

THE LISTINGS

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

daily deals

Financings, sales and leases from
www.CARealEstateJournal.com.
Send deals to RealEstate@DailyJournal.com
Compiled by Carla Pineda. Deals are listed in order of
dollar amount, then square footage.

MULTIFAMILY

LOS ANGELES — A \$54.4 million refinance of a 465-unit apartment complex was arranged by Gary Tenzer and Nick Silbergeld of **George Smith Partners**. The loan was secured with a 10-year term, 5.51 percent interest rate, 30-year amortization schedule and loan-to-value ratio of 75 percent.

MILLBRAE — Pacific Property Co. sold the Waterstone Millbrae, a 136-unit, 114,440-square-foot multifamily property at 509 Poplar Ave., for \$33.8 million. Stanford Jones, Sal Saglimbeni and Phil Saglimbeni of **Marcus & Millichap Real Estate Investment Services** represented the seller. Marshall DeWolfe of **Marcus & Millichap Capital Corp.** arranged a combined first and second mortgage loan of \$23.8 million for the acquisition. The 10-year fixed-rate loan has a blended interest rate of 5.7 percent, a 30-year amortization schedule and loan-to-value ratio of 70 percent.

WOODLAND HILLS — A joint venture between an affiliate of the Swig Co. LLC and an institutional real estate investment fund managed by Capmark Investments LP has acquired the 250-unit Arbors at Warner Center multifamily residential community for \$33 million. Mitch Thurston and Andy Ahlers of **Capmark Finance Inc.** originated a new first mortgage for the acquisition.

SAN PEDRO — The 160-unit Harbor View Apartments were financed at \$24 million. Ory Schwartz of **NorthMarq Capital** arranged the first mortgage financing with 10 years fixed and the first two years interest-only.

LOS ANGELES — The developer of the 47-unit Perino's Luxury Apartments sold the property for \$13.5 million. Robin Ossenbeck and Karoline Sauls of **Hendricks & Partners** represented the seller.

SAN PEDRO — The 60-unit Bay Ridge Apartments obtained \$6.4 million in first-mortgage financing. Ory Schwartz of **NorthMarq Capital** arranged the loan with 10 years fixed and the first two years interest-only.

LOS ANGELES — An 18-unit apartment property at 1282 Kelton Ave. sold for \$3.4 million. Robert Narchi of **Marcus & Millichap Real Estate Investment Services** represented the buyer.

PLEASANT HILL — A \$2 million financing was secured for the 110-unit Spring Meadow Apartments. Kenneth M. Fox of **Cohen Financial** obtained the non-recourse, fixed-rate financing.

GARDENA — A \$2 million loan was arranged for the 38-unit, 26,678-square-foot Palms Apartments. The refinancing has an interest rate of 5.9 percent and a 30-year amortization schedule. Shaun Moothart of **The Alison Co.** procured the loan.

EL CAJON — Carv Properties LLC purchased a 17-unit apartment complex at 549 Graves Ave. for \$1.6 million from Preferred Bank. Eric Comer, Jim Neil and Merrick Matricardi of **CB Richard Ellis** represented both parties.

LOS ANGELES — The Hogan Group Inc. purchased a 30-unit apartment building at 1628 W. 12th St. for \$1.4 million from P.I. Properties.



469 N. First St., El Cajon

EL CAJON — Carv Properties LLC purchased a seven-unit apartment complex at 469 N. First St. for \$625,000 from Preferred Bank. Eric Comer, Jim Neil and Merrick Matricardi of **CB Richard Ellis** represented both parties.

SAN FRANCISCO — An eight-unit apartment property at 60 Dearborn St. traded hands. James Devincenti and Brad Lagomarsino of **Marcus & Millichap Real Estate Investment Services** brokered the transaction.

SAN FRANCISCO — A six-unit apartment property at 24 Belcher St. traded hands. James Devincenti and Brad Lagomarsino of **Marcus & Millichap Real Estate Investment Services** brokered the transaction.

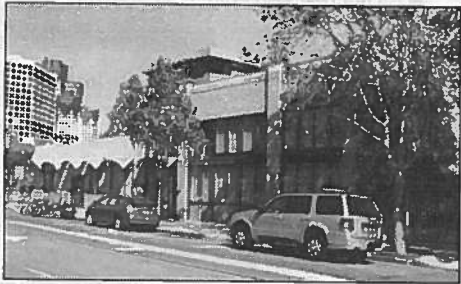
OFFICE

SANTA MONICA — Guthy-Renker LLC signed a \$14 million lease renewal and expansion for a total of 70,000 square feet of office space at 3340 Ocean Park Blvd. from **Equity Office Properties**. Gail Goldstein represented the landlord in-house, while Bruce Schuman and Mike Catalano of **Studley** represented the tenant.

SANTA ANA — BEHR Process Corp. signed a five-year lease for a 36,890-square-foot office property at 3100 Harbor Blvd. for \$3.7 million from Corporate Center Partners. Jon McClintock of **The Colton Cos.** represented the lessor, while Kevin Turner of **Voit Real Estate Services** represented the lessee.

ANAHEIM HILLS — Applied Signal Technology Inc. signed a six-year, \$3.2 million lease for a 15,000-square-foot office space in the Anaheim Hills Office Plaza at 160 N. Riverview Drive from Silveroak Development. Louis Tomaselli, Mitch Zehner and Mike Boomer of **Voit Real Estate Services** represented the lessor, while Jeffrey Nochimson of **Colliers International** represented the lessee.

CORONA — Monte Cristo Properties LLC purchased a 12,900-square-foot office property at 255 Lincoln Ave. for \$2.1 million from Donovan Investments. Kent Turner of **Voit Real Estate Services** represented the seller, while Eric Fikse of **DAUM Commercial Real Estate Services** represented the buyer.



629-39 Kettner Blvd., San Diego

SAN DIEGO — Sahara Smoke Co. purchased an office building at 629-39 Kettner Blvd. for \$1.2

million from US Bank. Victor Krebs and Rob Morgan of **Colliers International** represented the seller, and Denny Oh of **Prudential** represented the buyer.



415 S. Cedros Ave., Solana Beach

SOLANA BEACH — Amsolar Inc. signed a three-year, \$163,000 lease for 3,400 square feet of office space at 415 S. Cedros Ave. from Arts Industria LLC. Geri Savitt of **NAI San Diego** represented the lessor, while Steve Bruce of **Lee & Associates** represented the lessee.

SAN DIEGO — Action Foreclosure Services Inc. signed a 39-month, \$122,000 lease for 1,879 square feet of office space at 3033 Fifth Ave. from C&S Investments. James Laing and Daniel McCarthy of **Cushman & Wakefield** represented the lessor, while the lessee represented itself.

NORTH HOLLYWOOD — Tada Design & Print LLC signed a 38-month, \$117,000 lease for 1,413 square feet of office space at 11135 Magnolia Blvd. from 5200 Lankershim LLC. Jeremy Barbakow of **NAI Capital** represented the tenant.

SAN DIEGO — Ronald M. Sahmel signed a 50-month, \$49,000 lease expansion for 448 square feet of office space at 3033 Fifth Ave. from C&S Investments. Daniel McCarthy of **Cushman & Wakefield** represented the landlord, while Rich Porreco of **CRESA Partners** represented the lessee.

SAN RAMON — Old Republic Home Protection signed a 40,000-square-foot office lease renewal at 2 Annabel Lane in Bishop Ranch from Sunset Development Co. Jeff Morgenstern and Chip Wiser of **Cornish & Carey Commercial** represented the tenant.

BEVERLY HILLS — Premier Business Centers signed a six-year lease for 25,772 square feet at 9701 Wilshire Blvd. from LeFrak Organization. Rick Buckley of **Madison Partners** represented the landlord, while Gary Weiss, also of **Madison**, represented the tenant.

EL DORADO HILLS — Balboa Funds Inc. purchased an 18,680-square-foot office building at 5190 Golden Foothill Parkway from Golden Foothill 50 LLC. Sean Fulp, Craig Brinitzer and Breanna Hegseth of **Cornish & Carey Commercial** represented the landlord.

SACRAMENTO — California Rural Indian Health Board leased 18,627 square feet of office space at 4400 Auburn Blvd. from BD Properties LLC. Zach Gossell of **Cornish & Carey Commercial** represented the tenant.

NEWPORT BEACH — Public Agency Retirement Services leased 16,012 square feet of office space in the Koll Center Newport Business Park at 4350 Von Karman Ave. from Stoneridge Capital Partners. Greg May of **Grubb & Ellis** represented the landlord, while Michael Beattie and Steven Card of **Travers Realty Corp.** represented the tenant.

CONCORD — Hub International Insurance Services leased 13,190 square feet of office space at 2300 Clayton Road from RREEF. Charlotte Quinn,

Alex Grell and Breck Lutz of **Cornish & Carey Commercial** represented the landlord.

ORINDA — 101Upton Partners purchased the 12,807-square-foot office building at 23 Avenida de Orinda from Village Court LLC. Sean Cooley, Mike Zylstra, Forrest Gherlone, Alex Grell and Charlotte Quinn of **Cornish & Carey Commercial** represented both parties.

PALO ALTO — Sud-Chemie leased 9,703 square feet of office space at 3350 W. Bayshore Road from ARE-San Francisco No. 18 LLC. Terry Haught and Randy Scott of **Cornish & Carey Commercial** represented the landlord.

ENCINO — Care Center Rehabilitation and Pain Management signed a five-year lease renewal for 5,842 square feet of office space from Diamond Capital Group LP. Jeremy Barbakow of **NAI Capital** represented the lessor.

ENCINO — Menchie's Frozen Yogurt subleased 5,297 square feet of office space at 16027 Ventura Blvd. from Encino Capital Group LLC. Jeremy Barbakow of **NAI Capital** represented both parties.

SAN FRANCISCO — Modius leased 4,290 square feet of office space at 832 Folsom St. from the Salvation Army. Riccardo Gale and Jim Lucas of **Cornish & Carey Commercial** represented the lessor.

ENCINO — Crescent Healthcare Inc. signed a lease expansion and extension for a total of 3,812 square feet of office space at 17609 Ventura Blvd. from States Associates LLC. Jeremy Barbakow of **NAI Capital** represented the landlord.

SAN FRANCISCO — Sensato Capital Management leased 2,717 square feet of office space from Katzenbach Partners. William Scovill of **Cornish & Carey Commercial** represented the lessee.

PETALUMA — Paul F. Campion M.D. signed a five-year lease for 2,000 square feet of office space in the Redwood Business Park at 1383 N. McDowell Blvd. from Basin Street Properties.

SAN FRANCISCO — Cirios leased 1,866 square feet of office space at 343 Sansome St. from HSC Real Estate. Elizabeth Hart, Rita Meehan and John Kraft of **Cornish & Carey Commercial** represented both parties.

ENCINO — Andre de Montesquiou signed a five-year lease for 1,831 square feet of office space at 17525 Ventura Blvd. from Encino Capital Group LLC. Jeremy Barbakow of **NAI Capital** represented both parties.

ENCINO — The Law Offices of Hovig John Abassian signed a 38-month lease for 1,808 square feet of office space at 16255 Ventura Blvd. from Douglas Emmett 1997 LLC. Jeremy Barbakow of **NAI Capital** represented the tenant.

NOVATO — Michael Mandelbrot leased 1,045 square feet of office space at 505 San Marin Drive from 505 San Marin Drive LLC. Theo Banks and Nathan Ballard of **Keegan & Coppin Co. Inc.** represented both parties.

ENCINO — Accuquest Hearing Center Inc. signed a 986-square-foot lease renewal from Diamond Capital Group LP. Jeremy Barbakow of **NAI Capital** represented the lessor.

FRESNO — Centro La Familia Advocacy Services Inc. leased 900 square feet of office space at 302 Fresno St. from RJS302 LLC. Jim Graham and

See **DEALS**, page 19

WWW.CAREALESTATEJOURNAL.COM

DEALS

Continued from page 18

Denver Butler of **Grubb & Ellis|Pearson Commercial** represented both parties.

SANTA ROSA — Richard Chassey CPA leased 682 square feet of office space at 3550 Round Barn Blvd. from Equity Office Properties. Dave Peterson, Shawn Johnson and Brian Keegan of **Keegan & Coppin Co. Inc.** represented the lessor, while Peterson represented the lessee.

SANTA ROSA — Dr. Irene Ives leased 400 square feet of office space at 1220 N. Dutton Ave. from Adobe Associates Inc. Kevin Doran of **Keegan & Coppin Co. Inc.** represented both parties.

ENCINO — AKG Management Inc. leased office space at 16200 Ventura Blvd. from Encino Sunrise Ltd. Jeremy Barbakow of **NAI Capital** represented the landlord.

ENCINO — Simon Ateshyan leased office space at 16200 Ventura Blvd. from Encino Sunrise Ltd. Jeremy Barbakow of **NAI Capital** represented the landlord.

INDUSTRIAL

DOWNEY — Rexford Industrial LLC purchased a 45-unit, 174,380-square-foot industrial complex situated on 7.1 acres at 9220 Hall Road for \$9.9 million from a financial institution. Steven Hogberg of **Coreland Cos.** represented the seller.

CLAREMONT — A \$2.7 million refinancing was arranged for the 81,007-square-foot Claremont Business Park. Nick Madigan of **The Alison Co.** negotiated the permanent loan.

LAKE FOREST — Irvine Property Investments LLC purchased a 13,312-square-foot industrial building at 25612 Commercentre Drive for \$2.7 million from Sundown Real Estate Partners. Steve Wagner of **CB Richard Ellis** represented the seller, while Kirk Cole of **Grubb & Ellis** represented the buyer.

CORONA — H&P Properties purchased a 35,708-square-foot industrial property at 555 Monica Circle for \$2.6 million from Grapevine Miraloma Properties. Jack Faris of **Voit Real Estate Services** represented both parties.

HAYWARD — California Accessories signed a seven-year, \$2.3 million lease for 54,600 square feet at 30577 Huntwood Ave. from East Group. Joe Fabian of **Cornish & Carey Commercial** brokered the deal.

CORONA — Leah and Rich Egelin purchased a 31,128-square-foot industrial property at 555 Monica Circle for \$2.3 million from Grapevine Miraloma Properties. Jack Faris of **Voit Real Estate Services** represented the seller, while Ryan Swanson and Ryan Moore of **Lee & Associates** represented the buyers.

IRVINE — Jou-Guang Hwang purchased two industrial units comprised of 7,456 and 7,257 square feet at 16782 Von Karman Ave. for a total of \$2.2 million from Von Karman Center LP. Walter Frome and Bill Livesay of **Voit Real Estate Services** represented the seller, while Cybele Lin of **Evergreen Realty** represented the buyer.

ORANGE — Michael and Jenifer Christian have acquired a 14,045-square-foot industrial property at 964 Batavia St. for \$1.7 million from DS Waters of America Inc. Chris Migliori and Dennis Sandoval of **Daum Commercial** represented the sellers, while Hayden Socci and Rob Socci of **Voit Real Estate Services** represented the buyers.

SANTA ANA — Bonert's Slice of Pie purchased

9,340-square-foot industrial property at 3132 W. Adams St. for \$1.4 million from the Bain Family Trust. Greg Velastegui of **Voit Real Estate Services** represented the seller, while Greg Diab of **Lee & Associates** represented the buyer.

TUSTIN — M.C. LLC acquired an 8,000-square-foot industrial property at 1422 Edinger Ave. for \$1.4 million from HW Office Plaza. David Bolt of **CB Richard Ellis** represented the seller, while David McKenney of **Voit Real Estate Services** represented the buyer.

SANTA FE SPRINGS — BMA Lee Property LLC has acquired a 10,000-square-foot industrial property at 12960 Sunnyside Place for \$1.1 million from DW Santa Fe Springs LLC. Pat Meaney of **PGP Realty** represented the seller, while Dan Berkenfield of **Voit Real Estate Services** represented the buyer.

ANAHEIM — Juan and Rosalina Loranza purchased a 7,866-square-foot industrial property at 1346 Knollwood Ave. for \$1 million from George Alam. Mike Hefner and Mike Vernick of **Voit Real Estate Services** represented the seller, while Paul Kott of **Paul Kott Realtors** represented the buyers.



6225 Progressive Ave., San Diego

SAN DIEGO — Partners In A Hurry signed a two-year, \$22,000 lease for a 932-square-foot industrial property in Biltmore Ocean View Hills at 6225 Progressive Ave. from Biltmore Holdings. Regan Tully and Phillip Linton of **Grubb & Ellis | BRE Commercial** represented both parties.

SAN DIEGO — Royne Industries LLC signed a one-year, \$20,000 lease for a 2,590-square-foot industrial property in Biltmore Ocean View Hills at 6225 Progressive Ave. from Biltmore Holdings. Regan Tully and Phillip Linton of **Grubb & Ellis | BRE Commercial** represented both parties.

REDLANDS — Sares-Regis Group purchased the 390,780-square-foot Pioneer Industrial Center at 9425 Nevada St. from BlackRock. Jeffrey Cole, Chuck Belden, and Ed Hernandez of **Cushman & Wakefield** represented the seller.

SAN LEANDRO — The Annex leased 76,000 square feet of warehouse space at 1951 Fairway Drive from Loma Verde Properties. Paul Mueller of **Cornish & Carey Commercial** represented the lessee.

PITTSBURG — Pacific Cushion leased 40,000 square feet of industrial space at 1225 California Ave. from RMR Enterprises. Tyler Epting of **Cornish & Carey Commercial** represented the lessee.

UNION CITY — Servex Inc. leased 36,026 square feet of warehouse space at 30870 San Clemente St. from Gluckstein Peppertree LP, in care of Apex Realty. Paul Mueller of **Cornish & Carey Commercial** represented the lessee.

SANTA ROSA — AEG Industries leased 21,872 square feet of industrial space at 1219 Briggs from Real Property Solutions. The lessor was represented by Jim Sartain and Bill Severi of **Keegan & Coppin Co. Inc.** and Nick Abbott of **Northbay Commercial**. Tony Lucchesi of **NAI BT Commercial** represented the lessee.

HAYWARD — DZ Cook Co. leased 21,412 square feet of warehouse space at 23270-23284 Eichler Ave. from UBS Realty Investors. Joe Fabian

of **Cornish & Carey Commercial** represented the landlord.

CONCORD — First Student leased 14,560 square feet of industrial space at 2352 Bates Ave. from Jim and Shari Lucas. Graden Travis and Tyler Epting of **Cornish & Carey Commercial** represented the landlord.

SOUTH SAN FRANCISCO — Action Produce leased 10,475 square feet of warehouse space at 1361 Lowrie Ave. from KSW Properties. Jay Leslie and Tom Towne of **Cornish & Carey Commercial** represented both parties.

SACRAMENTO — Corporate Interior Solutions Inc. leased 10,000 square feet of industrial space at 1101 N. Market Blvd. from JB Management LP. Skip Vanderbundt of **Cornish & Carey Commercial** represented the lessee.

FRESNO — Protens Inc. leased 7,700 square feet of office/warehouse space at 3454 E. Date Ave. Ethan Smith and Ron Stoltenberg of **Grubb & Ellis | Pearson Commercial** represented both parties.

ROHNERT PARK — Daniel Ibarquen leased 6,050 square feet of industrial space at 5801 Commerce Blvd. from Diane Fafoutis. James Manley and Chris Castellucci of **Keegan & Coppin Co. Inc.** represented both parties.

ROHNERT PARK — Cagwin Dorward leased 5,500 square feet of industrial space at 121 J Rogers Lane from Tim and Nancy Kerrigan. Brian Keegan of **Keegan & Coppin Co. Inc.** represented the lessor, while Linda Zacharin of **Zacharin Co.** represented the tenant.

FRESNO — Fresenius USA Manufacturing leased 5,500 square feet of industrial space in North Pointe Business Park from Denken Farms. Ross Parnagian, Ethan Smith and Ron Stoltenberg of **Grubb & Ellis | Pearson Commercial** represented both parties.

SAN RAFAEL — Bruce Bennett purchased 4,230 square feet of industrial space at 4318 Redwood Highway from John Depauw. Cliff Perotti of **The Perotti Group** represented the lessor, while George Wagner of **Keegan & Coppin Co. Inc.** represented the lessee.

PETALUMA — Jeffrey Renfro leased 3,360 square feet of industrial space at 1484 Petaluma Blvd. from the Johnson Family Trust. Chris Castellucci of **Keegan & Coppin Co. Inc.** represented both parties.

SANTA ROSA — Relucent Solutions leased 2,800 square feet of office/industrial space at 1455 North Dutton Ave. from the Tocchini Family Trust. Vicki Greenbaum of **Northbay Commercial** represented the landlord, while Jeffrey Wilmore of **Keegan & Coppin Co. Inc.** represented the tenant.

HESPERIA — Valvevede Engineering Company leased industrial space at 11485 Santa Fe Ave. from Preston-Lee Management Company Inc. Elizabeth Brown of **Lee & Associates** represented the lessor.

RETAIL

LAGUNA WOODS — A 16,730-square-foot retail building occupied by Rite Aid received a \$2.2 million loan. James A. Deal of **The Alison Co.** secured the 10-year fixed permanent financing with a 30-year amortization schedule.

PASADENA — Custom Comfort Mattress Co. signed a 10-year, \$1.9 million lease for a 7,000-square-foot retail property at 412-414 S. Lake Ave. from the Carolyn N. Thompson Trust, the Coontz Family Trust and Linda Malone. Steve Nelson of **CB Richard Ellis** represented the lessors, while

Kathy Fuller of **Voit Real Estate Services** represented the lessee.

SAN DIEGO — Tepper Technologies Inc. signed a seven-year, \$207,000 lease for 5,000 square feet of retail space at 3445 Midway Drive from the Cohen Family Trust. Kipp Gstettenbauer of **Cushman & Wakefield** represented both parties.

SAN DIEGO — Frozen Yogurt LLC signed a five-year, \$161,000 lease for 873 square feet of retail space in Point Loma Marketplace. Bill Thaxton and Brad Williams of **Flocke & Avoyer Commercial Real Estate** represented the lessor.

CITRUS HEIGHTS — Mary's Thrift Store signed a seven-year lease for 10,200 square feet of retail space at 7963 Auburn Blvd. from El Marino LLC and Refoua LLC. Stuart Snider and Bill Perkins of **Grubb & Ellis** represented the landlord, while Leigh Nurre of **Nurre Commercial Real Estate Services** represented the tenant.

LOS ALTOS — 127 First Street LLC purchased a 7,000-square-foot retail building at 127 First St. from Intelicom Inc. Patty Mcguigan and Stephen Henry of **Cornish & Carey Commercial** represented the tenant.

SANTA ROSA — Fireside Specialties Inc. leased 5,012 square feet of retail space at 3181 and 3185 Cleveland Ave. from Leonardi Properties Inc. Joel Jaman of **Keegan & Coppin Co. Inc.** represented the tenant.

FRESNO — Amrah Baiz leased 4,290 square feet of retail space at 4011 N. Marks Ave. from Lan Mark Plaza Enterprises. Michael Kennedy and Geoff Smith of **Grubb & Ellis | Pearson Commercial** represented both parties.

SAN FRANCISCO — Instructables leased 3,400 square feet of retail space at 82 Second St. from the Shelley Family Trust. Jim Lucas, Jeff Lahr, Jim Clark and Andrew Schmieder of **Cornish & Carey Commercial** represented the tenant.

RANCHO MIRAGE — Bobby Chan leased 2,800 square feet of retail space at The River on the intersection of Highway 111 and Bob Hope Drive. Maggie Montez and Shawna Strange of **CB Richard Ellis** represented the landlord.

COSTA MESA — Café Rio leased 2,770 square feet of retail space at 253 E. Main St. from 253 E. 17th Street LLC. Mark Baziak, Terrison Quinn and Tom Carpenter of **Grubb & Ellis** represented the lessor, while Kyle Kavanaugh and Jamie Trang of **Main and Main Inc.** represented the lessee.

SAN CLEMENTE — Michelle Marquardt, doing business as Unique Boutique, leased 2,600 square feet of retail space in Ocean View Plaza from **Centro Properties Group**. Gabriella Samperio represented the lessor in-house.

SAN JUAN CAPISTRANO — Grace Barra leased 2,500 square feet of retail space in the Trabuco Hills Shopping Center at 27695 Santa Margarita Parkway from Pacific Castle. Mark Baziak, Terrison Quinn and Peter Spragg of **Grubb & Ellis** represented the lessor, while Garrett Glava, an independent broker, represented the lessee.

LONG BEACH — Purple Yoga leased 2,400 square feet of retail space in the Long Beach Marketplace at 6535 E. Pacific Coast Highway from Pacific Castle. Mark Baziak and Terrison Quinn of **Grubb & Ellis** represented both parties.

MILL VALLEY — Marin Orthopedic Rehabilitation leased 2,313 square feet of office space at 650 E. Blithedale Ave. from Nine Forty Five Market Group. Bill Hester of **Keegan & Coppin Co. Inc.** represented the landlord, while Judie Belmont of

See **DEALS**, page 20

DEALS

Continued from page 19

Alain Pinel Realtors represented the tenant.

SAN JUAN CAPISTRANO — Einstein Bros Bagels leased 2,200 square feet of retail space in the Trabuco Hills Shopping Center at 27695 Santa Margarita Parkway from the Mosesian Land Co. Blaine Bush of **Strategic Retail Advisors** represented the lessor, while Mark Baziak and Terrison Quinn of **Grubb & Ellis** represented the lessee.

NOVATO — The Gymboree Corp. leased 2,101 square feet of retail space at 208 Vintage Way from JCC California Properties. Julie Taylor of **Cornish & Carey Commercial** represented both parties.

TEMECULA — Golf Performance Studio leased 1,979 square feet of retail space at Vail Ranch Center on the southwest corner Temecula Parkway South and Redhawk Parkway from **Centro Properties Group**. Gavin Gray represented the lessor in-house.

SONOMA — Taylor Maid Farms leased 1,800 square feet of retail space at 122 W. Napa St. from George 'N' Green. Carrie Kerwin of **Cornish & Carey Commercial** represented both parties.

DANVILLE — Koo's Martial Arts Academy leased 1,686 square feet of retail space in Regency Centers' Tassajara Crossing shopping center.

COSTA MESA — Yogurtland leased 1,550 square feet of retail space in the Mesa 17th Shopping Center at 277 E. 17th St. from DMP Properties. Mark Baziak and Terrison Quinn of **Grubb & Ellis** represented both parties.

FRESNO — A lease was signed for a 1,518-square-foot retail space in the Lan Mark Shopping Center at 4015 W. Ashlan Ave. Geoff Smith and Michael Kennedy of **Grubb & Ellis | Pearson Commercial** represented both parties.

OXNARD — Sports Zone leased 1,518 square feet of retail space in the Esplanade Shopping Center at the intersection of North Oxnard Boulevard and West Esplanade Drive from **Centro Properties Group**. Gavin Gray represented the landlord in-house.

LIVERMORE — Pacific Yogurt Partners leased 1,487 square feet of retail space at 2100 Portola Ave. from Donahue Schriber Realty Group. Matt Sweeney of **Cornish & Carey Commercial** represented the lessee.

PALO ALTO — Village Cobbler leased 1,430 square feet of retail space at 821 Emerson St. from the Schmidt Family Trust. Jon Cannon and Mark Daschbach of **Cornish & Carey Commercial** represented the lessee.

SANTA ROSA — Chau Tron and Nga Lam leased 1,259 square feet of retail space at 2547 Guerneville Road from Fulton Marketplace S.C. LP. Rhonda Deringer and Tom Laugero of **Cornish & Carey Commercial** represented both parties.

DANVILLE — Hewitt Chiropractic leased 1,173 square feet of retail space in Regency Centers' Tassajara Crossing shopping center.

CLOVIS — A lease was signed for a 1,050-square-foot retail space in the Wild West Shopping Center at 133 W. Shaw Ave. Geoff Smith, Troy McKenney and Michael Kennedy of **Grubb & Ellis | Pearson Commercial** represented both parties.

FRESNO — Prestige Surface Works leased 1,000 square feet of retail space at 48 E. Spruce Ave. Eric Diebert of **Grubb & Ellis | Pearson Commercial** represented both parties.

FRESNO — Ultimate Martial Arts leased 836 square feet of retail space at 468 E. Bullard from Unified Properties Inc. Sean Mele and Mike Mele of **Grubb & Ellis | Pearson Commercial** represented both parties.

VICTORVILLE — Victor Valley Plaza Co. LLC leased retail space in the High Desert Plaza at 16970 Bear Valley Road. Robert Kurth and Jeremy Schmidt of **Lee & Associates** represented the lessor.

BARSTOW — Retail space was leased at 1300-1350 E. Main St. from Barstow Shopping Centers LLC. Elizabeth Brown and Ronald Barbieri of **Lee & Associates** represented the landlord.

MIXED USE

LOS ANGELES — A 15,360-square-foot mixed-use property on a 10,193-square-foot parcel at 2154 W. Sunset Blvd. sold for \$2 million. Dave Feldman and Peter James of **Marcus & Millichap Real Estate Investment Services** represented the seller.



7825 Somerset Blvd., Paramount

PARAMOUNT — Somerset Holdings LLC purchased a total of 59,740 square feet in Somerset Business Park at 7825 Somerset Blvd. from WCP Somerset LLC. Louis Tomaselli, Mitch Zehner, Cameron Driscoll and Luke McDaniel of **Voit Real Estate Services** represented the seller, while Rudy Lara of **Daum Commercial Real Estate Services** represented the buyer.

PARAMOUNT — Pan Glory Logistics Associates LLC purchased a total of 8,640 square feet in Somerset Business Park at 14925 Paramount Blvd. from WCP Somerset LLC. Louis Tomaselli, Mitch Zehner, Cameron Driscoll and Luke McDaniel of **Voit Real Estate Services** represented the seller, while Wayne Asu of **RE/MAX 2000 Commercial** represented the buyer.

LAND

ROSEVILLE — Embree Asset Group Inc. purchased 1.13 acres at the southwest corner of Washington and Industrial boulevards for \$764,000 from KMS Development. Ken Reiff of **NAI BT Commercial** represented the tenant.

ESCONDIDO — Dealer Business Services LLC signed a three-year, \$360,000 lease for 2.24 acres at 728 North Escondido Blvd. from the Erier Family Trust. Terry Jackson and Conor Boyle of **Cushman & Wakefield** represented the lessor, while Saeid Baha of **RE/MAX United/Baha Associates Inc.** represented the lessee.

TEMECULA — Meritage Homes purchased Montevina @ Morgan Hill, 65 finished residential lots, from McMillin Montevina LLC. Jeffrey Spindler and Brian Carricaburu of **Park Place Land Advisors** negotiated the transaction.

VALLEJO — Lowe's purchased a 12-acre former auto dealership site at 401 Auto Mall Parkway from Ken Ross. Steve Elliot and Bill Elliot of **Elliot Commercial** represented the seller, while Ray Devlin and Greg Labarthe of **Grubb & Ellis Co.** represented the buyer.

FULTON — JAR&C Enterprises purchased 2,700 square feet of land at 2237 Fulton Ave. from B&H Enterprises. Graham Clemens of **Grubb & Ellis** represented the seller.

REAL ESTATE in the courts

Government

■ **Community has the authority to implement base rate charge for immediately available water service without voter approval, even for unused service.**

Paland v. Brooktrails Township Community Services District Board of Directors, California Courts of Appeal - 1st District, No. A122630, Dec. 3, 2009

David Paland was the owner of property that received water and sewer service from the Brooktrails Township Community Services District (District). Periodically, Paland would discontinue services to the property. Until 2003, it was the District's policy not to charge a base rate for services on properties that were inactive. However, that year the District Board of Directors (Board) decided to begin charging a base rate for services whether the property was active or not. Paland protested the new policy and sued for declaratory relief, seeking an order that the base rate was a standby charge for future potential service that required approval of the affected voters before it could be enforced. The trial court ruled in favor of the District. Paland appealed.

The decision was affirmed. Under Proposition 218, the levying of assessments requires the approval of a majority of affected voters. However, fees on immediately available property-related services are typically exempt from the ballot approval requirement. A service is considered immediately available if the agency has provided all the necessary connections and all that is needed to obtain service is the affirmative act of the homeowner. Here, the District placed a minimum charge for the basic cost of providing water service on all property connected to water utility systems. Because the connections were already established, all that was needed was the unilateral action of the property owners. As such, the charge was an immediately available property-related service not subject to voter approval and the trial court properly found in favor of the District.

Opinion by Justice Bruiniers. — Meryl Chambers

Indian Affairs

■ **Indian tribe that was denied treaty rights cannot reopen judgment based merely on newfound federal recognition.**

United States of America v. State of Washington, US Court of Appeals - Ninth Circuit, No. 08-35794, Dec. 11, 2009

The Samish Tribe (Samish) claimed to be a successor to a tribe that entered into a treaty with the United States in 1855. In 1974, the Samish intervened in a treaty rights case in order to establish entitlement to the treaty's Pacific Northwest fishing rights. In 1979, the district court rejected the Samish's claim because the Samish did not have federal recognition. Nearly 20 years later, the Samish obtained recognition from an administrative body. In another matter, the Tulalip Tribes were denied intervention with the Samish on the ground that recognition could not affect property rights. In 2002, the Samish sought relief under Federal Rule of Civil Procedure 60(b) from the 1979 judgment. The district court denied relief, and the Appeals Court reversed, finding that the intervening recognition was an extraordinary circumstance that permitted the 1979 cases' reopening. On remand, the district court denied relief.

The decision was affirmed. Rule 60b allows a court to relieve a party from final judgment for reasons that justify relief. It is used sparingly. Here, the Samish sought to reopen under Rule 60b on the ground that an administrative body

came to a conclusion inconsistent with the 1979 judgment. This court found that reopening on this ground overstepped the reach of Rule 60b. The potential disruption and injury to existing treaty rights that might follow from these sorts of reopenings will have a severe impact on treaty tribes. Any tribe can still proceed with reopenings or interventions if it introduces factual evidence that satisfy Rule 60b, but it cannot rely on a preclusive effect arising from the mere fact of recognition. Thus, the district court was correct in denying relief.

Opinion by Judge William C. Canby, Jr. — Edward Chang

Environmental Law

■ **County's alteration of 'net acreage' term, which could significantly affect environment, constitutes error where County failed to prepare Environmental Impact Report.**

Inyo Citizens for Better Planning v. Inyo County Board of Supervisors (Core), California Courts of Appeal - 4th District, No. ED46646, Nov. 20, 2009

Inyo County's Planning Dept. wanted to change its General Plan's definition of "net acreage" through the adoption of a General Plan Amendment (GPA). Many citizens of the County opposed the proposed change because they believed it would allow for certain types of development which would adversely impact environmental resources. These citizens asserted that the GPA did not adequately anticipate the potential for greater residential growth, an effect which would require a new Environmental Impact Report (EIR). The County argued that growth anticipated in the GPA was no greater than growth anticipated by the General Plan and, therefore, a new EIR was not necessary. In 2005, the Inyo County Board of Supervisors approved the GPA. The trial court denied the citizens' petition for a writ of mandate asking the County to set aside the GPA for failure to prepare an EIR.

The decision was reversed in part. Under Public Resources Code Section 21151, a local agency must prepare an EIR on any project which may significantly affect the environment. If substantial evidence of significant environmental effects exists and there is no substantial evidence to the contrary, courts must find an abuse of discretion. Here, citizens and wildlife agents presented evidence that bodies of water, wells, pastures and wildlife could be adversely affected by the GPA because of its allowance of greater residential density. Also, this court found that a strict interpretation of the General Plan would not permit most of the building authorized under the GPA. Thus, the County abused its discretion when it determined that there was no substantial evidence the GPA might have a significant effect on the environment and the County should have prepared an EIR.

Opinion by Justice Miller. — Edward Chang

Real Estate in the Courts offers summaries of published opinions of the:

- U.S. Supreme Court
- 9th U.S. Circuit Court of Appeals
- 9th U.S. Circuit Bankruptcy Appellate Panel
- California Supreme Court
- California Courts of Appeal
- Attorney General
- U.S. District Court in California
- State Bar Court

To assure compliance with Rule 8.1115 of the California Rules of Court, it is urged that counsel verify the official publication status of cases prior to citing Real Estate in the Courts. To report errors, please call Sharon Liang at (213) 229-5300 ext. 5392.