

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ILIESCU, individually, JOHN
ILIESCU, JR. and SONNIA ILIESCU,
as Trustees of the JOHN ILIESCU, JR.
AND SONNIA ILIESCU 1992 FAMILY
TRUST AGREEMENT,

Appellants,

vs.

HALE LANE PEEK DENNISON AND
HOWARD PROFESSIONAL
CORPORATION, a Nevada professional
corporation,

Respondent.

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Nov 21 2018 11:43 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 76146

Washoe County Case No. CV07-00341
(Consolidated w/CV07-01021)

**JOINT APPENDIX TO
APPELLANT'S OPENING BRIEF
VOLUME III (Part 2)**

Appeal from the Second Judicial District Court of the State of Nevada
in and for the County of Washoe County
Case No. CV07-00341

G. MARK ALBRIGHT, ESQ.

Nevada Bar No. 001394

D. CHRIS ALBRIGHT, ESQ.

Nevada Bar No. 004904

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Counsel for Appellants

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		12 Email memo from Sarah Class to Calvin Baty, dated 11/29/05		JA1270
		13 Steppan Response to Owner Issues on AIA Contract, dated 12/20/05		JA1271-1273
		14 Architectural Design Services Agreement, dated 11/15/05		JA1274-1275
		15 Design Services Continuation Letter, dated 12/14/05		JA1276
		16 Design Services Continuation Letter, dated 2/7/06		JA1277
		17 Design Services Continuation Letter, dated 3/24/06		JA1278
		67 Proposal from Consolidated Pacific Development to Richard Johnson with handwriting, dated 7/14/05		JA1279-1280
		68 Land Purchase Agreement Signed by Seller, dated 7/25/05		JA1281-1302
		69 Addendum No. 1 to Land Purchase Agreement, dated 8/1/05		JA1303-1306
		70 Addendum No. 2 to Land Purchase Agreement, dated 8/2/05	VII	JA1307-01308
		71 Addendum No. 3 to Land Purchase Agreement, dated 10/9/05		JA1309-1324
		72 Addendum No. 4 to Land Purchase Agreement, dated 9/18/06		JA1325-1326

DOC.	FILE/HRG. DATE	DOCUMENT DESCRIPTION	VOL.	BATES NOS.
		76 Indemnity Agreement, dated 12/8/06 77 Waiver of Conflict Letter, dated 1/17/07	VII	JA1327-1328 JA1329-1333
35	09/04/12	Status Report [filed by Iliescu] (NV Sup. Ct. Case 60036)	V	JA1065-1066
34	08/31/12	Status Report [filed by Steppan] (NV Sup. Ct. Case 60036)	V	JA1063-1064
27	11/22/11	Stipulation	V	JA1005-1007
39	01/09/13	Stipulation and Order	VI	JA1082-1084
12	09/24/07	Stipulation to Consolidate Proceedings; Order Approving Stipulation	I	JA0216-0219
37	11/09/12	Stipulation to Dismiss Appeal (NV Sup. Ct. Case 60036)	V	JA1073-1079
14	03/07/08	Stipulation to Stay Proceedings Against Defendant Hale Lane and to Dismiss Claims Against Defendants Dennison, Howard and Snyder without Prejudice	II	JA0254-0256
10	08/03/07	Substitution of Counsel	I	JA209-0211
86	05/25/18	Supplemental Brief [filed by Third Party Defendant Hale Lane] re: Iliescu's Decision Not to Appeal Denial of Fees and Costs	XIII	JA2436-2438
9	07/30/07	Supplemental Response to Application for Release of Mechanic's Lien	I	JA0185-0208
4	05/03/07	Transcript of Proceedings – Application for Release of Mechanic's Lien held on May 3, 2007 [Transcript filed on June 29, 2007]	I	JA0107-0166
47	09/09/13	Transcript of Proceedings of Hearing regarding Motion for Continuance and to Extend Expert Disclosures	VI	JA1114-1149
88	06/06/18	Transcript of Proceedings of Third-Party Defendant Hale Lane's Motion For Summary Judgment of Third-Party Claims, filed June 21, 2018	XIII	JA2445-2496

DOC.	FILE/HRG. DATE	DOCUMENT DESCRIPTION	VOL.	BATES NOS.
93	12/11/13	Trial Transcript – Day 3, pages 811-815	XIII	JA2540-2545
73	10/24/17	Verified Memorandum of Costs [filed by Iliescus]	IX	JA1756-1761

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c), I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK & ALBRIGHT, and that on this 21st day of November, 2018, the foregoing **JOINT APPENDIX TO APPELLANT'S OPENING BRIEF, VOLUME III (Part 2)**, was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

David R. Grundy, Esq.
Todd R. Alexander, Esq.,
LEMONS, GRUNDY & EISENBERG
6005 Plumas Street, Third Floor
Reno, Nevada 89519
Tel: (775) 786-6868
drg@lge.net / tra@lge.net
Attorneys for Third-Party Defendant
Hale Lane

A handwritten signature in blue ink, appearing to read "Charitta Gray", is positioned above a horizontal line.

An employee of Albright, Stoddard, Warnick & Albright



8 AM
April 21

JA0550



9 AM
April 21

JA0551



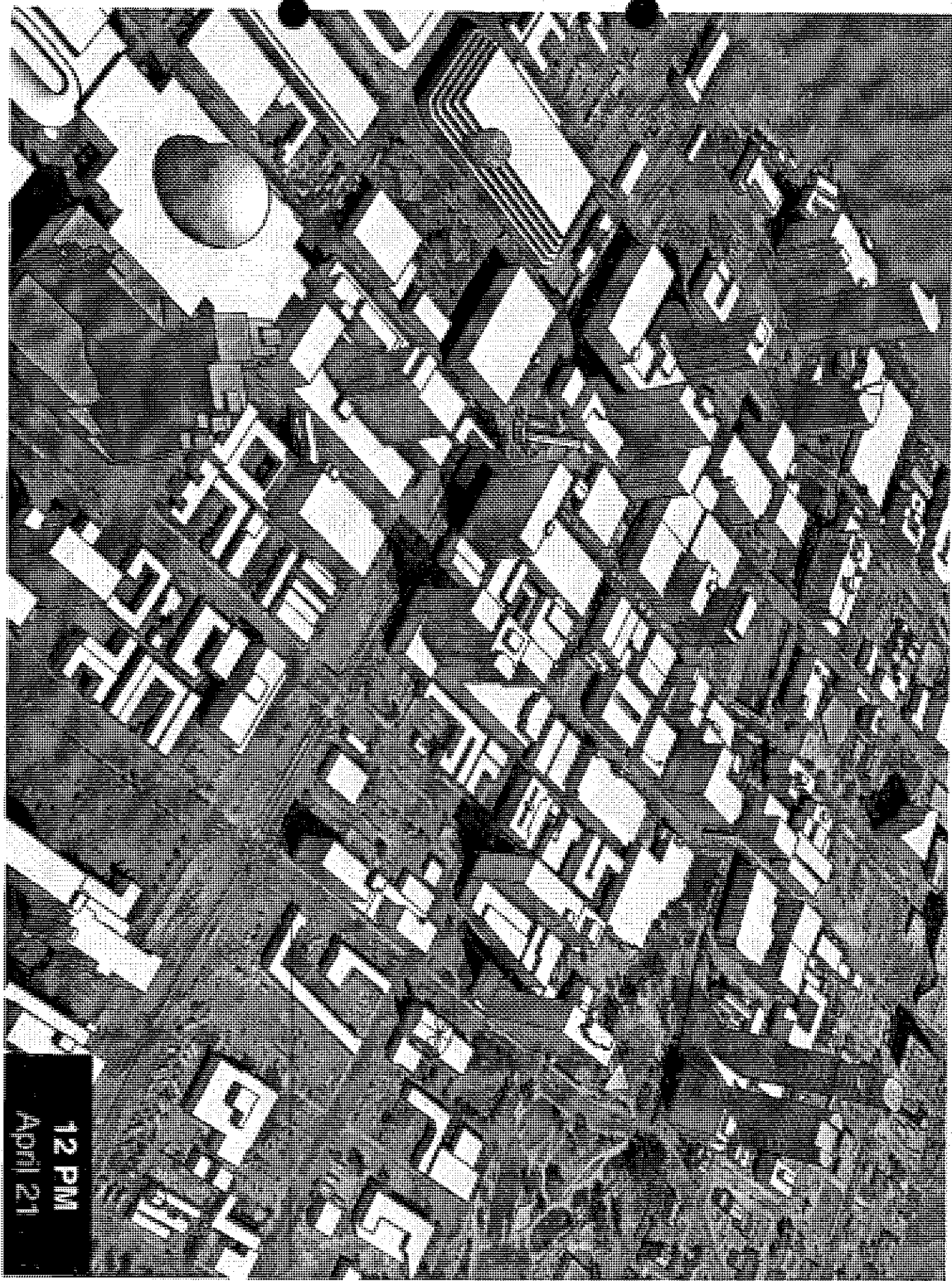
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JA0552

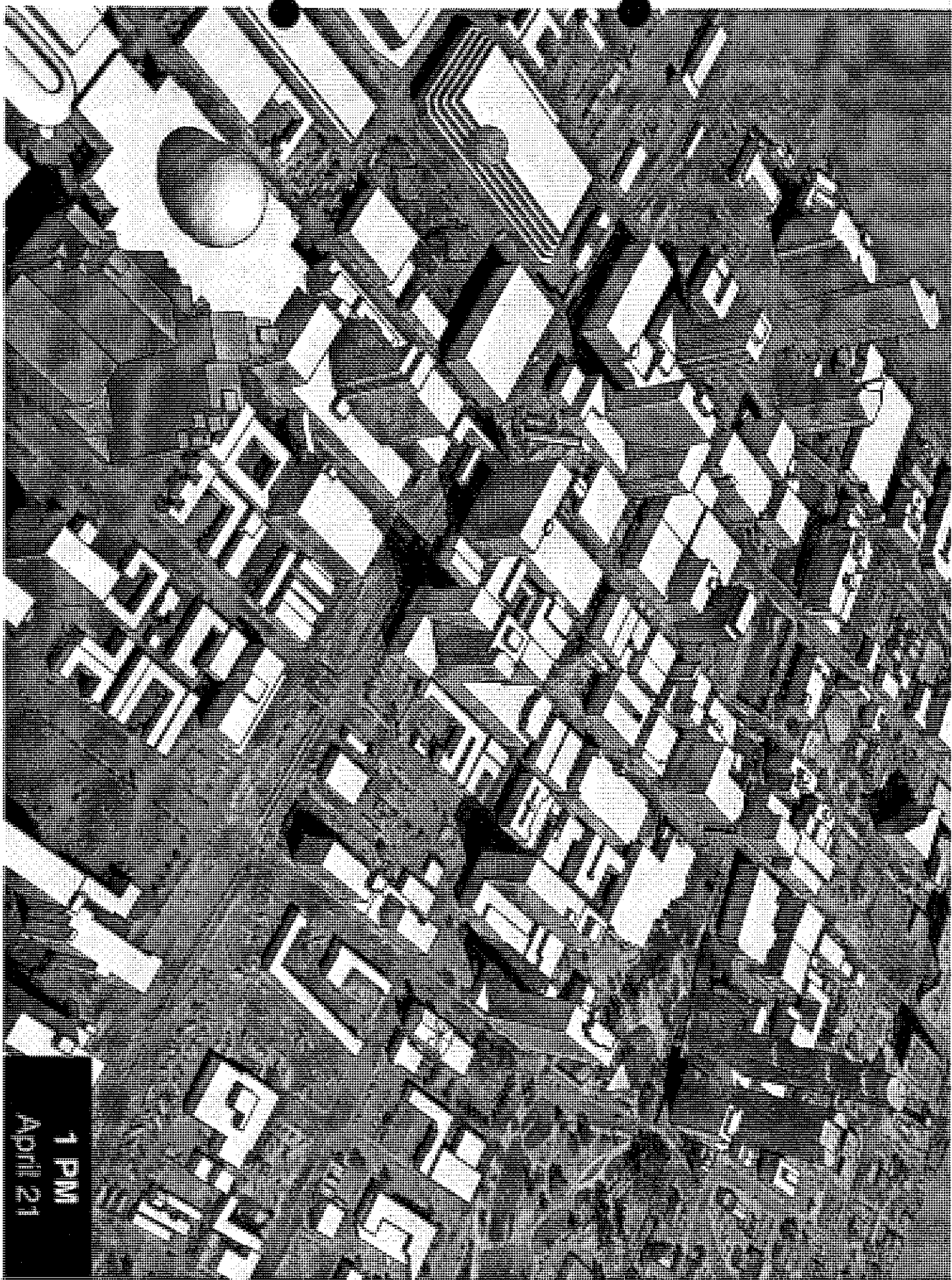


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April 21

JA0553



12 PM
April 21



1 PM
April 21

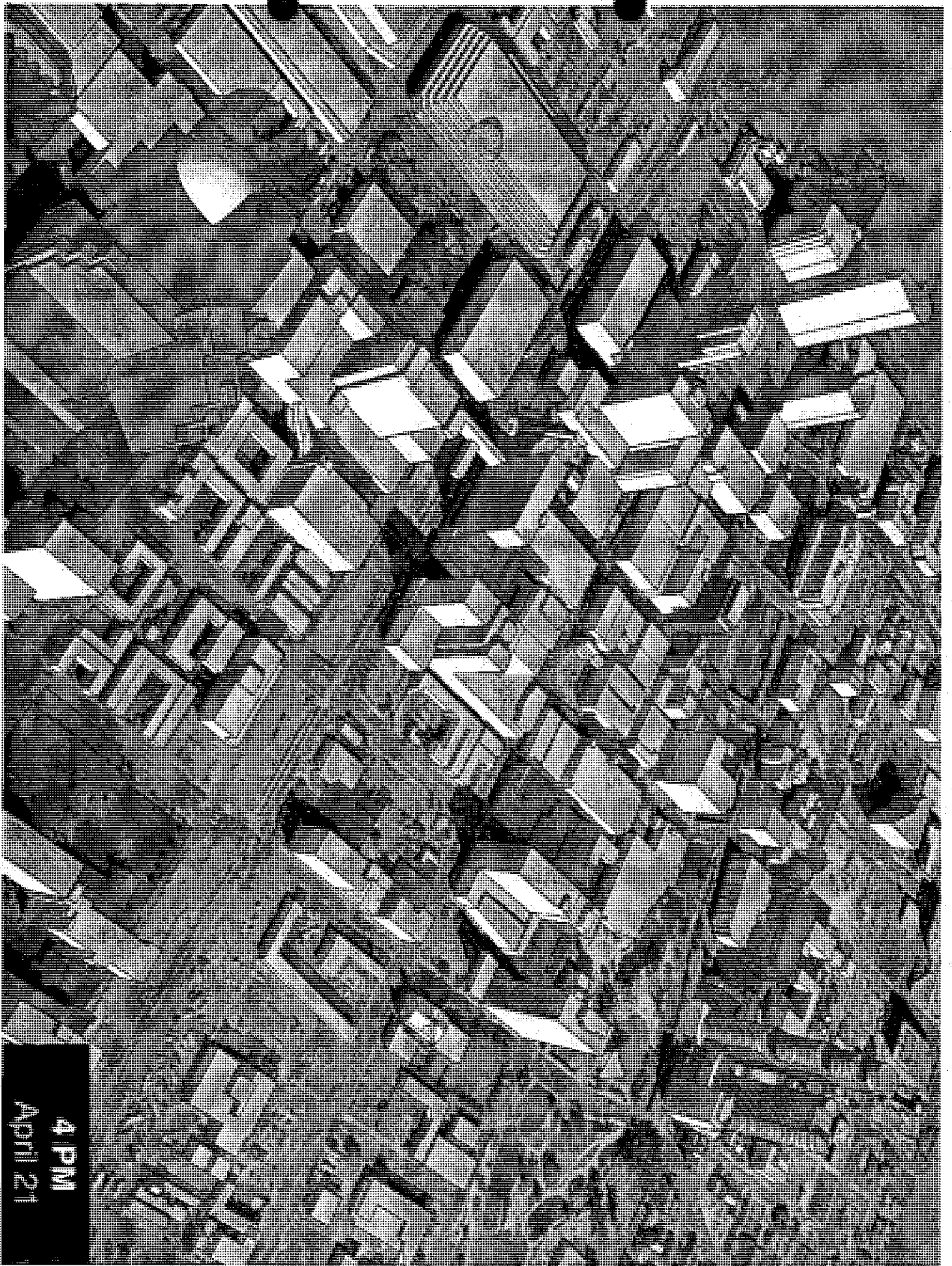


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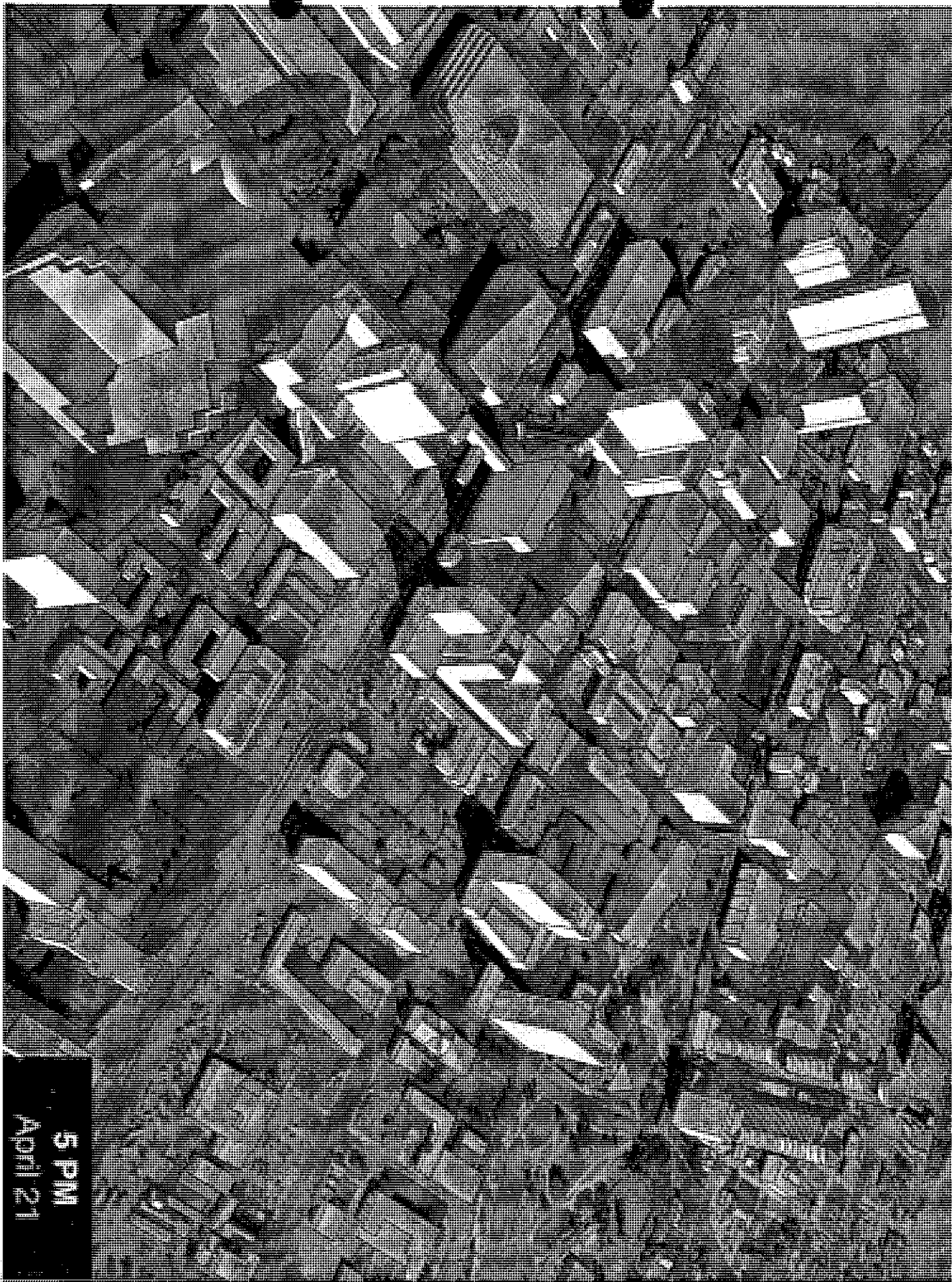
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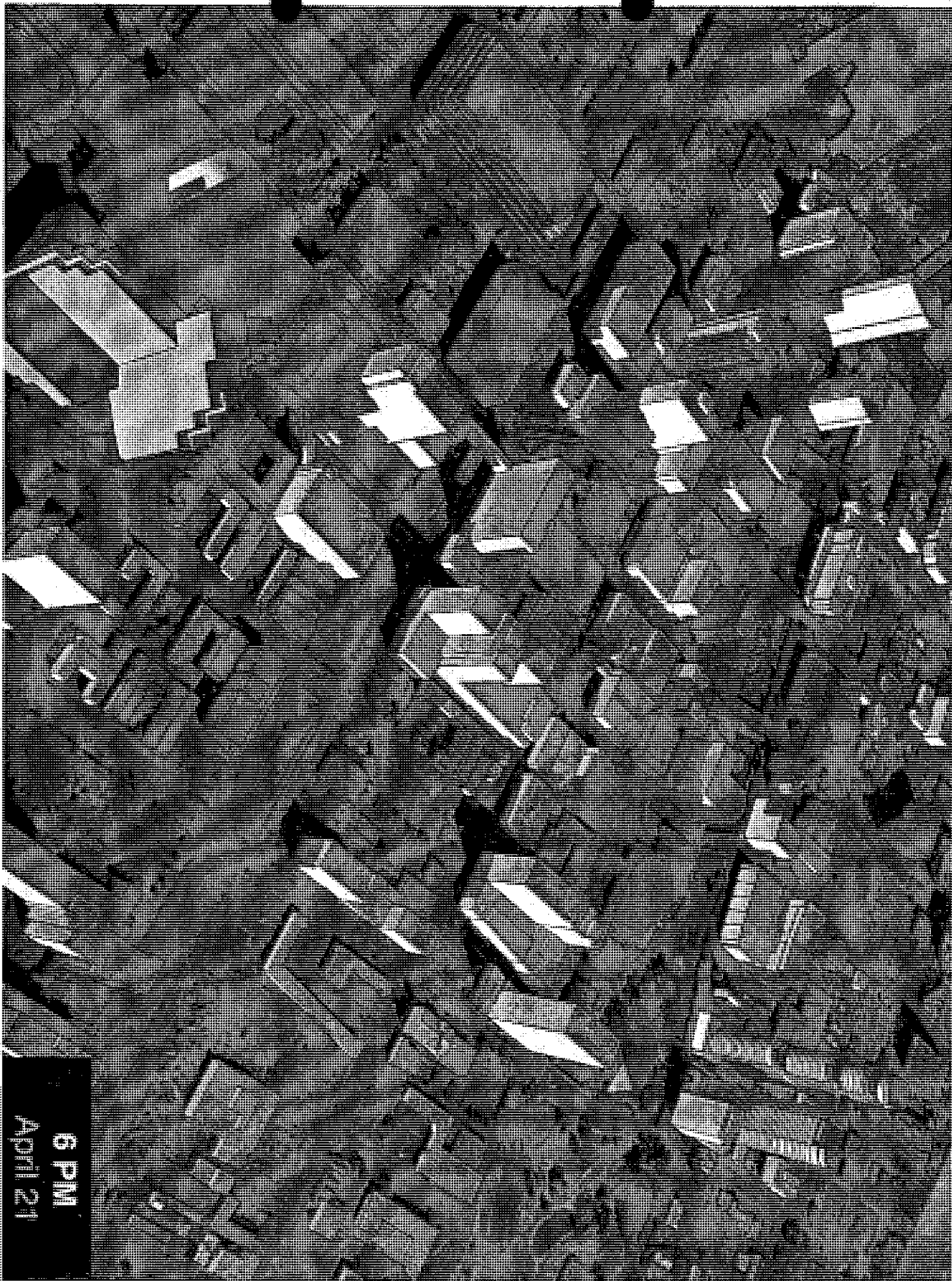


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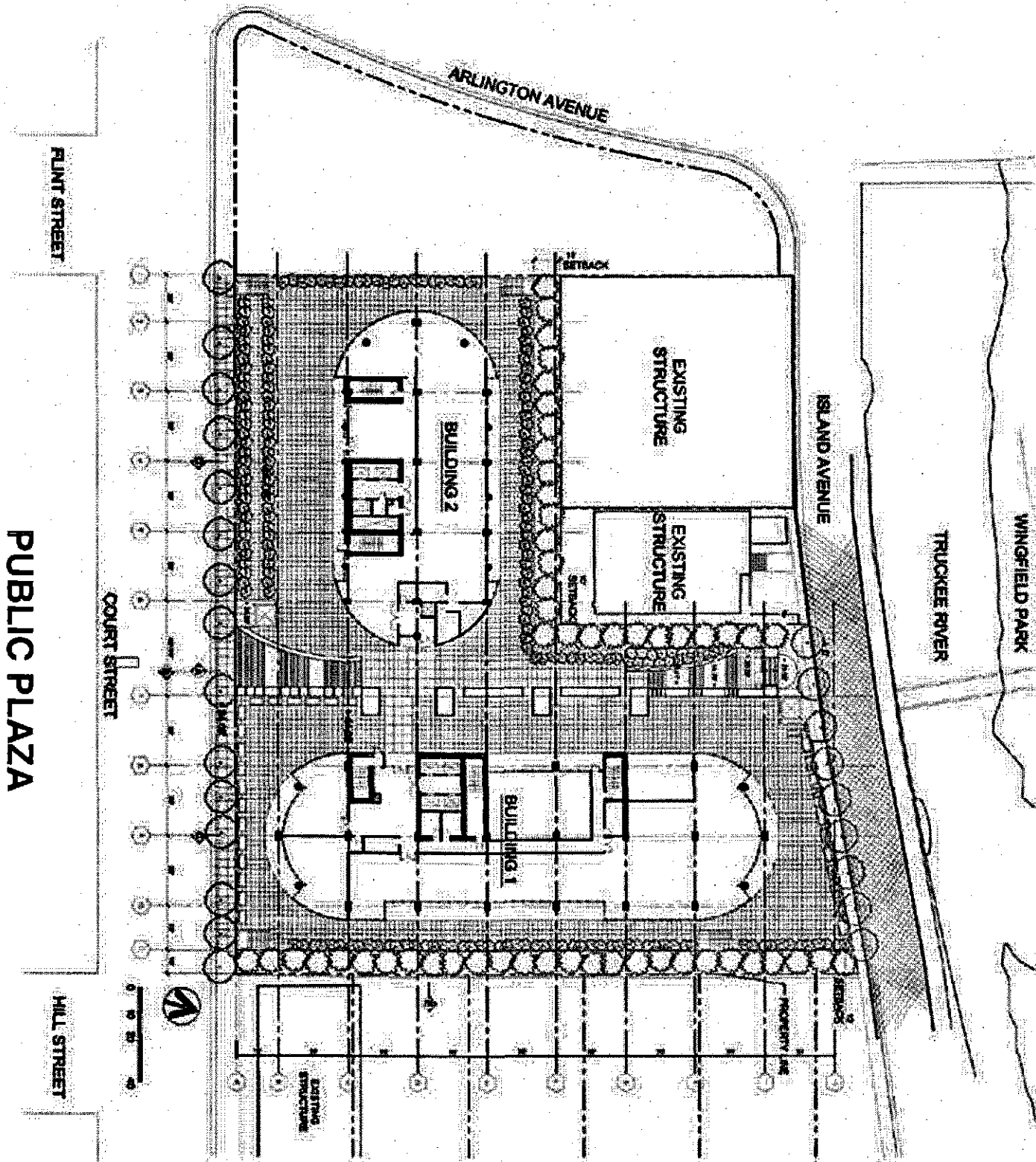


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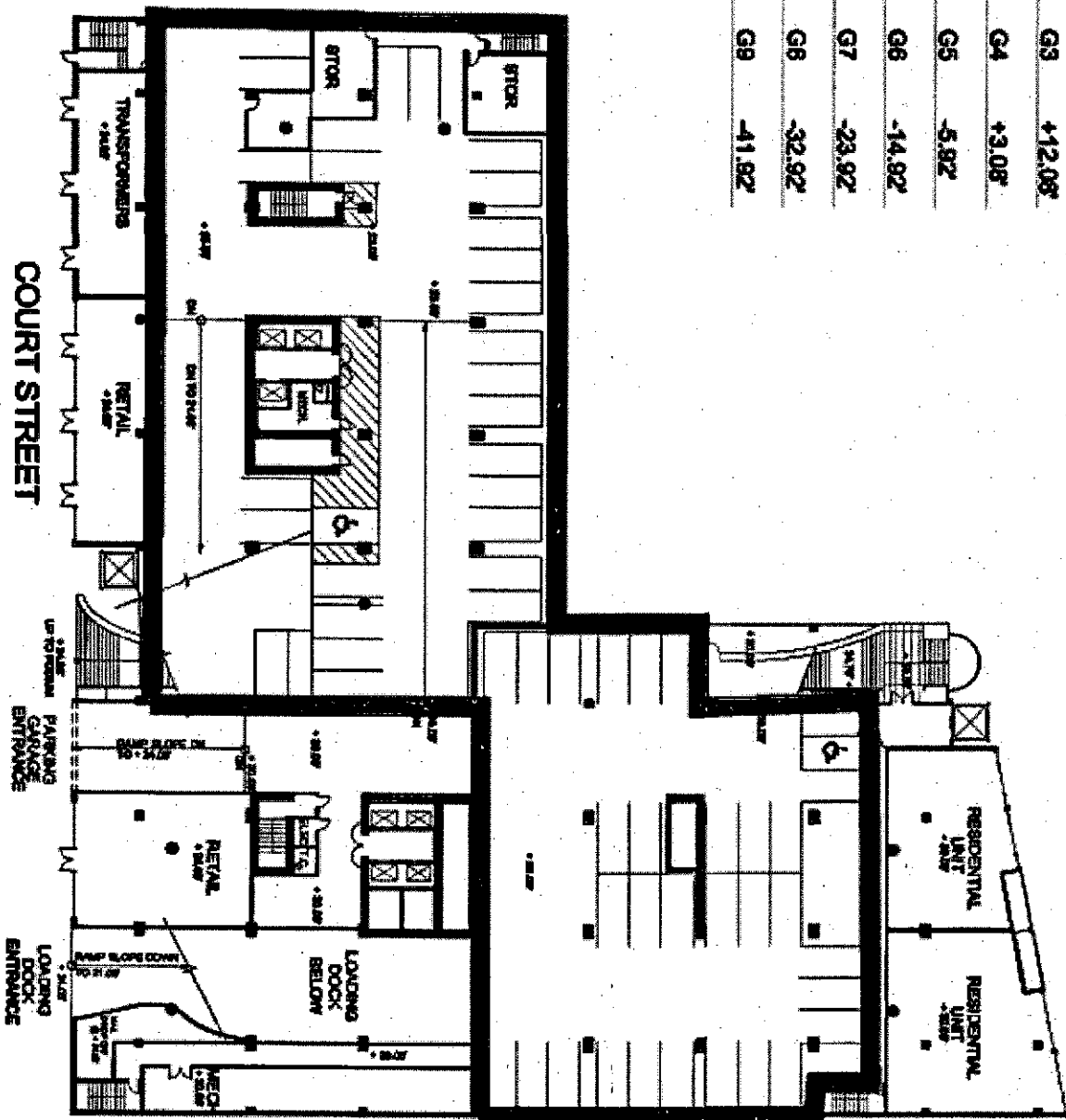




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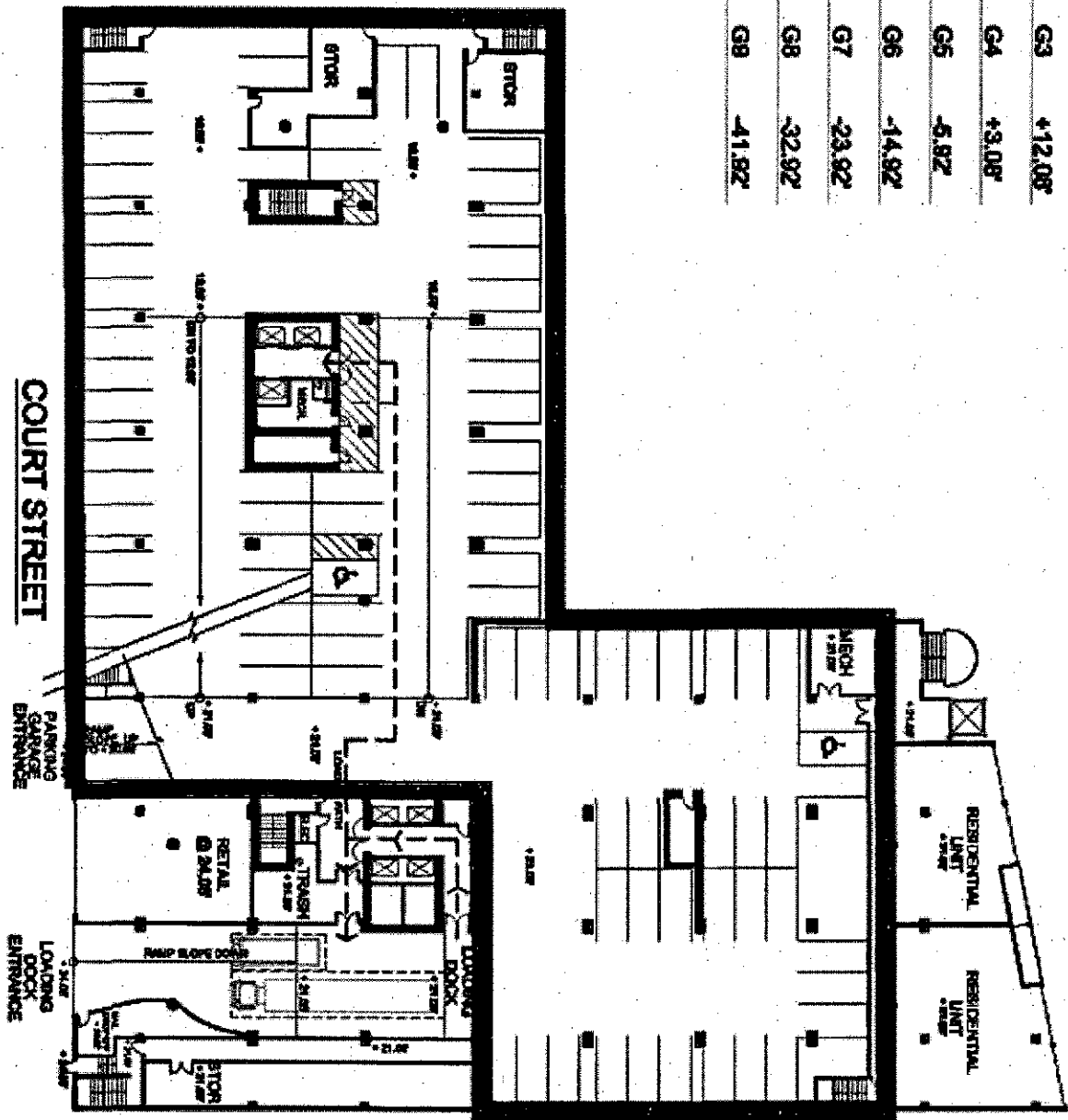


	PODIUM	+44.08'
+25.58'	G1	+30.08'
+16.58'	G2	+21.08'
+7.56'	G3	+12.08'
-1.42'	G4	+3.08'
-10.42'	G5	-5.92'
-19.42'	G6	-14.92'
-28.42'	G7	-23.92'
-37.42'	G8	-32.92'
	G9	-41.92'

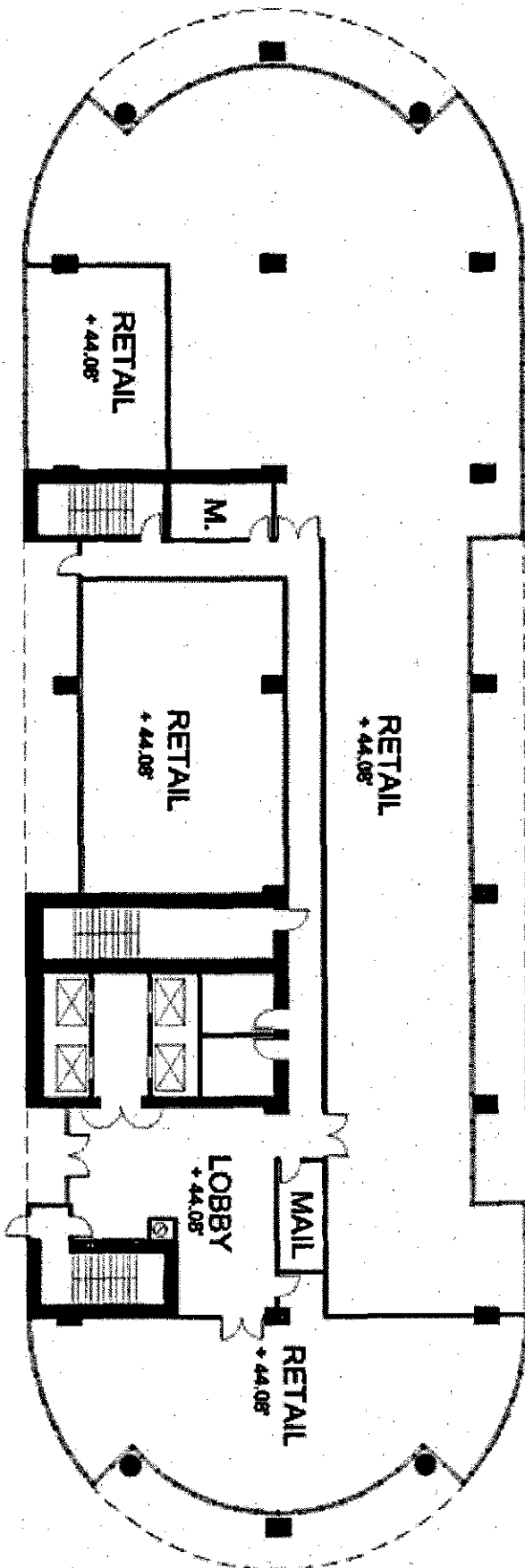


GARAGE PLAN (LEVEL 1)

	PODIUM	+44.08'
+25.58'	G1	+30.08'
+18.58'	G2	+21.08'
+7.58'	G3	+12.08'
-1.42'	G4	+3.08'
-10.42'	G5	-5.92'
-19.42'	G6	-14.92'
-28.42'	G7	-23.92'
-37.42'	G8	-32.92'
	G9	-41.92'

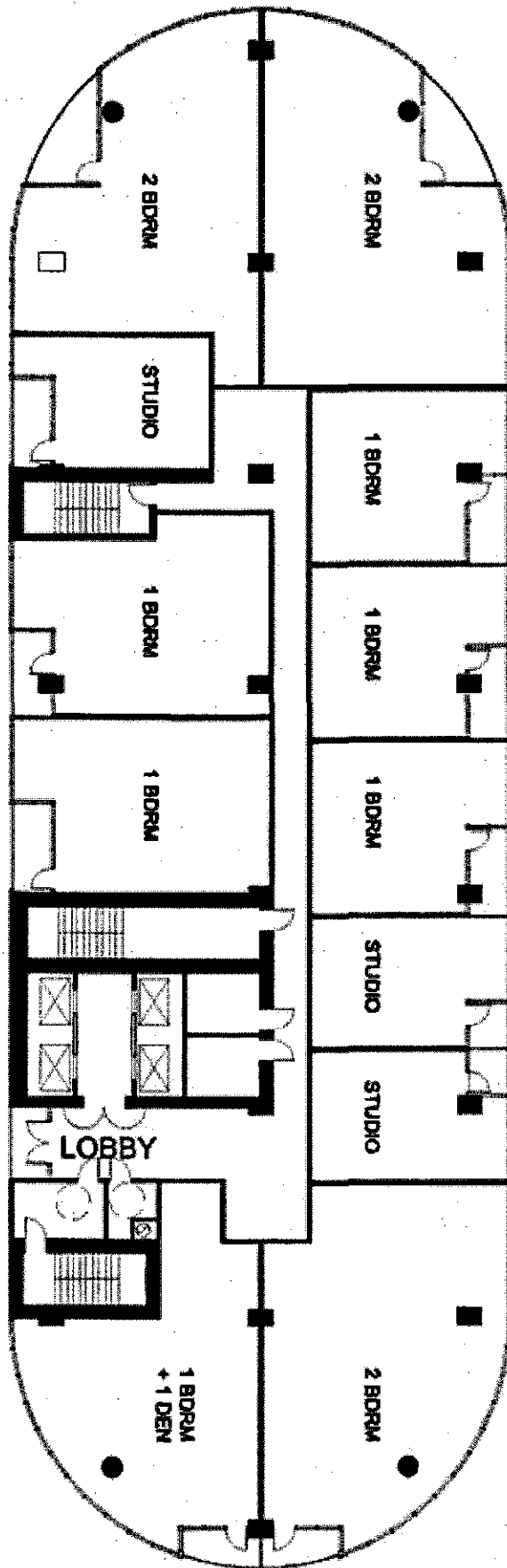


GARAGE PLAN (LEVEL 2)



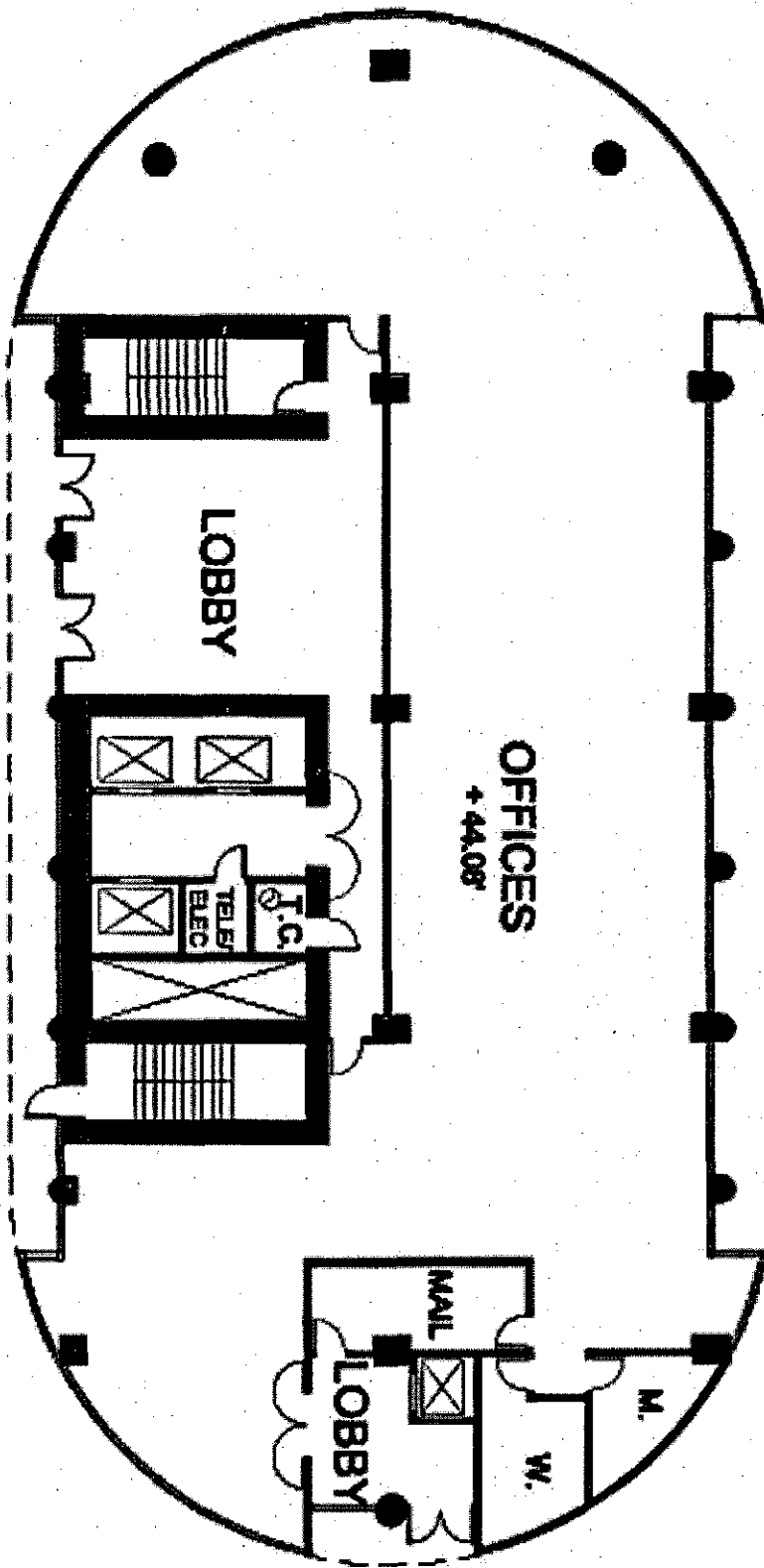
BUILDING 1

FIRST FLOOR - RETAIL

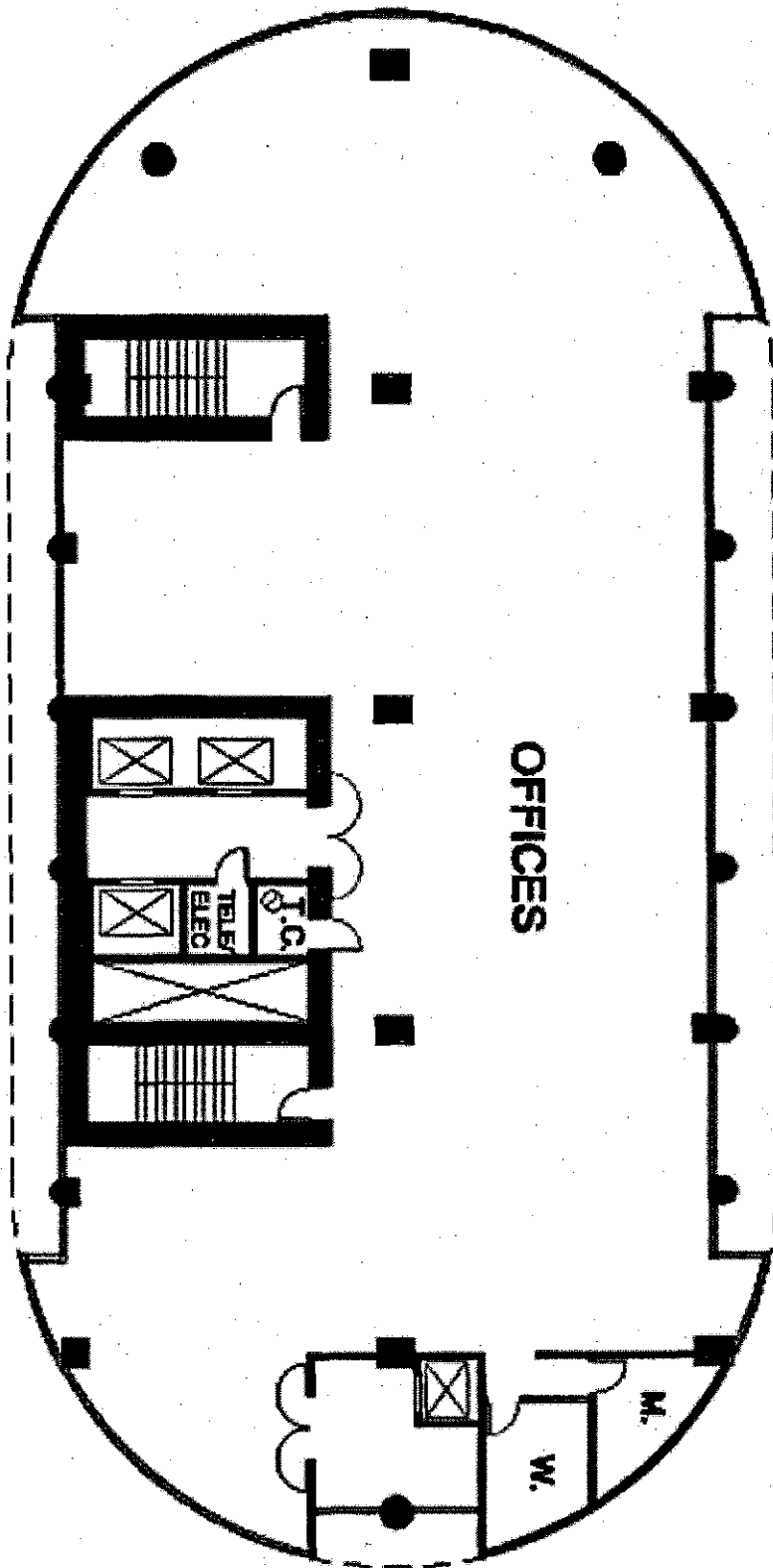


BUILDING 1

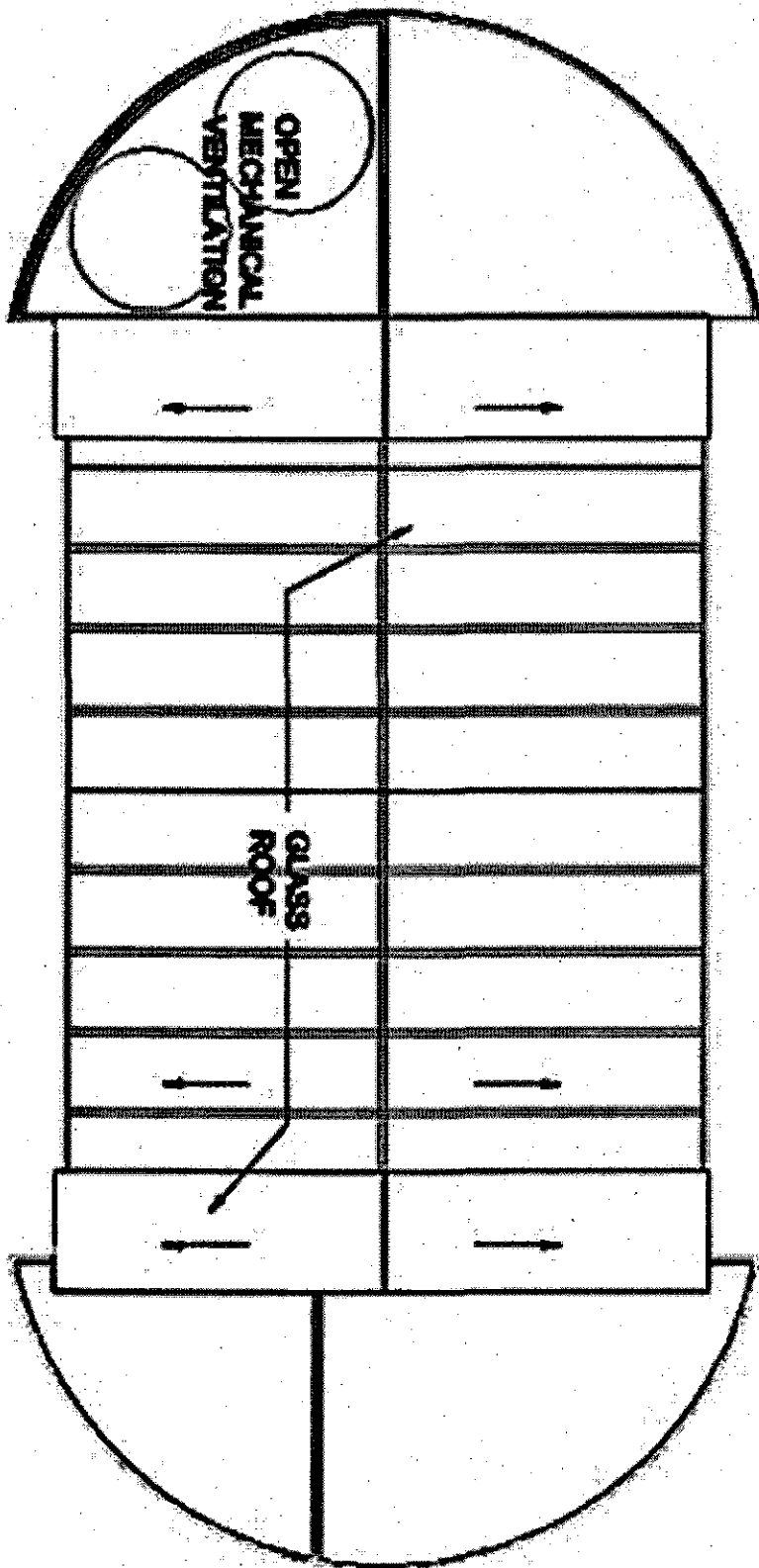
FLOORS 2-16



BUILDING 2
FIRST FLOOR - OFFICES



BUILDING 2
FLOORS 4-20



BUILDING 2
POOL LEVEL

PARKING ANALYSIS

- SPACES REQUIRED
- SPACES PROVIDED
- PARKING REQUIRED
- PARKING PROVIDED
- EXCESS PARKING



WOOD RODGERS
ENGINEERING • PLANNING • MAPPING • SURVEYING

EXCESS PARKING

- RIVER FESTIVAL
- ART TOWN
- PARK TOWER
- RESTAURANT

DOWNTOWN CENTER CODE ANALYSIS

- PORTIONS MET
- GRAPHIC ANALYSIS OF
RIVERFRONT BUILDINGS
- SETBACKS
- SOUTHERN VIEWLINE

TRANSIT CORRIDOR ANALYSIS

- TEMP
- TEMP
- TEMP
- TEMP

ENHANCEMENTS

- SIDEWALK
- LIGHTING
- FURNITURE
- ETC

FLOOD PLAN

•TEMP
•TEMP
•TEMP
•TEMP

MERIDIAN

ECONOMICS BENEFITS

- OFFICE**
- RETAIL**
- RESIDENTIAL**
- TAX REVENUE**
- TEMP**

MERIDIAN

COMMUNITY BENEFITS

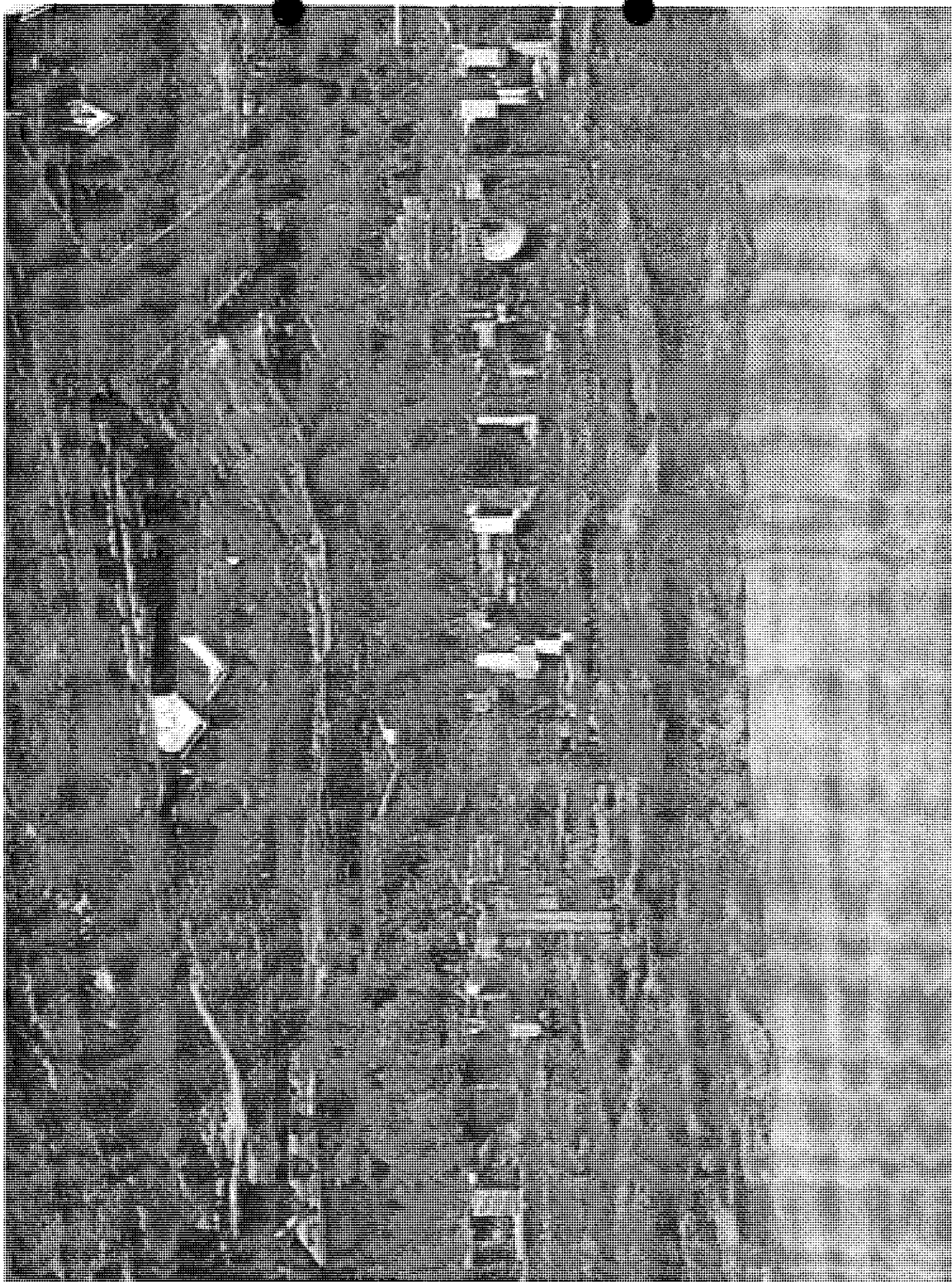
- DOWNTOWN CORE
INTENSIFICATION**
- TRUCKEE MEADOWS
REGIONAL PLAN**
- DOWNTOWN CENTER PLAN**

MERIDIAN

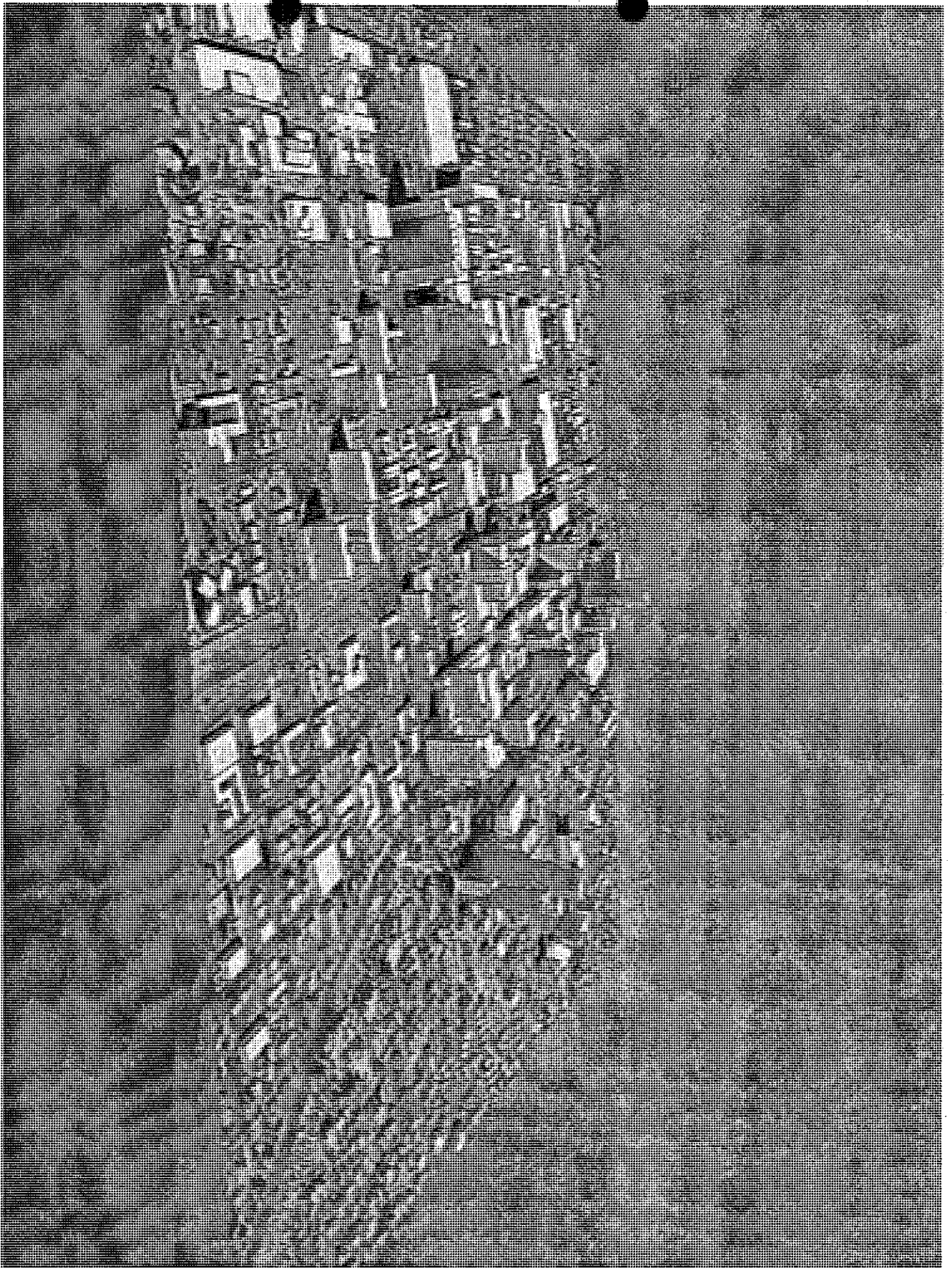
CITY OF RENO BENEFITS

- LANDMARK
- GATEWAY
- TEMP
- TEMP
- TEMP

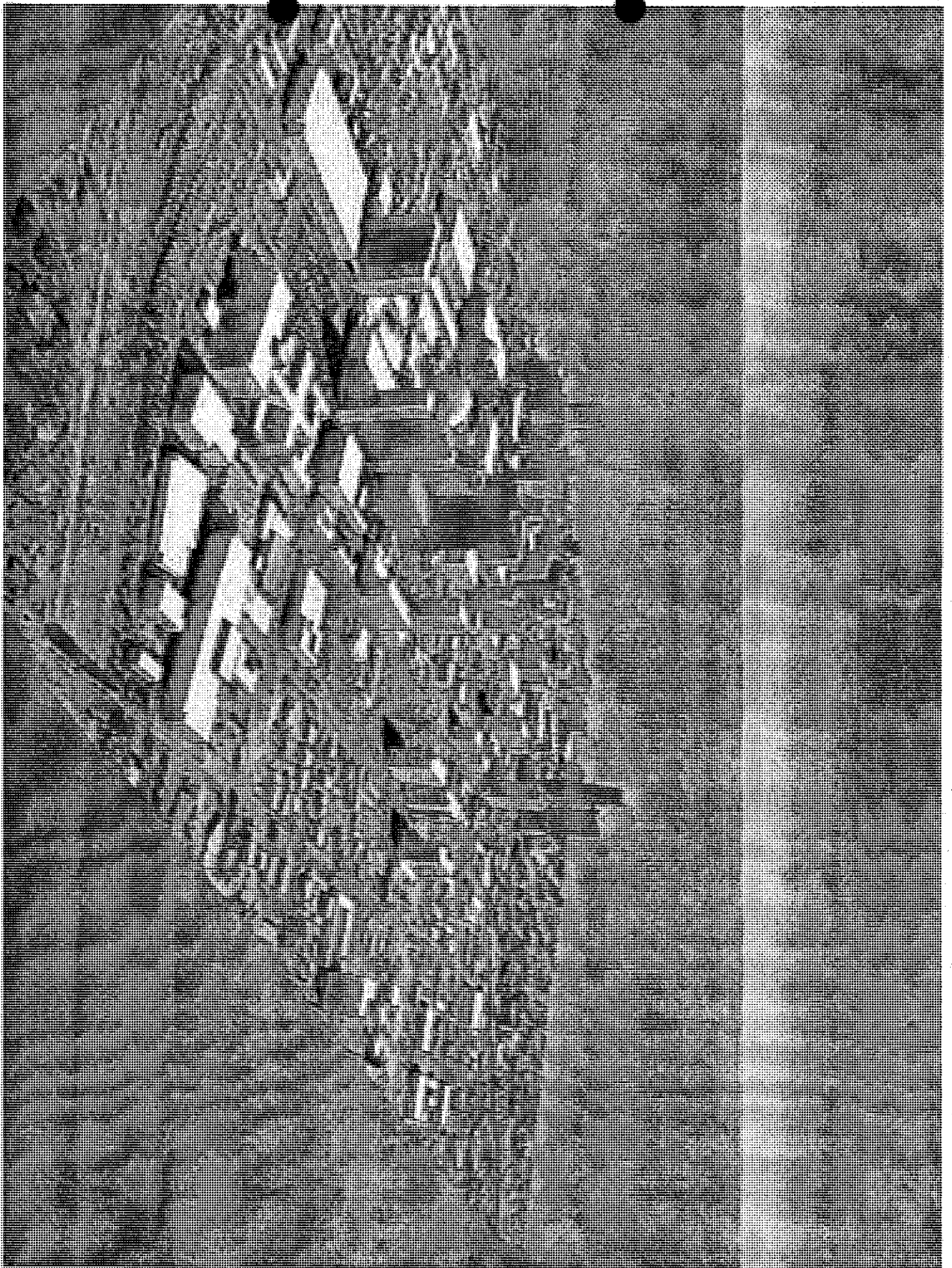
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(click to begin)



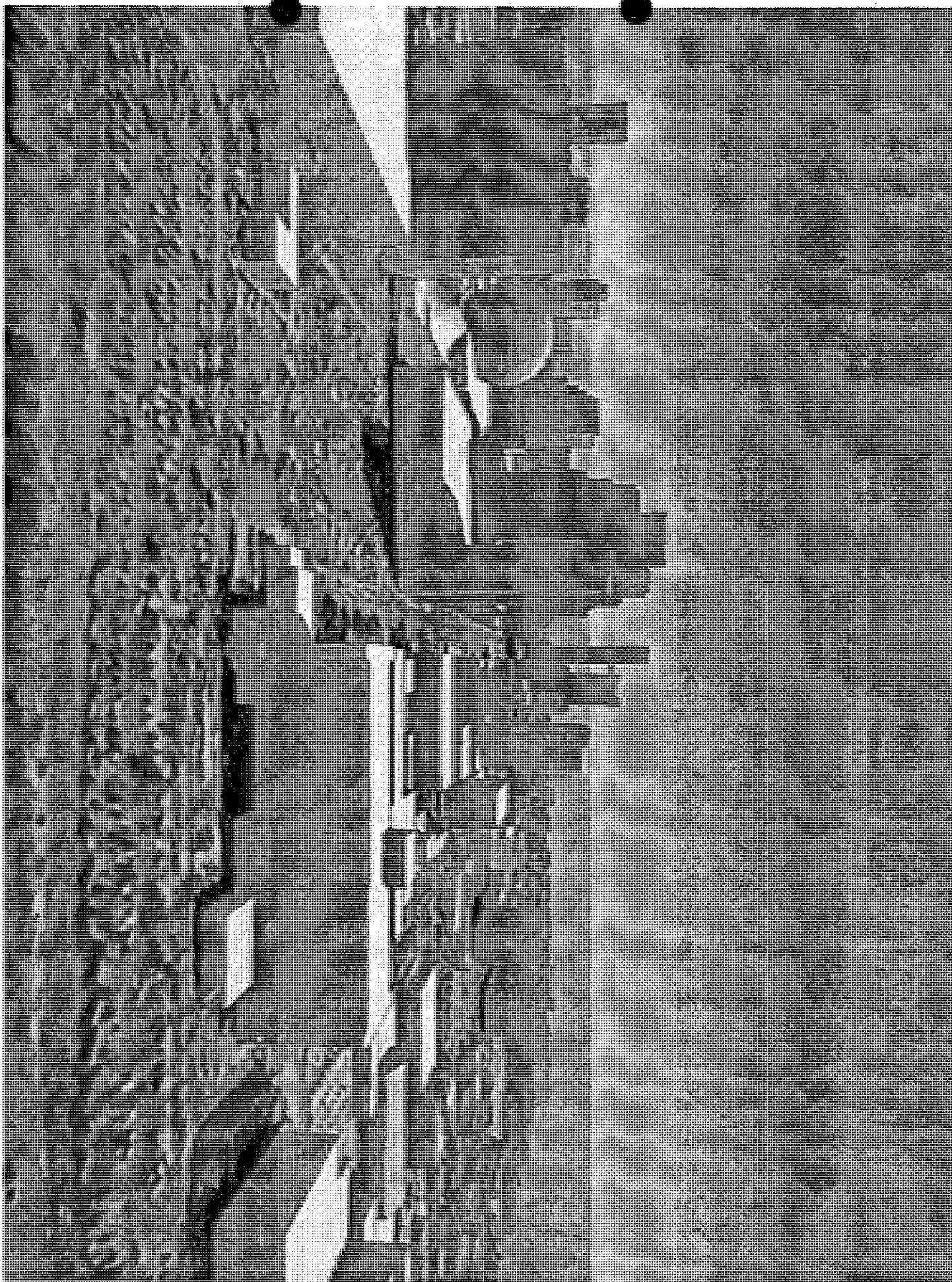
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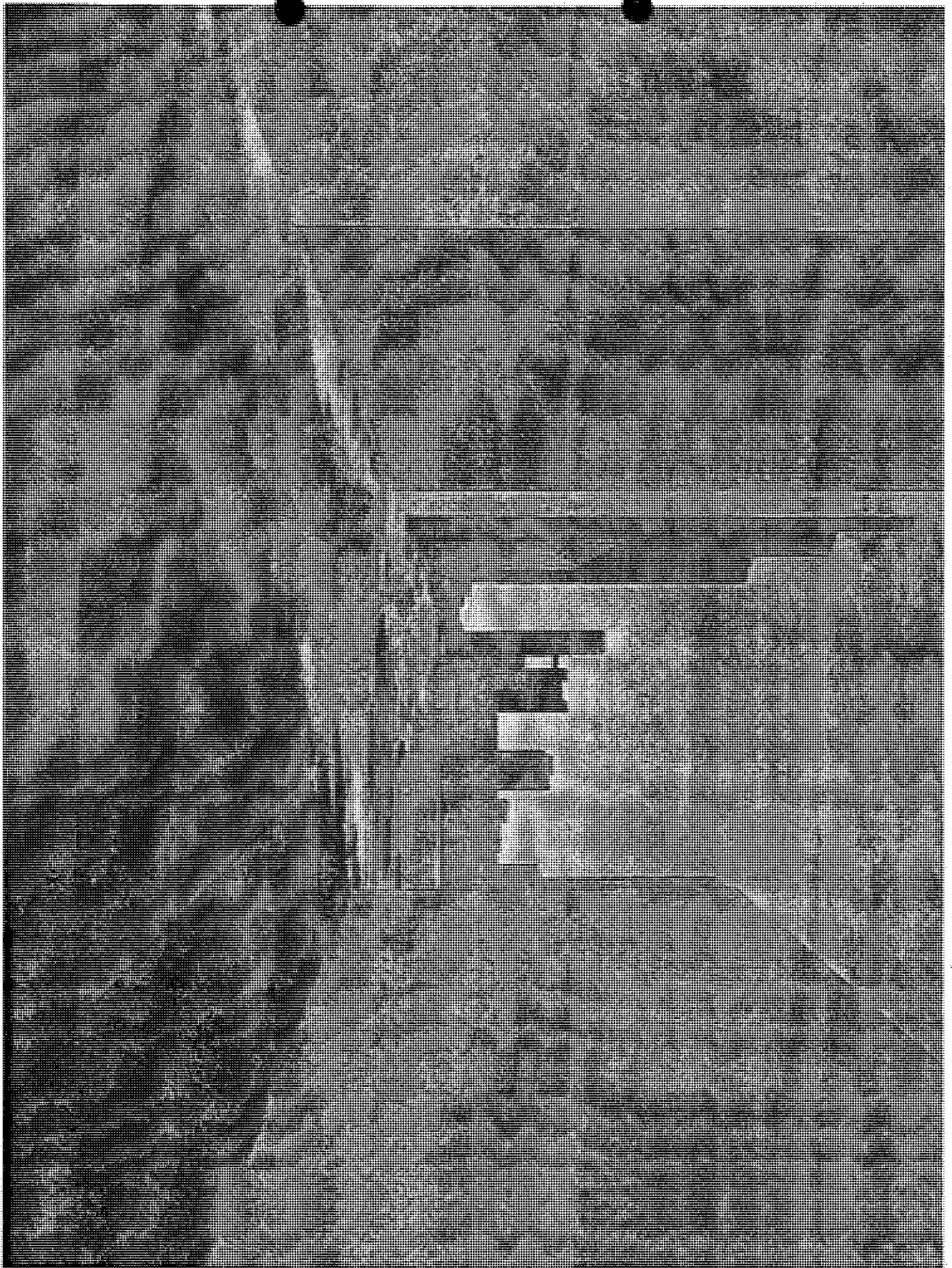
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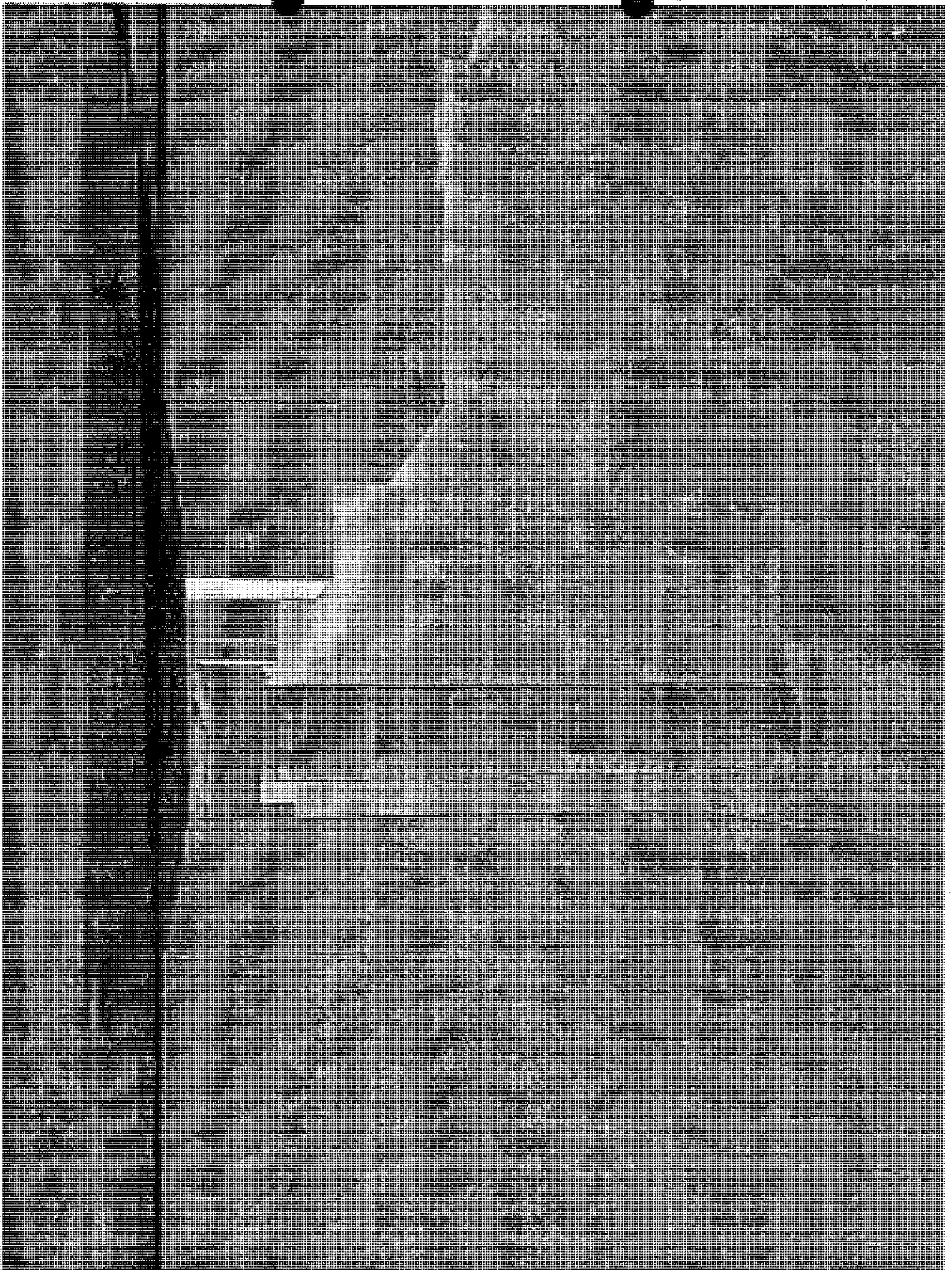
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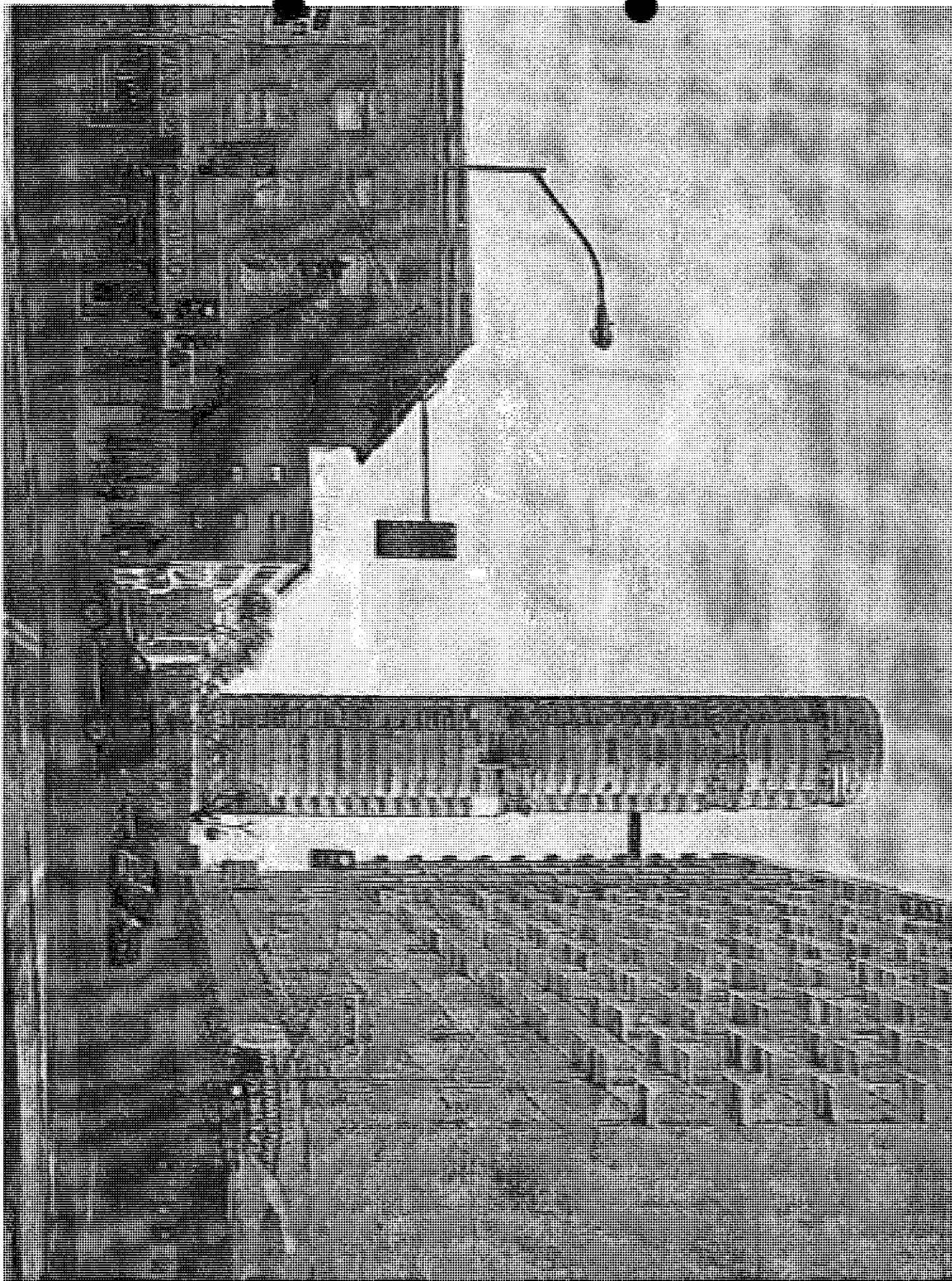
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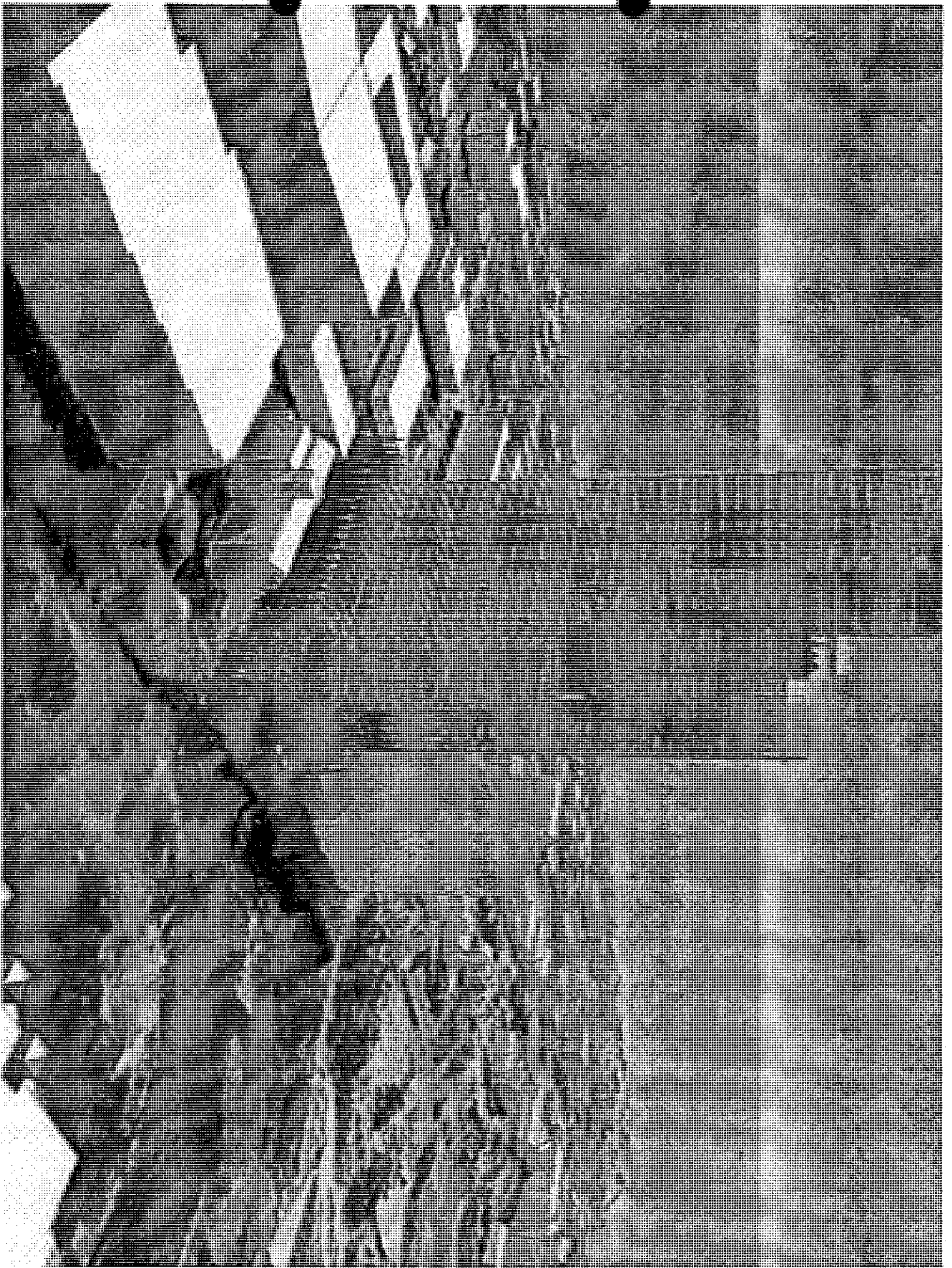
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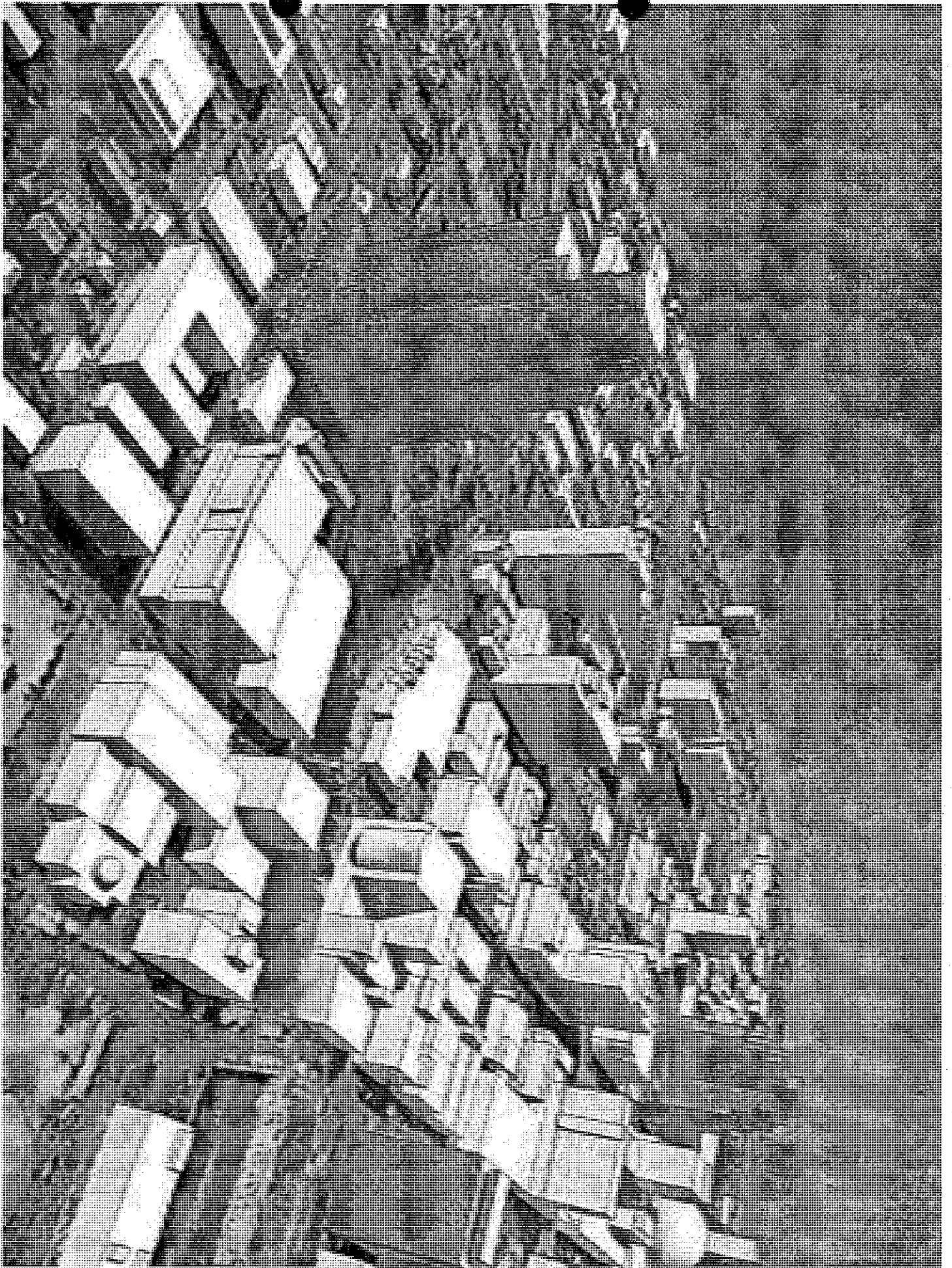
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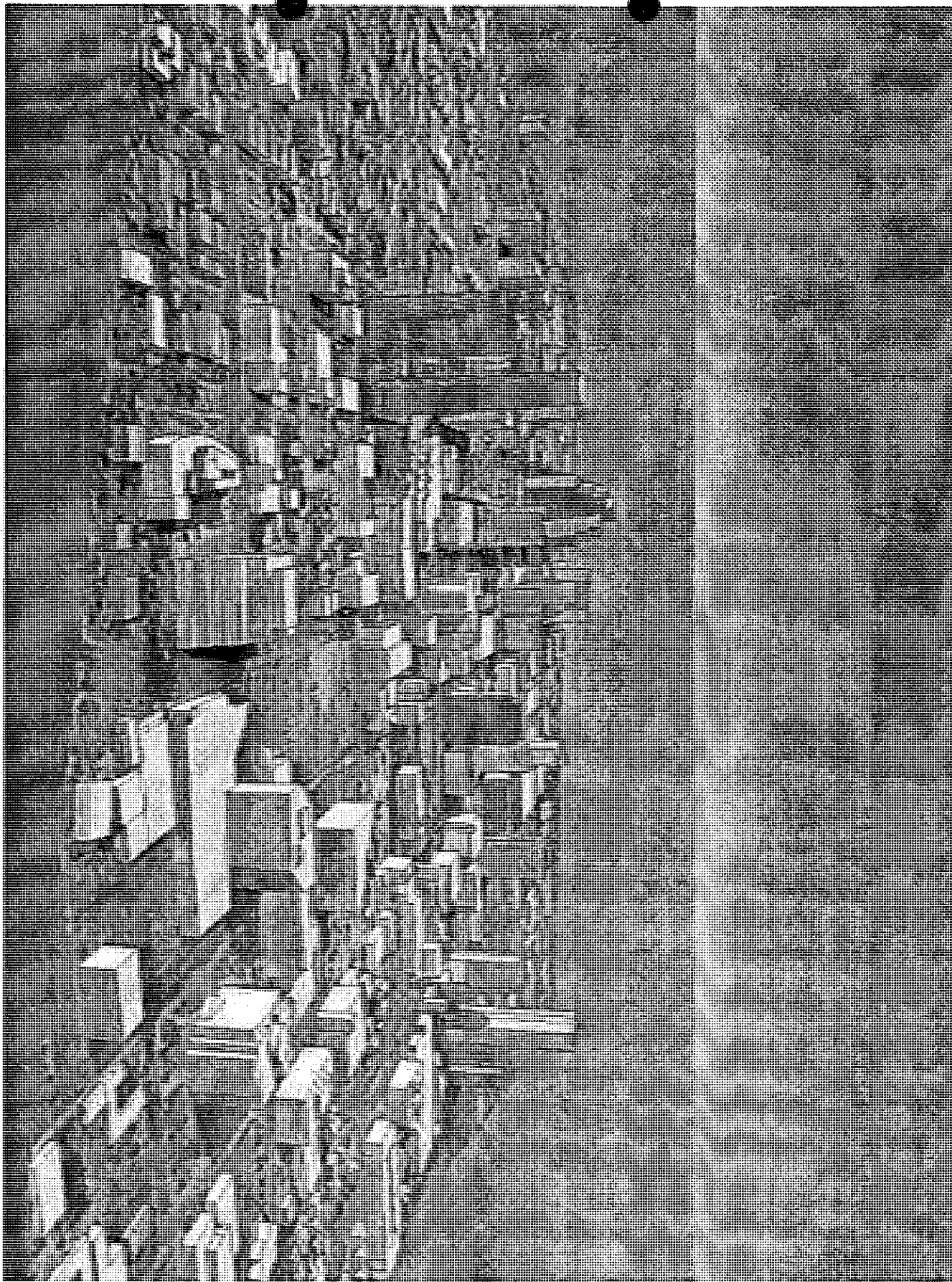
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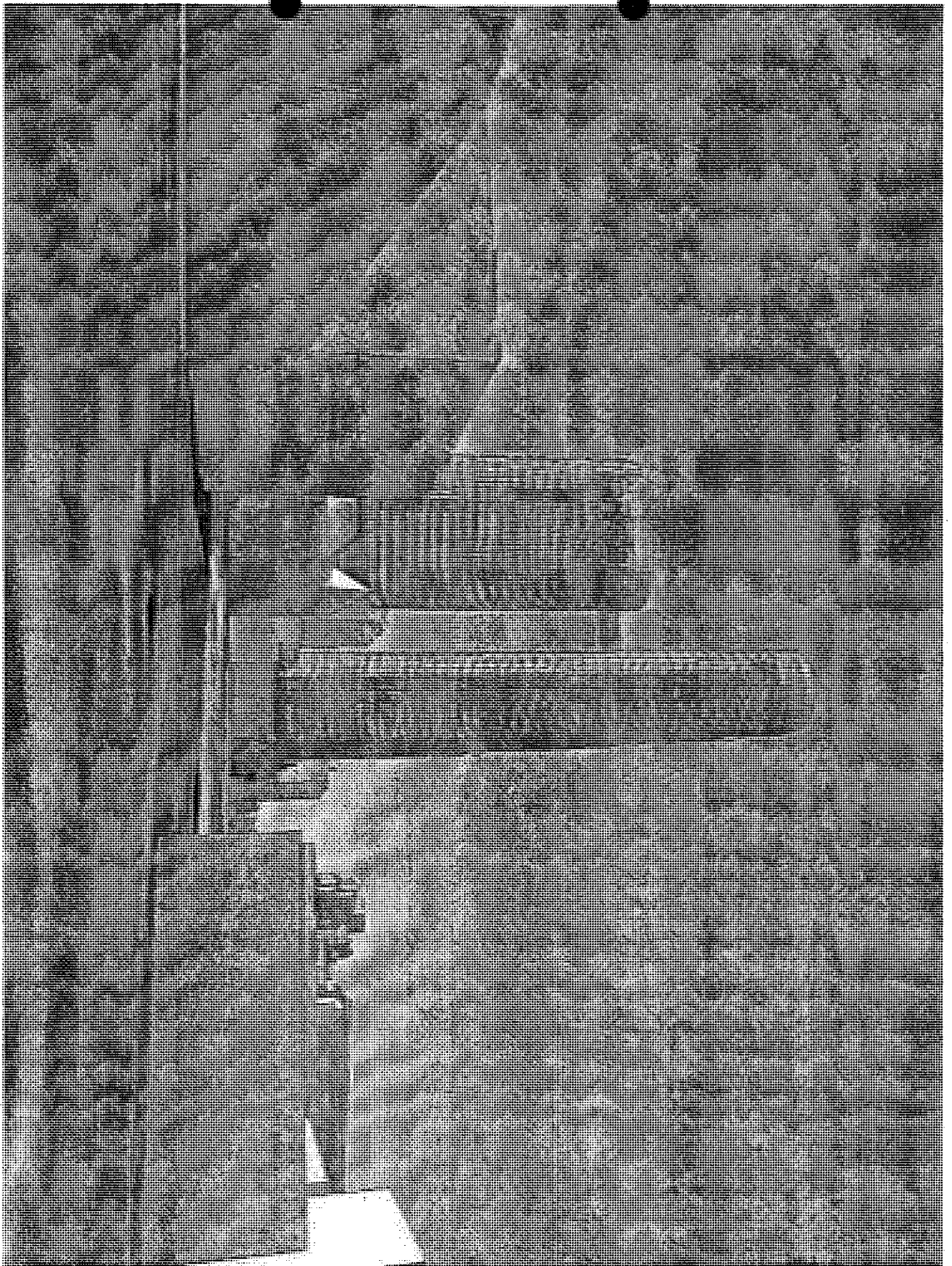
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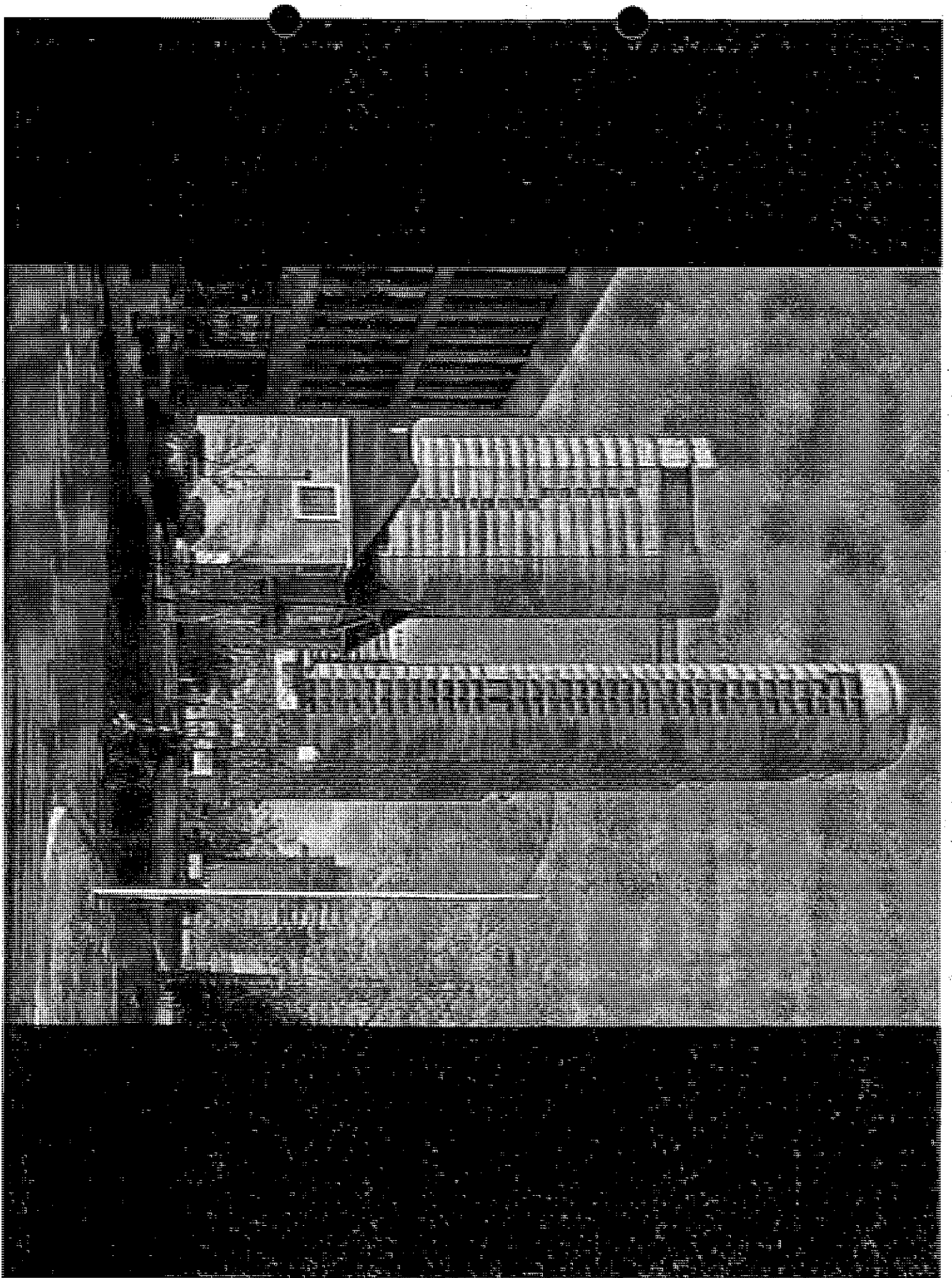
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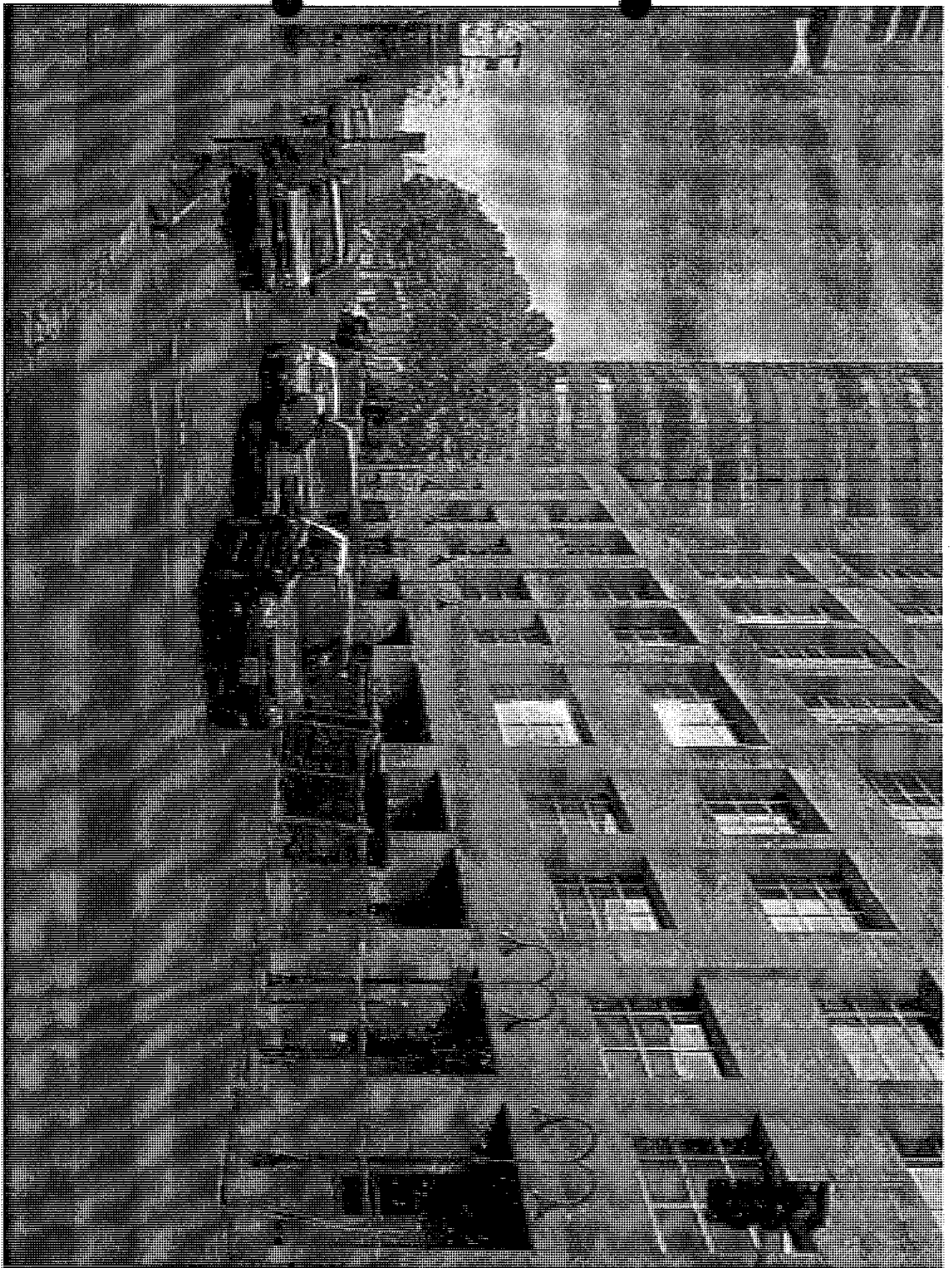
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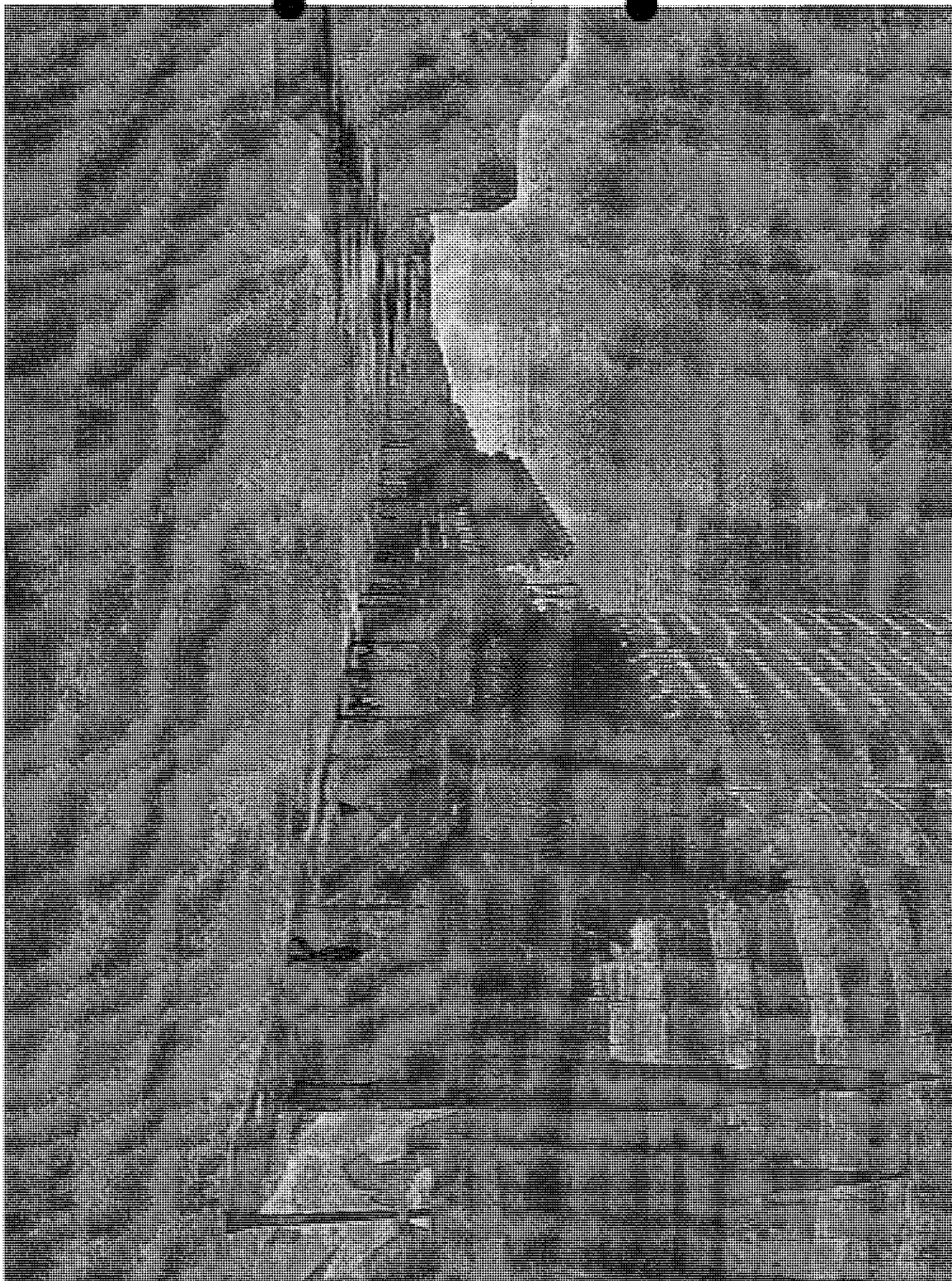
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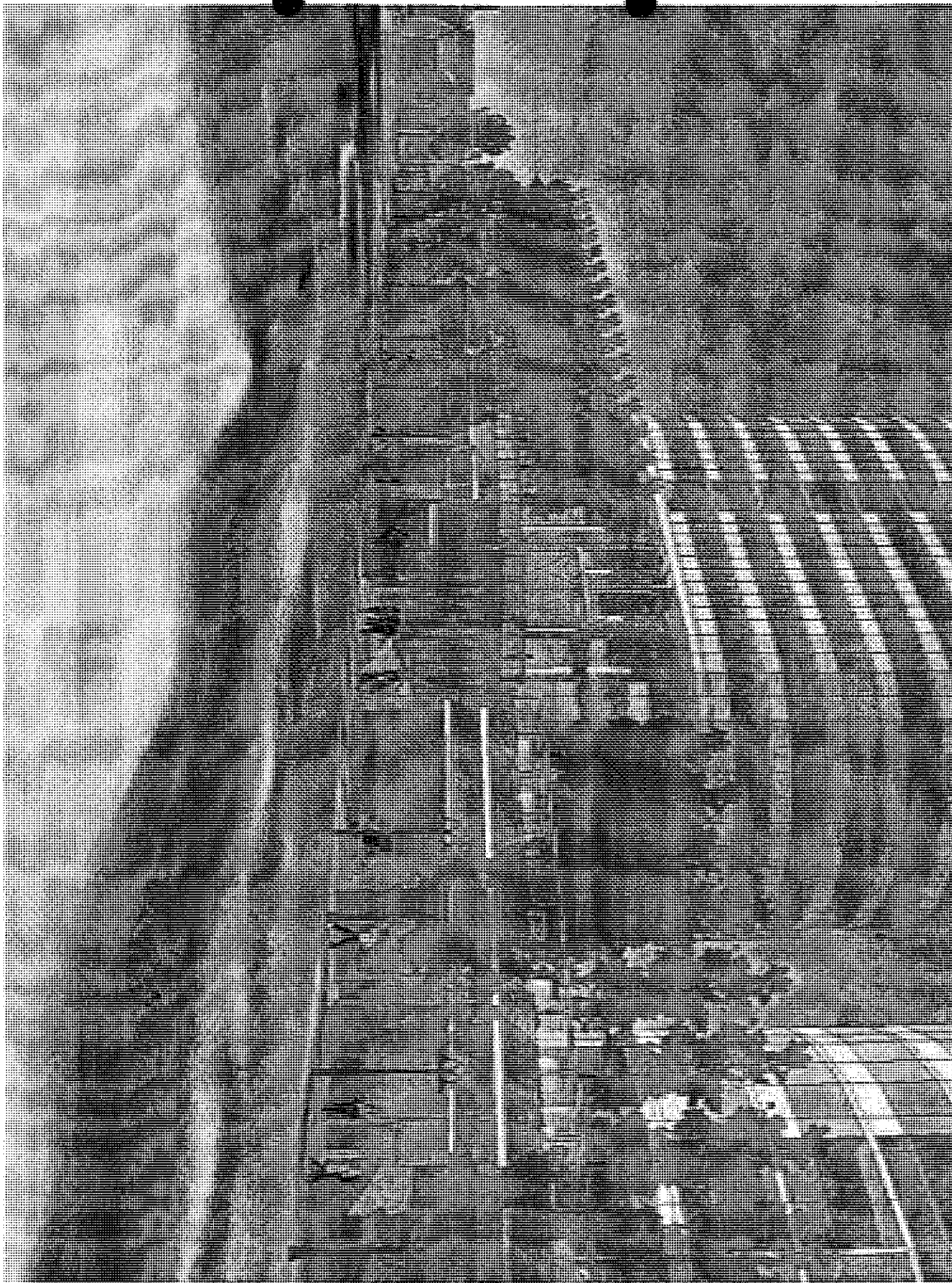
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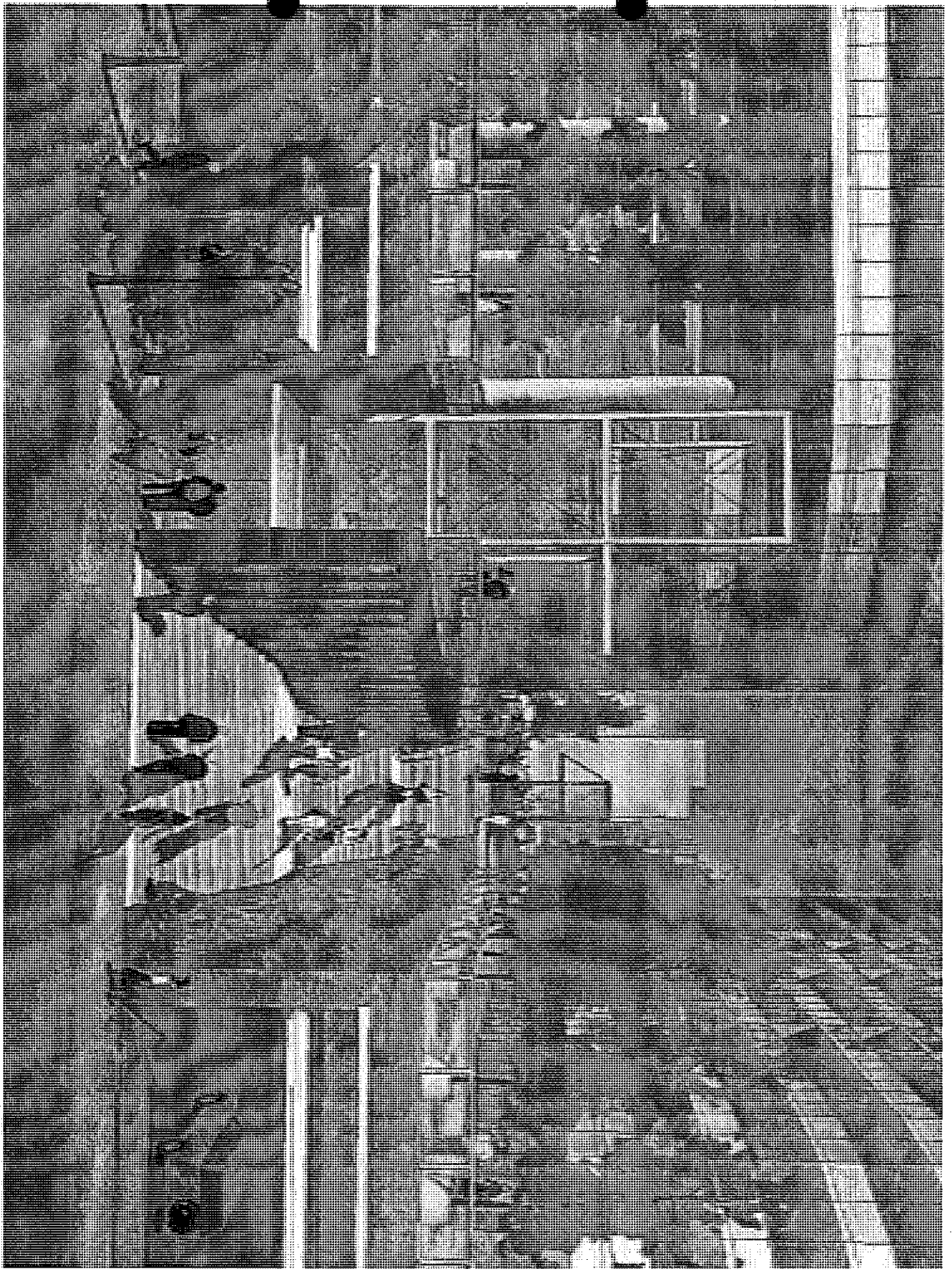
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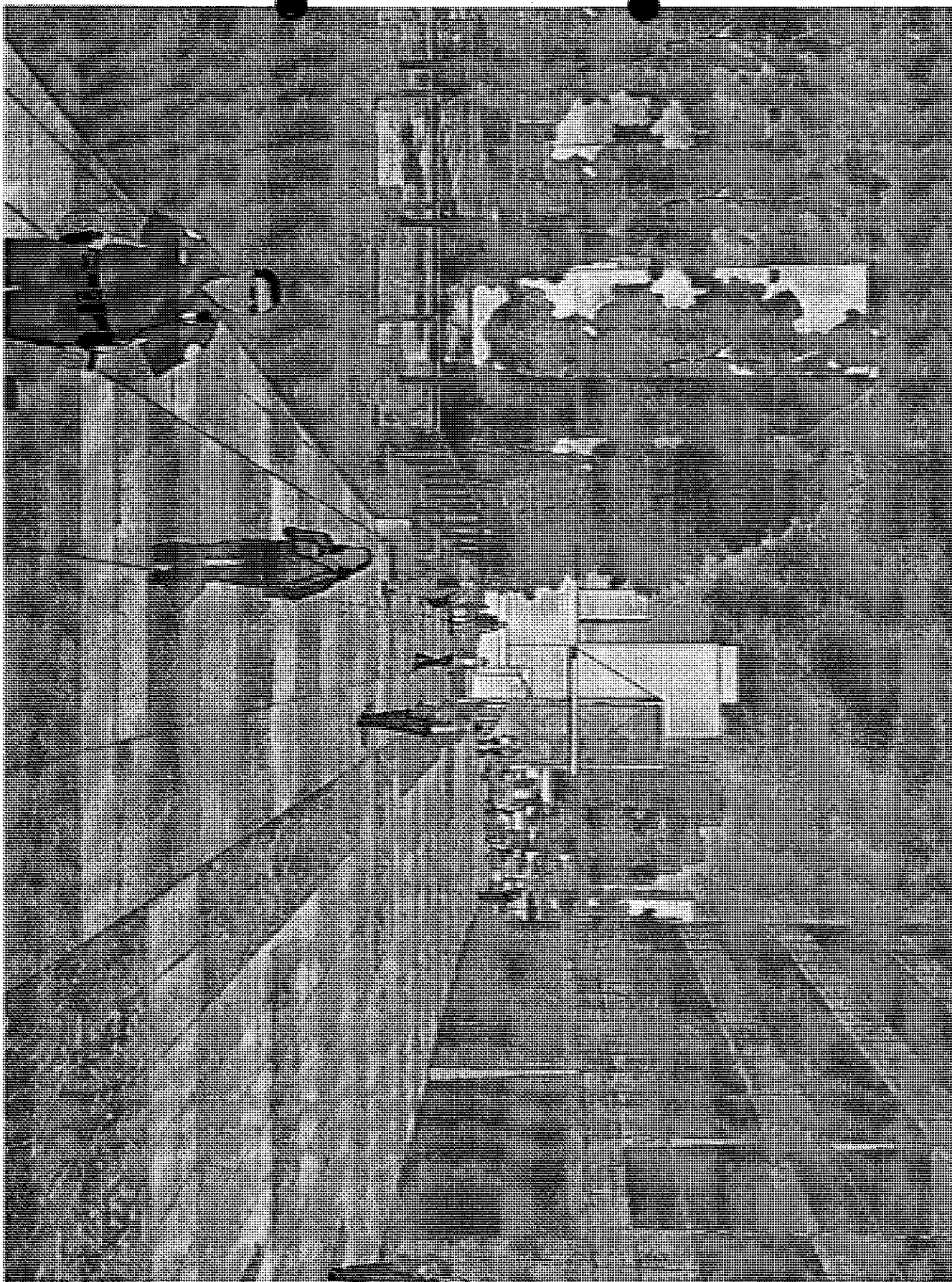
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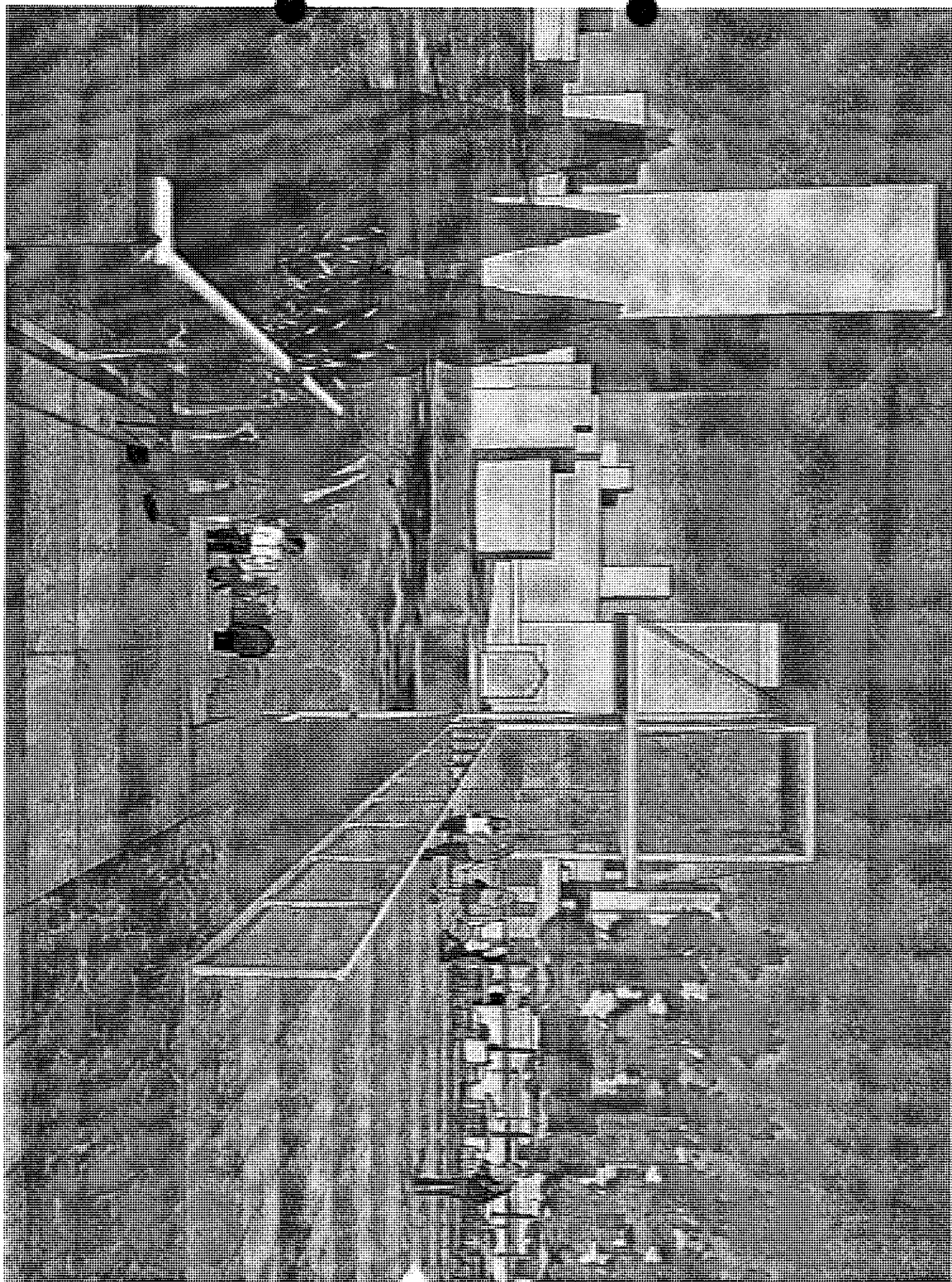
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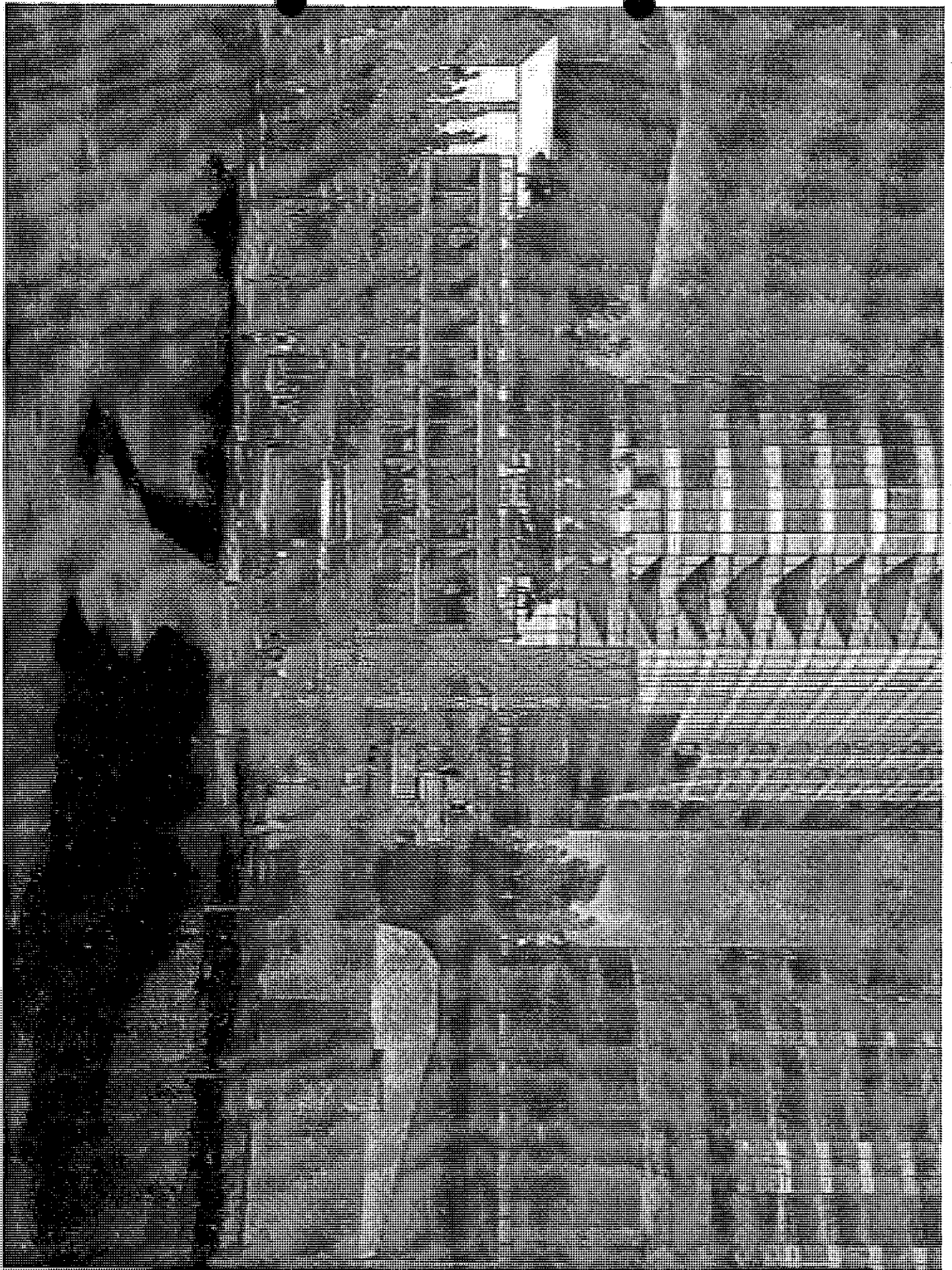
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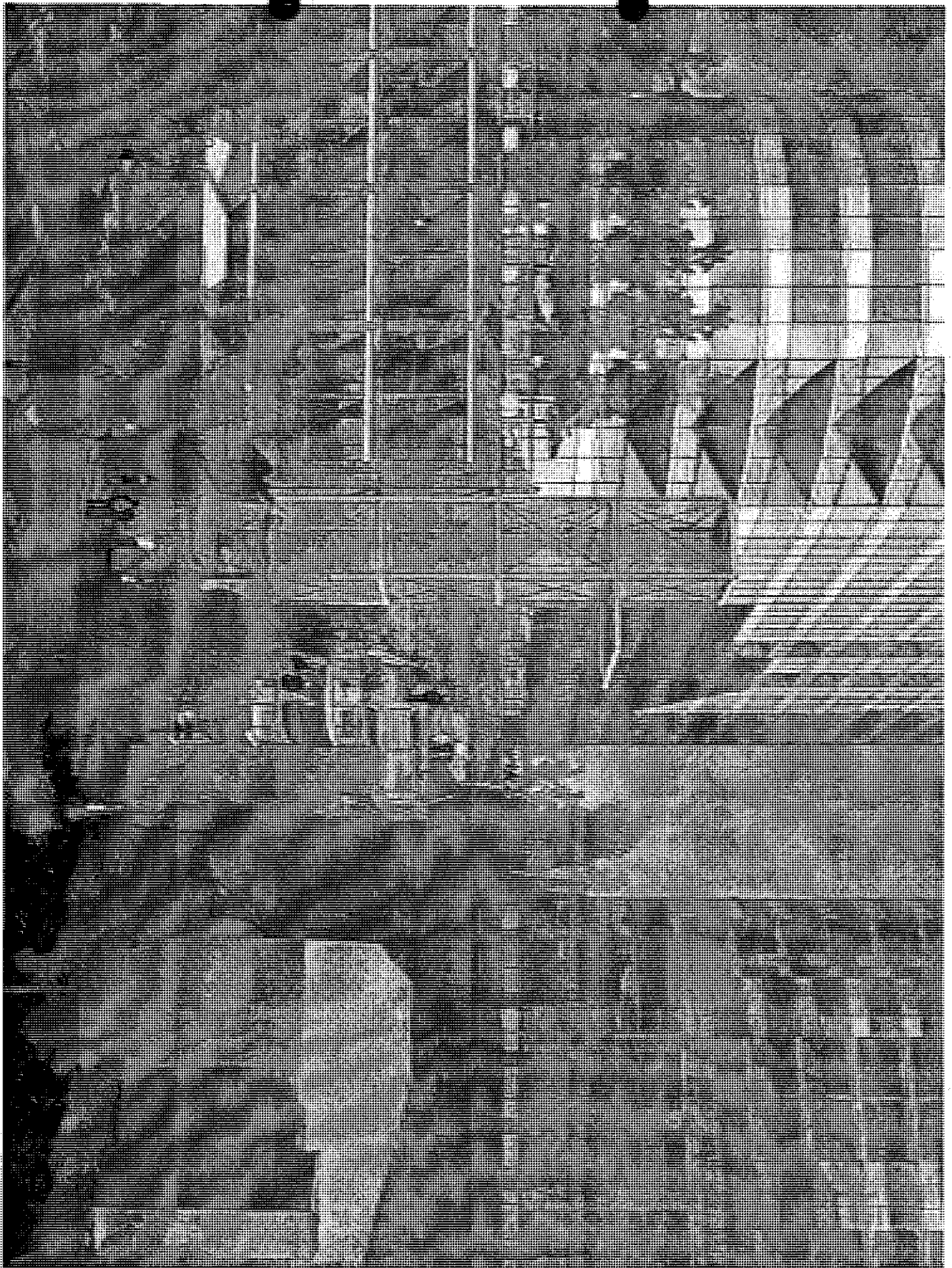
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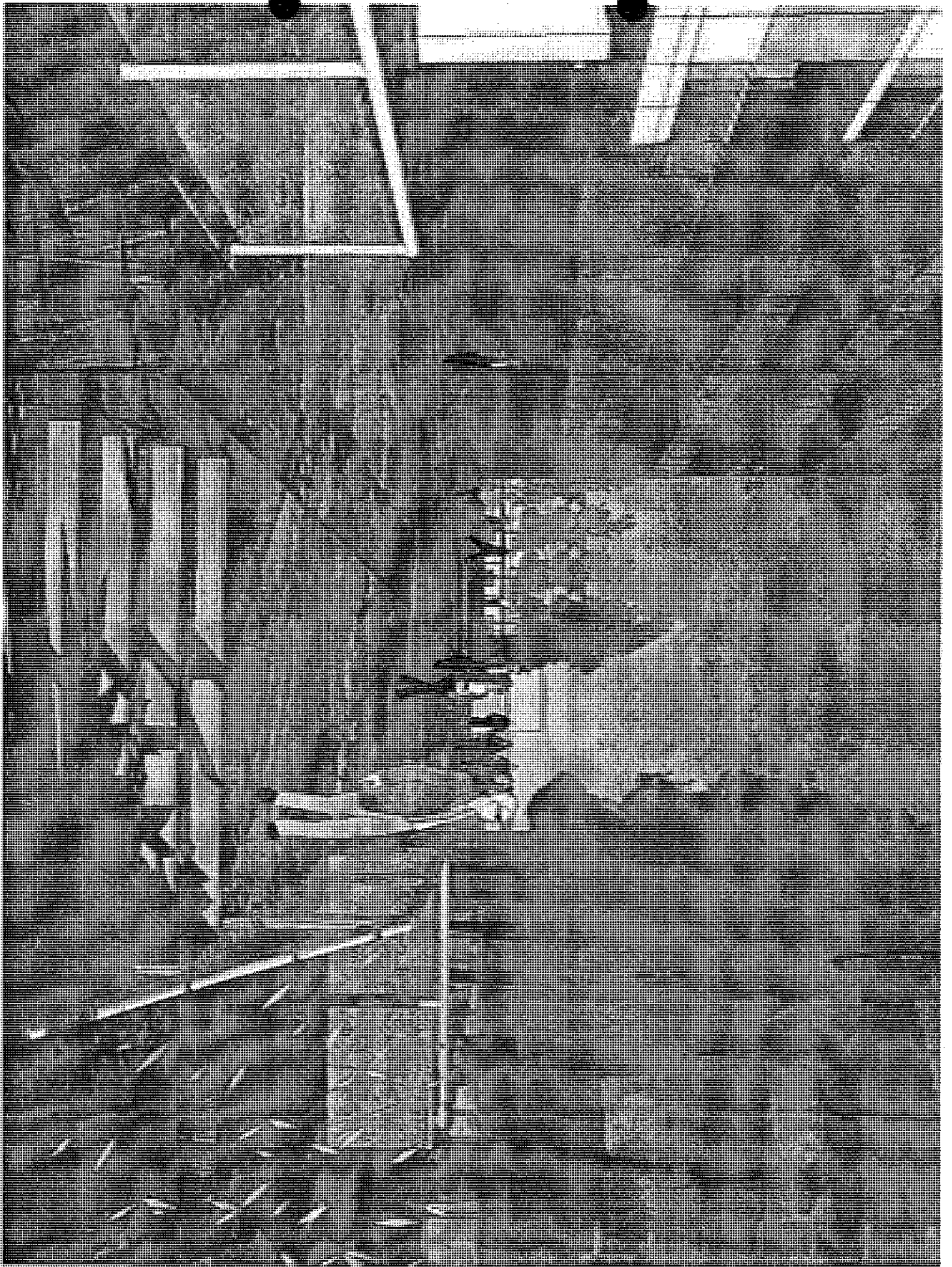
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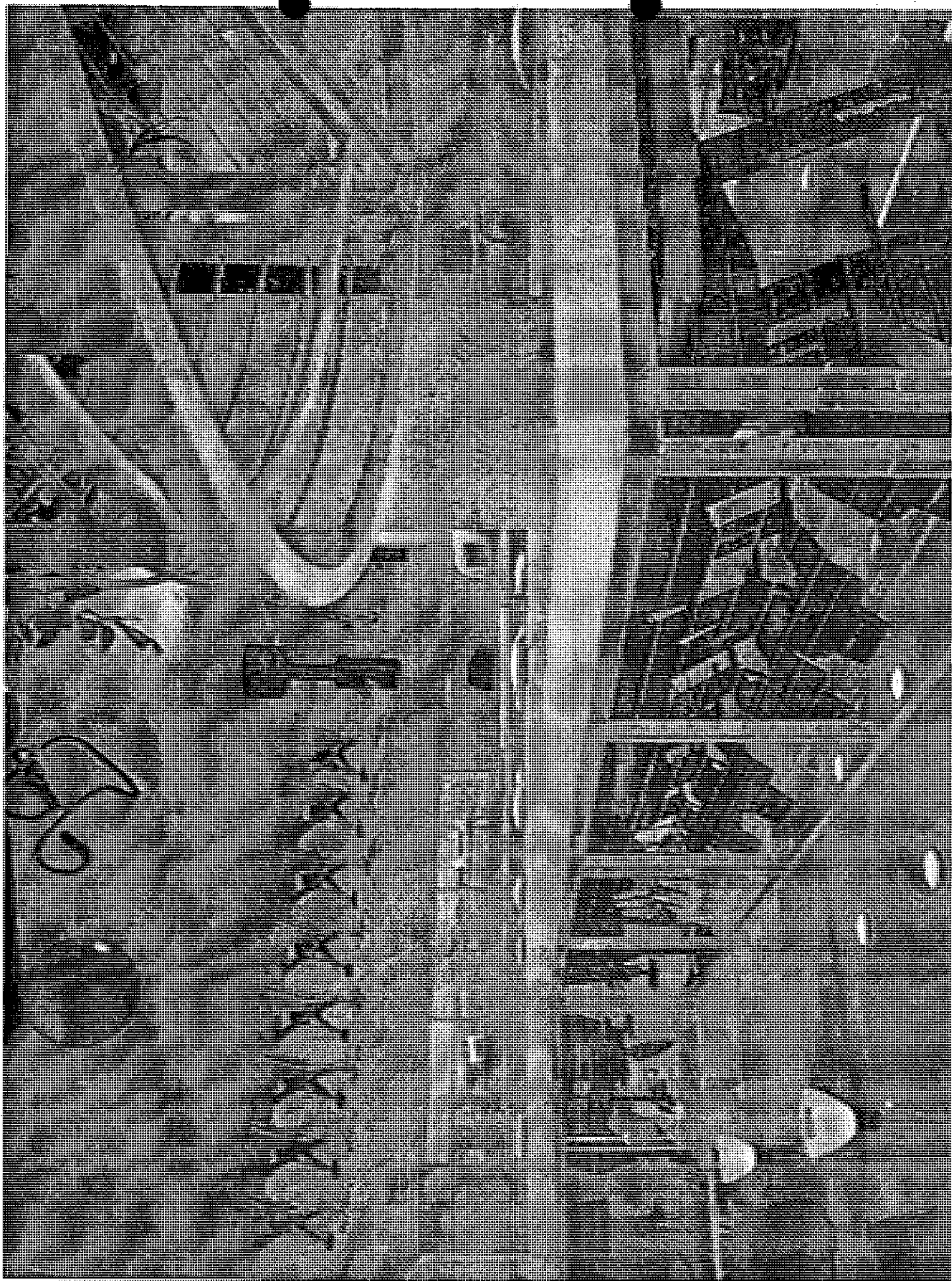
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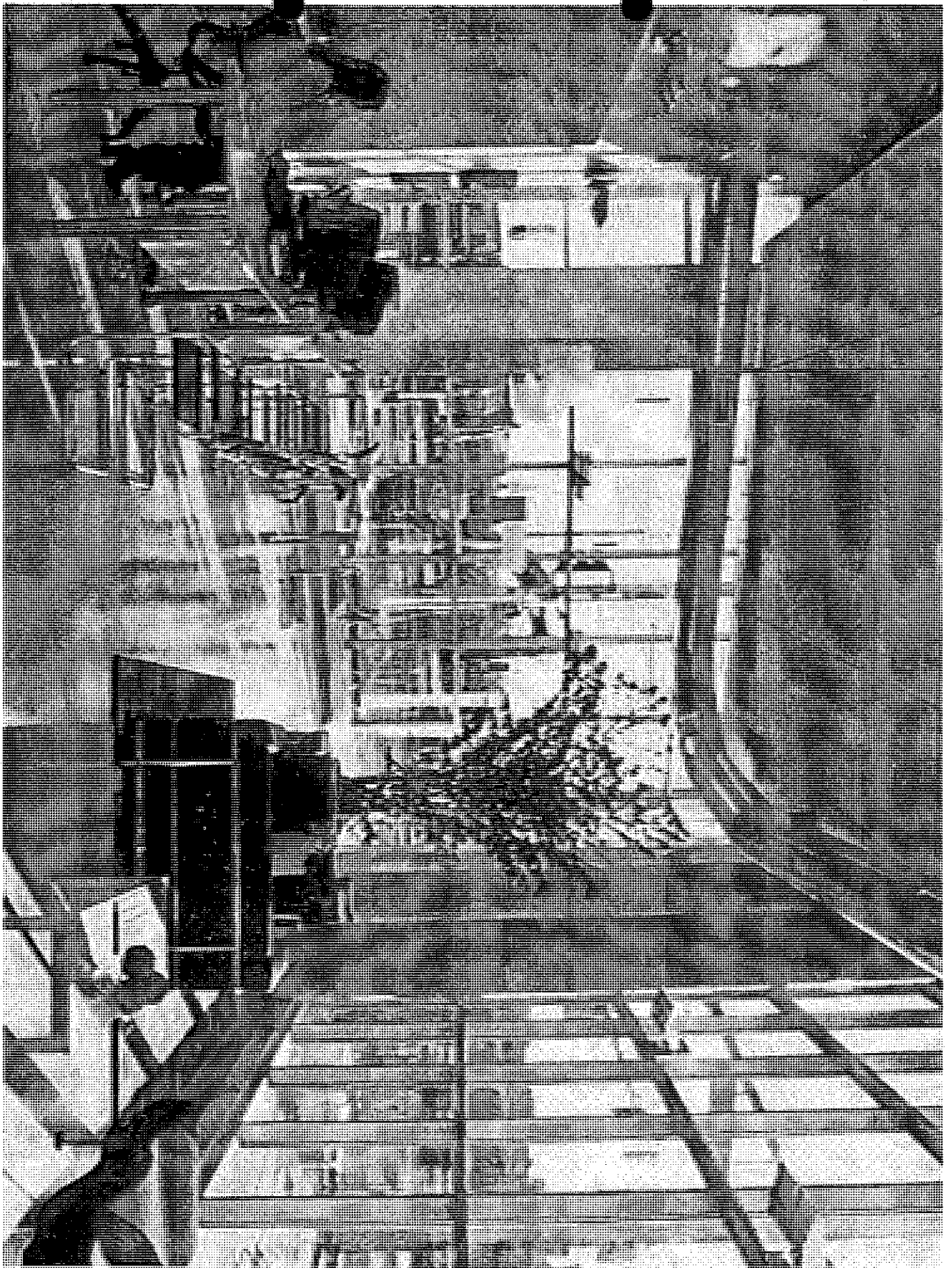


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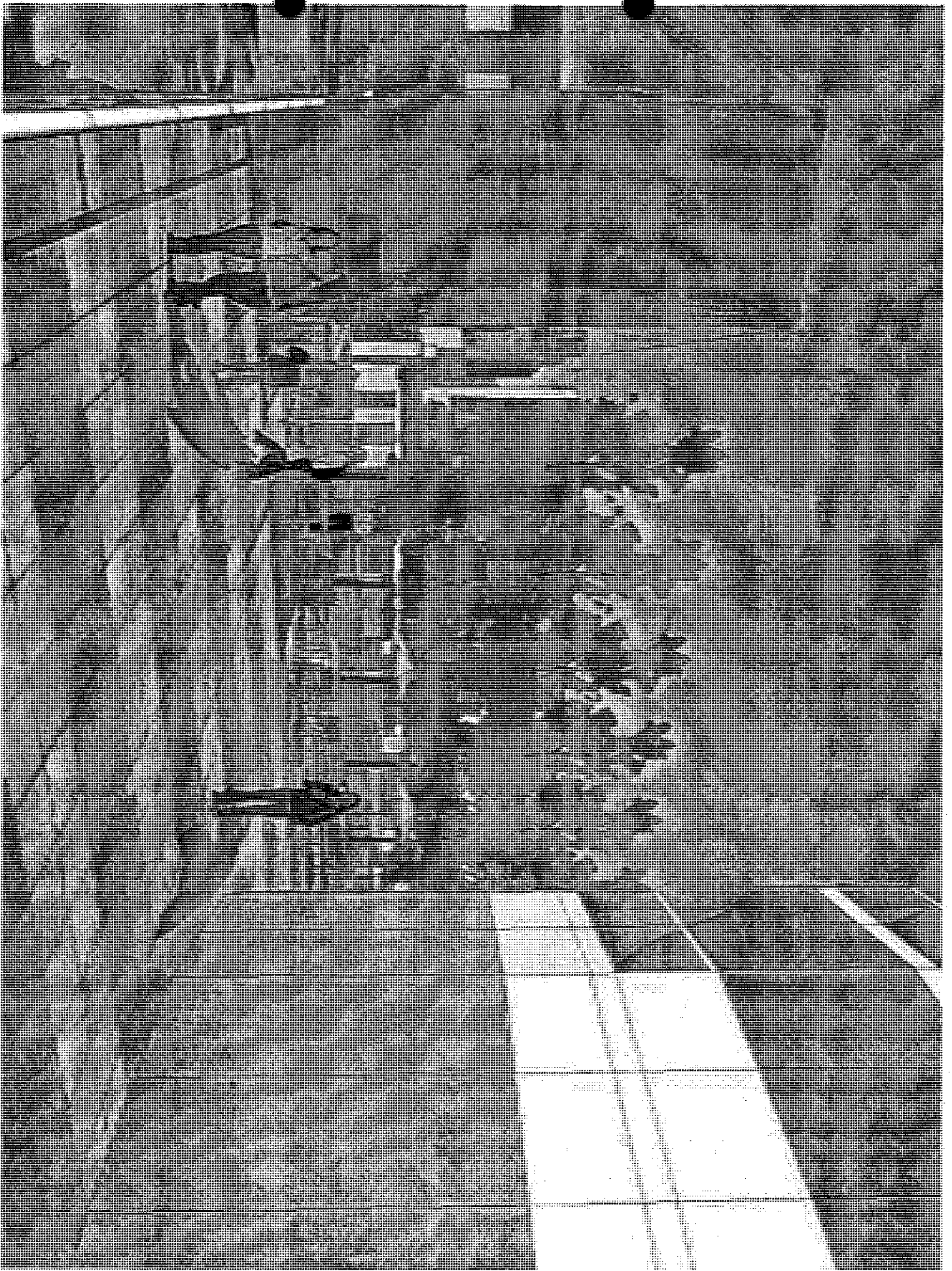


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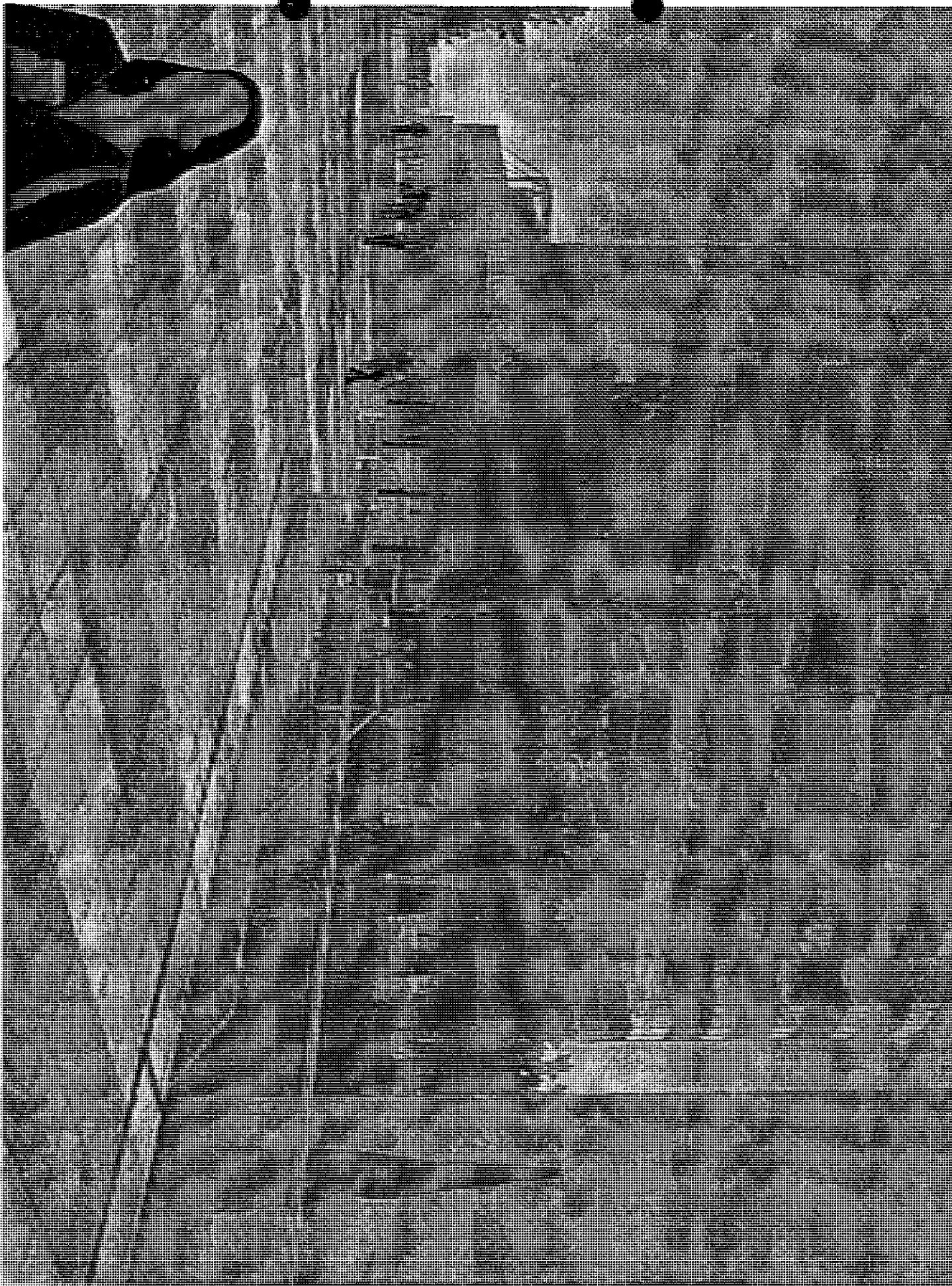
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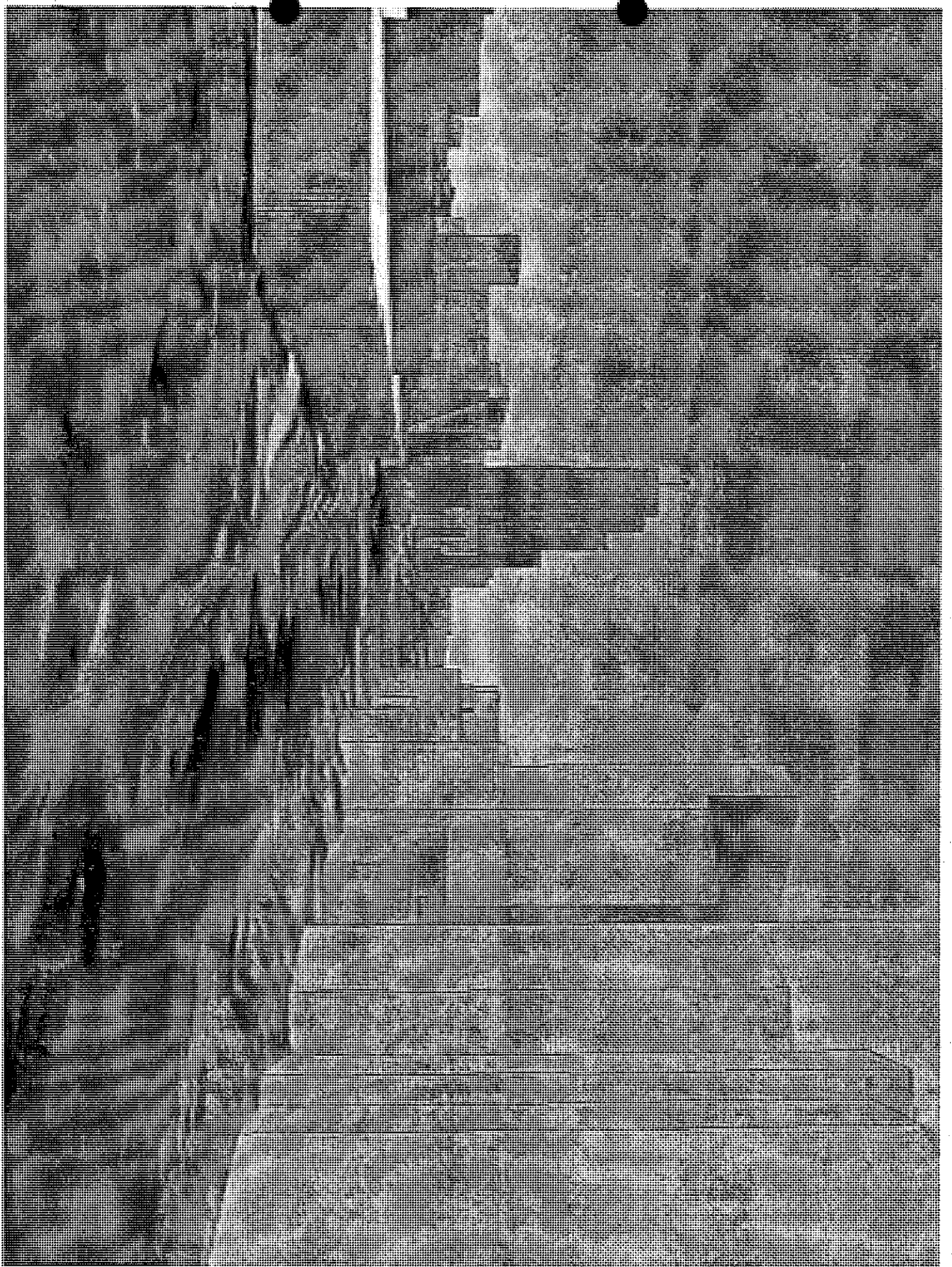
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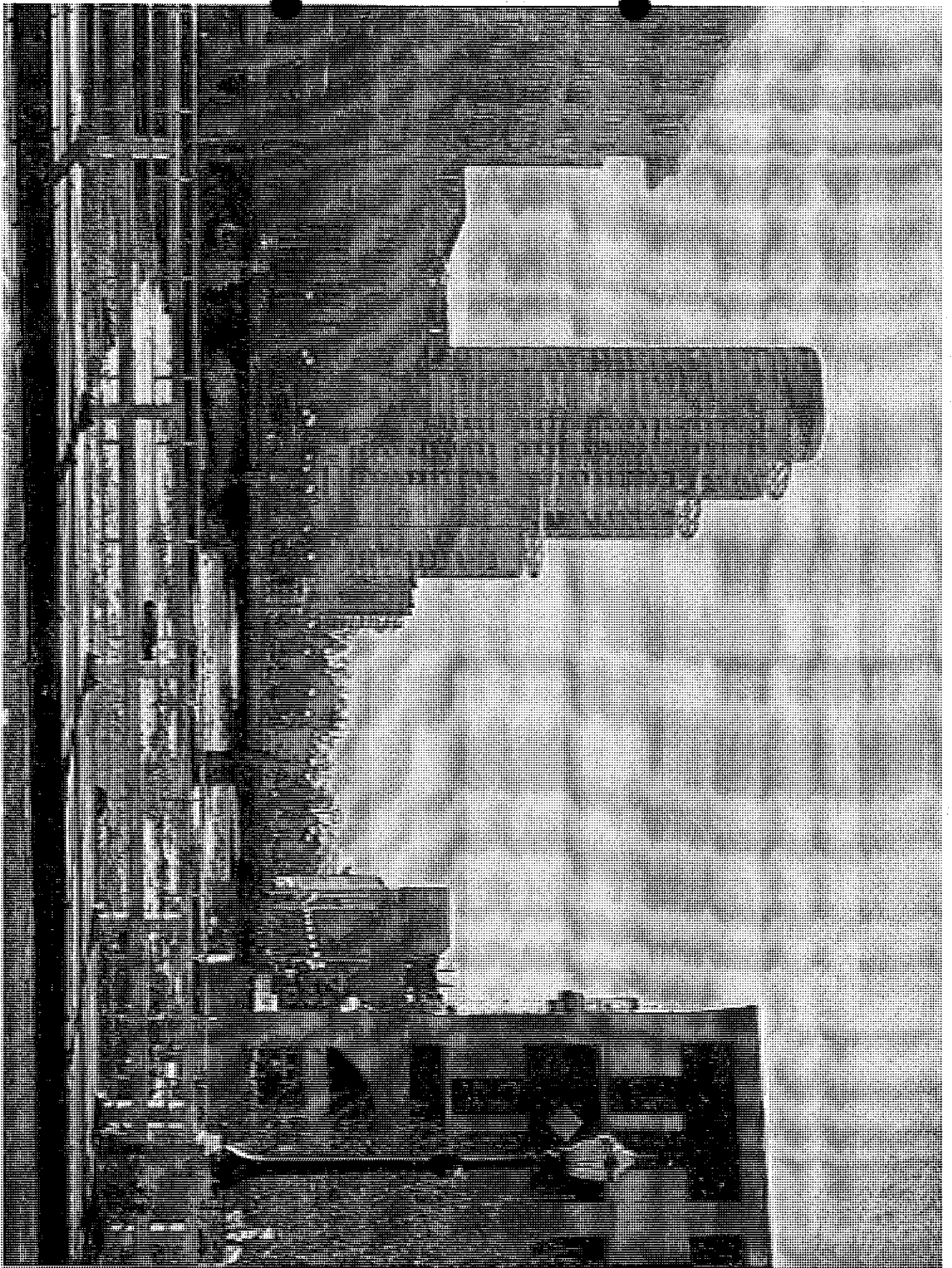
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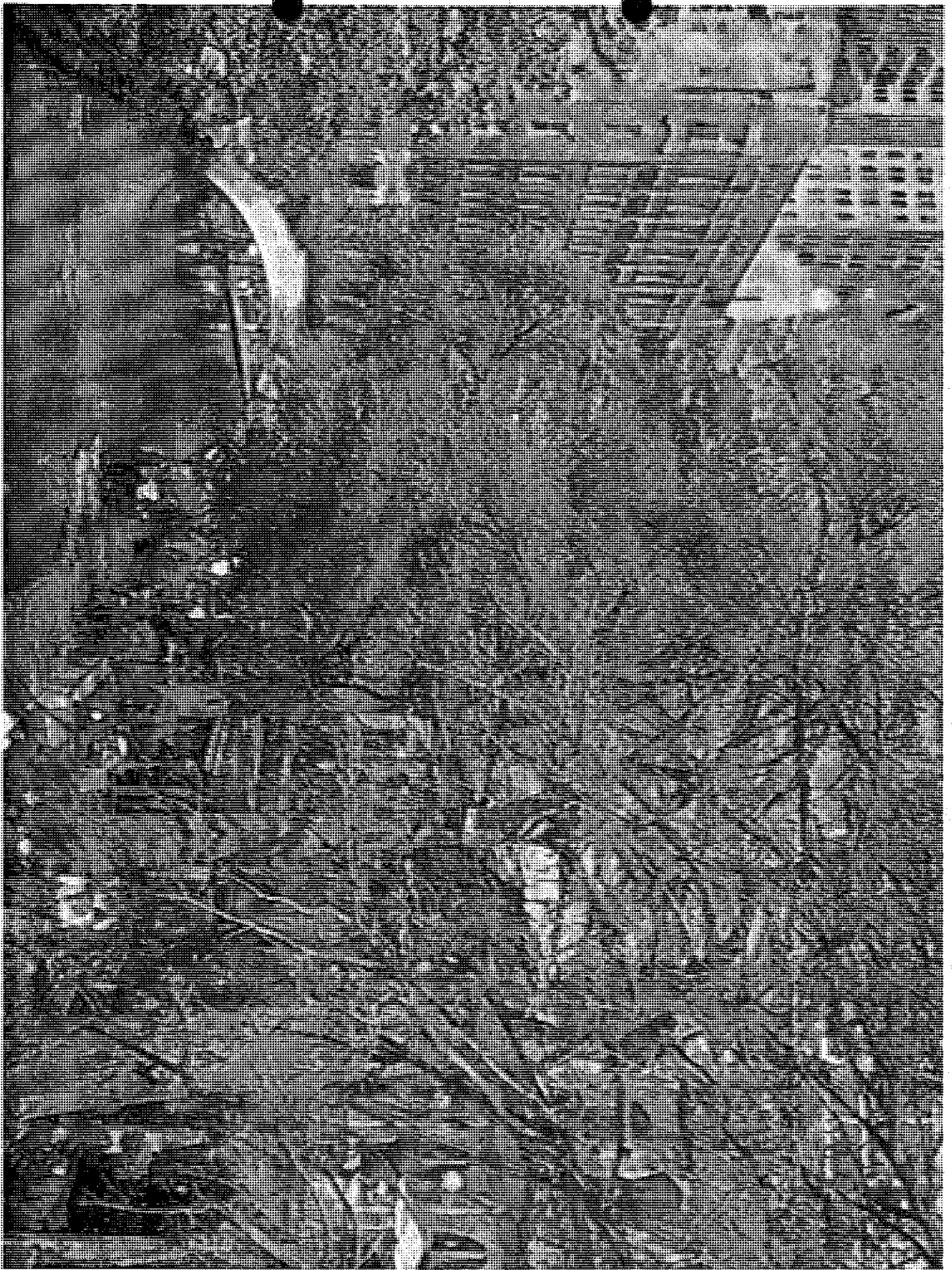
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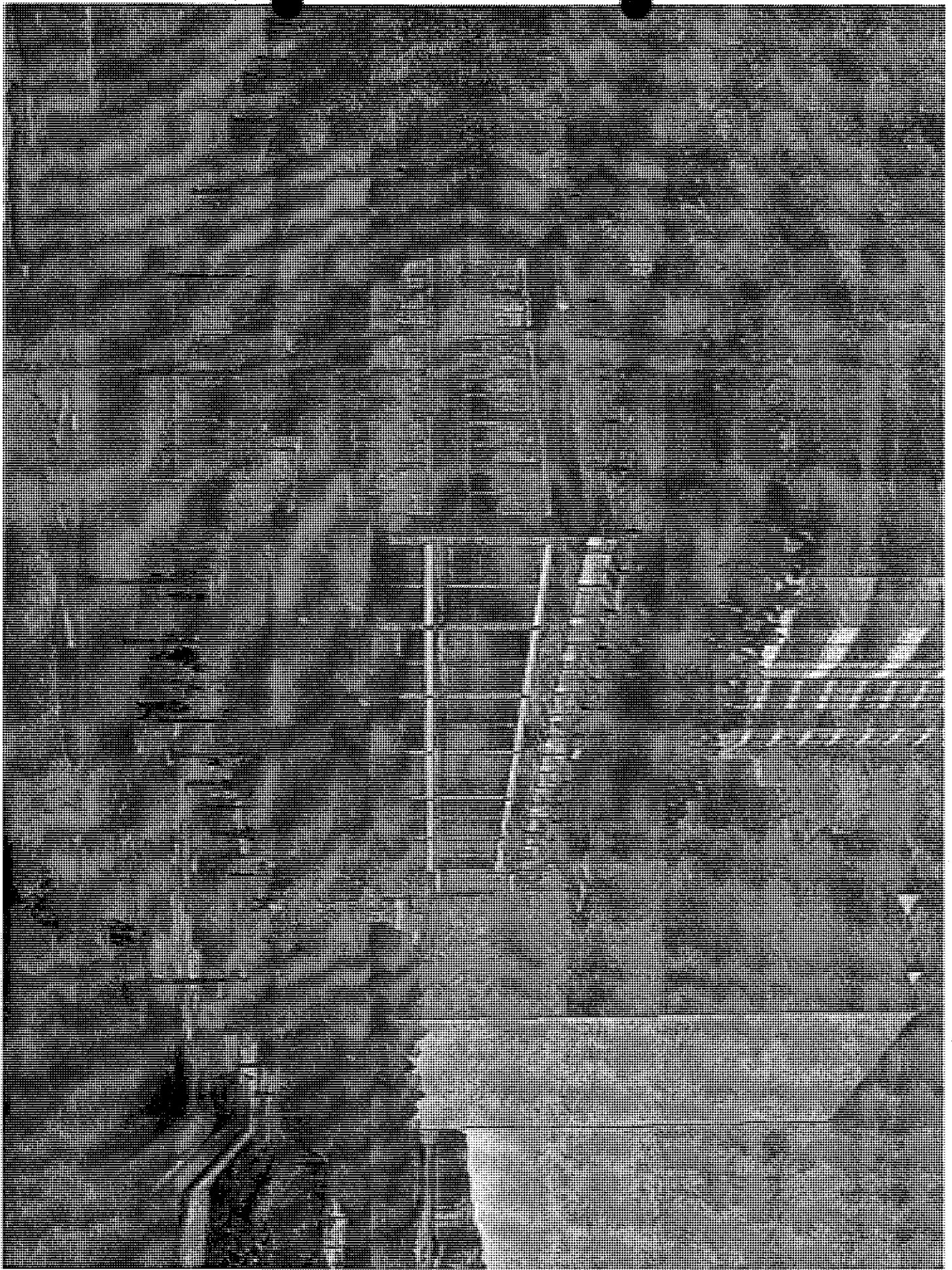
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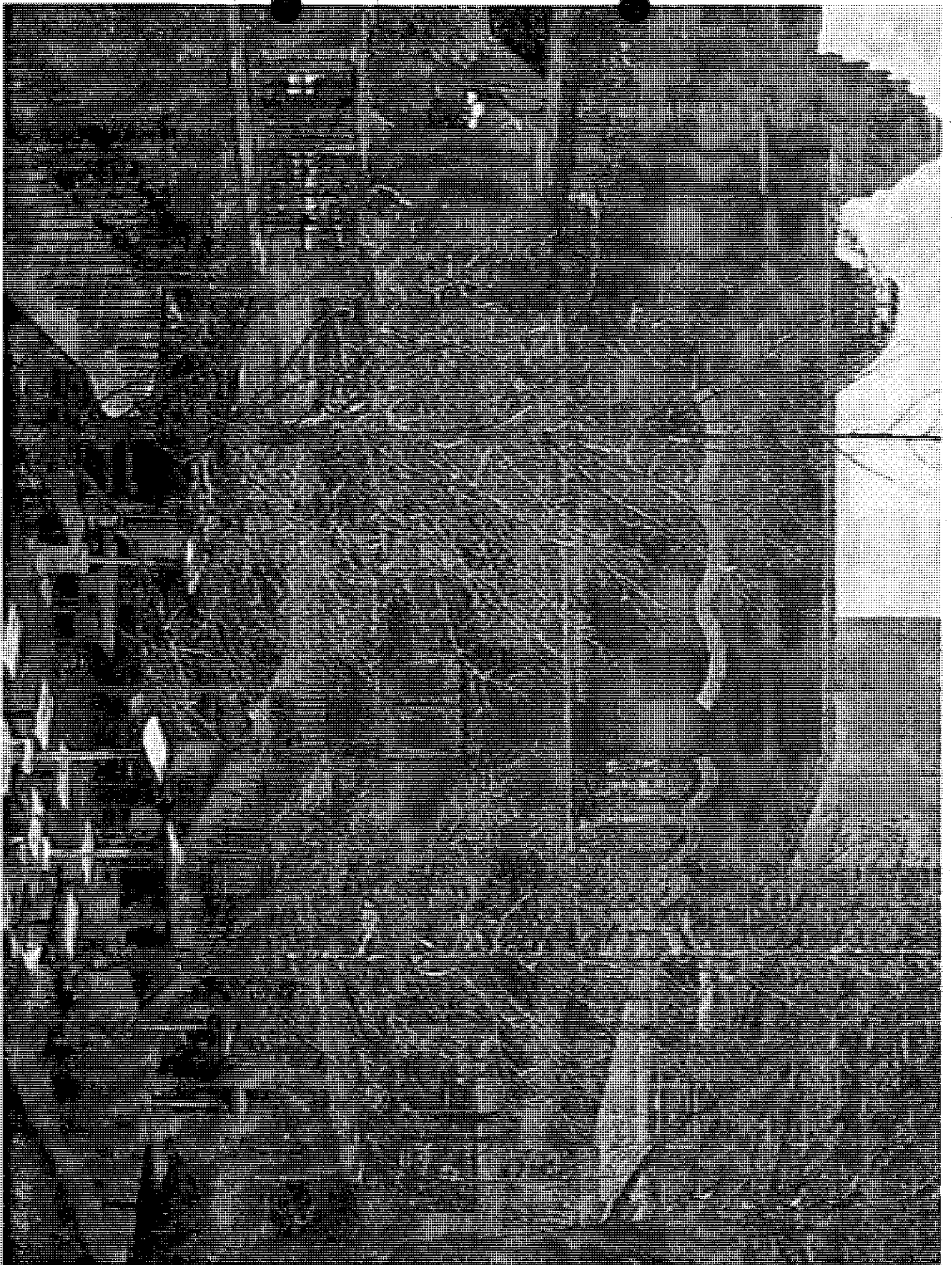
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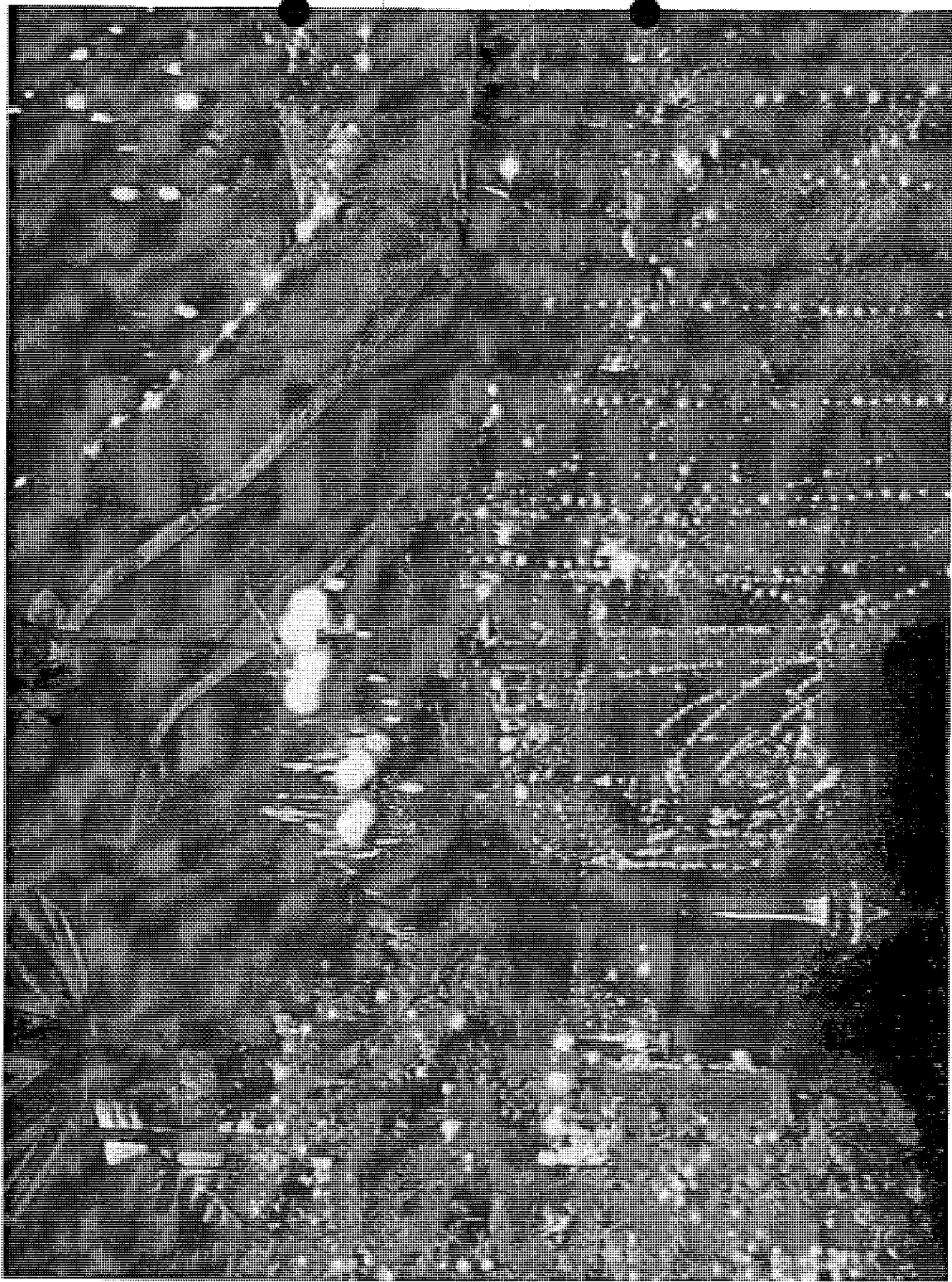
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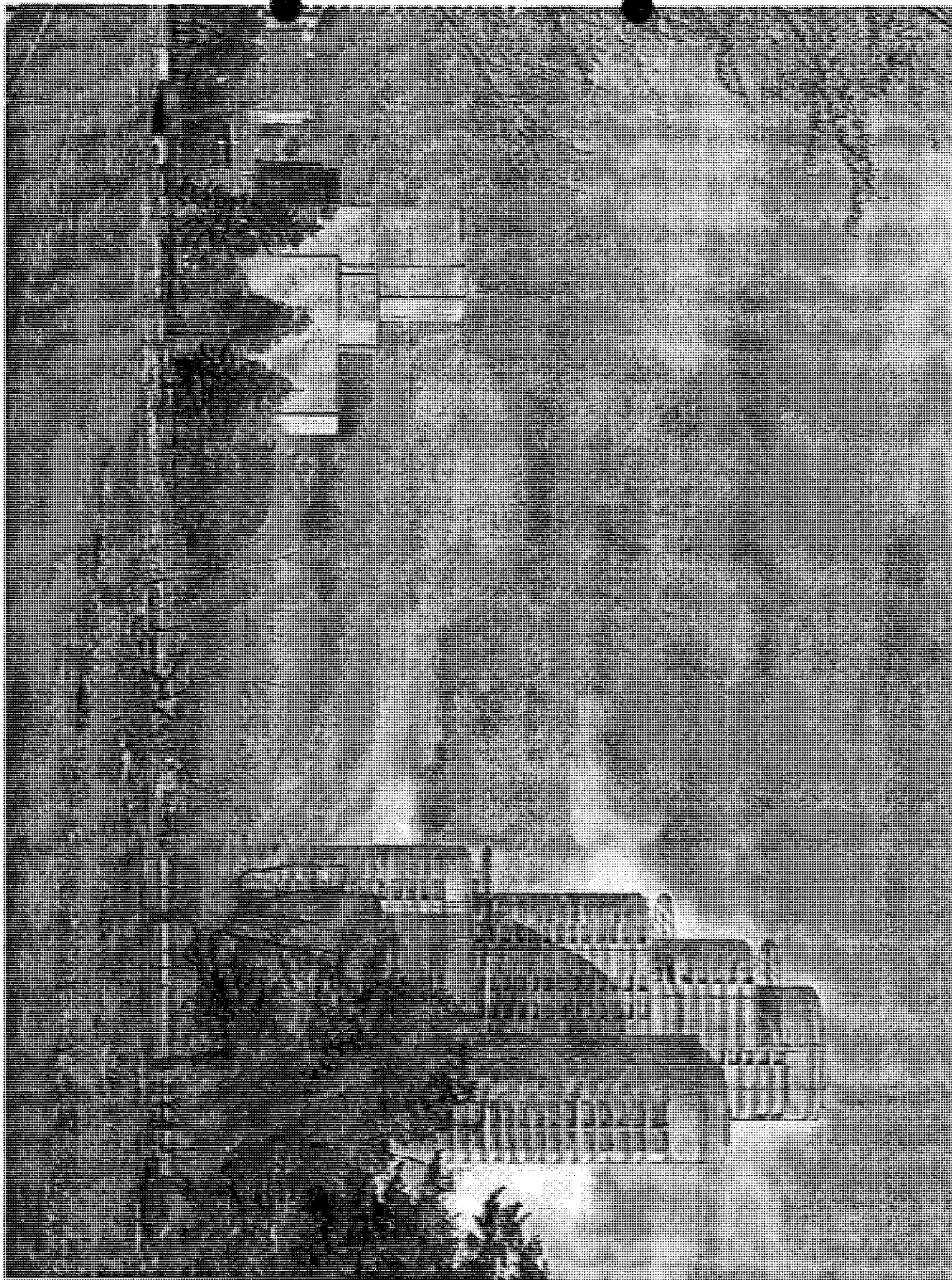
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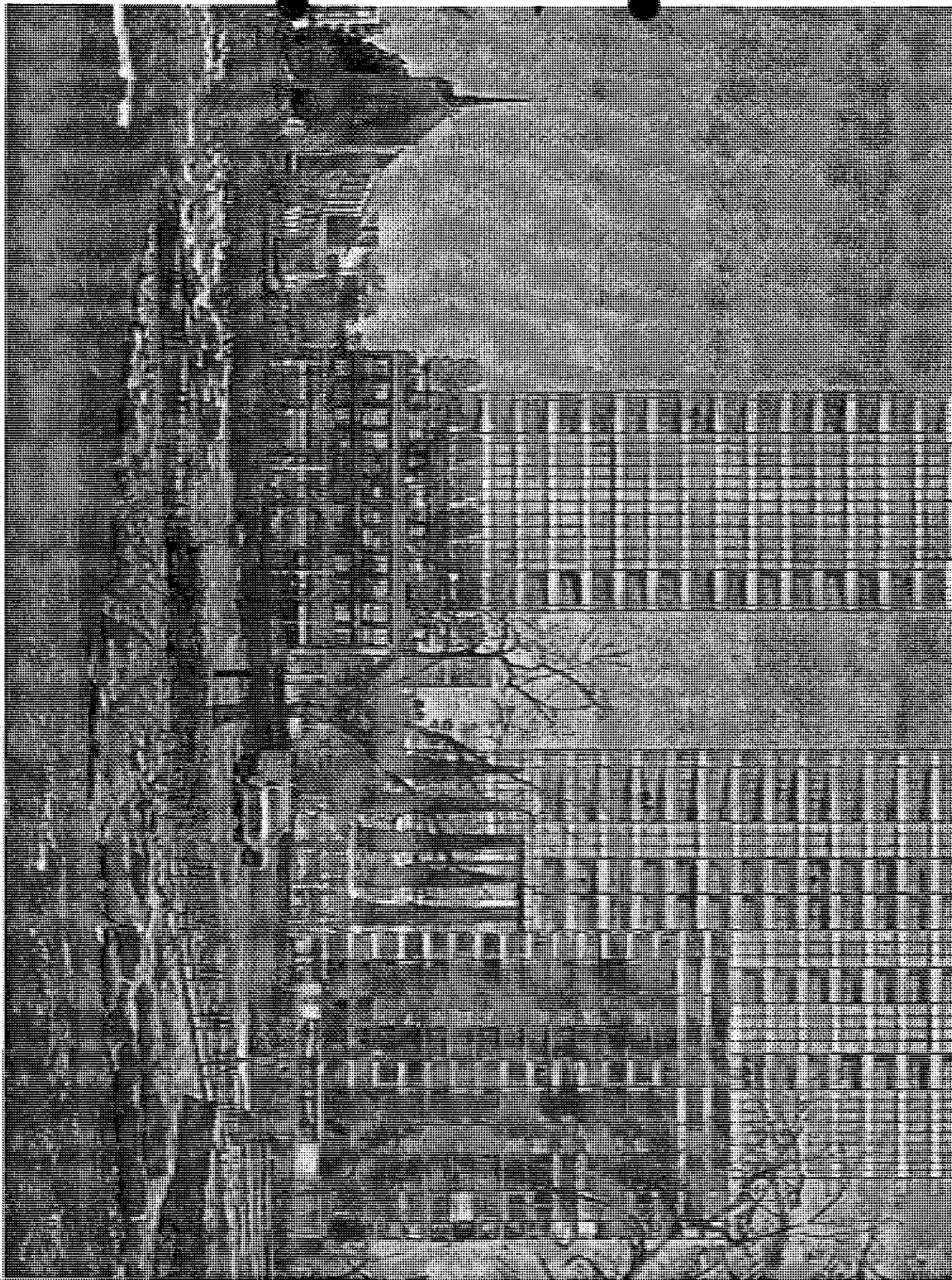
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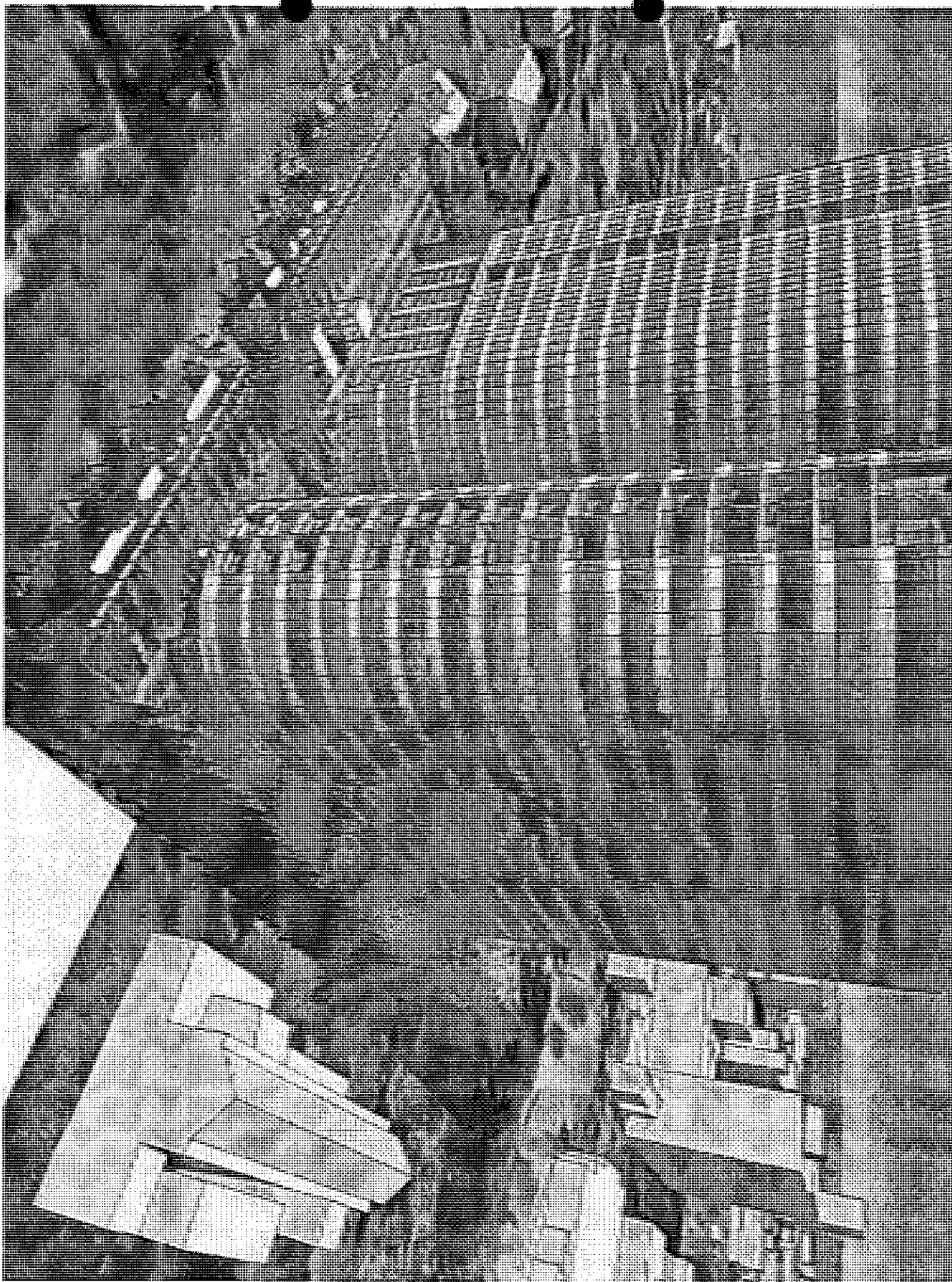
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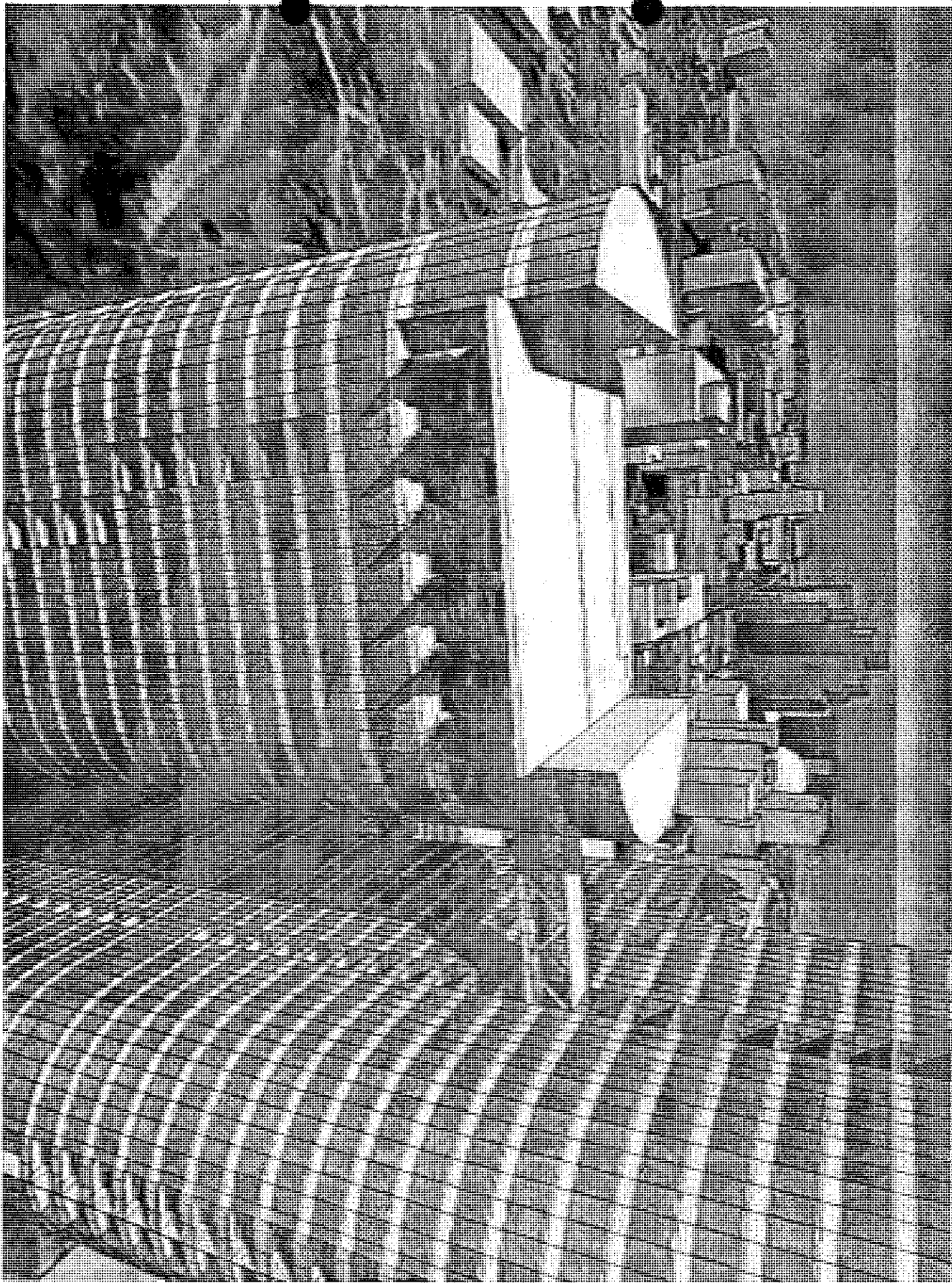
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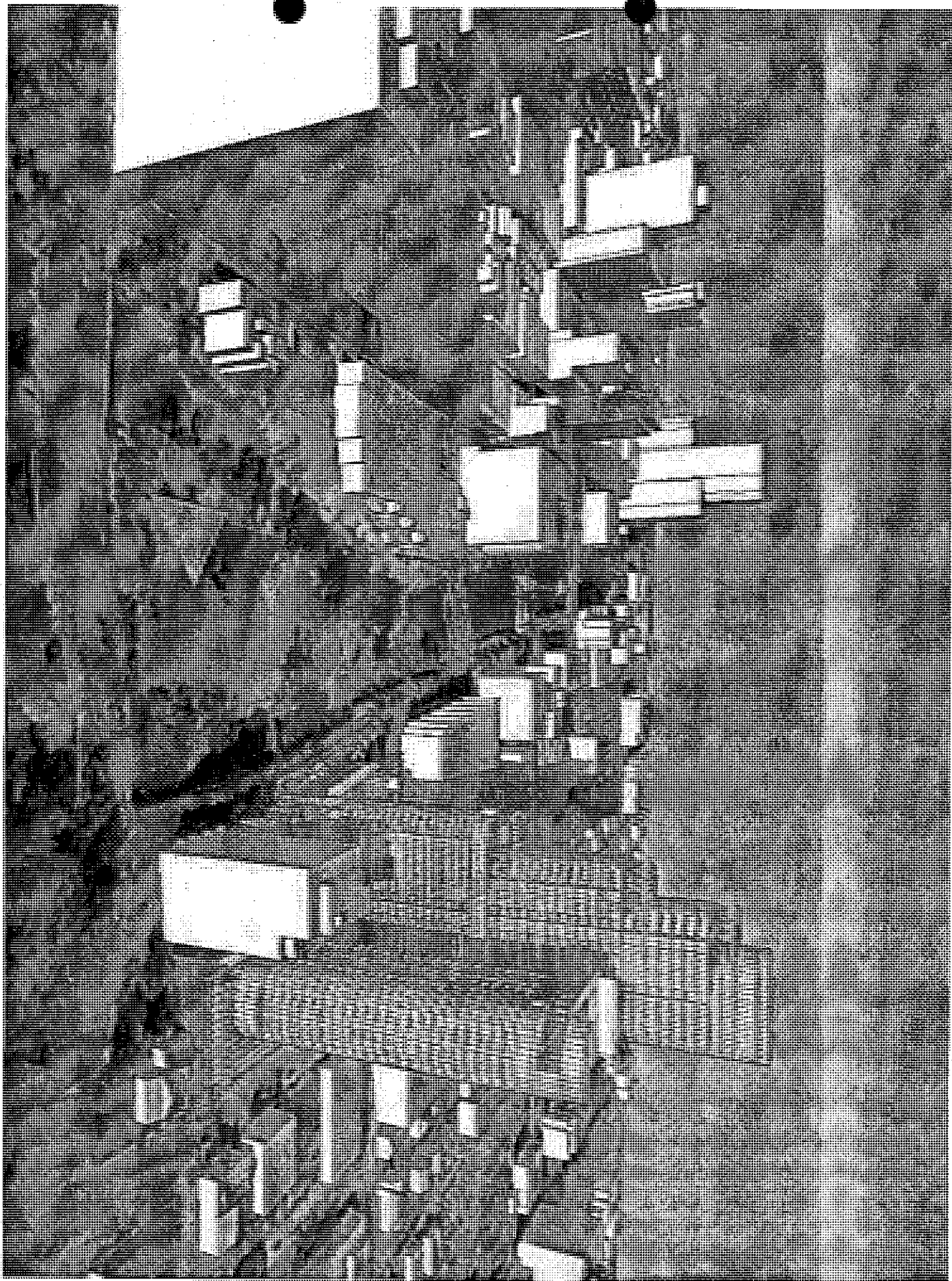


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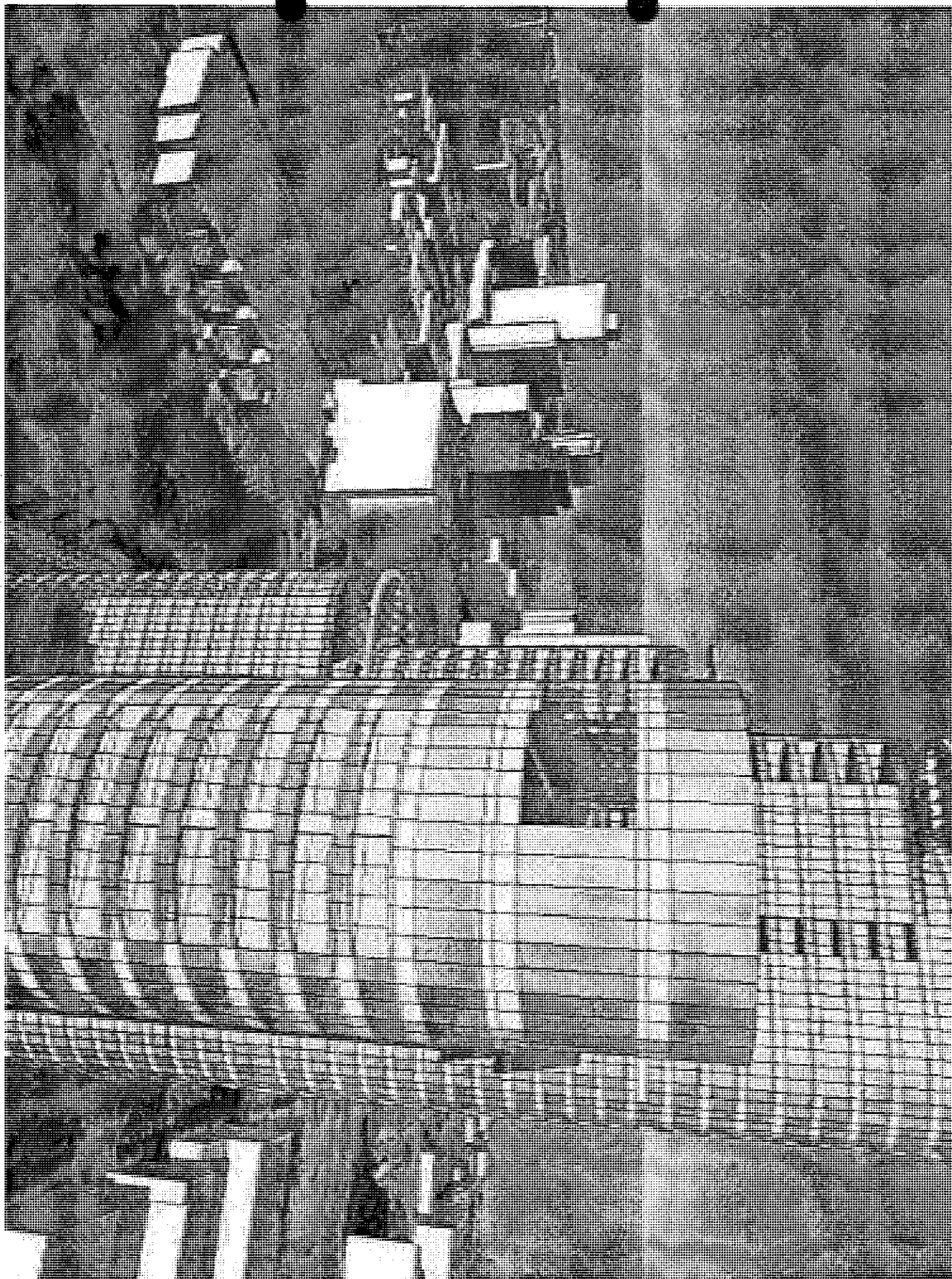


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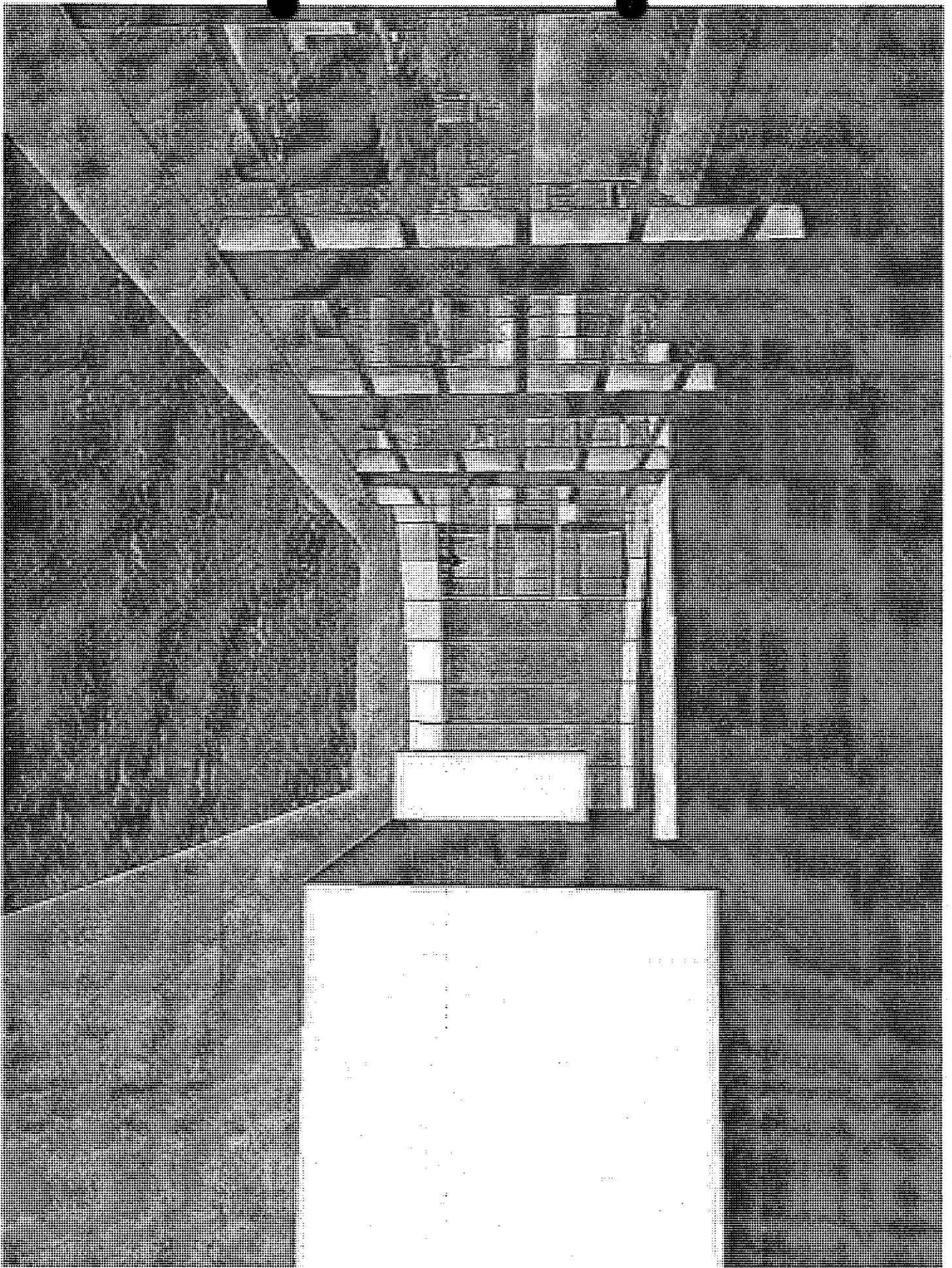




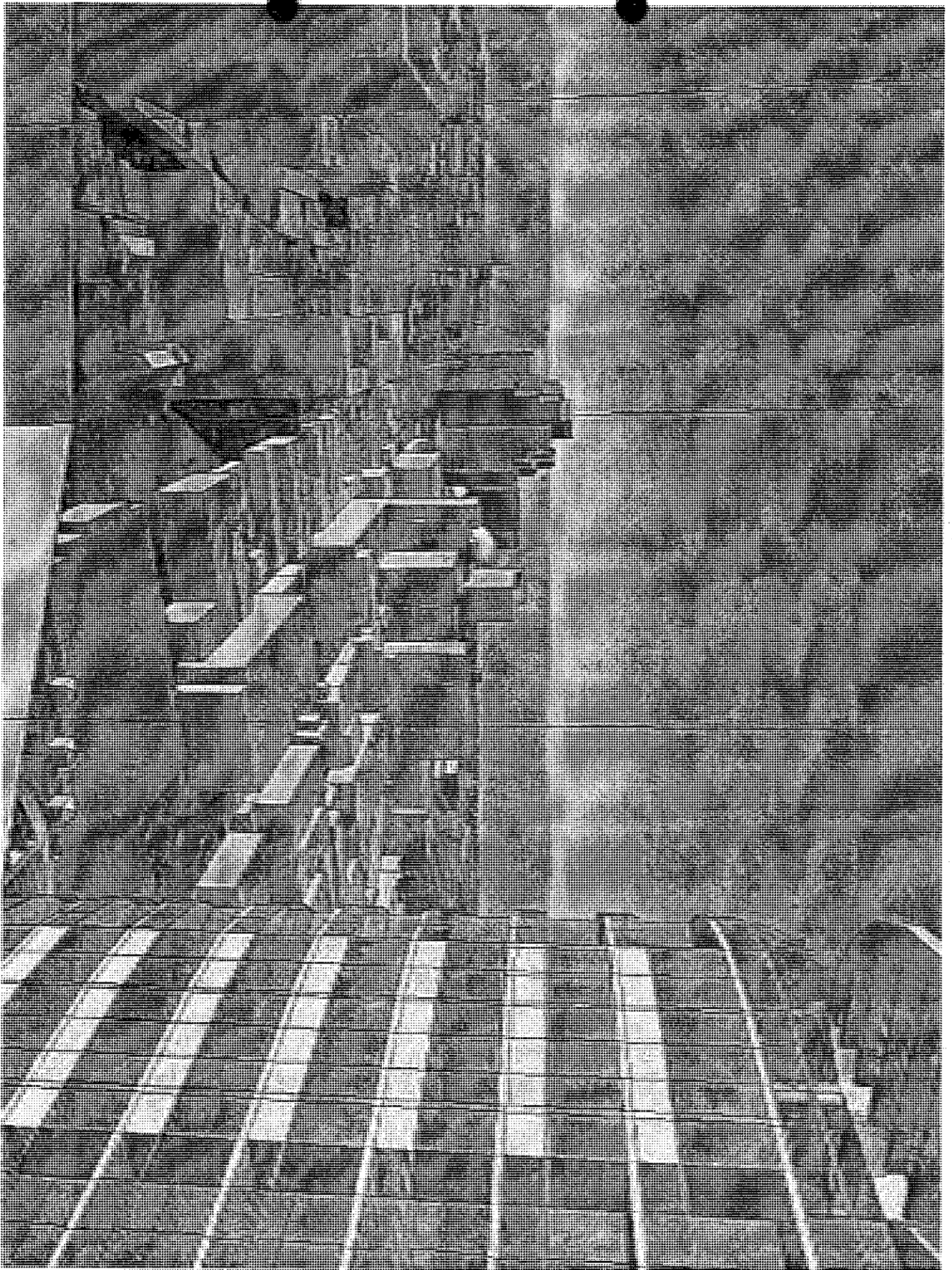
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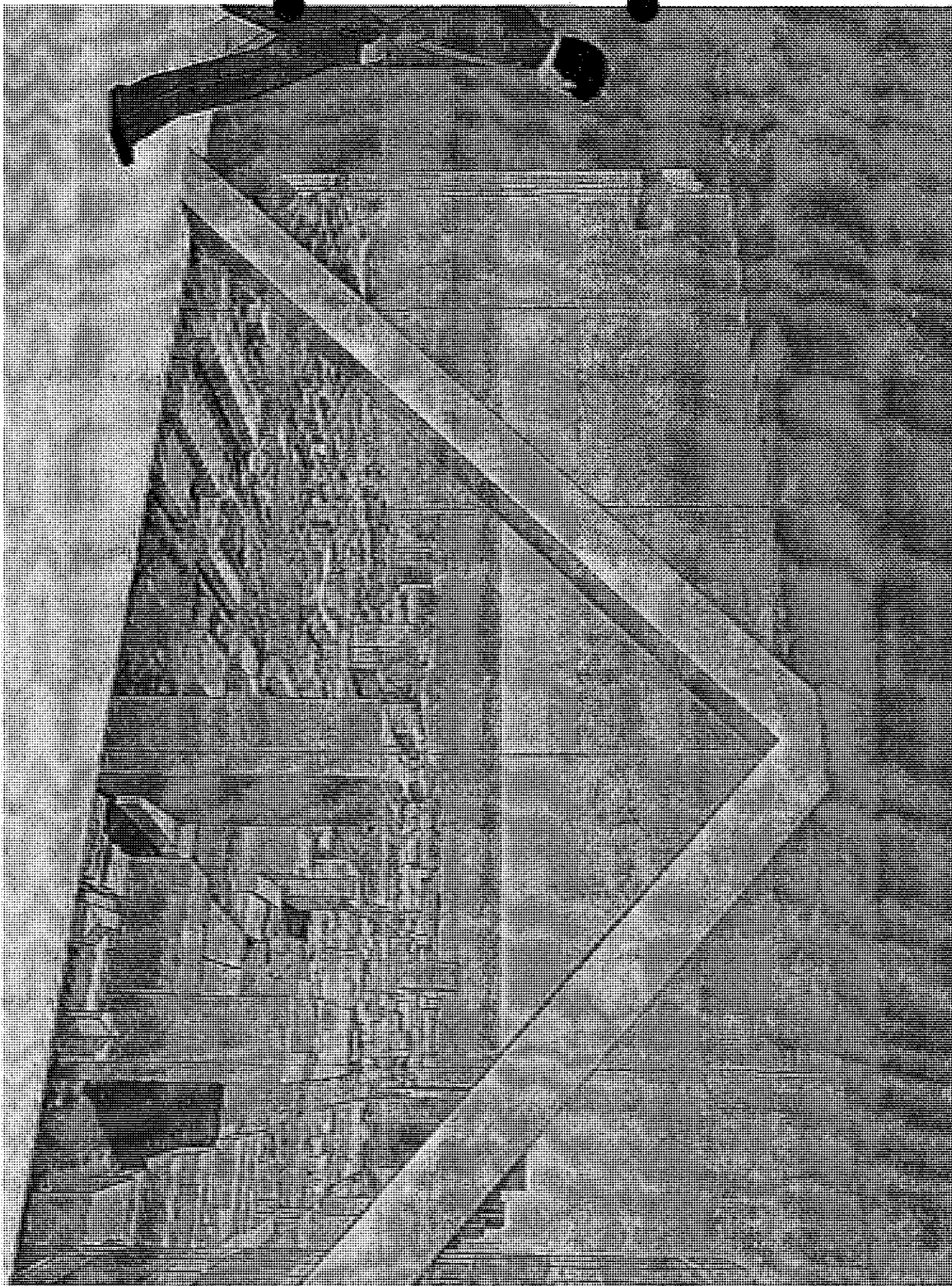
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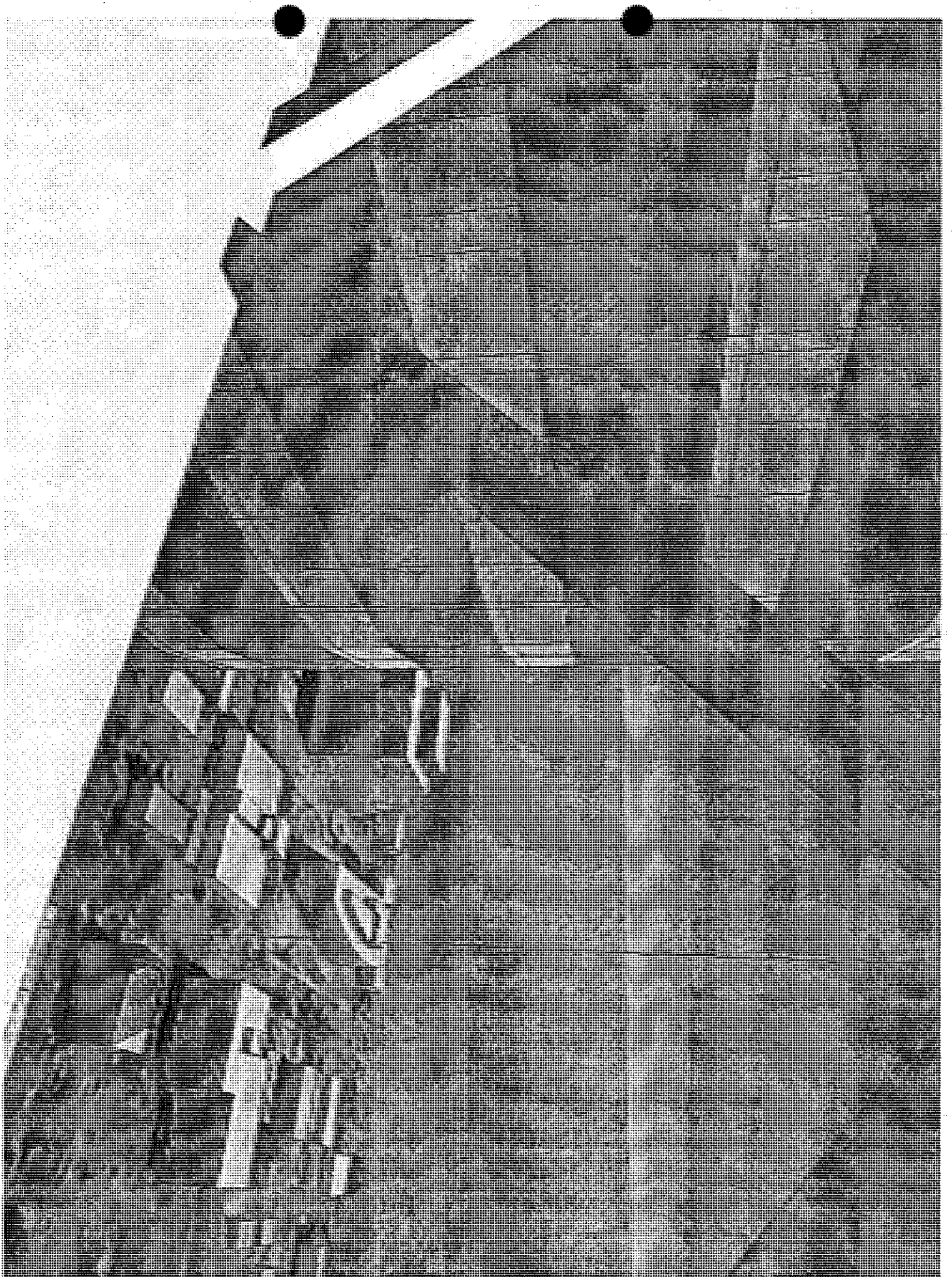
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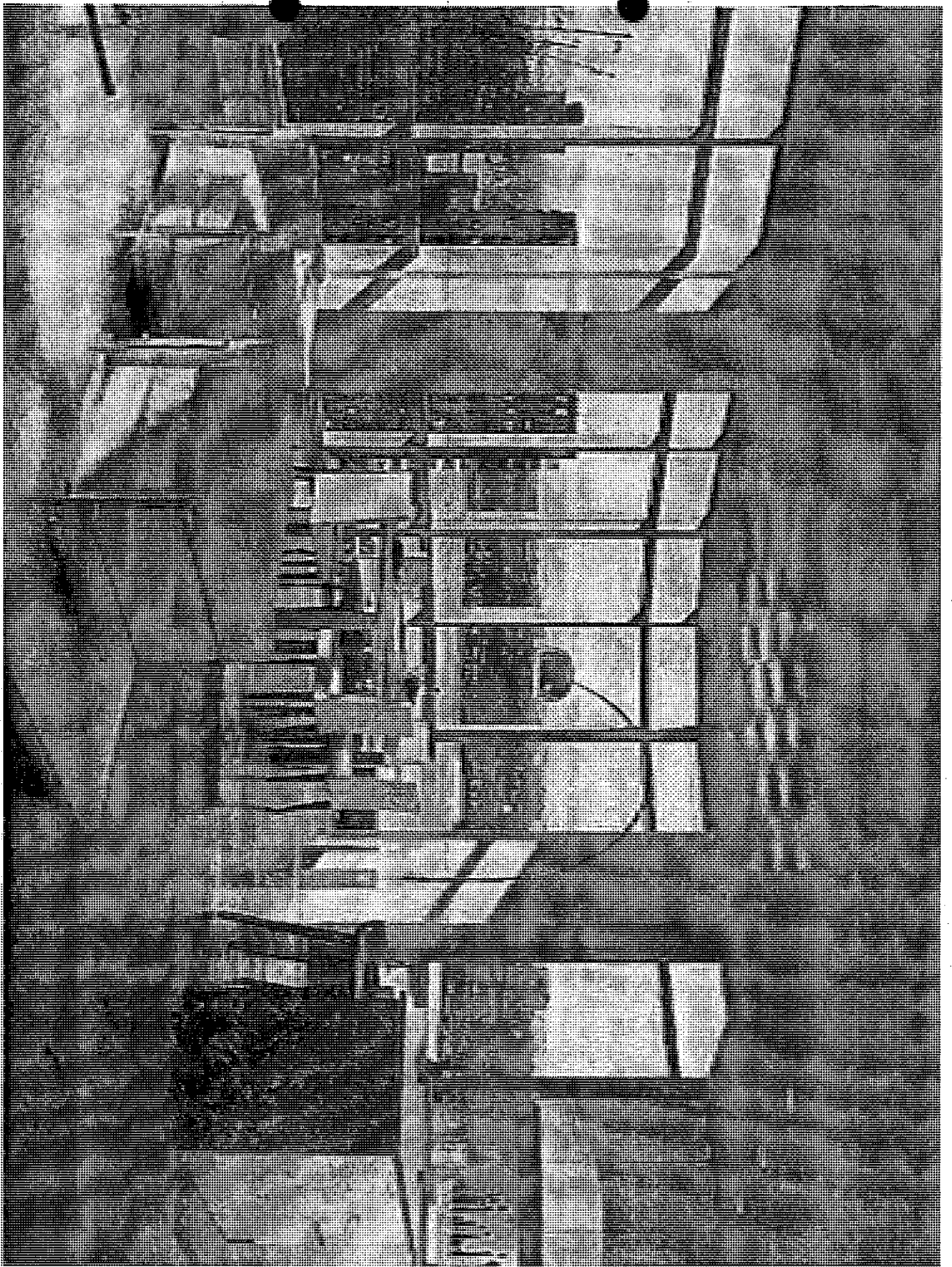
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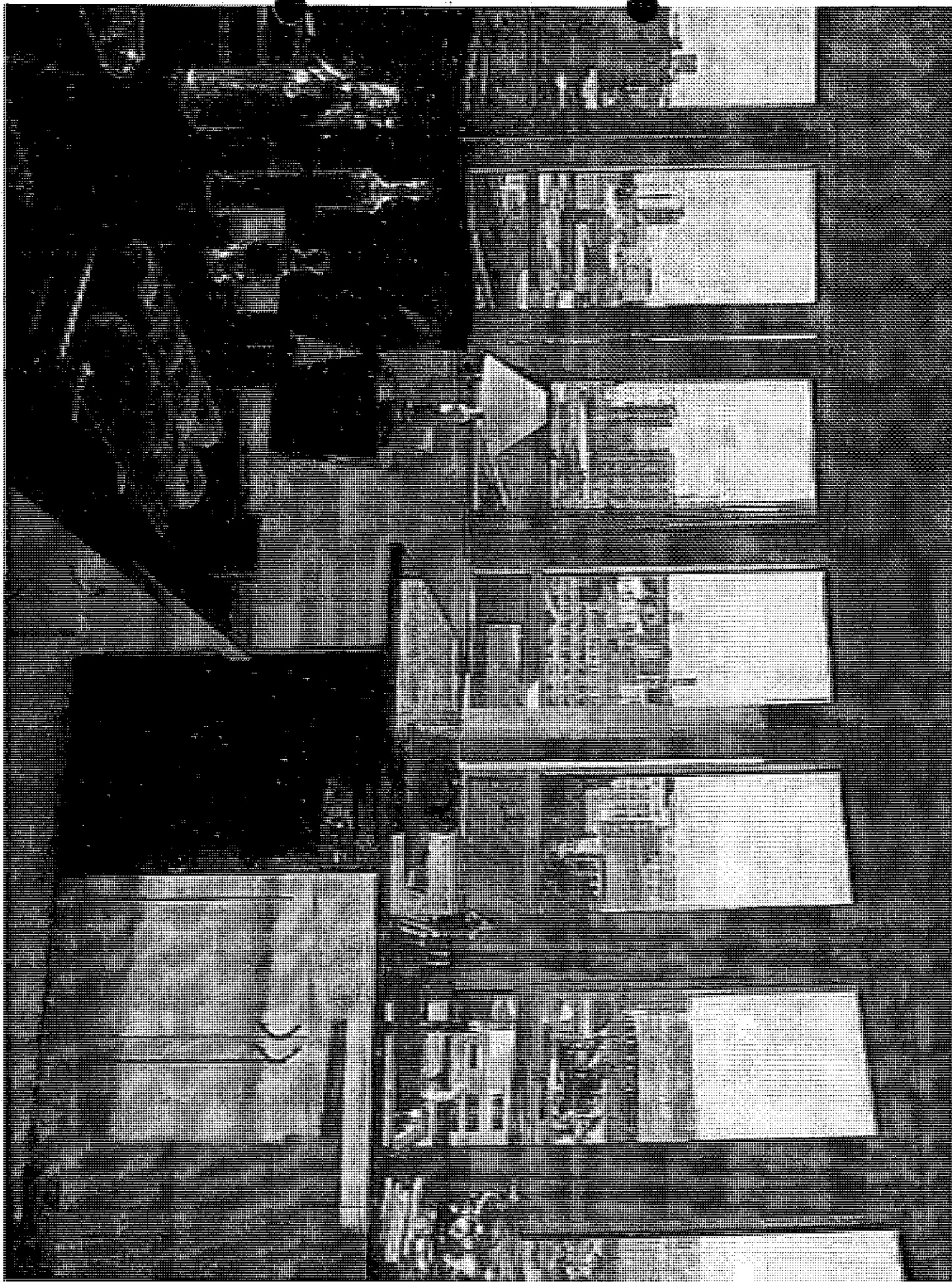
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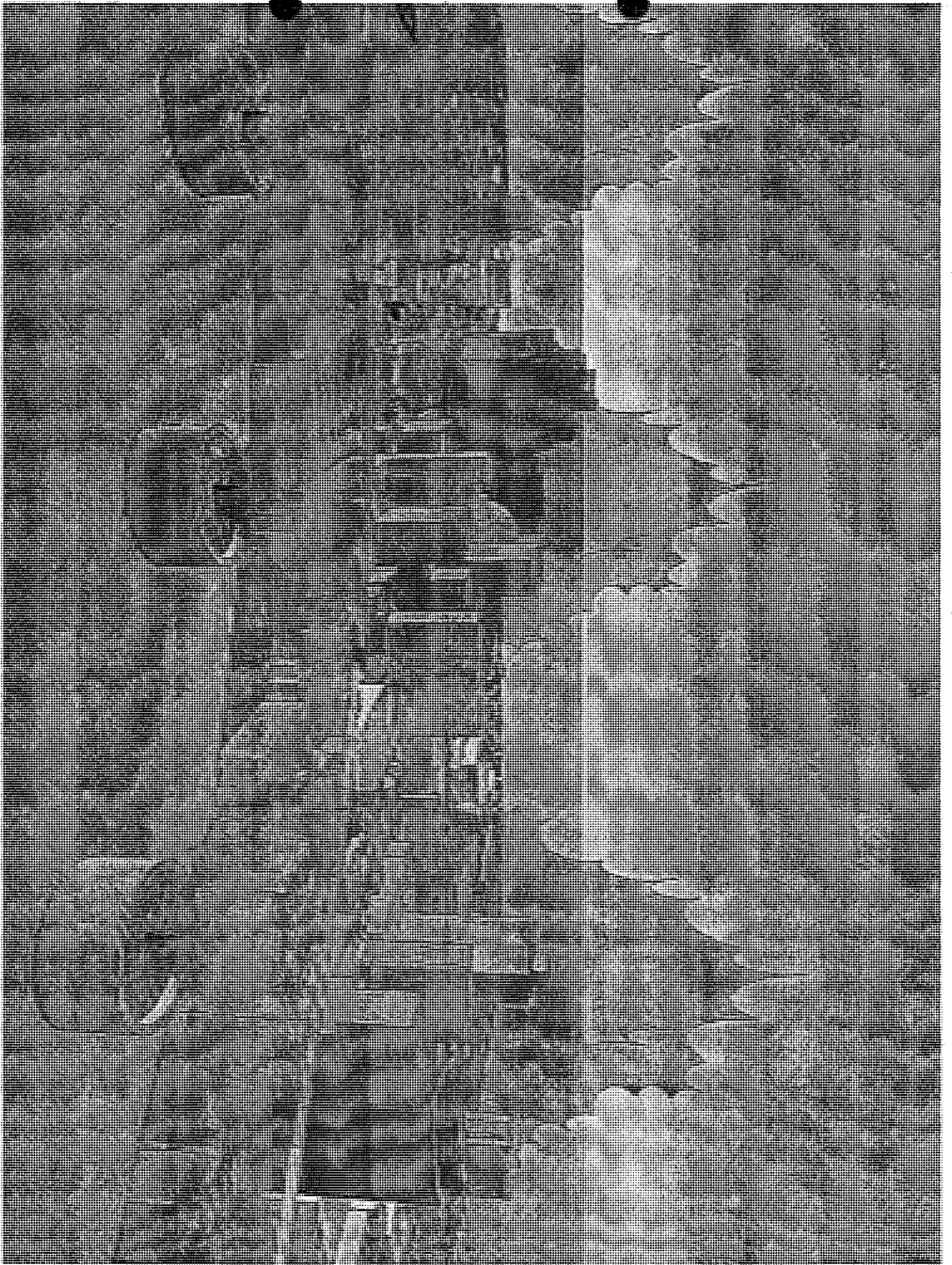
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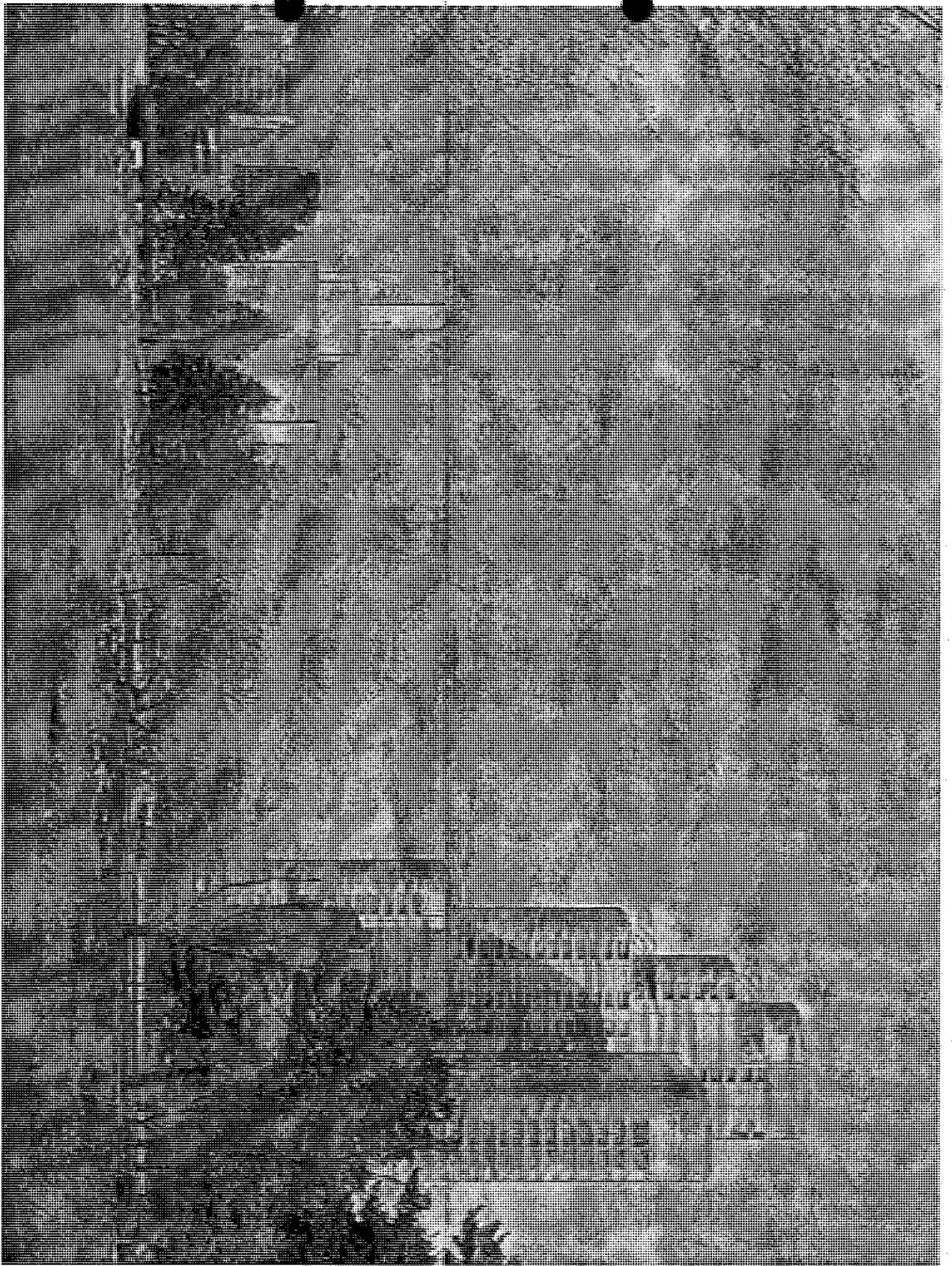
JA0627



JA0628



JA0629



JA0630

EXHIBIT 8

EXHIBIT 8

ON 2/20/08

Entered on Docket
February 21, 2008
Hon. Gregg W. Zive
United States Bankruptcy Judge

STEPHEN R. HARRIS, ESQ.
BELDING, HARRIS & PETRONI, LTD.
Nevada Bar No. 001463
417 West Plumb Lane
Reno, Nevada 89509
Telephone: (775) 786-7600
Facsimile: (775) 786-7764

Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:

BSC INVESTMENTS LLC,
an Oregon limited liability company,

BK-N-07-50477
(Chapter 11)

**STIPULATION AND ORDER TO
DISMISS VOLUNTARY
CHAPTER 11 PETITION**

Debtor.

Hrg. DATE: N/A
and TIME:
Est. Time:
Set By:

COMES NOW, BSC INVESTMENTS LLC, an Oregon limited liability company, by and through its attorney of record STEPHEN R. HARRIS, ESQ., of BELDING, HARRIS & PETRONI, LTD., and CALVIN BATY, as Member of Baty Investments, LLC, a Member of Baty Schleining Investments, LLC, the 66.67% Member of BSC Investment LLC; JOHN SCHLEINING, as Member of Baty Schleining Investments, LLC, the 66.67% Member of BSC Investments LLC; and Samuel Caniglia, President of Consolidated Pacific Development, Inc., the 33.33% Member of BSC Investments LLC, and John Iliescu Jr., and Sonnia Iliescu and the John Iliescu Jr. and Sonnia Iliescu

1 1992 Family Trust, by and through their attorney, SALLIE ARMSTRONG, ESQ. of DOWNEY
2 BRAND, LLP; and the United States Trustee, by and through its counsel WILLIAM B. COSSITT,
3 ESQ., and stipulate and agree as follows:

4 1. A Voluntary Petition for Relief under Chapter 11 of Title 11 of the United States
5 Code was filed herein on April 25, 2007. No trustee has been appointed and Debtor acts as
6 Debtor-In-Possession herein.

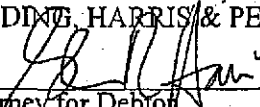
7 2. The Debtor's primary asset at the time of the commencement of this case was its right
8 to purchase certain real property pursuant to a Land Purchase Agreement. On June 22, 2007, the
9 Debtor filed its MOTION TO ASSUME EXECUTORY CONTRACT PURSUANT TO 11 U.S.C.
10 §365 ("Motion to Assume") and the Court verbally approved the Motion to Assume on August 27,
11 2007, at 2:00 p.m., subject to certain deadlines to be reviewed at a status conference to be held on
12 September 27, 2007. At the status conference held on September 27, 2007, the Court confirmed
13 that the Debtor had until October 25, 2007 to perform its obligations under the Land Purchase
14 Agreement. The Debtor made all possible efforts to perform by said deadline, but was not
15 successful.

16 3. On December 7, 2007, this Court entered its ORDER GRANTING DEBTOR'S
17 MOTION TO ASSUME EXECUTORY CONTRACT PURSUANT TO 11 U.S.C. §365, which
18 stated that if the Debtor did not perform its obligations under the executory contract by October 25,
19 2007, the Chapter 11 case would be dismissed.

20 4. Accordingly, the parties hereto stipulate and agree that the above-captioned Chapter
21 11 case of BSC INVESTMENTS, LLC, an Oregon limited liability company, is hereby dismissed,
22 without prejudice.

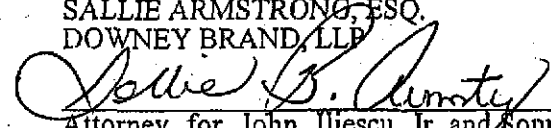
23 DATED this 6th day of December, 2007.

24 STEPHEN R. HARRIS, ESQ.
25 BELDING, HARRIS & PETRONI, LTD.

26 
27 Attorney for Debtor

DATED this 7th day of December, 2007.

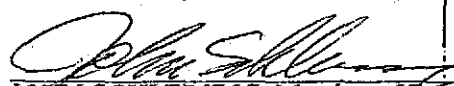
SALLIE ARMSTRONG, ESQ.
DOWNEY BRAND, LLP


Attorney for John Ilescu Jr. and Sonnia
Ilescu and the John Ilescu Jr. and Sonnia
Ilescu 1992 Family Trust

1 DATED this 6 day of December, 2007.

DATED this ____ day of December, 2007.

2 SEE FAXED SIGNATURE PAGE ATTACHED

3 
JOHN SCHLEINING, Member of Baty Schleining
4 Investments LLC, an Oregon limited liability
company, as 66.67 % Member of BSC
5 INVESTMENTS LLC, an Oregon limited liability
company

WILLIAM B. COSSITT, ESQ.
Office of the United States Trustee

6 SEE FAXED SIGNATURE PAGE ATTACHED

7 CALVIN BATY, Member of Baty Investments,
8 LLC, as Member of Baty Schleining
Investments, LLC, an Oregon limited
9 liability company, as 66.67 % Member of
BSC INVESTMENTS LLC

10 SEE FAXED SIGNATURE PAGE ATTACHED

11 SAMUEL CANIGLIA, President of
12 Consolidated Pacific Development, Inc., a
Nevada corporation, as 33.33%
member of BSC INVESTMENTS LLC

14 ORDER

15 IT IS SO ORDERED.

17 ###

1 DATED this 17 day of December, 2007.

DATED this 7 day of December, 2007.

2 SEE FAXED SIGNATURE PAGE ATTACHED

SEE FAXED SIGNATURE PAGE ATTACHED

3 JOHN SCHLEINING, Member of Baty Schleining
4 Investments LLC, an Oregon limited liability
5 company, as 66.67 % Member of BSC
6 INVESTMENTS LLC, an Oregon limited liability
7 company

WILLIAM B. COSSITT, ESQ.
Office of the United States Trustee

8 CALVIN BATY, Member of Baty Investments,
9 LLC, as Member of Baty Schleining
10 Investments, LLC, an Oregon limited
11 liability company, as 66.67 % Member of
12 BSC INVESTMENTS LLC

13 SAMUEL CANIGLIA, President of
14 Consolidated Pacific Development, Inc., a
15 Nevada corporation, as 33.33%
16 member of BSC INVESTMENTS LLC


ORDER

17 IT IS SO ORDERED.

18 ###


1 DATED this 6 day of December, 2007.

DATED this ____ day of December, 2007.

2 
3 JOHN SCHLEINING, Member of Baty Schleining
4 Investments LLC, an Oregon limited liability
5 company, as 66.67 % Member of BSC
6 INVESTMENTS LLC, an Oregon limited liability
7 company

WILLIAM B. COSSITT, ESQ.
Office of the United States Trustee

8 CALVIN BATY, Member of Baty Investments,
9 LLC, as Member of Baty Schleining
10 Investments, LLC, an Oregon limited
11 liability company, as 66.67 % Member of
12 BSC INVESTMENTS LLC

13 
14 SAMUEL CANIGLIA, President of
15 Consolidated Pacific Development, Inc., a
16 Nevada corporation, as 33.33%
17 member of BSC INVESTMENTS LLC

18 ORDER

19 IT IS SO ORDERED.

20 ###

1 DATED this ____ day of December, 2007.

DATED this 12 day of December, 2007.

2
3 JOHN SCHLEINING, Member of Baty Schleining
4 Investments LLC, an Oregon limited liability
5 company, as 66.67 % Member of BSC
6 INVESTMENTS LLC, an Oregon limited liability
7 company


8 WILLIAM B. COSSITT, ESQ.
9 Office of the United States Trustee

10
11 CALVIN BATY, Member of Baty Investments,
12 LLC, as Member of Baty Schleining
13 Investments, LLC, an Oregon limited
14 liability company, as 66.67 % Member of
15 BSC INVESTMENTS LLC

16
17 SAMUEL CANIGLIA, President of
18 Consolidated Pacific Development, Inc., a
19 Nevada corporation, as 33.33%
20 member of BSC INVESTMENTS LLC

21 ORDER

22 IT IS SO ORDERED.

23 ###

Receptionist, Reno

From: USBC_NEVADA@nvb.uscourts.gov
Sent: Thursday, February 21, 2008 2:57 PM
To: Courtmail@nvb.uscourts.gov
Subject: 07-50477-gwz Stipulated/Agreed Order

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U.S. Bankruptcy Court

District of Nevada

Notice of Electronic Filing

The following transaction was received from Leavitt, RL entered on 2/21/2008 at 2:56 PM PST and filed on 2/21/2008

Case Name: BSC INVESTMENTS LLC
Case Number: 07-50477-gwz
Document Number: 26

Docket Text:

Stipulation and Order To Dismiss Voluntary Chapter 11 Petition (Leavitt, RL)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:Q:\pdf\8\rno eorders\0750477.pdf

Electronic document Stamp:

[STAMP bkecfStamp_ID=989277954 [Date=2/21/2008] [FileNumber=9349682-0]

[1d80b568de77bb6d39bb9adf88861942e3f9611f38856adf059eb05295a9175b2f7a
bb9a8bebe0ca9c7b4ea68293a06a80204ef22f42247ff226e348a44f0293]]

07-50477-gwz Notice will be electronically mailed to:

JAMIE P. DREHER jdreher@downeybrand.com, reno@downeybrand.com

STEPHEN R HARRIS noticesbh&p@renolaw.biz

GAYLE A. KERN gakltd@kernltd.com

U.S. TRUSTEE - RN - 11 USTPRegion17.RE.ECF@usdoj.gov

07-50477-gwz Notice will not be electronically mailed to:

BELDING, HARRIS & PETRONI, LTD

RENO, NV 0

SONNIA ILIESCU
C/O DOWNEY BRAND, LLP
427 W. PLUMB LANE
RENO, NV 89509

EXHIBIT 9

EXHIBIT 9

19 of 54 DOCUMENTS

NEVADA REVISED STATUTES ANNOTATED
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*** ARCHIVE MATERIAL ***

*** THIS SECTION IS CURRENT THROUGH THE 1991 SUPPLEMENT ***
*** (SIXTY-SIXTH (1991) SESSION) ***

TITLE 9. MORTGAGES; DEEDS OF TRUST; OTHER LIENS
CHAPTER 108. STATUTORY LIENS
MECHANICS' AND MATERIALMEN'S LIENS

Nev. Rev. Stat. Ann. § 108.234 (1991)

§ 108.234. Notice of nonresponsibility: Filing by owner or claimant of interest in land

Every building or other improvement mentioned in NRS 108.222, constructed upon any lands with the knowledge of the owner or the person having or claiming any interest therein, shall be held to have been constructed at the instance of such owner or person having or claiming any interest therein, and the interest owned or claimed shall be subject to any lien recorded in accordance with the provisions of NRS 108.221 to 108.246, inclusive, unless such owner or person having or claiming an interest therein shall, within 3 days after he has obtained knowledge of the construction, alteration or repair, or the intended construction, alteration or repair, give notice that he will not be responsible for such improvement by filing a notice in writing to that effect with the county recorder of the county where the land or building is situated; and, in the instance of:

1. A lessor, the notice of lien nonresponsibility shall be deemed timely filed if the same has been filed within 3 days immediately following the execution of the lease by all parties as to that construction, alteration or repair, or intended construction, alteration or repair, known to the lessor at the time of the execution of the lease by all parties.

2. An optionor, the notice of lien nonresponsibility shall be deemed timely filed if the same has been filed within 3 days immediately following the execution of the agreement permitting entry upon the real property by all parties as to that construction, alteration, repair, or intended construction, alteration, repair or other work known to the optionor at the time of the execution of the agreement by all parties.

HISTORY: 1965, p. 1163.

CASE NOTES

- I. General Consideration.
- II. Owner's Knowledge.
- III. Authorization by Agents or Lessees.

I. GENERAL CONSIDERATION.

ONE CLAIMING UNDER A DEED OF TRUST, SIMILAR TO A MORTGAGEE, DOES NOT HAVE TO GIVE A NOTICE OF NONRESPONSIBILITY to protect his priority over subsequent liens. *Aladdin Heating Corp. v. Trustees of Cent. States*, 93 Nev. 257, 563 P.2d 82 (1977).

THE METHOD PRESCRIBED FOR GIVING NOTICE WAS EXCLUSIVE under a former similar statute. An owner could not escape the effect of liens where he had given personal notice of nonresponsibility to a lien claimant instead of

following the then-prescribed method of posting notice. *Rosina v. Trowbridge*, 20 Nev. 105, 17 P. 751 (1888). (Decision under prior similar statute which required physical posting of a notice of nonresponsibility.)

CITED IN: *Fred L. Stanfield Constr. Co. v. Stearns Corp.*, 6 Bankr. 265 (Bankr. D. Nev. 1980).

II. OWNER'S KNOWLEDGE.

CORPORATE AGENT'S KNOWLEDGE IMPUTED TO THE CORPORATION. --Evidence that a corporation which owned reduction works had an agent residing in the vicinity of the premises, who personally visited the reduction works and knew that work was being done and improvements were being made thereon was prima facie sufficient to charge the corporation with knowledge of the fact, and no notice having been given by it that it would not be responsible for the materials and work, it was chargeable with the liens for the material and labor furnished. *Gould v. Wise*, 18 Nev. 253, 3 P. 30 (1884). (Decision under prior similar statute.)

TERMS OF A LEASE CAN PLACE THE OWNER IN A POSITION OF KNOWLEDGE. --The fact that the consideration for a lease of a reduction works was that the lessee, at his own cost and expense, make all necessary repairs and improvements in and about the reduction works, and furnish all necessary materials to place it in good condition, and that the money so used, together with that expended in paying taxes and insurance, was to be in full payment and satisfaction for the rent of said premises for the first year, of itself showed knowledge on the part of the corporation of the "intended construction, alteration, or repair," within the meaning of this section. *Gould v. Wise*, 18 Nev. 253, 3 P. 30 (1884). (Decision under prior similar statute.)

AN OWNER WITH KNOWLEDGE IS ESTOPPED FROM DENYING AUTHORIZATION. --A property owner who failed to give the required notice of nonresponsibility for the expenses of improvements on this property after gaining knowledge that improvements were in progress was estopped from denying that he authorized the lessee to order the improvements. *Nichols v. Levy*, 55 Nev. 310, 32 P.2d 120 (1934). (Decision under prior similar statute which required physical posting of a notice of nonresponsibility.)

Where the defendant did not file the notice of nonresponsibility provided for in this section, the work each plaintiff performed was deemed to be "at the instance of such owner;" since the plaintiffs were deemed to have a direct contract with the owner, they were not required to deliver the prelien notice specified in NRS 108.245. *Fondren v. K/L Complex Ltd.*, 106 Nev. --, 800 P.2d 719 (1990).

AN OWNER WHO REQUESTS WORK CANNOT EVADE RESPONSIBILITY. --A notice of nonresponsibility was not considered effective despite its conformance to statutory requirements where the building was altered with the consent or at the direction of the owner. *Verdi Lumber Co. v. Bartlett*, 40 Nev. 317, 161 P. 933 (1916). (Decision under a prior similar statute which required physical posting of a notice of nonresponsibility.)

OWNER'S LIABILITY EVEN WHERE EXPENSES WERE NOT FURNISHED AT HIS INSTANCE. --To constitute the "contractor, subcontractor, architect, builder, or other person", the statutory agent of the owner (see now NRS 108.222), such person must have been employed, directly or indirectly, at the instance of the owner, or his conventional agent. But the interest of the owner may be subjected to lien claims, notwithstanding the fact that labor and materials have not been furnished at his instance, if, knowing that alterations or repairs are being made or are contemplated, he fails to give notice that he will not be responsible therefor. *Gould v. Wise*, 18 Nev. 253, 3 P. 30 (1884). (Decision under prior similar statute.)

The employment of labor or the purchase of materials by the owner of the building or his agent is not necessary to the attaching of lien rights on the part of the laborer or the person who furnished materials; if the owner has knowledge of the same, lien rights are deemed to attach unless the required notice is given. *Peccole v. Luce & Goodfellow, Inc.*, 66 Nev. 360, 212 P.2d 718 (1949). (Decision under prior similar statute.)

III. AUTHORIZATION BY AGENTS OR LESSEES.

AUTHORIZING AGENT IS NOT A NECESSARY PARTY. --The lien laws of this state do not either expressly or by necessary implication require the contractor to be made a party defendant; the laborer or materialman is given the right to sue the owner of the property directly to enforce his lien if the contractor or other person named is the statutory agent of the owner, or, not being the agent of the owner, if the work was done or material furnished with the owner's knowl-

edge and no nonliability notice was published as required by law. *Didier v. Webster Mines Corp.*, 49 Nev. 5, 234 P. 520 (1925). (Decision under prior similar statute.)

RENTED CHATTEL INSTALLED AS A FIXTURE. --When an electric sign became a fixture on real property by reason of its attachment thereto, it took on the nature of real property and its owner was bound to timely file a notice of nonresponsibility to protect the sign from being subject to a mechanics' lien recorded in accordance with the provisions of NRS 108.221 et seq. *Young Elec. Sign Co. v. Erwin Elec. Co.*, 86 Nev. 822, 477 P.2d 864 (1970).

THE OWNER HAS A MANDATORY ACTIVE DUTY OF STRICT COMPLIANCE if he would be relieved of responsibility under this section, and by failure in compliance he is estopped to deny the authority of his tenant or other person authorizing the improvements, because of which the property must be held subject to lien. *Peccole v. Luce & Goodfellow, Inc.*, 66 Nev. 360, 212 P.2d 718 (1949). (Decision under prior similar statute.)

NO PERSONAL JUDGMENT AGAINST AN OWNER. --In action by lienholders against a mine owner to foreclose liens for labor performed by them upon mining property while the said property was under the charge of lessee, it was error for the court to render a personal judgment against the owner for these services, where there was no evidence to show that in contracting for services lessee was acting as the agent in fact for the owner, thus rendering it personally liable upon general principles of law. If lessee was merely the statutory agent, the effect of his acts in employing labor could only operate to charge the property with a lien for such services as were of a lienable character, and could not charge owner with any personal liability. *Didier v. Webster Mines Corp.*, 49 Nev. 5, 234 P. 520 (1925). (Decision under prior similar statute.)

USER NOTE: For more generally applicable notes, see notes under the first section of this chapter or title.

EXHIBIT 10

EXHIBIT 10

GAYLE A. KERN, LTD.
5421 KIETZKE LANE, SUITE 200
RENO, NEVADA 89511
TELEPHONE: (775) 324-5930

1030
GAYLE A. KERN, LTD.
GAYLE A. KERN, ESQ.
Nevada Bar No. 1620
5421 Kietzke Lane, Suite 200
Reno, NV 89511
(775) 324-5930
Fax (775) 324-6173
E-mail: gaylekern@kernltd.com

Attorneys for Respondent Mark B. Steppan

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

JOHN ILIESCU JR., SONNIA SANTEE
ILIESCU, AND JOHN ILIESCU JR. AND
SONNIA ILIESCU AS TRUSTEES OF THE
JOHN ILIESCU, JR. AND SONNIA
ILIESCU 1992 FAMILY TRUST,

CASE NO.: CV07-00341

DEPT. NO.: 6

Applicants,

vs.

MARK B. STEPPAN,

Respondent.

**AFFIDAVIT OF DAVID SNELGROVE IN SUPPORT OF
SUPPLEMENTAL RESPONSE TO APPLICATION FOR
RELEASE OF MECHANIC'S LIEN**

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

I, David Snelgrove, affiant herein, do hereby swear under penalty of perjury that the assertions of this Affidavit are true.

1. That I am employed by Wood Rogers and worked directly with the project design team inclusive of the project Architect and applicant regarding the Wingfield Towers development.

2. In connection with my work, I assisted in preparing the Special Use Permit Application dated January 17, 2006 and the Tentative Map and Special Use Permit Application dated February 7, 2006.

3. A true and correct copy of the Special Use Permit Application dated January 17, 2006 is attached hereto as Exhibit "A."

ILIESCU000578

JA0646

GAYLE A. BERN, LTD.
8421 KIETZME LANE, SUITE 200
RENO, NEVADA 89511
TELEPHONE: (775) 324-5930

1 4. A true and correct copy of the Tentative Map and Special Use Permit Application
2 dated February 7, 2006 is attached hereto as Exhibit "B."

3 5. Included with the Special Use Permit Application dated January 17, 2006 and
4 Tentative Map and Special Use Permit Application dated February 7, 2006 are Owner Affidavits.
5 Accordingly, the Owners of the Real Property, Dr. and Mrs. Iliescu executed the Owner Affidavits
6 that were a part of the Applications.

7 6. Both Applications include the name of Fisher Friedman Associates and Nathan
8 Ogle, AIA, with an address of 1485 Park Avenue, Suite 103, Emeryville, CA 94608, phone number
9 510-420-1666 and fax number of 510-420-0599.

10 7. Both the January 17, 2006 and February 7, 2007 Applications contained building
11 elevations and/or building floor plans containing the name of the project architect, Mark Steppan,
12 AIA and the architectural design consultant Fisher Friedman Associates. It is my recollection that
13 Dr. Iliescu saw the architectural drawings as provided in the two applications at or about the time
14 of receipt of the Owner affidavits.


15 8. In connection with the Wingfield Towers Project, I attended numerous
16 neighborhood meetings. At some of these meetings, Dr. Iliescu was present. On information and
17 belief, I attended the following meetings and Dr. Iliescu was present.

Meeting	Date	Present
Arlington Towers HOA	July 27, 2006	Myself, Dr. Iliescu
Downtown Improvement Association	August 3, 2006	Myself, Dr. Iliescu


18
19
20
21
22 9. In connection with the Wingfield Towers Project, we made a concerted effort to
23 provide information to as many people as possible. In furthering that goal, the entire team working
24 on the Project produced a PowerPoint presentation and Fisher Friedman produced a 3-D Fly By.
25 I would present the PowerPoint presentation and/or the 3-D Fly By to various groups. A copy of
26 the PowerPoint presentation and the 3-D Fly By is attached hereto as Exhibits "C" and "D,"
27 respectively. A copy of a list of various meetings that I presented at, including either or both of the
28 PowerPoint and/or the 3-D Fly By is attached hereto as Exhibit "E."

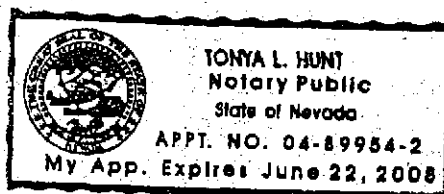
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DATED this 30th day of July, 2007.


DAVID SNELGROVE

SUBSCRIBED AND SWORN to
before me this 30 day of July, 2007.


NOTARY PUBLIC



GAYLE A. BERN, LTD.
9421 NICTENE BLVD., SUITE 200
RENO, NEVADA 89511
TELEPHONE: (775) 324-5930

EXHIBIT i1

EXHIBIT 11

OWNER AFFIDAVIT

I am an owner of property/authorized agent involved in this petition and that I authorize SAN CAVIGLIA to request development related applications on my property. I declare under penalty of perjury that the foregoing is true and correct.

Executed on JAN 17, 2006 in RENO, Nevada.
(date) (City)

Name:

SANDIA ILIESCU
SANDIA ILIESCU

Title:

OWNER

Signed:

SANDIA ILIESCU

OWNER AFFIDAVIT

I am an owner of property/authorized agent involved in this petition and that I authorize SAM CANIGLIA to request development related applications on my property. I declare under penalty of perjury that the foregoing is true and correct.

Executed on JAN 17 2006 in RENO, Nevada.
(date) (City)

Name:

Title:

Signed:

JOHN ILIESCU

John Iliescu

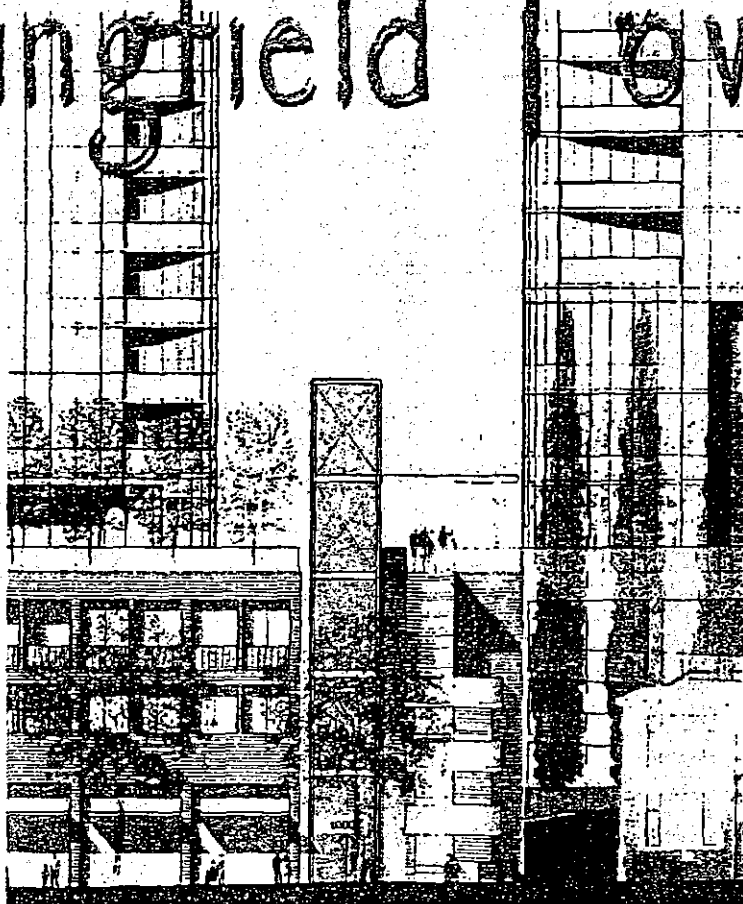
Owner

John Iliescu

EXHIBIT i2

EXHIBIT 12

Wingfield Towers



Tentative Map & Special Use Permit Application

Prepared for:

Consolidated Pacific Development
932 Parker Street
Berkeley, CA 94710

Prepared by:



WOOD RODGERS

DEVELOPING INNOVATIVE DESIGN SOLUTIONS

575 Double Eagle Court
Reno, NV 89521

Tel: 775.823.4088
Fax: 775.823.4066

February 7, 2006

JA0653

ILIESCU000145

TAB 1 Applications

- Development Application
- Owner Affidavit
- Applicant Affidavit
- Tentative Map Application
- Tentative Map Checklist
- Special Use Permit Application
- Preliminary Grading Plan Checklist
- Application Checklist

TAB 2 Project Description

Project Location	1
Project Overview	1
Project Background and Goals	1
Vicinity Map	3
Summary of Proposed Development	4
Requests of the City	5
Tentative Map Request	5
Special Use Permit Request	7
Development Statistics	9

Tab 3 Reduced Maps and Building Elevations

- Colored Building Elevations
- Tentative Map Sheets

Tab 4 Project Reports

- Preliminary Sewer Report
- Preliminary Hydrology Report
- Preliminary Traffic Analysis Letter
- Preliminary Geotechnical Analysis

Tab 5 Supporting Information

- Surrounding Topographic Graphic
- Slope Analysis Map
- Draft CC&R's
- Preliminary Title Report
- Assessor's Parcel map pages within 750' of Project Site
- NAB Agenda Request Form
- Tax Certifications

RENO DEVELOPMENT APPLICATION

ACTION REQUESTED:

(Please Check)

- ☐ ABANDONMENT
- ☐ ANNEXATION
- ☐ BOUNDARY LINE ADJUSTMENT
- ☐ MASTER PLAN AMENDMENT
- ☐ MINOR DEVIATION
- ☐ PARCEL MAP
- ☐ REVERSION TO ACREAGE
- ☐ SITE PLAN REVIEW
- ☒ SPECIAL USE PERMIT
- ☒ TENTATIVE MP
- ☐ WITH MAINTENANCE DISTRICT
- ☐ VARIANCE
- ☐ ZONING MAP AMENDMENT
- ☐ COOPERATIVE PLAN AMENDMENT

For Community Development Department Use Only:

CASE NUMBER:

Date Received _____

Time Received _____

PROJECT NAME: Wingfield Towers

PROJECT DESCRIPTION: A mixed-use residential development.

PROJECT ADDRESS: 260 Island Drive & 223 Court Street (2 additional parcels included, one on Island Drive and one on Court Street (address unavailable))

PROPERTY SIZE: 1.36± acres

ASSESSOR'S PARCEL NO(S): 011-112-03, 06, 07 & 12

ATTACH LEGAL DESCRIPTION OF PROPERTY.

ZONING-EXISTING: CB

MASTER PLAN-EXISTING: TC

EXISTING LAND USE: Vacant

PROPOSED: CB

PROPOSED: TC

PROPERTY OWNER(S)

NAME: John and Sonnia Iliescu

ADDRESS: 219 Court Street
Reno, Nevada 89501

PHONE:

APPLICANT/DEVELOPER (S)

NAME: Consolidated Pacific Development E-MAIL ADDRESS: Nathan@fisherfriedman.com

ATTN:

ADDRESS: 932 Parker Street
Berkley, CA 94710

PHONE: (510) 548-6093

PERSON TO CONTACT

REGARDING APPLICATION:

NAME: Fisher Friedman Associates.

CONTACT: Nathan Ogle, AIA

ADDRESS: 1485 Park Avenue, Suite 103
Emeryville, CA 94608

PHONE: (510) 420-1666

FAX NO: (510) 420-0599

ALL PRINCIPALS IN THE FIRM SHALL BE IDENTIFIED.

ILIESCU000147

JA0655

**CITY OF RENO
APPLICATION FOR
TENTATIVE SUBDIVISION REVIEW**

The owner of the property herein described or his duly authorized agent hereby requests the Planning Commission and the City Council of the City of Reno to approve a tentative subdivision for the project described herein.

PROJECT NAME: Wingfield Towers

PROJECT DESCRIPTION: Two mixed use towers containing Retail, Office, Health Club and 499 units of residential space

This property is (check one): North of the Truckee River _____
South of the Truckee River X

IS AN APPLICATION FOR A ZONE CHANGE NOW BEING PROCESSED?
No

(If yes, proposed zoning):

IS AN APPLICATION FOR A SPECIAL USE PERMIT NOW BEING PROCESSED? Yes

(If so, describe the project for which the permit is sought): A special use permit is being sought for (1) hillside development and (2) Cuts in excess of 20-feet.

NO. OF LOTS: 499 AVERAGE LOT SIZE: _____

DENSITY OF PROJECT: Net Acreage : 1.36± AC Net Density: 366.9dw/AC

Gross Acreage: 1.36± AC Gross Density: 366.7/AC

ESTIMATED PRICE OF UNITS/LOTS: N/A PER LOT: N/A

STUDIO Starting at \$208,000± **2 BEDROOM Starting at \$607,000±**

1 BEDROOM Starting at \$398,000± 3 BEDROOM Starting at \$1.1± million

IDENTIFY THE TOTAL NUMBER OF FINAL MAPS INTENDED TO RECORD THE ENTIRE PROJECT (Include the number of lots or units in each map and the proposed sequence of recording): **Up to Three Final Maps**

GRADING AND ENVIRONMENT:

GRADING:

- 1) Is the subject property within an area of potential hazard, including but not limited to earthquake faults, earth slide areas, or otherwise hazardous slopes? No

(If so, explain the impact of the hazard on the proposed development and describe proposed mitigating measures. Such hazardous areas must be shown on the subdivision map.)

- 2) Will grading for the project require cuts in excess of 20 feet and/or fills in excess of 10 feet? Yes

ENVIRONMENT:

- 1) Is the project situated on steep or severe terrain (15.1% or greater) and/or does this application trigger a Special Use Permit for Hillside Development? Yes

- 2) Will the project disturb areas within or adjacent to wetlands, stream environments, major drainageways, or significant hydrologic resources? Yes

(If so, explain the impact(s) and describe proposed mitigating measures. Such environmentally sensitive areas must be shown on the subdivision map.)

The project lies within the flood AE and Shaded Zone X of the Truckee River. The proposed uses within the structure that will be located within the flood zone areas are limited to the parking garage, associated with the proposed development.

- 3) Describe the methods for stabilization and/or revegetation of exposed and disturbed soils due to proposed grading activities:
Areas disturbed due to grading activities will be mitigated through public space in the Pedestrian Plaza, landscaping and groundcover.

UTILITIES:

WATER:

IS A CONCEPTUAL WATER SUPPLY AND CONVEYANCE STUDY INCLUDED WITH THIS APPLICATION? No

(If no, provide an explanation): Appropriate plans necessary for submission to TMWA were not available until the preparation of this application. Submittal to TMWA will follow the submittal schedule of this application.

- 1) Indicate the type and extent of water rights appurtenant to the property to be developed and identify entities holding title to said water rights: Truckee Meadows Water Authority will serve the project.
- 2) Provide a "will serve" letter from the water purveyor for this development indicating a commitment to provide sufficient water to the proposed project or in lieu thereof provide a statement indicating a willingness to dedicate to the City of Reno water rights of a sufficient yield to meet project water demand.
The applicant/developer is willing to dedicate to the City of Reno water rights of a sufficient yield to meet project water demand.
- 3) Provide a complete explanation of any agreement providing for the transfer of water rights from projects previously granted a "will serve" letter to the proposed subdivision:

N/A

SEWER:

IS A PRELIMINARY SEWER REPORT INCLUDED WITH THIS APPLICATION? Yes

(If no, provide an explanation):

- 1) Indicate which entity and facility will provide sewer collection and treatment and provide an estimate of the project generated sewage contribution:
TMWRF The project is anticipated to generate 263,000± g.p.d.
- 2) Provide a description of the size, location, and ownership of existing and proposed sewer lines connecting to sewer lines of the sewage treatment provider: A 36" Regional Transmission main located in Island Drive will be connected to for service of the site with a 10" service main.

ALL OTHER UTILITIES:

ARE POWER LINE RELOCATIONS PROPOSED FOR THIS PROJECT? Yes

(If yes, provide an explanation): An overhead line exists, crossing the site from east to west, providing service to an existing structure located on APN 011-112-02 (at 260 Island Drive). This line will be undergrounded with the proposed development and service to the structure at 260 Island Drive will be perpetuated through this undergrounded line.

Provide a description of the type and ownership of existing and proposed public and quasi public utilities proposed to serve the project: Other than the utility providers

Identified above, Sierra Pacific Power, Charter Communications and SBC are anticipated to provide services to the BSC Mixed Use Residential Towers

TRAFFIC:

IS A PRELIMINARY TRAFFIC STUDY INCLUDED WITH THIS APPLICATION? Yes
(If no, provide an explanation):

- 1) Provide peak hour and average daily traffic volume generation estimates for the proposed project.

AM Peak - 255, PM Peak - 391, ADT - 3,471±

- 2) Identify potential impacts to existing and proposed streets, intersections, and major transportation corridors affected by the project and describe mitigating measures proposed:

This question will be addressed through an expanded traffic analysis, recently scoped with the City of Reno. This traffic report will be provided directly to all necessary agencies (as deemed by the City of Reno) for additional review and consideration in association with the project.

PUBLIC AND EMERGENCY SERVICES: Public and emergency services are currently available within adjacent neighborhoods and are served by Reno Police, Reno Fire and REMSA. As this project is an infill development in the urban core of the community, the impacts upon police, fire and emergency services are seen to be minimal as they were or should have been expected. Garbage service will be provided by Reno Disposal. The nearest emergency medical service facility is Saint Mary's Medical Center approximately 5 city blocks north of the site.

Provide the location and source of garbage disposal, police, fire and emergency medical service providers and describe potential impacts the project may have upon the capacity of these service providers:

IS SUBJECT PROPERTY WITHIN THE AIRPORT NOISE IMPACT AREA (65 Ldn noise level)? The subject property is NOT within the airport noise impact area.

(If so, explain the impact of the hazard on the proposed development and describe proposed mitigating measures. Such areas must be shown on the subdivision map.)

TENTATIVE MAP CHECKLIST

NAME OF PROJECT: _____

Complete and Correct	Item No.	ITEMS REQUIRED
		<u>Tentative Map</u>
<input checked="" type="checkbox"/>	1	Subdivision name suitable to the Planning Commission.
<input checked="" type="checkbox"/>	2	Name and address of the landowner, developer, planner, architect, landscape architect and/or authorized agent.
<input checked="" type="checkbox"/>	3	Name and address of the surveyor or engineer who prepared the map.
<input checked="" type="checkbox"/>	4	Tax certificate from the Washoe County Treasurer.
<input checked="" type="checkbox"/>	5	Evidence of ownership of the property proposed to be subdivided.
<input checked="" type="checkbox"/>	6	A metes and bounds description sufficient to define the boundaries of the subdivision.
<input checked="" type="checkbox"/>	7	Basis of bearings, survey tie, and Section reference.
<input checked="" type="checkbox"/>	8	All adjacent property owners shown on the latest assessor's rolls.
<input checked="" type="checkbox"/>	9	Map drawn on 24" x 36" or sheets using standard engineering scales. (minimum scale 1" = 100')
<input checked="" type="checkbox"/>	10	Reduced scale vicinity map showing relationship of the subdivision to arterial and collector streets, section reference, and to the Reno City limits.
<input checked="" type="checkbox"/>	11	Approximate area in square feet or acres of the amount of land utilized as follows: (a) streets (b) parking (c) common area and/or recreation area
<input checked="" type="checkbox"/>	12	Proposed use of lots and public areas, if any, and number of units per acre within the development.

<input checked="" type="checkbox"/>	13	Date, north arrow, scale and sheet numbers in relation to the total number of sheets.
<input checked="" type="checkbox"/>	14	All streets indicated as either public or private with proposed street names.
<input checked="" type="checkbox"/>	15	A Preliminary Grading Plan and Checklist, signed and sealed by a civil engineer registered in the State of Nevada.
<input checked="" type="checkbox"/>	16	A Preliminary Utility Plan and Checklist, signed and sealed by a civil engineer registered in the State of Nevada.
<input checked="" type="checkbox"/>	17	A Preliminary Soils Report, prepared by a Nevada registered civil engineer, including soils characteristics sufficient for use in tentative structural design, i.e., street sections, building pads, etc.
<input checked="" type="checkbox"/>	18	A Preliminary Traffic Analysis providing estimates of peak hour and average daily traffic volumes generated by the project and a discussion of potential impacts to all major street intersections within and/or adjacent to the project.
<input checked="" type="checkbox"/>	19	The surrounding area within 150' of the existing boundaries of the proposed subdivision showing the following: <ul style="list-style-type: none"> (a) Topography with maximum 5 foot contours. (b) Street location, names, widths of right-of-way, and pavement widths. (d) Adjoining subdivision(s), parcel map(s) and surveys, including name, block designation, and/or lot or parcel number.
<input checked="" type="checkbox"/>	20	All contiguous areas under the same ownership not a part of the proposed plat or intended to remain in private ownership to be clearly and definitely marked "NOT A PART".
<input type="checkbox"/> N/A	21	A proposed plan indicating potential development of the entire area if the tentative map is a portion of a larger holding or proposed development.
<input checked="" type="checkbox"/>	22	All common ownership areas (including open space), labeled "common area".
<input checked="" type="checkbox"/>	23	Intended use, control, and maintenance of common areas.
<input type="checkbox"/> N/A	24	The width of right-of-way of each street (public or private), alley, and access road within and necessary to serve the proposed subdivision, and the radius of all curves and diameter of each cul-de-sac bulb, including a typical section for each type of roadway.

<input checked="" type="checkbox"/>	25	The width and approximate location of all existing or proposed easements, whether public or private, for streets, access roads, drainage, sewers, irrigation or public utility purposes and dedication of land for parks, recreation areas, common open space areas, schools or public purposes.
<input type="checkbox"/> N/A	26	All blocks numbered or lettered with block numbers or letters consecutive and beginning with the number "1" or the letter "A" and with all lots within each block, or within the subdivision as a whole, numbered consecutively.
<input checked="" type="checkbox"/>	27	The dimensions of each lot, with each lot providing an area not less than the areas required by zoning provisions. Lots may not be divided by a city-county boundary line.
<input type="checkbox"/> N/A	28	Side lot lines, where practical, at approximate right angles to the street upon which they front.
<input type="checkbox"/> N/A	29	The setback distance or that distance between the rights-of-way for the streets and the nearest part of proposed structures to those rights-of-way.
<input checked="" type="checkbox"/>	30	Parking spaces shown sufficient for the number of dwelling units proposed, when required by zoning.
<input type="checkbox"/> N/A	31	All known areas of potential hazard, including but not limited to, earthquake faults, earth slide areas, avalanche areas or otherwise hazardous slopes, clearly designated on the project site plan. The application shall include an explanation of the impact on the proposed development, future occupants, and future improvements generated by such hazardous conditions.
<input checked="" type="checkbox"/>	32	A preliminary landscaping and tree preservation and protection plan, when appropriate, indicating those trees proposed to be removed, those proposed to remain, and where new trees are proposed to be planted.
<input type="checkbox"/> N/A	33	Indication of prominent landmarks, areas of unique natural beauty, rock outcroppings, vistas and natural foliage which will be deciding considerations in the design of the subdivision.
<input checked="" type="checkbox"/>	34	Consideration and explanation of structure orientation for solar access and/or use.

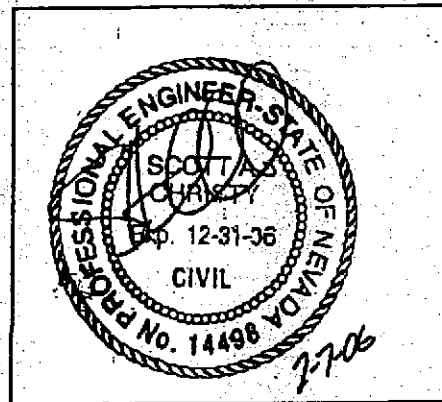
The following additional requirements shall apply to Condominiums, Townhouses, and Cluster or Density-type Subdivisions:

<input checked="" type="checkbox"/>	1	A summary of the proposed covenants, conditions, and restrictions.
<input checked="" type="checkbox"/>	2	Proposed external elevation perspectives of building and proposed landscaping plans with approximate per unit cost.
<input checked="" type="checkbox"/>	3	Location and intended use of all buildings, indicating the tentative plan of foundation and roof, the location of building entrances and service yards, the number of dwelling units within each building, a tabulation of gross and net land areas, the areas devoted to each use, and the average population density per acre based on densities supplied by the City.
<input checked="" type="checkbox"/>	4	Location of all off-street parking areas, garages, carports, and trash enclosures.

The application is not considered to be complete by the City until all applicable requirements of this checklist have been fulfilled by the applicant. Incomplete applications will not be scheduled for public hearing.

SUBMITTED BY (Consulting Firm): Wood-Rodgers, Inc.

[Signature]
(Engineer's or Land Surveyor's Signature)



(Seal)

**CITY OF RENO
APPLICATION FOR SPECIAL USE PERMIT**

The owner or duly authorized agent of the owner of the property herein described requests the Planning Commission of the City of Reno to approve a special use permit for the use described herein.

PROJECT NAME: Wingfield Towers

PROJECT DESCRIPTION: Two mixed use towers containing Retail, Office and 499 units of residential space

This property is (check one):
North of the Truckee River _____
South of the Truckee River X

PROVIDE A DESCRIPTION OF THE SPECIAL USE PERMIT REQUESTED (including type of activity, number of employees, description of structures to be built/used, etc):
A special use permit is being sought in order to allow for (1) hillside development and (2) Cuts in excess of 20-feet.

IDENTIFY THE IMPACTS OF THE PROPOSED USE ON ADJACENT LAND USES AND PUBLIC FACILITIES (such as noise, traffic generation, hours of operation, odors, smoke, dust):

Traffic impacts are expected to be 3,471 ADT with 255 AM Peak hour trips and 391 PM Peak hour trips. The height of the proposed buildings will cause shadowing impacts. To address this, the applicant has prepared animated shadowing studies that will be shared with City staff at or before the staff/applicant meeting.

ENVIRONMENT:

- 1) Is the project situated on steep or severe terrain (15.1% or greater) and/or does this application trigger a Special Use Permit for Hillside Development? Yes. The site was disturbed through previously demolished development. Some of the steeper slopes are associated with the former driveway and some of the scaring associated with the stepped architectural treatment of the previous home on this site. The hillside ordinance requirements call for a total of 7,732± s.f. of open space due solely to the fact that this project triggers the hillside ordinance. This area is sufficiently accommodated in the landscape areas around the building and through the public/common areas associated with the project.

- 2) Will the project disturb areas within or adjacent to wetlands, stream environments, major drainageways, or significant hydrologic resources?
Yes.

(If so, explain the impact(s) and describe proposed mitigating measures. Such environmentally sensitive areas must be shown on the subdivision map.) The project lies within the flood AE and Shaded Zone X of the Truckee River. The proposed uses within the structure that will be located within the flood zone areas are limited to the parking garage, associated with the proposed development.

- 3) Describe the methods for stabilization and/or revegetation of exposed and disturbed soils due to proposed grading activities:
Areas disturbed due to grading activities will be mitigated through Pedestrian Plaza areas, landscaping and groundcover.

- 4) Does the project trigger an SUP for residential adjacency? If yes, explain how and refer to section for submittal requirements.
No

- 5) Is the project located on a major arterial?
No

- 6) Is the project an expansion of an existing facility? Please indicate existing and proposed square footage.
No

UTILITIES:

WATER:

IS A CONCEPTUAL WATER SUPPLY AND CONVEYANCE STUDY INCLUDED WITH THIS APPLICATION? No

(If no, provide an explanation): Appropriate plans necessary for submission to TMWA were not available until the preparation of this application. Submittal to TMWA will follow the submittal schedule of this application.

- 1) Indicate the source of water, water purveyor, and the estimated water demand for the project: Truckee Meadows Water Authority will serve the project and the estimated water demand for the project will be 94 ± Acre-feet.

SEWER:

IS A PRELIMINARY SEWER REPORT INCLUDED WITH THIS APPLICATION?
A preliminary sewer report was submitted with this application

(If no, provide an explanation): _____

- 1) Indicate which entity and facility will provide sewer collection and treatment and provide an estimate of the project generated sewage contribution: TMWRF The project is anticipated to generate 263,000± g.p.d.
- 2) Provide a description of the size, location, and ownership of existing and proposed sewer lines connecting to sewer lines of the sewage treatment provider: A 36" Regional Transmission main located in Island Drive will be connected to for service of the site with a 10" service main.

ALL OTHER UTILITIES:

ARE POWER LINE RELOCATIONS PROPOSED FOR THIS PROJECT? Yes

(If yes, provide an explanation): An overhead line exists, crossing the site from east to west, providing service to an existing structure located on APN 011-112-02 (at 260 Island Drive). This line will be undergrounded with the proposed development and service to the structure at 260 Island Drive will be perpetuated through this undergrounded line.

Provide a description of the type and ownership of existing and proposed public and quasi public utilities proposed to serve the project: Other than the utility providers identified above, Sierra Pacific Power, Charter Communications and SBC are anticipated to provide services to the Wingfield Towers

TRAFFIC:

IS A PRELIMINARY TRAFFIC STUDY INCLUDED WITH THIS APPLICATION? Yes

(If no, provide an explanation): _____

- 1) Provide peak hour and average daily traffic volume generation estimates for the proposed project.
AM Peak – 255, PM Peak – 391, ADT – 3,471±
- 2) Identify potential impacts to existing and proposed streets, intersections, and major transportation corridors affected by the project and describe mitigating measures proposed:
This question will be addressed through an expanded traffic analysis, recently scoped with the City of Reno. This traffic report will be provided directly to all necessary agencies (as deemed by the City of

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Reno) for additional review and consideration in association with the project.

PUBLIC AND EMERGENCY SERVICES:

Provide the location and source of garbage disposal, police, fire and emergency medical service providers and describe potential impacts the project may have upon the capacity of these service providers: Public and emergency services are currently available within adjacent neighborhoods and are served by Reno Police, Reno Fire and REMSA. As this project is an infill development in the urban core of the community, the impacts upon police, fire and emergency services are seen to be minimal as they were or should have been expected. Garbage service will be provided by Reno Disposal. The nearest emergency medical service facility is Saint Mary's Medical Center approximately 5 city blocks north of the site.

IS SUBJECT PROPERTY WITHIN THE AIRPORT NOISE IMPACT AREA (65 Ldn noise level)? No.

(If so, explain the impact of the hazard on the proposed development and describe proposed mitigating measures. Such areas must be shown on the subdivision map.)

WILL THE PROPOSED USE GENERATE HAZARDOUS WASTE? No

1. If the applicant has never operated a facility which generates hazardous waste, a letter stating such; or
2. If the applicant has operated a facility which generates hazardous waste, a letter including the name and location of any and all facilities the applicant has operated which generate hazardous waste. This letter must include a disclosure of any citations or correction notices issued against such facility and their status or disposition.

WILL THE PROPOSED USE INVOLVE ANY EXPLOSIVE MATERIAL AS DEFINED IN NRS 459.3816 AND 459.38332? No

If so, identify the materials, quantities stored on site, safety precautions which will be taken and method of disposal.)

PRELIMINARY GRADING AND DRAINAGE PLAN

CHECKLIST

NAME OF PROJECT

Complete and Correct	Item No.	ITEMS REQUIRED
<input checked="" type="checkbox"/>	1	Project name.
<input checked="" type="checkbox"/>	2	Plan drawn on 24" x 36" or 30" x 42" sheets using standard engineering scales. Minimum scale shall be 1" = 40' for sites of 10 acres or less. For larger sites, minimum scale 1" = 100'.
<input checked="" type="checkbox"/>	3	Date, north arrow, scale and number of sheet in relation to the total number of sheets.
<input checked="" type="checkbox"/>	4	All streets indicated as either public or private.
<input checked="" type="checkbox"/>	5	The preliminary grading plan for the entire project, stamped by a Nevada registered civil engineer, showing existing contours at maximum 5 foot intervals, approximate street grades, proposed surface drainage, approximate extent of cut and fill slopes, and approximate building envelopes and all pad elevations sufficient to convey the impact of grading.
<input checked="" type="checkbox"/>	6	Indicate any portion of the site within the boundary of the project located within Zones "A" or "B" of the FEMA Flood Map.
<input checked="" type="checkbox"/>	7	A hydrology report and drainage study of the site prepared by a Nevada registered civil engineer addressing: Existing location, size, direction and peak discharge for 5 year and 100 year frequency flows of each natural major drainage facility within the boundaries of the project clearly designated, together with the area of watershed contributing to each other. The 5 and 100 year flows entering and exiting the site.
<input checked="" type="checkbox"/>	8	Ownership, direction of flow and the approximate location and size of proposed storm drains and sanitary sewers.
<input checked="" type="checkbox"/>	9	All existing drainage pipes or channels with direction of flow and size.

Complete and Correct	Item No.	ITEMS REQUIRED
<input checked="" type="checkbox"/>	10	The location, size and direction of flow of the nearest available public storm drain installation.
<input checked="" type="checkbox"/>	11	The location and outline to scale of each existing building, permanent structure, or other permanent physical feature, and any alteration or removal of the same.
<input checked="" type="checkbox"/>	12	Explanation for handling storm water drainage, and estimated additional runoff generated by the proposed development.
<input checked="" type="checkbox"/>	13	The surrounding area within 150' of the exterior boundaries of the proposed subdivision showing the following: <ul style="list-style-type: none"> a. Topography with maximum 5 foot contours. b. Street location, names, widths of right-of-way, and pavement widths (including existing curb cuts of both sides of the streets). c. Direction of drainage including all adjoining streets or public ways. d. Existing utilities, structures, etc.
<input checked="" type="checkbox"/>	14	The width of right-of-way and approximate grade of each street (public or private) and alley within and necessary to serve the proposed project, and the radius of all curves and diameters of each cul-de-sac bulb, including a typical section for each type of street.
<input checked="" type="checkbox"/>	15	The width and approximate location of all existing or proposed easements, whether public or private, for roads, drainage, sewers, irrigation or public utility purposes.
<input checked="" type="checkbox"/>	16	The location, size, direction of flow, as well as current and designed capacity, of the nearest available public sewer along with the estimated amount of sewage to be contributed.
<input checked="" type="checkbox"/>	17	All known areas of potential hazard, including but not limited to, earthquake faults, earth slide areas, avalanche areas or otherwise hazardous slopes, clearly designated on the map.

Complete and Correct	Item No.	ITEMS REQUIRED
<input checked="" type="checkbox"/>	18	Design of public and private streets, rights-of-way and collective driveways such that emergency access by firefighting and other emergency vehicles is practical. Emergency access is to be designated on the map.
<input checked="" type="checkbox"/>	19	Identify slopes steeper than 3:1 and indicate methods proposed for erosion control and slope stabilization for such slopes, with an explanation of how the methods were derived.
		<u>Supplemental Information</u>
<input checked="" type="checkbox"/>	20	Approximate area in square feet or acres of the amount of land utilized as follows: (a) streets (b) parking (c) common area and/or recreation area
<input checked="" type="checkbox"/>	21	Soils report, prepared by a Nevada registered civil engineer, including soils characteristics sufficient for use in tentative structural design, i.e., street sections, building pads, etc.
<input type="checkbox"/> N/A	22	A proposed plan indicating potential development of the entire area if the project is a portion of a larger holding or proposed development.
<input type="checkbox"/> N/A	23	Explanation of measures proposed to eliminate or mitigate areas of potential hazard identified on plan.
<input type="checkbox"/> N/A	24	Consideration and explanation of structure orientation for solar access and/or use.
<input checked="" type="checkbox"/>	25	Additional Plan View Sheets. Whenever cross-sections are required, the applicant must submit an additional plan view which graphically delineates all areas of proposed cut and/or fill of greater than 9 feet. This sheet shall utilize the same scale as the Preliminary Grading and Drainage Plan.

- ☒ Reno Development Application
- ☒ Owner and Applicant Affidavit
- ☒ Notice of Mobile Home Park within 750 Ft.
- ☒ Advisory Board Information
- ☒ 8 1/2" x 11" Site Plan
- ☒ 8 1/2" x 11" Zoning/Vicinity Map
- ☒ 24" x 36" Colored Display Map (1 copy for original application)
- ☒ 24" x 36" Non-Colored Display Map
- ☒ 8 1/2" x 11" Color Building Elevations
- ☒ 24" x 36" Building Elevations (original to be in color)
- ☒ 24" x 36" Preliminary Grading and Drainage Plan
- ☒ 24" x 36" Preliminary Landscape Plan
- ☒ Calculate handicap parking spaces and regular parking spaces
- ☒ Information on Signage
- ☒ Exterior lighting
- ☒ Slope Map (for hillside developments)
- ☒ Supporting Information
- ☒ Application Checklist
- ☒ Check or Money Order (see Planning Fee Schedule)

PLEASE FOLD ALL 24" X 36" MAPS TO APPROXIMATELY 9" X 12"

****Original Application and Fifteen Copies are required for this application****

*Additional copies may be requested on a case-by-case basis dependent on distribution requirements