



**PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)  
PARTICIPATION  
Thursday, February 27, 2025, 7:00 p.m.**

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The Planning Commission meeting was called to order at 7:12 p.m. by Chair Lowe. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: CHAIRPERSON: Lowe  
COMMISSIONERS: Franco-Clausen, Goodbody, Haman, Hardy  
Absent: COMMISSIONER: Meyers, Stevens

Staff Members Present: Corral, Lochirco, Ochinero, Schmidt, Tabari, Jensen, Spores

**PUBLIC COMMENTS**

Bruce King from Friends of San Lorenzo Creek provided an update on fish populations in the San Lorenzo Creek watershed, highlighting the presence of breeding wild trout and the historical migration of steelhead and coho salmon, which is now blocked at Foothill Boulevard due to a velocity ramp; and informed the Commission about an upcoming flood control benefit assessment, a proposed property fee to fund projects, including fish ladders at Foothill Boulevard and Don Castro Dam, though details remain unclear.

**ACTION ITEMS**

1. Nomination and Election of Officers

The election of officers started with the nomination of Commissioner Hardy for Chair by Commissioner Goodbody, which Commissioner Hardy accepted, followed by a unanimous vote in favor. Commissioner Hardy then nominated Commissioner Goodbody for Vice Chair, who accepted before also receiving unanimous approval. For Secretary, Commissioner Hardy nominated Commissioner Meyers; however, since Commissioner Meyers was absent, the vote was tabled until the next meeting to allow Commissioner Meyer an opportunity to formally accept the nomination.

2. 2024 General Plan Annual Progress Report **RPT 25-019**

Staff report submitted by Principal Planner Schmidt dated February 27, 2025, was filed.

Senior Planner Schmidt provided a synopsis of the staff report, and presented the 2024 General Plan Annual Progress Report, which is prepared annually by Planning staff with input from



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multiple City departments. The Hayward 2040 General Plan, adopted in 2014, guides development through various elements such as land use, mobility, economic development, and housing. Updates in 2023 and 2024 included a revised Housing Element, a new Environmental Justice Element, and amendments to the Hazards Element and Climate Action Plan. Of the 433 programs within the General Plan, 10% are complete, 50% are partially complete, 24% require ongoing monitoring, and 35% have not yet started due to factors like funding or staff capacity, though many were newly adopted in the past two years.

Commissioner Hardy inquired whether the upcoming March City Council presentation would include the Strategic Roadmap update to which Senior Planner Schmidt confirmed that the General Plan Annual Report would be presented separately, while the Strategic Roadmap update is led by the City Manager's office.

Chair Lowe opened public comment at 7:30 p.m.

Vasco Jorgov, a Hayward resident and affordable housing developer, commended City staff for their hard work on the General Plan and annual report, acknowledging the often-thankless nature of the task; praised Hayward as one of the best cities for housing development; and highlighted staff's responsiveness and dedication, sharing positive experiences with their quick communication and well-run workshops.

Chair Lowe closed public comment at 7:33 p.m.

## **WORK SESSION**

3. Work Session on Proposed Text Amendments to the Hayward Municipal Code for the adoption of an updated Tree Preservation Ordinance **WS 25-005**

Staff report submitted by Landscape Architect Jensen dated February 27, 2025, was filed.

Landscape Architect Jensen provided a synopsis of the staff report and presented updates on the Tree Preservation Ordinance, marking the second Commission work session on the topic. The ordinance, originally adopted in the 1950s and last updated in 2002, sets guidelines for tree preservation, removal, and mitigation, with revisions now aiming to align with modern sustainability policies and best practices. Key updates include expanding protections for native trees to rear yards, defining and protecting heritage trees, updating mitigation requirements, introducing an in-lieu fee for tree replacement, and reducing tree removal permit durations. A City Council work session was scheduled for March 18, with a final draft expected in late spring or early summer 2025 for Commission recommendation and council adoption.



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Commissioner Franco-Claussen asked for clarification on the in-lieu fee and whether it would cover tree planting and maintenance if property owners could not mitigate tree loss themselves. Architect Jensen explained that for development projects, the in-lieu fee would be calculated based on the appraised value of removed trees, with funds allocated for planting trees elsewhere in the city, primarily in underserved areas. Commissioner Franco-Claussen then raised concerns about tree maintenance issues, particularly in low-income neighborhoods, where overgrown trees impact sidewalks and power lines, suggesting a fund to assist residents with tree upkeep.

Architect Jensen and Planning Manager Lochirco acknowledged these concerns, noting that the City is conducting a tree inventory and exploring ways to allocate in-lieu fees for maintenance, particularly for low-income homeowners. They also highlighted existing exemptions for hazardous or infrastructure-damaging trees. Landscape Architect Theo Spores added that residents can report overgrown or problematic trees through the City's Access Hayward portal for City departments to address them.

Commissioner Hardy asked for clarification on the new two-to-one tree replacement ratio, expressing concerns about how it would be enforced and whether it could create equity issues for lower-income residents. Architect Jensen explained that the 2:1 replacement ratio for tree mitigation was a result of the concern the commission expressed in the previous work session about cost to the property owner for protecting native trees, and that the replacement ratio was being recommended to keep costs of replacement down, and that the goal was the mitigation of the removed trees. If space constraints prevent planting both replacement trees on-site, the in-lieu fee could be used to fund tree planting elsewhere. He also noted that while tree removal without a permit does happen, it is often reported by neighbors, leading to code enforcement action.

Commissioner Hardy also inquired about penalties for unauthorized tree removal, and Architect Jensen clarified that the proposed penalty would be double the removal permit fee, Manager Lochirco highlighted the recommendation to have ~~with~~ a sliding scale applied based on the number of trees removed to reduce the cost to property owners of the permit. She further emphasized the need for community outreach to inform current and future homeowners about tree preservation requirements. Architect Jensen and Manager Lochirco outlined plans for public education efforts, including mailers, social media, utility bill inserts, and HOA partnerships, with additional outreach materials being developed by an external consultant.

Commissioner Goodbody asked if the city uses a scoring system to plant trees in different locations of the City. Architect Jensen advised that no scoring system was currently used and that current in-lieu fees were used for one specific park. He also explained that a tree survey of



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all the trees in the city was going to be conducted that would guide what locations received new trees and that in-lieu fees use are recommended for planting trees in underserved areas.

Commissioner Haman asked for clarification on balancing private property rights with tree preservation to which Planning Manager Jeremy Lochirco explained that the ordinance primarily protects native trees while allowing flexibility for non-native tree removal to balance private property concerns. Commissioner Haman also inquired about a list of invasive tree species, which staff and the consultant confirmed exists and will be included in an accompanying guidance document. Commissioner Haman proceeded to go through several of the ordinance sections with questions that were responded to by staff and the consultant including: whether the ordinance could be updated to reflect climate changes (staff confirmed it could), potential requirements for private property tree planting (currently focused on street trees), and how heritage trees would be designated (based on specific criteria assessed by city staff). Commissioner Haman also asked about penalties for unauthorized tree removal, to which staff clarified that fines would be based on a sliding scale and tree mitigation would still be required.

Additional concerns included defining prohibited actions such as girdling (removing bark in a way that harms the tree), the impact of temporary attachments like swings, and whether the 125% in-lieu fee adequately covers tree replacement and maintenance (staff confirmed it does). Finally, Commissioner Haman asked about tree height restrictions near the airport and how the ordinance aligns with fire department regulations, particularly regarding clearing debris and pruning branches. Staff clarified that fire safety-related tree maintenance would be exempt from permit requirements.

Chair Lowe opened public comment at 8:29 p.m.

Bruce King, representing Friends of San Lorenzo Creek, praised the proposed tree preservation requirements, particularly for native trees on private property, noting that unincorporated areas lack similar protections, leading to significant tree loss; pointed out a weakness in Hayward's ordinance, which lacks a 20-foot creek setback requirement, sometimes resulting in tree removal without adequate mitigation in riparian areas; and cited examples where trees were cut down without permits, and mitigated replacements were relocated to non-habitat areas, urging stronger protections to ensure trees remain within riparian zones.

Chair Lowe closed public comment at 8:32 p.m.

Chair Lowe expressed appreciation for the sliding scale fee structure, emphasizing the importance of ensuring that Hayward residents are not financially burdened by tree-related regulations. She supported efforts to simplify the ordinance to improve public understanding and compliance, reducing enforcement needs. She also praised staff for considering ways to



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lighten their workload and for creative outreach strategies, such as partnerships with HOAs. She agreed with using an accompanying document for tree lists rather than embedding them in the ordinance, making updates easier. Lastly, she supported the heritage tree criteria and reiterated the need to keep tree-related costs manageable for residents.

Commissioner Hardy thanked staff for incorporating previous feedback and stressed the importance of framing the tree preservation effort as a positive community initiative rather than just a set of regulations. She suggested promoting Hayward's commitment to trees as a key part of its identity and emphasized the need to highlight the benefits of tree preservation to encourage public engagement and participation.

Commissioner Franco-Claussen echoed other Commissioners' comments and emphasized the importance of balancing tree preservation with affordability and fairness for residents. She shared her background in open space protection and community outreach, suggesting that commissioners and community members take an active role in promoting tree preservation in an engaging and accessible way. She supported making outreach materials available through QR codes and other easily shareable formats to better inform residents.

Commissioner Goodbody suggested organizing a free tree pruning day similar to the City's free disposal days to assist homeowners with tree maintenance. She also recommended engaging the Keep Hayward Clean and Green Task Force in outreach and education efforts, given their presence across the city and their alignment with environmental initiatives. Goodbody proposed that the Keep Hayward Clean and Green Task Force contribute to developing a scoring system for prioritizing canopy coverage across different areas of the city.

Commissioner Haman provided detailed feedback on various ordinance sections, largely expressing agreement with the proposed updates. He raised concerns about section 10-15.15 wanting further discussion on impact to property owners and the protection of trees on private property, well as enforcement, suggesting that penalties may not be strong enough to deter unauthorized tree removal. He also questioned whether the illegal removal of high-value trees should carry heavier penalties. Additionally, Haman supported expanding the city's tree canopy beyond the proposed 10% goal but highlighted challenges such as wildfire risks, storm drainage capacity, and potential impacts on property insurance. He advocated for further evaluation of in-lieu fees to ensure they accurately reflect costs and provide financial support for homeowners unable to maintain their trees.

## **APPROVAL OF MINUTES**

4. Minutes of the Planning Commission Meeting on March 28, 2024 **MIN 25-020**

It was moved by Commissioner Franco-Claussen, seconded by Commissioner Goodbody, and



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carried unanimously, to approve the minutes of the Planning Commission meeting on March 28, 2024.

AYES:           COMMISISONER Franco-Clausen, Goodbody, Haman, Hardy,  
NOES:  
ABSENT:        COMMISISONER Meyers, Stevens  
ABSTAIN:       COMMISSIONER Haman

5. Minutes of the Planning Commission Meeting on September 26, 2024 **MIN 25-026**

It was moved by Commissioner Franco-Claussen, seconded by Commissioner Goodbody, and carried unanimously, to approve the minutes of the Planning Commission meeting on September 26, 2024. ✓

AYES:           COMMISISONER Franco-Clausen, Goodbody, Haman, Hardy, Lowe  
NOES:  
ABSENT:        COMMISISONER Meyers, Stevens  
ABSTAIN:

6. Minutes of the Planning Commission Meeting on December 12, 2024 **MIN 25-021**

It was moved by Commissioner Franco-Claussen, seconded by Commissioner Goodbody, and carried unanimously, to approve the minutes of the Planning Commission meeting on December 12, 2024.

AYES:           COMMISISONER Franco-Clausen, Goodbody, Haman, Hardy, Lowe  
NOES:  
ABSENT:        COMMISISONER Meyers, Stevens  
ABSTAIN:

**COMMISSION REPORTS**

Planning Manager Lochirco announced that three Planning Commissioners would be attending the League of California Cities Planning Commissioner Academy next weekend and encouraged them to share feedback on the program. He also reminded the Commissioners about the DSD Bi-Annual Progress report that was recently sent; and announced the March 13, 2025, Planning Commission that is tentatively scheduled is likely to be canceled due to lack of agenda items but noted the March 27, 2025, Planning Commission meeting is confirmed with at least one agenda item.

**ORAL REPORT ON PLANNING AND ZONING MATTERS**



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**COMMISSIONERS' ANNOUNCEMENTS, REFERRALS**

Commissioner Franco-Claussen announced her new role as a political organizer for the California Teachers Association.

**ADJOURNMENT**

Chair Lowe adjourned the meeting at 8:52 p.m.

**APPROVED:**

  
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Karla Goodbody, Secretary  
Planning Commission  


**ATTEST:**

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Briea Allen  
Planning Commission Secretary  
Office of the City Clerk

