



San Francisco Public Works
General – Director’s Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 211953

Determination to recommend: 1) the summary street vacation of City property on unimproved street areas on dead end portions of Moraga and Noriega Avenues between 8th Avenue and 7th Avenue where it transitions to Laguna Honda Boulevard, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Public Works Code Section 787(a); 2) reserving easements related to the support for City-owned retaining walls from the street vacation properties; 3) quitclaiming the City’s interest in the street vacation area to Kensington Way, LLC and accepting deeds for exchange properties along Kensington Way, subject to certain conditions.

WHEREAS, The street vacation area on a dead-end portion of Noriega Avenue at 8th Avenue and 7th Avenue/Laguna Honda Boulevard is as depicted on San Francisco Public Works (“Public Works”) SUR Map 2025-001, dated July 17, 2025; and

WHEREAS, The street vacation area on a dead-end portion of Moraga Avenue and 8th Avenue is as depicted on Public Works SUR Map 2025-002, dated July 17, 2025 (collectively SUR Maps 2025-001 and 002 are referred to as the “Street Vacation Area”); and

WHEREAS, The City owns the property underlying the Street Vacation Area; and

WHEREAS, The only existing legally recognized structures on or adjacent to Street Vacation Area is a City-owned retaining wall and associated tiebacks and other appurtenances that will be subject to reserved easements for the benefit of the City. These reserved easements are referred to as the “Retaining Wall Support Easements”; and

WHEREAS, Kensington Way, LLC (the “Developer”), owns several parcels on Edgehill Mountain along Kensington Way (the “Kensington Way Parcels”). The hillside on which the Kensington Way Parcels are found has a variety of unstable soil conditions and has been impacted by landslides in the past; and

WHEREAS, The City intends to exchange the property underlying the Street Vacation Area (the “City Property”) with Developer’s Kensington Way property (the “Kensington Way Parcels”) so that the City can prevent further destabilization of the Kensington Way Parcels and preserve these Parcels as open space while allowing the Developer to construct residential units on the City Property. A land exchange agreement (the “Exchange Agreement”) that details the property exchange and various conditions related to it is further described in Board of Supervisors Resolution No. 29-24, on file with the Clerk of the Board of Supervisors in File No. 231261; and

WHEREAS, The Street Vacation Area: (a) is unnecessary for the City’s present or prospective public street, sidewalk, and service easement purposes, (b) with the exception of the reservation for Retaining Wall Support Easements regarding the City-owned retaining wall adjacent to the Street Vacation Area, the public interest, convenience, and necessity do not require any easements or other rights be reserved

for any public or private utility facilities that are in place in the Street Vacation Area and any rights based upon any such public or private utility facilities not specifically excepted shall be extinguished upon the effectiveness of the street vacation; and (3) in accordance with California Streets and Highways Code Sections 892 and 8314, the Street Vacation Area has never been used and is not useful as a nonmotorized transportation facility because the Street Vacation Area does not connect through to other streets, parts of it terminate on the top of a steep hillside, and there are alternative routes for such uses available in close proximity; and

WHEREAS, In order to protect the City's ability to maintain the City-owned retaining wall adjacent to the Street Vacation Area, including the wall's tie backs and appurtenances, Public Works recommends that the Board of Supervisors reserve the Retaining Wall Support Easements from the City quitclaims as a condition of the street vacation; and

WHEREAS, The Street Vacation Area may be summarily vacated according to California Streets and Highways Code Sections 8330, 8331, 8334, and 8334.5 because: (a) this area is a paper street that constitutes excess right-of-way which is no longer needed for street purposes now and in the future; (b) the street vacation would not (1) cut off all access to a person's property that adjoins the street or (2) terminate a public service easement; (c) the street area has been impassable to vehicular travel and has not been maintained using public funds for more than five consecutive years; and (d) there are no in-place public utility facilities that are in use or would be affected by the street vacation based upon Developer's compliance with the San Francisco Public Utilities Commission condition identified herein below; and

WHEREAS, The vacation is being carried out pursuant to San Francisco Public Works Code Section 787(a); and

WHEREAS, Pursuant to the California Streets and Highway Code Sections 8300 et seq., Public Works (Bureau of Surveying and Mapping) has initiated the process to vacate the Street Vacation Area; and

WHEREAS, Public Works sent notice of the proposed street vacation, a draft SUR Map drawing, and a Public Works referral letter to the San Francisco Public Works: Bureau of Urban Forestry, San Francisco Municipal Transportation Agency, the San Francisco Fire Department, the San Francisco Public Utilities Commission, the San Francisco Planning Department, AT&T Inc., Comcast Cable Corp., Lumen Technologies, Point to Point, Inc., XO Communications, Verizon Communications, Inc., CenturyLink / Level 3 Communications, Shasta Consulting Group, Inc., ExteNet Systems, Inc., and Pacific Gas and Electric; and

WHEREAS, No City agency, utility company, or other noticed recipient objected to the proposed vacation; and

WHEREAS, On April 22nd, 2024, the San Francisco Municipal Transportation Agency provided notice that they had reviewed and had no objections to the proposed vacation under the condition that the fronting property owner construct a sidewalk fronting the Moraga Vacation Area along 8th Avenue; and

WHEREAS, On May 30th, 2024, the San Francisco Fire Department provided notice that they had reviewed and had no objections to the proposed vacation; and

WHEREAS, On July 17th, 2024, the San Francisco Public Works: Bureau of Urban Forestry provided approval under the conditions that the following trees are to be protected and if removals is required, permit applications are to be submitted: 1) Siberian Elm, 2) California Buckeye, and 3) Oak; and

WHEREAS, On August 19th, 2024, the San Francisco Public Utilities Commission provided approval under the condition that the Developer abandon the 8-inch sewer main located within the Street Vacation Area near the intersection of Noriega Avenue and Laguna Honda Boulevard and plug the sewer where it connects to the sewer in Laguna Honda Boulevard; and

WHEREAS, The ordinance addressing the summary street vacation also rezones the City Property and Kensington Way Parcels according to their future uses. Consequently, the Planning Commission shall consider whether the entire ordinance, including both the street vacation and rezoning are consistent with the General Plan and Planning Code Section 101.1. This Planning Commission determination shall be included as part of the Board of Supervisors file on the ordinance;

NOW, THEREFORE, BE IT ORDERED THAT:

The Director hereby approves the following documents either attached hereto or referenced herein:

1. Ordinance to summarily vacate the Street Vacation Area
2. Vacation Area SUR Map No. 2025-001
3. Vacation Area SUR Map No. 2025-002

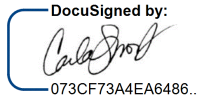
The Director recommends that the Board of Supervisors approve the ordinance to summarily vacate the Street Vacation Area.

The Director recommends that the Board of Supervisors to reserve easements related to the support for City-owned retaining walls from the street vacation properties.

The Director recommends that the Board of Supervisors to quitclaim the City's interest in the street vacation area, subject to conditions.

X  Signed by:
French, Eli
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French, Eli
City & County Surveyor

X  DocuSigned by:
Carla Short
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Short, Carla
Director of Public Works