

4.1 AESTHETICS

This chapter describes the existing aesthetic character of the Specific Plan Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed project. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project, describes potential impacts, and discusses existing and proposed goals, policies, and implementation programs and zoning regulations that would avoid or reduce those potential impacts.

4.1.1 ENVIRONMENTAL SETTING

4.1.1.1 REGULATORY FRAMEWORK

State Regulations

California State Scenic Highways Program

California's Scenic Highway Program was created by the State legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State laws governing the Scenic Highways Program are found in the Streets and Highways Code, Sections 260 through 263. The California Scenic Highway Program is maintained by the California Department of Transportation (Caltrans). Caltrans has not designated any highway within the Specific Plan Area as a State scenic highway. Interstate 580 (I-580), located approximately 0.7 miles north of the Specific Plan Area, is an eligible State scenic highway. The nearest officially designated scenic highway is located within a portion of I-580 approximately 5.5 miles north of the Specific Plan Area.¹

California Building Code

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations, commonly referred to as the "California Building Code" (CBC). The CBC is located in Part 2 of Title 24. The CBC is updated every three years, and the current CBC went into effect in January 2016. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The 2016 CBC has been adopted for use by the City of Hayward, according to Section 9-1.00 of the Hayward Municipal Code.² The California Building Code includes standards for outdoor lighting that are intended to improve energy efficiency, and to reduce light pollution and glare by regulating light power and brightness, shielding, and sensor controls.

¹ California Department of Transportation, California Scenic Highway Mapping System, http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm, accessed on January 24, 2018.

² City of Hayward Municipal Code, Chapter 9, Building Regulations, Article 1, Building Code of the City of Hayward, Section 9-1.00, 2016 California Building Codes, Adoption by Reference.

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California Building Code: CALGreen

On July 17, 2008, the California Building Standards Commission adopted the California Green Building Standards Code (Part 11, Title 24, known as “CALGreen”) as part of the CBC. CALGreen established building standards aimed at enhancing the design and construction of buildings through the use of building concepts that have a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. Specifically, Section 5.106.8, Light Pollution Reduction, establishes Backlight, Uplight, and Glare ratings to minimize the effects of light pollution for nonresidential development. The mandatory provisions of the CALGreen standards became effective January 1, 2011 and are enforced through the local building permit process.

Local Regulations

Alameda County General Plan

The Alameda County General Plan contains a Scenic Route Element that designates I-580, I-880 (Nimitz Freeway), and State Route (SR) 92 (Jackson Freeway) as scenic routes. Within the Specific Plan Area, SR 92 is identified as a proposed scenic route, rather than an existing designated scenic route.

Looking Forward Hayward 2040 General Plan

The City of Hayward 2040 General Plan, adopted in July 2014, includes goals, policies, and programs intended to avoid or reduce impacts on visual resources in the Land Use (LU), Mobility (M), Economic Development (ED), Natural Resources (NR), Community Health and Quality of Life (HQL), and Public Facilities and Services (PFS) Elements. As described in the General Plan EIR, in most cases, no one goal, policy, or implementation program itself is expected to completely avoid or reduce an identified potential environmental impact.³ However, the collective, cumulative mitigating benefits of the policies listed below are intended to reduce aesthetic-related impacts. Specific goals and policies are described in Section 4.1.3, Impact Discussion, to demonstrate how the policy would avoid or reduce the impact.

The following goals and policies are relevant to the analysis of potential aesthetics impacts within the Specific Plan Area:

- **Goal LU-1:** Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions.
 - **Policy LU-1.7 Design Guidelines:** The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.
- **Goal LU-2:** Revitalize and enhance Hayward’s Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city’s job centers and regional transit facilities.

³ City of Hayward, 2014, City of Hayward 2040 General Plan certified EIR, State Clearinghouse Number 2013082015.

- **Policy LU-2.4 Downtown Retail Frontages:** The City shall require retail frontages and storefront entrances on new and renovated buildings within the “retail core” of Downtown Hayward, which includes properties along:

 - “A” Street between Mission Boulevard and Foothill Boulevard
 - “B” Street between Watkins Street and Foothill Boulevard
 - “C” Street between Mission Boulevard and Foothill Boulevard
 - Main Street between “A” Street and “C” Street
 - Mission Boulevard between “A” Street and “C” Street
 - Foothill Boulevard between “C” Street and City Center Drive

This policy does not apply to historic buildings that were originally designed without a retail frontage or storefronts.

- **Goal LU-3:** Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities.

 - **Policy LU-3.6 Residential Design Strategies:** The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by:

 - Creating a highly connected block and street network.
 - Designing new streets with wide sidewalks, planting strips, street trees, and pedestrian-scaled lighting.
 - Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces.
 - Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front facade of the home.
 - Locating parking facilities below or behind apartment and condominium buildings.
 - Enhancing the front facade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios.
 - Ensuring that windows are provided on facades that front streets or public spaces.

 - **Policy LU-3.7 Infill Development in Neighborhoods:** The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

- **Goal LU-4:** Create attractive commercial and mixed-use corridors that serve people traveling through the city, while creating more pedestrian-oriented developments that foster commercial and social activity for nearby residents and businesses.

 - **Policy LU-4.3 Mixed-Use Developments within Commercially-Zoned Properties:** The City shall allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses.

 - **Policy LU-4.4 Design Strategies for Corridor Developments:** The City shall encourage corridor developments to incorporate the following design strategies:

 - Widen and improve public sidewalks to accommodate street trees, pedestrian-scaled lighting, and streetscape furniture. When sidewalks cannot be widened within the public right-of-way,

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the City shall encourage developers to extend sidewalk improvements on private property to create room for improvements.

- Place buildings and outdoor gathering and dining spaces along or near the public sidewalk of the corridor.
 - Locate parking lots to the rear or side of buildings or place parking within underground structures or above-ground structures located behind buildings.
 - Design commercial and mixed-use buildings with articulated facades and transparent storefront entrances that front the corridor.
 - Design residential buildings with articulated facades and entries that front the corridor.
 - Enhance commercial and mixed-use building facades with awnings, shade structures, pedestrian-oriented signage, decorative lighting, and other attractive design details and features.
 - Enhance residential building facades with stoops, porches, balconies, and other attractive design details and features.
- **Policy LU-4.5 Massing, Height, and Scale:** The City shall require corridor developments to transition the massing, height, and scale of buildings when located adjacent to residential properties. New development shall transition from a higher massing and scale along the corridor to a lower massing and a more articulated scale toward the adjoining residential properties.
 - **Policy LU-4.11 Streetscape Enhancements:** The City shall strive to improve the visual character of corridors by improving streetscapes with landscaped medians, and widened sidewalks that are improved with street trees, pedestrian-scaled lighting, underground utilities, landscaping, and streetscape furniture and amenities.
- **Goal LU-9:** Provide quality public and quasi-public uses that benefit residents and businesses and enhance the city's overall quality of life and economic viability.
 - **Policy LU-9.1 Design of City Public Facilities:** The City shall ensure that all City-owned facilities are designed to be compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located.
 - **Policy LU-9.2 Design of Non-City Public Facilities:** The City shall coordinate with school districts, park districts, utility providers, and other government agencies that are exempt from local land use controls to encourage facility designs that are compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located.
 - **Goal M-3:** Provide complete streets that balance the diverse needs of users of the public right-of-way.
 - **Policy M-3.6 Context Sensitive:** The City shall consider the land use and urban design context of adjacent properties in both residential and business districts as well as urban, suburban, and rural areas when designing complete streets.
 - **Policy M-3.11 Adequate Street Tree Canopy:** The City shall ensure that all new roadway projects and major reconstruction projects provide for the development of an adequate street tree canopy.
 - **Goal M-5:** Provide a universally accessible, safe, convenient, and integrated pedestrian system that promotes walking.

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- **Policy M-5.5 Streetscape Design:** The City shall require that pedestrian-oriented streets be designed and maintained to provide a pleasant environment for walking including shade trees; plantings; well-designed benches, trash receptacles, and other furniture; pedestrian-scaled lighting fixtures; wayfinding signage; integrated transit shelters; public art; and other amenities.
- **Goal ED-5:** Encourage economic investment by enhancing the image and reputation of Hayward.
 - **Policy ED-5.5 Quality Development:** The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.
- **Goal NR-1:** Protect, enhance, and restore sensitive biological resources, native habitat, and vegetation communities that support wildlife species so they can be sustained and remain viable.
 - **Policy NR-1.7 Native Tree Protection:** The City shall encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development.
- **Goal NR-6:** Improve overall water quality by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources.
 - **Policy NR-6.15 Native Vegetation Planting:** The City shall encourage private property owners to plant native or drought-tolerant vegetation in order to preserve the visual character of the area and reduce the need for toxic sprays and groundwater supplements.
- **Goal NR-8:** Enhance, preserve, and increase the aesthetic qualities of Hayward’s undisturbed natural hillsides and shoreline, and designated scenic transportation corridors.
 - **Policy NR-8.3 Scenic Transportation Corridor Protection:** The City shall protect the visual characteristics of transportation corridors that are officially designated as having unique or outstanding scenic qualities, including portions of I-580, I-880, and SR 92.
- **Goal HQL-8:** Maintain, enhance, and increase the city’s urban forest as an environmental, economic, and aesthetic resource to improve Hayward residents’ quality of life.
 - **Policy HQL-8.1 Manage and Enhance Urban Forest:** The City shall manage and enhance the urban forest by planting new trees, ensuring that new developments have sufficient right-of-way width for tree plantings, managing and caring for all publicly owned trees, and working to retain healthy trees.
 - **Policy HQL-8.3 Trees of Significance:** The City shall require the retention of trees of significance (such as heritage trees) by promoting stewardship and ensuring that project design provides for the retention of these trees wherever possible. Where tree removal cannot be avoided, the City shall require tree replacement or suitable mitigation.
- **Goal PFS-8:** Ensure the provision of adequate gas and electric services to Hayward residents and businesses, and ensure energy facilities are constructed in a fashion that minimizes their impacts on surrounding development and maximizes efficiency.

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- **Policy PFS-8.5 Undergrounding New Utility Lines:** The City shall require that all new utility lines constructed as part of new development projects are installed underground or, in the case of transformers, pad-mounted.
- **Policy PFS-8.6 Undergrounding Existing Utility Lines:** The City shall encourage the undergrounding of existing overhead facilities.

Hayward Municipal Code

The City regulates building standards in the Zoning Code of the Hayward Municipal Code (HMC).⁴ The Zoning Code also establishes design and performance standards. A general provision in Section 10-1.150, Nuisance, of the Zoning Code is that no use or expansion of an existing use shall be conducted in a manner that creates a nuisance, including glare.⁵ The Zoning Code also requires that exterior lighting and parking lot lighting in the Medium Density Residential, High Density Residential, Industrial, and several Commercial Districts be designed, erected, and maintained so that it does not cast light or glare on adjacent properties or public rights of way.

The HMC also regulates light and glare through Section 10-2.640, Design Standards for Parking and Loading Spaces, Light and Marking, which requires that parking facilities be adequately lighted for safety and security, with a minimum of 1-foot candle of light across the entire parking area surface. Exterior lighting shall be designed, erected, and maintained so that light and glare are not directly cast on adjacent properties or public rights of way.⁶

Height standards may be set forth in the HMC, however, maximum height standards vary by the type of development being proposed and are independent of specific zoning districts. Figure 4.1-1 illustrates the various height limits that are currently permitted in the Specific Plan Area. As shown, height limits that are currently permitted range from 42 feet to 173 feet.

Site Plan Review, if required, is identified in the applicable zoning district. Development in Hayward requires Site Plan Review for projects where the Planning Director determines that the development would materially alter the appearance and character of the property or area or if it may be incompatible with City policies, standards and guidelines. Site Plan Review includes design review of all proposed structures, fencing, signs, and landscaping.

Hayward Landscape Beautification Plan

The *Landscape Beautification Plan* is a master plan for streetscape improvements along the major thoroughfares of the city of Hayward. *The Landscape Beautification Plan* furthers the General Plan goal to develop a positive and distinctive image to be enjoyed by residents and projected to the surrounding region. *The Landscape Beautification Plan* addresses 12 major streets throughout the city.

⁴ City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions.

⁵ City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 1, Zoning Ordinance, Section 10-1.150, Nuisance.

⁶ City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 2, Off-Street Parking Regulations, Section 10-2.640, Design Standards for Parking and Loading Spaces, Light and Marking.

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4.1.1.2 EXISTING CONDITIONS

The following information is taken in part from the *Existing Conditions and Opportunities Analysis* prepared for the Specific Plan Area. This report is included as Appendix B of this Draft EIR.

Visual Character

Key elements that contribute to the visual character of the Specific Plan Area are the historic core, Mission Boulevard and Foothill Boulevard corridors, traffic “loop” that surrounds the core retail area, BART station and elevated tracks, San Lorenzo Creek and Coyote Creek corridors, and Downtown gateways. Each of these elements is discussed below. Additionally, Figure 4.1-2 distinguishes the locations of each visual feature included in the visual character discussion.

A number of architecturally prominent buildings were erected in Downtown Hayward in the first few decades of the 1900s. The area east of Atherton Street between A Street and D Street/Jackson Street is the historic core of Downtown Hayward, which was platted in the mid-19th century. Of all Downtown corridors, B Street between Watkins Street and Foothill Boulevard features the most pedestrian-oriented streetscape. This segment of B Street was improved in 2004, and includes extended landscaped bulb outs, mid-block crossings, public art, and a range of pedestrian amenities. Since buildings within Downtown are not typically set back from the street, the bulb outs also create a buffer between pedestrians and vehicular traffic and provide a space for gathering. These areas contain a range of street furniture including benches, low walls, and tables and chairs. Aside from B Street, the pedestrian environment of the downtown core has undergone changes in recent years with construction of the loop, which has included new sidewalks along Foothill Boulevard and portions of side streets; new crosswalks; new gateway features; new pedestrian-scaled LED (light-emitting diode) street lighting; and new landscaping, including 300 new street trees. While these improvements enhance the pedestrian realm, other improvements related to the loop may detract from pedestrian comfort and safety, as the new one-way streets have faster speeds than two-way streets and traffic signals are set to keep traffic flowing, resulting in lengthened wait times at some crosswalks for pedestrians.

Mission and Foothill Boulevards are major regional corridors which pass through the Specific Plan Area and largely bisect the Specific Plan Area. From A Street to Foothill Boulevard, Mission Boulevard forms the western edge of the loop and is a one-way southbound street with four to five vehicular travel lanes. North and south of the loop, Mission Boulevard is a two-way street with four to six lanes. North of A Street, Mission Boulevard does not provide any landscaping and street lighting is not designed for the pedestrian scale. South of A Street, Mission Boulevard has been more recently updated, with street trees, pedestrian-scaled lampposts, and generally wider sidewalks.

Foothill Boulevard consists of five to six vehicular lanes and supports higher speeds than other Downtown Roadways. As both a local street and part of SR 238, Foothill Boulevard carries heavy commuter and local traffic. Foothill Boulevard essentially bisects the Downtown. Foothill Boulevard largely separates residential neighborhoods south of C Street from the Downtown core area and BART station area. While it has street lighting and signature crosswalks, Foothill Boulevard offers little buffer between the pedestrian realm and the vehicular right of way. North of A Street, Foothill Boulevard contains a landscaped median between the north and south vehicle lanes but does not contain any landscaping in the pedestrian realm.

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Between A and C streets, street trees are planted along Foothill Boulevard in tree grates at intervals of approximately 20 feet. South of C Street, street trees and sidewalk widths along Foothill Boulevard are irregular. Both regional and local traffic are routed along a counterclockwise, one-way circulation loop along Foothill Boulevard, A Street, and Mission Boulevard that encompasses six blocks of the Downtown. Construction of the loop was part of the *Route 238 Corridor Improvement Project*, a project that was completed in 2013 and converted two-lane segments of these roadways into one-way roads.

The elevated BART tracks and the at-grade railroad tracks pass through the southwestern portion of the Specific Plan Area. The tracks form a visual barrier and create a shaded environment in its immediate environs. In some areas, the tracks are elevated above roadways at roughly the same height as a one-story building. In other areas, roadways are depressed to cross below grade under the tracks.

The creeks system is a prominent natural feature within the Specific Plan Area. San Lorenzo Creek runs east-west through the northern end of the Planning Area. It is culverted under rights of way, but its banks are a protected open space. Coyote Creek runs north-south between the Japanese Gardens and the adjacent multi-family residential development, meeting San Lorenzo Creek in De Anza Park.

Four gateway areas serve as visual markers that enhance the identity of Downtown as a district and create a sense of place. Two green arches – one at D and Main Streets and one at the intersection of Mission Boulevard and Jackson Street – welcomes northbound motorists entering the loop at the junction of Mission Boulevard and Jackson Street. A second gateway is located at the northeast corner of the intersection of Mission Boulevard and A Street, also on the loop, and consists of a low wall imprinted with “Downtown Hayward” against a mural backdrop. A third gateway is located farther north, where Foothill Boulevard intersects Hazel Avenue, where crosswalks designed as piano keys create a playful gateway into the Downtown. Lastly, a green arch at Foothill Boulevard and A Street marks the entry point into the retail core for southbound traffic along Foothill Boulevard.

Scenic Views

Due to the built-out nature of the Specific Plan Area and its relatively flat topography, the Specific Plan Area does not offer any sweeping scenic vistas. Most of the Specific Plan Area is relatively flat, sloping uphill east of Mission Boulevard and south of A Street, with a high point at 2nd Street and E Street and an overall difference in elevation of about 60 feet. From this high point, westward views offer a narrow, far-field view of ridgelines on the opposite side of the San Francisco Bay.

The City’s General Plan identifies views of hillsides, open space, and the San Francisco Bay shoreline as scenic views to be protected within the city. The City’s Design Guidelines aim to protect views of the Hayward Hills, permanent open space, San Lorenzo Creek, the Japanese Garden, and other orienting features or landmarks such as All Saints Church (located at the corner of 2nd Street and D Street). Views of each of these scenic features from the Specific Plan Area are discussed below:

- **Hillsides.** Scenic views from the Specific Plan Area to distant scenic resources such as ridgelines and hillside open space are largely intermittent and are limited to views down corridors, from intersections, or across vacant sites. Within the Specific Plan Area, eastward views of the Hayward Hills are intermittent and are largely blocked by existing buildings and trees.

- **San Francisco Bay.** The Bay shoreline is not viewable from the Specific Plan Area.
- **Creeks.** Views of San Lorenzo Creek and Coyote Creek are only available from adjacent properties and viewpoints in the immediate vicinity of the creek corridors.
- **Japanese Garden.** Views of the Japanese Garden are only available from adjacent properties and viewpoints in the immediate vicinity of the building.
- **All Saints Church and Other Prominent Buildings.** Due to the higher height of All Saints Church in comparison to nearby buildings, and the topography of the area with the church at a higher elevation than areas to the north and west, views of All Saints Church are available within a few blocks of the church. Other architecturally prominent buildings throughout the Specific Plan Area are similarly best viewed from the immediate vicinity.

Light and Glare

Light pollution refers to all forms of unwanted light in the night sky around and above developed urban areas, including glare, light trespass, sky glow, and over lighting. Views of the night sky are an important part of the natural environment. Excessive light and glare can also be visually disruptive to humans and nocturnal animal species, and often reflects an unnecessarily high level of energy consumption. Light pollution has the potential to become an issue of increasing concern as new development contributes additional outdoor lighting installed for safety and other reasons.

Downtown Hayward is an urbanized area that includes a variety of residential, commercial, and public uses. Existing sources of light and glare in the Specific Plan Area are similar to those that would be found in any urbanized area, and include streetlamps, parking lot lighting, storefront and signage lighting, car headlamps, and interior lighting visible through windows.

4.1.2 STANDARDS OF SIGNIFICANCE

Implementation of the proposed project would result in a significant aesthetic impact if it would:

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
3. Substantially degrade the existing visual character or quality of the site and its surroundings.
4. Expose people on- or off-site to substantial light or glare, which would adversely affect day or nighttime views in the area.

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4.1.3 IMPACT DISCUSSION

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| AES-1 | Implementation of the proposed project would not have a substantial adverse effect on a scenic vista. |
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Future development under the proposed project would have the potential to affect scenic vistas if new or intensified development blocked views of areas that provide or contribute to such vistas. Potential effects could include blocking views of a scenic vista from specific publically accessible vantage points or the alteration of the overall scenic vista itself. Such alterations could be positive or negative, depending on the characteristics of individual future developments and the subjective perception of observers.

Scenic vistas are views of a specific scenic feature and are generally interpreted as long range views. As stated in Section 4.1.1.2, Existing Conditions, the City identifies views of hillsides, open space, and the San Francisco Bay shoreline as scenic views to be protected in the City. The City's Design Guidelines aim to protect views of the Hayward Hills, permanent open space, San Lorenzo Creek, the Japanese Garden, and other orienting features or landmarks such as All Saints Church (located at the corner of 2nd Street and D Street).

As described in detail in Section 4.1.1.2, Existing Conditions, future development potential in the Specific Plan Area where new potential development is expected to occur would be concentrated on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have a lesser impact on scenic vistas. Proposed changes in the Specific Plan Area consist of increased development intensities and proposed new height limits. However, due to the natural topography and location of the Specific Plan Area in the city center, distant scenic resources such as ridgelines and hillside open space are largely intermittent and are limited to views down corridors, from intersections, or across vacant sites. Within the Specific Plan Area, eastward views of the Hayward Hills are intermittent and are largely blocked by existing buildings and trees and views of these scenic resources would not be impacted by new development potential in the Specific Plan Area.

Proposed height limits in the Specific Plan Area are shown in Table 4.1-1; organized by the proposed new Zoning District for context. As shown in Table 4.1-1, heights in the Specific Plan Area would generally range from 35 to 124 feet tall and would be dependent on the type of future development being proposed and the surrounding land uses. However, because the topography in the Specific Plan Area is essentially flat, the views from street-level public viewing to the scenic resources surrounding Hayward are currently inhibited by existing conditions such as buildings, structures, overhead utilities, and mature trees/vegetation. As such the existing building heights currently limit the opportunity for views of scenic vistas from street-level public viewing. Therefore, the height limits under the proposed project, which are limited to certain parcels in the Specific Plan Area, would not cause any further substantial obstruction from the public street-level views to any scenic resource.

TABLE 4.1-1 APPROXIMATE BUILDING HEIGHT LIMITS IN THE SPECIFIC PLAN AREA

| Proposed Zoning District | Maximum Building Height |
|---------------------------------|---|
| Neighborhood Edge (NE) | Up to 2.5 stories (approximately 35 feet) |
| Neighborhood General (NG): | Up to 3.5 stories (approximately 45 feet) |
| Urban Neighborhood (UN) | Up to 5 stories (approximately 80 feet) |
| Downtown Main Street (DT-MS) | Up to 7 stories (with setback above 5 stories) (approximately 85 feet) |
| Urban Center (UC): | Up to 11 stories (with stepback above 5 stories) (approximately 124 feet) |

Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

Accordingly, no publically accessible views of scenic resources would be blocked or further obstructed by proposed heights limits on the identified parcels in the Specific Plan Area. Similar views would continue to be visible between projects and over lower intensity areas.

Additionally, future development would also be required to comply with the General Plan policies listed above in Section 4.1.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to aesthetic resources, including scenic vistas.

General Plan policies that protect scenic views include the following: Policy LU-1.7 requires the City to maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies; Policy LU-3.7 states that the City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features; Policy LU-4.3 requires the City to allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses; and Policy LU-4.5 states that the City shall require corridor developments to transition the massing, height, and scale of buildings when located adjacent to residential properties and that new development shall transition from a higher massing and scale along the corridor to a lower massing and a more articulated scale toward the adjoining residential properties.

Furthermore, with respect to the new development potential in the Specific Plan Area where more intense development and increased height is being considered, the proposed project includes zoning regulations that include design standards and compliance with the City’s architectural control process (i.e., Site Plan Review), which are intended to reduce potential aesthetic-related impacts of future development under the proposed project. The design standards control the appearance of development, including aspects such as lot size, building mass and scale, the building’s relationship to the street, ground-floor exterior, public and private open space, sidewalks, building projections and facades, roof planes, and upper-story stepbacks. In addition, the design standards include requirements for trash and storage and associated screening, and requirements for durable and high-quality building materials. The design standards ensure that the development within the proposed Downtown zoning districts results in the same high-quality design. The primary purpose of the proposed design standards is to promote

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complementary uses and appearance in the Specific Plan Area and the Site Plan Review is intended to reduce potential aesthetic-related impacts of future development in the Specific Plan Area.

In summary, due to the existing conditions, and compliance with existing General Plan and proposed Specific Plan goals and policies, as well as the proposed Zoning Ordinance, impacts to scenic vistas would be *less than significant*.

Significance without Mitigation: Less than significant.

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| AES-2 | Implementation of the proposed project would not substantially degrade the view from a scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings. |
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There are no designated State scenic highways in the Specific Plan Area, however I-580, located 0.7 miles north of the Specific Plan Area is an eligible State scenic highway.⁷ Future development in the Specific Plan Area would not occur in the viewshed of I-580. Therefore, no impact would occur with respect to State scenic highways.

Within the Specific Plan Area, SR 92 (Jackson Freeway) is identified as a proposed scenic route, rather than an existing designated scenic route in the Alameda County General Plan. The future development in the Specific Plan Area would not be of such a scale to obstruct or degrade the view from this roadway. The potential future development under the proposed project would primarily involve gradual changes in development intensity along the SR 92 viewshed, similar to existing buildings, and would not fully obstruct views of far-field scenic resources from SR 92.

Additionally, potential future development in the Specific Plan Area would be required to comply with existing General Plan goals and policies described above in Section 4.1.1.1, as applicable, that require local planning and development decisions to consider impacts to aesthetic resources, including scenic roadways. Specific goals and policies that protect scenic roadways include Goal NR-8, which states the City's commitment to enhance, preserve, and increase the aesthetic qualities of Hayward's undisturbed natural hillsides and shoreline, and designated scenic transportation corridors. Policy NR-8.3 requires the City to protect the visual characteristics of transportation corridors that are officially designated as having unique or outstanding scenic qualities, including portions of I-580, I-880, and SR 92. Policy PFS-8 requires that all new utility lines constructed as part of new development projects are installed underground or, in the case of transformers, pad-mounted, which would help prevent additional infrastructure from obstructing views.

Furthermore, with respect to the new development potential in the Specific Plan Area where more intense development and increased height is being considered, the proposed project includes zoning regulations that include compliance with the City's architectural control process (i.e., Site Plan Review),

⁷ California Department of Transportation, California Scenic Highway Mapping System, http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm, accessed on January 24, 2018.

which is intended to reduce potential aesthetic-related impacts of future development in the Specific Plan Area.

Additionally, the proposed Specific Plan contains goals, policies, and programs that also require local planning and development decisions to consider impacts to historic resources, of which some could be visible from SR 92, from potential development in the Specific Plan Area. These are discussed in Chapter 4.4, Cultural Resources and Tribal Cultural Resources, of this Draft EIR.

In summary, due to the existing conditions, and compliance with existing General Plan and the proposed Specific Plan and Zoning Ordinance, impacts to scenic resources in the SR 92 viewshed would be *less than significant*.

Significance without Mitigation: Less than significant.

AES-3 Implementation of the proposed project would not degrade the existing visual character or quality of the site and its surroundings.

As described in Section 4.1.1.2, Existing Conditions, the Specific Plan Area where the potential new development would be concentrated is either already developed and/or underutilized, and/or in close proximity to existing development in the city. Future building form and massing may be greater than existing conditions in this area, but would not necessarily degrade the existing character of the Specific Plan Area and subsequently the city as a whole. Note that a change in the existing setting does not necessarily equate to degradation of the visual character and overall quality of the site and surroundings.

Implementation of the proposed project would allow continued development, redevelopment, and more intense development in the Specific Plan Area under new zoning regulations within the Specific Plan Area. As discussed under AES-1 above, while more intense development could occur in the Specific Plan Area, the future development in the Specific Plan Area would not result in a substantial change to the existing visual character of the Specific Plan Area or its surroundings. Potential future development under the proposed project would create a shift in uses to include more mixed-use with multi-family residential and commercial, and involve increased building intensity and heights from 35 feet to 124 feet. However, given the existing commercial and residential uses surrounding the areas of potential new growth, the gradual development of future projects would continue to be compatible with the existing visual character and quality of the Specific Plan Area and its surroundings. The proposed zoning includes average numbers of stories and development standards to maintain overall compatibility with the adjacent land uses.

Additionally, future development would also be required to comply with General Plan policies described above in Section 4.1.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to aesthetic resources, including degradation of visual character. In addition to the General Plan policies listed in impact discussion AES-1, the specific policies that protect visual character include Policy LU-2.4 that requires retail frontages and storefront entrances on new and renovated buildings within the “retail core” of Downtown Hayward along streets in the Specific Plan Area. Policy LU-4.3 requires the City to allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a

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manner that maintains compatibility with adjacent residential uses. Policy LU-4.4 requires the City to encourage corridor developments to incorporate the specific design strategies. Policy LU-4.11 requires the City strive to improve the visual character of corridors by improving streetscapes with landscaped medians, and widened sidewalks that are improved with street trees, pedestrian-scaled lighting, underground utilities, landscaping, and streetscape furniture and amenities. Policy LU-9.1 states that the City shall ensure that all City-owned facilities are designed to be compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located and Policy LU-9.2 states that the City will coordinate with other government agencies (exempt from local land use controls) to encourage facility designs that are compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located. Policy M-3.6 requires the City to consider the land use and urban design context of adjacent properties in both residential and business districts as well as urban, suburban, and rural areas when designing complete streets.

Policy M-5.5 requires that pedestrian-oriented streets be designed and maintained to provide a pleasant environment for walking including shade trees; plantings; well-designed benches, trash receptacles, and other furniture; pedestrian-scaled lighting fixtures; wayfinding signage; integrated transit shelters; public art; and other amenities. Policy ED-5.5 states that the City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward. Policy NR-1.7 and NR-6.15 require the City to encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development, and encourage private property owners to plant native or drought-tolerant vegetation in order to preserve the visual character of the area and reduce the need for toxic sprays and groundwater supplements, respectively.

In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider impacts to aesthetic resources from development in the Specific Plan Area, including visual integrity. The following Specific Plan goals and policies would serve to minimize potential adverse impacts on the visual character of the Specific Plan Area:

- **Goal 1 Land Use (LU):** Downtown is transformed into a vibrant, walkable City center that serves as a regional destination to play, work, and live for City residents, neighboring communities, and local college students.
 - **Policy LU 5 Consistent Citywide Policy:** Ensure that updates to Citywide policies and regulations support the Downtown vision, goals, and development standards.
 - **Program LU 10:** Complete a wayfinding signage program and accompanying implementation plan to enhance and increase wayfinding signage that helps residents and visitors navigate the Plan Area and find public and cultural amenities, businesses, transit facilities, bicycle routes, and on-street and off-street parking lots and garages.
 - **Program LU 15:** Maintain and enhance the two gateway signs to convey a positive Downtown identity and establish the Downtown's boundaries.
 - **Program LU 11:** Working with the business community, develop a Downtown branding plan highlighting the Plan Area's unique opportunities and attractions that includes creative taglines, logos, and other visual themes along with an accompanying implementation plan.

- **Program LU 17:** Collaborate with local artists and arts organizations in support of efforts to encourage indoor and outdoor art exhibits in Plan Area galleries, vacant storefronts, City Hall, and public places.
- **Goal 2 Community Design:** Downtown is a beautiful, safe, and high-quality pedestrian-oriented environment for all ages to enjoy day or night, with sufficient and attractive lighting, sidewalk amenities, landscaping, and inviting ground floor frontages.
 - **Policy CD 1 Pedestrian-Oriented Design.** Require best practices in pedestrian-oriented building and streetscape design to create an attractive and comfortable walking experience.
 - **Policy CD 2 Coordinate Public and Private Investments.** Coordinate public and private investment to improve the quality and appearance of new and existing structures and streetscapes.
 - **Policy CD 3 Cultural and Historic Heritage.** Celebrate, preserve, and enhance the cultural heritage and historic charm of Downtown to create a unique sense of place.
 - **Policy CD 6 Public Art:** Promote the creation and funding of public art that contributes to the cultural experience of visiting the Downtown.
 - **Policy CD 7 Public Improvements.** Require that public improvements negotiated through development agreements to be consistent with and supportive of streetscape and public realm improvements called for in the Specific Plan.
 - **Program CD 1:** Create building placement and frontage standards to ensure new buildings shape the public realm and promote walkability. Regulations may include pedestrian entranceway standards, building location standards, ground floor use requirements, or frontage design standards.
 - **Program CD 4:** Create new development and design regulations for open space of all sizes, including pocket parks, plazas, and community gardens, to ensure new open space can support active and passive recreational uses for users of all ages and abilities.
 - **Program CD 7:** Pursue funding for pedestrian-oriented streetscape improvements such as additional outdoor seating areas, pedestrian scale lighting, trash receptacles, interactive art installations, and shade trees.
 - **Program CD 8:** Promote historic resources through programs and signage as part of the Downtown marketing campaign.
 - **Program CD 9:** Continue to pursue grant funding and design assistance to help existing property and business owners make cosmetic upgrades, such as façade and signage improvements.
 - **Program CD 11:** Consider developing a Master Art Plan that outlines the vision and goals of the City’s public art program and provides guidelines on how public art is selected and where it is placed. As part of this process, the City should consider establishing an arts fee based on the square footage of the building and/or a percentage of the permit value.

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- **Program CD 23:** Continue to support and expand the Mural Art Program to provide public art in the Plan Area and market as part of the Downtown brand. Expand the program to protect murals from being painted over.
- **Program CD 24:** Continue to enforce code regulations in the Community Preservation Ordinance and support of the Mural Arts Program to eliminate blighted building conditions and graffiti.

Furthermore, with respect to the new development potential in the Specific Plan Area where more intense development and increased height is being considered, the proposed project includes zoning regulations that include design standards and compliance with the City's architectural control process (i.e., Site Plan Review), which are intended to reduce potential aesthetic-related impacts of future development under the proposed project. The design standards control the appearance of development, including aspects such as lot size, building mass and scale, the building's relationship to the street, ground-floor exterior, public and private open space, sidewalks, building projections and facades, roof planes, and upper-story setbacks. In addition, the design standards include requirements for trash and storage and associated screening, and requirements for durable and high-quality building materials. The design standards ensure that the development within the proposed Downtown zoning districts results in the same high-quality design. The primary purpose of the proposed design standards is to promote complementary uses and appearance in the Specific Plan Area and the Site Plan Review is intended to reduce potential aesthetic-related impacts of future development in the Specific Plan Area.

In summary, compliance with existing General Plan and proposed Specific Plan goals and policies, as well as the proposed Zoning Ordinance, impacts to visual character of the Specific Plan Area would be *less than significant*.

Significance without Mitigation: Less than significant.

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| AES-4 | Implementation of the proposed project would not expose people on- or off- site to substantial light or glare which would adversely affect day or nighttime views in the area. |
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Nighttime illumination and glare from light reflection are the effects of a project's exterior lighting and glare impacts upon adjoining uses and areas. Light and glare impacts are determined through a comparison of the existing light and glare sources with the proposed lighting plans and building materials selection or policies.

Currently, the Specific Plan Area contains many existing sources of nighttime illumination. These include street and parking area lights, security lighting, and exterior lighting on existing residential, commercial, and institutional buildings. Additional onsite light and glare is caused by surrounding land uses and traffic, specifically from SR 92 and SR 298 in the Specific Plan Area. The growth that is planned under the proposed project would occur in the already built out Specific Plan Area where street and site lighting already exist. While light spillage on sensitive receptors such as residential areas, particularly older neighborhoods, is mostly well screened by mature trees, the introduction of new residential land uses in

the Specific Plan Area could experience light spillage from adjacent non-residential land uses in the Specific Plan Area.

The proposed project would modify land uses, zoning, and density in the Specific Plan Area, which in turn would intensify related lighting sources in the Specific Plan Area and adjacent land uses. In addition to new building, security, and lighting for parking areas, buildout of the Specific Plan Area would also include lighting aimed at properly illuminating the overall Specific Plan Area. Because the proposed project allows higher intensity development in the Specific Plan Area, its implementation would likely result in larger buildings with more exterior glazing (i.e., windows and doors) that could result in new sources of glare. Despite the new and expanded sources of nighttime illumination and glare, the proposed project is not expected to generate a substantial increase in light and glare.

Besides general best management practices that require lighting that is context sensitive in style and intensity required under CALGreen, new development in the Specific Plan Area would also have to comply with the General Plan policies that ensure new land uses do not generate excessive light levels that would spill on to adjacent sensitive receptors and reduce light and glare spillover from future development to surrounding land uses.

Additionally, future development would also be required to comply with existing design standards of the *Hayward Design Guidelines* and General Plan policies described above in Section 4.1.1.1, Regulatory Framework, as applicable, that require local planning and development decisions to consider impacts to aesthetic resources, including light and glare. In addition to the General Plan policies listed in impact discussions above, the specific policies that prevent light and glare include Policy LU-3.7, which requires the City to protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features. Policy LU-4.3 states the City shall allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses. Policy LU-4.11 requires the City to strive to improve the visual character of corridors by improving streetscapes with landscaped medians, and widened sidewalks that are improved with street trees, pedestrian-scaled lighting, underground utilities, landscaping, and streetscape furniture and amenities. Policy NR-1.7 require the City to encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development. The preservation of mature trees with substantial tree canopies would diffuse the overall amount of light generated by new development and glare generated by windows of multistory buildings in the areas of the Specific Plan Area with mature trees.

In addition, the proposed Specific Plan contain goals, policies, and programs that also require local planning and development decisions to consider impacts to aesthetic resources from development in the Specific Plan Area, including light and glare. The following Specific Plan goals and policies would serve to minimize potential adverse impacts on the visual character of the Specific Plan Area:

- **Goal CD 2 Community Design:** Downtown is a beautiful, safe, and high-quality pedestrian-oriented environment for all ages to enjoy day or night, with sufficient and attractive lighting, sidewalk amenities, landscaping, and inviting ground floor frontages.

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- **Policy CD 2 Coordinate Public and Private Investments.** Coordinate public and private investment to improve the quality and appearance of new and existing structures and streetscapes.
- **Policy CD 3 Cultural and Historic Heritage.** Celebrate, preserve, and enhance the cultural heritage and historic charm of Downtown to create a unique sense of place.
- **Policy CD 7 Public Improvements.** Require that public improvements negotiated through development agreements to be consistent with and supportive of streetscape and public realm improvements called for in the Specific Plan.
 - **Program CD 7:** Pursue funding for pedestrian-oriented streetscape improvements such as additional outdoor seating areas, pedestrian scale lighting, trash receptacles, interactive art installations, and shade trees.

Furthermore, with respect to the new development potential in the Specific Plan Area where more intense development and increased height is being considered, the proposed project includes zoning regulations that include design standards and compliance with the City's architectural control process (i.e., Site Plan Review), which are intended to reduce potential aesthetic-related impacts of future development under the proposed project. The design standards control the appearance of development, including aspects such as creating glare and requiring that exterior lighting to be hooded or shielded so that the light source is not directly visible to neighboring uses. The primary purpose of the proposed design standards is to promote complementary uses and appearance in the Specific Plan Area and the Site Plan Review is intended to reduce potential aesthetic-related impacts of future development in the Specific Plan Area.

In summary, compliance with existing General Plan and proposed Specific Plan goals and policies, as well as the proposed Zoning Ordinance and CALGreen, impacts related to excessive light and glare on sensitive receptors would be *less than significant*.

Significance without Mitigation: Less than significant.