

CALIFORNIA COASTAL COMMISSION

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CD-0001-19

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**APPENDIX B: May 13, 2019 supplemental information from the
Trinidad Rancheria regarding scenic resources and
viewshed**

Trinidad Rancheria Responses to Coastal Commission Staff Report
Regarding Coastal Consistency Determination CD-0001-19

VIEW SHED

Summary of Staff Recommendations:

Page 1, Paragraph 1: Introduction

The Staff report indicated “The BIA has submitted a consistency determination for a loan guarantee and management contract to enable the Trinidad Rancheria to build a hotel adjacent to the Cher-Ae Heights Casino.”¹

Trinidad Rancheria Response

We would like to expand on the reason for the EA and share the following information:

As indicated in the Environmental Assessment Introduction, Section 1.1, the Bureau of Indian Affairs (BIA), Division of Real Estate Services reviews and approves leases on lands held in Trust by the Department of the Interior. The Trinidad Rancheria has submitted an application and the necessary documentation to approve the lease of trust land for the purposes of the hotel. The lease application requires an Environmental Assessment as part of the documentation and approval process. Additionally, The BIA, Office of Indian Energy and Economic Development, Division of Capital Investment, oversees the implementation of the Indian Loan Guaranty Program. The Loan Guarantee program will provide the necessary capital to build the Hotel.

This is an important clarification that we request be included in the Staff Report. It highlights the emphasis the BIA and the Federal Government place on Indian Self -Determination policies inherent in the Indian Financing Act of 1974 and economic development funding made available to Tribes. Indian Self-Determination policy mandates that Indian actions and Indian decisions shall determine the Indian future. Tribes must be able to provide for their tribal communities through economic development.

Page 2, Paragraph 1 – View Shed

The Staff Report indicated, “The Proposed hotel would be five stories tall, and it would rise approximately 64 feet in height above the floor of the existing Casino. It would be the tallest building by at least 30 feet in Trinidad and the surrounding area where single and two-story buildings for residential and commercial use predominate. The hotel would be visible from Trinidad Head and the Trinidad Harbor area, very popular visitor destinations that provide views of mostly undeveloped forested coastline and ocean. For these reasons, the staff recommends the

¹Environmental Assessment – Trinidad Rancheria Economic Development Corporation – Hotel Development Project, September 2018, Section 1.1, pg. 1-1

Commission find that the proposed hotel as describe in the BIA Consistency determination **is inconsistent** with Section 30251 and 30253(e) of the Coastal Act, since it does not protect views to and along the ocean and scenic coastal areas and is not visually compatible with the character of surrounding areas. Staff recommends the Commission find that it would be possible to bring this project into compliance with the California Coastal Management Program (CCMP) if BIA implements the following measures:

- 1) Include hotel heights, siting, and/or other design elements that ensure that the proposed hotel is visually compatible with the visual character of its surrounds and protects the views from Trinidad Head and Trinidad Harbor. This could be accomplished by one or a combination of the following: reducing the height of the hotel, relocating all or a portion of the hotel to other areas on the Trinidad Rancheria property, and or the use of exterior design elements that further reduce the prominence of the proposed hotel”

Trinidad Rancheria Response

The Rancheria asked TBE Architects and Wright, Inc. to address the Commission’s concerns related to hotel height, siting and design. As you know, the hotel design has changed since the draft EA was released. These changes were prompted by the very concerns the Commission staff raised in its March Report. The original design narrative is below:

The exterior of the new hotel has been designed to respect the local context and is inspired by the unique architectural aesthetic of the Northwest. The overall massing utilizes a combination of hip and shed roof forms along with offsets in the building façade due to differences in guestroom depth. These offsets are further accentuated by utilizing several different colors of both horizontal lap siding and vertical board & batten style cladding. This creates a facade that compliments the more residential scale of the context. Areas of rustic stacked stone and exposed timber details add a natural component to the palette that reinforces the Northwestern character and blends perfectly with the heavily wooded surroundings.

The Tribe and its Economic Development Corporation – TREDC – have worked closely with TBE Architects, and the **new design for the hotel** is described below:

The hotel has been sited to overlap the existing structure as much as possible in part, to minimize the appearance of additional development on the site. The design has also been revised with a smaller grade level building footprint to better fit within the topography. This in turn lowers the perceived height of the building above the adjacent grade by one floor at the South end of the exposed façade. The changing grade results in an overall height of 78.5’ vs. 65.5’ on the North and South ends respectively.

The materials used on the exterior consist of natural stone veneer, lap siding and vertical siding in multiple earth toned colors. Several roof planes have been sloped back from the

exposed elevations minimizing the amount of visible roof surface and larger overhangs create greater depth of shadow on the building face. The natural coloration along with offsets in the building face and roofline all help to break up the perceived overall size of the building.

The Rancheria and its architects have created a design for the hotel that is Pacific Northwest in character, and is compatible with the natural environment and surrounding coastal area. The use of exterior design elements that further reduce the prominence of the proposed hotel as recommended by the Commission staff has been seriously contemplated, and the technical staff have recommended the following mitigations to the viewshed:

- 1) Existing buildings and rooftops, including the casino, water tank, wastewater treatment facility, and maintenance shop will be painted with natural colors of brown and green to minimize the effect on the viewshed from the Harbor Properties.
- 2) Preservation of old growth trees wherever possible.
- 3) Replanting of trees to minimize focus on the hotel (front of hotel facing Scenic Drive).
- 4) Landscaping to minimize asphalt and concrete retaining walls.

Below are more detailed descriptions of our proposed mitigations.

New Retaining walls

There will be two types of retaining walls in the hotel project. Concrete retaining walls only at areas where they are part of the Hotel Structure. This is approximately forty feet of concrete wall that will be visible only from the Ocean view. This concrete wall has an approximate visible face of three feet in height. The exposed face of the concrete wall will be concealed by new landscaping, as well as the existing tall trees. The other retaining wall type is a Mechanically Stabilized Earth (MSE) wall or welded wire wall retaining system, such as a Hilfiker wall. These walls are best described as a welded wire cage with rock fill, these walls use natural materials, have a natural earth tone appearance and work well with vine like vegetation allowing them to blend well into the hillside. (See attached Viewshed Diagram for location, type, visible face and extent of the retaining walls).

Existing and New Landscaping

While every effort will be taken to minimize the impact of the new hotel construction on the landscape some areas immediately surrounding the hotel will be disturbed. The design team adjusted the driveway locations to minimize tree loss and anticipate the loss of just two significant trees which are within the hotel footprint. The areas disturbed by hotel construction will have new native landscaping including; trees, shrubs, ground cover installed. Existing trees to remain will be protected by the contractor during construction to help insure their survival.

(See attached Viewshed Diagram for location and extent of landscaping and trees to be removed and to remain).

Low Impact Development

Low Impact Development (LID), refers to systems and practices that use or mimic natural processes or predevelopment, hydrologic cycles by using design techniques and best management practices (BMPs) that infiltrate, filter, store, evaporate, and detain runoff close to its source in order to protect water quality and associated aquatic habitat. LID controls stormwater through integrated systems of decentralized, small, and generally cost-effective features. These practices, taken in aggregate, limit the observed onsite changes in hydrology resulting from development and present a comprehensive, efficient and beneficial stormwater management approach.

The Rancheria also plans to create rain gardens as a way to enhance the aesthetic of the hotel and create a more natural environment. Bioretention swales, also known as rain gardens, incorporate mulch, soil and plants to retain stormwater and filter pollutants within it. Rain gardens may range from simple shallow depressions to more complex designs, but all are structurally engineered to provide interception/capture, infiltration, filtration, storage, and water uptake by vegetation with respect to stormwater quantity control. Bioretention swales function by taking advantage of a variety of natural physical, biological, and chemical treatment processes.

On October 18, 2018, the Coastal Commission sent a comment letter to the BIA regarding the EA. Per that letter, the Tribe has provided photos from the eight viewpoints as requested by the Commission Staff. The Staff letter stated, “This analysis should include... visual rendering showing the appearance of the proposed hotel from important public view vantage points. We would recommend, at a minimum, visual simulations from the following locations:

- 1) The public trail on the east side of Trinidad Head
- 2) The seaward end of Trinidad Pier
- 3) The parking lot at Trinidad Harbor
- 4) The intersection of Trinity St. and Edwards St. in Trinidad
- 5) Scenic Drive
- 6) The southern point of Baker Beach, located immediately north of Sotsin Pt.
- 7) Luffenholtz Beach County Park
- 8) The Vista Point west of Highway 101 at the McKinleyville Airport.”²
- 9) *Newly Requested: Ocean vantage point, from the water, directly west
- 10) *Newly Requested: Cher-Ae Heights Casino parking lot

² California Coastal Commission letter to Amy Dutschke, BIA Pacific Regional Director, October 18, 2018, RE: Coastal Commission Comments to EA.

The Tribe, with the assistance of Pacific Watershed Associates, has been able to photograph the eight viewshed points as they appear now without the hotel photo-shopped in. This is an important addition to information previously submitted because the latest photos demonstrate that the existing Casino property is only minimally visible from Trinidad Head and the Harbor Properties. As you are aware, the Trinidad Rancheria owns the Harbor Properties and is extremely cognizant of the importance of this area. Thousands of tourists as well as and local community members visit our Properties each year. The Tribe, in coordination with Wright, Inc, and TBE Architects, are submitting new renderings in this report that are based on actual camera photos that were taken from public view vantage points listed above. The Tribe is also submitting new photos from the ocean vantage point, which is on the water and directly west of the project and from the Cher-Ae Heights Casino parking lot. These photos were requested by Coastal Commission after a meeting with senior staff about the project. (See all Photo Attachments).

The previous renderings submitted were not representative of actual views. Those photos were created from Google Earth and did not detail the topography, specifically forests and slopes, accurately. The rendering of the box hotel in the Google Earth depictions was out of proportion and misleading. We formally request that previous renderings be disregarded and not be considered as part of the Commission's review. We apologize for the inaccurate information and regret the misinformation that led to inappropriate conclusions.

The Tribe will work closely with the Commission to coordinate all mitigations regarding the hotel impacts on the viewshed and have already begun to do so. We have worked diligently with our architects to reduce the height of the hotel by one full story. Our new design now reflects a hotel which will consist of two levels of concrete podium, having one level below grade and four levels of wood framing above grade.

Finally, relocation of the hotel is not a viable alternative. The Tribe does not have any other land available on the Rancheria Trust Property. Locating the hotel adjacent to the Casino is not only the preferred alternative, but it is the only alternative. We would also like to respectfully request the Commission and its staff take into consideration that Trinidad Rancheria lost trust lands in the past due to the construction of Highway 101. In 1962, when the current layout of Highway 101 was constructed, it bisected the Rancheria on the north eastern corner which left nine-acre parcel on the eastern side of Highway 101. This parcel was subsequently disposed of by the BIA because an adjacent land owner refused to give the Rancheria the necessary right-of-way. The lost acreage was never replaced by the BIA.

Section 30251 of the Coastal Act aims to protect the scenic and visual qualities of coastal areas considered to be of public importance. More specifically, the Act states "Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of

surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.” (Coastal Act, Ch. 3).

Trinidad Rancheria Response

The Rancheria will design the hotel to protect views along the ocean and scenic coastal areas and minimize the alteration of natural land forms as stated above. The Tribe is willing to make a formal commitment as part of this concurrence to continually protect and enhance the ocean views as part of our cultural and environmental stewardship responsibilities. Further, the Tribe will work closely with the Commission to coordinate all mitigations regarding the hotel impacts on the viewshed.

Section 30235(e) of the Coastal Act aims to protect special communities and neighborhoods that are unique, and that are popular with visitors and recreational users. (Coastal Act, Ch. 3).

Trinidad Rancheria Response

The Harbor Properties owned and operated by the Rancheria include a restaurant, a vacation rental, a fully operational commercial fishing pier, and a recreational fishing boat launch. Each of these properties are extremely important to visitors seeking unique coastal experiences and recreational opportunities. Not only does the Coastal Act aim to protect special communities that are unique, but the Rancheria actively protects this area as part of our cultural and environmental stewardship. Since purchasing this property in 2000, the Rancheria has taken properties once filled with hazardous waste and in need of considerable mitigation, and restored them to a truly vibrant landscape that honors the past and provides recreational opportunities for current visitors. Recognizing the number of visitors who come to the Harbor and nearby beaches each year, the Tribe built community restrooms at no cost to the public so they are able to better enjoy the Pacific Ocean and Trinidad Head as well as the local beaches.

Another consideration not mentioned in the staff report is the uniqueness of this property being owned by a Native American Tribe with descendants from the ancient Tsurai Village site adjacent to Trinidad Harbor. The Tribe will continue to protect the Harbor Properties and is committed to continuous protection for generations to come.

The Trinidad Rancheria has demonstrated their respect for this property and those who use it in many ways – culturally, environmentally, and economically. The Tribe works very hard to ensure that anyone visiting the Harbor has the unique experience one would expect to have in a beautiful Northern California coastal town.







































Viewshed Diagram - Not to Scale

