

**CITY OF CAPITOLA  
Notice of Exemption**

**To:** ☒ Clerk of the Board  
County of Santa Cruz  
Governmental Center  
701 Ocean Street  
Santa Cruz, CA 95060

☒ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**From:** City of Capitola, Community Development Department, 420 Capitola Avenue, Capitola, CA 95010

**Project Title:** 4820 Opal Cliff Drive Emergency Repair Project      **Assessor's Parcel No.:** 034-463-01, -02, -03 and -04

**Project Address:** 4820 Opal Cliff Drive

**Project Location:** City of Capitola (see Figure 1)

**County of:** Santa Cruz

**Project Description:** The Project consists of an emergency repair plan to install a buried pin-pile retention system near the top of a coastal bluff that recently substantial retreat as a result of severe storms during January 2023, bringing the top of the bluff perilously close to undermining an existing residential condominium building. The design includes installation of 28 2-foot diameter piles with 18 58 foot-long tie-back anchors. The upper 4 feet of the pin piles would be "stitched" together with a reinforced grade beam. The pin-pile system would extend the full length of the existing condominium building.

**Name of Person or Agency Carrying Out Project:** Jon Khazam

**Name of Public Agency Approving Project:** City of Capitola

**Exempt Status: (check one)**

- ☐ Ministerial Project (Section 21080(b)(1); 15268).
- ☐ Categorically Exempt (Section 15301 and Section 15315).
- ☐ Declared Emergency (Section 21080(b)(3); 15269(a)).
- ☒ Emergency Project (Section 21080(b)(3)(4); 15269(a)(c)).
- ☐ Statutory Exemption (Code/Section \_\_\_\_\_).
- ☐ The project clearly will not have a significant effect on the environment (15061(b)(3)).

**Reasons Why Project is Exempt:** CEQA provides "statutory exemptions" that are applicable to certain projects and activities, as granted by the Legislature. CEQA under Public Resources Code (PRC) Section 21083(b)(3) and CEQA Guidelines Section 15269(a) allows exemption from CEQA for emergency projects under certain conditions. Specifically, these sections include projects carried out or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed. CEQA under PRC Section 21083(b)(3) and CEQA Guidelines Section 15269(c) also exempts specific actions necessary to prevent or mitigate an emergency.

The coastal blufftop on the Project site is currently within approximately 28 feet of an existing residential condominium complex as a result of a bedrock block failure of the bluff in January of 2023 and corresponding collapse of the overlying terrace deposits. According to geological and geotechnical investigations, this represents bluff loss on the order of 7 horizontal feet at this point since the position of the bluff was measured in 2020. Geological and geotechnical investigations were conducted to further evaluate the hazard and develop the Project design for bluff stabilization. The investigations found that the current position and geometry of the bluff is clearly over steepened. The investigations also found that marine terrace deposits exposed in the bluff would fail incrementally via raveling and erosion triggered by increased moisture content from terrestrial processes such as rainfall and perched groundwater seepage (at the contact between the marine terrace deposits and underlying Purisima Formation bedrock) out of the bluff face. A medium to large magnitude earthquake on one of the nearby faults may also trigger failure of both the bedrock and the soil out of the bluff.

The geotechnical investigation concluded that the process of bluff retreat on the property constitutes an imminent threat to the existing residential condominium complex. A buried, pin-pile retention system was recommended as an acceptable interim, emergency step to reduce the imminent threat to the building until a more permanent solution can be developed and approved. Thus, the construction of the buried pin-pile retention system to retain the upper bluff materials is being pursued as an interim, emergency step to reduce the imminent threat to an existing residential building until a more permanent solution can be developed and approved.

The 2022-23 winter was a heavy rainfall year, and January 2023 brought a significant high flow event, causing other significant damages to City infrastructure, including the Capitola Wharf. As a result of these storms, Santa Cruz County, as well as other counties in California, were declared disaster areas by the federal and state governments pursuant to the California Governor's proclamation on March 8, 2023 (DR-4683-CA) and a Presidential declaration of a major disaster for the State of California (FEMA-4699-DR) on April 3, 2023.

In accordance with CEQA under PRC Section 21080(b)(3) and CEQA Guidelines Section 15269(a), the Project would be undertaken with the approval of the City of Capitola to maintain property damaged as a result of a disaster in a disaster-stricken area in which a state of emergency had been proclaimed by the Governor. The Project provides for the installation of the emergency bluff retention system due to significant coastal bluff retreat that occurred as a result of this declared disaster, and which presents an imminent threat to an existing residential condominium building.

Additionally, CEQA under PRC Section 21080(b)(4) and CEQA Guidelines Section 15269(c) allows for specific actions to prevent or mitigate an emergency. The Project is necessary to prevent or mitigate an emergency as the existing condominium structure is in imminent danger if further bluff erosion occurs as a result of winter storms and/or earthquake. The Project is an action that is needed to prevent further coastal bluff retreat and protect an existing residential building from an emergency that could arise as a result of additional bluff retreat.

Therefore, the City of Capitola is able to document that the Project qualifies for the Statutory Exemption found at CEQA under PRC Sections 21080(b)(3)(4) and CEQA Guidelines Sections 15269(a)(b), which allow emergency projects under certain specified conditions.

**Lead Agency**

**Contact Person:** Brian Froelich, Senior Planner

**Phone:** (831) 475-7300 x 259

**Department:** Community Development

**Address:** 420 Capitola Avenue  
Capitola, CA 95010

**Signature:** \_\_\_\_\_

**Title:** Senior Planner

**Date:** \_\_\_\_\_

- ☒ Signed by Lead Agency  
☐ Signed by Applicant

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Date Received for filing at County Clerk: \_\_\_\_\_

Date Received for filing at OPR: \_\_\_\_\_

FIGURE 1: Project Location



SITE LOCATION