

## **LEGISLATIVE DIGEST**

[Planning Code, Zoning Map, Street Vacation - Portions of Moraga and Noriega Avenues and Kensington Way]

**Ordinance ordering the summary street vacation of City property on unimproved street areas of Moraga and Noriega Avenues; finding the street vacation area is not necessary for the City's use; reserving easements related to support for the City-owned retaining wall from the street vacation properties and including other conditions to the street vacation; amending the Planning Code and Zoning Map to rezone the City property identified as Assessor's Parcel Block No. 2042, Lot Nos. 039-041 from P (Public)/OS (Open Space) to RH-2 (Residential Housing Two-family)/40-X, and to rezone parcels on Kensington Way adjacent to Vasquez Avenue shown on Assessor's Parcel Block No. 2923, Lot Nos. 010A and 024-027 from RH-1(D)/40-X to Public/Open Space; affirming the Planning Commission's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of the Planning Code, Section 101.1 and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

### **Existing Law**

This street vacation action includes two unimproved dead end portions of Moraga and Noriega Streets from 8th Avenue eastward toward 7th Avenue and Laguna Honda Boulevard (the "Street Vacation Area"). The Street Vacation Area is more particularly shown on Public Works SUR Map 2025-001 and 2025-002. To vacate a street, the City follows the procedures in California Streets and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a). The California Streets and Highways Code provides for a summary street vacation, which allows for expedited processing of street vacations if the City can make certain findings. The summary street vacation that is the subject of this ordinance is one step in a land exchange with a property owner where the owner will convey property along Kensington Way near Edgehill Mountain to the City for open space preservation and the City will convey the Street Vacation Area to the owner for development purposes. This transaction is set forth in an exchange agreement that the Board of Supervisors approved in Resolution No. 29-24. Another step in the land exchange is for the City to rezone all the property involved in the exchange based on its future use. The rezoning of property requires amendments to the Planning Code and Zoning Map along with various Planning Commission findings, including findings of consistency with the City's General Plan and Planning Code Section 101.1.

### **Amendments to Current Law**

By this ordinance, the Board of Supervisors would make findings required under State law and take actions required to summarily vacate the Street Vacation Area, and quitclaim the

City's interest in this Area to the owner of property on Kensington Way as part of the land exchange that the Board approved in Resolution No. 29-24. The street vacation would be subject to certain conditions, including the reservation of easements to support a City-owned retaining wall adjacent to the Street Vacation Area. The legislation would rezone all the property involved in the land exchange so that the Street Vacation Area would be zoned as RH-2 (Residential Housing Two-family)/40-X to allow residential development and the Kensington Way parcels would be zoned for public use/open space to preserve these areas in their undeveloped state. The ordinance would make environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1 as well as findings of public necessity under Planning Code Section 302.

n:\legana\as2025\2500111\01858084.docx