

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.

MULTIFAMILY

SACRAMENTO — The Lofts Apartments LP, in care of The Reliant Group Inc., purchased The Lofts, a 188-unit, 205,976-square-foot apartment complex on 9.4 acres at 3351 Duckhorn Drive, for \$18.5 million from The Lofts LP, in care of Pacific West Cos. LLC. Mark J. Feldman of **Hendricks & Partners** represented both parties.

SAN FRANCISCO — A \$5.3 million first mortgage was arranged for the 257-unit Yerba Buena Commons. The Veterans Administration leases the ground floor of the complex. The 15-year financing has a 30-year amortization. Dennis Sidbury of **NorthMarq Capital** secured the loan.

SHERMAN OAKS — An 18-unit apartment property at 14633 Magnolia Blvd. sold for \$4.35 million. Ronald Harris of **Marcus & Millichap Real Estate Investment Services** represented the seller.

CARLSBAD — The Glenn L. Goldman Trust purchased a nine-unit townhome complex at 7803 Centella St. for \$1.65 million from the Robert Helmuth Family Trust. Patrick Boyle of **La Costa Rental and Sales** represented the seller, while Ray Adams of **Grubb & Ellis | BRE Commercial** represented the buyer.

LOS ANGELES — A nine-unit multifamily building at 1234 N. Virgil Ave. sold for \$1.3 million. Dana Brody of **Grubb & Ellis** represented the seller in the transaction, while Naomi Klein of **Alliance Properties** represented the buyer.

LOS ANGELES — A developer sold a nine-unit apartment property at 4244 Slauson Ave. for \$1 million. Robert Leveen of **Marcus & Millichap Real Estate Investment Services** represented the buyer and seller.

SAN CLEMENTE — A five-unit apartment building at 906 San Clemente traded hands for \$1 million. Josh Keimach and Robert Narchi of **Marcus & Millichap Real Estate Investment Services** represented the buyer and seller.

RETAIL

UKIAH — **Columbus Pacific Properties** purchased Ukiah Crossroads Shopping Center, a 110,000-square-foot neighborhood shopping center at the corner of North State Street and Highway 101, for \$10.8 million from a joint venture between Kimco Realty Corp. and Prudential Real Estate Investors. Dan Wald, Dave Nord, Steve Holm, Mark Koenig and John Schaefer of **Terra-nomics Retail Services** represented the seller. Phillip Duke represented the buyer in-house.

LOS ANGELES — Steven Ngu and Stephanie T. Ngu purchased a 7,500-square-foot retail building at 5060 Santa Monica Blvd. for \$1.9 million from Western LLC. David Ghermezian, David Lachoff and Kevin Lachoff of **Grubb & Ellis** represented the seller, while Matt Artukovich of **Lee & Associates** represented the buyer.

FOLSOM — Acquisition financing in the amount of \$1.4 million was arranged for a 7,000-square-foot Romano's Macaroni Grill restaurant.

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Robert Slatt of **Newmark Realty Capital** secured the 10-year loan with a regional bank with a fixed interest rate for the initial five years and a 25-year amortization schedule. Loan-to-value ratio was 60 percent.

HAYWARD — A total of \$1 million was arranged for the purchase of a 2,670-square-foot Burger King Restaurant. Robert Slatt of **Newmark Realty Capital** obtained the fixed interest rate, five-year loan from a regional credit union. The financing has a 30-year amortization schedule and loan-to-value ratio of 60 percent.

SAN DIEGO — UTBW LLC, doing business as Five & Dime General Stores, signed a five-year, \$999,000 lease for 3,675 square feet of retail space for five years at 2501-2503 San Diego Ave. from the Wm. E. Moxley Trust. Michael Slattery of **Grubb & Ellis | BRE Commercial** represented the lessee.

SANTA BARBARA — A 2,394-square-foot retail space at 1303 State St. sold for \$985,000. Brad Frohling of **Radius Group** represented the seller, while Francois DeJohn of **Hayes Commercial** represented the lessee.

SAN DIEGO — Jet Rhys Inc., doing business as Jet Rhys Salon, signed a 64-month, \$371,000 lease for 2,796 square feet of retail space in Beachwalk at 437 South Highway 101 from Muller-Beachwalk LLC. David Maxwell, Rob Ippolito and David Bradley of **Cushman & Wakefield** represented the lessor, while the lessee represented itself.

SAN DIEGO — Massage Oasis signed a five-year, \$306,000 lease for 2,900 square feet of retail space at 4344 Convoy St. from Harbaugh Convoy Ltd. Joseph Balla of **Lee & Associates San Diego** represented the landlord, while Jarilyn Wang of **JW Properties** represented the tenant.

SAN DIEGO — LBC Mundial Corporation, doing business as LBC, signed a five-year, \$250,000 lease for 2,133 square feet of retail space in Mesa Town Center at 8983 Mira Mesa Blvd. from Mesa Town Center LLC. John Jennings and Aaron Hill of **Cushman & Wakefield** represented the lessor, while by Art Macaraeg of **Marcus & Millichap Real Estate Investment Services** represented the lessee.

LEMON GROVE — Subway Development of San Diego LLC signed a five-year, \$234,000 lease for 1,411 square feet of retail space at 6348 College Grove Way from San Diego Grove LP, in care of Cornerstone Property Management. Phil Lyons, Bruce Schiff and Andrew Peterson of **Grubb & Ellis | BRE Commercial** represented both parties.

ALPINE — Go Wireless Inc. signed a five-year, \$208,000 lease for 1,200 square feet in Alpine Village Center at 2955 Alpine Blvd. from Grant Tucker Properties. Steve Avoyer of **Flocke & Avoyer Commercial Real Estate** represented the lessor, while Jake Irion and Brian Bielatowicz of **Lee & Associates** represented the lessee.

BONSALL — Temecula Valley Cardiology Group signed a five-year, \$136,000 lease for 1,227 square feet of retail space located at 5256 S. Mission Road from River Village Shopping Center. Mary Kay Bier of **Lee & Associates San Diego** represented both parties.

GARDEN GROVE — RadioShack Corp. signed a one-year, \$60,000 lease renewal for 20,000 square feet of retail space at 12821 Knott Ave. from **Westcore Properties**. Both parties represented themselves.

IMPERIAL BEACH — Juan Vazquez and Veronica Ortiz signed a five-year, \$58,000 lease for 938 square feet of retail space at 1051 13th St.

from MPMB Properties LLC. Miguel Ma of **Grubb & Ellis | BRE Commercial** represented the lessor, while Tony Araiza of **All Cali Realty** represented the lessee.

SAN DIEGO — Cary Inc., doing business as Halloween Adventure, signed a three-month, \$40,000 lease on 17,050 square feet of retail space in Mission Valley Center East at 2120 Camino de la Reina from S.D. Retail LLC. Aaron Hill and Bryan Cunningham of **Cushman & Wakefield** represented the lessor, while the lessee represented itself.

CARLSBAD — Jason Camu & Brishette Camu, doing business as Jason Camu Psy. D, signed a three-year, \$39,000 lease for 660 square feet of retail space in La Costa Towne Center at 7720 El Camino Real from La Costa Tower LLC. John Jennings and Kam Walton of **Cushman & Wakefield** represented the lessor, while Michael Dyer, also of Cushman & Wakefield, represented the lessee.

MORENO VALLEY — Hector Alvarez, doing business as Xtreme Real Estate, signed a three-year, \$28,000 lease for 767 square feet of retail space in Moreno Valley Plaza at 23884 Sunny-mead Blvd. from Moreno Valley Plaza LTD. Nick Alford and David Bradley of **Cushman & Wakefield** represented the lessor, while the lessee represented itself.

MONTEBELLO — Best Buy leased 45,041 square feet of retail space at Montebello Plaza from **Centro Properties Group**. Jason Ball and Matt Berger represented the landlord in-house, while Tom Gyulay of **Sage Retail Group** represented the tenant.

VALLEJO — Bed Bath & Beyond leased 42,049 square feet of retail space at Gateway Plaza from **Centro Properties Group**. Brian Finnegan, Jason Ball and Matthew Berger represented the landlord in-house, while Don Krieger of **Terranomics Retail Services** represented the tenant.

SACRAMENTO — Lazeez Food Group leased 12,000 square feet of retail space at 6968 65th St. from Sun City Center. Stuart Snider and Bill Perkins of **Grubb & Ellis** represented the lessee.

SACRAMENTO — The Window & Door Shop leased 5,250 square feet of retail space at 1717 Bell St. from Paul Jorjorian. Richard N. Smith of **Grubb & Ellis** represented both parties.

ROSEVILLE — Big Deal Inc. leased 1,613 square feet of retail space at 910 Pleasant Grove Blvd. from Nipoti LP. Stuart Snider and Bill Perkins of **Grubb & Ellis** represented the lessee.

ELK GROVE — Mandeep Kaur leased 1,520 square feet of retail space at Elk Grove-Florin Road from Kobra Properties. Stuart Snider and Bill Perkins of **Grubb & Ellis** represented the lessor.

INDUSTRIAL

HAYWARD — LRF Properties LLC sold two industrial properties totaling 66,612 square feet at 27279 and 27317 Industrial Blvd. for \$5.5 million. **NAI BT Commercial** represented the seller, while Jesse Lucas of **Lee & Associates** represented the buyer.

SAN DIEGO — Stryker Corp. signed a five-year, \$314,000 lease for 4,449 square feet of flex space at 6885 Flanders Drive from RREEF. Sean Williams of **Cushman & Wakefield** represented the lessor, while Andy Irwin of **CB Richard Ellis** represented the lessee.

SANTA FE SPRINGS — Pro-Mark Utility Supply signed a three-year, \$294,000 lease for an

11,685-square-foot industrial building located at 12464 McCann from John and Carolyn Affeld. Rob Leiter and Elizabeth Hughes of **Lee & Associates - Orange Inc.** represented the landlord, while Joshua Bonwell of **CB Richard Ellis** represented the tenant.

SAN DIEGO — Double Take signed a three-year, \$134,000 lease for 4,800 square feet at 8470 Production Ave. from Imad Schar. Evan McDonald of **Lee & Associates San Diego** represented the landlord, while Arnie Freidman of **CB Richard Ellis** represented the tenant.

LOS ANGELES — R.G. Sales signed a sublease for 125,837 square feet of industrial space located at 13217 S. Figueroa St. from Unisource Inc. Terry Reitz, Jim Biondi and Gerald Kim of **Grubb & Ellis** represented the lessor, while Richard Abdulian, also of Grubb & Ellis, represented the lessee.

SANTA BARBARA — Good Management Co. leased 9,600 square feet of office/industrial space at 1 N. Calle Cesar Chavez. Bob Tuler, Paul Gamberdella and Gene Deering of **Radius Group** represented the landlord.

VAN NUYS — The Bouzaglou Family Trust purchased a Van Nuys Airport-adjacent parcel zoned for light industrial use, including 7,750 square feet of buildings, at 16521 Saticoy St., from the Kurt Chan Family Limited Partnership. David Hoffberg of **Delphi Business Properties Inc.** represented the seller, while Chad Gahr and David Young of **NAI Capital** represented the buyer.

SACRAMENTO — Standard Tel Networks leased 3,690 square feet of industrial space at 4229 Northgate Blvd. from PS Business Parks. Bryce MacDonald and Matt Cologna of **Grubb & Ellis** represented the lessor.

OFFICE

IRVINE — AFCowan purchased a 10,568-square-foot office property at 17772 Cowan for \$3.45 million from Carmen LLC. David Bolt and Chip Wright of **CB Richard Ellis** represented the seller, while Greg Sargenti of **Voit Real Estate Services** represented the buyer.

LOS ANGELES — The Sullivan Group signed a five-year, \$3.3 million lease renewal for 24,034 square feet of office space at 800 W. 6th St. from Capital and Counties USA Inc. John Anthony of **Charles Dunn Co.** represented the landlord, while Jonathan Larsen and J.D. DeRosa of **Transwestern** represented the tenant.

TORRANCE — American Honda Motor Co. Inc. signed a five-year, \$1.8 million lease renewal for the 15,575-square-foot third floor of Torrance Point at 21041 S. Western Ave. from Amstar-7 LLC. Geoff Ludwig, Douglas Brawn, Eric Lastition and Gregory Walsh of **Colliers International** represented the landlord, while Tim Vaughn of **CB Richard Ellis** represented the tenant.

LOS ANGELES — The Witkin Family Trust purchased an 8,000-square-foot office complex at 1721-1725 Victory Blvd. for \$1.8 million from MNM Group. Darren Cline, George Stavaris and Colette Ramirez of **Grubb & Ellis** represented both parties.

LOS ANGELES — Seanda Properties LLC purchased 6,733 square feet of office space at 2141 Orangewood Ave. for \$1.3 million from Jay P. Burke and Sandra H. Burke. Marshal Vogt of **Lee & Associates** represented the seller, while Amy Mcnamara and Ryan Campbell of **Grubb & Ellis** represented the buyer.

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DEALS

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IRVINE — TC3 Health Inc. signed a five-year, \$1.2 million lease for 10,342 square feet of office space at 19732 MacArthur Blvd. from CIP Centerpointe 123 LLC. Brian Garbutt of **Lee & Associates-Irvine Inc.** represented the landlord, while Jeff Eales of **Birtcher Anderson Properties Inc.** represented the tenant.

ENCINITAS — The Center for Age Management signed a 88-month, \$699,000 lease for 2,690 square feet of office space at 561 Saxony Place from Second/Pepper Partners. Matt Campbell, Peter Curry and Ryan Grant of **Grubb & Ellis | BRE Commercial** represented the lessor, while Brian Klepacki of **CB Richard Ellis** represented the lessee.

DEL MAR — Coastal Associates MSO Inc. signed a five-year, \$396,000 lease for 2,795 square feet of office space at 12845 Point Del Mar Way from Mitchell Land & Improvement Co. Phil Lyons, Bruce Schiff and Andrew Peterson of **Grubb & Ellis | BRE Commercial** represented both parties.

SAN DIEGO — OfficePlanIt LLC signed a three-year, \$239,000 lease for 4,734 square feet of office space at 111 Fourteenth St. from Wonderhaus LP. Jeff Hoffman of **Strom Commercial** represented the landlord, while Sean Williams of **Cushman & Wakefield** represented the tenant.

CHULA VISTA — The Marco Family Trust purchased a 1,137-square-foot office condominium at 2550 Catamaran for \$200,000 from U.S. Bank National Associates. Steve Malley, Mark Lewkowitz and Evan McDonald of **Lee & Associates San Diego** represented both parties.

SAN DIEGO — Newhart & Associates LLC signed a three-year, \$143,000 lease for 1,287 square feet of office space in Chancellor Park at 4520 Executive Drive from Arden Realty LP. Eric Vann, Jim Laing and Brunson Howard of **Cushman & Wakefield** represented the lessor, while Craig E. Sanders of **Commercial Real Estate Services** represented the lessee.

LA JOLLA — Jack Bechta signed a 38-month, \$108,000 lease for 958 square feet of office space at 1295 Prospect St. from La Jolla Palace LLC, in care of Xterra Wetsuits. Robert Kuzman and Michael Slattery of **Grubb & Ellis | BRE Commercial** represented both parties.

CARLSBAD — Canopy HR Solutions LLC signed a three-year, \$93,000 lease for 1,713 square feet of office space at 1808 Aston Ave. from Canopy HR Solutions LLC. Justin Halenza, Kent Moore and Josh Bernstein of **Grubb & Ellis | BRE Commercial** represented the lessor, while Brooks Campbell, also of Grubb & Ellis, represented the lessee.

CARLSBAD — Blue Crane Digital LLC signed a three-year, \$79,000 lease for 1,377 square feet of office space at 5962 La Place Court from Cognac Campus LLC, in care of Prudential Real Estate Investors. Joe Anderson, Stacy Looney and Brooks Campbell of **Grubb & Ellis | BRE Commercial** represented the lessor, while Mark Avilla, Matty Sundberg and Bob Cowan, also of Grubb & Ellis, represented the lessee.

SAN DIEGO — Victor J. Ferrette, A Law Corp., signed a two-year, \$71,000 lease for 1,180 square feet of office space at 16870 W. Bernardo Drive from BOI Carlsbad Inc. Tom Olson of **Colliers International** represented the lessor, while Robert Kuzman of **Grubb & Ellis | BRE Commercial** represented the lessee.

SAN DIEGO — Holocom Inc. signed a 13-month, \$68,000 sublease for 4,387 square feet of office space in Pacific Corporate Park at 5935

Cornerstone Court West from Verigy US Inc. Mickey Morera and James Duncan of **Cushman & Wakefield** represented the sublessor, while Nicole Winters of **Jones Lang LaSalle** represented the sublessee.

SAN DIEGO — Links 2 School Inc. signed a three-year, \$51,000 lease for 925 square feet of office space at 16980 Via Tazon from Haehn Investment Co. Conor Boyle and Marc Posthumus of **Cushman & Wakefield** represented both parties.

SAN MARCOS — The Compliance Group Inc. signed a 26-month, \$46,000 lease for 1,692 square feet of office space at 920 W. San Marcos Blvd. from San Marcos Park Place LLC. Tucker Hohenstein of **Cushman & Wakefield** represented the lessor, while Gary Williams of **Colliers International** represented the lessee.

SOLANA BEACH — Stos Robinson Investments LLC signed a one-year, \$29,000 lease for 628 square feet of office space at 2533 S. Coast Highway 101 from Plastino II. Stacy Looney of **Grubb & Ellis | BRE Commercial** and Ron Jacobson of **Madison Partners** represented the lessor, while Looney also represented the lessee.

SAN DIEGO — Don Clark signed a one-year, \$13,000 lease for 859 square feet of office space at 2515 Camino del Rio South from Capital Growth Properties. Jack Kruger of **Grubb & Ellis | BRE Commercial** represented both parties.

EMERYVILLE — Clif Bar & Co. signed a 15-year lease for a 115,000-square-foot space in EmeryTech at 1400 65th St. from Ellis Partners LLC. Mike Rafetto, Sid Ewing and Grant Jones of **CB Richard Ellis** represented the landlord, while Jim McPhee of **Cushman & Wakefield** represented the tenant.

NORTH HOLLYWOOD — West Coast University signed a 10-year sublease for a 98,000-square-foot office building at 12215 Victory Blvd. Sean O'Leary and Maury Gentile of **Grubb & Ellis Co.** represented the subtenant.

IRVINE — Global Debt Management leased 14,030 square feet of office space at 18881 Von Karman Ave. from The Muller Co. Greg May and Oliver Fleener of **Grubb & Ellis** represented the lessor, while Chon Kantikovit and Matt Moore, also of Grubb & Ellis, represented the lessee.

LOS ANGELES — Bononi Law Group LLP leased 7,413 square feet of office space at 915 Wilshire Blvd. from Brickman 915 Wilshire LLC. **Lincoln Properties** represented the lessor, while Sonya Schmidt of **Grubb & Ellis** represented the lessee.

COSTA MESA — Internap Services Corp. leased 7,107 square feet of office space in MetroCenter at 555 Anton Blvd. from RREEF. Greg May and Oliver Fleener of **Grubb & Ellis** represented the lessor, while Ryan Hawkins of **Jones Lang LaSalle** represented the lessee.

FRESNO — Fresno County Schools leased 5,987 square feet of office space at 1684 W. Shaw Ave. from Cedor LP. Phil Souza, Jeremy Reed and Jessica Young of **Grubb & Ellis | Pearson Commercial** represented the landlord, while Jim Graham and Scott Christensen, also of Grubb & Ellis, represented the tenant.

COSTA MESA — Compuware Corp. leased 5,831 square feet of office space in MetroCenter at 555 Anton Blvd. from RREEF. Greg May and Oliver Fleener of **Grubb & Ellis** represented the lessor, while Stephen Pisarik of **Colliers International** represented the lessee.

LOS ANGELES — CapitalSource Bank leased 4,438 square feet of office space at 9301 Wilshire Blvd. from Wilshire Rexford Plaza LLC. Serge Vishmid and Myron Sokolsky of **Grubb & Ellis** represented the tenant.

REAL ESTATE in the courts

Real Property

■ Counsel effectively consents to settlement on client's behalf where client previously had agreed to terms before court.

1538 Cahuenga Partners, LLC v. Turmeko Properties, Inc., California Courts of Appeal - 2nd District, No. B209548, July 31, 2009

In December 2004, 1538 Cahuenga Partners LLC sued Turmeko Properties, Inc. and WMC Mortgage LLC (WMC), among others, seeking to "cancel a reconveyance and to quiet title to property on Reading Avenue in Los Angeles." TRE Holdings LLC (TRE) and its principal, Tremaine Fowlkes, later joined during settlement, as TRE had a monetary claim in this action. In November 2006, the parties orally stipulated to a settlement agreement before the court. Fowlkes was not present; however, counsel for TRE represented that he would accept the settlement on behalf of Fowlkes. The court also stated that it had met with counsel and Fowlkes to discuss the settlement terms, and that Fowlkes indicated he "understood the terms and agreed to them." Ultimately, WMC filed a motion for judgment pursuant to the settlement agreement against TRE and Fowlkes, which was granted. TRE and Fowlkes argued that the settlement was unenforceable because Fowlkes was not present in court to provide consent to the agreement.

The decision was affirmed. Code of Civil Procedure Section 664.6 provides for when courts "may enter judgment pursuant to the terms of the settlement." Parties may either agree in writing, "signed...outside the presence of the court or orally before the court." Thus, Section 664.6 does not require "consent to the settlement 'on the record,'" only that the party to be bound consent orally before the court. Here, Fowlkes had met with counsel before the court, where he acknowledged that he understood the settlement terms and provided consent. This was an oral agreement before the court and satisfied Section 664.6. As such, Fowlkes was not required to be present in the courtroom. His counsel's representation on Fowlkes' behalf, along with the court's statement, was sufficient to bind TRE and Fowlkes to the settlement. Partial publication.

Opinion by Justice Rothchild.
— Sharon Liang

■ State Aeronautics Act does not preempt county's ability to exercise initiative power to amend airport land use plan.

Citizens for Planning Responsibly v. County of San Luis Obispo (San Luis Obispo Marketplace Associates), California Courts of Appeal - 2nd District, No. B206957, Aug. 4, 2009

In 2006, San Luis Obispo County residents approved Measure J, which amended the County's general plan and zoning ordinance. Measure J permitted a mixed use development on a 131-acre property near the County's airport. Citizens for Planning Responsibly filed a petition for writ of mandate, arguing that state law preempted Measure J. They claimed that the State Aeronautics Act (SAA), which regulated lands adjacent to public airports, prohibited use of the initiative power because the SAA delegated exclusive authority to a board of supervisors to make land use decisions in an airport land use plan area. The trial court agreed, finding that the SAA preempted the field and provided the only means for land use regulation.

The decision was reversed. The initiative power may be preempted in three ways. First, the Legislature may so completely occupy a field

in a statewide matter that any conflicting local law is precluded. This occurs when the Legislature expressly or impliedly manifests its intent to do so. Here, the SAA expressly permits local regulation. Local agencies may initiate amendments to an airport land use plan and determine whether decisions are consistent with a plan. Second, the Legislature may delegate authority to a local governing body to exercise power over statewide matters. Although the SAA used the term "governing body," no legislative intent suggested delegation. Third, preemption occurs when the initiative power interferes with an essential government function. This court found that no interference existed. Thus, the SAA did not preclude the exercise of the initiative power.

Opinion by Justice Perren.
— Seena Nikravan

Environmental Law

■ U.S. Forest Service violates National Environmental Policy Act by failing to prepare environmental impact statement before repealing substantive environmental protections.

People v. U.S. Dept. of Agriculture, US Court of Appeals - Ninth Circuit, No. 07-15613, Aug. 5, 2009

In 2001, the U.S. Forest Service promulgated the Roadless Area Conservation Rule (Roadless Rule), which banned road construction and timber harvests in roadless areas in national forests. Before the Roadless Rule's effective date, district courts enjoined its application. Soon after, the Forest Service replaced the Roadless Rule with the State Petitions Rule. The new rule allowed states to petition to establish management requirements in roadless areas and specifically repealed the prior rule. Thus, it did away with the protections created by the Roadless Rule. In addition, the Forest Service designated the new rule as categorically excluded from the environmental review requirements in the National Environmental Policy Act (NEPA). Plaintiffs sued the Forest Service, claiming that it violated NEPA by using the exclusion. The district court granted the plaintiffs summary judgment and reinstated the Roadless Rule.

The decision was affirmed. Under NEPA, federal agencies must prepare an environmental impact statement (EIS) for major federal actions significantly affecting the environment. However, an EIS is not needed for administrative actions that have a direct, indirect or cumulative effect on the environment. Here, the Forest Service invoked the exclusion by characterizing the State Petitions Rule as procedural. However, this court found that the replacement of the Roadless Rule with a less protective regime was not merely procedural. In fact, the new rule primarily intended to take substantive environmental protections away. Thus, the exclusion did not apply and the Forest Service violated NEPA when it failed to prepare an EIS.

Opinion by Judge Robert R. Beezer.
— Seena Nikravan

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