

THE BOARD OF PORT COMMISSIONERS  
 PORT OF OAKLAND  
 TARIFF NO. 2-A

ORIGINAL PAGE 149

**SECTION XI: MISCELLANEOUS CHARGES**

(Rates in cents per unit shown below except as otherwise specifically provided)

DESCRIPTION OF SERVICES RENDERED	RATES	ITEM NO.
ELECTRIC CURRENT:		
<p><u>1. Port as Municipal Utility</u></p> <p>All electric power in those portions of the Port Area where the Port directly provides electric power as a municipal utility shall be subject to the rates and charges established by Port Ordinance No. 3439 as amended from time to time. For purposes of this Item 11105, electric power provided by Pacific Gas and Electric Company (referred to herein together with any subsequent successors-in-interest as "PG&amp;E") is referred to as "PG&amp;E Electricity," and electric power provided directly by the Port acting as a municipal utility is referred to as "Port Electricity." Port Ordinance No. 3439, as amended, establishes rates and charges that apply to users of Port Electricity.</p> <p><u>2. Other Utility Providers</u></p> <p>All PG&amp;E Electricity shall be subject to the rates and charges in accordance with PG&amp;E's (or its successor-in-interest's) rate structure, and such rates are subject to change without notification from the Port.</p> <p><u>3. Port Common Area Electric Utility Assessment</u></p> <p>Port tenants located on the Outer Harbor Terminal, Roundhouse, 7<sup>th</sup> Street Marine Terminals, and Howard Terminal properties of the Port Area (a) who use PG&amp;E Electricity billed to the Port, and (b) where sub-metering has not been permitted by PG&amp;E, will be assessed a Common Area Electric Utility Assessment charge as set forth in this Item 11105.</p>	<p>-</p> <p>-</p> <p>\$0.01 per square foot per month</p>	<p>(*) 11105</p>
FRESH WATER SERVICE		
<p>Users of fresh water who do not have an account or meter for such water in the user's name with the East Bay Municipal Utility District (referenced herein together with any successors-in-interest as "EBMUD") may be assessed charges by the Port in accordance with EBMUD's (or its successors-in-interest) rate structure. Said rates are subject to change without notification from the Port.</p>		<p>(*) 11110</p>
<p>For explanation of abbreviations and reference marks see Page 10.</p>		
ADOPTED: May 23, 2019		EFFECTIVE: July 1, 2019

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1<sup>st</sup> REVISED PAGE 150  
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**SECTION XI: MISCELLANEOUS CHARGES**

DESCRIPTION OF SERVICES RENDERED	RATES	ITEM NO.
<p style="text-align: center;">CRANE TRANSFER SYSTEM CHARGE</p> <p>Charges are for use of crane transfer trolleys and the cost of operator(s), electricity, utilities and maintenance.</p> <p>Charges are billed by and directly payable to Preferential Assignee. Wharfage, dockage and other tariff charges are in addition to the charges named in this Item.</p>	<p>\$115.00 per round trip</p>	<p>11115</p>
<p style="text-align: center;">UTILITY CONNECTION FEE</p> <p>Any tenant or other Port user requiring a connection to utility service, including without limitation, electricity and water, shall be responsible for all the costs incurred by the Port to provide such connection. The utility connection fee is assessed per connection event.</p>	<p>\$500.00 minimum per event</p>	<p>(+) 11120</p>

For explanation of abbreviations and reference marks see Page 10.

ADOPTED: June 11, 2020

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SECTION XI: MISCELLANEOUS CHARGES

MIDDLE HARBOR SHORELINE PARK (MHSP)

Middle Harbor Shoreline Park (MHSP) is a 38-acre shoreline park built and operated by the Port, located on the Oakland Harbor. The MHSP is open to the public from dawn to dusk. More information about the MHSP can be found on the Port's website at <https://www.portofoakland.com/community/recreation/parks-and-waterways>.

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GENERAL PARK RULES

- Hours of operation: dawn to dusk (unless approved by a special event permit)
- Visitors must park in parking lot only; no other parking is allowed
- No firearms and dangerous weapons, including without limitation spears, bow and arrows, crossbow, sling shot, air or gas weapon, practice swords, nunchakus, and throwing stars
- No fireworks
- No camping
- No littering or dumping
- No possession or use of drug paraphernalia, as defined in Section 11364 of the California Health and Safety Code
- No pets or animals; Service dogs are allowed but must remain on leash always

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For explanation of abbreviations and reference marks see Page 10.

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SECTION XI: MISCELLANEOUS CHARGES

\* Provisions of Item 11205 continued from page 151

GENERAL PARK RULES

- No use of aircraft or UAS of any kind, unless specifically authorized in writing by the Port per Item 02220(h)
- No use of bicycles off pathways
- No use of golf equipment or hitting golf balls
- No use of missiles, rockets, or similar projectiles, or kites with a string length of more than 400 feet
- No swimming, scuba diving, or snorkeling
- No boating
- No smoking
- No open outdoor fires (personal cooking appliances such as gas or propane camp stoves, barbecues, or hibachis allowed only in designated picnic areas)
- No alcoholic beverages without prior written approval by the Port
- No commercial filming or photography without prior written approval by the Port
- No use of metal detectors or similar devices without prior written approval by the Port
- No use of generators without prior written approval by the Port

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For explanation of abbreviations and reference marks see Page 10.

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**SECTION XI: MISCELLANEOUS CHARGES**

**PICNIC AREA RESERVATIONS AND FILMING/PHOTOGRAPHY**

- Picnic area reservations can be booked up to one year in advance, but must be reserved at least fourteen (14) days in advance
- Commercial film or photography shoots can be booked up to one year in advance, but must be reserved at least sixty (60) days in advance
- All permit forms can be downloaded at: <https://www.portofoakland.com/community/recreation/parks-and-waterways/>

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**SPECIAL EVENTS**

Special events, such as festivals, corporate parties, or other organized activities, go beyond the scope of day-to-day park use and require a special permit. Special events may have the following sample characteristics:

- 1,000 - 4,000 people (Small Special Event) or more than 4,000 people (Large Special Event)
- Amplified sound
- Require partially exclusive or exclusive use of the park
- Occurs outside of normal MHSP operating hours
- An advertised event, and/or an event with a participation and/or ticket fee
- Require the Port Park Manager to be present
- Require special set up of stages, tents, barricades, fences, or other structures

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For explanation of abbreviations and reference marks see Page 10.

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SECTION XI: MISCELLANEOUS CHARGES

\* Provisions of Item 11215 continued from page 153

**SPECIAL EVENTS**

Users of the MHSP under a Special Event Permit shall note and comply with, at a minimum, the rules set forth below:

- Special Events can be booked up to two years in advance, but must be booked at least one-hundred eighty (180) days in advance
- No more than four (4) Special Events per calendar year
- No more than 4,000 people per day if Small Special Event or 12,000 people per day if Large Special Event
- Duration must be 72 hours or less (not inclusive of set-up/take down)
- Use of amplified sound limited between 8 AM and 10 PM
- Event must end by 10 PM
- On-site parking limited to parking lot within the MHSP. No additional parking inside the seaport is allowed
- Route maps for event access, including, without limitation, shuttle access and event ingress or egress to/from MHSP, are subject to Port approval
- Special Events require Port Park Manager Oversight, at Permit Holder's sole cost
- Special Event permittee is responsible for various facility costs, including without limitation parking facilities outside the seaport and shuttles to/from event, custodial clean up and trash removal, Port Park Manager oversight, engineering services provided, on-site security, all applicable fees, damages to Port property, and music licensing fees

Special events that result in extended and/or multiple periods of ingress/egress at the MHSP and onto adjacent areas of the seaport (including but not limited to running, biking, and triathlon events) are strongly discouraged because of interaction with seaport traffic.

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For explanation of abbreviations and reference marks see Page 10.

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**MHSP FEES**

Effective July 1, 2019, users of the MHSP will be assessed per this Item, which sets forth the types of areas and uses at the MHSP that are subject to fees, if and as available.

<b>Event (other than Special Event)</b>	<b>Fee</b>
Type	
Up to 55 people (Picnic Area A or B)	\$150
Up to 105 people (Picnic Area C)	\$200
Up to 215 people (Picnic Areas A, B, and C together)	\$500
Inflatable Jumper brought on site	\$25
Commercial Film or Photography Shoots	\$500 per hour
<b>Special Event</b>	<b>Fee</b>
Event Rental (Large Special Event)	\$18,000 per day
Event Rental (Small Special Event)	\$8,000 per day
Security Deposit (Large Special Event)	\$8,000 per day
Security Deposit (Small Special Event)	\$5,000 per day
Port Park Manager Oversight	\$250 per hour (4-hour minimum charge)
Vendor/Concession Permit	\$100 per day per vendor
<b>All Events</b>	<b>Cancellation Fee</b>
Over 60 calendar days' notice	50% security deposit
31-60 calendar days' notice	100% security deposit
11-30 calendar days' notice	100% security deposit plus 50% Event Rental Fee
Fewer than 30 calendar days' notice	100% deposit plus all fees

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For explanation of abbreviations and reference marks see Page 10.

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**SECTION XI: MISCELLANEOUS CHARGES**

\* Provisions of Item 11220 continued from page 155

**MHSP FEES**

Per-day Fees set forth in this Item will be assessed for set-up and take-down days, as well as event days. All Fees, including Security Deposit, are due and payable at the time of application. Such Security Deposit may be applied by the Port to pay the cost of any of the following: (a) restoration and cleaning; (b) repair of any damage caused by Permit Holder; (c) replacement of any improvements which are the property of the Port and which have been damaged, removed or otherwise misplaced by the Permit Holder; (d) payment of the Port Park Manager Oversight fees; or (e) the payment of any other outstanding amounts due the Port from Permit Holder. The Performance Deposit shall be cash, or an equivalent instrument if approved by the Port's Director of Maritime.

The MHSP Fees may increase annually on July 1 of each year by the greater of: (i) 3%; or (ii) the percentage increase, if any, in the published CPI for the preceding 12-month period, with or without prior notice. The most recently published CPI as of June 1 of each year will be used to calculate the increase in the CPI.

11220

**MHSP APPLICATION REVIEW**

The Port, in the sole discretion of the Director of Maritime, may deny application for a reservation, filming/photography event, or special event for any reason, including but not limited to negative impacts to seaport operations and regulatory considerations.

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For explanation of abbreviations and reference marks see Page 10.

ADOPTED: June 11, 2020

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SECTION XI: MISCELLANEOUS CHARGES

ORDINANCE

If any section subsection, item, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Port Commissioners of the City of Oakland hereby declares that it would have passed this ordinance, and each section, subsection, item, sentence, clause and phrase thereof, irrespective of the fact that any one or sole other sections, subsections, items, sentences, clauses or phrases be declared, invalid or unconstitutional.

The provisions of Port Ordinance No. 964 and all ordinances amendatory thereof, and all ordinances and parts of ordinances in conflict herewith are hereby repealed and replaced by the provisions of this ordinance; provided, however, that if for any reason all or any part of the provisions of Port of Oakland Tariff No. 2-A are suspended and not permitted to go into effect, then the corresponding items and provisions of Port of Oakland Tariff No. 2 shall remain in effect and apply until such time as the suspended portions of Port of Oakland Tariff No. 2-A become effective and provided further that any references to Port of Oakland Tariff No. 2 contained in existing Port agreements or other documents shall be deemed to include this Port of Oakland Tariff No. 2-A as the successor and replacement to said Tariff No. 2.

For explanation of abbreviations and reference marks see Page 10.

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