

**CITY COUNCIL
MEETING**

JANUARY 27, 2026

**DOCUMENTS
RECEIVED
AFTER
PUBLISHED
AGENDA**

Item #5

WS 26-003

**Business-Friendly
Hayward Project
Update**

From: Galvez, Janet

Sent: Monday, January 26, 2026 10:59 PM

To: List-Mayor-Council

Cc: Bell, Courtney ; Sidles, Philip; Surdin-OLeary, Danielle; Harandi, Ali; Tarpin, Claudia; Thakral, Samidha ; Xu, Miao

Subject: City Council Agenda Item No. 2: Work Session: Proposed Municipal Code and Zoning Map Revisions Related to the Business-Friendly Hayward Project

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor and Councilmembers,

On behalf of Prologis, thank you for your continued leadership as the City considers updates to its zoning code and broader economic development strategy. For over 40 years, Prologis has invested in Hayward by supporting jobs, generating significant tax revenue, and advancing sustainable industrial development. We support the Business-Friendly Hayward initiative, particularly its focus on strengthening the City's fiscal health, attracting new investment while advancing sustainability and environmental stewardship in order to position Hayward for long-term resilience.

We write to share the letter Prologis submitted to the Planning Commission last week regarding proposed zoning changes affecting industrial and data center uses. We are concerned that the proposed prohibition of data centers in the Industrial Park zoning district will unintentionally work against the goals set forth in the Business-Friendly Hayward initiative. Given Council's central role in shaping the City's climate, economic, and land use policies, we wanted to ensure you had visibility into our perspective as this discussion continues.

At the outset, we want to emphasize that modern data centers can be planned and regulated in a manner consistent with Hayward's sustainability and climate action goals. When subject to clear, objective performance standards, data centers can function as climate-supportive infrastructure that enables electrification, supports renewable energy integration, strengthens grid reliability, and reduces vehicle trips. In addition, locating data centers within established industrial areas, combined with enforceable performance standards, buffering, and CEQA review, provides a more precise and equitable approach than broad zoning exclusions, while ensuring that environmental and community impacts are appropriately addressed.

In addition to these sustainability benefits, data center uses represent a significant fiscal and economic opportunity for Hayward. For these reasons, we respectfully encourage the City Council to consider a balanced approach that continues to allow data centers in both IP and IG zoning districts, subject to clear, objective performance standards. Such an approach would advance Hayward's economic development objectives while remaining aligned with the City's sustainability priorities.

We welcome continued dialogue with City staff, Councilmembers, and stakeholders to ensure that any final zoning framework reflects Hayward's leadership in climate responsibility while providing clarity to attract businesses and support economic stability.

Thank you for your time and consideration.

Janet Galvez | VP, Investment Officer

Pier 1, Bay 1 | San Francisco | California | 94111 | United States of America

www.prologis.com | Follow us on [LinkedIn](#) and [Twitter](#)



The information transmitted, including any attachments, is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited, and all liability arising therefrom is disclaimed. If you received this in error, please contact the sender and delete the material from any computer.

signature for Galvez, Janet





January 22, 2026

City of Hayward Planning Commission
Attn: City Clerk
777 B. Street
Hayward, CA 94541
Email: cityclerk@hayward-ca.gov

Re: Agenda Item No. 2: Work Session: Proposed Municipal Code and Zoning Map Revisions Related to the Business-Friendly Hayward Project

Honorable Planning Commissioners:

Thank you for the opportunity to comment on the City of Hayward’s (“City’s”) proposed amendments to the Zoning Code and Zoning Map as part of the Business-Friendly Hayward Project (“Proposed Amendments”). Founded and still deeply rooted in the Bay Area, Prologis is a global and local leader in logistics, data center, energy, and mobility real estate, and a long-standing owner and operator of industrial real estate in Hayward. For over 40 years, Prologis has partnered with the City to deliver three million square feet of logistics and industrial facilities in 37 buildings. In 2024, Prologis’s holdings in the City yielded \$8.8 million in property taxes, \$440 million in property investment (with a direct impact of \$528 million and an indirect impact of \$306 million), and 4,550 direct, indirect, and induced jobs. Prologis also has a strong track record in its commitment to sustainability, innovation, and economic vitality. In 2025, Prologis reached over one gigawatt (“GW”) of installed solar and energy storage and set an ambitious goal to achieve net zero across its value chain by 2040, with 195 million square feet of sustainably certified space already in place.

Prologis has been following Hayward’s current fiscal challenges and supports the City’s strategic initiative to attract new investment and strengthen the local economy. We appreciate the City’s efforts to modernize and streamline its zoning framework in a manner that supports economic vitality, environmental stewardship, and compatibility with surrounding uses. We are concerned, however, that the Proposed Amendments related to industrially zoned properties and data centers (“Proposed Industrial Amendments”) will impede—not facilitate—new businesses and economic investment in the City. In that spirit, we respectfully offer the following observations regarding the proposed changes affecting data center uses in industrial zoning districts, which are more thoroughly discussed in the attached detailed comments.

- The proposed prohibition of data centers in the IP (Industrial Park) district, and limitation of such use exclusively to the IG (Industrial General) district, could unintentionally conflict with the Business-Friendly Hayward Project’s stated objectives by constraining investment in the City’s existing underutilized industrial areas and reducing flexibility for emerging forms of industrial and technology-related infrastructure.

- Data centers increasingly are treated by Bay Area jurisdictions as a form of modern industrial infrastructure that should coexist with other industrial and R&D uses, subject to appropriate standards. Many IP-zoned areas in Hayward already are characterized by industrial activity, substantial separation from sensitive receptors, and proximity to existing electrical infrastructure, making IP districts suitable locations for data centers.
- Existing electrical infrastructure necessary to support data center development is located predominantly within the City’s IP-zoned areas, whereas IG-zoned areas largely lack necessary electrical infrastructure. As a result, the Proposed Industrial Amendments could result in a de facto prohibition of data centers in the City.
- Concerns related to operational characteristics, compatibility with nearby uses, and public engagement could be addressed through targeted performance standards, discretionary site plan review, and required environmental review under the California Environmental Quality Act (“CEQA”), rather than through a categorical prohibition within existing industrial areas. Many Bay Area cities have taken this approach.
- In addition to local land use approvals, data center facilities are subject to multiple layers of state and regional regulatory oversight and permitting processes that impose strict limits on emissions, noise, and environmental impacts.
- From a fiscal and infrastructure perspective, data centers provide net benefits to local jurisdictions, including property tax revenue, utility users tax revenue, and privately funded upgrades to power and grid infrastructure that provide improved grid reliability at no cost to residents.

For these reasons, we respectfully encourage the Planning Commission to consider revisions to the Proposed Amendments that would: (a) continue to allow data centers in both IP and IG districts, (b) provide clear and objective performance standards to address compatibility, environmental, and design considerations, and (c) require discretionary Major Site Plan Review or conditional approval only when performance standards cannot be met.

Finally, we appreciate the City’s intent to continue stakeholder engagement and welcome the opportunity for additional outreach and dialogue, particularly given that the data center provisions were not included in earlier drafts of the Business-Friendly Hayward amendments. Additional engagement will help ensure that any final zoning changes are well-calibrated to Hayward’s economic development goals while also addressing community concerns.

Thank you for your time and consideration. We look forward to continuing collaboration with City staff, the Planning Commission, and the City Council as this process moves forward.

Respectfully,

Prologis

Enclosure: Prologis Comments on Proposed Industrial Amendments

Comments on Proposed Industrial Amendments

A. The Proposed Industrial Amendments Will Impede the Objectives of the Business-Friendly Hayward Project

The City’s website describes the Business-Friendly Hayward Project as “a strategic initiative designed to make it easier for businesses to locate and thrive in the City’s commercial and mixed-use areas, while also working to revitalize vacant and underused properties” with an aim of creating “a supportive environment for local businesses, attract[ing] new investment, and strengthen[ing] the local economy.”¹ While many of the Proposed Amendments are thoughtfully designed to advance these objectives, the Proposed Industrial Amendments may not fully support the City’s strategic goals and instead appear to go beyond what is necessary to address legitimate concerns regarding data centers. As detailed below, there are more targeted, less burdensome approaches that could address these concerns effectively while continuing to encourage economic development and investment, along with fiscal stability, in Hayward.

As explained in the Planning Commission Staff Report for the January 22, 2026, meeting (“Staff Report”), under the City’s current Zoning Code, the City has treated data centers as an “office” use that is principally permitted in many commercial and industrial zoning districts, subject to Site Plan Review² (structures greater than 5,000 sf), Major Site Plan Review³ (projects of 10 acres or more), and compliance with the City’s Industrial Design Guidelines. The Staff Report identifies three primary concerns with data center development: “operational characteristics,” “potential for impacts to sensitive receptors,” and a desire for public hearings to be required for any data center project. (Staff Report, pp. 7-8.) The staff recommendation is to (1) create a new definition of “data center”; (2) prohibit data centers in all zones except the IG zoning district; and (3) require a conditional use permit (“CUP”) with the associated public hearing process for all data centers.

Notably, the proposal to limit data centers to the IG district fails to account for the location of electrical infrastructure necessary to support data center development. Most existing PG&E infrastructure is located south of Highway 92, in the IP district. PG&E staff has informed Prologis that PG&E currently does not have sufficient electrical infrastructure in the IG zoned area to support data centers in the near term. By restricting data centers to the IG district, the City will undermine its own economic development objectives.

Prologis supports the City’s effort to clarify how data centers will be treated in the Zoning Code; however, we do not support prohibition of data centers in the IP zoning district. Instead, many of the City’s concerns regarding the appropriate location and development standards for data centers can be addressed through performance standards and the environmental review process, as discussed below.

¹ <https://www.hayward-ca.gov/your-government/departments/planning-division/business-friendly-hayward-project>

² Hayward Municipal Code (“HMC”), § 10-1.1605(A).

³ HMC, § 10-1.1605(B).

B. Economic and Community Benefits of Data Center Development

The rapid growth of cloud computing, artificial intelligence, and other data-driven industries has made data centers essential to modern economic vitality, particularly in the Bay Area, where global technology innovation is developed and scaled. As a centrally located Bay Area city, Hayward plays an important role in this innovative ecosystem. Prohibiting data centers in the IP zone would limit Hayward's opportunity to participate in securing locally based digital infrastructure needed to support emerging technologies and remain competitive.

Data centers also create a wide range of jobs, from construction and skilled trades to long-term operations and specialized information technology roles. Across California, the industry has attracted significant investment and driven economic growth by supporting related sectors such as construction, telecommunications, power infrastructure, and advanced manufacturing.

Direct Fiscal Benefits

- **City Tax Revenues:** Construction and operation of a single medium-scale data center in Hayward could produce between \$3 – 5.5 million in annual tax revenue for the City. These revenues would support not only the City, but also the Hayward Unified School District and the Hayward Recreation and Park District. Because data centers house so much equipment that is refreshed frequently, they also generate a significant amount of tax revenue from the sales and use tax on the purchase of new data center equipment that is refreshed on a five-year schedule.
- **Utility Users Tax (“UUT”):** The City’s UTT imposes a 5.5 percent tax on utilities such as electricity and gas.⁴ The UUT represents the City’s third-largest revenue source and a major component of the City’s public safety funding. The City’s 2025-26 budget projects that revenues from the UUT will account for \$27 million, representing 12.5 percent of the City’s total annual revenue. A single 99-MW data center would pay a UTT of approximately \$5.7 million a year, reflecting over a 20 percent increase in the City’s existing annual total UTT revenue from a single project.
- **Impact Fees:** New development of a data center would be subject to the City’s impact fees (e.g. traffic and park impact fees).⁵

Indirect Economic Benefits

- **Grid Infrastructure Improvements:** Many of the concerns often expressed about the impact of data centers on power availability and pricing are inapplicable to most Bay Area data centers. PG&E increasingly is shifting responsibility to fund electrical infrastructure to data center developers and operators with upfront payments and updated tariffs to ensure that PG&E residential and business customers do not become responsible for the cost to expand the electrical infrastructure. To accommodate anticipated data center and other demand growth in the Bay Area, including Hayward, it is anticipated that PG&E would expand and modernize its transmission infrastructure, further supporting regional power reliability and affordability. Anticipated data center projects would help

⁴ <https://www.hayward-ca.gov/your-government/programs/utility-users-tax-uut>

⁵ <https://www.hayward-ca.gov/sites/default/files/pdf/Adopted-FY-2026-Master-Fee-Schedule-10-14.pdf>

fund electrical grid resiliency and expandable electrical infrastructure to better accommodate electrical load growth in the City and the broader Bay Area. In fact, PG&E estimates average household rates could be reduced as data center load comes online.⁶

- Construction & Operational Jobs: In the year of peak construction, the total number of supported jobs for a medium-scale data center could surpass 400. Once construction is completed, total jobs supported by a medium-scale data center would remain stable at approximately 105. The average annual pay and benefits for these jobs is about \$193,000 per year, which is almost twice the average annual pay and benefits for private jobs in Alameda County (\$96,590).
- Support for Existing Industrial Facilities: Data center development supports significant investment in infrastructure upgrades, which brings additional power capacity to existing industrial markets. This development could spur additional manufacturing, R&D, and logistics activity in the City.
- Supporting Local Universities: Higher education institutions will need to integrate advanced technologies to meet the changing needs of their students and faculty and to support research across a variety of scientific, medical, and technological disciplines. This technological need, in turn, will require universities and colleges to secure availability of data center infrastructure.

The Proposed Industrial Amendments, if adopted, will put Hayward at an economic disadvantage by directing data center development—as well as R&D and advanced manufacturing facilities (which increasingly rely upon geographically proximate data centers)—to other jurisdictions in the Bay Area, along with the associated tax revenues, jobs, and other community benefits. Nearby cities (San Jose, Santa Clara, Milpitas, Fremont, Pittsburg) are accommodating data center development through the use of performance standards. Hayward risks diverging from the Bay Area industrial market if it adopts the restrictive approach outlined in the Proposed Industrial Amendments.

C. Existing Regulatory Standards Addressing Environmental Impacts of Data Center Development

Many concerns often expressed regarding impacts of data centers are overstated when applied to small and mid-sized data center development in the context of California’s existing regulatory and infrastructure environment. In addition to requiring local land use permits, most data centers with over 50 MW of emergency backup power generation require California Energy Commission (“CEC”) approval of the generators. The CEC has exclusive jurisdiction over “thermal power plants” (including diesel and natural gas generators) over 50 MW. Projects between 50 and 100 MW are authorized through the CEC’s Small Power Plant Exemption (“SPPE”) process. The CEC can grant an SPPE only if it finds that the proposed facility *will not create a substantial adverse impact on the environment or energy resources*, as demonstrated by a CEQA document prepared by the CEC. If the SPPE is approved, the project developer still must secure any other local, state, and federal permits required to construct and operate the project.

⁶ <https://www.pge.com/en/newsroom/currents/future-of-energy/how-data-centers-like-amazon-s-can-lower-electricity-bills.html>

The CEC routinely incorporates mitigation measures into its CEQA document ensuring that all impacts are less than significant. Using these measures, for the 15 data centers it has evaluated since 2019, the CEC has been able to make the finding that the data center project will not result in significant environmental impacts (including those to sensitive receptors).

- Sensitive Receptors:
 - Zoning & Design Standards: As discussed above, placement of data centers within existing industrial areas significantly addresses concerns regarding proximity of such uses to residential and other sensitive receptors. Many concerns pertaining to proximity of sensitive receptors can be addressed through engineering and design standards pertaining to building mass, orientation, mechanical screening, and location of loading and service areas.
 - Air Quality/GHG: Data centers require emergency back-up generators to ensure consistent power supply during a power outage, disruption, or instability in the electric grid. Many types of facilities require back-up generators, including hospitals, schools and universities, water treatment plants, R&D facilities, distribution centers, and grocery stores (e.g., food refrigeration). The Bay Area Air District's ("Air District's") Authority to Construct and the California Air Resources Board's ("CARB's") Airborne Toxic Control Measures ("ATCM") limit each engine to no more than 50 hours annually for reliability purposes (i.e., testing and maintenance). In California, data centers use Tier IV generators (e.g., best available control technology that reduces emissions), and either use 100 percent renewable electricity or participate in a program that reduces greenhouse gas ("GHG") emissions to net zero. This requirement results in development of new renewable energy projects that will serve all users in California.
 - Noise: The City's General Plan provides exterior noise limits based on land use categories. Industrial manufacturing and utilities, for example, are limited to a maximum level of exterior noise of 75 CNEL.⁷ Hayward Municipal Code Chapter 4, Sections 4-1.03.1, and 4-1.03.4, sets forth noise regulations applicable to commercial and industrial properties and limits operational noise levels at any point outside of the commercial and industrial property plane to 70 dBA Leq (HMC, § Section 4-1.03.1(b)). Through the use of standard engineering and design methods (described above), data centers can meet the above noise standards.
- Water Use: Criticisms of data center water usage for cooling equipment often are based on outdated or inaccurate information. Solutions such as air cooling closed-loop water systems do not require daily water consumption.
 - A potential design approach for data centers is the use of an air-cooling system that does not require a continuous draw of water. Instead, it operates on a closed-loop system that is filled once during setup. Virtually no water is evaporated or discharged, thus there is no need to continuously feed the cooling system with

⁷ CNEL refers to Community Noise Equivalent Level measurements, a weighted average of sound levels gathered throughout a 24-hour period.

water. We are confident that this system can be adapted to meet the needs of all customer types.

- Hybrid cooling would be the exception rather than the rule and would only be pursued at the customer's request. In such cases, the system can use recycled water where available. Preliminary analysis indicates that a hybrid design would require water consumption equivalent to the annual usage of fewer than 200 households, or approximately one large apartment building.
- For a 99MW data center with a closed-loop cooling system, projected annual water use is 1-2 AFY. For comparison, a dwelling consumes approximately 0.3 to 0.5 AF of water per year. Therefore 500 dwelling units (the trigger for preparation of a Water Supply Assessment) would consume approximately 150 to 250 AFY of potable water.⁸
- For context, during the 2021/2022 fiscal year, the San Francisco Public Utilities Commission supplied the City with approximately 15,736 AF of potable water.⁹
- **Trips:** Data centers produce very few vehicle and truck trips compared to other industrial uses, reducing noise, roadway utilization, and air quality impacts to residents along roadways used to access industrial properties.

D. Proposed Zoning Code Solutions to Address Data Center Development

The Proposed Industrial Amendments, if adopted, would prohibit development of data centers within the IP district despite the appropriateness of this district for data center uses based on the presence of existing industrial uses and electrical infrastructure, adjacent Light Industrial buffer areas, and geographic isolation from zones with higher concentrations of sensitive receptors. We recognize the City's interest in ensuring appropriate public oversight and compatibility for data center development. Allowing data centers in IP zoning districts subject to clear, objective performance standards and discretionary site plan review, would provide the City with greater predictability, enforceability, and public transparency than a categorical zoning prohibition, while still advancing the Business-Friendly Hayward Project's economic objectives.

1. Data Centers Should Remain Permitted in the IP, Industrial Park District.

The Proposed Industrial Amendments would prohibit data centers in all zones except IG zones, thereby eliminating the use on IP zoned properties. As explained below, data centers should be permitted in both IG and IP zoning districts.

IP zoned properties are located in three primary areas of the City: (1) along the north-westernmost portion of the City bordering the Bay, (2) either side of CA-92's approach to the Hayward-San Mateo Bridge, and (3) a triangular area within the southernmost portion of the City

⁸ Department of Water Resources (DWR). Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001. California Department of Water Resources. October 8, 2003. Accessed on: May 7, 2020. Accessed online at: https://water.ca.gov/LegacyFiles/pubs/use/sb_610_sb_221_guidebook/guidebook.pdf

⁹ Bay Area Water Supply & Conservation Agency (BAWSCA). Annual Survey, Fiscal Year 2021-22, BAWSCA. March 2023. Accessed on: March 13, 2024. Accessed online at: https://bawasca.org/uploads/userfiles/files/Annual%20Survey_FY21-22_FINALv2.pdf

bordered by Industrial Parkway to the west, railroad tracks (BART and freight) to the east, and Whipple Road to the south.

We have not identified any IP-zoned parcel in the City that is directly adjacent to residential-zoned property. IP zones either share the same geographic characteristics as IG zones, or in some respects are *farther away* from residential, commercial, and mixed-use zones. Even in the southeast portion of the City, where existing residential development borders the eastern side of the railroad tracks, associated right-of-way, and BART maintenance facility, and existing industrial development borders the west side of the tracks, there is a buffer of approximately 600 to over 1000 feet of separation between the two zones.

The City's IP zone "is intended to provide areas for high technology, research and development, and industrial activities" and allows a "variety of industrial, manufacturing, and high technology uses." Given data centers often support or are collocated with each of these uses, prohibiting data centers within the IP zoning districts will have negative impact on all industrial uses and may disincentive investment in the City's existing IP-zoned areas overall.

Other jurisdictions are not taking the same approach, particularly given the increasing need for data centers to be developed alongside industrial uses due to the increasing demand for AI and investment. At a minimum, we urge the Planning Commission to modify the proposed use table to identify data centers as either principally permitted, subject to Major Site Plan Review, or conditionally permitted in both IP and IG districts.

2. Performance Standards Would Effectively Address Data Center Concerns.

The Proposed Industrial Amendments propose requiring a CUP for all data centers, regardless of size or location, as a means of ensuring any data center project would be subject to a public hearing process. As a practical matter, many data center facilities will already trigger a public hearing under the existing Zoning Code based on acreage, because projects over 10 acres require Major Site Plan Review by the Planning Commission (subject to appeal to the City Council),¹⁰ and industrial parcels tend to be larger than parcels in other zoning districts.

As a discretionary approval, Major Site Plan Review would be subject to CEQA review, which would require identification and mitigation of any impacts associated with adverse environmental impacts.

Other Bay Area cities are instead utilizing performance standards for evaluating data center development. Adoption of specific performance standards would directly address the City's concerns, with a CUP only being triggered for requests to waive or exceed such performance standards.

¹⁰ HMC, §§ 10-1.1605; 10-1.3075.

From: BC4AD

Sent: Tuesday, January 27, 2026 9:23 PM

To: List-Mayor-Council ; Jennifer Ott ; Alex Ameri

Subject: Fwd: Planning Commission meeting - WS 26-002

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City Council,

Here's the remaining comment submitted to the Planning Commision.

Best,

John

----- Forwarded message -----

From: **BC4AD**

Date: Thu, Jan 22, 2026 at 9:40 PM

Subject: Re: Planning Commission meeting - WS 26-002

To: <cityclerk@hayward-ca.gov>, <Elizabeth.Blanton@hayward-ca.gov>, <Sachiko.Riddle@hayward-ca.gov>

And finally,

Data centers are a danger to public health & safety because the FCC admitted it has no EMF studies concerning data centers nor any planned.



Federal Communications Commission
Washington, D.C. 20554

January 20, 2026

VIA ELECTRONIC MAIL

Jennifer L. Pelton
1216 Broadway 14F
New York, NY 10001
jenesq@jenesq.net

FOIA Control No. 2026-000230

Dear Ms. Pelton:

This is in reply to the Freedom of Information Act (FOIA) request you submitted to the Federal Communications Commission (FCC or Commission) on December 5, 2025, seeking "all radiofrequency electromagnetic studies conducted, being conducted, or planned to be conducted in the future concerning data centers as defined by the Energy Independence and Security Act of 2007 (42 U.S.C. § 17112), the Federal Data Center Enhancement Act of 2023 (Pub. L. 118-31) and Presidential Executive Orders."¹

Your request was assigned FOIA Control No. 2026-000230 and referred to the FCC's Office of Engineering and Technology (OET). OET conducted a search and found no records responsive to your request.

We are required by both the FOIA and the Commission's own rules to charge requesters certain fees associated with the costs of searching for, reviewing, and duplicating the sought after information.² To calculate the appropriate fee, requesters are classified as: (1) commercial use requesters; (2) educational requesters, non-commercial scientific organizations, or representatives of the news media; or (3) all other requesters.³

Pursuant to section 0.466(a)(5)-(7) of the Commission's rules, you have been classified as category (2), "educational requesters, non-commercial scientific organizations, or representatives of the news media."⁴ For such requesters," the Commission assesses charges to recover the cost of reproducing the records requested, excluding the cost of reproducing the first 100 pages. No reproduction of records resulted from this response. Therefore, you will not be charged any fees. You have requested a fee waiver pursuant to section 0.470(e) of the Commission's rules.⁵ Because you are not required to pay any fees in relation to your FOIA request, the Office of the General Counsel, which reviews such requests, does not make a determination on your request for a fee waiver.⁶

¹ FOIA Control No. 2026-000230 (submitted Dec. 11, 2025).

² See 5 U.S.C. § 552(a)(4)(A); 47 CFR § 0.470.

³ 47 CFR § 0.470.

⁴ 47 CFR § 0.466(a)(5)-(7).

⁵ 47 CFR § 0.470(e).

⁶ 47 CFR § 0.470(e)(5).

You may seek review of this determination by filing an application for review with the Office of General Counsel within 90 calendar days of the date of this letter.⁷ Your appeal must articulate specific grounds for review, identify factors warranting further consideration of the issue presented, and specify the relief being sought.⁸

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission's FOIA Public Liaison for assistance at:

FOIA Public Liaison
Federal Communications Commission
Office of the Managing Director
Performance Evaluation and Records Management
45 L Street NE, Washington, DC 20554
202-418-0440
FOIA-Public-Liaison@fcc.gov

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
<https://www.archives.gov/ogis>

Sincerely,



Andrew C. Hendrickson
Chief
Office of Engineering and Technology

cc: FCC FOIA Office

⁷ 47 CFR §§ 0.461(j), 1.115; 47 CFR § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

⁸ See 47 CFR §§ 0.251(j) (applications for review may be dismissed for failure to articulate specific grounds for review); 1.115(b) (an application for review must specify with particularity the questions presented for review and specify the factor(s) (from an enumerated list) warranting Commission consideration of the questions).

On Thu, Jan 22, 2026 at 9:08 PM BC4AD <bc4adcoalition@gmail.com> wrote:

To follow up on a recent comment by a commissioner regarding Data centers,

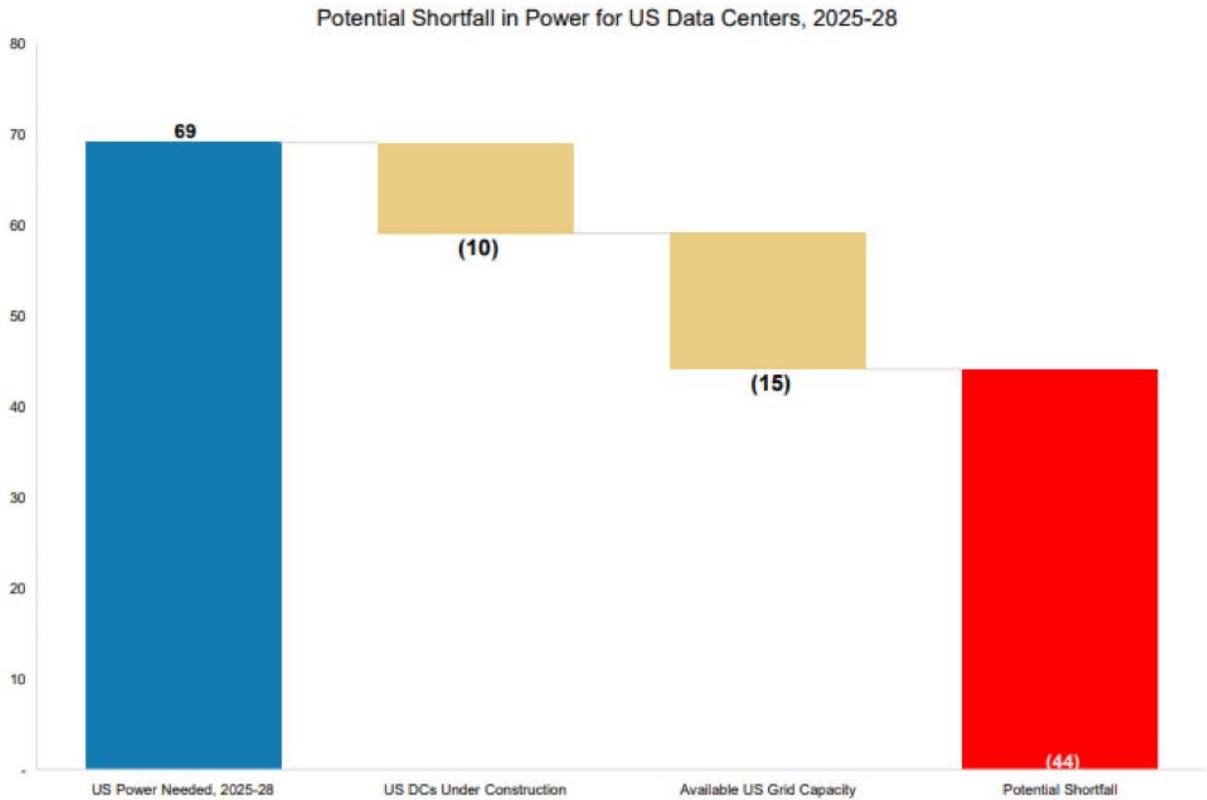
This is what Larry Ellison said recently in a recent earnings call:

Let me say something that's going to sound really bizarre. Well, you'd probably say, well, he says bizarre things all the time. So why is he announcing this one? Let's be really bizarre. So we're in the middle of designing a data center that's north of the gigawatt that has -- but we found the location and the power place.

We've looked at it, they've already got building permits for three nuclear reactors. These are the small modular nuclear reactors to power the data center. This is how crazy it's getting. This is what's going on.

Are we seriously going to allow this in the City of Hayward moving forward? These data centers require massive amounts of energy.

Exhibit 4: We see the risk of a "power shortfall" for US Data Centers



Source: Morgan Stanley Research

The US needs to spend trillions on its grid and power capacity before it can afford to spend trillions on data centers.

- By 2028, a 44 GW power shortfall is projected
- That's the equivalent of ~44 nuclear reactors
- Or ~70 gas power plants.

Residents cannot be subsidizing this massive buildout.

Best,

John

On Thu, Jan 22, 2026 at 8:57 PM BC4AD wrote:

Dear Planning Commission & staff,

I am not truly sure what we are trying to accomplish with the ACU. This seems to be a radical approach to patchwork the city again. Where are the aesthetic standards? The city is currently dilapidated & we are still not addressing the foundation. We need to implement comprehensive design standards. How will ACUs impact neighbors in residential areas? We as a coalition don't want sudden increase in traffic in residential areas destroying our quiet peace & enjoyment. More traffic means more noise, more wear & tear on roads etc.

The only way to activate vacant commercial properties is to implement a vacancy tax.

With regards to data centers, I have previously written to the city council about the AI bubble. If the city is considering of approving more data centers, then they need to ask for the maximum community benefits such as facade improvement to finally address the blight. Residents should not be subsidizing data centers via strained water resources & electrical grid. Every time they unveil another mega-project, it's the same story: billionaires building empires, politicians chasing control, while we're told to pay for it & clap.



Why can France build at least aesthetically pleasing data centers? Yet we're allowing ugly monstrosities.

A lawyer for Microsoft recently said: “nobody really wants a data center in their backyard, I don’t want a data center in my backyard, data centers don’t really bring a lot of jobs”. - Norton Rose Fulbright meeting.

Best,

John

BC4AD

From: BC4AD

Sent: Tuesday, January 27, 2026 9:21 PM

To: List-Mayor-Council ; Jennifer Ott ; Alex Ameri

Subject: Fwd: Planning Commission meeting WS 26-002

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City Council,

Please see the comments I submitted during the Planning Commision meeting.

Best,

John

----- Forwarded message -----

From: **BC4AD**

Date: Fri, Jan 23, 2026 at 8:29 PM

Subject: Planning Commission meeting WS 26-002

To: <cityclerk@hayward-ca.gov>, <Elizabeth.Blanton@hayward-ca.gov>, <Sachiko.Riddle@hayward-ca.gov>

Here is the video of the Microsoft attorney from Norton Rose Fulbright law firm telling you the truth about data centers:

"Nobody really wants a data center in their backyard, I don't want a data center in my backyard.... Data centers, once they're operational, don't bring a lot of jobs."



DATA CENTERS: MYTH VS. FACT

Data centers are popping up across Turtle Island, devouring land, water, and energy. Every major tech company, including Amazon, Google, Meta, Apple, and OpenAI (ChatGPT) is racing to build massive, multi-billion-dollar data centers without community consent or evidence of benefits.

A **hyperscale data center** is a massive facility built to house the machines that power artificial intelligence (AI), store digital data, and support cryptocurrency. These centers can consume as much water and power as entire towns and cities.

Honor the Earth has compiled a list of the data center myths being spread by corporations, government officials, and developers. Here are the facts about what this new era of colonialism means for Indian Country.

AI AND GENERATIVE AI: UNDERSTANDING THE DIFFERENCE

AI (Artificial Intelligence) is a broad field of computer science that gives computers the ability to simulate human intelligence. This includes tasks like problem-solving, learning, and understanding language.

Generative AI is a specific type of AI that can create new content, such as text, images, or audio, that resembles human-generated work. When we use AI learning algorithms, we're often giving away vast amounts of our private data and information to these companies for nothing in return. An example being when your auntie posts an AI generated picture of herself with Jason Momoa on Facebook.



ECONOMIC IMPACTS

Myth: Building data centers is great for tribal communities

1) **Fact:** Hyperscale data center developers are targeting rural and tribal communities as locations for new facilities for a variety of reasons: access to more water, cheaper electricity, and tax incentives from local governments and water/electric companies. The energy needs of the data centers are often so large that they require entire new power plants to be built in rural areas to supply their demand.¹

Myth: Hyperscale data centers won't impact your power bill

2) **Fact:** Quite the opposite. Hyperscale data centers have caused energy price increases for consumers of up to 267%.² In 2024, customers across seven states paid over \$4 billion in additional utility costs to connect data centers to the power grid.²⁰

Myth: AI and Hyperscale data centers are good for the economy

3) **Fact:** The generative AI and hyperscale data center industry carries deep financial risks of stranded assets.³ Every year AI fails to return ever-higher numbers, the need grows for increased labor productivity.⁵

Myth: Hyperscale data centers will provide jobs

4) **Fact:** There is NO evidence that data-center job promises are being fulfilled.⁶ In Abilene, Texas, some 1,500 people are building the first data center for the Stargate artificial-intelligence venture led by OpenAI. Once completed, the facility will only have about 100 full-time employees, according to the city's economic development agency.⁴ In some fields, AI technologies are replacing human labor.



ENVIRONMENTAL IMPACTS

Myth: Data centers are energy efficient and AI could solve climate change

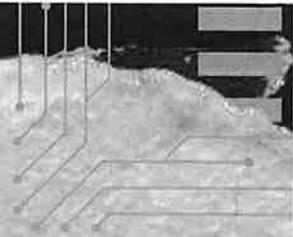
5) **Fact:** By 2030, 2.5 billion tons of CO² may be released into the atmosphere by hyperscale data centers globally, more than 40% of the United States' total emissions. One center alone can release anywhere between 200,000-400,000 metric tonnes of CO² annually, as much as a small city.⁷

Myth: Data centers can use recycled water and be water efficient

6) **Fact:** Nearly all data centers require huge amounts of drinking water to function and cool their machines. In some cases, this water can never be reused or returned to the water cycle because of contamination. Data centers are already consuming over 25% of local community water supplies in certain areas. In 2023, Google's data centers alone used over 6 billion gallons of water for cooling, enough water for the entire city of Los Angeles for 2 weeks.⁸

Myth: Data centers won't impact the water in your home

7) **Fact:** Many people report loss of water pressure in areas where data centers are built. It can be particularly damaging for rural households that rely on well water, causing those sources to go dry or build up sediment. These facilities are an extreme danger to precious water resources and will impact your family directly if built near your home.⁹



Myth: Data centers won't impact your night sky

8) **Fact:** While few studies have been conducted on data center light pollution, one report from a former worker at data centers in Virginia, described the facilities light pollution as “easily seen for miles.” Data centers “glow at night like a giant city of lights. The night sky is glowing like a meteorite just crashed into the woods ... humming, pulsating, glowing.” Data centers are also incompatible with residential areas because they often “deploy bright security lighting.”¹⁰

HEALTH

Myth: Data centers are safe for our health

9) **Fact:** Data centers emit up to 97 decibels of sound pollution, enough to cause permanent hearing loss for people who work or live nearby. This is comparable to the sound of a motorcycle or a jackhammer next to your bedroom window.¹¹

Myth: AI helps us solve tasks more efficiently and helps us think better

10) **Fact:** Users of AI programs like ChatGPT have been shown to have lower brain engagement and “consistently underperformed at neural, linguistic, and behavioral levels.” By relying on generative AI to do our critical thinking, we’re shutting down the most important parts of our brain – the stuff that makes us human. A preliminary study from MIT has revealed that engaging with AI to write an essay causes “cognitive debt” and those who used ChatGPT to write struggled to quote their essays.¹²



Myth: AI data centers do not negatively impact public health

11) **Fact:** The energy and generators that power AI data centers release dangerous fumes that include fine particulate matter and nitrogen oxides. These pollutants can trigger and worsen health issues including (but not limited to) asthma and heart attacks.¹³ In recent reports, data centers have been linked to miscarriages and rare cancers.¹⁹

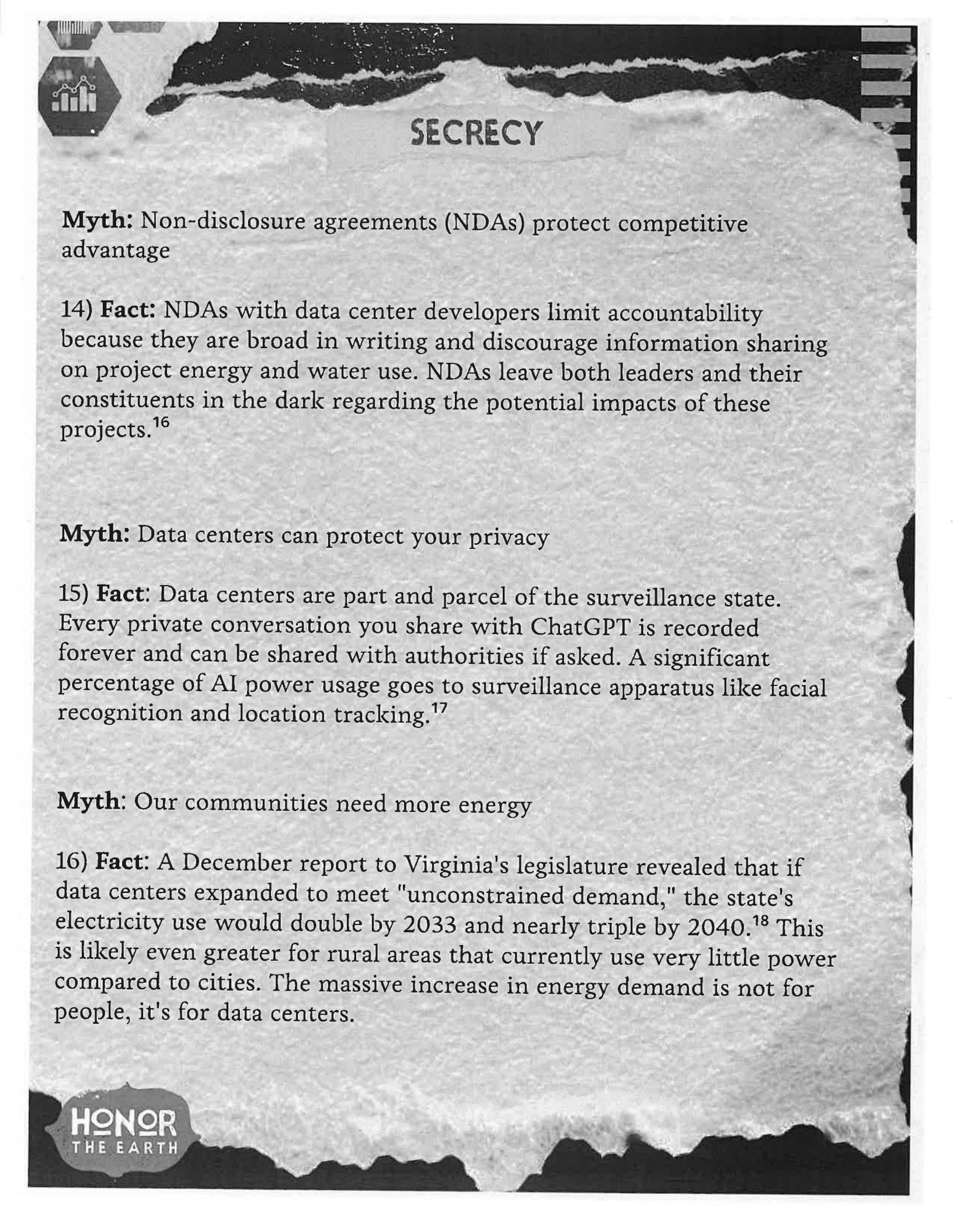
INDIGENOUS SOVEREIGNTY

Myth: AI can protect our culture and Indigenous languages

12) **Fact:** AI will never be able to accurately learn our languages. By giving tech corporations access to our ancestral knowledge, we risk the misrepresentation and appropriation of our culture. Native histories, cultural knowledge, and languages should stay in Native hands.¹⁴

Myth: Allowing data centers on Indigenous lands and engaging with generative AI is Data Sovereignty

13) **Fact:** Indigenous communities are being told that AI data centers will help us protect and assert our data sovereignty. However, many tribal nations do not have the capacity or legal infrastructure to regulate multinational corporations. By giving these companies unfettered access to our data, we're actually giving away our power. This is not data sovereignty.¹⁵



SECRECY

Myth: Non-disclosure agreements (NDAs) protect competitive advantage

14) **Fact:** NDAs with data center developers limit accountability because they are broad in writing and discourage information sharing on project energy and water use. NDAs leave both leaders and their constituents in the dark regarding the potential impacts of these projects.¹⁶

Myth: Data centers can protect your privacy

15) **Fact:** Data centers are part and parcel of the surveillance state. Every private conversation you share with ChatGPT is recorded forever and can be shared with authorities if asked. A significant percentage of AI power usage goes to surveillance apparatus like facial recognition and location tracking.¹⁷

Myth: Our communities need more energy

16) **Fact:** A December report to Virginia's legislature revealed that if data centers expanded to meet "unconstrained demand," the state's electricity use would double by 2033 and nearly triple by 2040.¹⁸ This is likely even greater for rural areas that currently use very little power compared to cities. The massive increase in energy demand is not for people, it's for data centers.

WORKS CITED

1. [A blueprint for rural data center growth](#), Data Center Dynamics (2024).
2. [The AI data center boom is driving up electricity costs, research shows](#), CNET (2025).
3. [As data center boom hits Michigan, utilities hedge against a bust](#), Bridge Michigan (2025).
4. [The AI Data-Center Boom Is a Job-Creation Bust](#), Wall Street Journal (2025).
5. [Ai is failing at an overwhelming majority of companies using it, MIT study finds](#), Futurism (2025).
6. [Cloudy Data, Costly Deals: How Poorly States Disclose Data Center Subsidies](#), Good Jobs First (2025).
7. [Global data center industry to emit 2.5 billion tons of CO2 through 2030, Morgan Stanley says](#), Reuters (2024).
8. [A new front in the water wars: Thirsty, Giant Data Centers](#), The Washington Post (2023).
9. ['I can't drink the water' - life next to a US data centre](#), BBC (2025).
10. [Data centers are changing the landscape. Here's how they may affect rural Virginia](#), Cardinal News (2025).
11. [Why Data Centers Are Loud, and How to Quiet Them Down](#), Data Center Knowledge (2023).
12. [Your Brain on ChatGPT: Accumulation of Cognitive Debt when Using an AI Assistant for Essay Writing Task](#), MIT Media Lab (2025).
13. [We Need to Talk About AI's Impact on Public Health](#), IEEE Spectrum (2025).
14. [Data Centers in Virginia - Report to the Governor & General Assembly of Virginia](#), Joint Legislative Audit and Review Commission (2024).
15. [Live Wire with Mvskoke A.I.](#), Mvskoke Media (2025).
16. [Tech Giants Are Trying to Cover Up the Environmental Impacts of Their Data Centers](#), The Progressive (2025).
17. [Open Data and the AI Black Box](#), Electronic Frontier Foundation (2023).
18. [Data Centers in Virginia - Report to the Governor & General Assembly of Virginia](#), Joint Legislative Audit and Review Commission (2024).
19. ['The Precedent Is Flint': How Oregon's Data Center Boom Is Supercharging a Water Crisis: Amazon has come to the state's eastern farmland, worsening a water pollution problem that's been linked to cancer and miscarriages](#), Rolling Stone (2025).
20. [Connection Costs: Loophole Costs Customers Over \\$4 Billion to Connect Data Centers to Power Grid](#), Union of Concerned Scientists (2025).

Item #7

LB 26-002

**East Bay Greenway
Multimodal Project**

From: Robert Prinz

Sent: Tuesday, January 27, 2026 1:39 PM

To: List-Mayor-Council

Cc: Alejandro Ramirez (via Google Forms) ; Matthew Bomberg

Subject: public comment - January 27, 2026, Hayward City Council meeting item

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Please accept the attached PDF as a public comment on behalf of Bike East Bay for the following January 27, 2026, Hayward City Council meeting item:

7. East Bay Greenway Multimodal Project: Adopt a Resolution Approving the Project Evaluation for the East Bay Greenway Multimodal - Hayward Segment Project

Thank you,



Robert Prinz | Advocacy Director

Pronouns: he/him

Mail:

Office:

P: | E:



RSVP to join us on February 18 from 5:00-7:00pm! We're gathering at Sports Basement Berkeley for free pizza, drinks, and good company. We'll also be voting in our 2026 Board of Directors. You must be a Bike East Bay member to join this event: [join or renew here!](#)



January 27, 2026

Re: Hayward East Bay Greenway Resolution

Hayward City Council members,

This is a public comment on behalf of Bike East Bay for the following January 27, 2026, Hayward City Council meeting item:

7. East Bay Greenway Multimodal Project: Adopt a Resolution Approving the Project Evaluation for the East Bay Greenway Multimodal - Hayward Segment Project

We appreciate Hayward and Alameda CTC staff's outreach and planning work on the East Bay Greenway alignment through Hayward. However, **we maintain concerns about the project's alignment away from Mission Boulevard, especially the segment north of Orchard Ave.**

Hayward City Council proposed the current alignment in order to better serve local schools. However, all of these schools are south of Orchard Ave, where the East Bay Greenway proposal is a mix of high quality protected bikeways and off-street trails. **North of Orchard Ave the proposal includes several shared bicycle/car lane segments on narrow neighborhood streets, which the project planners have acknowledged will not meet low-stress and all-ages/abilities bikeway guidelines due to high levels of car traffic which can not be mitigated.** As such, the project does not meet the goals as established by Hayward City Council and Alameda CTC.

The currently proposed alignment also does not take advantage of a 0.4 mile stretch of raised, protected bikeway built on Mission Blvd between Sunset Blvd and Hotel/Smalley Ave. It instead directs bike riders away from the facility, leaving the otherwise excellent, new Mission Blvd bikeway dead-ending before A Street.

With or without the East Bay Greenway project, we highly encourage Hayward to continue working on extending the Mission Blvd protected bikeway further south to Orchard Ave and beyond. This is critical not only for convenient bike network connectivity, but also to help address ongoing Mission Blvd traffic safety issues for all road users.

We also highly encourage Hayward and Alameda CTC staff to continue working closely with Bike East Bay and Bike Hayward on detailed design review for the East Bay Greenway project, regardless of which alignment is selected. Unfortunately a lack of continuous coordination on segments of the East Bay Greenway in other communities has resulted in missed opportunities, as Alameda CTC staff did not seek input on their detailed design plans until they were 100% complete with little opportunity for adjustments.

Lastly, **for any Class 1 multi-use trail segments included as part of the East Bay Greenway in Hayward, we request that the city commit in writing to not implement use restrictions for any legal classification of electric bicycle**, even though local jurisdictions are allowed to do this. The East Bay Greenway will be a critical transportation facility in Hayward, with connections all the way to Oakland and to Fremont. Maintaining continuous access for people riding all types of bicycles along this facility is very important.

Similarly, **we request that the City of Hayward proactively assume liability for any maintenance issue along the Class 1 multi-use trail segments of the East Bay Greenway in Hayward**. Currently the state provides a liability exemption to local jurisdictions for injuries that occur as a result of Class 1 multi-use trail maintenance defects, because they are considered “recreational” facilities that people use at their own risk. In some cases this has resulted in other jurisdictions de-prioritizing trail maintenance and pavement repairs, compared to streets and sidewalks where they carry more liability. Proactively assuming liability in this case will help encourage the City of Hayward to maintain trail maintenance here as a priority.

Thank you for receiving these comments, and for your support of better bicycling in Hayward,

Robert Prinz
Advocacy Director, Bike East Bay
robert@BikeEastBay.org

From: BC4AD

Sent: Tuesday, January 27, 2026 8:58 PM

To: List-Mayor-Council ; Jennifer Ott ; Alex Ameri

Subject: LB 26-002 comment

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City Council & Staff,

It is disheartening not to see more visual concept of what the streets would actually look like. It is really not difficult to even use AI to provide better rendering.

We need more trees. We need to make the streets more beautiful.

Bike lanes just for the sake of bike lanes is not smart planning. It requires taking aesthetics into account. No more ugly development.









alamy

Image ID: M9W153
www.alamy.com



From: BC4AD

Sent: Tuesday, January 27, 2026 9:09 PM

To: List-Mayor-Council ; Jennifer Ott ; Alex Ameri

Subject: LB 26-002 comment

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City Council & Staff,

My attestation is that I do not see more than 3-4 people riding a bicycle along Mission Blvd existing bike lanes per day. How much money are we going to be wasting on building more bike lanes for a handful of riders?

Furthermore, it's dangerous to not require parking spaces for new development that is causing car cluttering on mission blvd. How is that safer for bike riders? Common sense tells you it isn't.

Best,

John

BC4AD



CLEAN CARS
FOR ALL

~~E-BIKES~~



Stop Pouring Money Into a Dying Car

**CASH IT OUT FOR \$7,500
WORTH OF E-BIKES
& TRANSIT**



**Break Free from Car Dependency!
Apply for the "Mobility Option" in
the Clean Cars for All program**

\$0 on Gas, Insurance

\$0 Out of Pocket

No Loans or Debt

\$7500 for e-bikes, etc

Don't settle for small rebates. Other e-bike programs offer \$400-\$2,000. This program offers **\$7,500 to qualified residents who turn in an old car (2007 or older)**.

What can \$7,500 buy? ■ A Cargo Bike (hauls kids & groceries effortlessly). ■ Commuter bikes for your spouse or teens. ■ Helmets, heavy-duty locks, and rain gear. ■ Remaining funds for transit ■ Total cost to you: \$0.

baaqmd.gov/funding-and-incentives/residents/clean-cars-for-all



CLEAN CARS
FOR ALL

E-BIKES



Deje de Tirar Dinero en un Carro que No Da Para Más

¡INTERCÁMBIELO POR
\$7,500 EN E-BIKES Y
TRANSPORTE
PUBLICO!



¡Libérese de la dependencia del carro!
Aplique para la "Opción de Movilidad"
(Mobility Option) en el programa
Clean Cars for All.

✓ \$0 en Gasolina y Seguro

✓ \$0 de Su Bolsillo

✓ 0 Préstamos/Deudas

✓ \$7500 en e-bikes y más

No se conforme con reembolsos pequeños. Otros programas de e-bikes solo ofrecen entre \$400 y \$2,000. Este programa ofrece **\$7,500 a residentes calificados que entreguen un auto viejo (modelo 2007 o anterior).**

¿Qué puede comprar con \$7,500? ■ Una bicicleta de carga ("Cargo Bike") para llevar a los niños y el mandado sin esfuerzo. ■ Bicicletas para su pareja o sus hijos adolescentes. ■ Cascos, candados de alta seguridad y equipo para la lluvia.

■ El resto de fondos para transporte publico ■ **Costo total para usted: \$0.**

baaqmd.gov/funding-and-incentives/residents/clean-cars-for-all

Public Comment

From: BC4AD

Sent: Tuesday, January 27, 2026 8:36 PM

To: List-Mayor-Council

Subject: 1/27/26 Meeting Non Agenda comment

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City Council,

This is in support of the restaurant owners. It is unconscionable how restaurant owners are treated. This seems to be a coordinated effort all around the Bay Area with this street vending. Every single city has allowed and put their thumbs on the scale hurting their own businesses.

Do better, ban the street vendors. It's not a level playing field. The street vendors make the city look like a third world country.

These unregulated so called businesses are a danger to public health & safety.

Best,

John

BC4AD