

**PLANNING COMMISSION MEETING
THURSDAY, JUNE 12, 2025**

PRESENTATIONS

STAFF PRESENTATION

ITEM #1 PH 25-028

**Proposed Amendment to Chapter 10 (Planning, Zoning
and Subdivision), Article 15 (Tree Preservation
Ordinance) of the Hayward Municipal Code**

Tree Preservation Ordinance Update

Planning Commission – June 12, 2025
Peter Jensen, Landscape Architect



✓ **Tree Protection Ordinance**

- Sets policies and guidelines to preserve and expand tree canopy
- Last updated in 2002

✓ **City Strategic Roadmap**

- Fulfill Goal C11 to Update Ordinance

✓ **Aligns with Climate Action Plan and Hayward 2040 General Plan**

✓ **Work Sessions**

- City Council
- Planning Commission
- Planning Commission
- City Council

Sept 2024
Oct 2024
Feb 2025
March 2025

Background & Scope



✓ **Clarified Intent, Process and Goals with Update**

✓ **Revised or Added Definitions**

- City Property
- Tree Canopy
- Tree Maintenance
- Topping

✓ **Added Reference to Street Tree list in Appendix**

✓ **Revised and Consolidated Criteria for Heritage Trees Removals and Appeals**

✓ **Reorganized Ordinance for Clarity**



Updates Following Work Session Feedback



✓ **Preservation of Native Trees on Private Property**

- Ensure that removed native trees are mitigated
- Reduce replacement tree costs with 2:1 ratio for 2 trees or less removed
- Create sliding scale to reduce permit fees
- Add exemptions to waive permit fees for dead/dying or hazardous tree



✓ **Heritage Tree Designation**

- Defined a Heritage Tree (Meet 2 or more criteria): Native, Habitat, Horticulture, Historical or Cultural Significance
- Require Site Plan Review process for removal, allowing public notification and comment
- Additional findings added for removal

Ordinance Highlights

✓ **Mitigation for Development Projects**

- Maintain existing appraised value for mitigation
- Incorporate canopy replacement as part of development plan review process

✓ **In Lieu Fees**

- 125% of the appraised value
- Allow City to plant trees in underserved areas
- Fees could be used to plant new trees and maintenance of existing trees

✓ **Tree Removal Penalty**

- Double the Tree Removal Permit (sliding scale)
- Mitigation based on the estimated appraisal value

✓ **Reduce Permit Duration**

✓ **Addition of a Guiding Appendix & Website**

Ordinance Highlights





Proposed Master Fee Schedule Fiscal Year 2025

Director of Finance: Nicole Gonzales

Tree Removal Permit Sliding Scale

- 2 or less \$392
- 3 to 5 \$768
- 6 to 8 \$960
- 9 or more \$1000 deposit + time and materials
- Heritage Tree \$1000 deposit + time and materials

Pruning Permit Fee

- 2 or less \$196
- 3 or more \$588
- Heritage Tree \$392

Annual Pruning Permit Fee * \$817

* One Time Annual Fee For Landscaping/Pruning Companies



Proposed Master Fee Schedule Updates

- The proposed updates to the TPO are consistent with several goals and policies of the General Plan, including:

NR-4.12: Urban Forestry.

NR-6.15: Native Vegetation Planting.

EJ-5.4: Tree Canopy.

LU-1.8: Green Building & Landscaping Requirements.

LU-4.11: Streetscape Enhancements.

HQL-8.1: Manage and Enhance Urban Forest.

HQL-8.3: Trees of Significance.

HQL-8.4: Urban Heat Island Effects.

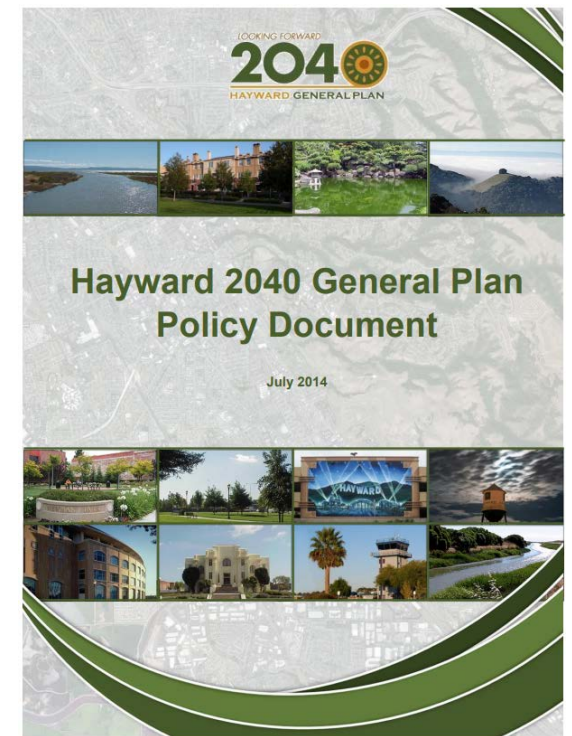
HQL-10.8: Drought Tolerant Landscaping.

CS-3.7: Removal of Fire Hazards.

NR-1.7: Native Tree Protection

- The TPO Update is listed as Strategic Roadmap priority

Code Compliance





- The proposed Text Amendments are categorically exempt from the CEQA per Section 15307 (Class 7) & 15308 (Class 8) of the CEQA Guidelines.

Class 7: actions taken by regulatory agencies as authorized by local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

Class 8: actions taken by regulatory agencies as authorized by local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

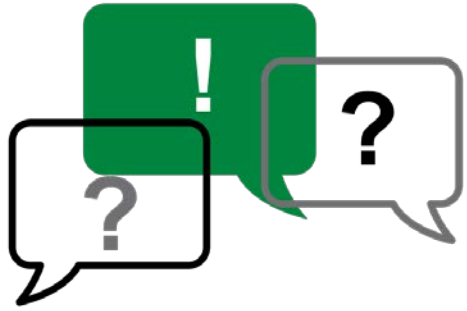
- Class 7 and Class 8 Exemptions apply to the project because adoption of the updated TPO represents action taken by the City to maintain and enhance natural resources and the environment and establish procedures for protection.

Environmental Review – CEQA

- That the Planning Commission recommend City Council approval of the proposed Text Amendments of the Hayward Municipal Code Chapter 10, Article 15 to update the City's Tree Preservation Ordinance; approval of amendments of the 2026 Master Fee Schedule and Findings that the proposed amendments are exempt from the CEQA pursuant to Guidelines Section 15307 and Section 15308
- Following the Planning Commission public hearing and recommendation, staff will present the proposed Amendments to the City Council for consideration later this Summer. If adopted, staff will launch an extensive public outreach process to make the community aware of the updated requirements.



Staff Recommendation and Next Steps



Questions?