

**PLANNING COMMISSION MEETING  
THURSDAY, NOVEMBER 14, 2024**

**DOCUMENTS RECEIVED AFTER  
PUBLISHED AGENDA**

## **ITEM #1 WS 24-034**

**Preliminary Review of a Major Site Plan Review Application to Construct a Three-Story Data Center, Generator Yards, Substation, Switching Yard, and Related Accessory Structures on an Approximately 11-Acre Site Located at 26062 Eden Landing Road (Assessor Parcel Nos. 461-0085-052-01 and 461-0085-016-00). Application SPR-23-0036; Miles Kersten for STACK Infrastructure (Applicant) on behalf of SI SVYL3 LLC (Owner)**

**Documents and Public Comments**

## **Staff Responses to Commissioners' Questions**



**November 14, 2024 – Planning Commission Questions**

ITEM #	QUESTION	STAFF RESPONSE
1	<p>1. At the October 10, 2024 Planning Commission meeting it was stated that the developer requested that this item be moved to the December 12, 2024 meeting. Why was it then moved to November 14, 2024? I’m concerned that these changes may be confusing for the community.</p>	<p>This item was continued to a date certain due to a desire from staff and the applicant team for input from a larger proportion of the Planning Commission. (Three Commissioners were unable to attend the October 10 meeting.) The applicant initially thought their team had a scheduling conflict on November 14, which is why the item was continued to the December 12 meeting. However, when that scheduling conflict got resolved, the applicant team requested to hold the work session at the Planning Commission’s November 14 meeting instead.</p> <p>Given this unexpected date change, staff published a new legal ad in the Daily Review newspaper and sent out postcard notices to all properties within 300 feet of the project site. In addition, staff shared the new meeting date with members of the public who reached out via phone or email about the project, including owners of nearby businesses.</p>
1	<p>2. Attachment I, Page 1 - The Staff Report and Attachments show 26062 Eden Landing Road as the site address, but the California Energy Commission Project Page for STACK SVY03A Data Center Campus has the address listed as 26203 Production Avenue. I know that the project will span both streets, but is there a reason why the address is listed differently on CEC’s website?</p>	<p>Both addresses are associated with the project site, along with several other addresses, including 26010 Eden Landing Rd, 26034 Eden Landing Rd, 26046 Eden Landing Rd, 26271 Production Avenue, 3401 Investment Blvd, 3423 Investment Blvd, 3447 Investment Blvd, 3475 Investment Blvd, and 3477 Investment Blvd. While the applicant opted to use “26062 Eden Landing Road” as the official address for their Major Site Plan application with the City, it’s possible that the CEC opted for a different address for the CEQA document.</p> <p>All City issued notices for the project illustrated the full project boundary and included the Assessor Parcel Numbers (APNs) for both sites. The CEQA document that the CEC is preparing will also include maps clarifying the full project boundary and will list both parcel numbers.</p>
1	<p>3. Attachment I, Page 2 - Are the minutes of the February 8, 2024 Hayward Area</p>	<p>The HASPA Board meeting minutes from February 8, 2024 are available here: <a href="https://www.ebparks.org/sites/default/files/Package_HASPA-Board-of-Trustees-">https://www.ebparks.org/sites/default/files/Package_HASPA-Board-of-Trustees-</a></p>

	Shoreline Planning Agency (HAPSA) Board of Directors meeting and/or notes from the October 10, 2024 meeting available for review? I understand that the minutes likely aren't available for the October meeting yet, but I'm interested in learning more about HASPA's recommendation to increase the amount of contributions to the public benefits package; specifically, if any additional dollar amount was named.	<a href="#">Mtg_2024-03-21.pdf</a> (see pages 5-7 for their comments on the STACK Data Center project). The October 10, 2024 meeting minutes are not yet available. At their October 10 meeting, the Board recommended that the Public Benefits Package be increased to \$3,000,000, with the extra funds going towards trees, bike and pedestrian improvements, sustainability measures, and other green improvements.
1	4. Attachment I, Page 2; Attachment VIII, Emails - Has there been follow-up with the tenants in close proximity to, and/or who may be displaced by, this project regarding relocation support?	Both the applicant team and staff have been in communication with the businesses in the commercial strip across Eden Landing Road from the project site to discuss the potential impacts to their businesses as a result of the proposed project. In addition, City staff from the Economic Development team has reached out to a business that was concerned about being displaced from the project site to offer support in finding a new location.
1	5. Attachment I, Page 3 - To date, how many of the nine existing buildings at the site have been demolished?	None of the buildings have been demolished. Demolition may not begin until the CEQA document for the project is certified, as the potential impacts of demolition activities are evaluated in the environmental analysis.
1	6. Attachment I, Page 3 - The staff report states that "the remaining mitigation balance of \$150,951 will potentially be mitigated off site." Can you provide more information on what the other option(s) would be?	Given the constraints of the site itself, including a 90-foot wide PG&E easement along the west side of the site and additional utility easements at the northeast corner and along Production Avenue, there is not enough space on site to fully accommodate the full tree mitigation requirement. As a result, our Landscape Architect is recommending that a contribution toward off-site mitigation be made, which is an approach that has been taken in other cases with similarly constrained sites.
1	7. Attachment I, Page 4 - Regarding the project supporting Hayward General Plan Goal LU-6 and expanding the economic and employment base of Hayward, do we have an account of how many jobs have been lost or relocated, or are anticipated to be lost as a result of this project?	As of the writing of this response, staff does not have this data. However, staff will forward this question to the applicant team to see if they can provide specific figures to the Commission at Thursday's work session.



	Conversely, how many jobs will be gained as a result of this project (i.e. will additional offsite or virtual jobs be created beyond the 33 that would be onsite at one time)?	
1	8. Attachment I, Page 4 - Are there any concerns with a 100-to-108-foot structure being in close proximity to the Hayward Executive Airport?	Airport staff has reviewed the project and let the applicant team know that they are required to file Form 7460 with the FAA to ensure that there is no negative impact to navigation signal reception. The review process by the FAA will be required to be completed before any building permits may be issued for the project.
1	9. Attachment I, Page 4 - How was the amount of \$1.3 million in public benefit funds determined? Was it based on any specific calculation or methodology?	The project's initial Public Benefits Package proposal of \$900,000 was calculated by the applicant team based on the estimated cost of the Public Benefits Package that was approved by the Planning Commission for the Clawiter Industrial Project at 25800 Clawiter Road in 2021 (Planning Commission Meeting; February 11, 2011; PH 21-010: <a href="https://hayward.legistar.com/LegislationDetail.aspx?ID=4791223&amp;GUID=52B31733-BC4B-4D91-A106-1853583C544E">https://hayward.legistar.com/LegislationDetail.aspx?ID=4791223&amp;GUID=52B31733-BC4B-4D91-A106-1853583C544E</a> ). After conversations with staff, the CEDC, and the HASPA Board, this amount has since increased to \$1,300,000. In addition, the artistic screening around the on-site substation, switching yard, and generator yard has been removed from the Public Benefits calculation, though it will still provide a positive visual impact to the surrounding area. Ultimately, it will be up to the Planning Commission (or the City Council if the project is called up or appealed) to determine what amount of Public Benefits are appropriate given the requested 25 foot height increase of the main building.
1	10. Attachment I, Page 7 - Has there been, or will there be, engagement with the Hayward Fire Department (aside from normal Fire Marshall oversight and certification) regarding any concerns or additional fire safety resources needed or recommended for a Thermal Power Plant and the proposed 28 diesel generators?	Due to the high volume of hazardous materials proposed, the Fire Department is requiring the preparation and approval of an Alternative Means and Methods Request (AMMR) that is prepared by a licensed Fire Protection Engineer. This is a separate and concurrent application that is facilitated by the Fire Department to determine whether the proposed fire protection systems are sufficient to mitigate any additional risk posed by this project. If the AMMR is not approved by the Fire Department, the project would not ultimately be recommended for approval.