

Exhibit C

Final Draft BAMBD Arts & Culture Combining Zone April 2024

17.101K.010 – Title, intent, and applicability.

C. **Intent of Combining Zones.** This Chapter establishes land use regulations for the following combining zones as established on the Zoning Map. All land located a combining zone is subject to regulations of the primary zone unless specifically modified by provisions of regulations in this Chapter.

2. **BAMBD Arts and Culture Combining Zone.** The intent of BAMBD Arts and Culture Combining Zone is to celebrate and support Oakland’s Black and African-American community, culture and heritage. In doing this, the zone fosters a sense of belonging for all Oaklanders; highlights Oakland’s rich history and diverse cultures, celebrates and strengthens an ethnic enclave; supports a community harmed by racial inequities; and increases access to cultural expression. In particular, the intent of the Zone is to:

17.101K.160 – Black Arts Movement and Business District (BAMBD) Arts and Culture Combining Zone Regulations

A. The regulations of this section only apply to areas designated to be within the Black Arts Movement and Business District Arts and Culture Combining Zone (D-DT-BA Combining Zone) on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.

B. Definition of BAMBD Arts and Culture Activities.

1. **BAMBD Arts and Culture Activities.** BAMBD Arts and Culture Activities produce, display, sell, foster, support or disseminate artistic and cultural expression representative of the multi-ethnic character of the BAMBD. These types of activities also include operations that increase cultural awareness, serve and strengthen ethnic communities harmed by racial disparities, and educate Oakland residents about art and cultural practices and histories. All BAMBD Arts and Culture Activities are categorized in one of the following two subclassifications:

a. **BAMBD Administrative Arts and Culture Activities.** These types of activities support the intent of this combining zone through general administrative functions. These include, but are not limited to, administrative support for art- and culture-related non-profit educational organizations, institutions, and businesses. These activities also include organizations that have a mission to strengthen, serve, and educate underrepresented communities, particularly communities represented by the BAMBD and/or harmed by racial disparities.

b. **BAMBD Active Arts and Culture Activities.** These types of activities provide pedestrian-oriented, accessible, active and/or high visibility functions. These uses include, but are not limited to, the following:

i. Public and private performance spaces, including dance, theater and spoken-word venues;

ii. Schools focusing on arts and/or cultural education;

iii. Artisan Production Commercial Activities, as described in Section 17.58.040;

iv. Art studios;

v. Libraries;

vi. Museums and galleries; and

vii. Retail stores, bookstores, consumer services such as barber shops and salons, cafes, restaurants and bars that display rotating visual art, host performances and/or are

oriented toward the specific cultures or ethnicities identified in the intent of this Combining Zone.

C. Determination of a BAMBD Arts and Culture Activity. The determination of whether a proposal is a BAMBD Arts and Culture Activity shall be made by the Planning Director, or his or her designee. Such determination shall be subject to the right of appeal pursuant to the administrative appeal procedure in Chapter 17.132.

D. Ground floor non-BAMBD Arts and Culture Activities that are permitted or conditionally permitted in the primary zone are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). Any approval shall meet the findings contained in Section 17.134.050 and the following additional findings:

- a. The use will not detract from the character of the D-DT-BA Combining Zone;
- b. For projects within both the D-DT-P Zone and D-DT-BA Combining Zone, the proposal will bring customers to the area and will not weaken the concentration and continuity of BAMBD Active Arts and Culture Activities at ground level;
- c. For proposals within the D-DT-BA Combining Zone but outside the D-DT-P Zone, the proposal will not weaken the concentration and continuity of BAMBD Arts and Culture Activities at the ground level.