



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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DATE: October 22, 2025

06

TO: Board of Supervisors

SUBJECT

REQUEST TO EXTEND HEARING DATE TO APPROVE ACQUISITION OF TWO CALTRANS PARCELS LOCATED IN THE OTAY COMMUNITY PLAN AREA FOR PUBLIC IMPROVEMENTS FOR OTAY BUSINESS PARK AND ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS (DISTRICT: 1)

OVERVIEW

On June 25, 2025 (3), the Board of Supervisors (Board) directed the Clerk of the Board to give the required notice and set a hearing for October 22, 2025, to consider the purchase of two California Department of Transportation (Caltrans) parcels, totaling approximately 0.81 acres. However, the necessary appraisal has not been received from Caltrans, causing a delay in the Director of Planning & Development Services' ability to proceed with presenting information to the Board at the October 22, 2025, Board hearing. Therefore, Planning & Development Services is requesting the Board postpone the hearing date to December 10, 2025.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action to set a hearing is not subject to California Environmental Quality Act (CEQA) because it is an administrative action and not an approval of a project as defined by CEQA and does not commit the County of San Diego to a definite course of action under sections 15352 and 15004(b)(2)(A).
2. Set a new hearing date on December 10, 2025, at which time the Board of Supervisors (Board) may consider authorizing the Director, Department of General Services, or designee, to enter into a purchase and sale agreement with Caltrans for the acquisition of parcels DD 30305-01-01 and DD 30306-01-02 for the estimated appraised value of \$645,000.
3. Direct the Clerk of the Board to provide notice of the December 10, 2025, hearing via publication and posting as required by law.

EQUITY IMPACT STATEMENT

N/A

SUSTAINABILITY IMPACT STATEMENT

N/A

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FISCAL IMPACT

There is no fiscal impact associated with today's action. Staff will return to the Board on December 10, 2025, after the necessary appraisal is received from the California Department of Transportation. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The East Otay Mesa Specific Plan Area (Specific Plan) was originally approved by the Board of Supervisors (Board) on July 27, 1994 (2). The Plan is a regulatory document that establishes standards for development, environmental conservation, and public facilities to implement the objectives of the County of San Diego General Plan. The most recent amendment to the Specific Plan was approved by the Board on March 17, 2021 (5).

Projects in the Specific Plan are required to construct all necessary roads to provide access to their site, ensuring the roads meet County standards and implement the Specific Plan. The Otay Business Park (Project) was approved by the Planning Commission on November 4, 2011. The Project required several improvements to off-site roads, including Siempre Viva Road. Siempre Viva Road is a planned four-lane major road in the County's General Plan and Specific Plan. The developer of the Project is required to improve Siempre Viva Road from Enrico Fermi Drive to the existing Caltrans bridge located at the eastern boundary of the project site. Siempre Viva Road, once fully improved, will ultimately connect the City of San Diego to the new planned Otay Port of Entry into Mexico.

A portion of the offsite improvements to Siempre Viva Road that are required as part of the Project are located on property owned by the State of California Department of Transportation (Caltrans). Caltrans cannot sell its excess property directly to a private party, unless such private party is the owner of adjoining property and certain findings are met, without conducting a public auction or calling for competitive bids. However, Caltrans can sell directly to the County without calling for competitive bids. Caltrans is willing to enter negotiations to sell approximately 0.81 acres known as DD 30305-01-01 and DD 30306-01-02 (collectively, Property) to the County which will allow the developer to complete the offsite improvements in accordance with the terms of the amended Joint Agreement to Improve Major Subdivision County of San Diego Tract No. 5505-1 (IA). Under the IA, the developer will pay all costs incurred by the County in connection with the acquisition of the Property, including the full purchase price. The developer will have until April 4, 2027, to complete the improvements to Siempre Viva Road, which are estimated at \$8,371,100.

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If the road is not constructed, traffic from the Otay Business Park project and other projects would use other existing roads, which would lead to increased traffic congestion in the area.

As part of the sale process to public entities, Caltrans has to sell Caltrans excess property for appraised fair market value, as determined by Caltrans approved appraisal. County staff have been waiting to receive Caltrans approved appraisal but due to unforeseen delays, the County has not received Caltrans' appraisal. Caltrans also requires the County to agree to a 15-year deed restriction limiting the use of the Property for public purposes. Caltrans manual provides that "public purposes" means that the preponderant area of the property will be used substantially for government, as opposed to proprietary functions. The intended specific use of the property in question must be stated in the resolution adopted by the Board and submitted to the California Transportation Commission (CTC) for approval. Government uses include services that only the government can perform (e.g., animal control, public library, policing). As such, a public road would meet Caltrans' and CTC's public purpose requirement.

Given the importance of completing the improvements to Siempre Viva Road, staff is requesting that the Board consider postponing the Board hearing to December 10, 2025, and directing the Clerk of the Board to provide notice of the December 10, 2025, hearing via publication and posting, in order to allow time for the appraisal to be completed by Caltrans so that the County of San Diego may enter into a purchase and sale agreement with Caltrans to purchase the Property, upon future approval from the Board, to facilitate the above-referenced developer-required improvements and to adopt a resolution declaring that the Property will be used for public purposes for 15 years.

ENVIRONMENTAL STATEMENT

The proposed action to set a hearing is not subject to California Environmental Quality Act (CEQA) because it is an administrative action and is not considered a Project as defined by CEQA and does not commit the County to a definite course of action under sections 15352 and 15004(b)(2)(A).

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the Initiatives outlined in the County of San Diego's 2025-2030 Strategic Plan. Specifically, the project proposes extending the hearing date to approve the acquisition of two Caltrans parcels to December 10, 2025. This will allow the applicant to construct the required improvements. This action aligns with the Economy initiative, which emphasizes the responsible use of County resources to maintain fiscal stability and ensure long-term solvency. Furthermore, by facilitating the acquisition of the Caltrans parcels, the proposal promotes economic opportunities for growth and development, supporting both individual and community prosperity through the full buildout of approved developments and associated businesses within the area.

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Respectfully submitted,



DAHVIA LYNCH
Deputy Chief Administrative Officer

ATTACHMENT(S)
N/A