

THE LISTINGS

THE WEEK'S SALES, LEASES, LOANS, NOTICES OF DEFAULT AND UPCOMING INDUSTRY EVENTS

daily deals

Financings, sales and leases from
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Compiled by Carla Pineda. Deals are listed in order of
dollar amount, then square footage.

INDUSTRIAL

COMMERCE — ACCO Engineered Systems acquired a 150,000-square-foot industrial property at 6446 E. Washington Blvd. for \$15 million from Joseph T. Ryerson & Son Inc. Jack Whalen of **McKinney Travers** represented the seller, while Paul Sablock, Greg Matter, Barry Hill and Zac Sakowski of **Jones Lang LaSalle** represented the buyer.

SANTA ROSA — Equity Based Services Inc. acquired Anchor Mini Storage, a 66,810-square-foot, 525-unit storage facility at 220 Business Park Drive, for \$5.3 million. Charles LeClaire of **Marcus & Millichap Real Estate Investment Services** negotiated the transaction.

HUNTINGTON BEACH — Advanced Scientific Enterprises Inc. purchased a 20,440-square-foot industrial building at 7442 Vincent Circle for \$2.7 million from U4T LLC. Michael Bouma of **Voit Real Estate Services** and Steve Eberle of **Eberle Co.** represented the seller, while J.R. Williamson of **NAI Capital** represented the buyer.

SAN DIEGO — Robert J. Kane, doing business as Disaster Recovery Systems, signed a five-year, \$268,000 lease for 5,293 square feet of warehouse space at 10639 Roselle St. from Sorrento Roselle Corp. Dean Asaro of **CB Richard Ellis** represented both parties.

SAN DIEGO — Clear Alternatives Inc. signed a three-year, \$203,000 lease for 8,350 square feet of warehouse space at 2321 Siempre Viva Court from Olive Lane Industrial Park LLC. Darren Mullins and Erik Parker of **Grubb & Ellis | BRE Commercial** represented the lessor, while Andy Irwin of **CB Richard Ellis** represented the lessee.

EL CAJON — Mental Health Systems Inc. signed a five-year, \$198,000 lease for 3,270 square feet of industrial space at 545 N. Magnolia from Spread The Word LP. The lessor represented itself, while Eric Vann of **Cushman & Wakefield** represented the lessee.

CHATSWORTH — California Music Brokers signed a \$105,000 lease for 4,032 square feet of industrial space at 9621 Canoga Ave. from Darius Enterprises LLC. John DeGrinis' team at **Colliers International** represented the lessor, while **Grubb & Ellis** represented the lessee.

CARLSBAD — Siatech Inc. signed a \$103,000 lease renewal for industrial space, renewing its commitment for 3,526 square feet for two years at 2605 Temple Heights Drive and 3,168 square feet for one year at 2613 Temple Heights. Dennis Gault and Bill Haze with **Lee & Associates-North San Diego County** represented both parties.

ESCONDIDO — C&M Publishing signed a three-year, \$35,000 lease for 1,153 square feet of industrial space at 1309 Simpson Way from Escondido Simpson Investors LLC. Isaac Little, Randy Dalby, and Tim Clepper with **Lee & Associates-North San Diego County** represented both parties.

ESCONDIDO — On-Site Health and Safety signed a two-year, \$35,000 lease for 1,220 square feet of industrial space at 326 S. Kalmia St. from Kalmia St. LLC. Rick Marcus with **Lee & Associates**

ates-North San Diego County represented the lessor, while Scooter Dood with **S&P Commercial** represented the lessee.

MORGAN HILL — Pinnacle Manufacturing Corp. purchased an 88,000-square-foot industrial building at 17680 Butterfield Blvd. from Butterfield Technology. Dave Mein and Jeff Barnes of **Colliers International** represented the seller.

SANTA ROSA — DHC Supplies Inc. signed a lease extension for 12,440 square feet of industrial space at 3440 Standish Ave. from the Robert & Dolores Marigo Trust. Shawn Johnson of **Keegan & Coppin Co. Inc.** represented the lessor, while Linda Zacharin, also of Keegan & Coppin, represented the lessee.

SUNNYDALE — Fortemedia signed a 9,000-square-foot lease for research-and-development space at 810 E. Arques Ave. from Landbank Investments & Development. Dion Campisi and Ara Bezdjian of **Colliers International** represented the tenant.

SAN DIEGO — NEC Unified Solutions Inc. signed a five-year lease for 5,327 square feet of research-and-development/flex space at Tierrasanta Research Park, 9771 Clairemont Mesa Blvd., from Glenborough Realty Trust. Doug Works and Bill Dolan of **CB Richard Ellis** represented the lessor, while **Grubb & Ellis** represented the lessee.

SAN RAFAEL — C. Eliot Ward leased 1,500 square feet of industrial space at 1525 E. Francisco Blvd. from Tom Harriman. Vesa Becam of **Keegan & Coppin Co. Inc.** represented both parties.

RETAIL



12223-12273 Highland Ave., Rancho Cucamonga

RANCHO CUCAMONGA — Towne Park Plaza LP purchased a 25,002-square-foot retail property in Day Creek Village, a shopping center at 12223-12273 Highland Ave., for \$11 million from Day Creek Investors LLC. Jeff Conover of **Faris Lee Investments** represented the seller, while Scott Hook of **Marcus & Millichap Real Estate Investment Services** represented the buyer.

LONG BEACH — Michaelian & Michaelian LP purchased a 13,680-square-foot Walgreen's Pharmacy at 5400 Cherry Ave. for \$6.85 million from Cherry Market Rx Corp. Don Emas of **Marcus & Millichap Real Estate Investment Services** represented the seller, while Ben Siegel, Tom J. Lagos and Kyle R. Miller of **Colliers International** represented the buyer.

BURBANK — The Lin Revocable Family Trust purchased the Burbank Airport Center at 2575 N. Hollywood Way for \$4.3 million from Zelman A-1 LLC. Bill Bauman and Bill Legier of **Studley** represented the seller, while Kyle R. Miller, Tom J. Lagos and Ben Siegel of **Colliers International** represented the buyer.

UNION CITY — A 9,546-square-foot retail building at 34734 Alvarado Niles Road fully leased to Goodyear Tire sold for \$1.2 million. Andy Bogardus, Douglas Longyear and Chris Sheldon of **NAI BT Commercial** represented the buyer and seller.

LOMPOC — CFT Development LLC, the designated agent for Panda Express, purchased a 7,133-square-foot Denny's restaurant at 1405 N.

H St. for \$990,000 from James Chen. Dan Moll and Michael Martz of **Hayes Commercial Group** represented the seller, while Phil Kyle of **Epstein & Associates** represented the buyer.

PLEASANTON — 99 Ranch Market leased 45,000 square feet of retail space at Rose Pavilion, a shopping center at the Santa Rita Road off ramp of Interstate 580, from **Centro Properties Group**. Matthew Berger represented the lessor in-house, while Steve Cutter of **Lockhouse Retail Group** represented the lessee.

PLEASANTON — Express Fitness leased 19,170 square feet of retail space at Rose Pavilion, a shopping center at the Santa Rita Road off ramp of Interstate 580, from **Centro Properties Group**. Matthew Berger represented the lessor in-house.

PLEASANTON — Fresh & Easy Neighborhood Market leased 15,500 square feet of retail space at Rose Pavilion, a shopping center at the Santa Rita Road off ramp of Interstate 580, from **Centro Properties Group**. Matthew Berger represented the lessor in-house, while Bob Berndt of **SRS Real Estate Partners** represented the lessee.

OAKLAND — Walgreens signed a long-term lease for 14,000 square feet of retail space at 1333 Broadway CIM Group.

ENCINITAS — Dollar Tree Stores Inc. leased 12,000 square feet of retail space in El Camino Promenade from Weingarten Realty. Christine Jensen represented the lessor in-house, while Dave Hagglund of **CB Richard Ellis** represented the lessee.

LONG BEACH — TD Ameritrade leased 3,357 square feet of retail space at the Marina Shores Shopping Center, 6550-6650 Pacific Coast Highway, from Regency Centers.

MODESTO — Smoothie King leased 2,500 square feet of retail space in Briggsmore Plaza at the northwest corner of Briggsmore Avenue and Prescott Road from **Centro Properties Group**. Matthew Berger represented the lessor in-house.

PLEASANTON — Panda Express leased 2,285 square feet of retail space at Rose Pavilion, a shopping center at the Santa Rita Road off ramp of Interstate 580, from **Centro Properties Group**. Matthew Berger represented the lessor in-house, while Sharon Carmichael and Michael Seigel of **Terranomics** represented the lessee.

FREMONT — West Coast Martial Arts leased 1,995 square feet of retail space in Gateway Plaza from Weingarten Realty.

TIBURON — May Madison LLC leased 1,320 square feet of retail space at 10 Main St. from K2 Properties LLC. Vesa Becam and Jeffrey Wilmore of **Keegan & Coppin Co. Inc.** represented the lessor, while Marissa Miller of **Cornish & Carey Commercial** represented the lessee.

SAN LEANDRO — Loard's Ice Cream leased 1,240 square feet of space in Greenhouse Marketplace from Weingarten Realty. Tom Kuehl represented the lessor in-house, while Erik Barbic of **Sherman & Bonne Real Estate** represented the lessee.

CHINO HILLS — Animation Field leased 1,050 square feet of retail space in the Chino Hills Marketplace from Weingarten Realty. Christine Jensen represented the lessor in-house.

REDDING — U Top It Frozen Yogurt leased 1,000 square feet of space in Shasta Crossroads from Weingarten Realty. Rebecca M. Taylor represented the lessor, while Ken Miller of **Coldwell**

Banker Commercial represented the lessee.

FRESNO — Joyce Lujan leased 937 square feet of retail space at 4023 N. Marks Ave. from LanMark Plaza Enterprises. Michael Kennedy and Geoff Smith of **Grubb & Ellis | Pearson Commercial** represented both parties.

BENICIA — Metro PCS leased 925 square feet of space in Southampton Center from Weingarten Realty. Tom Kuehl represented the lessor in-house, while Ali Muzaffar of **Executive Mortgage and Real Estate** represented the lessee.

LAND

INDUSTRY — PRL Glass Systems Inc. purchased 5.7 acres of land at 13644 Nelson Ave. for \$4.5 million from the City of Industry Urban-Development Agency. Jim Center of **Grubb & Ellis** and Terry Baker of **Majestic Realty Co.** represented both parties.

CARLSBAD — Pacific Ridge School purchased a four-acre parcel at the northwest corner of El Fuerte Street and Poinsettia Lane for \$4.05 million from the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints. David Knowlton of **NAI Capital** represented the seller, while Bill Hensley and Colleen Hensley of **Hensley Properties** represented the buyer.

TWENTYNINE PALMS — The RoadRunner Golf Course at 4733 Desert Knoll Road was leased for 36 months for a total consideration of \$253,000 from Palms Group Enterprises LLC. Dave Dean with **Lee & Associates-North San Diego County** represented the lessor.

GOLETA — Santa Barbara MTD leased 86,684 square feet of land and 6,409 square feet of industrial space at 5353 Overpass Road. Bob Tuler, Brian Johnson and Gene Deering of **Radius Group** represented the lessor, while Paul Gamberdella, also of Radius, represented the lessee.

MULTIFAMILY

SAN DIEGO — Enza C LLC purchased Point Loma Manor, a 35-unit apartment community at 277 Nimitz Blvd. for \$4 million from Nimitz Equity LP. Allen Chitayat of **Hendricks & Partners** represented the seller.

SUNNYVALE — The six-unit Kirkland Apartments at 641 Kirkland Drive traded hands for \$1 million. Brian Henry with **NAI BT Commercial** represented the buyer and seller.

FRESNO — The Joyce Family Living Trust purchased a 4,282-square-foot multifamily building at 925 W. University for \$262,000 from Lehman Brothers. Steve Malley of **Lee & Associates** represented the seller, while Skip Rolf of **Sperry Van Ness** represented the buyer.

MIXED USE

SAN DIEGO — Joshua and Lyda Cohen purchased a 16,000-square-foot office/retail building at 1747 Hancock St. for \$3.55 million from Ross Lopez. Bud Marsh and Marc Frederick of **Colliers International** represented both parties.

SAN DIEGO — Russ Kindom, doing business as Fifty Seven Degrees, signed a 10-year, \$1.9 million lease for 10,000 square feet of industrial/retail space at 1735 Hancock St. from the Rosa Family Trust. Bud Marsh and Marc Frederick of **Colliers International** with Allan Frostrom of **Mission Gorge Realty** represented the lessor. Marsh and

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DEALS

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Frederick represented the lessee.

SAN DIEGO — Road Rebel Entertainment signed a five-year, \$997,000 lease for 10,000 square feet of office/retail space at 1747 Hancock St. for from Ross Lopez. Bud Marsh and Marc Frederick of **Colliers International** represented the lessor, while Bob Salgado of **Voit Real Estate Services** represented the lessee.

OFFICE

CULVER CITY — Evergreen Films Inc. signed a seven-year, \$2 million lease for 12,000 square feet of studio space in the Jefferson Palms campus at 5890 W. Jefferson Blvd. from Rodeo Properties LLC. F. Ronald Rader, Aleks Trifunovic and Tibor Lody of **The Klabin Co.** represented the lessor, while Jeff Cowan of **Studley** represented the tenant.



3580 Carmel Mountain Road, San Diego

SAN DIEGO — Synopsis Inc. signed a 66-month, \$971,000 lease for 4,367 square feet of office space at Gateway at Torrey Hills, 3580 Carmel Mountain Road, from Cisterra Partners. Joe Anderson, Rick Reeder and Dave Odmark of **Grubb & Ellis | BRE Commercial** represented the lessor, while Steve Holland and Tom Martinez of **CB Richard Ellis** represented the lessee.

MONROVIA — Financial Technology Solutions International Inc. signed a five-year, \$880,000 lease for 7,988 square feet of office space at 406 E. Huntington Drive from Foothill Technology Center LLC. Shadd Walker of **Colliers International** represented the lessor, while Nathan Pellow, also of **Colliers**, represented the lessee.

SAN DIEGO — M. Joshua and Lyda Cohen purchased a 1,518-square-foot medical office condominium in the Cabrillo Medical Center at 7695 Cardinal Court for \$630,000 from Fenway Properties V LLC. Matt Carlson of **Cushman & Wakefield** represented both parties.

VISTA — The Vista Redevelopment Agency purchased a 2,330-square-foot office property at 430-432 Vista Village Drive for \$500,000 from the Du's Family Partnership. Adam Molnar of **Coldwell Banker Commercial** represented the seller.

ENCINITAS — Fernando and Sherri L. Segre signed a five-year, \$483,000 lease for 3,591 square feet of office space in North Coast Business Park at 511 Encinitas Blvd. from NCBP Development Inc. Barry Mahlberg of **Cushman & Wakefield** represented both parties.

LOS ANGELES — Allied Capital Corp. signed a one-year, \$242,000 sublease for 6,136 square feet of office space in the Westwood Gateway complex at 11111 Santa Monica Blvd. from Investment Consulting Group Inc. Brad Feld and Dustin Ballard of **Madison Partners** represented the landlord, while **CB Richard Ellis** represented the tenant.

SAN DIEGO — Acceleratus Inc. signed a 25-month, \$181,000 lease for 4,361 square feet of office space in Centrewest Plaza at 9740 Scranton Road from AZNL-Centrewest LLC. Steve Wolf and Brunson Howard of **Cushman & Wakefield**

represented the lessor, while Paul Ragnvaldsson of **Prudential California Realty** represented the lessee.

LOS ANGELES — Kirkland & Ellis LLP leased 90,000 square feet of office space comprising the 28th through 30th floors, as well as approximately 10,000 square feet of subterranean space of the Bank of America Plaza from Brookfield Properties Corp. Kirkland & Ellis was represented by Gerald Porter, chairman of **Cresa Partners**, while John Barganski and Chris Dillavou represented the landlord in-house.

SHERMAN OAKS — RSUI Group Inc. has renewed its lease for 31,184 square feet of office space in the Comerica Bank Building at the intersection of Ventura and Sepulveda boulevards. David Kluth and Ryan Harding of **UGL Equis** represented the lessee.

SACRAMENTO — The California State Department of General Services/Real Estate Office of Integrated Services doubled its existing office lease by 9,137 square feet to a total of 13,208 square feet at 2535 Capitol Oaks Drive from Basin Street Properties. Scott Bennett and Jason Rutherford of **Grubb & Ellis** represented the landlord, while Devon Atlee of **Cornish & Carey Commercial** represented the tenant.

FRESNO — Fresno Area Work Force Investment Corp. leased 9,915 square feet of office space at 2125 Kern St. from Virginia Kern LLC. Hoss McVaugh of **McVaugh & Co.** represented the landlord, while Phil Souza, Jeremy Reed and Jessica Schneider of **Grubb & Ellis | Pearson Commercial** represented the tenant.

FRESNO — A U.S. agency leased 6,000 square feet of office space at 1690 W. Shaw Ave. from Ceor LP. Phil Souza, Jeremy Reed and Jessica Schneider of **Grubb & Ellis | Pearson Commercial** represented both parties.

FRESNO — Dynaco Inc. leased 4,443 square feet of office space at 10 River Park Place East from State Compensation Insurance Fund. Phil Souza, Jeremy Reed and Jessica Schneider of **Grubb & Ellis | Pearson Commercial** represented the lessor, while Jim Huebner of **Retail California** represented the lessee.

PLEASANTON — Darim Vision Corp. purchased a 3,600-square-foot office building at Montevina, a complex at 3110 Constitution Drive, from ExTerra Realty Partners. Jim Peterson, John Hone and Andrew Zink of **Cornish & Carey Commercial** represented the lessor, while Hone also represented the lessee.

FRESNO — Fresno Reprographics Inc. leased 3,062 square feet of office space at 7591 N. Ingram from MW LLC. Phil Souza, Jeremy Reed and Jessica Schneider of **Grubb & Ellis | Pearson Commercial** represented the lessor, while Greg Schweitzer of **Schweitzer Commercial** represented the lessee.

PETALUMA — Robert and Ruthann Reiger purchased a 2,333-square-foot office property at 737 Southpoint Blvd. from Southpoint Business Center LLC. Russ Mayer and Rhonda Deringer of **Keegan & Coppin Co. Inc.** represented both parties.

FRESNO — Terry and Franki Fox purchased a 1,450-square-foot office building at 1145 Shaw Ave. from the Kharazi Family Trust. Dustin Illic and Brett Visintainer of **Grubb & Ellis | Pearson Commercial** and Jim Dice of **Sperry Van Ness** represented the seller.

SANTA ROSA — Vertex Construction Services leased 936 square feet of office space at 1212 4th St. from Norman Poulsen. Romus Reece and Kevin Doran of **Keegan & Coppin Co. Inc.** represented the lessor, while Angie Corwin of **North Bay Commercial** represented the lessee.

REAL ESTATE in the courts

Real Property

■ **Unlicensed broker is entitled to compensation for non-broker services where client independently found financial source.**

Venturi & Co. LLC v. Pacific Malibu Development Corp., California Courts of Appeal - 2nd District, No. B205789, April 10, 2009

In 2003, Venturi & Co. LLC (Venturi) agreed to secure financing for Pacific Malibu Development Corp. and Hermitage Estates (collectively Pacific Malibu) in relation to the development of a resort. Venturi also agreed to review costs and to provide marketing and financial advice. In exchange, Pacific Malibu agreed to pay Venturi a fee for each source of secured financing. When Pacific Malibu secured financing without the assistance of Venturi, Venturi claimed entitlement to compensation. Pacific Malibu refused and terminated the contract. As a result, Venturi sued Pacific Malibu for breach of contract and quantum meruit. Pacific Malibu moved for summary judgment, arguing that Venturi was an unlicensed broker, and, thus, barred from compensation. The trial court granted the motion.

The decision was reversed and remanded. A business is not entitled to compensation for providing real estate broker services if unlicensed. However, an unlicensed broker is entitled to compensation to the extent that services provided are not those of a real estate broker. Courts must individually examine each business opportunity to determine whether the plaintiff provided any services for which a license was not needed. The contract here required Venturi to provide some services requiring a license and others that did not. These included the formulation of marketing strategies, reviewing costs, and providing financial advice. Thus, triable issues existed as to whether Venturi performed non-broker services when Pacific Malibu secured financing and the trial court should not have granted summary judgment.

Opinion by Justice Rubin.
— Seena Nikravan

Environmental Law

■ **'Best available science' supports U.S. Forest Service's determination that minimum 10 percent of forest acreage would maintain old-growth habitat.**

The Ecology Center v. Castaneda, US Court of Appeals - Ninth Circuit, No. 07-35054, April 17, 2009

In 1987, the U.S. Forest Service (Forest Service) adopted the Kootenai National Forest Plan (Forest Plan). The Forest Plan required that a minimum of 10 percent of forest acreage provide old-growth habitat. In 2004 and 2005, the Forest Service approved nine timber sale and restoration projects in the Kootenai National Forest. The WildWest Institute (WildWest) challenged the approval as violations of Forest Service regulations. In part, WildWest claimed the Forest Service was required to use the "best available science" in maintaining viable populations of species. WildWest argued that a 1995 study showed that species viability would not be ensured by the Forest Plan's 10 percent old-growth forest level. The district court granted summary judgment in favor of the Forest Service.

The decision was affirmed. Where matters

require a high level of technical expertise, courts grant agencies considerable discretion. Even if parties cite studies supporting different conclusions than those reached by the Forest Service, courts do not weigh competing scientific analysis. However, the Forest Service is still required to use the "best available science" to maintain viable populations of old growth. Here, the Forest Service cited many scientific studies and reviewed applicable literature indicating that the 10 percent minimum would support viable populations. Further, WildWest failed to prove that the Forest Service's analysis was outdated. Thus, the Forest Service established that the 10 percent standard was based on the best available science.

Opinion by Judge Richard C. Tallman.
— Seena Nikravan

Real Property

■ **Costa-Hawkins Act did not impliedly repeal rent control ordinance enacted pursuant to Section 7060.2(d) of Ellis Act.**

Apartment Association of Los Angeles County Inc. v. City of Los Angeles, California Courts of Appeal - 2nd District, No. B204334, April 17, 2009

On June 5, 2007, the city of Los Angeles enacted an ordinance pursuant to Section 7060.2(d) of the 1985 Ellis Act. The new ordinance imposed rent control on new buildings constructed within five years after destruction of residential rental units previously subject to rent control. In 1995, the Costa-Hawkins Act was enacted to exempt newly constructed rental units (with a certificate of occupancy issued after February 1995) "from local rent control." The Apartment Association of Los Angeles County (AALAC) argued that the Costa-Hawkins Act impliedly repealed Section 7060.2(d) and that any ordinance resulting from Section 7060.2(d) was invalid. The trial court sustained the city of Los Angeles' demurrer, finding no conflict between the two statutes.

The decision was affirmed. Absent an express declaration of legislative intent, a statute is not "impliedly repealed by a subsequent statute unless there is no rational way to harmonize the two potentially conflicting statutes." Section 1954.52(c) of the Costa-Hawkins Act specifically states that "it does not affect the authority of a public entity that may otherwise exist to regulate or monitor the basis for eviction." Thus, this court determined that the Los Angeles ordinance was meant to regulate eviction and prevent eviction under false pretenses rather than to extend rent control. To harmonize the two statutes, Section 7060.2(d) was construed to be an exception of the Costa-Hawkins Act. As this court determined the two statutes were not conflicting, the Costa-Hawkins Act did not impliedly repeal Section 7060.2(d).

Opinion by Justice Kitching.
— Linda Choi

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