



Boulder City, Nevada
Community Development Department
ZONING APPLICATION FORM

Mailing Address:
401 California Avenue
Boulder City, Nevada 89005

CHECK ONE:

- MASTER PLAN AMENDMENT: MAP [] TEXT []
ZONING AMENDMENT: MAP/REZONE [] ORDINANCE TEXT []
[] CONDITIONAL USE PERMIT
[] SPECIAL USE PERMIT
[] VARIANCE
[] DEVELOPMENT ALLOTMENT: Single-Family [] Multi-Family [] Hotel-Motel []
[] OTHER (as per STAFF ONLY):

Staff Use Only
File No.
Acceptor
Filing Date
Hearing Date
Fee Paid

Table with 4 columns: APPLICANT NAME, APPLICANT MAILING ADDRESS, APPLICANT CONTACT PHONE, APPLICANT EMAIL, PROPERTY OWNER NAME, PROPERTY OWNER MAILING ADDRESS, PROPERTY OWNER CONTACT PHONE, PROPERTY OWNER EMAIL.

STREET ADDRESS or LEGAL DESCRIPTION: 1401 Medical Park Drive, Boulder City, NV 89005

APPLICATION: Application must specify the nature of the request pursuant to the provisions of City Code, Title 11. Application is to permit the following (BRIEFLY describe here):

Conversion of 12 assisted living units to apartments (11 efficiencies and one 2 BR)

JUSTIFICATION: Applicant must submit a written statement along with this application describing the nature of the request (in detail) and justification using the criteria in the City Code (copy attached).

AFFIDAVIT: I do hereby solemnly swear or affirm that all statements contained in this application are true and correct to the best of my knowledge and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for refusal to approve this application.

Jerome Fink
PRINT Applicant Name

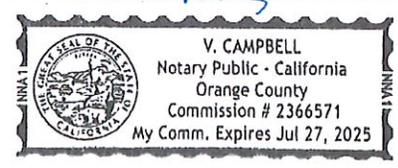
[Signature]
SIGNATURE of Applicant

State of California, County of Orange Subscribed and sworn to (or affirmed) before me on (date)

Oct 11, 2024 by [name(s) of person(s) making statement]

[Signature: Jerome Fink]

[Signature: J. Campbell]
(Signature of notarial officer) (Notary stamp) ->



**OWNER'S AFFIDAVIT
(TO BE COMPLETED WHEN THE APPLICANT IS NOT THE OWNER OF THE PROPERTY)**

(I/We) Jerome Fink declare that (I am/we are) the owner(s) of property located at 1401 Medical Park Drive, Boulder City, NV 89005 (Legal Description: _____), for which _____ (the **applicant**) is requesting a conditional use permit through the City of Boulder City, and have no objection to such request.

Owner's Signature: _____

Address: 7 Corporate Park Drive #100

Irvine, CA

92606

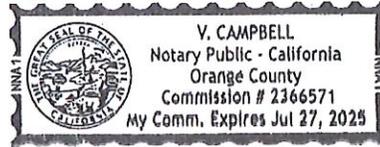
Phone: 949-955-0888 ext 121

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of Orange. Subscribed and sworn to (or affirmed) before me on (date) October 11, 2024 by (name(s) of persons(s) making statement)

Jerry Fink

J. Campbell
(Signature of notarial officer) (Notary stamp)



**AGENT AFFIDAVIT
(TO BE COMPLETED WHEN THE APPLICANT HAS AN AGENT)**

(I/We) Jerome Fink (**applicant**) (am/are) applying for a conditional use permit through the City of Boulder City for property located at 1401 Medical Park Dr., Boulder City, NV 89005 (Legal Description: _____). Furthermore, (I/We) hereby appoint Aubrey Powell of Lewis Roca as (my/our) **agent** to act on (my/our) behalf on all matters pertaining to the processing of this application.

Applicant's Signature: _____

Address: 7 Corporate Park Drive #100

Irvine, CA

92606

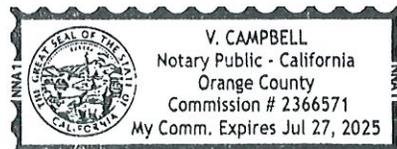
Phone: 949-955-0888

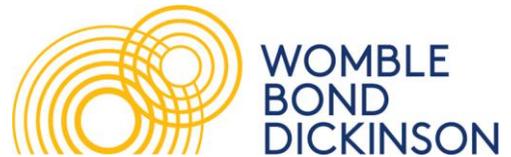
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of Orange. Subscribed and sworn to (or affirmed) before me on (date) February 4, 2025 by (name(s) of persons(s) making statement)

Jerry Fink

J. Campbell
(Signature of notarial officer) (Notary stamp)





January 8, 2025

Ms. Nakeisha Lyon
City Planner
Community Development Department
401 California Ave.
Boulder City, NV 89005

Womble Bond Dickinson (US) LLP

One East Liberty Street
Suite 300
Reno, NV 89501-2128

VIA E-MAIL (NLYON@BCNV.ORG)

**RE: Supplemental Justification Letter for River Run
Conditional Use Permit, Residential Development
Allotment and Variance.**

Aubrey Powell
Associate
Direct Dial: 775.321.3452
Direct Fax: 775.823.2929
E-mail: Aubrey.Powell@wbd-us.com

Our File Number: 311361.00003

Dear Ms. Lyon:

On behalf of 1401 Medical Park Drive Apartments, LLC, the owner of River Run Active Senior Apartments ("River Run")¹ located at 1401 Medical Park Drive, Boulder City, NV 89005, our Firm submitted a request on behalf of 1401 Medical Park Drive Apartments, LLC (the "Applicant") for a conditional use permit and residential development allotments for the convert the completed Wing 500 of River Run from 12 assisted living units to 12 residential units (i.e. apartments). We hereby submit the below supplemental justification letter in response to the comments raised during the preliminary review of the River Run application.

CONFORMANCE WITH R-3 ZONING STANDARDS

Chapter 11-15-3(A)(10) of the Boulder City Code allows 55 and older ("Senior Housing") in River Run's current zoning district, subject to the regulations for the Multi-Family Residential Zone ("R3"). This proposed change in use meets the applicable zoning standards, as set forth herein.

1. Minimum Lot Space Requirements – Section 11-5-5(A-C) requires that the Senior Housing use at River Run have a minimum lot area of ten thousand (10,000) square feet, a minimum lot width of seventy feet (70'), and a lot depth of no less than one hundred feet (100').
 - *The subject property has a lot area of ± 278,562 square feet, a lot width of ± 350.01 feet, and a lot depth of ± 797.39 feet, therefore the parcel complies with the minimum lot space requirements.*
2. Minimum Lot Area Per Dwelling Unit – Section 11-5-6(C) requires that the minimum lot area for each dwelling unit in multiple-family dwelling or dwelling group shall be two thousand five hundred (2,500) square feet.
 - *The minimum lot area for each dwelling unit is approximately 3,868.92 square feet.*

¹ The project is operating under a new name – River Run Active Senior Apartments. Prior application materials and correspondence used the project name Homestead.



3. Minimum Dwelling Unit Size – Section 11-5-7(C) requires a minimum dwelling unit size of six hundred (600) square feet for each dwelling unit in a multiple-family or dwelling group, exclusive of garages, porches, eaves or similar features.
 - *The Applicant is also submitting a variance request for those units that do not meet the six hundred square foot zoning requirement.*
4. Minimum Yard Space Requirements – Section 11-5-8(A-B) require a minimum front yard of fifteen feet (15') and two side yards totaling twenty feet (20') with a six foot (6') minimum on one side.
 - *The parcel has a front yard setback of twenty feet and both sides of the parcel each have a setback of twenty feet, for a total of forty feet, therefore the property satisfies this zoning requirement.*
5. Height and Bulk Requirements – Section 11-5-9(A-D) requires a maximum structure height of twenty five feet (25'), a maximum of two stories, a maximum lot coverage of 50% and a minimum distance between buildings on the same lot of twelve feet (12').
 - *The height measured to the top of the structure's roof peak is approximately 26 feet with the midpoint height of the roof measuring 24 feet which was the height of the structure when it was built and approved by the City in 1995, the structure is one story, and no additional stories are proposed, the lot coverage is approximately 23%, and only one building exists and no additional buildings are proposed so the minimum distance between buildings criteria is not applicable. Based on the foregoing, the River Run project satisfies all of the zoning standards in Section 11-5-9(A-D).*
6. Vehicle Parking – Section 11-23-2(D) requires one parking space per dwelling unit for senior housing developments.
 - *River Run will have a total of 72 dwelling units and has 67 regular parking spaces and 4 handicapped spaces for a total of 71 parking spaces. The Applicant is going to build an additional parking spot to meet this requirement. The plans for the additional parking spot are forthcoming.*

CONDITIONAL USE PERMIT

The Applicant is seeking a conditional use permit for the two existing residential units that go above the permitted density of 70 residential units. The project is required to comply with the application findings in Boulder City Code § 11-30-3. River Run meets or exceeds all requirements, and all findings are met, as set forth herein.

1. The use will be in substantial conformance with the master plan and future land use map, and any applicable area master plan.



- *The subject property has a master plan land use designation of Public/Quasi Public (“PUB”). The characteristics of the PUB land use designation include uses that serve the public needs of the City. The 2024 US Census for Boulder City determined that the median age in Boulder City is 51.1 years,² with nearly 30% of the City’s total population 65 years and older – roughly double the state average.³ Senior Housing is defined as “dwellings designed, operated and restricted to occupancy to persons who have reached at least fifty-five (55) years of age.” The growing number of individuals who qualify for Senior Housing in Boulder City, as defined by the City’s Code, and rising rent costs have created an urgent need for affordable Senior Housing. River Run proposes a Senior Housing development that directly addresses the growing public need for affordable Senior Housing and is, therefore, in substantial conformance with the characteristics of the PUB master plan land use designation.*
2. The use will be designed, constructed, and operated so as to be compatible with adjacent uses of land, the existing or planned character of the general vicinity, and the natural environment.
 - *The subject property is located directly south of the Boulder City Hospital, which also has a master plan land use of PUB, and is otherwise surrounded by residential uses, including other affordable senior housing, single-family homes, and a mobile home park. As demonstrated in the response above, the proposed senior housing use not only substantially conforms with the characteristics of the PUB master plan land use, but it also aligns with the City’s development goals, and is, therefore, compatible with the other adjacent PUB land uses. River Run is also located directly north of another senior living facility, which is also located in the PUB master plan land use designation. Additionally, the Senior Housing use is compatible with the other surrounding residential uses, as Senior Housing is a type of residential housing and is perfectly harmonious with the surrounding residential character of the subject property.*
 3. That the building layout, including building height and bulk, lighting, landscaping and screening, on site or off-site parking, ingress and egress, loading facilities, and waste disposal shall be designed to not be materially detrimental to uses and property in the immediate area.
 - *The Applicant has demonstrated that River Run is in conformance with the zoning standards applicable to this project, other than parking, which the Applicant is actively addressing and resolving. Additionally, the building has been in existence for over twenty-five years, and its ingress, egress, loading facilities, and waste disposal have never been found to be materially detrimental to any other uses or property in the immediate area. It is not anticipated that the change in use to Senior Housing will alter the design of the*

² *Boulder City, Nevada Population 2024*, WORLD POPULATION REVIEW, <https://worldpopulationreview.com/us-cities/nevada/boulder-city>.

³ See *QuickFacts Boulder City, Nevada*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/bouldercitycitynevada/PST045223>; see also *Nevada*, UNITED STATES CENSUS BUREAU, <https://data.census.gov/profile/Nevada?g=040XX00US32>.



existing structure in any way that it would pose a material detriment to surrounding uses and property.

4. That the development shall be located and designed to avoid undue noise, odor, traffic or other nuisances and dangers to abutting property owners.
 - *As stated above, the River Run building has been in existence for well over two decades and the proposed change in use to Senior Housing is compatible with the properties existing zoning designation and it is not conceivable how the Senior Housing use would create any undue noise, odor, traffic or other nuisances or dangers to abutting property owners.*
5. That the use will be served by adequate essential public facilities and services including, but not limited to, streets, fire and police protection, electrical, water, storm and sanitary sewer service.
 - *As the structure has been in existence for quite some time, there are already adequate public facilities and services for the proposed use, including streets, fire and police protection, electrical, water, storm and sanitary sewer service.*

DEVELOPMENT ALLOTMENT APPLICATION

This request also includes an application for residential development allotments for the conversion of the existing 12 assisted living units to 12 residential units in Wing 500. This development allotment application is required to satisfy the criteria listed in Boulder City Code § 11-41-10(E). River Run meets or exceeds all criteria for the development allotment request, as set forth herein.

1. Architectural design quality as indicated by the architectural elevations of the proposed structures judged in terms of architectural style, size, height and innovations.
 - *Architectural design quality of the existing structure will not be changing from when it was originally constructed. The original building and the addition of Wing 500 meet the requirements of the City code and are consistent in architectural style, size, height, and innovations as they were approved. River Run is in conformance with the zoning standards applicable to this project. The building has been existence for over twenty-five years and was designed as approved in 1995.*
2. Innovative site design quality as indicated by a lot layout, orientation of units on the lots, blending of construction to the natural landscape, and similar site design considerations.
 - *The site design will not be changing from when the site was originally constructed. The original building and the addition of Wing 500 meet the requirements of the City code and are consistent with the innovative site design quality, which includes lot layout, orientation of units, and the blending of construction to the natural landscape, as they were approved when the building design was approved by the City in 1995.*



3. Site design quality as indicated by the amount and character of landscaping, screening and color of buildings.
 - *The site design will not be changing from when the site was originally constructed. The original building and the addition of Wing 500 meet the requirements of the City code and are consistent with the site design quality, which includes the amount and character of landscaping, screening and the color of the building, as they were approved when the building design was approved by the City in 1995.*
4. Site and architectural design quality as indicated by the arrangement of the site for efficiency of circulation, on and off site traffic, safety and privacy.
 - *The site and architectural design quality will not be changing from when the site was originally constructed. The current site arrangement, which includes efficiency for circulation, on and off site traffic, safety and privacy are consistent with how the site arrangement was when the site design was approved by the City in 1995.*
5. Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the development and in individual structures.
 - *The site and architectural design will not be changing from when the site was originally constructed. The original building and the addition of Wing 500 meet the requirements of the City code and are consistent with the private safety and security designs as they were approved when the building design was approved by the City in 1995.*
6. The provision of public and/or private usable open space.
 - *The project has adequate private open space for residents to enjoy the outdoors. The property is also located down the street and within walking distance to a public park.*
7. Provision of foot or bicycle paths, equestrian trails or pathways.
 - *The structure and the surrounding developments have been in existence for decades. No additional foot or bicycle paths, equestrian trails or pathways are planned. There are accessible pedestrian and bicycle friendly sidewalks installed on the subject property.*
8. The extent to which the proposed development accomplishes an orderly and continuous extension of existing development rather than leapfrog development.
 - *River Run is an ideal example of an orderly and continuous use of extension of an existing development. The project proposes using an existing development that is already designed in a way that is compatible with the proposed use.*
9. The provision of needed public facilities such as critical linkages in the major street system, school rooms or other vital public facilities.



- *There are already adequate public facilities in place for River Run and no additional public facilities are needed to support this project.*

VARIANCE APPLICATION

This request also includes an application for a variance for the existing units that fall below the six hundred square foot requirement. In accordance with Section 11-32-4, before a variance is granted, it shall be shown that:

- A. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its intended use that do not apply generally to other property or classes of use in the same vicinity and zone.
 - *The Applicant's need for a variance is not a matter of choice, but a necessity that arises from the unique and extraordinary conditions applicable to the subject property. Senior Housing is already a permitted use in the zoning district. However, some of the existing units on the property are smaller than the 600 square foot standard for the R3 zoning designation. The Applicant is not requesting a variance to construct units smaller than 600 square feet; the Applicant is requesting to invest and renovate existing infrastructure to provide affordable housing to a demographic that needs such housing. Approving this variance will permit the Applicant to renovate these existing units without sacrificing the number of units available for the senior community.*
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right, possessed by other property in the same vicinity and zone, but which is denied to the property in question.
 - *This variance is necessary to preserve the Applicant's substantial property right to use the property in a way that is permitted by right in the property's zoning district. Denying this variance would deny the Applicant the right to fully utilize their land solely due to specific conditions of the existing infrastructure when there are other similar uses in the same vicinity that have unit sizes under six hundred square feet, specifically the neighboring property, Quail Ridge Manor Apartments, which also provides affordable housing to seniors.⁴*
- C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.
 - *The granting of this variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone of the property. Instead, it will have a profoundly positive impact on the public and the surrounding community. This variance is not just a solution to the affordable housing needs of older adults in Boulder City, but also a catalyst for the revitalization of a vacant property, promoting local*

⁴ See *Quail Ridge Manor*, APARTMENTS.COM, Quail Ridge Manor - Apartments in Boulder City, NV | Apartments.com.



businesses and enhancing the quality of life for residents and businesses in the vicinity and zone where the property is located.

- D. The granting of such variance will not adversely affect, or be contrary to the Comprehensive Plan.
- *The granting of this variance will not adversely affect, or be contrary to the Comprehensive Plan. In fact, this variance request is aligned with many of the guiding principles of the Comprehensive Plan, including the following:*
 - ***A Sustainable Growth Management Program. New growth should only be permitted in areas that are contiguous to existing development, where infrastructure exists or can be efficiently provided.***
 - *This variance request is related to existing development and infrastructure. This project not only provides a desired housing solution for Boulder City, but it also does so in the most efficient way possible by utilizing existing infrastructure and aligns perfectly with the Comprehensive Plan's guiding principle for growth management.*
 - ***A Coordinated and Efficient Land Use Pattern. The city should strive for a balanced mix of land uses that achieves fiscal health and community livability. The city should contain a compatible mix of housing choices, retail and service uses, and employment centers to serve a range of community needs. Infill development and redevelopment that is compatible with existing development patterns should be encouraged in existing urban areas, particularly within the downtown area. The density and intensity of new development should be compatible with existing development.***
 - *This variance request not only proposes housing to serve a community need, but it is also a redevelopment project that is compatible with an existing structure and development. This redevelopment project is precisely the type of efficient land use encouraged by the Comprehensive Plan.*
 - ***Stable, Cohesive Neighborhoods Offering a Variety of Housing Types. The city should strive to provide a range of housing options available to meet the needs of its citizens. Housing that is affordable to young families should be encouraged, as should housing options for senior citizens.***
 - *This variance provides affordable housing options for senior citizens which directly supports this guiding principle of the Comprehensive Plan, and this project meets the needs of Boulder City's citizens.*
 - ***R 4: Infill and Redevelopment. Infill and redevelopment within established areas of the city is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated***



on vacant properties, and in areas that have been specifically identified for redevelopment

- *This project proposes redeveloping an obsolete structure that is sitting vacant and proposes restoring the property and in turn will attract new residents to the area which will only benefit the surrounding community.*

- ***HN 2: Promote Residential Infill Development. The city should encourage residential infill development and redevelopment as a means of increasing the variety of housing types available. Infill and redevelopment may be appropriate on vacant or underutilized parcels where infrastructure and services are readily available, within the Redevelopment Area Boundary, or where it would foster the stabilization or revitalization of an existing neighborhood.***

- *This project is a residential redevelopment project that will increase the availability of affordable senior housing in Boulder City, which has been identified as a growing residential need in the community. The redevelopment will restore an underutilized parcel where infrastructure and public services are already readily available and would foster the stabilization and revitalization of an existing neighborhood.*

E. The conditions or situations of the specific piece of property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation of such conditions or situations.

- *Because the structure and the units are already existing, the existing conditions of this specific piece of property are unique and triggered the need for this variance, and will not set a precedent for a general or recurrent pattern so as to formulate a general regulation.*

Please do not hesitate to contact this office at (775) 321-3452 if we can provide any additional information.

Sincerely,

Womble Bond Dickinson (US) LLP

Aubrey Powell

Aubrey Powell