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REAL PROPERTY

Section: 440-3

Effective: 04/01/1998

Supersedes: Not Applicable

Review Date: TBD

Issuance Date: 04/01/1998

Issuing Office: [Real Estate Development \(RED\)](#)

LEASED REAL PROPERTY

I. REFERENCES AND RELATED POLICIES

- A. Section 100.4 (cc) of the Standing Orders of The Regents of the University of California
- B. Section 21.3.(f) (2) (cc) of the Bylaws of The Regents of the University of California
- C. University of California Lease Administration Manual
- D. UCSD Policy and Procedure Manual (PPM)
 - [516](#) Environment, Health & Safety
 - [530-9](#) Renovations and Alterations
- E. UCSD Revised Long Range Development Plan – 1989
- F. UCSD Medical Center (Hillcrest) Long Range Development Plan – 1995

II. POLICY

All requests or inquiries regarding leasing of University land and buildings to external entities or leasing property from external entities must be directed to Real Estate Development (RED). No commitment may be made on behalf of the University, either orally or in writing, except by persons having formal delegations of authority for real property contract execution. Persons making unauthorized commitments may be held personally responsible for financial commitments.

III. THE REGENTS AS LANDLORD

A. Scope

Transactions involving the use of University real property by an external entity require a lease agreement between The Regents of the University of California (The Regents) and an external entity. The Regents (Landlord) on behalf of a UCSD/UCSDMC department/entity conveys to an external entity (Tenant) an exclusive right to occupy and use a specific University owned real property on a temporary basis.



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B. Background

Real Estate Development is responsible for leasing of University-owned land or building space to external entities, which entities may (as Tenants) be subject to possessory interest tax as determined by the County Assessor. In addition, Real Estate Development acts as the property and asset manager for University-owned land and buildings located off-campus having non-University tenants or mixed tenancy (non-University as well as University tenants).

C. PROCEDURES

On-campus educational or research facilities, in general, are leased to non-profit organizations conducting instruction, research, or healthcare functions. Any lease revenues from such activities will be applied first towards the appropriate pro-rata share of the debt vehicle used to finance the building improvement cost, as well as reimbursement of applicable maintenance costs. Departments should direct all inquiries to Real Estate Development regarding leasing of University real property to external entities.

Real Estate Development coordinates with Physical Planning regarding environmental review and physical planning concerns.

IV. THE REGENTS AS TENANT

A. Scope

Transactions involving the use of non-University real property by a UCSD/UCSDMC department/entity require a lease agreement. The external entity (Landlord) gives The Regents (Tenant) on behalf of the UCSD/UCSDMC department/entity an exclusive right to occupy and use a specific real property owned by the external entity on a temporary basis.

B. BACKGROUND

Real Estate Development has been designated by the Chancellor as the office responsible for all off-campus leased space. This includes review, negotiation, coordination, and processing with both internal and external entities, for all UCSD and UCSDMC requests for leased space off-campus. This ensures (i) appropriate approvals to proceed with leasing space off-campus are received; (ii) coordination of inspections conducted by UCSD's Environment, Health & Safety



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(EH&S) and Facilities Design & Construction (FD&C) is completed; (iii) all financial and business negotiations with external entities are conducted by Real Estate Development; (iv) an evaluation of fair market rents is completed; (v) appropriate approvals on the Standard Form Lease Agreement (SFLA) are obtained; and (vi) leased space is delivered to the department in a timely and satisfactory manner.

C. Time Frames

Time frames for execution of a lease agreement and occupancy of the premises after submission to Real Estate Development will be affected by which entity within the University system will be reviewing and/or executing the document and the following:

1. Complex lease agreements requiring review by several offices,
2. Lease agreements for space requiring special design and construction for specific uses,
3. Lease agreements for space requiring major tenant improvements (referenced as "TI" in Exhibit A) prior to occupancy,
4. Lease agreements requiring approval of the Clinical Services Development Division at the Office of the President. This shall include all off-campus lease agreements for space used by (i) UCSDMC, (ii) the Medical Group and classified as clinical space and, (iii) the Medical Group where the lease agreement includes language pertaining to affiliation agreements or contains a provision of malpractice insurance, and
5. Lease agreements requiring approval of The Regents and/or execution at the Office of the President, coordinated through the Real Estate Services Group (RESG) located at Office of the President.

D. PROCEDURE - (Refer to Exhibit A for flowchart of procedures for The Regents as Tenant)

1. Initial Lease Agreement
 - a. Initiating Party (UCSD/UCSDMC department/entity requesting space)

NOTE: Facilities Planning & Management (FP&M) coordinates, through Real Estate Development (RED), all UCSDMC requests for leased space off campus.



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1. Completes an *Off-Campus Space Request (OCSR)* form (Refer to Exhibit B) and submits it for approval to 1) the department chair and appropriate dean's or vice chancellor's office if a campus department or 2) the department chair and Director of Facilities Management if an UCSDMC department/entity. The appropriate office will then forward the approved OCSR to RED.
 2. Determines and completes space planning requirements for the potential leased space (RED will provide a Space Planning Guide to assist with this process) and submits the completed Space Planning Guide to RED prior to an official site visit.
 3. Coordinates with the appropriate departments all telecommunication and computer data needs, moving arrangements, including mail services and/or U.S. Post Office. This step is completed after RED has negotiated the terms of the lease agreement and a move date has been set.
 4. Coordinates the start-up of utilities for the space with the external entity or San Diego Gas & Electric, if applicable. It is recommended this step be completed prior to occupancy of the space. Please note that FP&M monitors and authorizes payment of utilities for all UCSD and UCSDMC leased and owned properties south of Convoy Court in Kearny Mesa.
- b. Real Estate Development
1. Works with the Initiating Party representative on site selection for the off-campus space. After RED has received the approved OCSR, RED will determine if the service of a broker will be needed to facilitate the request.
 2. Coordinates site visit(s) with the building representative and Initiating Party representative. Distributes the Landlord Packet.
 3. Coordinates EH&S inspections (initial, tenant improvement and final) for selected sites. Prepares and sends a letter(s) addressing the results of all inspections .
 4. Coordinates with FD&C 1) the required reviews, inspections, and certifications pertaining to the 1997 Revised UC Seismic Safety Policy (Refer to Exhibit C) and



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- 2) any other reviews and/or inspections handled by FD&C such as ADA compliance.
5. Gathers lease comparables and completes financial analysis.
6. Negotiates all financial and policy matters with the external entity, to include presentation of counter proposals to the external entity. Coordinates any involvement with Office of the President and/or Office of the General Counsel of The Regents for legal matters pertaining to the transaction.
7. Coordinates obtaining the Environmental Impact Classification in compliance with the California Environmental Quality Act (CEQA) with the Physical Planning staff.
8. Prepares the lease agreement with the necessary terms and conditions, or reviews terms and conditions of the external entity's lease agreement.
9. Secures necessary approvals for changes in the lease agreement, from the Office of the President and/or the Office of the General Counsel of The Regents.
10. Secures signature of the authorized University party on the Data and Approval Sheet (Refer to Exhibit D) prior to obtaining authorized University signatures on the lease agreement.
11. Secures signature(s) of the authorized University representative on the lease agreement.
12. Secures signature(s) of the external entity.
13. Distributes the executed lease agreement and Data and Approval Sheet to the Initiating Party, dean's and/or director's office, the Office of the President, accounting office(s) and any other department involved in performing the terms and conditions of the lease agreement.
14. Enters the terms and conditions of the lease agreement in RED's lease database system.
15. Maintains all original lease agreements and ancillary documents as the office of record.
16. Coordinates obtaining the certificate(s) of insurance as described in the lease agreement from both the external entity and UCSD's Risk Management.



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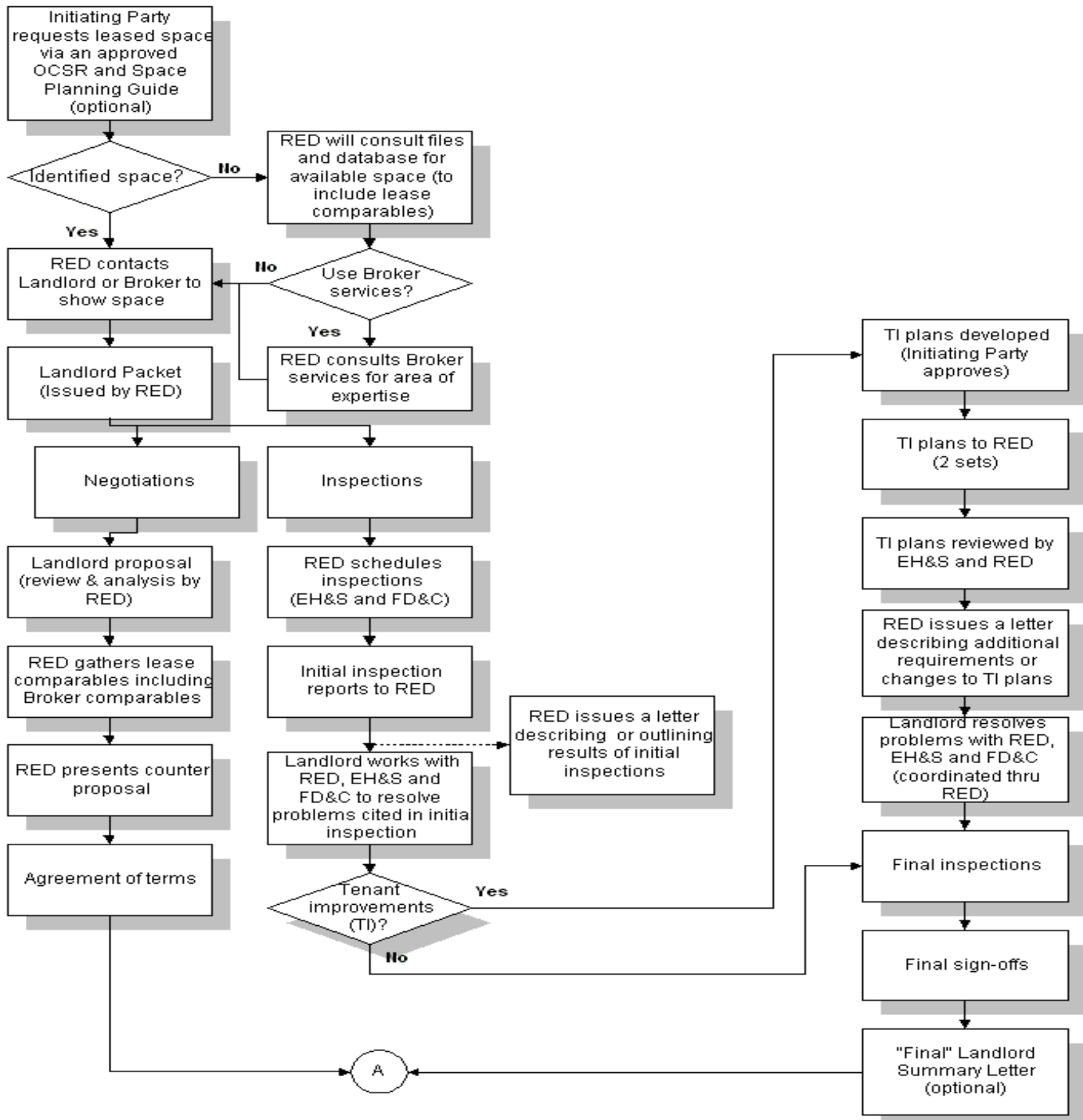
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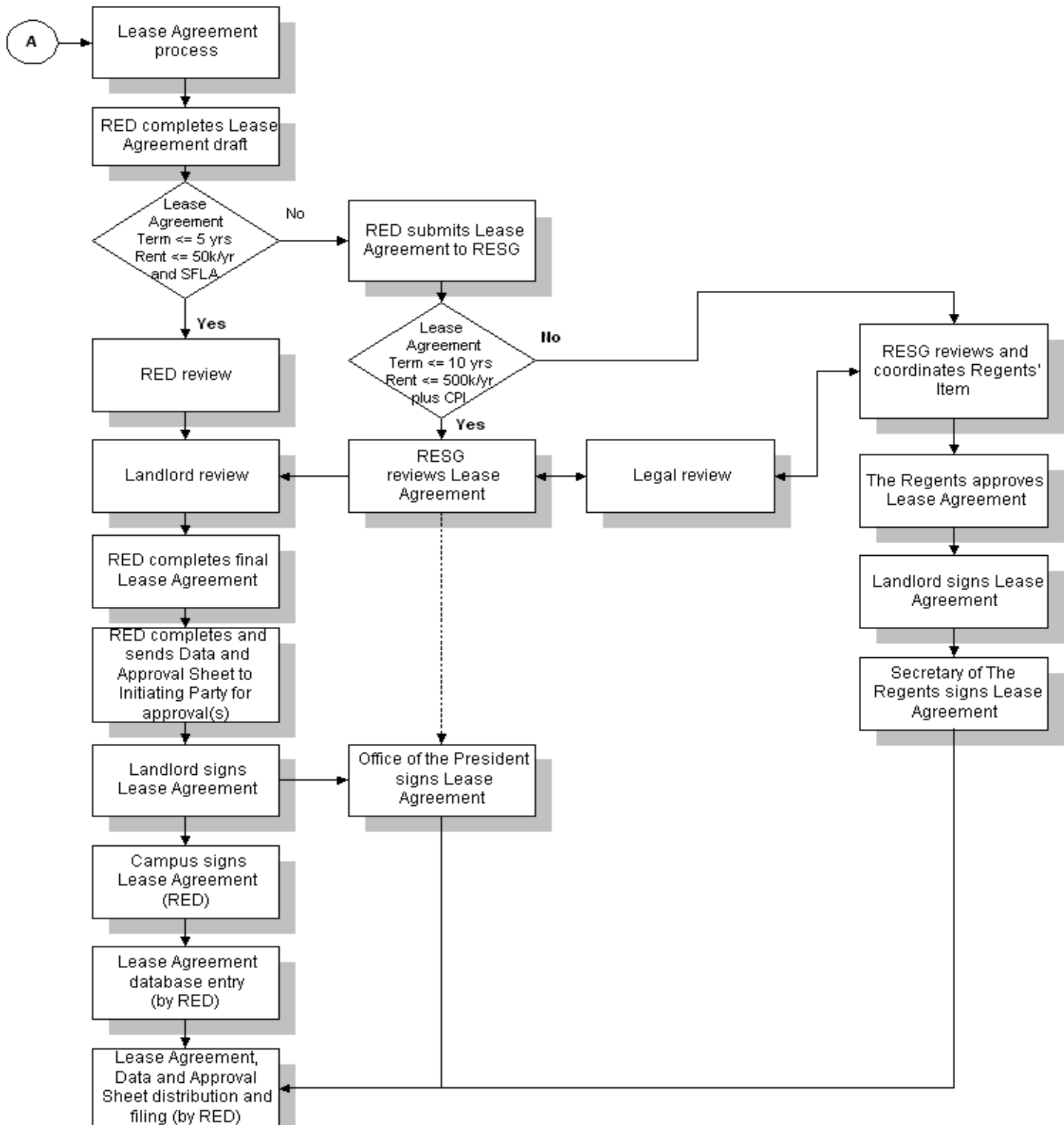
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EXHIBIT B

OFF-CAMPUS SPACE REQUEST

DATE: _____

Forward completed form to Real Estate Development (0982). Questions may be directed to the Real Estate Development Office at x47480 or x21145.

REQUESTING DEPARTMENT INFORMATION

Requesting

Department: _____

Dept. Contact: _____ Ext: _____ Mail Code: _____

Fax Number: _____ E-mail Address: _____

NEW LEASE INFORMATION

Term: _____ to _____ # of Individuals: _____ Parking Spaces

Needed: _____

Options to Extend: Yes/No: _____ Length of Term for Each: _____

Approx. Sq. Ft.: _____ Approx. Rent: _____

Proposed Usage (be specific - include typical activities to be performed):

SITE INFORMATION

Please provide site information listed below. Real Estate Development will work with the department contact regarding lease negotiations. Please do not negotiate any lease terms:

IF REQUEST IS FOR A SPECIFIC SPACE:

Street Address of Property: _____

City, State, ZIP: _____

Name of Landlord: _____

Landlord Contact: _____

Landlord Contact Address: _____

Landlord Contact Telephone: _____

Previous Use of Space: _____

Tenant Improvements Needed: _____

(describe) _____



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IF REQUEST IS FOR A GENERAL AREA:

Area of San Diego: _____
(e.g., Kearny Mesa, Hillcrest, La Jolla)



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OFF-CAMPUS SPACE REQUEST

IF THIS NEW LEASE INVOLVES A RELOCATION FROM YOUR EXISTING FACILITY COMPLETE THE FOLLOWING:

Current Address: _____ Approximate Relocation Costs:
 _____ Moving Cost \$ _____
 Landlord's Name/Address/Telephone: _____ Telephones \$ _____
 _____ Computers \$ _____

 Expiration Date of Current Lease: _____ Other: _____ \$

 Current Monthly Rent: \$ _____

FUNDING INFORMATION FOR NEW LEASE AND RELOCATION COSTS (if applicable)

Funding Sources: Relocation

New Lease Costs

A)	State Support Letter	Percent of	Letter	Percent of
B)	User Fees Source	Source	Source	Source
C)	Federal Funds	D)	Medical School Clinic Fees	_____ %
	_____ %			
E)	Teaching Hospital/Medical Center	_____ %	_____ %	
F)	Opportunity/Off-The-Top Funds	_____ %	_____ %	
	_____ %			
G)	Other: Specify Fund/Org Number:	Index Number *:	Indirect	
	Cost Rate: o On-Campus o Off-Campus			

*Any EH&S inspections/reviews required will be charged to this Index Number.

APPROVALS:

Department Chair Date

FOR REAL ESTATE DEVELOPMENT OFFICE USE S.O.M. Dean's Office
 FD&C (Seismic/ADA) M.C. Director's Office FD&C Engineering
 EH&S(Health, Safety & Fire) Physical Planning (EIC) Dean, School of
 Medicine/Director Medical Hospitals & Clinics Date



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OFF-CAMPUS SPACE REQUEST INSTRUCTIONS FOR COMPLETION

1. Date: The date the form is completed.
2. Requesting Department: The department that will be occupying the space.
3. Department Contact: To whom in the department should questions be directed? This should be the person who will be involved in the day-to-day administration of the Lease.
4. Contact Extension: Telephone number at which the department contact may be reached.
5. Mail Code: Mail Code of Department Contact.
6. Fax Number: Fax Number of Department Contact.
7. E-mail Address: E-mail Address of Department Contact.
8. New Lease Information: Complete the information requested for the new space to be leased.
9. Term of Lease: From what date to what date would the department like to occupy the space?
10. Number of Individuals: How many employees will be occupying the requested space?
11. Parking Spaces Needed: Ideal number of parking spaces to accommodate employees and visitors.
12. Options to Extend: If the department would like the option to extend the lease beyond the time specified in #9, how many options at what length are preferred? (i.e. two one-year options, one three-year option).
13. Approx. Sq. Ft.: The ideal space would contain how many square feet?
14. Approx. Rent: What rental amount is the department prepared to pay?
15. Proposed Usage: For what purpose (office, classroom, storage, etc.) will the space be used? In conjunction with what grant/program/activity?
16. Site Information - SHADED AREAS: Must be completed if a proposed space has been located prior to completion of this form, or if only a general area is known.
17. Street Address of Property: Address of proposed space. Include any suite or apartment numbers.
18. City, State, ZIP: City, State, and ZIP Code of proposed space.
19. Name of Landlord: Legal name into which the Lessor will enter the contract.
20. Landlord Contact: The person to work with on behalf of the Landlord.
21. Landlord Contact Address: The address of the person to work with on behalf of the Landlord.
22. Landlord Contact Telephone: Telephone number at which to reach Landlord Contact.
23. Previous Use of Space: For what type of operations was the space previously used.
24. Tenant Improvements Needed: Will modifications to the space be required for Tenant to occupy the space.
25. Request for a General Area: Indicate the area(s) of San Diego the proposed space where department needs to be located.



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26. Relocation Information: Information regarding the current space occupied by the department. Information includes estimated department relocation costs.
27. Current Address: Current address of department.
28. Landlord's Name/Address/Telephone: Miscellaneous information for current Landlord.
29. Expiration Date of Current Lease: When does the Lease Agreement for the department's current space expire. Current Monthly Rent: Amount of monthly rent being paid for the department's current space.
30. Approximate Relocation Costs: Obtain from the appropriate departments the approximate costs required to relocate the department to the new space being requested. This will assist the department in determining the total cost obligation involved in the new off-campus space request.
31. Funding Information: Where does the money come from to pay the rent, operating expenses, relocation costs, if applicable.
32. Funding Sources: Sources identified for rent, operating expenses, and relocation costs. Each source has a corresponding letter which is to be used in identifying the fund source under the New Lease and Relocation Costs columns.
33. New Lease: Identify the fund source(s) and percentages that will pay the rent and operating expenses.
34. Relocation Costs: Identify the fund source(s) and percentage that will pay the relocation costs, if applicable.
35. Fund/Org. Number: Identify the fund and organization numbers.
36. Index Number: An Index Number to charge copying, mailing, EH&S and FD&C Inspections.
37. Indirect Cost Rate: If an Indirect Cost Rate will be used, indicate if it is ON-CAMPUS or OFF-CAMPUS.
38. Approvals: Obtain the necessary approvals prior to submitting to Real Estate Development.



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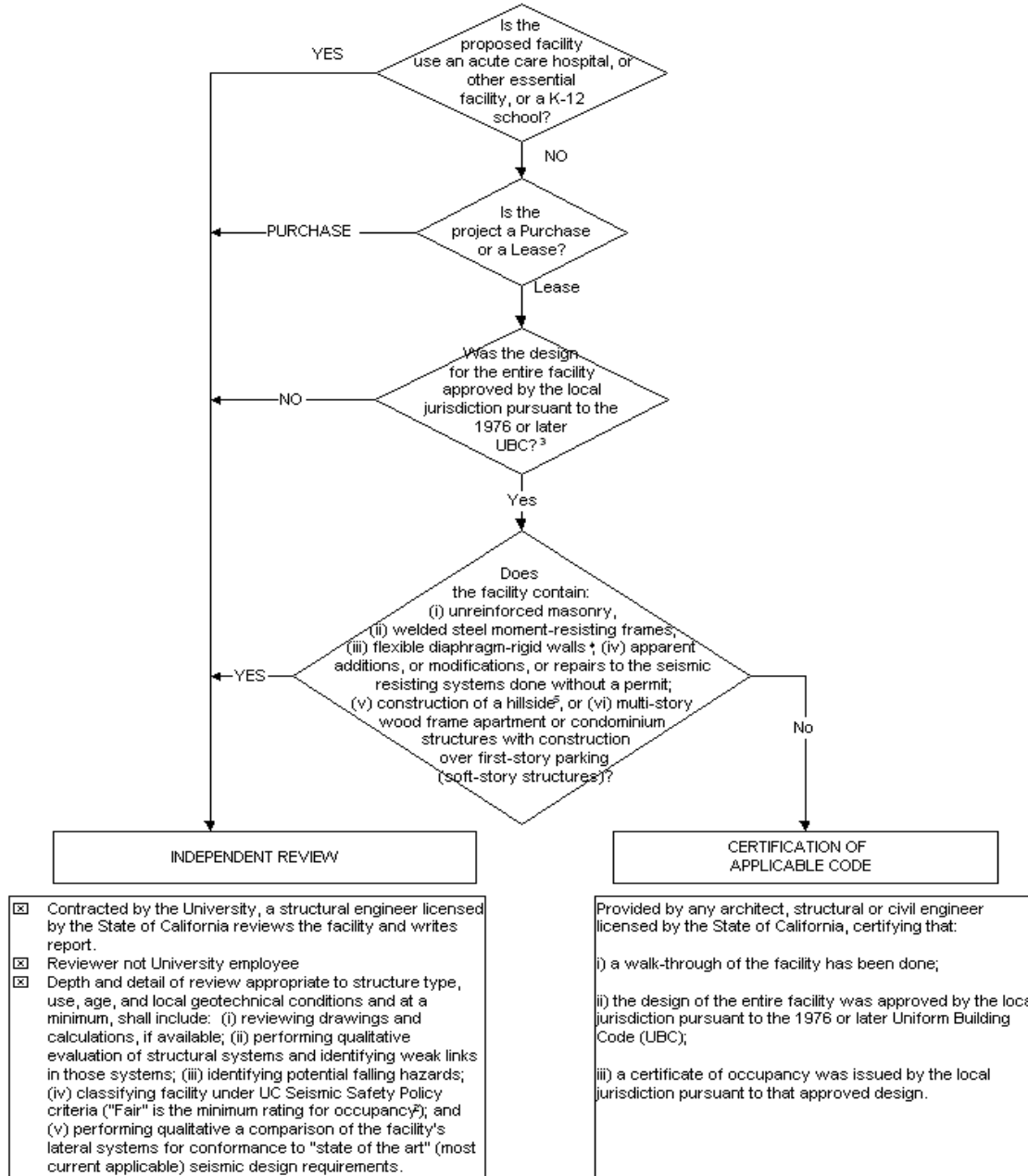
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SEISMIC SAFETY



¹ Purchase or lease of conventionally constructed 1-2 story wood-frame residences on level sites will be exempt from the policy (see attached commentary).

² Any purchased property should be rated "Good" or the acquisition budget should be sufficient to retrofit the facility.

³ The "entire facility design" refers to original construction, and any additions, modifications and repairs, to the seismic resisting systems.

⁴ For example, concrete tilt-up/reinforced masonry wall buildings with wood roofs and/or floors.

⁵ A hillside is defined as a slope steeper than 1-vertical to 3-horizontal.

⁶ Falling hazards: see UC Facilities Manual - Chapter 5, Seismic Safety

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COMMENTARY ON UC SEISMIC SAFETY POLICY FOR LEASED AND PURCHASED FACILITIES

THE POLICY

- OBJECT OF THE POLICY. The object of the policy is life safety, not property protection. In other words, the standard does not assure that the property or its contents will be operational or undamaged after a major seismic event.
- POLICY IS COMPARABLE TO LOCAL/STATE/FEDERAL POLICY DIRECTION. The policy changes, for the most part, are comparable to those contemplated or implemented by local, state, and federal regulators in the wake of the Northridge earthquake.
- RE-EVALUATION OF CURRENTLY OWNED PROPERTY The new policy will not be retroactively applied to currently owned property. The seismic performance of existing facilities will be addressed in a survey of owned properties that is to be completed in the near future.
- APPLICABILITY TO PURCHASE OR LEASE TRANSACTIONS. The policy applies to purchases and to new leases (defined as newly leased space or lease renewals). The policy does not apply to the exercise of options to expand leased space or to extend the lease term that were negotiated prior to the implementation of the new policy. Purchases of single-family wood-frame houses are to be handled on a case-by-case basis (see below).

INDEPENDENT REVIEW

- SEISMIC PERFORMANCE RATING. The Independent Review states the licensed structural engineer's professional evaluation of the anticipated seismic performance of a structure during a "major seismic disturbance." This is defined, for the purposes of the seismic performance ratings, as an earthquake at the site that would be given a Modified Mercalli Intensity Scale (modified by Charles F. Richter in 1958) rating of at least MM IX based on the description of the structural effects, except that an intensity of MM VIII can be utilized for facilities on the Davis campus.

Any to-be-purchased property shall be rated "Good" or the acquisition budget should be sufficient to retrofit the facility and raise it to the "Good" rating. Leased property should be rated "Fair" or "Good." When leased property is initially rated "Poor" or "Very Poor" and seismic retrofitting is included in pre-occupancy construction, the facility should be



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brought up to a “Good,” rather than a “Fair” rating. (In most cases, the cost difference between upgrading a facility to “Good” rather than “Fair” is likely to be marginal.)

REQUIREMENTS FOR INDEPENDENT REVIEW

- HOSPITALS, K-12 SCHOOLS AND ESSENTIAL SERVICES FACILITIES. The California Building Code, CCR, Title 24, Part 2 has special structural requirements for acute care hospitals, K-12 schools, or Essential Services Facilities. Section 16009(2) of the California Health and Safety Code states that such Essential Services Facilities’ uses must comply with all parts of the State Building Standards Code as contained in Title 24, CCR. Section 16007 of the California Health and Safety Code, defines Essential Services Facilities as “any building, including those designed and constructed for public agencies, used, or designed to be used, or any building, a portion of which is used, or designed to be used, as a fire station, police station, emergency operations center, California Highway Patrol, Sheriff’s office, or emergency communications dispatch center.” The policy requires that the Independent Review utilize the special structural requirements contained in code for these types of uses.
- ACCEPTABLE CODE. The acceptable code has been changed from the 1973 UBC to the 1976 UBC. In 1976, major revisions to the UBC were initiated. These changes included a significant increase in base shear for short- and mid-height buildings. There were special provisions for steel-braced frames to include a 25% increase in brace design force and consideration of brace/connection strength relations. For concrete buildings, ductile detailing was required for all frames resisting lateral force. Design forces were significantly increased for all buildings in 1976. The 1976 UBC is the first code that in most cases required reinforced concrete buildings to be constructed with resistance similar to current code. Therefore, the 1976 code is often used to distinguish “modern buildings” from older buildings.
- UNREINFORCED MASONRY BUILDINGS. Unreinforced masonry buildings (URMs) require Independent Review. Although such buildings have not been permitted to be built since 1933 and the city of Los Angeles Division 88 code changes in 1981 created guidelines for retrofitting these types of structures, there were some strengthened URMs that sustained an unacceptable amount of damage during the Northridge earthquake. Research showed that retrofitted buildings, where the retrofit design included unbonded veneer or exceeded height limitations, did not perform well. A structural engineer needs to assess whether the unreinforced masonry building, even one that may have modifications, additions or repairs, will perform adequately.



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- WELDED STEEL MOMENT-RESISTING FRAME STRUCTURES. Welded steel moment-resisting frame structures (SMRFs) did not perform well in the Northridge earthquake. Many fractures were found at welds connecting steel beam flanges to column flanges. The frequency and distribution of recorded failures, and the types of failures, varied so widely from building to building, it is necessary to include this entire category of SMRFs in the list of buildings that must undergo an Independent Review if either of these conditions apply:.

There is a reasonable expectation that an Independent Review will rate the majority of SMRFs either “good” or “fair.” SMRFs are not included in this category.

- TILT-UPS AND OTHER FLEXIBLE DIAPHRAGM - RIGID WALL STRUCTURES. Based on the age of construction, there are three categories of this type of building (also known as concrete tilt-ups): (i) buildings constructed before building codes were modified in 1976 to reflect the damage observed during the 1971 San Fernando earthquake; (ii) buildings constructed before 1976 but rehabilitated during the past few years; and, (iii) buildings constructed after the adoption of the 1976 Uniform Building Code and therefore designed to meet the 1976 or later building code provisions. The observed damage in tilt-up buildings during the Northridge earthquake was closely linked to these categories. The buildings in the first category sustained the most damage. Those buildings often failed because the buildings had an insufficient number of ties between the rigid tilt-up walls and the flexible diaphragms (floors and roofs). In comparison, building types (ii) and (iii) fared somewhat better, however, some still failed. Therefore, all such structures will require an Independent Review; however, there is a reasonable expectation that an Independent Review will rate the majority of rehabilitated tilt-ups either “good” or “fair.”
- OTHER TYPES OF STRUCTURES. Inadequately constructed hillside structures, and multi-story wood frame apartment and condominium structures with construction over first-story parking (“soft-story” structures) performed very poorly during the Northridge event. Independent Review is required to ascertain how the structure’s unique circumstances (location, structural redundancy, construction quality, etc.) affect the seismic resistance of the structure.

CERTIFICATION OF APPLICABLE CODE

- CERTIFICATION OF APPLICABLE CODE. The Certification of Applicable Code is designed to make it easier for the licensed architect, structural engineer or civil engineer to understand exactly what certification language must be included.



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The design of the entire facility must be approved by the local jurisdiction. The design must include all additions, modifications and repairs to the seismic resisting systems. The term "entire facility" refers to all parts of a building or group of buildings that are interrelated. For instance, a one story L-shaped structure with a tower attached to it, even though not constructed at the same time, would be considered a single facility. An office building with a contiguous parking structure would be considered a single facility. For lease transactions, the entire facility is defined as the building or interrelated group of buildings containing the leased premises as well as any common areas as defined in the lease agreement. A separate and free standing parking structure may be considered part of the entire facility.

SINGLE-FAMILY WOOD-FRAME RESIDENCES

- CONVENTIONAL 1 OR 2 STORY WOOD FRAME CONSTRUCTION ON LEVEL SITES. Purchase or lease of conventionally constructed wood-frame one- and two-story single-family residences on sites with slopes less than 1-vertical to 3-horizontal are exempt from the UC Seismic Safety Policy. Most buildings of this class and scale of construction are highly redundant with many interior walls that act structurally. Life-threatening collapses seldom occur in these types of structures.



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UNIVERSITY OF CALIFORNIA CERTIFICATION OF APPLICABLE CODE

I, _____ an architect, structural engineer, or civil engineer, licensed by the State of California, have completed a recent walk-through of the facility and have reviewed the available documentation and hereby certify the following: that the design of the entire facility, known for purposes of this agreement as

(Premises Address Here)

including all additions, modifications, and/or repairs to the seismic resisting systems, was approved by the local jurisdiction pursuant to the 1976 or later edition of the Uniform Building Code. This facility was originally constructed in _____ (year). Additions/modifications/repairs took place in _____ (year(s)) [if applicable].

I further certify that the facility does not contain any of the following: (i) unreinforced masonry; (ii) welded steel moment resisting frames; (iii) flexible diaphragm-rigid walls; (iv) apparent additions, or modifications, or repairs to the seismic resisting systems done without a permit; (v) hillside construction on a slope steeper than 1-vertical to 3-horizontal; or; (vi) multi-story wood frame apartment or condominium structures with construction over first-story parking (soft-story structures).

A copy of the certificate of occupancy is attached.

Printed Name _____ License No. _____

Title _____

Signature _____ Date _____

Firm Name and Address

AFFIX SEAL HERE

* Currently, this applies to welded steel moment frame structures in Santa Cruz and San Francisco built before 1989, and to those in Los Angeles built before 1994.



UC San Diego

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REAL PROPERTY

Section: 440-3 EXHIBIT D

Effective: 04/01/1998

Supersedes: Not Applicable

Review Date: TBD

Issuance Date: 04/01/1998

Issuing Office: [Real Estate Development \(RED\)](#)

DATA APPROVAL SHEET

Off Campus Lease Space - Regents As Lessee

Lease Summary

SAN DIEGO CAMPUS

ROUTING DATE:

Administrative Information

Real Estate System # _____ Type Agreement: _____ Type Action: _____

Approval Level: Campus _____ OP _____ Regents _____ Source: _____

Org./Index: _____ Fund: _____

Lease Participants

Department: _____ Lessor: _____

Contact: _____

Phone: _____

Address: _____

Property Information

Address: _____ RSF/Lease: _____ Year Bldg. Constructed: _____

Total Bldg. Sq. Ft: _____ Lease Space Usage: _____

Total SF Occupied by University: _____

Lease Information - Terms

Start Date: _____ Term Date: _____ Length of Term _____ yrs. _____ mos. _____ days



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Options: _____ Type of Lease: _____

Lease Information - Financial

Initial Monthly Rent: _____ Cost Per Sq. Ft.: _____ Utilities/Services Included? Yes _____
NO _____

Tenant Improvements: Pd. by Tenant: _____ Pd. by Landlord: _____ Total TI Amt Paid by
Landlord Yes _____ No _____

First Year Rent (exclude concessions): _____ Concession: _____ Adjustment Method: _____

Total Minimum Cost Over Term: _____ Minimum % Increase: _____

Total Maximum Cost Over Term(include CPI max): _____ Maximum % Increase _____

APPROVALS:

Lease Initiator/Date

Department Chair/Date

Dean, School of Medicine/Director, Hospitals & Clinics / Date