

**CITY OF HAYWARD PLANNING COMMISSION
PROPOSED TEXT AMENDMENTS TO CHAPTER 10 ARTICLE 15 OF THE HAYWARD
MUNICIPAL CODE FOR UPDATES TO THE TREE PRESERVATION ORDINANCE**

DRAFT FINDINGS FOR APPROVAL

PROPOSED TEXT AMENDMENT

Per Section 10-1.3425(a), the Planning Commission shall hold a public hearing on all text amendments, reclassifications and pre-zonings. The Planning Commission may recommend approval of or deny a text amendment, reclassification, or pre-zoning to the City Council. Recommendations for approval shall be based upon all the following findings:

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 Text 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 Text Amendments to the Tree Preservation Ordinance are consistent with the goals and policies of the 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 specific goals and policies:

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 Text 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 Text 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed Text Amendments to the City's 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. 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."

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.