

Steve Sisolak  
Governor



Richard Whitley, MS  
Director

**DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
*Helping people. It's who we are and what we do.*



Lisa Sherych  
Administrator

Ihsan Azzam,  
Ph.D., M.D.  
Chief Medical Officer

## NOTICE OF PUBLIC HEARING

MARK COLLOTON FOR THE VILLAS OF LAS VEGAS IS REQUESTING A VARIANCE, #739,  
FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN that MARK COLLOTON FOR THE VILLAS OF LAS VEGAS has requested a variance from Nevada Administrative Code (NAC) 449.74543.2(B) and NAC 449.0105.1(d).

A public hearing will be conducted on September 2, 2022, at 9:00 am by the Nevada State Board of Health to consider this request. This meeting will be held online.

### Meeting Locations:

- Southern Nevada Health District (SNHD)  
Red Rock Trail Rooms A and B  
280 S. Decatur Boulevard; Las Vegas, Nevada 89107
- Nevada Division of Public and Behavioral Health (DPBH)  
Hearing Room No. 303, 3<sup>rd</sup> Floor  
4150 Technology Way; Carson City, Nevada 89706

### **Join from computer using the Microsoft Teams meeting link:**

[https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%20%23%2F%2Fmeetup-join%2F19%3Ameeting\\_YTBhMmY4MDMtNmIxNC00OWYyLThkZmQtZWY4ZGI5ZGNhNDY1%40thread.v2%2F0%3Fcontent%3D%257b%2522Tid%2522%253a%2522e4a340e6-b89e-4e68-8eaa-1544d2703980%2522%252c%2522Oid%2522%253a%2522455656b7-d121-4709-ba81-3f70d51b1100%2522%257d%26CT%3D1654637019665%26OR%3DOutlook-Body%26CID%3D4FC8ECEB-8AF4-4BDC-8A9F-3F3C82BF1097%26anon%3Dtrue&type=meetup-join&deeplinkId=1c10f6a7-9d8d-4a46-8594-555f7e413aee&directDI=true&msLaunch=true&enableMobilePage=false&suppressPrompt=true](https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%20%23%2F%2Fmeetup-join%2F19%3Ameeting_YTBhMmY4MDMtNmIxNC00OWYyLThkZmQtZWY4ZGI5ZGNhNDY1%40thread.v2%2F0%3Fcontent%3D%257b%2522Tid%2522%253a%2522e4a340e6-b89e-4e68-8eaa-1544d2703980%2522%252c%2522Oid%2522%253a%2522455656b7-d121-4709-ba81-3f70d51b1100%2522%257d%26CT%3D1654637019665%26OR%3DOutlook-Body%26CID%3D4FC8ECEB-8AF4-4BDC-8A9F-3F3C82BF1097%26anon%3Dtrue&type=meetup-join&deeplinkId=1c10f6a7-9d8d-4a46-8594-555f7e413aee&directDI=true&msLaunch=true&enableMobilePage=false&suppressPrompt=true)

### **Join by Phone:**

1-775-321-6111  
Phone Conference ID Number: 655 825 021#

**MARK COLLOTON FOR THE VILLAS OF LAS VEGAS is requesting a variance from NAC 449.74543.2(b) & NAC 449.0105.1(d) which states:**

**NAC 449.74543 Design, construction, equipment and maintenance: General requirements; prerequisites to approval of facility for licensure. ([NRS 439.200](#), [449.0302](#))**

1. A facility for skilled nursing must be designed, constructed, equipped and maintained in a manner that protects the health and safety of the patients and personnel of the facility and members of the general public.

2. Except as otherwise provided in this section:

(a) A facility for skilled nursing shall comply with the provisions of *NFPA 101: Life Safety Code*, adopted by reference pursuant to [NAC 449.0105](#).

(b) Any new construction, remodeling or change in use of a facility for skilled nursing must comply with the applicable provisions of the guidelines adopted by reference in paragraphs (c) and (d) of subsection 1 of [NAC 449.0105](#), unless the remodeling is limited to refurbishing an area within the facility, including, without limitation, painting the area, replacing the flooring, repairing windows, or replacing window and wall coverings.

3. A facility for skilled nursing shall be deemed to be in compliance with the provisions of subsection 2 if:

(a) The facility is licensed on January 1, 1999, the use of the physical space in the facility is not changed and there are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare; or

(b) The facility has submitted building plans to the Bureau before February 1, 1999, and:

(1) The Bureau determines that the plans comply with standards for construction in effect before December 11, 1998;

(2) The facility is constructed in accordance with those standards;

(3) Construction of the facility is begun before August 1, 1999; and

(4) There are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare.

4. Except as otherwise provided in subsection 5, a facility for skilled nursing shall comply with all applicable:

(a) Federal and state laws;

(b) Local ordinances, including, without limitation, zoning ordinances; and

(c) Life safety, environmental, health, fire and local building codes,

related to the construction and maintenance of the facility. If there is a difference between state and local requirements, the more stringent requirements apply.

5. A facility for skilled nursing which is inspected and approved by the State Public Works Division of the Department of Administration in accordance with the provisions set forth in [chapter 341](#) of NRS and [chapter 341](#) of NAC is not required to comply with any applicable local building codes related to the construction and maintenance of the facility.

6. A facility for skilled nursing shall submit building plans for new construction or remodeling to the entity designated to review such plans by the Division of Public and Behavioral Health pursuant to [NAC 449.0115](#). The entity's review of those plans is advisory only and does not constitute approval for the licensing of the facility. Before the construction or remodeling may begin, the plans for the construction or remodeling must be approved by the Division of Public and Behavioral Health. The Bureau shall not approve a facility for licensure until all construction is completed and a survey is conducted at the site of the facility.

(Added to NAC by Bd. of Health by R051-99, eff. 9-27-99; A by R076-01, 10-18-2001; R067-04, 8-4-2004; R122-16, 9-21-2017)

**NAC 449.0105 Adoption of certain publications by reference; revision of publication after adoption. ([NRS 439.200](#), [449.0302](#))**

1. The State Board of Health hereby adopts by reference:

(a) *NFPA 101: Life Safety Code*, in the form most recently published by the National Fire Protection Association, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the code may be obtained from the National Fire Protection Association at 11 Tracy Drive, Avon, Massachusetts 02322, at the Internet address <http://www.nfpa.org> or by telephone at (800) 344-3555, for the price of \$88.20 for members or \$98.00 for nonmembers, plus, for a printed copy, \$9.95 for handling.

(b) *NFPA 99: Health Care Facilities Code*, in the form most recently published by the National Fire Protection Association, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the standard may be obtained from the National Fire Protection Association at 11 Tracy Drive, Avon, Massachusetts 02322, at the Internet address <http://www.nfpa.org> or by telephone at (800) 344-3555, for the price of \$65.25 for members or \$72.50 for nonmembers, plus, for a printed copy, \$9.95 for handling.

(c) *Guidelines for Design and Construction of Hospitals and Outpatient Facilities*, in the form most recently published by the Facility Guidelines Institute, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the guidelines may be obtained from the Facility Guidelines Institute at AHA Services, Inc., P.O. Box 933283, Atlanta, Georgia 31193-3283, at the Internet address <http://www.fgiguilines.org/> or by telephone at (800) 242-2626, for the price of \$200.

(d) *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*, in the form most recently published by the Facility Guidelines Institute, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the guidelines may be obtained from the Facility Guidelines Institute at AHA Services, Inc., P.O. Box 933283, Atlanta, Georgia 31193-3283, at the Internet address <http://www.fgiguilines.org/> or by telephone at (800) 242-2626, for the price of \$200.

2. The State Board of Health will review each revision of the publications adopted by reference pursuant to subsection 1 to ensure its suitability for this State. If the Board determines that a revision is not suitable for this State, the Board will hold a public hearing to review its determination within 12 months after the date of the publication of the revision and give notice of that hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

(Added to NAC by Bd. of Health by R066-04, R067-04, R068-04, R069-04, R073-04, R076-04 & R077-04, eff. 8-4-2004; A by R121-16, 9-21-2017; R122-16, 9-21-2017)

**The authority of the State Board of Health to consider and grant a variance from the requirements of a regulation is set forth at NRS 439.200 and NAC 439.200 – 439.280.**

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH), 4150 TECHNOLOGY WAY, CARSON CITY, NV

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE:

<http://dpbh.nv.gov/Boards/BOH/Meetings/Meetings/>

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

Division Administration  
(NAC 439, 441A, 452, 453A, & 629)

Health Care Quality & Compliance  
(NAC 449, 457, 459 & 652)

Child, Family & Community Wellness  
(NAC 392, 394, 432A, 439, 441A, & 442)

Health Statistics, Planning,  
Epidemiology and Response  
(NAC 440,450B, 452, 453, 453A, & 695C)

Public Health & Clinical Services  
(NAC 211, 444, 446, 447, 583, & 585)

Date: 5/30/2022

Name of Applicant: Mark Colloton

Phone: 702-755-0653

Mailing Address: 312 Mchenry Street

City: Las Vegas

State: NV

Zip: 89144

We do hereby apply for a variance to NAC Chapter 449 and adopted references of the Nevada  
chapter/section a) FGI Guidelines, 2014 Edition  
Administrative Code (NAC). (For example: NAC 449.204)

Title of section in question: Nevada Administrative Code (NAC) 449.74543.2(b); NAC 449.0105.1(d);

Statement of existing or proposed conditions in violation of the NAC: Villa Toilet Room designations at social areas;  
Public/Visitors will use Toilet Rm 205, Staff Toilet will use Spa Rm 209, and Residents will use the Toilet in their own Bedrooms.

Staff Bathroom FGI Sections 2.3-4.3.3

Public/Visitor Lobby Bathroom FGI Sections 2.3-2.3.2.6

Residence Bathroom in Social Area FGI Section 3.1-2.3.3.4

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Date of initial operation (if existing): NA

**ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:**

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
  - (a) There are circumstances or conditions which:
    - (1) Are unique to the applicant;
    - (2) Do not generally affect other persons subject to the regulation;
    - (3) Make compliance with the regulation unduly burdensome; and
    - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
  - (b) Granting the variance:
    - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
    - (2) Will not be detrimental or pose a danger to public health and safety.
  
2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

**Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.**

Statement of degree of risk of health

There is no degree of risk of health.

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NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

**Please state in detail the circumstances or conditions which demonstrate that:**

1. An exceptional and undue hardship results from a strict application of the Regulation:

The strict application of the regulation (see code references noted above) would call for each Villa to have a dedicated bathroom for staff, a dedicated bathroom for visitors, and a dedicated bathroom for the residents to use while in the common areas. As built, there is one public bathroom for visitors, the staff will use the staff bathroom in the administrative building or if necessary, the toilet in the spa room in each Villa, and the residents will only use their own private bathroom. To add two additional bathrooms to each Villa would take up a large portion of the residents common. The cost of adding these two additional bathrooms would be \$79,071.50 per Villa x 6 Villas = \$474,429.00

2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

There would be no detriment to public welfare if this variance was granted. Each Villa resident bedroom has its own private bathroom and shower. The Villas were designed with almost no hallways, with three bedrooms in each corner and the common areas in the center. As opposed to a traditional skilled nursing facility building where there are long hallways and the distance from the dining or activity areas can be quite far from a resident's room and bathroom, at the Villas when a resident is in the common area, their own private bathroom is very close. Not only is it not a detriment to public welfare but having the resident only using his or her own private bathroom helps prevent the spread of infection and is a benefit to their welfare. Visitors will use the public bathroom. Staff will use the bathroom in the administrative building, which is a short distance from any Villa, or in case of urgency will use the toilet in the Spa room.

B. Impair substantially the purpose of the regulation from which the application seeks a variance.

The purpose of the regulation from which we seek a variance is to ensure that residents, visitors, and staff have a safe and easily accessible bathroom to use when they are working in, visiting or living in the Villas.

As described in the above paragraph if we are granted this variance, residents, visitors, and staff will have a safe and easily accessible bathroom to use at all times.

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The bureau may require the following supporting documents to be submitted with and as a part of this application:

- X   1. Legal description of property concerned      The Southwest Quarter (SW 1/4) of the Northwest Quarter (NE 1/4)  
of the Southwest Quarter (SW 1/4) of Section 19, Township 21, Range 60 East, M.D.M., Clark County, Nevada
- \_   2. General area identification map



NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

- 3. Plat map showing locations of all pertinent items and appurtenances
- 4. Well log (if applicable)
- 5. Applicable lab reports
- 6. Applicable engineering or construction/remodeling information See attached Plans
- 7. Other items (see following pages) See attached documents

This application must be accompanied by evidence demonstrating the costs of your compliance regulations or specific statutory standards. Your request will be placed on the Board of Health agenda or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application supporting documentation will form the basis for the Division of Public and Behavioral Health staff recommendation(s) to the Board. Failure to respond to the above statements may cause the Board consideration of the application at the requested Board meeting.

Please schedule this hearing during:

- The next regularly scheduled Board of Health meeting, regardless of location.
- The next scheduled meeting in Carson City.
- The next scheduled meeting in Las Vegas.

Signature:   
Printed Name: Mark Colloton  
Title: Architect  
Date: 5/30/2022





~~December 22, 2020~~  
February 2, 2021

**Third Party Plan Review: KGA Architecture**  
KGA Project Number: 2017413.30R

**For: State of Nevada Department of Health and Human Services  
Nevada Division of Public and Behavioral Health (DPBH)  
Bureau of Health Care Quality and Compliance (HCQC)**

Facility Name: Villas of Las Vegas – SNF  
Project Name: Villas of Las Vegas  
Firm Name: EHB Companies  
Address: 1215 S Fr. Apache Rd. Ste. 120  
Email: [mcilloton@ehbcompanies.com](mailto:mcilloton@ehbcompanies.com)  
[Momeni Engineers, LLC](http://Momeni Engineers, LLC)  
[Rene Rolin\\_rener@momeniengineers.com](mailto:Rene Rolin_rener@momeniengineers.com)

**7<sup>th</sup>R Plan Review: General Information Request – Drawing Revisions Review**  
**(Delta 12 thru 15)**

**KGA has been authorized to perform a third-party plan review on behalf of the State of Nevada Bureau of Health Care Quality and Compliance.**

The applicant is required to submit plans for separate and independent review by the Office of the Nevada State Fire Marshal (SFM) and to the Authority Having Jurisdiction (AHJ) for a permit to construct based on the facility location. Applicants are encouraged to contact the SFM and AHJ to verify the current and applicable codes prior to submission. Applicable codes and regulatory standards vary and may precipitate independent comments. If a code conflict occurs, the most restrictive Life/Safety code shall be enforced (NAC 477.280).

Plan review comments provided by KGA Architecture to the applicant during the Third-Party Plans Review process shall not be construed as an approval or waiver of any code or ordinance violation not otherwise listed. Compliance with all applicable codes and ordinances is the sole responsibility of the design professional.

Third-Party Plans Review are provided in accordance with applicable codes and guidelines including but not limited to the following:

- Nevada Revised Statutes Chapter 449 – NRS 449, NRS 477
- Nevada Administrative Code Chapter 449 – NAC 449, NAC 446
- 2014 FGI Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*
- 2012 International Building Code – 2012 IBC
- 2012/2015 NFPA Life Safety Code 101 – 2015 NFPA
- 2012 NFPA 99 & 2012 NPFA 70

Plan review comments or deficiencies noted are required to be responded to before a Plan Review approval letter can be issued.

***All referenced Appendices, Sections, and Tables are from the applicable 2014 FGI, 2012 International Building Code (IBC), 2012 NFPA 101, 2012 NFPA 99, and/ or the 2010 International Code Council / American National Standard Institute accessible and usable buildings and facilities standard (ICC/ANSI A117.1-2009).***

**PROJECT DATA:**

Occupancy Group(s):	I-2/B/A-2	Fire Sprinkled:	Yes
Type(s) of Construction:	Type V-A	Risk Category:	N/A
Stories/Height:	Single Story	Seismic Design Category:	"C"
New Const. Area:	46,349 G.S.F.	Valuation:	4,205,880.00
Occupant Load:	154	Automatic Fire Alarm	Yes

**Plan review comments**

No.	Sheet	Code	Comment:
1.	A0.02	2012/2015 NFPA Life Safety 101 Chapter 18, Section 18.3.2.5.3(8)	<u>Cooking Facilities:</u> <del>Per the narrative, fire extinguisher locations were updated. Provided verification that the fire extinguisher within the kitchen area was not affect by this change. Drawings do not indicate which fire extinguishers were relocated.</del> <b>RESOLVED</b>
2.	A0.02 A4.00 A5.00 A5.01 A5.02 A5.03 A6.00 M100  A0.02 A0.07	2012/2015 NFPA Life Safety 101 18.1.6.1, (8.2.1) 8.2.3 2012 IBC 711.3, 711.5, 711.7, 711.8	<u>Roof/Ceiling Assembly:</u> The building code data indicates the roof as 1-hour, notes on sheet A4.00 "F" indicates the new ceiling mechanical unit is recessed. With reference to the mechanical plans. On M100, it is noted that the new ceiling unit is a 5-sided gyp bd enclosure. Please provide the UL details supporting the installation of these unit to maintain the 1-hour roof/ceiling assembly in accordance with your assembly listing. This needs to address any penetrations ( <i>pipes/ducts</i> ) with associated listed assemblies. Nothing is provided in the revision drawings to indicate the assembly proposed or the protection of these penetrations. Please review and provide assemblies to support the 1-hour roof construction through penetrations. Detail 6 on sheet A0.07 was provided showing the 1-hour gyp bd light enclosure, it does not reference a design assembly or the type of gyp bd used for the enclosure. The number of light penetrations as well as the ceiling VRF unit exceed the P522 max damper opening of 324 s.i. Please clarify with an approved assembly that all through-penetrations at the ceiling membrane and roof membrane meet the 1-hour assembly requirements. NFPA 18.1.6.1, 8.3.5.6 Membrane Protections. 8.3.5.6.1 <b>UNRESOLVED</b>
3.	A3.00  A0.02 A0.07	2012/2015 NFPA Life Safety 101 8.2.3.1, 8.2.3.2 2012 IBC 714.4, 714.4.1.1, 7144.1.2 NFPA 18.1.6 Table 18.1.6.1	<u>Roof Penetrations:</u> The roof plan shows multiple penetrations with new attic ventilation openings. Please provide verification of penetration protection in accordance with the code requirements. Verify that these opening maintain the integrity of the roof assemble the project has applied. Provide details on the drawings to support the any fire-resistive or fire-rated roof assemblies. The number of vent penetrations shown need to meet the Class A, B, or C, listing as listed by construction type. An approved assembly for the through-penetrations at the roof membrane meet the 1-hour assembly requirements. Please clarify with an approved assembly that all through-penetrations at the ceiling membrane and roof membrane meet the 1-hour assembly requirements. NFPA 18.1.6.1, 8.3.5.6 Membrane Protections. 8.3.5.6.1 <b>UNRESOLVED</b>

3.	<b>HCQC Notes</b> <b>01/13/2021</b>	NAC 449 FGI 2014 NFPA 101 NFPA 99	<b>80% State Inspection:</b> An email with a comment letter from Steve Gerleman was issued on Jan. 13, 2021 following the 80% advisory survey. Please make sure to review and resolve all the items presented in the State letter. We have not seen a response to those comments. <b>ADVISORY ONLY.</b>
4.	<b>A0.02</b> <b>A8.00</b> <b>A8.10</b>	<i>NFPA Table</i> <i>18.3.2.1</i>	<b>Hazardous Area Protection</b> Based on the plan review of prior Delta 11 drawings the soiled laundry room was shown with 1-hour wall as required. The updated sheet does not indicate the rated wall line on the plan but the wall type "1" is UL 329. The door is not shown as rated in accordance with 8.7.1.3 (45 min.). Please update and verify that all doors/frames within rated fire resistive walls are properly rated on the door schedule.

Please submit an itemized response letter and two (2) copies of **complete and revised** documents with all revisions clouded and labeled directly to KGA Architecture.

Respectfully,  
**KGA Architecture**  
*Darris Peterson,*

Darris Peterson,  
 Sr. Associate, Director of Healthcare Architecture

cc: Steve Gerleman, BHCQC  
 John Gemar, BHCQC

## **MEMORANDUM**

**DATE:** May 5, 2022  
**TO:** Nevada Board of Health (NBOH)  
**FROM:** Markateck, LLC  
**RE:** Villas of Las Vegas  
A Skilled Nursing Facility  
North Fort Apache Rd. and West Tropical Pkwy.

### **Variance Requests**

#### **Villas:**

Variance Request:

The Villas of Las Vegas Project, which will be a licensed skilled nursing facility in the State of Nevada, is the first small house, Green House® nursing home being built in the State of Nevada. Villas envisions real homes in a campus community setting, where residents enjoy excellent quality of life and quality of care. Elders, their families, and the staff engage in meaningful relationships built on dignity and mutual respect. Villas will be a place where people want to live and work; and where all are protected, sustained, and nurtured.

The Villas of Las Vegas Project was designed in accordance with the FGI Guidelines for Design and Construction for Residential Health, Care and Support Facilities, 2014 as a freestanding household model skilled nursing facility, in lieu of a traditional "Large Single Building" residential facility, in accordance with A3.2-2.2.1.2(3)(c).

As designed, the multiple Villas function as a real home for those in need of skilled nursing and/or rehabilitation care. This model fully supports person centered, non-institutional care and has proven, during the Covid-19 pandemic, to be vastly superior for infection control, than the traditional, institutional model skilled nursing facilities

In review of the FGI Guidelines it appears that many specific room/use requirements are more appropriately applicable to a "Large" single building facility than to a small house Green House nursing facility. As we are the first in the State of Nevada to construct small house nursing homes, we are paving the way to apply the existing regulations which speak to the institutional style nursing facility, to this specific, and drastically different model of care.

We are requesting that the existing Restroom 205, will be used only for public and visitors. The existing restroom located in the Spa 209, can serve as the staff restroom, since no one is allowed in the Spa without staff supervision. This room is used by appointment only. The residents have existing restrooms in their own bedroom. All bedrooms are located a short distance from the social area, see attached plan.

I have been retained by the owner to replace the original designer, and address all previously approved design elements that do not strictly conform to the various code's interpretations (the subject of this variance request).

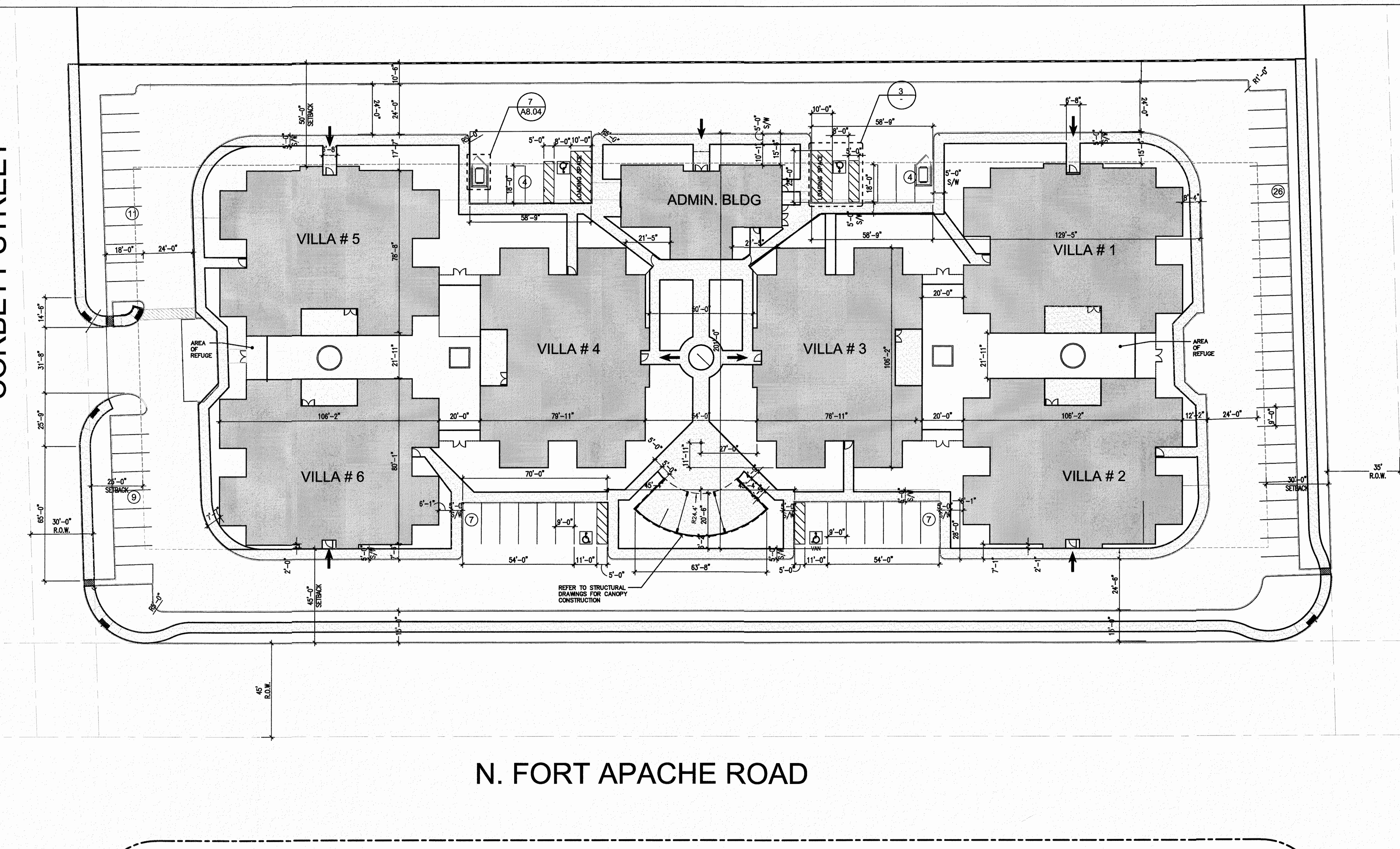
I have attached a review letter from KGA Architecture, State Third Party Plan Reviewer, as you will see on page two of the document, reviews started on Sept. 12, 2018, and have continued through February 2, 2021. There was never mention of the requirement for separate restrooms for staff, visitors, and residences. The one restroom was shown in the common area.

If this requirement would have been identified as not being met in the initial plan review by the third-party architect for the Department of Health and Human Services, we could have addressed the issue. But now we have no room in the building to add another two restroom without taking room from the common social area. See attached restrooms (1 Residence and 1 Staff) floor plan for reference. Also attached is an estimate for the construction of the two restroom, reference **Bathroom No. 1, for \$450,000.00**. Both the added restrooms and construction costs, for each of the 6 Villas, will be a hardship due to the building being completed. Therefore, the request for variance.

Villas of Las Vegas  
Markateck, LLC



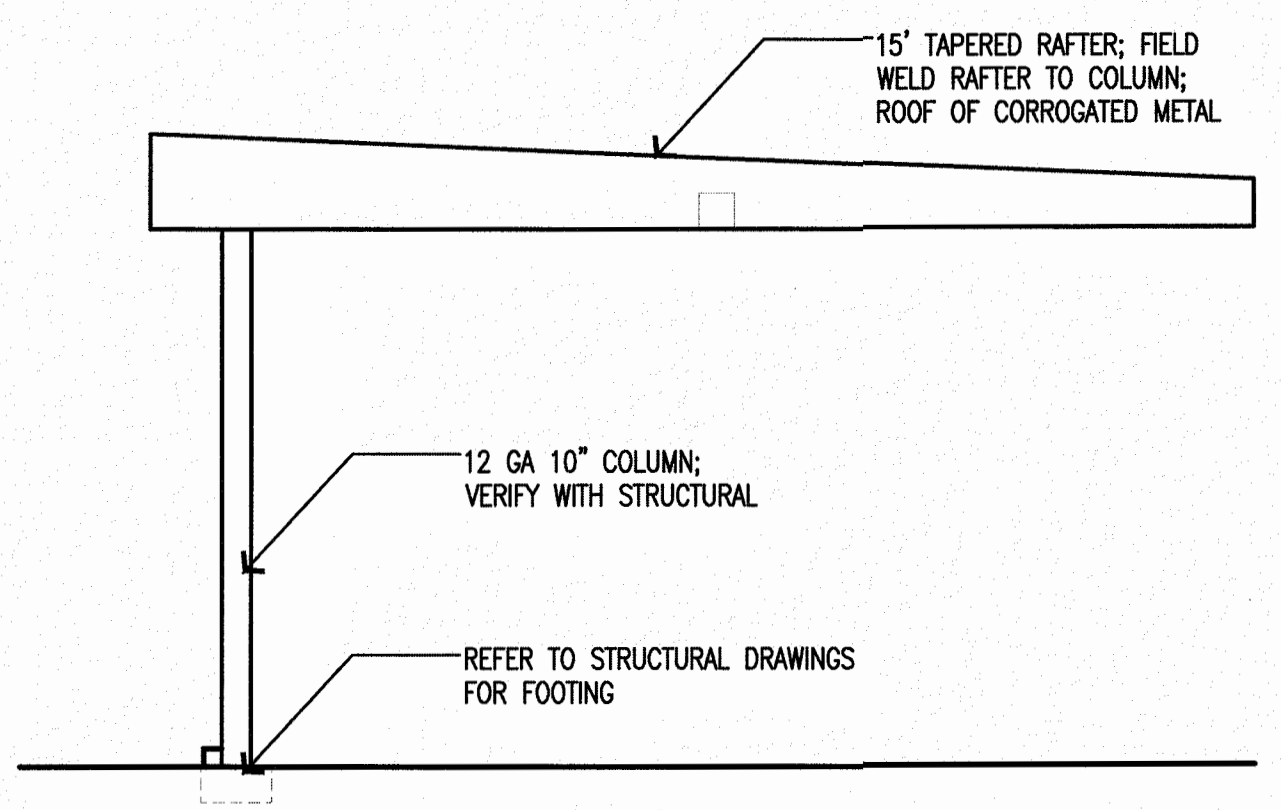
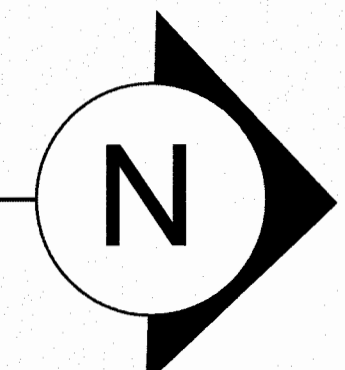
CORBETT STREET



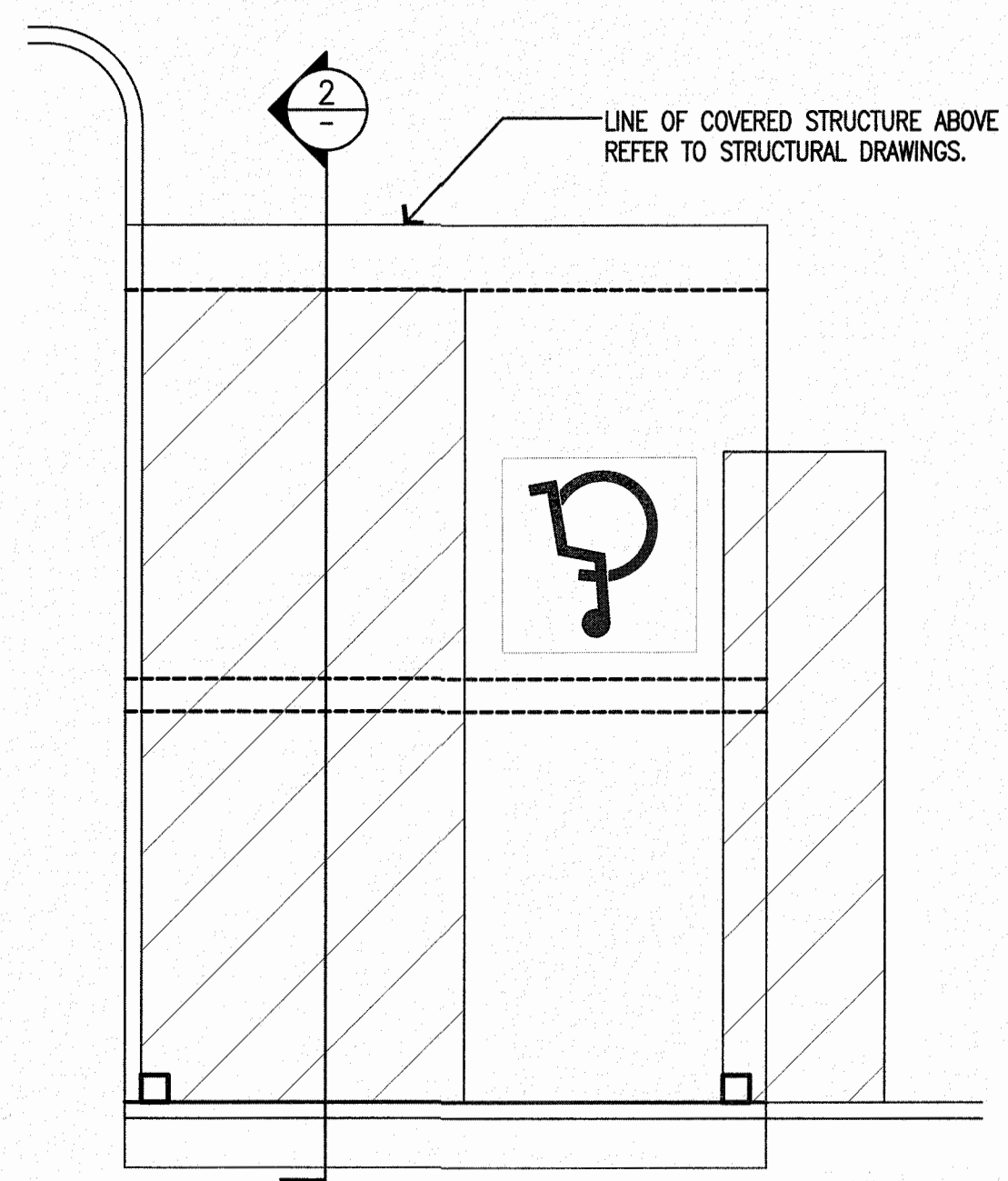
WEST TROPICAL PKWY

N. FORT APACHE ROAD

1 SITE PLAN  
SCALE: 1" = 30'-0"



2 SECTION @ COVERED PARKING  
SCALE: 3/16" = 1'-0"



3 PLAN @ CANTILEVERED COVERED LOADING VAN-ACCESSIBLE PARKING (TYP. OF 2)  
SCALE: 3/16" = 1'-0"

SITE INFORMATION	
APN	125-30-7044-006
SITE LOCATION	N. FT. APACHE ROAD AND W. TROPICAL PKWY
TOTAL SITE AREA	+ 3.78 ACRES (164,536 SF.)
LANDSCAPE AREA	46,080 SF. (28%)
HARDSCAPE AREA (SIDEWALK)	20,768 SF. (12.62%)
ROADWAY/PARKING	51,030 SF. (31%)
TOTAL BUILDING AREA	46,648 SF. (28%)
BUILDING AREA	
ADMINISTRATION BUILDING	2,774 SF.
PER VILLA 7,304SF./6 VILLAS	43824 SF.
TOTAL BUILDING AREA	46,598 SF.
<b>BUILDING SET BACK</b>	
FRONT	50 FT.
SIDE	30 FT. FROM W. TROPICAL AND 25 FT FROM CORBETT
REAR	50'-0"
<b>PARKING ANALYSIS</b>	
1 PER 6 BEDS/72 BEDS	12 PARKING SPACES
1 PER EMPLOYEE/ 3 EMPLOYEE PER VILLA	18 PARKING SPACES
ADMINISTRATION BUILDINGS 5 EMPLOYEES	5 PARKING SPACES
TOTAL PARKING SPACE REQUIRED	35 PARKING SPACES
PARKING SPACE PROVIDED	58 PARKING SPACES
HANDICAPPED PARKING PROVIDED	4 PARKING SPACES
LOADING SPACE PARKING PROVIDED	2 PARKING SPACES
TOTAL PARKING SPACE PROVIDED	68 PARKING SPACES

**moment engineers, llc.**  
CIVIL & STRUCTURAL ENGINEERING  
3710 S. DORRADO DRIVE, SUITE 206  
LAS VEGAS, NEVADA 89117  
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consultants

stamp  
09/26/2018

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DHC MANAGEMENT LLC  
1215 S. FT. APACHE ROAD, SUITE 120  
LAS VEGAS, NV 89117  
PH. 702-940-6930

**VILLAS OF LAS VEGAS  
A SKILLED CARE COMMUNITY**  
North Fort Apache Road and  
West Tropical Parkway

Rev	Date	By	Description
2	08/26/2018		ISSUED FOR PERMIT OWNER COMMENTS
1	07/17/2018		

Drawn By:  
**S.MO**

Checked By:  
**R.Rolin**

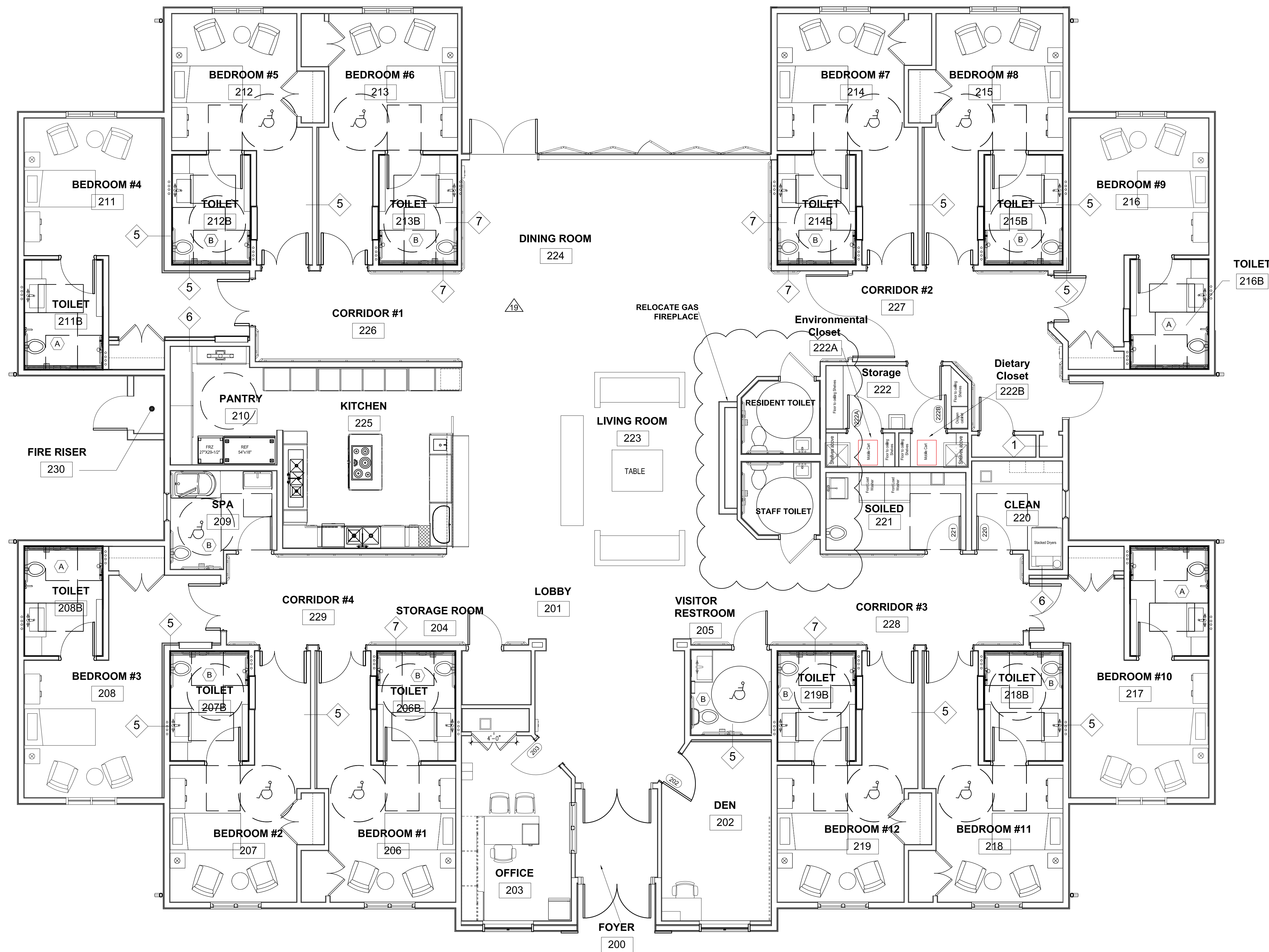
Date:  
**07/17/2018**

Project Number:  
**137103**

Sheet Title:  
**SITE PLAN**

Sheet Number:  
**AS0.01**





1 VILLA FLOOR PLAN  
3/16"=1'-0"

**GENERAL NOTES:**

1. ALL INTERIOR DOORS TO BE 4" FROM FACE OF STUD TO FACE OF DOOR ROUGH OPENING, UNLESS OTHERWISE NOTED.
2. PROVIDE BLOCKING / BACKING AS REQUIRED FOR ALL CABINETS, ACCESSORIES AND EQUIPMENT. FASTEN ALL ITEMS W/ SCREWS OR BOLTS EXTENDING AT LEAST 1" INTO SOLID BACKING IF NO OTHER FASTENING IS SPECIFIED.
3. REFER TO SITE PLAN FOR EACH SPECIFIC VILLA LOCATION.
4. REFER TO SHEET A8.12 FOR WALL PARTITION TYPES NOTED ON THIS DRAWING.

**KEY / PLAN NOTES (This Sheet Only):**

- A. ANSI A117.1 ACCESSIBLE TOILET TYPE B  
BEDROOM TOILET 208B, 211B, 216B, 217B
- B. ADA COMPLIANT TOILETS, PER ADA 50% OF TOILETS TO BE COMPLIMENT  
BEDROOM TOILETS 206B, 207B, 212B, 213B, 214B, 215B, 218B, 219B,  
RESTROOM 205 AND SPA 109 ALL COMPLIANT 10 OF 14 = 71%

**CONTRACTOR:**  
**EXECUTIVE HOMES INC.**  
1215 S. FORT APACHE ROAD, STE. 120  
LAS VEGAS, NV 89117

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**VILLAS OF LAS VEGAS**  
**A SKILLED CARE COMMUNITY**  
North Fort Apache Road and  
West Tropical Parkway

Rev	Date	By	Description
1	8/31/2021		REVISED SUBMITTAL TO CCBD PERMIT

Drawn By:	MGC
Checked By:	MGC
Date:	08/23/2021
Project Number:	137103
Sheet Title:	VILLA FLOOR PLAN
Sheet Number:	A1.05

This proposal is submitted as a "Budget" only. This proposal is subject to cost revision upon receipt of Engineered and Approved plans and specifications.

**Add additional 2 Each Public Toilets at every Villa.**

**Add 2 each Public Toilets @ Every Villa**

	Description	Unit	Type	Crew	Labor Unit		Mat'l. Unit		Total
				Type	Cost	Total Labor	Cost	Total Mat'l.	Cost
1	Demo Flooring and Dry wall	2	Days	Crew 2	1,040.00	2,080.00	L.S.	1,100.00	3,180.00
2	Remove Electric Fireplace	Inc'l. Above		Inc'l.	Inc'l.	Inc'l.	L.S.	300.00	300.00
3	Sawcut and Remove S.O.G. at new Waste Line	2	Days	Crew 2	1,040.00	2,080.00	L.S.	600.00	2,680.00
4	Install U'ground Sewer Line	2	Day	Crew 2	1,040.00	2,080.00	L.S.	750.00	2,830.00
5	Rough-in Plumbing D.W.V./Potable H2O.	Inc'l. Above		Crew 2	Inc'l.	Inc'l.	L.S.	1,500.00	1,500.00
6	Re-pour S.O.G. at U'Ground Sewer	2	Day	Crew 1	1,040.00	2,080.00	L.S.	300.00	2,380.00
7	Install Air Supply/Return Ductwork	3	Days	Crew 3	1,560.00	4,680.00	L.S.	2,000.00	6,680.00
8	Rough-in Electrical lights/switches/outlets.	3	Day	Crew 4	1,200.00	3,600.00	L.S.	3,600.00	7,200.00
9	Install Backing/Bridging	2	L.S.	Crew 1	1,400.00	2,800.00	Inc'l.	Inc'l.	2,800.00
10	Furnish and install Sink/Faucet	3.5	Days	Crew 3	1,560.00	5,460.00	L.S.	1,800.00	7,260.00
11	Furnish and install ADA Toilet	Inc'l. Above		Inc'l.	Inc'l.	Inc'l.	L.S.	1,600.00	1,600.00
12	Furnish and install Flush Valve Assembly	Inc'l. Above		Inc'l.	Inc'l.	Inc'l.	L.S.	1,200.00	1,200.00
13	Drywall Walls and Ceiling	4	Day	Crew 2	1,040.00	4,160.00	L.S.	2,000.00	6,160.00
14	Install Porcelain Tile Flooring	200	S.F.	N/A	N/A	N/A	40.00	8,000.00	8,000.00
15	Install Mech/l. and Elect. Fixtures and Trim	2.5	L.S.	Crew 2, 4	1,200.00	3,000.00	350.00	2,550.00	5,550.00
16	Install Sanitary Accessories	Inc'l. Above		Crew 1	Inc'l.	Inc'l.	L.S.	1,300.00	1,300.00
17	Tape, Texture, Paint / Wallcovering	2	L.S.	N/A	480.00	960.00	300.00	300.00	1,260.00
18	Add millwork	1	L.S.	N/A	N/A	N/A	L.S.	3,000.00	3,000.00
19	Final Clean	1	L.S.	N/A	300.00	300.00	50.00	250.00	550.00
	Subtotal					33,280.00		32,150.00	65,430.00
	Contractor Fee								10,370.00
	Contngency								3,271.50
	<b>Budget Amount Per Villa</b>								<b>79,071.50</b>
	Number of Villas on Site							6	
	<b>Total Bugdet Amount</b>								<b>474,429.00</b>

Steve Sisolak  
Governor



Richard Whitley, MS  
Director

**DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
*Helping people. It's who we are and what we do.*



Lisa Sherych  
Administrator

Ihsan Azzam,  
Ph.D., M.D.  
Chief Medical Officer

June 28, 2022

**Memorandum**

To: Jon Pennell, DVM, Chairperson  
State Board of Health

From: Lisa Sherych, Administrator  
Division of Public and Behavioral Health

RE: Villas Las Vegas Variance Request is to Not Add a Lobby Toilet, a Dining/Activity Toilet(s), and a Staff Toilet in each of Six Housing Cottages

**Subject:** Case #739: Villas Las Vegas' Request for Variance to Nevada Administrative Code (NAC) 449.74543(2)(b), for the 2014 Edition of the *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*, [1] Section 2.3-2.3.2.6 Public Toilet – Specific Requirements for Nursing Homes; [2] Section 3.1-2.3.3.4 Toilet for Dining, Recreation, Lounge and Activity Areas – Specific Requirements for Nursing Homes; and [3] Section 2.3-4.3.3 Staff Toilet – Design Element.

**Staff Review**

NAC 449.74543(2)(b) states,

[...]

“2. Except as otherwise provided in this section:

(b) Any new construction, remodeling or change in use of a facility for skilled nursing must comply with the applicable provisions of the guidelines adopted by reference in paragraphs (c) and (d) of subsection 1 of NAC 449.0105, unless the remodeling is limited to refurbishing an area within the facility, including, without limitation, painting the area, replacing the flooring, repairing windows, or replacing window and wall coverings.”

NAC 449.0105 (1) (d) states,

[...]

“1. The State Board of Health hereby adopts by reference:

(d) *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*, in the form most recently published by the Facility Guidelines Institute, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the guidelines may be obtained from the Facility Guidelines Institute at AHA Services, Inc., P.O. Box 933283, Atlanta, Georgia 31193-3283, at the Internet address <http://www.fgiguidelines.org/> or by telephone at (800) 242-2626, for the price of \$200.”

The Facility Guidelines Institute, “*Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*,” the 2014 Edition.

[1] Section 3.2-2.3 Public Toilet – Specific Requirements for Nursing Homes. “See Section 2.3-2.3.1 (Residential, Participant and Outpatient Community Areas – General) for requirements.

[2] Section 2.3-2.3.1 “For new construction and renovation, community areas shall be designed and furnished to encourage, resident, participant, and outpatient use.”

[3] **Section 2.3-2.3.2.6 Public Toilet Room.** “Toilet Room shall be located close to the lobby.”

[4] Section 3.2-2.3.3 Dining Recreation and Lounge Areas – Specific Requirements for Nursing Homes.

[5] Section 3.2-2.3.3.4 Toilet Rooms. “See Section 3.1-2.3.3.4 (Toilet Rooms) for requirements.”

[6] **Section 3.1-2.3.3.4 Resident Community Areas. Toilet Rooms.** “Toilet facilities that accommodate resident-operated mobility devices shall be readily accessible to all dining, recreation, lounge and activity locations.”

[7] Section 3.1-4.3 Support Areas for Staff – Common Elements for Residential Health Facilities. “See Section 2.3-4.3.3 (Support Areas for Staff) and facility chapters in Part 3 for requirements.” Part 3, Facility chapter Specific Requirements for Nursing Homes Section 3.2-4.3 “See Section 2.3-4.3 (support Areas for Staff) for requirements.”

[8] Section 2.3-4.1.1.2 Facilities for Support Services. “Except where the word “room” or “office” is used, accommodation for support functions in a multipurpose area(s) shall be permitted.

[9] **Section 2.3-4.3.3 Support Areas for Staff. Section 2.3-4.3.3 Staff Toilet – Design Element.** “Toilet room(s) shall contain toilets with hand-washing stations for staff and shall be permitted to be unisex.”

[10] Glossary – “Room. A space enclosed by hard walls and having a door. Where the word “room” or “office” is used in the *Guidelines*, a separate, enclosed space for the one named function is intended. Otherwise, the described area may be a specific space in another room or common areas.”

Villas Las Vegas (VLV) is a multi-building construction project located in northwest Las Vegas. The campus includes six housing buildings and one building for administrative and proposed for rehabilitation services. The buildings are close to being finished with construction. VLV is proposing to hold two skilled nursing facility (SNF) licenses at the single location, and distinguish between the two with separate suites (Suite #101 (4 cottages / 48 beds); and Suite #102 (2 cottages / 24 beds)) and Administration Building. This variance request relates to the requirements found in each of the six cottages. This variance request is limited to cottages with no more than twelve, single private resident bedrooms and bathrooms and for skilled nursing facilities utilizing the Green House Concept for housing and care.

This project is unique to the skilled nursing industry in Nevada. This facility’s campus was designed and constructed with the “Green House Concept (GHC)” for long term care residents in mind. The GHC is long term care model that contrasts the institutional/traditional model (I/TM) predominately used for caring for skilled nursing residents. The GHC typically is designed to be more home-like, often in cottage housing, smaller building size with fewer residents, and some resident liberties not typically found in I/TM, such as the ability to use the kitchen (with supervision), after-dinner meal service and to have pets, within all cottage residents’ tolerance. The I/TM approach is designed to capitalize on economies of scale in housing, labor, purchasing, etc. Both The Facility Guidelines Institute, “*Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*,” the 2014 Edition (FGI) and National Fire Protection Association (NFPA) 101, *Life Safety Code* (LSC) acknowledge the smaller venue concept with Table A3.2-a (in FGI) and the allowance for open kitchens, without being enclosed with walls (LSC). Generally, the Skilled Nursing Facility (SNF) codes do not make a distinction between the GHC and the I/TM skilled nursing facility design elements. The SNF codes must still be met for functional operations of a SNF, providing resident housing and necessary support spaces, and fire safety protective features (LSC also for Medicare reimbursement). The GHC model has created some design challenges for VLV when complying with the skilled nursing facility codes. The primary challenge is to have sufficient spaces for

all the requirements. Another challenge is each of the multiple cottages having duplication of same service, for example, dietary kitchen in each housing units.

VLV may have other pending code issues to resolve beyond this variance with their forthcoming initial construction survey. The outcome to this variance request will allow VLV to make the necessary judgements concerning how to move forward with the other code issues/determinations. VLV is making this variance request to ameliorate further construction from noncompliance. The facility and this state agency believe that due to the uniqueness of this project using the GHC, the near completion of the construction, and mitigating alternatives mentioned below, and the Nevada Board of Health's approval this variance can make this project feasible.

The cottage design has both enhancements and limitations. Some of the limitations are related to not meeting the code requirements identified with this variance. VLV design model using the GHC consist of decentralization, with a Residential, Participant and Outpatient Community Area focus. The cottage lobby acts as the defacto lobby for receiving outsiders not visiting the Administrative Building, in contrast with the centralized lobby found in the I/TM model. The VLV original approach was to treat their lobby bathroom and staff bathrooms like the I/TM model with the lobby bathroom and a staff bathroom located within the Administrative Building to serve the whole campus. The cottage design and construction created independent and segmented buildings. The I/TM model has all portions of the building interconnected. The I/TM design has both lobby bathroom(s) and local nursing unit staff bathroom readily accessible (without going outside the building).

The VLV cottages require Staff leaving a particular cottage, transverse the campus to reach the Administrative Building at all hours of the day and night. When visitors, vendors, hospices workers, and others are required to traverse the campus during evenings and night shifts, the Administrative Building is closed and locked. This leaves only persons (Staff) with keys/prox-cards to access the Administrative Building, or requiring a Staff to escort others to access the Administrative Building. In either scenario, this takes the Staff Member away from the Cottage where they are responsible for those residents. The distance to transverse from a Cottage to the Administrative Building (and back again) going one way can range between approximately 100 feet from the nearest two Cottages (#3 and #4); approximately 130 feet from the next, nearest Cottages (#1 and #5); and approximately 208 feet from the two furthest Cottages (#2 and #6).

Both the facility Administrator and this State Agency recognize that adherence to this practice is not likely, especially over time. Staff would find the convenience of using a toilet within the Cottage more readily available. However, it is important that the staff do not utilize the residents' bathrooms, because this is their home and should not be soiled by others. As importantly, Staff should not be away from their charges (residents) for any extended lengths of time.

Similarly, keeping visitors, vendors, hospices workers, and others out of the resident bathrooms can be accomplished with having a lobby bathroom in the Cottage, especially during nonbusiness hours of the day.

What is being proposed is to utilize each Cottage's single, "nonresident" bathroom to be utilized by both staff and visitors. The utilization volume would be like a typical household with a single bathroom.

The toilet room for ready use for dining, activities, and lounging would be manage differently. The purpose of a nearby toilet room(s) is to assist a resident that has bowel/bladder urgency or incontinence when in the social areas and in need of a toilet. This is to avoid possible embarrassment for the resident. The Administrator and this State Agency agree that in these instances the residents can either use their private bathroom or the spa toilet (when not in use). The greatest distance in any direction to reach a resident room ranged between approximately 24-28 feet from the common rooms (dining, recreation, lounge, and activity). The Spa with a toilet (when not in use) from the common areas was approximately 16 feet. The Cottages' common area's diagonal size (dining, recreation, lounge, and activity) was approximately 41 feet. The closer of the two locations, the Spa or the resident's own bedroom bathroom, would dictate the direction where the resident would go for relief.



### **Intent of the Regulation:**

The intent of the regulations is to ensure:

- (1) That the resident does not have other entities using their private bathroom. The resident's bedroom and bathroom are intended for that particular resident's privacy and use, and to not have strangers (Staff and Visitors) use these space resident spaces. This approach is to avoid any unnecessary conflicts between the resident (or their representative) and any outsider or Staff Member with the resultant grievance and/or complaint. [Sections 3.2-2.3 Public (lobby) Toilet and Section 2.3-4.3.3 Staff Toilet]; and
- (2) That the residents have ready access to a convenient toilet near any common areas (dining, recreation, lounge, and activity) for resident use. [Section 3.2-2.3.3 Toilet for Dining, Activity, and Lounge].

### **Degree of Risk to Public Health and Safety:**

By not having the additional toilets or an acceptable alternative method for the toilets, a number of problems may arise related to the resident's physical, mental, and psychosocial well-being:

- a) Theft, misappropriations of belongs, and possible physical harm;
- b) Infection control risk from outsiders using shared resident toilets;
- c) The toilet not being available to the resident(s) when they need the toilet's availability;
- d) Staff not being readily available due to being either in transit to/from the Administrative Building, or in the Administrative Building when a resident care issue presents back at the Cottage;
- e) Toilets not being available for vendors, hospice staff, or other outsiders are conducting facility's and resident's business in the cottages; and
- f) The inability for Staff monitoring of outsider's whereabouts within the Cottages or the Administrative Building.

### **Exceptional and Undue Hardship:**

The facility's Architect estimates to add two additional toilets within each of the Cottages would be approximately \$70,071.50, with a total cost of \$420,426.00 for the six Cottages.

### **Staff Recommendation**

Staff recommends that the Board of Health approve Case #739, Villas Las Vegas' request for variance to Nevada Administrative Code (NAC) 449.74543(2)(b), for the 2014 Edition of the *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*:

[1] Section 3.2-2.3.1 Public Toilet – Specific Requirements for Nursing Homes;

[2] Section 3.2-2.3.3 Toilet for Dining, Recreation and Lounge Areas – Specific Requirements for Nursing Homes; and

[3] Section 2.3-4.3.3 Staff Toilet – Design Element.

Staff recommends VLV to be allowed to share the single existing toilet room for public use and Staff Member use in each of the Cottages. Staff also recommend that the required toilet room for the common areas (dining, recreation, lounge, and activity) can be utilize either with the Spa's toilet or the resident's own individual bedroom bathroom. The latter is only permissible given that the resident bedroom are roughly 24-28 feet from the common areas within the Cottage, and that each Cottage has no greater than 12 residents. By allowing these alternatives would (a) meet the intention of the code; (b) remove the hardship for the facility; and (c) maintain the mental and psychosocial well-being of the Cottage residents.

**Public Comments:** None

**Presenter:** Steve Gerleman, Health Facilities Inspection Manager, Bureau of Healthcare Quality and Compliance

**Attachments:** None