

HAYWARD CITY COUNCIL

RESOLUTION NO 25-____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD MAKING FINDINGS IN SUPPORT OF AMENDMENTS TO CHAPTER 10, ARTICLE 15 (TREE PRESERVATION) OF THE HAYWARD MUNICIPAL CODE RELATING TO GUIDELINES FOR PROTECTED TREES IN THE CITY OF HAYWARD AND FINDING THE PROJECT IS EXEMPT FROM CEQA REVIEW PURSUANT TO SECTION 15307 AND SECTION 15308 OF THE CEQA GUIDELINES

WHEREAS, trees bring numerous environmental, social and economic benefits including improved air quality, reduced stormwater runoff, reduced urban heat island effects, increased property values, reduced energy costs, and increased biodiversity and aesthetic appeal; and

WHEREAS, updates to the City's Tree Preservation Ordinance are consistent with other plans and initiatives to mitigate environmental issues, including the adoption of the *Shoreline Adaptation Master Plan* (2021) to combat sea-level rise; the *Climate Action Plan* (2009 and 2024) to reduce the City's carbon footprint and greenhouse gas emissions; amendments to the Hazards Element to address extreme heat, drought, wildfire risk and sea level rise; and, the adoption of an Environmental Justice Element (2024) in the *Hayward 2040 General Plan* to support public health for specified communities by addressing and regulating environmental pollutants; and

WHEREAS, the City Council's Strategic Roadmap includes a priority to confront Climate Crisis and Champion Environmental Justice by providing an Update to the Tree Preservation Ordinance (CP7); and

WHEREAS, at the direction of the City Council, staff prepared amendments to the City's Municipal Code to establish a regulatory framework that helps the City identify, preserve, and protect existing trees in the City of Hayward; and

WHEREAS, the updates to the Tree Preservation Ordinance aligns with State and City sustainability policies that have been adopted since the last update to the Ordinance in 2002 and helps maintain and expand the City's existing tree canopy; and,

WHEREAS, between January and May 2024, City staff held targeted outreach meetings with various community stakeholders, including Developers and local Homeowners Associations, to obtain feedback about the Ordinance; and

WHEREAS, on September 26, 2024, and February 27, 2025, the Planning Commission held work sessions to discuss several proposed policies and provide public feedback on the proposed updates to the Tree Preservation Ordinance; and,

WHEREAS, on September 17, 2024, and March 18, 2025, the City Council held work sessions to review recommendations and provide public feedback on the proposed updates to the Tree Preservation Ordinance; and

WHEREAS, on June 12, 2025, the Planning Commission held a public hearing to review the proposed updates to the Tree Preservation Ordinance and recommended (5-0-2) the City Council approve the proposed Amendments; and

WHEREAS, on July 25, 2025, a Notice of Public Hearing was published in the manner required by law and the hearing was duly held by the City Council on August 19, 2025.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council hereby finds and determines that the proposed Amendments to the City's Municipal Code for updates to the Tree Preservation Ordinance 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. 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.

AMENDMENTS TO THE MUNICIPAL CODE SECTION 10, ARTICLE 15 TREE PRESEVATION ORDINANCE

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;

The proposed Amendments to the Tree Preservation Ordinance will promote the public health, safety, convenience, and general welfare of the residents of Hayward by preserving the existing urban forest and guiding the planting of new trees. Trees have a positive impact on overall public health, by filtering pollutants and easing the heat island effect as well as having positive impacts on community welfare creating a sense of place. The protection of native trees maintains a large portion of the city's

urban forest as well as reducing water demand. Street trees have been found to create safer streets and slow traffic also increasing the health, safety and welfare of the community.

2. The proposed change is in conformance with all applicable, officially adopted policies and plans;

The proposed Amendments to the Tree Preservation Ordinance are consistent with the goals and policies of Land Use (LU), Health and Quality of Life (HQL), Community Safety (CS), Natural Resources (NR) and Environmental Justice (EJ) Elements of the *Hayward 2040 General Plan*, including the following:

LU-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 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.

3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and

Streets and public facilities that currently serve the City are not expected to be impacted by the amended Tree Preservation Ordinance. Much of the land use activities associated with the Tree Preservation Ordinance are consistent and compatible with the other land uses that are currently permitted or conditionally permitted in the zoning districts. No properties are proposed to be reclassified or rezoned with the proposed Amendments. As such, the streets and public facilities, both existing and proposed, would be supported by the updates to the ordinance.

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.

No properties are proposed to be reclassified with the proposed Amendments to the Tree Preservation Ordinance. A beneficial effect will be achieved with the proposed revision, as it will clarify the guidelines for the protection and mitigation of existing trees, as well as creating a more streamlined and equitable permitting process for applicants.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2025

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward