PLANNING COMMISSION MEETING
THURSDAY, JANUARY 22, 2026

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

ITEM #1 WS 26-0002

Business Friendly Hayward Project Update: Work Session to Review Proposed Municipal Code and Zoning Map Revisions Related to the Business-Friendly Hayward Project

PUBLIC COMMENT

PROLOGIS®

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.

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- 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

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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 Review[2] (structures greater than 5,000 sf), Major Site Plan Review[3] (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).

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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

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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

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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/guideboo k.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://bawsca.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.

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From: BC4AD <bc4adcoalition@gmail.com>
Sent: Thursday, January 22, 2026 8:58 PM
To: CityClerk <CityClerk@hayward-ca.gov>; Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: 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 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 <bc4adcoalition@gmail.com>
Sent: Thursday, January 22, 2026 9:09 PM
To: CityClerk <CityClerk@hayward-ca.gov>; Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: Re: 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.

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

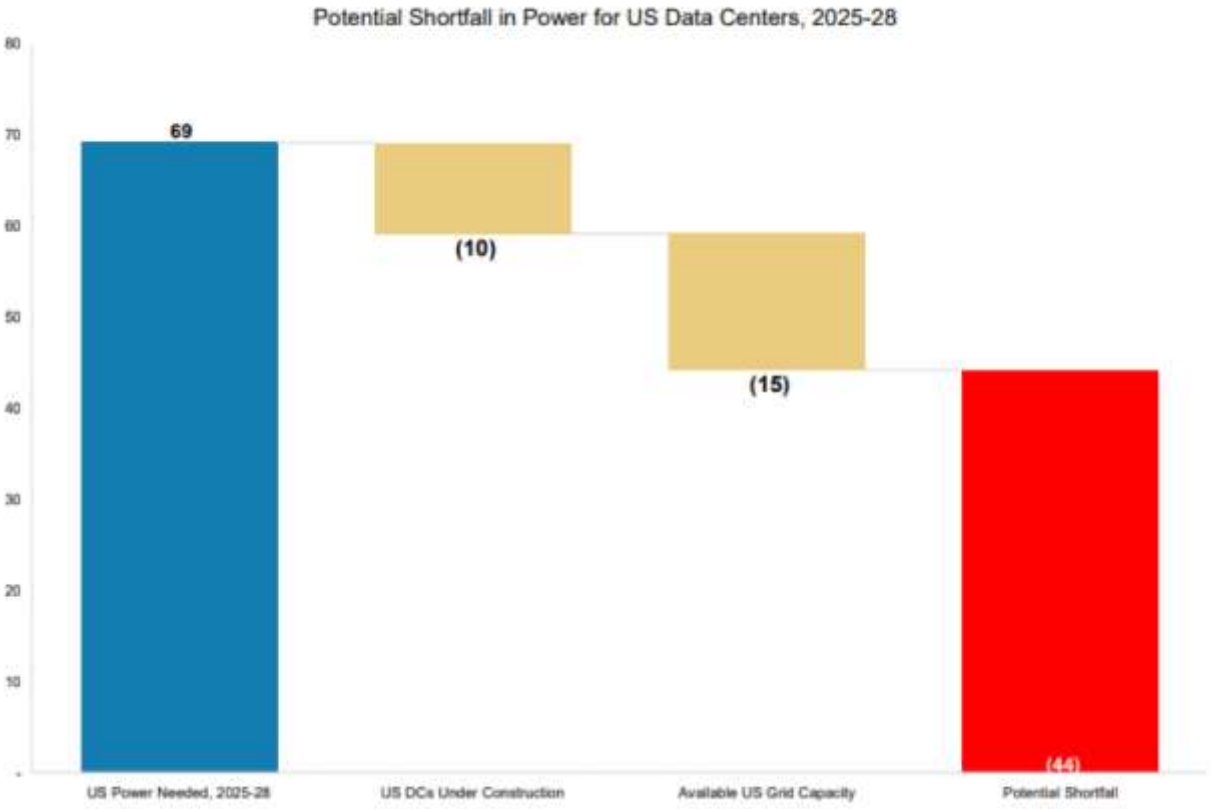
This is what Larry Ellison said recently in a recent earnings call:

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

From: BC4AD <bc4adcoalition@gmail.com>
Sent: Thursday, January 22, 2026 9:41 PM
To: CityClerk <CityClerk@hayward-ca.gov>; Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: Re: 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.

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]

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[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]

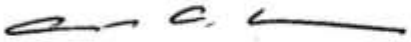
If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission's FOIA Public Liaison for assistance at:

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:

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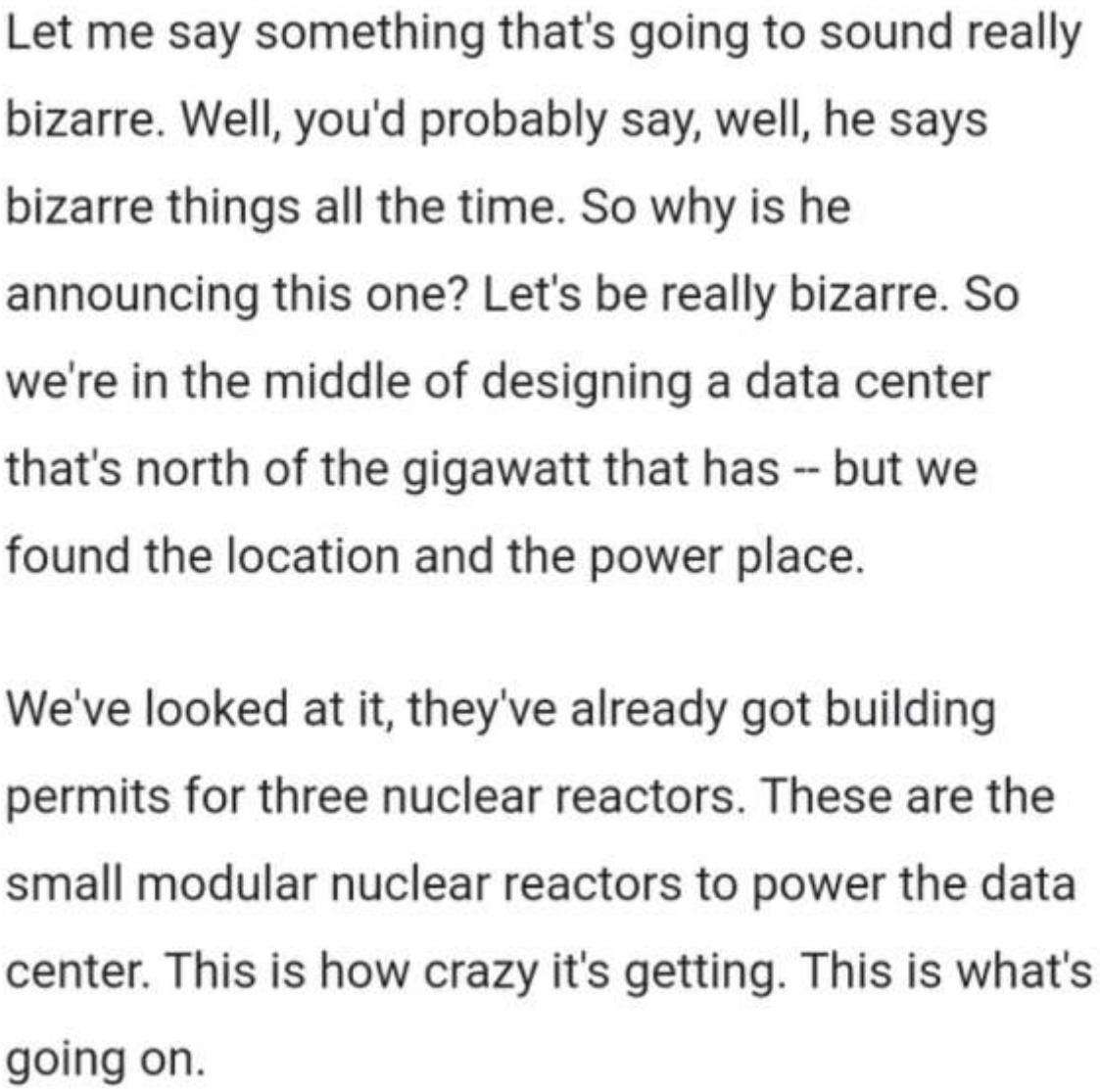

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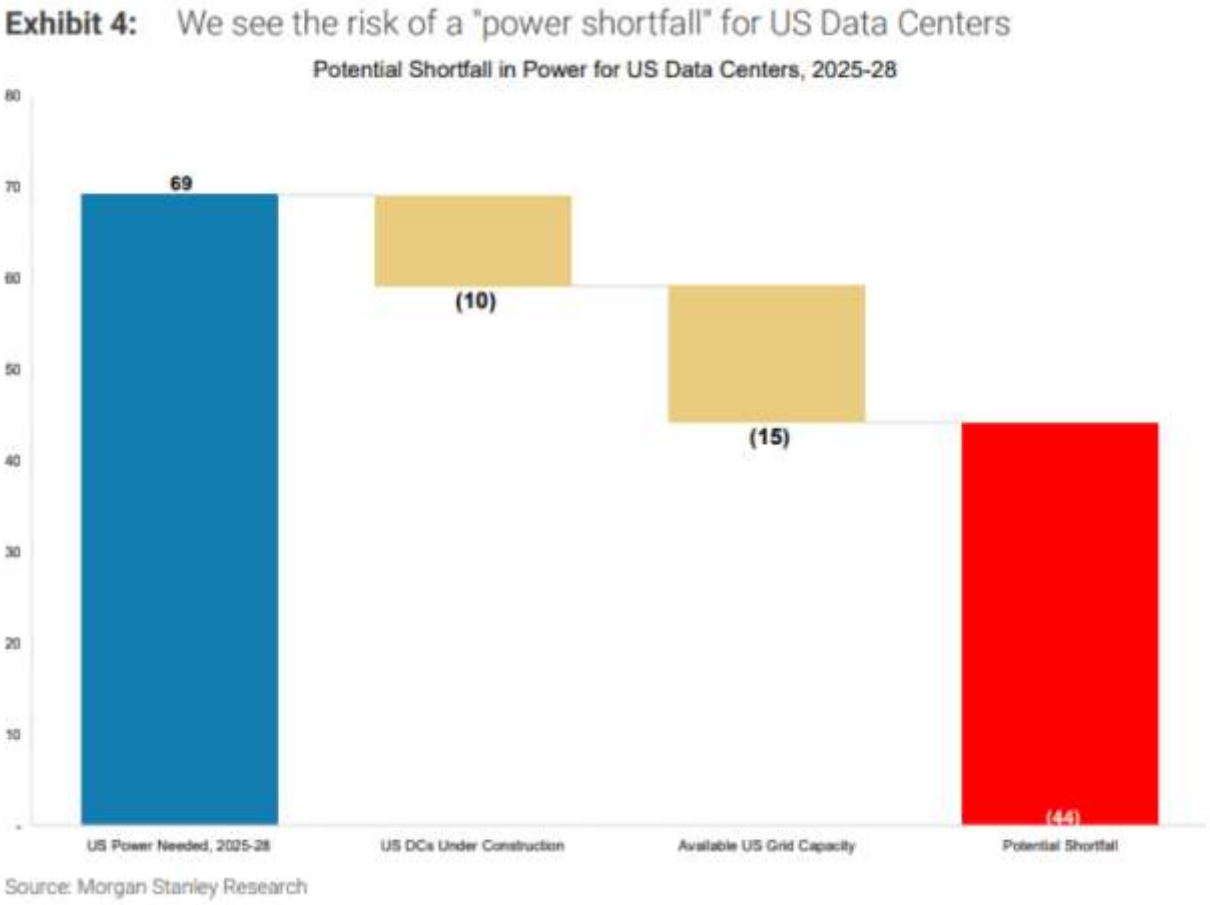

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On Thu, Jan 22, 2026 at 8:57 PM BC4AD <bc4adcoalition@gmail.com> wrote:

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