



UCPath Center Opens in Riverside

UCPath is the University's project to implement a single payroll, benefits, human resources, and academic personnel service for all UC employees. The UCPath Center will house all of these services in a new facility in Riverside. UCOP purchased a new office building shell (almost entirely unfinished inside) and UC San Diego Facilities Design and Construction managed the project to build out the interior in a fresh, modern design that will provide a high-functioning workplace for almost 500 staff when fully operational. Michael Downs of UCSD and George Winter of UCOP are to be congratulated on their smooth and effective management of the project. *Catherine Kniazewycz*



Capital Planning Welcomes New Facilities Planner

You may have already heard, we have a new planner joining the Capital Planning Unit and in two short months, Carey has already proven to be a valuable teammember. Prior to joining UCOP, **Carey Barker** was a consulting Project Manager on the acquisition, design and construction of multiple affordable housing projects for non-profit developers in the East Bay. His wide-ranging responsibilities included procurement of mixed financing solutions, regulatory compliance oversight, and construction management. Carey has called Northern California home since graduating from UC Berkeley (BA '98) and happily thanks the University for the introduction to his wife, who he met on campus in their second year. Carey also holds a Master in Urban Planning degree from the Harvard Graduate School of Design and does not recommend East Coast winters. Carey is currently studying the works of Dr. Seuss with the assistance of his 2.5 year old daughter and newborn twins.



Dana Santa Cruz

Upcoming CPI Training: Successful Capital Program Development

Capital Resources Management Office staff are offering a new program titled Successful Capital Program Development. The program will cover current UC capital planning practices and policies. Trainings are scheduled on June 11 in Oakland and on June 12 at UCLA. The program will focus on the wide range of considerations and factors, as well as policies and best practices, that apply to the planning of UC capital projects. Presenters will use case studies to discuss project formulation, design, CEQA compliance, funding/financing, and approvals required at each stage. The program is intended primarily for capital planners, but project managers and other capital projects staff who are interested in understanding the complex UC capital program environment will benefit from the training and are welcome. Presenters include Deborah Wylie, Sandra Kim, Dana Santa Cruz, Catherine Kniazewycz, Charlotte Strem, and special campus guest speakers. The training is still in the development stage and we wish to cover topics in which you have the most interest. Please forward your ideas to Dana Santa Cruz at dana.santacruz@ucop.edu or Colleen Connor at colleen.connor@ucop.edu.

Colleen Connor

UC Irvine Receives Climate Award From EPA

The U.S. Environmental Protection Agency (EPA) recognized UC Irvine with their 2014 Climate Leadership Award for Organizational Leadership. The EPA announced the award per along with the Association of Climate Change Officers, the Center for Climate and Energy Solutions, and The Climate Registry. Irvine was recognized for its wide range of accomplishments, including: its Smart Labs Initiative (safe energy reduction in new and retrofitted research laboratories of up to 60 percent), the establishment of on-site renewable energy systems, and its green building program. Eleven buildings on campus have earned a Platinum rating through the U.S. Green Building Council's Leadership in Energy and Environmental Design program, while eight have achieved a Gold rating.

Matthew St. Clair

UC Leads the Way in Drought Response

In January, Governor Jerry Brown declared a drought emergency in California. In response, all UC campuses and medical centers are taking immediate actions to reduce water consumption and to educate their campus communities about appropriate drought response actions. These actions supplement the water section of the Sustainable Practices Policy, which requires each campus and medical center to complete a water action plan and to achieve a goal of reducing per capita potable water consumption 20 percent by 2020.

Matthew St. Clair

Distinguishing Between a Lease and a License

In the November 2013 Dialogue, we presented the issues with imbedding a real estate lease or license within a Memorandum of Understanding (MOU) or Affiliation Agreement. Let's now consider the differences between leases and licenses. A lease is a contract in which the rights to use and occupy real property are transferred to another party for a defined period in exchange for specified consideration. A lease grants a leasehold interest in real property to the tenant and is exclusive and usually not revocable.

A license allows particular use rights for a defined purpose and period, in exchange for specified consideration. A license, however, is personal (i.e., specific) to the licensee and does NOT convey a leasehold or other interest in the real property (and is not usually transferable). A license is non-exclusive (i.e., the use of the space is shared with other entities either simultaneously or sequentially) and may be revocable by either party. UC commonly employs facility use agreements, a form of license that is non-exclusive and usually short-term. If the use is to be short-term or part-time (e.g., a film shoot or a ten-week UC Extension class), or alongside other UC uses (e.g., cell site, energy project, ATM), a license is preferable to a lease from the owner's standpoint.

Additional lease and license information, with examples and generic agreement forms, is available at: <http://www.ucop.edu/real-estate-services/forms/tools-links/lease-license-or-easement.html>.

Shauna Brown

APRIL

1 UC IRVINE  Federal and State Accessibility Regulations on UC Renovation Projects

9 ALAMEDA COUNTY TRAINING CENTER  Federal and State Accessibility Regulations on UC Renovation Projects

11 UC DAVIS  Understanding and Implementing LEEDv4 for BD+C and ID+C

24 UC IRVINE  Smart Labs for UC and CSU Campuses: How to Safely Cut Your Laboratory Energy Use in Half

MAY

14-15 REGENTS MEETING
SACRAMENTO



CODE CORNER

Accessibility: Owner Protections Under California Law

SB 1186 and SB 1608 provide certain limited protections to property and business owners in lawsuits and against demands for money in lieu of lawsuits over accessibility deficiencies under strictly defined conditions. The new laws do not relieve owners of the responsibility of complying with the accessibility provisions of the CBC and ADA. A number of different statutes were amended by the bills; the provisions of primary interest to UC are:

- Minimum statutory damages may be reduced to \$1,000 per violation (from \$4,000) if the property has previously had a CASp inspection OR the location completed construction after Jan. 1, 2008, AND the violation in question is corrected within 60 days. If these conditions do not obtain, damages may be unlimited.
- Plaintiffs must have personally encountered the violation or personally have been deterred from visiting the site or facility. The court may “consider the reasonableness of the plaintiff’s conduct in light of the plaintiff’s obligation, if any, to mitigate damages.” The purport of this latter provision seems to be to deter “fishing expeditions,” so to speak, on the part of individuals who have no other business at the site or location, and especially to deter repeated visits for the sole purpose of racking up potential fines for each instance of denial of access.
- Immediate and mandatory stays of lawsuits may be granted if a property is CASp-inspected and a report has been issued, and there have been no subsequent modifications that would negatively affect accessibility compliance. In the case that a mandatory stay is issued, an “Early Evaluation Conference” may be convened, which is intended to deter or prevent unmeritorious claims.
- “Demand for money” letters are outlawed. Letters may be sent to owners alerting them of violations, but plaintiffs may not offer to settle for damages in lieu of filing a lawsuit. Attorneys sending letters notifying owners of alleged violations must send copies to the State Bar, which is charged with determining if the letters meet the requirements of the law. Attorneys must also send the letters to the California Commission on Disabilities (CCDA) <http://www.cdda.ca.gov/>, which is required to compile a list of “Top 10” violations to be posted on its website, and to post a list of those attorneys and law firms who are filing the bulk of

Please note that the above brief summary does not, and cannot, provide full detail on the somewhat intricate conditions and effects of the statute revisions of SB 1186 and SB1608. If your facility is faced with accessibility complaints, your campus counsel should be informed and can assist in invoking any appropriate protections to which the campus may be entitled.

The above information was largely sourced from ADA Compliance Consultants, Inc. on their web page at:

<http://www.ada-pros.com/highlights-of-the-new-sb-1186-disabled-access-law/> and from David Carlson’s article

“New Accessibility Laws May Provide Business Protection” on the Ventura County Bar Association Website at:

<http://www.vcba.org/2014/01/new-accessibility-laws-may-provide-business-protection-by-david-carlson/>

The text of SB 1168 can be viewed at:

<http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml;jsessionid=051c19addcc5bf8e14da806e39bd>

The text of SB 1608, which established the CASp program, may be viewed at:

<http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml;jsessionid=051c19addcc5bf8e14da806e39bd> *Catherine Kniazewycz*