

## **SR 11/Otay Mesa East Port of Entry Project: Introduction of SANDAG Ordinance Adopting the California Building Standards Code and Delegation of Authority to Act as Building Authority**

### **Overview**

SANDAG is planning to begin construction of the SR 11/Otay Mesa East Port of Entry Project (Project) this fall. The Project is located within California Department of Transportation (Caltrans) right-of-way in the limits of the County of San Diego (County). As part of the Project, SANDAG is building structures which are subject to federal requirements and state building requirements. SANDAG often uses the Building Officials from the corresponding jurisdictions to review and inspect facilities SANDAG is constructing when the jurisdiction will ultimately own and/or operate the facility. However, for several components of the Project, the federal government will be accepting the completed project, not the local jurisdiction. While also intending to coordinate closely with the County, SANDAG staff believe it is in the best interests of the Project to act as the Building Authority and take the necessary steps to retain a certified Building Official to review and inspect the Project subject to applicable state and federal requirements. This recommended path is estimated to cost less and take less time than securing building permits from the County and facilitate acceptance of the facility by our federal partners.

### **Action: Conduct First Reading**

The Board of Directors is asked to conduct the first reading of Ordinance No. ORD-2026-01, related to adopting the California Building Standards Code and Delegation of Authority to Act as a Building Authority for the Otay Mesa East Port of Entry facility.

### **Fiscal Impact:**

An estimated \$605,000 in consultant costs to the Otay Mesa East Port of Entry Project.

### **Schedule/Scope Impact:**

The SANDAG Board of Directors will be asked to conduct first and second readings at its meetings in September and October 2025. If the Board adopts the ordinance, it would take effect 30 days after final passage.

### **Key Considerations**

Pursuant to Public Utilities Code Section 132354.4, SANDAG is not required to comply with the building and zoning ordinances of counties or cities in which any SANDAG project is being constructed. However, SANDAG typically works with project partners who serve as the Building Authority for SANDAG projects where the local jurisdiction will be taking ownership and/or maintenance responsibilities for the facility.

For the current Project, there are two main components, the Commercial Vehicle Enforcement Facility (CVEF) and the Port of Entry (POE). The CVEF will be owned, operated and maintained by the State of California. As such, Caltrans, through the Office of the State Fire Marshal (OSFM) and State Architect, will serve as the Building Authority. SANDAG will work with Caltrans to obtain a building permit and certificate of occupancy for construction and operation of the CVEF.

Several structures within the Port of Entry facility will ultimately be owned, operated and maintained by the Federal Government (General Services Administration (GSA) and United States Customs and Border Protection (CBP). SANDAG negotiated with both GSA and CBP to execute Donation Acceptance Agreements (DAAs) for the transfer of the applicable property and facilities to GSA and CBP upon completion. Considering the buildings will be constructed within Caltrans right-of-way prior to transfer of

the property to GSA, and Caltrans involvement in permitting of the CVEF facilities, as referenced above, SANDAG staff reached out to OSFM requesting that they serve as the Building Authority for the POE facilities as well but they do not have the capacity to provide this level of support. While the County would otherwise provide plan review and approval for this component of the project, the County will have no responsibility to own, operate or maintain any of these federal facilities and SANDAG staff believe there is an advantage to using a contracted consultant with experience in the technical requirements for federally-owned facilities to ensure acceptance by GSA (a condition of which is receipt of a Certificate of Occupancy by the Authority Having Jurisdiction).

Staff believe it is in the best interest of the agency to adopt the California Building Standards Code (CBSC), located at Title 24 of the California Code of Regulations, exercising SANDAG's right to act as the Building Authority for this Project only. SANDAG staff will procure consultants with the appropriate experience and qualifications for the design and construction of federally owned facilities to review and inspect the structures, following all required local, state and federal standards as well as project specific requirements.

SANDAG previously acted as the Building Authority in connection with portions of the Mid-Coast Transit Project. The proposed ordinance, which adopts the 2022 CBSC by reference and authorizes the Chief Executive Officer to hire and appoint a consultant to serve as the Building Official, is included in Attachment A to this report. Pursuant to SANDAG [Board Policy No. 004](#), Section 1.3, the ordinance must be considered by the Board at a regular meeting on two occasions with at least a five-day interval between the introduction and passage of the ordinance. SANDAG staff will read the ordinance in full at the time of introduction or passage of the ordinance, unless, after reading the title, further reading is waived by a regular motion adopted by unanimous vote of the Board. At its October 31, 2025, meeting, it is anticipated that the Board will hold a public hearing to consider adoption of the proposed ordinance.

### **Next Steps**

If adopted, the Ordinance will take effect 30 days after final passage. Staff will procure licensed and qualified technical consultants to serve as SANDAG's Building Official.

***Maria Rodriguez Molina, Director of Mega Projects, Border and Goods Movement***

Attachment: 1. San Diego Association of Governments Building Code Ordinance No. ORD-2026-01