

# Black Arts Movement and Business District (BAMBD) Arts and Culture Combining Zone Regulations

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

- 2. BAMBD 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:
  - A. Support a critical mass of arts and entertainment establishments, which are essential to nurture and retain all residents including the creative workforce essential to recruiting and retaining employers in the modern economy;
  - B. Animate the public space, rejuvenate the streetscape, improve local business viability, improve public safety, and bring diverse people together to inspire and be inspired by the legacies and contemporary manifestations of Black owned businesses and arts rooted in the Black cultural experience;
  - C. Support a healthy and flourishing arts community, driving civic engagement, community involvement and public health;
  - D. Serve and strengthen ethnic and racial communities harmed by racial disparities; and
  - E. Accomplish the General Plan’s historic preservation goal to preserve, protect, enhance, perpetuate, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value.

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

- A. The regulations of this section apply to areas designated to be within the Black Arts Movement and Business District (BAMBD) Arts and Culture Combining Zone on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Definitions. The following definitions shall apply for purposes of this Section.
  1. BAMBD Arts and Culture Types of Activities. Arts and Culture Types of 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 Arts and Culture Types of Activities are categorized in one of the following two subclassifications:
    - a. BAMBD Administrative Arts and Culture. These types of activities support the intent of this overlay 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. 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 an Arts and Culture Type of Activity.

The determination of whether a proposal is Arts and Culture Type of 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. Activity Regulations.

- 1. Arts and Culture Types of Activities that are permitted in the primary zone are permitted in the Arts and Culture Combining Zone.
- 2. Arts and Culture Types of Activities that are 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).
- 3. Ground floor non-Arts and Culture Types of 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).
- 4. Activities prohibited by the primary zone are prohibited regardless of whether they are an Arts and Cultural Type of Activity.

E. Developments that include the construction of a new principal building or principal buildings that are increasing footprint area by one hundred (100) percent or more shall dedicate the following ground floor area to Arts and Culture Activity Types:

- 1. At least fifty (50) percent of the leasable floor area on the ground floor of all new principal buildings.