

ACCEPTANCE OF THIS ADDENDUM:

This Addendum is an integral part of the terms and conditions of the Valid Permit. Permittee understands, acknowledges and accepts that permission for use of a Park is contingent upon compliance with these terms and conditions, and the rules, regulations, and conditions adopted by the Santa Clara County Board of Supervisors as set forth in the County Ordinance Code, Division B14, and all other applicable Laws, including any other permits required to be issued before any activities or use can take place.

This addendum states generalized terms and conditions as standard items to the issuance of a Valid Permit. Terms and conditions stated apply only to the activity and type of use in which the permit is approved. An example is concession requirements, terms and conditions apply only to Valid Park Permits for concessionaires.

I, as the official authorized representative of the permittee, have reviewed and understand this Addendum, and all other terms, condition and requirements pertaining to or in the Valid Permit, and agree, on behalf of myself, the permittee and all its members, affiliates, officers, directors, employees and agents, to all such terms, conditions and requirements set forth herein and elsewhere in or relating to the Valid Permit. I acknowledge and agree, on behalf of myself, the permittee and all its members, affiliates, officers, directors, employees and agents, to fully comply and be bound by all such terms, conditions, requirements and applicable Laws, and I declare under penalty of perjury, under the laws of the State of California, that the foregoing statements made by me, including those made for or on behalf of others, are true, complete, correct and accurate.

Signature of Authorized Representative:  President of Wings of Rogallo	Date: Friday 5 th May 2018
Print Name: BEN DUNN Title: PRESIDENT WINGS OF ROGALLO Address: PO BOX 361885, MILPITAS, CA 95036 Phone Number: 831.818.1931	
Park Use Coordinator: 	Date: 5/4/18