

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.

RETAIL

SEAL BEACH — DSB Properties purchased the Old Ranch Towne Center, a 144,726-square-foot retail center at 12300-12490 Seal Beach Blvd., for \$45.3 million from a southwestern U.S.-based partnership. Bob Young, Steve Brabant, Glenn Smigiel and Rick Abraham of **CB Richard Ellis** represented the seller, while Sam Alison and Dan Riley, also of **CB Richard Ellis**, represented the buyer.

SAN DIEGO — Taylor Trust 8-9-95 purchased a 2,800-square-foot retail property at 635 5th Ave. for \$2.4 million from the Chirco Trust. Rick Wu of **Voit, Real Estate Services** represented both parties.



2009 Newcastle Ave., Cardiff by the Sea

CARDIFF BY THE SEA — New Balance purchased 2,931 square feet of retail space at 2009 Newcastle Ave. for \$2 million from Wells Fargo Trust. Steve Bruce and Matt Weaver of **Lee & Associates** negotiated the transaction.

SAN DIEGO — SD Solariums LLC signed a 10-year, \$1.2 million lease for 2,984 square feet of retail space at 925 Camino De La Reina from **Westfield USA**, operating as Mission Valley Shopping Town LLC. The lessor represented itself, while Kipp Gstettenbauer of **Cushman & Wakefield** represented the lessee.

SAN DIEGO — New Genovation LLC, doing business as Massage Envy, signed a five-year, \$738,000 lease for 5,000 square feet of retail space in the Rancho Bernardo Plaza at 16779 Bernardo Center Drive from Rancho Bernardo Plaza. Peter Orth of **CB Richard Ellis** represented the landlord, while Carrie Bobb, also of **CB Richard Ellis**, represented the lessee.

SAN DIEGO — New Genovation LLC, doing business as Massage Envy, signed a five-year, \$581,000 lease for 4,060 square feet of retail space in the Camino Village Plaza at 278-D N. El Camino Real from Terramar Retail Center. John Still of **Flocke & Avoyer Commercial Real Estate** represented the lessor, while Carrie Bobb of **CB Richard Ellis** represented the lessee.



415 S. Cedros Ave., Solana Beach

SOLANA BEACH — The Cargo Co. signed a five-year, \$200,000 lease for 1,464 square feet of retail space at 415 S. Cedros Ave. from Arts Industrial LLC. The landlord represented itself, while Geri

WWW.CAREALESTATEJOURNAL.COM

Savitt of **NAI San Diego** represented the tenant.

FULTON — Eric Monk purchased one acre of retail land at 2111 Wood Road from Sterling Bank. Bill Severi of **Keegan & Coppin Co. Inc.** represented both parties.

NATIONAL CITY — Smart & Final Stores signed a 15-year lease for 40,000 square feet of retail space at 1220 E. Plaza Blvd. from National Plaza LLC. Tim Sotoodeh of **Tim Sotoodeh Real Estate Office** represented the landlord.

SACRAMENTO — Great Highway LLC purchased a 32,248-square-foot retail building at 2120 El Camino Ave. from the Norman Hill Trust. Richard Smith of **Grubb & Ellis** represented the seller.

RANCHO CORDOVA — Tommy T's Comedy Club leased 7,606 square feet of retail space at 12401 Folsom Blvd. from Lakha Properties. Kenneth Noack and Nicholas Richards of **Grubb & Ellis** represented both parties.

WESTMINSTER — Fashion Q leased 5,200 square feet of retail space in Westminster Center at the northwest corner of Westminister Boulevard and Goldenwest Street from **Weingarten Realty**. Rebecca M. Taylor represented the landlord in-house, while **Manarino & Associates** represented the tenant.

SANTA ROSA — Metro PCS leased 968 square feet of retail space at 4221 Montgomery Drive from Lakeside Center. Annette Cooper of **Keegan & Coppin Co. Inc.** represented both parties, with the help of Bill Faherty, also of **Keegan & Coppin**, on the lessor side.

MULTIFAMILY

CULVER CITY — A \$9.75 million loan was arranged for a multifamily property. Obtained by Michael Yim of **Commercial Realty Consultants**, the seven-year loan has a 5.5 percent interest rate for seven years and a 30-year amortization schedule.

CAMARILLO — Camarillo Mountain View LLC obtained a \$9.75 million loan for its acquisition of the 106-unit Mountain View Apartments at 659 N. Las Posas Road. Alex J. Katz of **Meridian Capital Group** negotiated the non-recourse loan with a 6.36 percent fixed interest rate for 10 years.

OAKLAND — Knights of the Red Branch Hall Inc. purchased a 17-unit apartment community at 6116 Telegraph Ave. for \$2.4 million from **Alameda Apartments LP**. Martin J. Higgins of **Hendricks & Partners** represented the landlord.

LOS ANGELES — A \$1.35 million loan was secured for a multifamily property. Michael Yim of **Commercial Realty Consultants** arranged the 30-year loan with a 5.25 percent interest rate and a 30-year amortization schedule.

PLACERVILLE — Warren D. Strand purchased a 16,250-square-foot multihousing property at 920 Pacific from **SLICO LP**. Kelly Rivett of **Grubb & Ellis** represented both parties.

SANTA ROSA — The Gary Radzatz Family Trust purchased a nine-unit, 6,850-square-foot apartment property at 200 S. E St. from Diane Fortier. Annette Cooper of **Keegan & Coppin Co. Inc.** represented the seller, while Jeanette Ditter of **Coldwell Banker Commercial** represented the buyer.

INDUSTRIAL

HAYWARD — Jason Kim, doing business as

Pinnacle Printing, purchased a 65,287-square-foot light industrial/warehouse building in the Hayward Crocker South Industrial Park at 30680 Huntwood Ave. for \$3.5 million from **Barbaria Commercial Properties LLC**. Jay Hagglund and Eddie Shuai of **NAI BT Commercial** represented seller with Ted Carpenter of **Carpenter Associates**.

HOLLISTER — Robert Yeakey purchased a 76,120-square-foot industrial building at 1802 Shelton Drive for \$3.4 million from the Milgard Family Trust. Gary Root and Jeff Rohn of **Grubb & Ellis** represented the seller, while Rick Russell of **NAI BT Commercial** represented the buyer.

RANCHO DOMINGUEZ — **GSL Transportation Services Inc./Golden State Express Inc.** signed a 90-month, \$2.3 million lease for 40,200 square feet of industrial space on 138,956 square feet of land at 20100-20110 S. Susana Road from **Catelus Operating LP**. Bill Griebenow with **NAI Capital** represented the landlord.

CERRITOS — A \$1.45 million loan was arranged for **Moore Street Industrial**, a single-tenant, 63,960-square-foot warehouse/manufacturing facility. Carl Fuller of **The Alison Co.** secured the permanent financing with a 6.75 percent interest rate, 15-year amortization schedule and loan-to-value ratio of 26 percent through a life insurance company.

SAN DIEGO — **C&S Sales Inc.** signed a 65-month, \$208,000 lease for 2,816 square feet of flex space at 9265 Activity Road from **BRCP Realty Services II LLC**. Bryce Aberg and Brant Aberg of **Grubb & Ellis | BRE Commercial** represented the lessor, while Doug Works of **CB Richard Ellis** represented the lessee.

HAYWARD — **PODS** signed a five-year lease for an 118,820-square-foot warehouse facility at 21001 Cabot from **RREEF**. Conor Famulener, Doug Norton and Michael Walker of **CB Richard Ellis** represented the tenant.

WINDSOR — **SSMP Properties LLC** purchased a 20,000-square-foot industrial property at 5813 Skylane Blvd. from **Skylane Properties LLC**. Vic Shellenberg of **Keegan & Coppin Co. Inc.** represented the seller, while Ron Reinking of **Orion Partners** represented the buyer.

SALINAS — **Salinas Valley Marine Inc.** leased an 11,500-square-foot industrial building at 1024 Harkins Road from **R. Jay DeSerpa Ltd.** Wylie Mitchell, Greg Findley and Daniel Vorhies of **NAI BT Commercial** represented both parties.

SACRAMENTO — **Natomas Crossroads Church** leased a 10,000-square-foot industrial property at 1101 National Drive from the **Hagen Family Trust**. Tom Costello, Eric Groth and Ryker Flint of **NAI BT Commercial** represented both parties.

PETALUMA — Richard Miller leased 8,208 square feet of industrial space at 850 Lindberg Lane from **Lindberg Lane Property Inc.** Mac Cranford and Mark Carrington of **Orion Partners** represented the lessor, while Mike Flitner of **Keegan & Coppin Co. Inc.** represented the lessee.

SAN CARLOS — **Cellerant Therapeutics** expanded its lease to 7,374 square feet of research-and-development space in the **San Carlos Commerce Center** at 1531-1561 Industrial Road from **ECI Two Bayshore LLC**. Ben Paul, Randy Arrillaga and Tyler Hooper of **NAI BT Commercial** represented the landlord.

BEAUMONT — The **Carl & Ilda Barbieri Trust** signed a five-year lease for a 5,400-square-foot industrial building at 1560 E. 6th St. from **Express**

Lube. RBI Commercial represented the landlord, while Jeff Gahagan, Greg Diab and Jack Haley of **Lee & Associates - Orange Inc.** represented the tenant.

CLOVIS — **Tri County Grading & Paving** leased 5,000 square feet of industrial space at 1237 Barstow Ave. from Rene and Dorothy Osman. Ron Stoltenberg, Ethan Smith and Will Thomas of **Grubb & Ellis | Pearson Commercial** represented both parties.

ROHNERT PARK — **Redwood Lock & Key** leased 2,016 square feet of industrial space at 5625 State Farm Drive from **New California Land Co.** Dave White of **Keegan & Coppin Co. Inc.** represented both parties.

PETALUMA — Patrick and Lucy Payton leased 1,625 square feet of industrial space at 1364 N. McDowell Blvd. from **Diamond Jim Properties**. Chris Castellucci of **Keegan & Coppin Co. Inc.** represented both parties.

NOVATO — **Marin Museum of Contemporary Art** leased 320 square feet of industrial space at 500 Palm Drive from **Novato Public Finance Authority**. Bill Hester of **Keegan & Coppin Co. Inc.** represented both parties.

OFFICE

SAN DIEGO — **Lawyers Title Insurance Corp.** signed a 66-month, \$2.8 million lease for 19,788 square feet of office space in the **North Island Credit Union** building at 5898 Copley Drive from **North Island Financial Credit Union**. Matthew T. Carlson and Christopher P. High of **Cushman & Wakefield** represented the lessor with David Ferguson of **Goldman Ferguson Partners**, while Damian Everest and Hans Miller of **Orion Realty Group** represented the lessee with John Jarvis of **Irving Hughes**.

MARINA DEL REY — **740 Sound Design** signed a 10-year, \$2 million lease for 9,000 square feet of creative space at 12509 Beatrice St. from **Grosvenor Property Co.** Doug Marshall of **The Klabin Co.** represented the landlord, while Rick Heller and Jeff Bonk of **Urban West** represented the tenant.

IRVINE — **Consumer Affairs Legal Center** signed a three-year, \$808,000 lease for 22,153 square feet of office space at 17461 Derian Ave. Jack McNutt of **Grubb & Ellis** represented the landlord, while Matthew St. Marseille and Robert Kehiayan of **Investment R/E Source Inc.** represented the tenant.



5469-5473 Kearny Villa Road, San Diego

SAN DIEGO — **Merit Property Management Inc.** signed a 64-month, \$758,000 lease for 6,467 square feet of office space in **Seville Plaza** at 5469-5473 Kearny Villa Road from **Pacific Office Properties**. Tony Russell and Richard Gonor of **Grubb & Ellis | BRE Commercial** represented the landlord, while Brett Merz, Wayne Lamb and Richard Porreco of **CRESA Partners** represented the tenant.

SAN DIEGO — **Intellichoice Mortgage Services LLC** signed a 26-month, \$387,000 lease for 8,097 square feet of office space in **Seville Plaza** at 5469-5473 Kearny Villa Road from **Pacific Office Properties**. Tony Russell and Richard Gonor of

See **DEALS**, page 36

DEALS

Continued from page 35

Grubb & Ellis | BRE Commercial represented the landlord, while Christina Skwat of **Studley** represented the tenant.



12531 High Bluff Drive, San Diego

SAN DIEGO — Magee Thomson Investment Partners LLC renewed its lease on 1,832 square feet of office space in High Bluff Ridge at Del Mar at 12531 High Bluff Drive from PRll High Bluffs LLC and Collins Corporate Center Partners LLC. The renewal is for three years at \$215,000. Dave Odmark and Rick Reeder of **Grubb & Ellis** represented the landlord, while Mickey Morera of **Cushman & Wakefield** represented the tenant.

SAN DIEGO — Richard Hays, doing business as Hays Chiropractic, signed a five-year, \$126,000 lease for 992 square feet of office space at 5465 Morehouse Drive from Menlo Equities. **Corporate Realty Associates Inc.** represented the lessor, while Nick Bonner of **CB Richard Ellis** represented the lessee.

CARLSBAD — Zacaro & Associates signed a five-year, \$107,000 lease for 911 square feet of office space at 2710 Loker Ave. from Franz-Atrium II LP. Jon Walters of **Colliers International** represented the lessor, while Robert Fletcher of **CB Richard Ellis** represented the lessee.

SAN DIEGO — Nationwide Retirement Solutions Inc. signed a 39-month, \$94,000 lease for 1,350 square feet of office space in Seville Plaza at 5469-5473 Kearny Villa Road from Pacific Office Properties. Tony Russell and Richard Gonor of **Grubb & Ellis | BRE Commercial** represented the landlord, while Matt Shope of **CB Richard Ellis** represented the tenant.

NEWPORT BEACH — Agility Logistics Corp. signed a seven-year lease for 34,160 square feet of office space in the Irvine Technology Center from **The Irvine Co.** The lessor represented itself, while Mike Finley and Tom Taylor of **Grubb & Ellis** represented the lessee.

ORANGE — Argosy University signed a 10-year lease for a 33,483-square-foot office building at 601 Lewis St. from City Office LP. Robert Caudill, Matt Didier and John Pomer of **Grubb & Ellis** represented the landlord with Roger Doebke of **Simplex Realty Services**, while Patrick O'Loughlin and Jeff Kernochan of **Fischer & Co.** represented the tenant.

SANTA CLARA — Beceem Communications extended its lease on 21,666 square feet of office space in the Marriott 1-12 complex at 3960 Freedom Circle from RREEF. David Hiebert and Jim Balderson of **NAI BT Commercial** represented the lessee.

SACRAMENTO — Immuno Concepts leased 17,253 square feet of office space at 9825 Goethe Road from Evergreen Folsom Land Joint Venture. Clyde Rawlings, Dennis Neeley and Toss Vallentine of **Grubb & Ellis** represented the lessor.

GLENDALE — Ballard, Rosenberg, Golper & Savitt LLP leased 15,943 square feet of office space at 500 N. Brand from CB Richard Ellis Investors-Strategic Partners. Doug Marlow of **CB Richard Ellis** represented the tenant.

SACRAMENTO — Summit Funding Inc. leased

14,511 square feet of office space at 2601 Fair Oaks Blvd. from Winters Limited. Dennis Neeley of **Grubb & Ellis** represented the lessor.

SAN FRANCISCO — Chicago Title Co. leased 12,397 square feet of office space at 455 Market St. from Peckar & Abramson P.C. Andrew Thompson and Julie Down of **Grubb & Ellis** represented the lessor, while **Orion Realty Group** represented the lessee.

SOUTH SAN FRANCISCO — You Technology Brand Services leased 9,573 square feet of office space at 701 Gateway Blvd. from Broadway Partners. Mike Moran, Clarke Funkhouser and Kevin Waldman of **NAI BT Commercial** represented the landlord.

SAN FRANCISCO — Alfa Tech Cambridge leased 8,715 square feet of office space at 100 Montgomery from Hines. The lessor represented itself, while Charles Beck of **Grubb & Ellis** represented the lessee.

REDWOOD CITY — Replay Solutions signed a sublease for 8,500 square feet of office space in the Pacific Shores Center at 2100 Seaport Blvd. from Openwave Systems Inc. The building is fully leased to Openwave and owned by Starwood Capital. Ron Himes, Mike Courson and Mike Connor of **NAI BT Commercial** represented the sublessor and sublessee.

SAN JOSE — JDP Financial leased 8,097 square feet of office space at 700 Gale Drive from Gale Drive LLC. Nance Morse of **Grubb & Ellis** represented both parties.

WALNUT CREEK — Valley Emergency Physicians relocated to 7,664 square feet of office space at One Ygnacio Center, 1990 N. California Blvd. Alex Grell and Joel Maimon of **Cornish & Carey Commercial** represented the tenant.

SAN FRANCISCO — Clustrix Inc. subleased 7,613 square feet of office space at One Post St. from Kauff McGuire & Margolis LLP. James Chesler and Frank Fudem of **NAI BT Commercial** represented the sublessor.

MOUNTAIN VIEW — Monster Worldwide Inc. signed a 7,233-square-foot office lease at The Landmark Office Center from Broadreach Capital Partners. David Hiebert, Clark Heppberger and Ron Miller of **NAI BT Commercial** represented the landlord.

LARKSPUR — mFoundry leased 6,600 square feet of office space in the Wood Island Office Complex at 60 and 80 E. Sir Francis Drake Blvd. from Equity Office Properties. Whitney Strotz and Brian Foster of **NAI BT Commercial** represented both parties.

FOLSOM — Bryan Randolph purchased a 6,230-square-foot office building at 1625 Creekside Drive from William C. Cummings. Scott Bennett, Jason Rutherford, Kris Reilly and Thomas Walcott of **Grubb & Ellis** represented the buyer.

SAN FRANCISCO — Seesaw Networks leased 3,744 square feet of office space at 100 Bush St. from 100 Bush Corp. The landlord represented itself, while Charles Beck of **Grubb & Ellis** represented the lessee.

VISALIA — NTD Architects Inc. leased 3,400 square feet of office space at 4930 W. Kaweah Court from Hammar LLC. Mel Kachigian of **Grubb & Ellis | Pearson Commercial** represented the lessor, while Mike Porte, also of Grubb & Ellis, represented the lessee.

VISALIA — Mariya Grigoriyan purchased a 3,400-square-foot dental office at 2634 W. Walnut Ave. from Bill Miller and Matty Matejcek. Mike Porte and Matty Matejcek of **Grubb & Ellis | Pearson Commercial** represented both parties.

REAL ESTATE in the courts

Attorneys

■ **Attorney fee award under private attorney general doctrine is proper where litigation opposing landfill project served to benefit public.**

Riverwatch v. County of San Diego Dept. of Environmental Health (Gregory Canyon Ltd.), California Courts of Appeal - 4th District, No. D049216, July 2, 2009

In 1994, voters approved Proposition C, which amended the San Diego general plan to use Gregory Canyon as a landfill. In 2003, the County of San Diego Dept. of Environmental Health (DEH) certified a final environmental-impact report (FEIR) and issued a solid waste facilities permit approving the project. In 2004, RiverWatch, the Pala Band of Mission Indians (Pala Band), and the city of Oceanside petitioned for writ of mandate, alleging that the DEH violated the California Environmental Quality Act, Proposition C, the general plan, and the California Code of Regulations by approving the project. The trial court granted the petition in part, finding that the FEIR failed to adequately address traffic needs, water sources, and mitigation measures. The judgment awarded RiverWatch and the Pala Band attorney fees. The DEH opposed the award pursuant to the private attorney general doctrine in Code of Civil Procedure Section 1021.5.

The decision was affirmed. Under Section 1021.5, a party seeking fees must prove that the litigation vindicated an important public right and significantly benefited the general public. The party must also show that the cost of litigation was disproportionate to the plaintiff's individual stake in the matter. In examining the third element, the litigation for which fees are claimed must transcend the plaintiff's personal interest. Here, the trial court found that the Pala Band had no economic reason to sue because the landfill would not have impacted the Pala Band's casino. In addition, the lawsuit benefited the public by addressing traffic needs and water sources. Thus, this court agreed with the trial court and affirmed the attorney fee award under Section 1021.5.

Opinion by Justice Huffman.
— Seena Nikravan

Insurance

■ **Insurance policy requiring oil company to notify insurer of toxic pollution claim within 60 days of discovering accident is enforceable.**

Venoco Inc. v. Gulf Underwriters Insurance Co., California Courts of Appeal - 2nd District, No. B206207, July 1, 2009

In 1910, what is now Beverly Hills High School, was formally used for oil well drilling. In 1995, an oil and gas lease for a new production site next to the school was assigned to Venoco Inc. Venoco processed crude oil and natural gas, pumped oil to refineries, and removed impurities from natural gas. In 1996, Venoco bought a liability insurance policy from Gulf Underwriters Insurance Co. (Gulf) with a duration period of April 1996 to April 1997. In 2003, former students and employees of the school sued Venoco, alleging that they had been exposed to toxic chemicals from Venoco's well sites over an extended period. Gulf refused Venoco's request to provide a defense, stating that the policy excluded toxic pollution coverage and that Venoco had failed to provide notice of the claim "within 60 days of discovering an accident," as required by an exception to the exclusion. Venoco sued Gulf for breach of contract. The trial court granted Gulf summary judgment.

The decision was affirmed. California's "no-

tice-prejudice" rule bars insurance companies from denying coverage based on lack of timely notice unless the company can show prejudice from the delay. However, when a policy states that coverage for a specific kind of claim is conditioned on express compliance with a reporting requirement, the insurer does not need to show prejudice and the time limit is enforceable. Here, the parties agreed to a provision creating a limited exception to the pollution exclusion whereby Venoco had 60 days to report a claim. This court found that this provision clearly conditioned coverage for pollution on express compliance with the 60-day requirement. Thus, the express reporting time limit was enforceable.

Opinion by Justice Gilbert.
— Seena Nikravan

Real Property

■ **Summary judgment proper where dissident parish members' attempt to seize church property through amendment of bylaws was ultra vires.**

Huber v. Jackson, California Courts of Appeal - 4th District, No. D051669, July 1, 2009

In 1931, St. Luke's Parish (Parish) in La Crescenta was admitted as a parish of the Protestant Episcopal Church (Church). The parish agreed to be bound by all the canons and laws of the church and maintained a governing board (Board) to control the parish's assets through St. Luke's Corp. (Corporation). All board members were members in good standing with the church. In 1979, the church adopted Canon I.7.4., which expressly confirmed that if a parish disaffiliated from the church, parish property would remain under the church's ownership. In 2003, Parish's board, clergy, and a number of the congregation voted to disaffiliate from the church. The church filed suit when the dissident parish members attempted to keep parish property by amending Corporation bylaws. The trial court granted summary judgment to the church, agreeing that defendants' actions were ultra vires as they lost the authority to direct the Corporation when they disaffiliated from the church.

The decision was affirmed. Corporations Code Section defines "bylaws of a religious corporation as including the... rules and regulations... found in various religious documents such as canons... church traditions... [and] rules of a religious superior." When members vote for disaffiliation, they are abandoning their membership in the national church and renouncing their "prior promises to be subject to the governing documents of the national church." This court determined that defendants "lost the power and authority to be directors" of the Corporation when they voted to disaffiliate and therefore "their purported amendment" to seize Parish's property was "a legal nullity, or ultra vires." Thus, the national church still retained possession of parish property.

Opinion by Justice McConnell.
— Linda Choi

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.