



**DATE:** August 19, 2025

**TO:** Mayor and City Council

**FROM:** Director of Development Services

**SUBJECT:** Tree Preservation Ordinance: Introduce an Ordinance Amending the Hayward Municipal Code to update Chapter 10 (Planning, Zoning and Subdivision), Article 15 (Tree Preservation Ordinance), Establishing New Regulatory Guidelines for the Designation, Removal and Mitigation of Protected Trees in the City of Hayward; Proposed Amendments to the 2026 Master Fee Schedule, and Finding the Proposed Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15307 (Class 7) and Section 15308 (Class 8) of the CEQA Guidelines

## **RECOMMENDATION**

That the City Council adopts the Resolutions (Attachments II and III) supporting the Amendments to Chapter 10, Article 15 of the Hayward Municipal Code and the 2026 Master Fee Schedule, and introduces an Ordinance (Attachment IV) amending the Hayward Municipal Code for the updates to the Tree Preservation Ordinance for the City of Hayward and finds the action categorically exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15307 (Class 7) and Section 15308 (Class 8) of the CEQA Guidelines.

## **SUMMARY**

Hayward Municipal Code Chapter 10, Article 15, (Tree Preservation Ordinance), contains guidelines for the preservation of existing trees and the process for removing, replacing, and mitigating the loss of trees covered by the Ordinance. A comprehensive update of the Ordinance, which was last amended in 2002, was included as Program NR-61 of the Natural Resources Element of the *Hayward 2040 General Plan* and listed as a Project (CP7) under Champion Climate Resilience and Environmental Justice, contained within the City Council's Strategic Roadmap.

In May 2023, the City hired Dudek to help prepare the proposed updates, complete a citywide Tree Canopy Survey and prepare landscaping guidelines for the Hayward Executive Airport. The proposed updates are based on best practices in the field of tree preservation and landscape architecture, and support the broader equity, environmental, and sustainability goals of the City.

Work sessions related to these updates were held with the Planning Commission on September 26, 2024, and February 27, 2025, and with the City Council on September 17, 2024, and March 18, 2025. During those meetings, the Planning Commission and City Council provided feedback on several key policies for inclusion in the Ordinance. Following the work sessions, staff and the consultant team revised the Ordinance and presented the updated Ordinance to the Planning Commission for their recommendation on June 12, 2025. The Commission voted unanimously to recommend approval of the proposed amendments. As proposed, the Ordinance proposes the following major updates, which are discussed in greater detail within the report:

- Protection of native trees in rear yards
- Establishment of a sliding scale for Tree Removal and Tree Pruning Permits
- Added Heritage Tree designation, including new protection and removal guidelines
- Added an in-lieu option to allow for off-site mitigation
- Reduction of the permit duration from one year to three months
- Added protection of nesting birds
- Added Permit Fee exemptions.

## **BACKGROUND**

The City of Hayward adopted a Tree Preservation Ordinance in the late 1950s, establishing a need to classify and preserve significant trees based on size and species. The Ordinance was updated in 1971 and again in 2002. The updates ranged from minor amendments to more significant policy changes, with the most substantial updates occurring in 2002.

Since the last update in 2002, the City's population has grown significantly leading to a higher demand for additional housing and non-residential development. To address the housing crisis in California, the State has enacted new legislation intended to streamline development review processes and spur new housing construction. These new laws required changes and updates to the City's General Plan<sup>1</sup>, Zoning Ordinance, and related development standards to allow for by right higher-density developments. However, many projects located on infill sites require the removal of existing mature trees and a reduction in the amount of landscape area to accommodate the new development. These site constraints limit an applicant's ability to mitigate tree removals on the development site as required by the current Ordinance thus requiring flexibility and alternatives for compliance with the Ordinance. In addition to updates to the Hayward Municipal Code, the project includes the following:

- A comprehensive review of the City's existing Tree Preservation Ordinance, and Zoning Ordinance to reflect best practices;
- An update to the landscape design guidelines for projects near the Hayward Executive Airport to deter wildlife and ensure public safety within established FAA flight safety zones; and
- Completion of a tree canopy survey, which mapped all trees located on public and private property, open space and natural resource areas, creek and riparian areas and golf courses. The survey established a baseline for current tree canopy citywide and help identify areas of Hayward that are currently underserved with canopy.

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<sup>1</sup> Hayward General Plan: <https://www.hayward-ca.gov/2040-General-Plan>

Since 2002, the State of California and City of Hayward have adopted several goals and policies that focus on sustainability and the reduction of greenhouse gas emissions associated with climate change and related environmental impacts. The State adopted Senate Bill 32<sup>2</sup> and Assembly Bill (AB) 32<sup>3</sup>, known as the Global Warming Solutions Act of 2006, among other actions. Similarly, the City of Hayward adopted the *Shoreline Adaptation Master Plan*<sup>4</sup> (2021) to combat sea-level rise; the *Climate Action Plan*<sup>5</sup> (2009 and 2024) to reduce our carbon footprint and greenhouse gas emissions; amended the Hazards Element<sup>6</sup> to address extreme heat, drought, wildfire risk; and, adoption of an Environmental Justice Element<sup>7</sup> (2024) to support public health for specified communities by addressing and regulating environmental pollutants. Additional analysis on the project's consistency with goals and policies of the *Hayward 2040 General Plan* is discussed in greater detail below.

*Planning Commission Work Sessions:* On February 27, 2025<sup>8</sup>, the Planning Commission held a work session to review the updated recommendations in the draft Ordinance. Overall, the Commission supported staff's recommendations, including protecting native trees in rear yards on private property, incorporating criteria for Heritage trees, and establishing streamlined process for tree removal. The Commission also supported maintaining the appraised value method for mitigation in development projects, adding an in-lieu fee option that provides developers and property owners with more flexibility, and reducing the duration of Tree Removal Permits from one year to three months.

On June 12, 2025<sup>9</sup>, the Planning Commission held a public hearing on proposed updates to the Tree Preservation Ordinance and Master Fee Schedule and voted unanimously (5-0-2) to recommend City Council approval of the proposed Amendments. The Commission was supportive of the additional updates and recommended the City Council consider using a portion of the in-lieu fees to assist lower income households maintain and/or remove hazardous trees which would reduce the financial burden. Additionally, the Commission encouraged extensive community outreach once the Ordinance is adopted to further educate the public about the maintenance and benefits of trees.

*City Council Work Session:* On March 18, 2025<sup>10</sup> the City Council held a work session to provide feedback on several key policies for inclusion in the Ordinance. The City Council expressed support for the preservation requirements for native trees on private property; the addition of a heritage trees designation; establishing mitigation for the loss of tree canopy; and establishing an in-lieu fee option that could be available for off-site mitigation. The City Council recommended staff establish a single process for tree removal that would include the removal of Heritage Trees and suggested that hazardous trees, particularly Eucalyptus trees, be exempt from paying permit fees to incentivize their removal and reduce the financial impact to property owners. The City Council also requested staff develop educational tools which are

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<sup>2</sup> Senate Bill 32 (2006). [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB32](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32)

<sup>3</sup> California Air Resources Board AB32. <https://ww2.arb.ca.gov/resources/fact-sheets/ab-32-global-warming-solutions-act-2006>

<sup>4</sup> Shoreline Adaptation Master Plan. <https://www.hayward-ca.gov/shoreline-master-plan>

<sup>5</sup> Hayward Climate Action Plan webpage. <https://www.hayward-ca.gov/services/city-services/climate-action>

<sup>6</sup> Hayward Hazards Element. <https://www.hayward-ca.gov/your-government/documents/general-plan/hazards-element>

<sup>7</sup> Hayward Environmental Justice Element. <https://www.hayward-ca.gov/your-government/documents/general-plan/environmental-justice-element>

<sup>8</sup> February 27, 2025, Planning Commission. <https://hayward.legistar.com/LegislationDetail.aspx?ID=7144907&GUID=EF1C4184-0B58-4063-BA9B-AE356365A42D&Options=&Search=>

<sup>9</sup> June 12, 2025 Planning Commission. <https://hayward.legistar.com/LegislationDetail.aspx?ID=7425135&GUID=6CCDD66A-7059-4A5F-AF1D-0BABB69FFDC3&Options=&Search=>

<sup>10</sup> March 18, 2025, City Council. <https://hayward.legistar.com/LegislationDetail.aspx?ID=7261915&GUID=677AEEF3-B9E6-49C0-8AB4-F13AB8CA7C44&Options=&Search=>

intuitive and easy to understand and create a webpage where all the information and guiding documents would be available for community access.

## **DISCUSSION**

The project includes the removal and replacement of Chapter 10, Article 15 (Tree Preservation Ordinance)<sup>11</sup> as well as updates to the 2026 Master Fee Schedule<sup>12</sup> to reflect a new regulatory framework for the designation, removal, and mitigation of protected trees in Hayward. Additional analysis on the proposed amendments are discussed in detail below.

***Protected Native Trees on Private Property.*** Staff recommends that all native trees on private property be classified as protected trees. Native trees in rear yards generally make up a small portion of trees on private property, but their positive impact on the environment far surpasses non-native trees by providing mature shade canopies, habitat to support native wildlife, and require minimal water use and maintenance. For the purposes of this Ordinance, “native” trees are defined as those trees that grow naturally (minimal water, non-invasive) within Hayward. Protecting native trees on private property ensures that the removal of a native tree is mitigated with the planting of new native trees as well as providing oversight and preservation when native trees require pruning. Details of proposed changes are described below:

***Tree Removal Permit.*** A Tree Removal Permit would be required to remove a protected native tree on private property but instead of requiring an arborist report and requiring mitigation based on the overall appraised value, a two-to-one mitigation requirement with 24” box trees and ongoing maintenance until the tree is established would be required. The current fee for a Tree Removal Permit is \$587 and the planting of (2) 24” box replacement trees is valued at approximately \$1,000. This proposed mitigation would reduce the overall cost to property owners and reduce the amount of administrative review required by staff. For requests to remove three or more native trees, staff proposes to maintain the current method of mitigation, which is based on the appraised value of the trees. While this approach may discourage the removal of multiple native trees on a property, it would provide additional flexibility to applicants wanting to remove only one or two trees.

***Tree Removal Permit Fee.*** As part of the Ordinance update, staff is proposing a sliding scale for Tree Removal Permits, which is based on the number of trees proposed for removal. Based on review of previously approved Tree Removal Permits over the past few years, a majority of property owners would see a reduction in the permit fee, while the larger projects removing multiple trees would be revised to a deposit-based approach which would be charged hourly based on time and materials. Currently, the Tree Removal Permit is a fixed rate of \$490, regardless of the number of trees removed. Staff also proposed that the permit fee be waived if the applicant can demonstrate the tree is dead or dying or can provide evidence that the tree poses an eminent danger to health, life, safety, or property. Applicants would still be required to submit a permit application to ensure the loss of the tree is tracked and mitigated, but no permit fee would be assessed for these exceptions. Staff believes this revision would provide a

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<sup>11</sup> Tree Preservation Ordinance: [https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART15TRPR](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR)

<sup>12</sup> FY26 Master Fee Schedule: <https://www.hayward-ca.gov/sites/default/files/pdf/Adopted-FY-2026-Master-Fee-Schedule.pdf>

more equitable solution and reduce the overall financial burden on property owners. A summary of the proposed fee structure is shown below.

**Tree Removal Permit Sliding Scale Fee**

<u>Number of Trees</u>	<u>Staff Time</u>	<u>Proposed Permit Fee (\$196/hourly rate)</u>
2 or less	1-3 hours	\$392 covers 2 hours of staff time
3 to 5	2.5 hours	\$768 covers 4 hours of staff time
6 to 8	4-6 hours	\$960 covers 5 hours of staff time
9 or more		\$1000 deposit + time and materials
Heritage Tree		\$1000 deposit + time and materials

**Tree Pruning Permit.** In addition to changes to the Tree Removal Permit fee, staff proposes to retain the current Tree Pruning Permit requirement but recommends the permit fee be reduced and scaled, commensurate with the amount of staff time needed to review such permits. Currently, the Tree Pruning Permit fee is \$490, with an Annual Pruning Fee of \$817. Historically, the City has not received many applications for Tree Pruning Permits and believes that reducing the financial burden to homeowners will help incentivize compliance and allow the City to better monitor and anticipate tree maintenance schedules. Tree Pruning Permits are an important way to verify that any pruning activities are reviewed by a certified arborist to ensure the tree(s) continue to remain healthy and undamaged. A summary of the proposed Tree Pruning Permit fee is shown below.

**Tree Pruning Permit Fee**

<u>Number of Trees</u>	<u>Staff Time</u>	<u>Proposed Permit Fee (\$196/hourly rate)</u>
2 or less	1 hour avg.	\$196 covers 1 hours of staff time
3 or more	3 hours avg.	\$588 covers 3 hours of staff time
Heritage Tree	2 hours avg.	\$392 covers 2 hours of staff time

**Annual Pruning Permit Fee**

One-time fee for certified tree pruning companies	\$817
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**Heritage Trees Designation and Removals.** For trees that are well established and provide significant benefit to the Hayward community, staff has added Heritage Trees to the draft Ordinance. To be considered a Heritage Tree, at least two of the following criteria be met:

- a. **Native Tree:** The tree is a native species of Hayward, as listed in Section 10-15.14(1).
- b. **Provides Essential Habitat:** The tree currently or commonly provides habitat for any state or federally listed endangered or threatened species. Note that such trees may be protected through other local, state, or federal regulations.
- c. **Horticulture Significance:** The tree is rare or significant in the horticultural development of Hayward.
- d. **Historical or Cultural Significance:** The tree has a documented historical or cultural connection to the City of Hayward including original plantings or coincides with historical events in the City.

In addition to defining a Heritage Tree, staff proposes that the removal of a Heritage Tree be subject to the current Site Plan Review process, which requires public notice but does not

necessarily require a public hearing. Staff believes this approach would allow the public an opportunity to comment on the potential removal of more significant trees and provide a framework for stakeholders to appeal a decision to the highest approving body, if necessary. Similar to other discretionary reviews, staff proposes specific findings be made for the removal of Heritage Trees, which are reflected in Section 10-15.22 of the draft Ordinance.

In addition, staff added a list of considerations (cited in Section 10-15.23) when removing a Heritage Tree to provide additional guidance to decision makers when reviewing the request. Specifically, a Heritage tree may be approved only if the reviewing body finds the burden to the Applicant in preserving the tree outweighs the benefit to the public. In making the foregoing determinations, staff has added the following factors:

1. All the benefits provided by the Heritage Tree.
2. The contribution of the tree to the character of the site, local ecology, and the neighborhood.
3. Species, health condition and value of the tree.
4. Whether the tree is part of an important grove of trees.
5. The visibility of the tree to the neighborhood and the public.
6. Whether the development provides a public benefit.
7. Whether measures short of removing the tree can be employed consistently with the development.

Mitigation for Development Projects. For development projects that require removal of protected or native trees, staff proposes maintaining the current appraised value method when determining the amount of mitigation required. Maintaining the appraised value of the removed trees as the primary mitigation method eliminates the confusion of having two metrics, while providing the option and flexibility for staff to collaborate with developers to ensure maximum tree canopy is considered and included in the project design.

In Lieu Fees. As part of the Tree Preservation Ordinance update, staff has added an option to pay an in-lieu fee to provide additional flexibility to applicants when the total appraised value of removed trees cannot be mitigated on site due to limited space. Specifically, staff proposes the amount of the in-lieu fee be 125% of the appraised value, minus any trees proposed to be mitigated onsite. While the proposed in-lieu fee would exceed the value of the trees to be removed, the additional 25% assessment would cover staff time to purchase and install the trees, in addition to covering the on-going maintenance costs during the first two years following planting.

While the specific use of in-lieu fees have yet to be determined, the funds could be used for planting and maintenance of new native trees in underserved areas of the City, provide limited support for pruning of native trees on private property to reduce the financial burden to qualified low-income households, and/or allocated to local non-profit organizations that support the City's efforts towards tree plantings at City events.

Tree Removal Penalty. The current penalty for removing a protected tree without obtaining a Tree Removal Permit is twice the amount of the Tree Removal Permit fee, as reflected in the Master Fee Schedule (\$490 in FY 2025-26). In addition to the financial penalty, the applicant or

property owner would be required to mitigate the loss of that tree, similar to the mitigation requirement for other Tree Removal Permits. Staff recommends keeping the current penalty for removal of trees in place except that mitigation for the lost tree(s) would follow the updated guidelines and reflect a sliding scale, consistent with the updated permit fee structure.

*Permit Duration.* Currently, Tree Removal Permits are valid for one year, which has posed administrative and enforcement challenges for staff working to track and mitigate the loss of the tree(s). As such, staff proposes to reduce the permit duration from one year to three months, with an additional three-month extension available upon request. Reducing the permit duration incentivizes applicants to remove unhealthy trees in a timely manner, and to minimize any public safety or property risks while ensuring any replacement trees are planted more quickly.

*Miscellaneous Updates.* In addition to the recommendations listed above, staff has added the following provisions to ensure the draft Ordinance is consistent with State and local regulations and provide additional clarity to applicants as they proceed through the permitting process:

- Add Section 10-15.16, which protects migratory and nesting birds, as required by Federal and State Law.
- Add Section 10-15.18, which codifies many of the tree preservation and protection techniques that get added to construction and development projects. Currently staff includes these techniques as conditions of approval for development projects at the entitlement stage but adding this to the Municipal Code ensure that any activity, regardless of planning entitlement, is consistently applied.
- Add Section 10-15.20, which establishes a list of restricted activities that could inadvertently harm or damage tree(s).
- Add Section 10-15.26 to provide a list of Exemptions that allow applicants to remove trees that are dying or dead, considered hazardous or conflict with FAA safety guidelines around the Hayward Executive Airport without having to pay a permit fee.

*Tree Protection Ordinance Appendix.* As part of the update to the Tree Preservation Ordinance, staff is also preparing a companion Appendix document (Attachment V), which will contain the following information:

- Protected Native Tree List and Photos
- Recommended Tree List and Photos
- Invasive Tree List and Photos
- Airport Airspace Plan
- Airport Plant List
- Proper Planting and Trimming Handout
- Benefits of Trees Handout
- Tree Removal Permit Process Handout
- Heritage Tree Check List
- List of Local Arborist and Tree Removal Companies



The information contained within this Appendix can be easily updated and adjusted over time without necessitating a future Ordinance amendment, which provides staff flexibility to revise, as needed, to reflect best practices. The Appendix will be available on-line as part of a new guiding document web page for applicant and community access. An example of a similar on-line webpage can be found on the County of San Mateo's web site <sup>13</sup>.

Hayward 2040 General Plan. The *Hayward 2040 General Plan*<sup>14</sup> is a comprehensive document outlining the city's long-term vision for growth and development over the next 26 years. The General Plan serves as a roadmap for the city, guiding land use, economic development, community health, and other key areas. The proposed text amendments and updates to the Tree Preservation Ordinance are consistent with several goals and policies of the General Plan including the following:

- U-1.8: Green Building & Landscaping Requirements. The City shall maintain and implement green building and landscaping requirements for private- and public sector development to reduce the use of energy, water, and natural resources.
- 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-scale lighting, underground utilities, landscaping, and streetscape furniture and amenities.
- 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.
- 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.
- HQL-8.4: Urban Heat Island Effects. The City shall promote planting shade trees with substantial canopies, and require, where feasible, site design that uses appropriate tree species to shade parking lots, streets, and other facilities to reduce heat island effects.
- HQL-10.8: Drought Tolerant Landscaping. The City shall encourage the use of drought-tolerant and drought-resistant landscaping, as well as low impact development (LID) technologies in the development of City parks.
- CS-3.7: Removal of Fire Hazards. The City shall maintain code enforcement programs that require private and public property owners to minimize fire risks by removing excessive or overgrown vegetation (e.g., trees, shrubs, weeds).
- 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.
- NR-4.12: Urban Forestry. The City shall encourage the planting of native and diverse

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<sup>13</sup> County of San Mateo Guiding Document Webpage. <https://www.smcgov.org/planning/tree-pruning-and-removal-permit> and <https://sanmateocountytrees.org/>

<sup>14</sup> Hayward General Plan: <https://www.hayward-ca.gov/2040-general-plan>



tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation.

- 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.
- EJ-5.4: Tree Canopy. Support active transportation by preserving existing and increasing tree canopy through implementation of an expanded urban greening initiative.

Zoning Ordinance. Per Section 10-1.3430<sup>15</sup> of the Hayward Municipal Code, amendments to the Zoning Ordinance are required to meet the findings in order to receive approval from the City Council. The City Council may approve, modify or deny a text amendment when all the following findings are made:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
2. The proposed change is in conformance with all applicable, officially adopted policies and plans;
3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and
4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

As proposed, staff believes the City Council can make the required findings to approve the proposed amendments pursuant to the staff analysis contained in Attachment II.

## **ENVIRONMENTAL REVIEW**

The proposed Amendments to the City's Tree Preservation Ordinance and related updates to the Master Fee Schedule are categorically exempt from the California Environmental Quality Act (CEQA) per Section 15307 (Class 7) and 15308 (Class 8) of the CEQA Guidelines. This project consists of the adoption of a new Tree Preservation Ordinance, which replaces the City's prior Tree Preservation Ordinance. As detailed below, the proposed Text Amendments are consistent with the Categorical Exemptions of the State CEQA Guidelines, based on the following:

15307 (Class 7). Actions By Regulatory Agencies for Protection of Natural Resources: State CEQA Guidelines Section 15307 states that Categorical Exemption "Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption."

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<sup>15</sup> Zoning Ordinance Amendments: [https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.3400AM\\_S10-1.3430CICOPR](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3400AM_S10-1.3430CICOPR)

15308 (Class 8). Actions By Regulatory Agencies for Protection of The Environment: State CEQA Guidelines Section 15308 states that Categorical Exemption “Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.”

Class 7 and Class 8 Categorical Exemptions apply to the project because adoption of the updated Tree Preservation Ordinance represents action taken by a regulatory agency to maintain and enhance natural resources (trees) and the environment and to establish procedures for environmental protection. Moreover, the project strengthens standards for environmental protection compared to Hayward’s prior Tree Preservation Ordinance and does not broadly authorize any specific tree maintenance or removal activities or issuance of permits for such activities previously prohibited by the prior ordinances.

## **SUSTAINABILITY FEATURES**

Preserving trees is essential for supporting sustainability because trees play a critical role in maintaining ecological balance and combating climate change. They absorb carbon dioxide from the atmosphere, helping to reduce greenhouse gas levels. Trees also improve air quality by filtering pollutants and releasing oxygen, while their root systems prevent soil erosion and promote water retention, which is vital for healthy ecosystems and agriculture.

Beyond environmental benefits, trees support biodiversity by providing habitats for countless plant and animal species. They also contribute to human well-being by offering natural resources, such as food and medicine, and by supporting livelihoods through sustainable forestry and eco-tourism.

## **ECONOMIC IMPACT**

Updating a City’s Tree Preservation Ordinance can lead to long-term economic benefits in Hayward by increasing property values, reducing infrastructure and energy costs, and supporting local jobs in landscaping and urban forestry. Well-maintained tree cover can also attract businesses and tourism by enhancing the visual appeal, quality of life, and livability around the area. While the updated regulations may result in short-term costs for developers and homeowners due to added permitting, mitigation, and tree maintenance requirements, staff believes the proposed Ordinance is well-balanced, supporting sustainable economic growth while preserving valuable natural assets within the City.

## **FISCAL IMPACT**

No fiscal impact to the City’s General Fund is anticipated with the update to the Tree Preservation Ordinance. Additional staff resources may be needed to implement the protection of native trees on private property as well as planting, pruning and routine maintenance on City owned properties, including street trees.

## STRATEGIC ROADMAP

This agenda item supports the Strategic Roadmap<sup>16</sup> priorities to confront Climate Crisis and Champion Environmental Justice.

- CP7: Update the Tree Preservation Ordinance

## PUBLIC CONTACT

Public outreach efforts on the updates to the Tree Preservation Ordinance entailed a series of targeted focus group meetings, an online survey, face-to-face interviews, and development of a project webpage to solicit public feedback and provide regular project updates. Additional details on the specific public outreach efforts are provided below:

*Targeted Focus Group Meetings.* To ensure the updated Ordinance reflects the priorities of those who live and work in Hayward, an online survey was distributed to various Focus Groups for input and feedback. The Focus Groups included Developers, Landscape Architects, Arborists, Environmental Groups, Homeowner Associations, Mobile Home Parks, Neighborhood Groups, and other stakeholders, including PG&E and HARD. Additionally, staff met with internal stakeholders from Planning, Code Enforcement, Building, Engineering, Utilities and Environmental Services, Transportation, Landscape Maintenance, and the Hayward Executive Airport to discuss the potential impacts and components of the updated Ordinance. Each Focus Group was given two weeks to complete the survey and was invited to a follow-up meeting, which highlighted the issues and opportunities that each group was interested in. The summarized feedback received from all the Focus Groups was to provide more flexibility with mitigating tree removals, update inconsistencies or ambiguities in the current Ordinance, establish a more equitable fee structure that fluctuates depending on the number of trees to be removed, and establish policies that support habitats for wildlife and migratory birds.

*Public Events.* In October 2023, staff attended a series of public events, including the Hayward Farmers Market and the Trunk-or-Treat event, to promote the Tree Preservation Ordinance. Staff discussed the project with interested parties and encouraged residents to complete an online survey as well as participate in a hands-on activity to share their views on the benefits of trees in an urban environment. Staff also conducted face-to-face interviews with stakeholders interested in taking the survey but unable to take the survey online. Postcards provided in English, Spanish and Mandarin included a QR code linking to the Tree Preservation Ordinance update webpage.

*Project Webpage.* In early October 2023, staff launched a webpage<sup>17</sup> that provides the public regular project updates and information related to the status of the Tree Preservation Ordinance update. The webpage also contains staff contact information, highlights key project

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<sup>16</sup> Strategic Roadmap FY25: <https://www.hayward-ca.gov/sites/default/files/FY25%20Strategic%20Roadmap%20for%20Adoption.pdf>

<sup>17</sup> Hayward Tree Preservation Ordinance Update Webpage. <https://www.hayward-ca.gov/your-government/departments/planning-division/tree-preservation-ordinance-update-project>

milestones, and provides the community and stakeholders with the ability to submit public comments.

Online Survey. In addition to the Focus Group meetings, a broader public outreach effort took place through an online survey, which was developed to give the public an opportunity to provide feedback and identify their priorities with the Ordinance update. The survey was available in English, Spanish, Mandarin and other languages upon request and was open from October 20, 2023, to April 2, 2024, and a link was made available on the project webpage and featured in a *Stack Extra* article published in early November 2023.

The online survey received a total of 219 responses, and the highest priorities that the respondents ranked were improving the environment (air quality, water and pollution), providing shade and reducing the heat island effect in neighborhoods, and providing habitat for wildlife.

Stack Articles. In July 2025, an article was published in the Stack newsletter summarizing the updates to the draft Tree Preservation Ordinance and provided the public with information on how to review and comment on the draft.

Stakeholder Public Notices. On July 25, 2025, public hearing notices were sent to 344 community members, stakeholders and interested parties who requested to be notified about the project and published in the *East Bay Times*. Notification included a link to the project web page where the updated draft ordinance can be reviewed and provided a project email address for comments by the community and stakeholders. To date, staff has not received any public comments following the publication of the hearing notices. Similar notices were also sent out for all prior Planning Commission and City Council meetings regarding the Ordinance update.

## **NEXT STEPS**

If approved, the Ordinance will return to the City Council for a second reading on the consent calendar on August 26, 2025. If adopted at that meeting, the Ordinance will take effect 30 days thereafter, and the accompanying Resolution will take effect upon adoption of the Ordinance. Following adoption, staff will focus on outreach to the community with an updated webpage, new brochures as well as outreach to local HOA's and neighborhood groups to increase awareness of the updated requirements of the Tree Protection Ordinance.

*Prepared by:* Peter Jensen, Landscape Architect  
Jeremy Lochirco, Planning Manager

*Recommended by:* Sara Buizer, AICP, Development Services Director

*Approved by:*



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Jayanti Addleman, Interim City Manager