



Development and Infrastructure Services

July 7, 2015

La Posada – Nakoma Sky  
Attn: Lisa Israel  
350 E. Morningside Road  
Green Valley, 85737

Subject: Nakoma Sky Senior Living Facility  
Public Artwork Interpretation

Dear Ms. Israel,

Thank you for submitting the Interpretation request relative to the Nakoma Sky Senior Living Facility planned at the southeast corner of Naranja Drive and First Avenue. Specifically, you have requested an official interpretation on which areas of the development are included in the calculation of the Town's 1% Public Art requirement.

This letter serves as an official Interpretation as provided by Section 21.6.G. of the Oro Valley Zoning Code and may be appealed in writing to the Board of Adjustment within twenty (20) days of the receipt of this letter.

The following Zoning Code references are applicable:

**References:**

References applied in determining the interpretation are shown in italics.

*OVZCR Oro Valley Zoning Code revision (Section 27.3 Public Artwork Provisions)*

*B. Applicability*

- 2. Artwork projects created for private development as a result of the requirements of this section shall be privately owned and included in all non-residential development projects...*

*Table 23-1 – Permitted Use of the Zoning Code (Use Category classifications)*

These Zoning Code references serve as the basis for the interpretation as follows:

**Interpretation – Applicability of Public Artwork - Senior Care Facilities**

Based on Section 27.3.B.2. of the Oro Valley Zoning Code, only non-residential uses within the development are used in the calculation of the Town's 1% Public Art requirement.

The Use Category in Table 23-1 of the Oro Valley Zoning Code was applied in the classification of areas as either residential or non-residential.

Independent Living Facility: This is classified as a Residential Use under Table 23-1 and therefore excluded from the 1% Public Art calculation. This exclusion includes portions of the building(s) providing direct access such as hallways, stairwells and elevators.

Skilled Nursing Facility (Includes memory care and assisted living uses): These uses are classified as Service Uses (non-residential) under Table 23-1 and must be included within the 1% Public Art calculation. Also included are portions of the building(s) providing direct access to these areas such as hallways, stairwells and elevators.

Overall development support areas, services and amenities: Areas which are associated with the overall operation and support of the senior care facility are included in the calculation of the 1% Public Art requirement as these areas are accessible for use by and support of residents within areas classified as non-residential. These areas include: common areas, gardens, open space and park areas, administrative offices, kitchens, dining areas, theaters, meeting rooms, maintenance areas and buildings, parking areas, drive aisles and private drives, exercise facilities, recreational facilities and similar portions of the development.

Other land uses contemplated within Nakoma Sky Planned Area Development including general office uses, retail, restaurant and other uses classified as non-residential in the Oro Valley Zoning Code are also included in the calculation of the 1% Public Art Requirement.

Should you have any question in this regard, please feel free to contact me at (520) 229-4810.

Sincerely,



Bayer Vella, AICP

Planning and Zoning Administrator